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Chiefs' Courts, Hunger, and Improving Humanitarian Programming in South Sudan

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About the Conflict Research Programme

The Conflict Research Programme is a four-year research programme hosted by LSE IDEAS, the university's foreign policy think tank. It is funded by the UK Foreign, Commonwealth and Development Office. Our goal is to understand and analyse the nature of contemporary conflict and to identify international interventions that 'work' in the sense of reducing violence or contributing more broadly to the security of individuals and communities who experience conflict.

About the Hunger and Human Dignity Research Project

This British-Academy research project aims to better understand the use of courts in South Sudan during periods of famine and acute hunger. The project explores the politics of these courts over the last hundred years, and during recent declarations and pockets of famine in hunger-prone areas of South Sudan. Through ethnographic research in 2021 and 2022, the project will build on many of the questions raised by this report. The project is based in the ESRC-funded Centre for Public Authority and International Development.

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Acronyms

CFSAM	Crop and Food Security Assessment Missions to South Sudan
FAO	Food and Agriculture Organization
FCS	Food Consumption Score
FEWS NET	Famine Early Warning Systems Network
FSNMS	Food Security and Nutrition Monitoring System
HHS	Household Hunger Scale
IPC	Integrated Food Security Phase Classification
JSRP	Justice and Security Research Project
LSE	London School of Economics
MAFS	Ministry of Agriculture and Food Security
NBS	National Bureau of Statistics
rCSI	reduced Coping Strategies Index
SMART	Standardized Monitoring and Assessment of Relief and Transitions
TWG	Technical Working Group
UNICEF	United Nations Children's Fund
VAM	Vulnerability Analysis and Mapping
WFP	World Food Programme

IPC Acute Food Insecurity Reference Table

Phase name and description	Phase 1 None/Minimal	Phase 2 Stressed	Phase 3 Crisis	Phase 4 Emergency	Phase 5 Catastrophe/ Famine
	Households are able to meet essential food and non-food needs without engaging in atypical and unsustainable strategies to access food and income.	Households have minimally adequate food consumption but are unable to afford some essential non-food expenditures without engaging in stress-coping strategies.	Households either: • Have food consumption gaps that are reflected by high or above-usual acute malnutrition; or • Are marginally able to meet minimum food needs but only by depleting essential livelihood assets or through crisis-coping strategies.	Households either: • Have large food consumption gaps which are reflected in very high acute malnutrition and excess mortality; or • Are able to mitigate large food consumption gaps but only by employing emergency livelihood strategies and asset liquidation.	Households have an extreme lack of food and/or other basic needs even after full employment of coping strategies. Starvation, death, destitution and extremely critical acute malnutrition levels are evident. (For Famine Classification, area needs to have extreme critical levels of acute malnutrition and mortality.)
Priority response objectives	Action required to build resilience and for disaster risk reduction	Action required for disaster risk reduction and to protect livelihoods	Urgent action required to:		
			Protect livelihoods and reduce food consumption gaps	Save lives and livelihoods	Revert/prevent widespread death and total collapse of livelihoods

Source: IPC Technical Manual Version 3.0

Executive Summary¹

South Sudan has experienced famine and recurrent extreme food insecurity since the outbreak of war in 2013, with famine most likely occurring in Pibor County in the last months of 2020.² However, humanitarian information systems have frequently struggled to provide timely and geographically precise early warning and identification of famine. Improvement is needed in both the ability to identify extreme food insecurity and to monitor progression towards it in real or near-real-time.

In aggregate, South Sudan has seen the most frequent reporting of localised famine conditions globally in the last seven years.³ From January 2014 to December 2020, 37 pockets of famine conditions were identified by the Integrated Food Security Phase Classification (IPC) Technical Working Group (TWG) based in South Sudan.⁴ Famine conditions here refers to a classification of Catastrophe/Famine (IPC Phase 5) on the IPC scale for a portion of the population too small to warrant an overall famine declaration or a situation in which only some

of the elements of IPC's definition of famine have been identified, such as extreme food consumption gaps. Taken as an average, this equates to at least one pocket of famine conditions occurring approximately every two months for seven years. This represents only a minimum estimate, given the difficulties of collecting and publishing information confirming mass starvation within an active armed conflict.⁵

Focusing on identified famines, however, masks a broader issue of extreme food insecurity at or near the severity of famine during the same period. Far more frequent, and cumulatively affecting many more South Sudanese, are experiences of extreme food insecurity near famine or consistent with famine in small, geographically dispersed pockets.

While pockets of famine conditions have become a routine occurrence in South Sudan, they continue to present a challenge to conventional famine early warning. They are rarely predicted and often missed in real-time by humanitarian information systems, making it difficult to intervene early

¹ This report was only made possible through the generous collaboration of the Food Security and Nutrition Monitoring System (FSNMS) key stakeholders in including several new questions in the FSNMS household survey questionnaire and in facilitating access to four rounds of anonymised FSNMS data. These stakeholders include the National Bureau of Statistics (NBS), the Ministry of Agriculture and Food Security (MAFS), and the Ministry of Health, in addition to the Food and Agriculture Organization (FAO), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), and the Famine Early Warning Systems Network (FEWS NET). The authors are particularly grateful to Lia Pozzi, Head of WFP's Vulnerability Analysis and Mapping (VAM) in the South Sudan Country Office. The court observations team from the London School of Economics is also grateful to all the chiefs, other court members, and community members in Gogrial East County that permitted their proceedings to be observed and recorded.

² This was the determination of an independent body of experts, working as a Famine Review Committee, that was activated when a team of humanitarian staff and South Sudanese government officials serving in an in-country TWG failed to agree among themselves about the food security situation in Pibor County at the time. See the IPC Alert for South Sudan from December 2020 for an overview of the Famine Likely declaration as well as the process of in-country analysis, external review and analysis, and declaration, available at <http://www.ipcinfo.org/ipcinfo-website/alerts-archive/issue-31/en/>.

³ IPC uses five phases to describe a food security situation for an overall geographic area or population group, as well as the proportion of the population within that area or group within each of the five phases. IPC Phase 5 denotes an ongoing famine in a geographic area or describes a proportion of a population within that area experiencing famine conditions. Famine conditions may be observed in a situation where a population is experiencing extreme food consumption gaps and a collapse in household ability to cope with this level of hunger, though the population-level prevalence of acute malnutrition and rate of mortality are not yet at or above standardised thresholds for declaring famine. Famine conditions may also describe ongoing famine for a number of individuals that is too small for a geographic area to be classified as in famine, or less than 10,000 individuals under IPC manual 3.0.

⁴ The TWG is an inter-agency body, chaired by the government of South Sudan, that oversees most data collection and analysis for famine early warning conducted within South Sudan.

⁵ This observation is based on technical consensus within the government-led national IPC TWG vetting team. It considers the IPC Key Messages of all full IPC analyses – not IPC updates – beginning January 2014 and ending December 2020. For all public IPC reports, see the data portal at <http://www.ipcinfo.org/>. The tally does not include localised famine conditions identified through IPC-compatible analyses, such as provided by the FEWS NET for Ayod County in 2015 in their Food Security Outlook July–December 2015, or other publicly available data indicating likely famine conditions that did not lead to technical consensus within the South Sudan IPC TWG, such as a household survey done by REACH Initiative in lowland areas of Pibor County in March–April 2018.

and prevent them from developing, as well as to mitigate their impact once they begin. While there are many obstacles to data collection and analysis in a humanitarian crisis, the lack of early warning is in part due to enduring gaps in data collection and analysis.

Building on the well-established insight that affected communities know their food security situation better than anyone else, this report examines chiefs' courts in South Sudan, and their use in the recognition and management of hunger, as a complement to existing methodologies for the measurement and prediction of food security. Local analysis of 'hunger' by chiefs in large areas of South Sudan corresponds closely with humanitarians' use of 'food insecurity' in that the chiefs weigh people's ability to access to food over time and in consideration of their social, economic, and political dynamics.

Chiefs' courts are the most common and resilient legal institution in South Sudan and are often the sole functioning justice mechanism at a local level.⁶ Chiefs' courts were entrenched as part of the government legal system in the 1930s and they continue to be recognised by South Sudanese statutory law.⁷ Typically headed by a local chief, they are supported by various community elders, often all men. Any member of the community may bring a case before the court, and chiefs' courts often meet in public spaces, such as under trees. Chiefs' courts also have tiers of appellate courts, normally with three levels of chiefs'

court per county according to standard administrative units. They also continue to function even under extreme duress and have proven to be an especially resilient legal institution.

Chiefs' courts are named 'hunger courts' during periods when they see only or primarily cases related to hunger and the redistribution of resources to the hungriest. Households struggling to access food sufficient for survival may gather at a chiefs' court on a daily basis during these periods of hunger. Claimants either argue that a pre-existing legal claim should be prioritised because of their level of hunger or they make a new claim, typically against relatives, that there is an obligation to help them. In cases where need is identified but defendants are also vulnerable, community resources may be awarded to the claimant. Litigants have their cases heard in turn, with hearings and judgements usually only taking a couple of hours and judgements executed within a few days.⁸

Local perspectives, knowledge, and experiences are fundamental to humanitarian activities, especially the identification, prediction, and prevention of pockets of famine conditions and famine.⁹ One entry point for humanitarian actors is to better understand local institutions that assess and govern hunger including legal institutions. Where courts and legal norms are central to social and economic life, courts may offer invaluable insight into geographically specific, locally-defined vulnerability in real-time. This could be

6 Leonardi, C, Moro, L N, Santschi, M and Isser, D (2010). Local Justice in Southern Sudan. Washington: United States Institute of Peace. Available at: <https://www.usip.org/sites/default/files/PW66%20-%20Local%20Justice%20in%20Southern%20Sudan.pdf> [Last accessed on 19 October 2017].

7 Leonardi, C, Moro, L N, Santschi, M and Isser, D (2010). Local Justice in Southern Sudan. Washington: United States Institute of Peace. Available at: <https://www.usip.org/sites/default/files/PW66%20-%20Local%20Justice%20in%20Southern%20Sudan.pdf> [Last accessed on 19 October 2017].

8 Based on observations in Gogrial East County (Warrap State) in 2018 and 2019. Further details can be found on pages 18 – 20 of this report.

9 See, for example, REACH, "South Sudan – "Now the Forest is Blocked: Shocks and Access to Food". 2018; Newton, Chris and Katie Rickard, "Living memory of famine in South Sudan: using local knowledge to inform famine early warning". Humanitarian Practice Network, 2018 (<https://odihpn.org/blog/living-memory-famine-south-sudan-using-local-knowledge-inform-famine-early-warning/>).

routinely used by humanitarians for early warning and early action.

An understanding of chiefs' courts and local legal norms around hunger has the potential to provide humanitarians with invaluable insights into the local classification and early warning of extreme hunger, as well as contextual vulnerabilities and the logics behind local redistributions of resources, including humanitarian assistance. We demonstrate this through the example of hunger courts in Warrap State in 2018 operating within a pocket of famine conditions according to standard humanitarian metrics.

This report draws upon household survey data from four rounds of the humanitarian Food Security and Nutrition Monitoring System (FSNMS) in 2018 and 2019 in South Sudan,¹⁰ as well as court observations in Gogrial East County, Warrap State in 2018. Analysing the two datasets together offers a clear example of how humanitarian engagement with these courts and similar institutions could ensure timelier and more effective response to worsening food insecurity.

We demonstrate that chiefs' courts redistribute food to the hungriest during periods of extreme scarcity. In times of emergency, this often involves suspending all other cases in the courts so that the court only hears cases that will redistribute food. In some areas, when all other cases are suspended, chiefs' courts become known as 'hunger courts.'

Court observations make it clear that chiefs discuss and aggregate a complex array of locally defined factors to decide

the vulnerability, ability to cope, and need for food assistance of a claimant and their household – an especially fine-grained and sensitive form of targeting. A wide variety of people access these courts, with women in some areas being the most regular users of this welfare provision. Successful claims result in the chiefs ordering food to be given or loaned to the claimant until they have more secure access to food. In general, hunger courts typically prioritise young children, the elderly, and those otherwise at risk of death due to hunger when making a ruling.

The vulnerability criteria used by these Gogrial East County hunger courts also closely match qualitative criteria proposed to help determine whether households are best classified as facing Emergency (IPC Phase 4) or Catastrophe/Famine (IPC Phase 5) levels of food insecurity when quantitative household indicators of food consumption do not fully align with one phase or the other.¹¹ While accurately profiling households experiencing extreme food security is a longstanding interest of humanitarians, at least some, and likely many, chiefs' courts in South Sudan already do so in detail and with precision.

Chief's courts are not only used to relieve hunger when it has reached or is nearing famine-levels. Chiefs' courts also redistributed food and resources to those experiencing other levels of acute hunger. At the same time, a growing number of hunger cases in the chiefs' court, and the appearance of hunger cases early in the lean season, is a public indication of high levels of hunger. While there is some evidence to suggest that hunger courts may lose functionality as community-level coping

¹⁰ FSNMS is managed by the NBS, the MAFS, and the Ministry of Health, in addition to the FAO, the WFP, UNICEF, and the FEWS NET. It is a humanitarian household survey of rural households conducted in the post-harvest and lean seasons of South Sudan to capture acute food insecurity, livelihoods change, and nutritional status, with findings geographically representative and statistically indicative at county-level. FSNMS sampling utilises the 78 counties of the 10-state system in line with humanitarian programming in South Sudan.

¹¹ Maxwell, Daniel, Peter Hailey, Matthew Day, Guhad Adan, Joyce Maxwell, Stephen B.J. Odhiambo, Aishwarya Venkat, Lilian Kaindi, and James Njiru. "Classifying Acute Food Insecurity Using the Household Hunger Scale: Evidence from Three Countries." Boston: Feinstein International Center, Tufts University, 2020.

capacity comes under increasing strain, more research is needed to explore how hunger courts may be overwhelmed by need in their jurisdiction.

Hunger courts are not used in all parts of South Sudan, but they are used in many of the most vulnerable areas of the country. Analysis of FSNMS data makes it clear that utilising community leaders or courts in response to inadequate access to food or the resources to acquire food is common across many of the most food insecure areas of South Sudan, including within Greater Upper Nile and Greater Bahr el Ghazal.

Furthermore, South Sudanese use chiefs' courts as a significant means of coping in the hungriest times. Both FSNMS data and court observations highlight that women access these courts and are commonly awarded food.

Those who study famine have long noted the importance of social networks for survival in times of extreme hunger.¹² By borrowing from large networks, people are able to mitigate extreme hunger and avoid death in a way not possible through individual or household means alone. Yet under duress, these social connections can begin to fail as an increasing number of community members lack shareable resources. Chiefs' courts bring the added element of legal enforcement of social obligations to wider studies of social network utilization for coping with extreme food insecurity. Chiefs' courts, and especially hunger courts, also use punitive measures to enforce these networks. However, those lacking social connections within a given chief's court's jurisdiction may also not be able to seek support through the courts, exacerbating their vulnerability.

There is still much more to be researched and understood about how courts are used in relation to externally defined food security, especially when households are experiencing Catastrophe/Famine (IPC Phase 5). Questions also remain regarding differences across South Sudan's three regions and how a rise and subsequent decline in community leader and court usage for household coping may in turn signal the usage and collapse of community-level coping capacity, which humanitarians are rarely able to directly measure and identify.

Despite the potential benefits, humanitarian engagement with chief's courts is also encouraged with a note of caution. Humanitarian interaction with these crucial local institutions could have unintended consequences, not all of which may contribute to reducing hunger and achieving other positive outcomes. Engagement with the courts needs to be contextually informed and locally nuanced.

12 See, for example, Maxwell, Daniel, et al. "Facing Famine: Somali Experiences in the Famine of 2011." *Food Policy*, vol. 65, 2016, pp. 63–73. *Crossref*, doi:10.1016/j.foodpol.2016.11.001.

Introduction

Famine most likely occurred in Pibor County, South Sudan in the last months of 2020.¹³ Rather than an aberration, this probable occurrence of famine is part of a long-term trend in the high incidence of mass starvation in South Sudan since the onset of large-scale armed conflict across the country in late 2013. As reported under the framework of the Integrated Food Security Phase Classification (IPC), South Sudan is the only country to see two declared famines since the invention of the IPC in 2004.

Focusing on declared famines, however, masks the greater number of situations in which food insecurity, acute malnutrition, and mortality approached or even surpassed standardised thresholds for famine yet were not ultimately called famine. Severe or extreme food insecurity, even that which does not meet all the criteria for famine or affects a population too small for standard IPC analysis, is still a lethal situation resulting in high rate of death – extensive loss of life does not begin once a situation is labelled as famine.¹⁴

In some cases, a famine declaration may not occur because it indirectly requires a certain

geographic concentration of the population experiencing these conditions. Far more frequent, and cumulatively affecting many more South Sudanese, are experiences of near famine or consistent with famine conditions in small, geographically dispersed pockets. In some areas of the country, these pockets of famine conditions have recurred multiple times within a few years.

In aggregate, South Sudan has seen the most frequent reporting of localized famine conditions globally in the last seven years.¹⁵ From January 2014 to December 2020, 37 pockets of famine conditions were identified by the IPC Technical Working Group (TWG) based in South Sudan.¹⁶ Taken as an average, this equates to at least one pocket occurring approximately every two months for seven years. This represents only a minimum estimate, given the difficulties of collecting and publishing information confirming extreme food insecurity within an active armed conflict.¹⁷

While pockets of famine conditions have become a routine occurrence in South Sudan, they continue to present a challenge to conventional famine early warning. They are rarely predicted by humanitarians, making it impossible to intervene early and prevent the high rates of mortality that occur

¹³ This was the determination of an independent body of experts, working as a Famine Review Committee, that was activated when a team of humanitarian staff and South Sudanese government officials serving in an in-country TWG failed to agree among themselves about the food security situation in Pibor County at the time. See the IPC Alert for South Sudan from December 2020 for an overview of the Famine Likely declaration as well as the process of in-country analysis, external review and analysis, and declaration, available at <http://www.ipcinfo.org/ipcinfo-website/alerts-archive/issue-31/en/>.

¹⁴ Maxwell, Daniel, Abdullahi Khalif, et al. "Hunger Deaths Aren't Simply about Famine or No Famine." *The New Humanitarian*, 3 Feb. 2021, www.thenewhumanitarian.org/opinion/2021/2/3/yemen-famine-aid-hunger-crises-south-sudan-malnutrition.

¹⁵ IPC uses five phases to describe a food security situation for an overall geographic area or population group, as well as the proportion of the population within that area or group within each of the five phases. IPC Phase 5 denotes an ongoing famine in a geographic area or describes a proportion of a population within that area experiencing famine conditions. Famine conditions, or Catastrophe (IPC Phase 5) may be observed in a situation where a population is experiencing extreme food consumption gaps and a collapse in household ability to cope with this level of hunger, though the population-level prevalence of acute malnutrition and rate of mortality are not yet at or above standardised thresholds for declaring famine. Famine conditions may also describe ongoing famine for a number of individuals that is too small for a geographic area to be classified as in famine, or less than 10,000 individuals under IPC manual 3.0.

¹⁶ The TWG is an inter-agency body, chaired by the government of South Sudan, that oversees most data collection and analysis for famine early warning conducted within South Sudan.

¹⁷ This observation is based on analyses for which technical consensus within the government-led national IPC TWG vetting team was achieved. It considers the IPC Key Messages of all full IPC analyses – not IPC updates – beginning January 2014 and ending December 2020. For all public IPC reports, see the data portal at <http://www.ipcinfo.org/>. The tally does not include localised famine conditions identified through IPC-compatible analyses, such as provided by the Famine Early Warning Systems Network (FEWS NET) for Ayod County in 2015 in their Food Security Outlook July–December 2015, or other publicly available data indicating likely famine conditions that did not lead to technical consensus within the South Sudan IPC TWG, such as a household survey done by REACH Initiative in lowland areas of Pibor County in March–April 2018. That South Sudan shows the highest reported rate of these situations is a comment both on the exceptional severity, magnitude, and duration of the crisis in South Sudan as well as on the all too limited reporting of starvation in other contexts.

in the process leading up to their onset and during their occurrence. While there are many obstacles to data collection and analysis in a humanitarian crisis, the lack of early warning and difficulties in identification are in part due to enduring gaps in data collection and analysis.

Analysis conducted using the IPC framework faces difficulties in matching the geographic dimensions of localised famine conditions and in utilising contextualised signs that the risk of famine is increasing. Globally, famine early warning mechanisms struggle to identify famine and famine conditions when the affected population is concentrated but small or, even if large, widely dispersed. IPC considers famine to be a geographic designation and analysis typically uses common geographic units, like administrative boundaries or livelihood zones, as units of classification.

In South Sudan, the unit of analysis is almost always the county, one level below a state. The population at risk of famine may be small and within a limited portion of a single geographic unit, or it may spread across several geographic units, even though it is large in aggregate. This was a recurring problem in analysis of central and southern Unity State from 2015 through 2017, for example, as the population at risk of famine or in famine was frequently displaced across several counties.¹⁸

By design, IPC is also more a tool for classifying a current food security situation than it is one for predicting future food security and providing early warning. This is partly because of its emphasis on universal, quantitative indicators of household food security outcomes. These outcomes include household measures of food consumption and changes in livelihoods, including key aspects of a household's capacity to cope with inadequate access to food. At the level of the population for an entire geographic

area, the key outcomes are acute malnutrition and mortality.

These metrics tend to function more as lagging rather than leading indicators, both because they are intended to measure the results of being food secure or food insecure, and because of the time needed for data collection and analysis. They tend to perform well in identifying ongoing famine or famine conditions, though on their own say little about the trajectory and volatility of food security in general. Without complementary information, it is often unclear if the situation is worsening, maintaining, or improving and, if the situation is changing, how quickly it is shifting.

While it is commonly accepted that the development of famine does not typically follow a linear progression, the direction and approximate rate of change in food security can vary widely within and across contexts at any given time. Indicators that support this type of analysis tend to depict other characteristics of famine beyond outcomes and highlight shifts in the process of famine developing.

These are often more contextual and related to observable signs of growing social and economic stress over time and may be less amenable to universal indicator modules. They may reflect historical markers of famine, such as different stages and forms of distress migration out of an affected area, or they may be more specific to the lived experience of famine in a given area, including the metrics by which those directly affected gauge their community's food security. They are often contextual proxies of coping capacity for households and wider communities.

This challenge of measurement can be seen in common methods for assessing the strategies used by households to

¹⁸ Maxwell, Daniel, Khalif, Abdullahi, Hailey, Peter, and Checchi, Francesco. "Viewpoint: Determining Famine: Multi-dimensional Analysis for the Twenty-first Century." *Food Policy* 92 (2020): 101832, 4-5.

cope with hunger and their capacity to do so over time. Humanitarian assessment and analysis of coping continues to show gaps in contextualisation, especially as information is collected on a large, often nationwide, scale covering diverse areas and communities.

Humanitarian assessments of acute hunger and famine also emphasise household coping over community-level coping, making it difficult to determine when a community is no longer able to support a growing number of households unable to cope. While previous studies have long noted the centrality of social networks to coping, including during famine, points of failure or collapse in socially-based coping remain difficult to identify.¹⁹ A community-level tipping point in coping capacity is a crucial shift in the development of famine conditions or famine, yet is almost never directly and explicitly assessed.

Identifying signs of this tipping point requires more granular data and analysis, including below the level of the county in South Sudan. Assessing ever smaller administrative units, however, brings large costs to household surveys, including in expense and the time needed for completion. Proxies of community-level coping would likely need to be obtained from alternative means or dedicated assessment of areas of concern.

No set of individuals is better positioned to address these gaps than the people experiencing extreme food insecurity themselves. How communities define, predict, and respond to hunger and other threats to life in their own terms offers many of the solutions needed in famine early warning today – an old insight long poorly incorporated.²⁰ A rich literature also demonstrates the importance of indigenous responses to and conceptions of famine in South Sudan specifically, showing how local perspectives and definitions could be used to improve famine early warning and humanitarian programming generally.²¹

Much of this work on communities' lived realities of and responses to famine has yet to be reflected in concrete changes in data collection and analysis. Reflecting on the 1997–1998 Bahr el Ghazal famine, Luka Deng offered a critique of humanitarians and famine early warning at the time as being out of touch with local communities. This critique still reads as strikingly contemporary:

"The endless cycle of assessments, the 'spatial biases,' the lack of continuity and institutional memory, together with the burden of current jargon that 'Africans do not starve but they cope', all led to a food economy approach that was in-sensitive to changes in people's vulnerability and unhelpful for effective targeting of relief food aid."²²

19 See, for example, Maxwell, Daniel, et al. "Facing Famine: Somali Experiences in the Famine of 2011." *Food Policy*, vol. 65, 2016, pp. 63–73. *Crossref*, doi:10.1016/j.foodpol.2016.11.001.

20 See Buchanan-Smith, Margaret, and Susanna Davies. *Famine Early Warning and Response the Missing Link*. Intermediate Technology, 1995; Burg, Suzanne M. M. *Fixing famine: the politics of information in famine early warning*. 2008. University of California, San Diego. UC San Diego Electronic Theses and Dissertations, <https://escholarship.org/uc/item/7cp0d1tz>; de Waal, A. (2005) *Famine that kills: Darfur, Sudan*. Rev. ed. New York Oxford: Oxford University Press (Oxford studies in African affairs); Vaughan, M. (1992) *The story of an African famine: gender and famine in twentieth-century Malawi*. Cambridge: Cambridge Univ. P.; Young, Helen, and Susanne Jaspars. *Nutrition Matters: People Food and Famine*. Intermediate Technology Publications, 1995.

21 Some recent examples include REACH, "South Sudan – 'Now the Forest is Blocked: Shocks and Access to Food'". 2018; Newton, Chris and Katie Rickard, "Living memory of famine in South Sudan: using local knowledge to inform famine early warning". Humanitarian Practice Network, 2018 (<https://odihpn.org/blog/living-memory-famine-south-sudan-using-local-knowledge-inform-famine-early-warning/>). This work builds on Deng, Luka Biong. "Livelihood Diversification and Civil War: Dinka Communities in Sudan's Civil War." *Journal of Eastern African Studies* 4.3 (2010): 381–99; Deng, "Social Capital and Civil War: the Dinka communities in Sudan's civil war." *African Affairs* (London) 109.435 (2010): 231–50; Harragin, S. with Chol Changath Chol. *Southern Sudan Vulnerability Study*. Save the Children. 1998. <https://www.csrfsouthsudan.org/repository/southern-sudan-vulnerability-study/>; Maxwell, Daniel, Gordon, Rachel, Moro, Leben, Santschi, Martina, and Dau, Philip. "Trajectories of International Engagement with State and Local Actors: Evidence from South Sudan." *Journal of Intervention and Statebuilding* 12.1 (2018): 98–119.

22 Deng, L. B. *Famine in the Sudan: Causes, Preparedness and Response – A Political, Social and Economic Analysis of the 1998*

This report focuses on chiefs' courts and their role in the local governance of hunger in South Sudan to explore the possibilities offered by one legal institution for humanitarian early warning and response. While the analysis here is exploratory and further research is needed, chief's courts show potential as a contextualised source of information on community-level coping capacity and the trajectory of food security with greater geographic specificity than commonly used indicators.

What are Chiefs' Courts?

Chiefs' courts are the most common and resilient legal institution in South Sudan and are often the sole functioning justice mechanism at a local level.²³ Chiefs' courts were entrenched as part of the government legal system in the 1930s and they continue to be recognised by South Sudanese statutory law.²⁴

At the same time, they often have an ambiguous and contested relationship with statutory courts. To build greater legitimacy within their communities, chiefs often draw upon notions of custom and tradition, and demonstrate their importance by successfully mediating between the spheres of government and the community.²⁵ While chiefs' courts can be used as a tool by those with power, they can also be an opportunity to contest predatory authority.²⁶

Chiefs' courts are headed by a local chief and supported by various community elders, typically all men. Any member of the community may bring a case before the court. Chiefs' courts also have tiers of appellate courts, normally with three levels of chiefs' court per county according to standard administrative units: A courts in *bomas* – the smallest administrative unit in South Sudan – B courts in *payams* – the next administrative level above *bomas* – and C courts for counties. In practice, the exact configuration of chiefs' courts is less precise and their relationship to statutory courts varies between states.²⁷ This configuration, however, does present an opportunity for humanitarians to observe this institution with greater geographic specificity than offered by looking at county-level indicators alone.

Across South Sudan, chiefs' and other courts continue to function even under extreme duress and have proven to be an especially resilient legal institution. In times of crisis, these courts often continue operating or reconstitute themselves quickly after disruption, such as large-scale displacement.²⁸ As court sessions are held in public (and often under trees) and can be attended by a broad range of community members, the substance of their cases offers accessible, granular data on the socio-economic health of communities according to their own understandings of hunger, vulnerability, and risk.

Bahr el Ghazal Famine. 1999. Institute for Development Studies.

23 Leonardi, C, Moro, L N, Santschi, M and Isser, D (2010). Local Justice in Southern Sudan. Washington: United States Institute of Peace. Available at: <https://www.usip.org/sites/default/files/PW66%20-%20Local%20Justice%20in%20Southern%20Sudan.pdf> [Last accessed on 19 October 2017].

24 Leonardi, C, Moro, L N, Santschi, M and Isser, D (2010). Local Justice in Southern Sudan. Washington: United States Institute of Peace. Available at: <https://www.usip.org/sites/default/files/PW66%20-%20Local%20Justice%20in%20Southern%20Sudan.pdf> [Last accessed on 19 October 2017].

25 Leonardi, C (2013). *Dealing with Government in South Sudan: Histories of Chiefship, Community & State*. Woodbridge: James Currey; Rochester: Boydell & Brewer Ltd.

26 Ibreck, Rachel, *South Sudan's Injustice System: law and activism on the frontline*, London: Zed Books, 2019; Kindersley, Nicki. "Rule of Whose Law? The Geography of Authority in Juba, South Sudan." *The Journal of Modern African Studies* 57.1 (2019): 61-83.

27 Ibreck et al, "Negotiating Justice: Courts as local civil authority during the conflict in South Sudan". JSRP, London School of Economics, 2017.

28 Previous court monitoring research of a similar nature under the Justice and Security Research Project (JSRP) from July 2015 to June 2016 found generally high court functionality throughout their area of study, covering "the towns of Torit, Nimule, Rumbek, Juba, Yei and Wau, and surrounding areas at boma, *payam* or county levels." See Ibreck et al, "Negotiating Justice: Courts as local civil authority during the conflict in South Sudan". JSRP, London School of Economics, 2017. Limited data collected in the course of FSNMS Round 22 on *payam* courts in three *payams* of Mayendit-North indicated a surprising degree of functionality before and immediately after a period of intense insecurity, even in some of the most conflict-affected areas of South Sudan to date.

What is a Hunger Court?

In times of severe hunger, some chiefs' courts can become dedicated hunger courts. During such periods, chiefs' courts work to ensure that severely hungry community members are allocated a minimum share of resources to ensure their survival. Once activated, chiefs and other court members mostly or only hear cases directly related to food and the resources needed to acquire food to survive. Depending on the specific court and context, some non-hunger cases may still be heard. A chief's decision to dedicate the court's time exclusively or predominantly to matters of hunger is a clear, observable, and time-sensitive indication of severe food insecurity within its catchment area.

Hunger courts were first recorded by Luka Deng when he observed them during the 1998 famine in what is now Warrap State (then part of Bahr el Ghazal).²⁹ Deng identified them as *luok cək* – which translates literally from Dinka as 'hunger court' but which he termed a 'famine court' during the 1998 famine. He demonstrated their significance in helping people survive despite ongoing famine. In 2018, Santschi, Gworo, and White also noticed the use of courts to redistribute food to the hungry in Northern Bahr el Ghazal, Torit, and Akobo.³⁰

While hunger courts have clearly been a historic institution, it remained unclear if hunger courts were still active in South Sudan. Over the last 20 years, South Sudan's independence, widespread armed conflict, large-scale displacement and return, and mass marketisation and urbanisation would all suggest that social and legal institutions may have radically changed.

Have hunger courts continued to function despite these and other changes? Since 2013, have chiefs used their courts to provide food or other resources to the most vulnerable during periods of severe and extreme food insecurity? Furthermore, were hunger courts a mechanism used only in Warrap State or the states of Greater Bahr el Ghazal in the late 1990s, or were they used elsewhere in South Sudan? The answers to these questions inform the main question of this report – can hunger courts provide operationally relevant information for humanitarians, especially about the risk of famine and famine conditions?

²⁹ Deng, 2010;1999.

³⁰ Martina Santschi, Ranga Gworo and Elizabeth White. 2018. *Caught Between Two Cultures When aid in South Sudan is pulled between local norms and western systems*. CSRF. <https://www.swisspeace.ch/assets/publications/downloads/Essentials/Reports/a409875f69/Caught-between-two-cultures-Report-2018.pdf> accessed 20th January 2021, page 6.

Methods

This report draws on two sets of primary data collected in 2018 and 2019 from two distinct data collection efforts that overlapped at first serendipitously and then began collaborating. Firstly, we use detailed court observations that were carried out in chiefs' courts in Gogrial East County, Warrap State. Secondly, we make use of anonymised data from four consecutive rounds of the nationwide Food Security and Nutrition Monitoring System (FSNMS) from the 2018 and 2019 lean and post-harvest seasons. This data was provided through a data-sharing agreement with the FSNMS secretariat.³¹

The overlap of these two datasets offers an unprecedented view of known hunger courts in operation prior to and during a household survey collecting standard humanitarian indicators of food security. Analysing the two datasets together offers a clear example of how humanitarian engagement with customary chiefs' courts could ensure timelier and more effective response to worsening food insecurity, in addition to more general programmatic implications.

Court observations were conducted by South Sudanese researchers working for the London School of Economics (LSE). They observed cases in chiefs' courts in Gogrial East County in May-June 2018. The chiefs' courts observed were at the *boma* and *payam* levels, and all cases were conducted in Dinka, the dominant language of the area. The county was likely experiencing pockets of famine conditions at the time, including in the chiefdom where observations were taken. Court observations were conducted in the Boyar chiefdom as well as neighbouring chiefdoms and *payams*. Additional and more detailed court observations in the same

areas were then conducted from December 2018 to August 2019. 246 court cases were observed, including 120 hunger cases. For each observed case, basic demographic information about the parties, the parties' presentation of the facts of the case, the court's ruling, and a summary of the discussion of the court during the case were recorded.

FSNMS was chosen given its nationwide coverage despite extensive obstacles to household surveys and its primary purpose as a monitoring system for food and nutrition security. The main indicators for food security collected by FSNMS are the same indicators that form the foundation of most IPC classifications. Overall, the combined dataset from the four rounds includes 33,108 complete household interview results from across all or nearly all of South Sudan's 78 counties round to round.

Round 22 of FSNMS, with data collection occurring approximately June-August 2018, was the first inclusion of any court-related question as one of a series of livelihoods coping strategies within an otherwise largely standard module. It was added as a result of a desk review by FSNMS secretariat members regarding contextually relevant coping strategies and coincided with the LSE court observations. Round 23, with data collection occurring in November-December 2018, subsequently included detailed follow-up questions after the initial hunger courts questions in the livelihoods coping strategies module.

This addition occurred after the overlap in data collection was discovered and collaboration between the LSE research team and FSNMS began. Round 24, with data collection occurring approximately

³¹ This body is composed of several institutions of the government of South Sudan, including the National Bureau of Statistics (NBS), the Ministry of Agriculture and Food Security (MAFS), and the Ministry of Health, in addition to the Food and Agriculture Organization (FAO), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), and the Famine Early Warning Systems Network (FEWS NET).

June-August 2019, reverted to a slightly revised form of the courts question, with no follow-up. The revision was unrelated to hunger courts research itself and was part of wider questionnaire adjustments for FSNMS Round 25, with data collection occurring approximately November 2019-January 2020, maintained the same courts question as Round 24.

The revisions for the Round 24 and Round 25 question only reaffirmed the 30-day recall period and the primary motivation of court or community leader usage as hunger. This aspect may not have always been repeated by enumerators after the initial framing of the module during interviews and was added redundantly in subsequent rounds to improve fidelity to the standard framing of livelihoods coping strategy questions. Across all four rounds (22-25), the court or community leader strategy was rated as an Emergency (i.e. IPC Phase 4) livelihoods coping strategy for consideration in IPC analyses, though this has no bearing on the initial analysis undertaken within this report. Subsequent vetting of this Emergency rating requires additional analysis of FSNMS data and other data collection, especially qualitative research.

The livelihoods coping strategy question used in FSNMS did not explicitly ask about hunger courts as such, but rather the use of any court or community leaders more broadly as a direct result of a lack of food or the resources to acquire food in the last 30 days. The question allowed this to refer either to claiming existing debts or a resource transfer without pre-existing claims. The mention of both community leaders and courts presents the possibility that some of the strategy usage recorded may include community leaders operating outside of a court. The 30-day recall period of the question also may reduce observation of strategy usage due to hunger, as some assets awarded by courts, such as cattle, can provide resources like

milk for an extended period of time and an individual would not need to return to a court regularly.

To support the analysis of food security indicators, an indicator matrix first developed by FEWS NET was utilised, where a combination of results for multiple food security indicators reported by the same household are integrated and an indicative IPC phase for food consumption alone or food consumption and livelihood change is determined.³² This report only considered the food consumption indicator matrix, given the placement of the strategy question in the livelihoods coping strategy module.

While additional information and contextualisation is needed for full IPC classification of food security status, the matrix for food consumption indicators still provides solid insight into the likely food consumption status of households. Using only the matrix for food consumption indicators also sets a conservative standard for identifying households in higher phases, especially Catastrophe/Famine (IPC Phase 5).

While this report refers to IPC phase for food consumption as a standalone outcome, these comparisons should not necessarily be taken as a full IPC classification. It is always possible that households are maintaining food consumption status through unsustainable livelihoods coping and so their overall IPC phase may be higher than that indicated by food consumption alone. The matrix used for this report included the Food Consumption Score (FCS), the reduced Coping Strategies Index (rCSI), and the Household Hunger Scale (HHS).

Annex 1 provides additional detail on FSNMS and the matrix used.

32 FEWS NET. 2019. FEWS NET Matrix Analysis: Integrated analysis of survey-based indicators for classification of acute food insecurity. Washington, DC: FEWS NET.

Chiefs' Courts and Food Security Across South Sudan

Across the four FSNMS rounds, about 7% of all assessed households reported using community leaders or courts in response to a lack of food or resources to acquire food in the 30 days prior to the interview. Reported household usage was only slightly more prevalent in lean seasons at roughly 8% compared to post-harvest seasons at around 6%. Households experiencing severe and extreme hunger were the most likely to report using community leaders or courts as a means of coping.³³

The highest usage of community leaders or courts was reported among the most food insecure households in FSNMS, including about 19% (140/724) of households reporting food consumption consistent with Emergency (IPC Phase 4) and 18% (89/487) of households reporting Catastrophe/Famine (IPC Phase 5) levels of food insecurity. Usage peaked for households reporting food consumption consistent with Emergency levels of food insecurity, with nearly one in five of these households reporting using community leaders or courts to cope.

Nearly the same proportion of households reporting food consumption consistent with extreme food insecurity, or Catastrophe/Famine (IPC Phase 5), also reported using community leaders or courts. This was nearly double the reported usage for households facing Crisis (IPC Phase 3) levels of food insecurity. Using community leaders or courts to cope was almost never reported by food secure households, while only about 5% of households facing mild food insecurity, or Stressed (IPC Phase 2) levels, reported doing so. These findings were also consistent when comparing HHS results alone to reported community leader or court usage.

Overall, households facing heightened food insecurity (IPC Phases 3 and above) were much more likely to report turning to community leaders or courts than other households. It is possible that households reporting both community leader or court usage and Crisis (IPC Phase 3) levels of food insecurity may be engaging in several forms of coping that allow them to avoid deterioration to higher levels of food insecurity, though this is beyond the scope of this report. These results appear to support, though cannot alone confirm, the original consideration of community leader or court usage as an emergency livelihoods coping strategy.

Figure 1 shows reported household usage of a community leader or court across all four FSNMS rounds by likely IPC Phase by food consumption using the FEWS NET matrix for all of South Sudan. The size of the blue circles corresponds to the number of households reporting that level of food consumption and 'Yes' or one of the negative responses to the community leader or court livelihoods coping strategy question. Table 1 reports the same data, though with numeric relative and absolute reporting provided.

³³ Throughout this section, usage refers to a response of 'Yes' to the livelihoods coping strategy module question only.

Figure 1: Community Leader and Court Usage by Indicative IPC Phase for Food Consumption

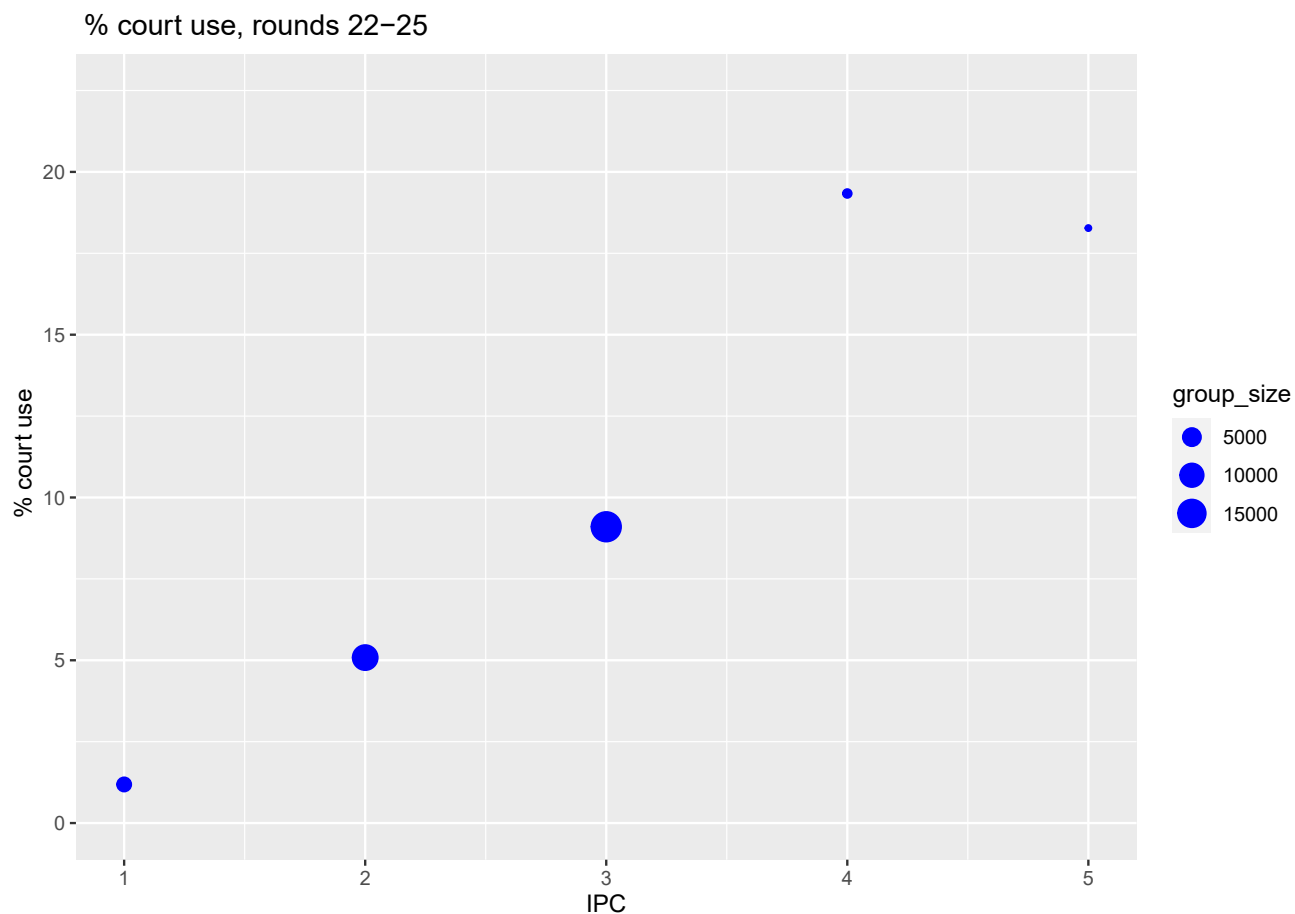
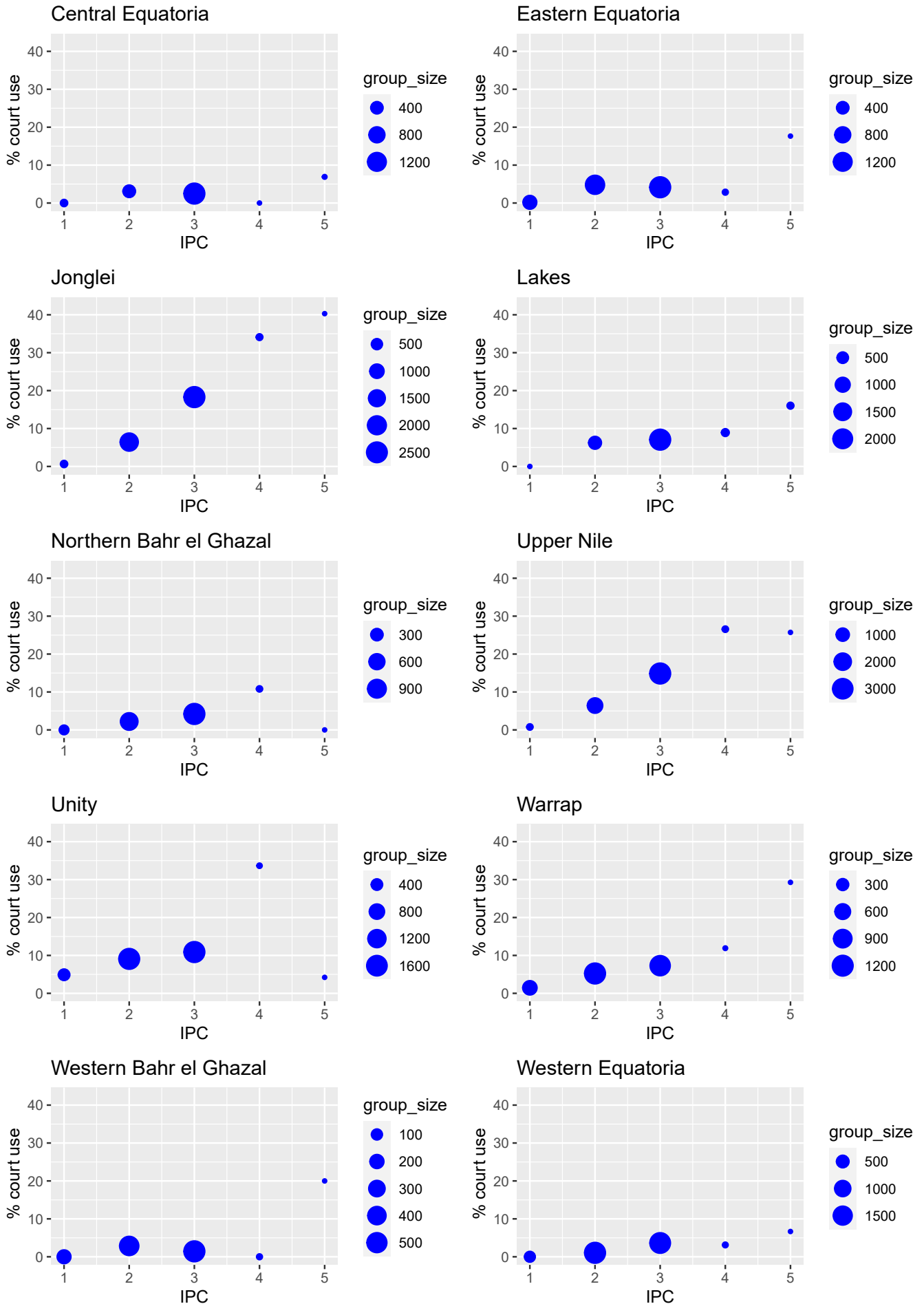


Table 1: Community Leader or Court Usage by Indicative IPC Phase for Food Consumption

Likely IPC Phase for Food Consumption	Community Leader or Court usage
None/Minimal (Phase 1)	1.19 % (30/2530)
Stressed (Phase 2)	5.08% (595/11708)
Crisis (Phase 3)	9.10% (1607/17659)
Emergency (Phase 4)	19.3% (140/724)
Catastrophe/Famine (Phase 5)	18.3% (89/487)

Figure 2: State-level Community Leader or Court Usage by Indicative IPC Phase for Food Consumption



Geographically, findings were uneven across South Sudan when looking at all four FSNMS rounds together. Turning to courts or community leaders was more common in some states than others, with none of the three states of Greater Equatoria (including Eastern Equatoria, Central Equatoria, and Western Equatoria), Northern Bahr el Ghazal State, or Western Bahr el Ghazal State surpassing 5% of households reporting this coping strategy. The highest prevalence of usage was reported in Jonglei State, with nearly one in six households reportedly doing so, followed closely by Upper Nile State and Unity State. In Lakes and Warrap State, only about 7% and 6% of households reported using this strategy, respectively. Figure 2 shows reported household usage of a community leader or court across all four FSNMS rounds by likely IPC Phase by food consumption using the FEWS NET matrix by state. The size of the blue circles corresponds to the number of households reporting that level of food consumption and 'Yes' or one of the negative responses to the community leader or court livelihoods coping strategy question.

This variation among states is not fully explained by food insecurity being worse in certain states at the time.

Other factors, such as the histories and politics of the courts, and of the governance of hunger, seem likely to be playing a part in determining community leader and court usage, as well. While the use of chief's courts to cope with severe and extreme hunger was first noticed in central Warrap State, contemporary reporting suggests such strategies may be most prevalent in Greater Upper Nile (Unity, Jonglei, and Upper Nile states).

In addition to these broad patterns, there is also considerable variation across individual counties. The relationship between reported community leader or court usage and inadequate food consumption appeared

strongest in the most food insecure areas of the country over the period of the FSNMS rounds. Importantly, about 74% of the counties with at least one pocket of famine conditions or declared famine in the last seven years reported court usage of at least 5% among all households surveyed over the four rounds, with roughly 61% of these counties reporting 10% or higher. This suggests a high degree of overlap between the geography of extreme food insecurity and the usage of this coping strategy.

Across all four FSNMS rounds, Pibor County – where famine was likely ongoing by the end of 2020 – showed some of the highest county-level reporting of community leader or court usage in the country. Usage nearly doubled from approximately 22% to about 43% between households reporting food consumption consistent with Stressed (IPC Phase 2) levels of food insecurity and those reporting likely Crisis (IPC Phase 3) food consumption. However, no households reporting likely Emergency (IPC Phase 4) food consumption reported usage and only 10% of households reporting likely Catastrophe/Famine (IPC Phase 5) levels of food consumption reported usage. The role of community leaders and courts – if any – within extreme food insecurity at the end of 2020 and beginning of 2021 is of particular interest for further research.

This pattern stands in contrast to similarly high reporting of usage in Fangak County, where about 23% of households reported going to community leaders or courts. The proportion of households reporting usage increased steadily as most likely IPC phase by food consumption rose. No food secure (IPC Phase 1) households reported usage, while 20% of households reporting likely Stressed (IPC Phase 2) food consumption, rising to 21%, 60%, and 83% with each subsequent likely IPC phase by food consumption. The reasons for the difference between high-reporting Fangak and Pibor counties indicates

that while usage appears to be a relevant coping strategy across communities and ecological settings in Greater Upper Nile, there remains much to be explored.

In Lakes State, Rumbek East and Yirol East reported overall community leader or court usage across the four FSNMS rounds of about 14% and 16%, respectively. Reported usage in both counties broadly tracked the national trend, with reported usage increasing as likely IPC phase by food consumption rose. What remains unclear is why these counties reported high court usage relative to neighbouring counties. Within the period of the four FSNMS rounds, Yirol East experienced pockets of famine conditions in both lean seasons, yet Cueibet County, which saw two pockets of famine conditions in 2019, reported lower community leader or court usage of about 3%. Rumbek East reported severe food insecurity in this period, though no pockets itself. This different usage of courts to cope with hunger is particularly intriguing as these areas are all in the same state, and have similar histories of chiefs' court evolution and similar moral norms over collective responsibility for hunger.

One explanation for a lack of court usage despite hunger may be that ongoing conflict prevented the chiefs' courts from sitting. For example, in February 2021, chiefs in Tonj North reported suspending courts due to the intensity of conflict and burning of villages. Many people and chiefs were moving away to safety. At the same time, during conflicts in Gogrial in 2018, the chiefs only suspended their courts for a very short period while active fighting was ongoing.

With this sort of variation by county, it is also possible that this strategy alone is more commonly indicative of the shift from Crisis (IPC Phase 3) to Emergency (IPC Phase 4) levels of food insecurity for a geographic area. While no definitive conclusions can yet be drawn, usage of community leaders or courts may play a role in maintaining higher food

consumption while under duress or may flag households doing so through multiple coping strategies. It could be that a typical household using this strategy for coping would likely be in a higher overall IPC phase than indicated by food consumption alone. This role of coping is at the heart of food security analysis using IPC.

Additional county-level variation can be seen in the Equatorias, where several counties diverged substantially from the regional proportion of households using community leaders or courts. For example, Kapoeta North County, Eastern Equatoria State, shows about 15% of households reporting usage across the four FSNMS rounds. This is stark contrast to the low usage reported by other two counties that collectively constitute what is commonly referred to as Greater Kapoeta.

Greater Kapoeta, a semi-arid and by degree relatively more pastoralist sub-region than most areas of South Sudan, is especially understudied in terms of chiefs' courts and possible hunger courts. Predominantly home to the Toposa, it is not clear why Kapoeta North County would differ substantially from Kapoeta East County, in particular, given that the populations of both are largely rural in contrast to Kapoeta South County, which is dominated by Kapoeta town and its environs.

Case Study: Gogrial East County, Warrap State

In the 2018 lean season, the neighbouring counties of Gogrial East, Gogrial West, and Tonj North of Warrap State experienced severe and extreme food insecurity. In the September 2018 IPC analysis, all three counties were classified as having Emergency (IPC Phase 4) levels of food insecurity while also presenting evidence of ongoing pockets of famine conditions. These pockets were not ultimately published as such and the reasons for this are beyond the scope of this report.

Gogrial East County is an agro-pastoralist area that spans the boundary between South Sudan's forested zone, Ironstone Plateau, and its Western Flood Plain. From 2015 through 2018, agricultural production was poor, following a 15-percentage point drop in the estimated proportion of households farming in the first year of the national civil war and wide fluctuations in estimated total area planted for cereals in the years following. The county regularly shows a deficit in aggregate cereals production, dipping below 70% of total need in 2015 and 2018.

In addition to the onset of hyperinflation in the lean season of 2016 and a variety of other adverse events, it appears that coping capacity came under increasing strain with each passing lean season from 2015 onward.

Like all the counties of Warrap State to some degree, the political importance of the communities of Gogrial East County brings both benefits and consequences. The county is the home of President Salva Kiir as well as a range of high-ranking officials throughout the government and various security forces. Other counties in Warrap State are likewise the home of numerous political and economic elites. A core area of support for the current regime, the government has long carried out voluntary and forced recruitment in Warrap State just as communities and individuals within Warrap State have sought to extract benefits from

those in power. Pressures to recruit increased after the outbreak of conflict across South Sudan in December 2013, particularly with a high concentration of opposition forces in Unity State to the east at the war's beginning.

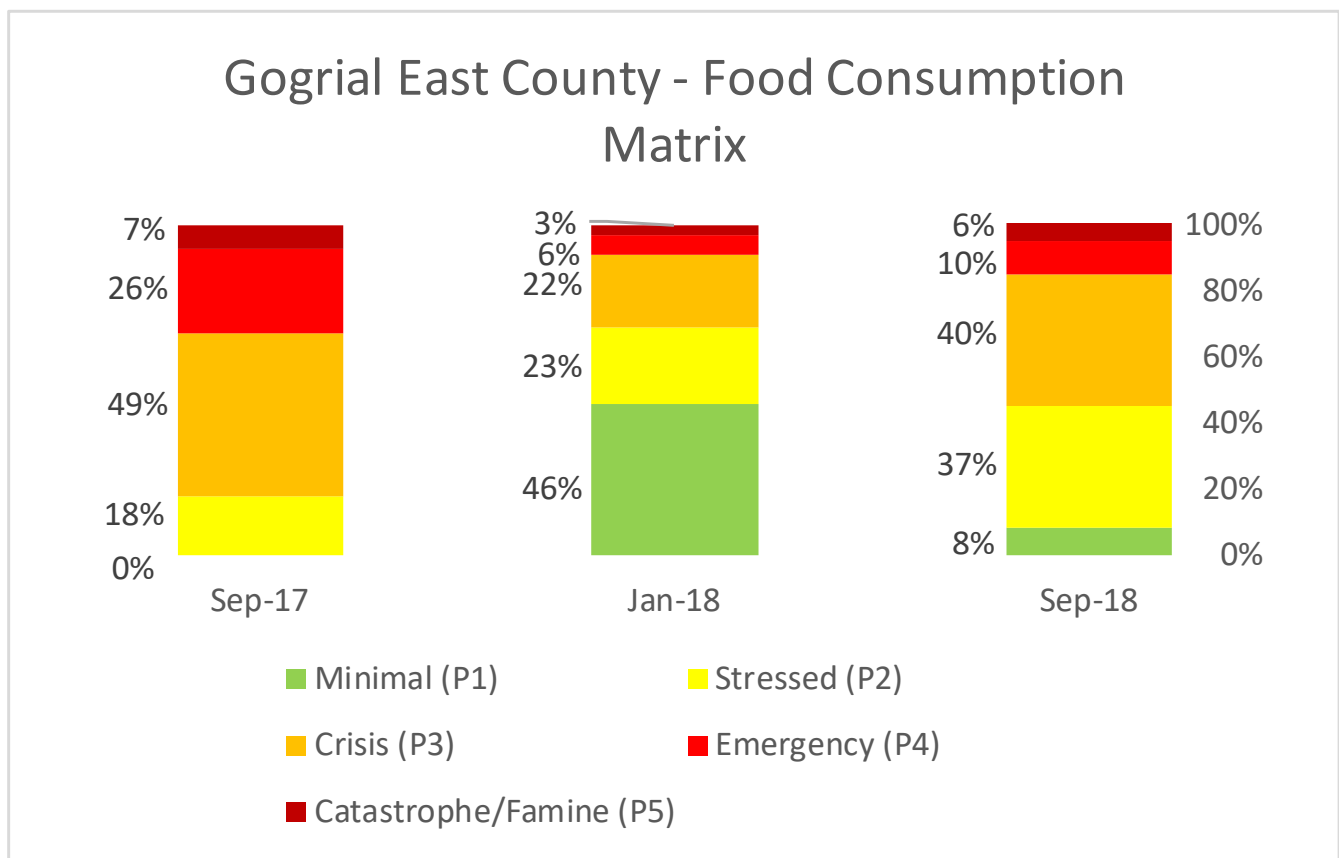
Over time, latent and new conflicts emerged within and across many of the counties of Warrap State, with Gogrial East County severely affected. Since 2005, the county has experienced several periods of intense armed conflict, often linked to disputes over administrative boundaries, land, and political power. In 2007-2008 and in 2017-2018, armed conflict erupted between Gogrial East and Gogrial West over county boundaries and governor appointments.

Through most of 2017, there was significant armed conflict between the people of Gogrial East and Gogrial West Counties in Warrap State. Certain parts of Gogrial East County also ended up in armed conflicts over land and grazing rights with Jur River County, Western Bahr el Ghazal State.

As a result of this fighting, many civilians relocated to safer areas where they perceived a lower threat of violence. This movement decreased access to land for agriculture and contributed to a diminished 2017 cereals harvest, especially within Gogrial East County where violence was more intense. The 2017 lean season was observed to be especially difficult in FSNMS Round 20, with up to 82% of the county population severely food insecure and potentially more than 5% of households in Catastrophe (IPC Phase 5) in a possible earlier pocket of famine conditions.

The post-harvest period in 2018 brought substantial improvement for most households in Gogrial East County. However, the reduced 2017 harvest ensured the return of severe food insecurity for most households by mid-2018 as the lean season began earlier than usual due to depleted food stocks. While a smaller proportion of all households were severely

Figure 3: Gogrial East County Households in Indicative IPC Phase by Food Consumption



food insecure in the 2018 lean season as compared to the 2017 lean season, a similar portion were in Catastrophe (IPC Phase 5). Despite a reduction in severe food insecurity, at least some pockets of extreme food insecurity returned.³⁴

In this context, researchers observed the onset of hunger courts as early as May 2018 in some areas, with others following in June. In the same period, some chiefs began reporting cases of hunger deaths.

Observed hunger cases were presented in the *payam* headquarters of Luonyaker, Pathuon West Payam, and Yiikador, Pathuon East Payam. Some of these cases

involved demanding the quick settlement of outstanding legal claims, such as debts of food, money, or livestock, if the claimant was hungry. Other cases involved ordering kinship or community support for those who were facing extreme hunger, despite the lack of an outstanding legal claim *per se*, and could involve a temporary reshuffling of resources, like a lactating cow. In a typical example, an older brother took his younger brother to court because the younger brother was wealthy while the older brother was struggling to find enough food to feed his family. The younger brother was ordered to provide two months of sorghum to the older brother to feed the older brother's family through to harvest time.

³⁴ This paragraph, as well as Figure 3, draws on FSNMS data. For the 2018 lean season, the assertion of a pocket of famine conditions further draws on a concurrent SMART survey confirming extreme food consumption gaps in the same time period. Data on file with the authors.

The Boyar chiefdom within Pathuon West Payam in the southwest of Gogrial East County was particularly impacted by hunger in 2018. The FSNMS Round 22 (2018 lean season), while geographically representative and statistically indicative at county-level, indicated the likely presence of at least some households experiencing starvation in this *payam*. Court observations and follow-up investigation found a comparable situation as told through the chiefs' courts.

In 2017, Boyar was involved in conflict against multiple neighbours simultaneously, with significant fighting taking place in Boyar itself. Many of the most fertile areas in Boyar, such as the *lil* – a grassy, seasonally flooded area – were adjacent to the conflict-affected areas and could not be safely accessed by civilians for farming or grazing. Households also saw reduced access to the Wau town market because of conflict. While the Boyar court suspended hearings at the height of the violence within Boyar, many of its cases were subsequently heard in the nearby court in Luonyaker, in the neighbouring Amuk chiefdom.

In May 2018, the paramount chief of Boyar initiated hunger courts within the chiefdom. He described how an increasing proportion of cases within the courts were related to hunger. Simultaneously, a growing number of families were coming directly to his home, declaring their hunger, and asking to eat with him. His resources were too limited to cater for the demands and he felt that the situation of the chiefdom was only worsening. The neighbouring chiefdom in Luonyaker suspended all non-hunger cases in June 2018, with some of these cases coming from Boyar. The early initiation of the hunger courts in Boyar was a clear, geographically precise indication that access to food was limited and that people were exceptionally hungry.

In most years in Warrap State, the chiefs will make the decision to initiate hunger courts. However, the month in which this happens, and the type and frequency of hunger-related cases brought before the courts, remain good indications of the intensity and magnitude of food insecurity. On its own, the fact that the Boyar hunger courts started as early as May, before neighbouring *payams*, was indicative of an atypically difficult year for that specific area.

Many people from Boyar also opened cases in neighbouring chiefdoms, rather than their own, due to the lack of food and other resources in Boyar which could be redistributed. An analysis of the court observations in August shows that people are most likely to win a case and be awarded support from people in their own clans. These clans often span multiple chiefdoms, allowing people to demand food from clan members in chiefdoms where food is relatively more available. Households in Boyar without clan members in comparatively more food secure areas to call upon for assistance were especially vulnerable.

Hunger Courts in Action

In Gogrial East County, a typical hunger court case would open with each party presenting their case – the claimant describing their need for food and the defendant either challenging their claim or describing their own lack of resources to meet this demand. The chief and his supporting elders then welcomed comments from anyone attending the court. This very public expression of need, with space made for others to contest it, discouraged claims if there was not an urgent need. The chief's and elders' deliberations were in public, in front of the court, and the chief made the final ruling on each case.

These rulings were often made quickly. Court observations showed that most chiefs' court cases about hunger took one to two hours to be heard and a ruling made. Litigants would come to the court in the morning and wait through the day, and sometimes into the following day, for the case to be heard. If one party refused to turn up, the chiefs would send a summons, which could delay the case by several days.

Chiefs also emphasised that the transfer of awards should be achieved rapidly in hunger cases, often stating that rulings need to be executed in a few days or a week. Chiefs threatened to order their police to seize assets or to imprison people if food and resources were not quickly shared. They regularly invoked the risk of death for the claimant to emphasise the need for urgency.

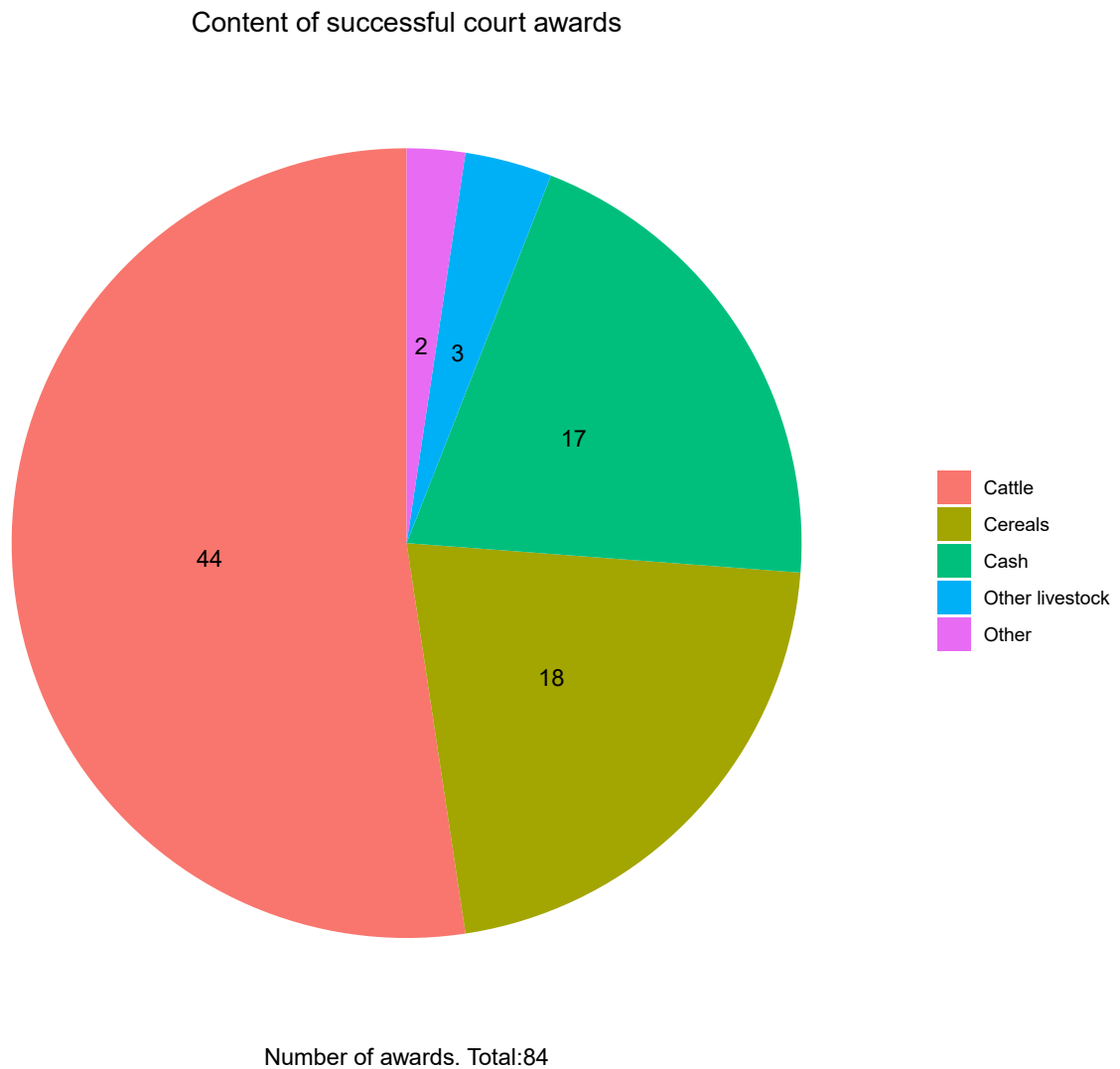
Court observations also showed that claimants could use a pre-existing legal claim to demand food, such as the forced return of a loan or the payment of compensation for crops or resources that were damaged. A pre-existing legal claim was not required, however, as the court could still order that those with resources give to those without resources to help them survive a period of hunger on broader normative grounds.

In hunger cases in the chiefs' courts, there was an almost total success rate for those who brought a case to court. Only a few of the 120 cases observed were not successful. This high success rate could indicate that while there was a growing number of households with rapidly diminishing coping capacity, community-level coping capacity remained. Further research is needed to better understand this high level of success, especially within a wider area of high food insecurity.

In contrast to the success rate of cases observed directly in Gogrial East County, only about one third of all attempts at using community leaders or courts to gain food or other resources to acquire food were successful across South Sudan in FSNMS Round 23, the 2018 post-harvest round. More than half of all attempts occurred in Jonglei and Unity states, where success rates diverged. While attempts in Jonglei State underperformed compared to the national average for successful attempts, with around a quarter of attempts succeeding, the success rate in Unity State was the inverse at around 75%. The reasons for this divergence between states, and between these states and Gogrial East court observations, are not immediately clear.

Successful hunger court cases in Gogrial East County primarily involved the court ruling that cows should be given. The court sometimes explicitly prescribed how awarded cows should be used, with some kept for milking and others to be sold for money to buy cereals and other food. In some cases, bags of sorghum or goats were ordered to be transferred. The only hunger cases that involved the chiefs' ordering the direct exchange of money occurred when the court case itself hinged on a relationship of debt created by a monetary loan. For example, in March 2019 in Boyar, one man brought another man to court as he had given him money to buy grain but he had not done so. The claimant argued that his case was urgent as his children were hungry. The court ordered

Figure 4: FSNMS Round 23 Types of Awards Given in Successful Usage of Community Leaders or Courts



the return of the money or the purchase of the agreed amount of grain within seven days.

FSNMS Round 23 also showed that the settlement of cases across South Sudan involved the transfer of cereals, money, livestock, and other assets from one household to another. Cattle were the dominant resource exchanged, though not a majority of awards.

In Gogrial East County, when a hunger case was successful, punitive measures were ordered against the party that the case had been brought against. Chiefs' justified these punitive measures as punishment for the defendant not helping his relatives beforehand,

without it needing to be elevated to the chiefs' courts. Therefore, many defendants not only ended up giving food, but they also faced punishment. This punishment repeatedly came in the form of a fine to the chiefs' court. On one occasion, a short prison sentence was even issued, although this might have been influenced by the party's disruptive conduct in the court.

Punitive measures were also common in successful cases reported in FSNMS Round 23. Roughly 89% of successful attempts in using community leaders or courts resulted in additional punitive measures for the defendant. These were predominantly fines, with occasional orders of imprisonment.

These punitive measures are significant as they hint at the wider socio-legal role of the hunger courts. The chiefs' courts punishment of people for not voluntarily helping their social networks raises questions about how these legal institutions are playing a role in enforcing the social networks and obligations that are often essential for survival. Even when people do not come to court, the exchange of food in the community might be encouraged by the threat of punitive legal measures if they do not share with those in need. Further research is needed to understand the broader socio-economic implications of the hunger courts.

The chiefs' courts in Gogrial East County also prioritised the distribution of resources based on public discussions of locally defined vulnerability. This included detailed discussions of claimants, including assets, analysis of extended family networks and the household itself, obligations and abilities to provide support, the number of people in the household considered to be in particular need of support, as well descriptions of the current lack of food and their daily hunger.

Similarly to how chiefs' courts definition of hunger closely matches a humanitarian understanding of food security, this list of flexible vulnerability criteria used in chiefs' courts in Gogrial East County is comparable to the qualitative criteria suggested by Maxwell et al. for identifying households as in Emergency (IPC Phase 4) and Catastrophe (IPC Phase 5) when they have reported high HHS scores (4-6 out of 6). While HHS alone may flag a household as likely in either Emergency (IPC Phase 4) or Catastrophe (IPC Phase 5), reliably sorting a food insecure household into the accurate high phase can remain difficult when it does not fully match the definition of only of the phases. Proposed qualitative criteria to complement HHS when faced with such borderline households include:³⁵

The hunger courts in Gogrial also repeatedly referenced that it was a period of exceptional hunger throughout the chiefdom. This chiefdom-wide state of hunger made it easier for claimants to establish their own hunger needs, and for the chiefs to agree that their hunger was not of their own causing. In no cases observed was a claimant refused resources or food because the court blamed the claimant for their own hunger. However, in the court's discussion, it was explicit that other hypothetical cases would be turned away if the claimant's hunger was based on laziness or drunkenness.

Widows and children were most prioritised for support. Widows who made claims for food were rarely questioned with much vigour, and chiefs instead spent time admonishing their relatives for allowing them to go hungry. For example, in June 2019 in Luonyaker, a widow brought her brother-in-law to court for failing to provide for her and her children. The court quickly awarded her a cow and some even suggested that she should also be awarded a bag of sorghum. The chiefs of the court rebuked the man for leaving his brother's children to die, evoking moral and spiritual norms regarding the obligation to safeguard a brother's family after death. In Gogrial East and in many Dinka-speaking areas, children create the promise that, even after death, a man's name and memory can continue into the future. To allow a brother's children to die would be tantamount to allowing a brother's legacy and memory to end.

Claimants often discussed the vulnerability of their children as a way to establish the validity of their claims before the court. In March 2019, a man went to the chiefs' court in Mayen Rual to reclaim a cow he had loaned. While he had the legal right to reclaim his property from the borrower, at the time the court was focusing on cases of hunger and was reluctant to force a return of property if it could wait until after

35 Maxwell, Daniel, Peter Hailey, Matthew Day, Guhad Adan, Joyce Maxwell, Stephen B.J. Odhiambo, Aishwarya Venkat, Lilian Kaindi, and James Njiru. "Classifying Acute Food Insecurity Using the Household Hunger Scale: Evidence from Three Countries." Boston: Feinstein International Center, Tufts University, 2020.

Table 2: Maxwell et al Complementary Qualitative Criteria for Differentiating Households in Emergency (IPC Phase 4) and Catastrophe/Famine (IPC Phase 5) in Comparison with Gogrial East County Hunger Courts

Maxwell et al. Characteristic	Maxwell et al. Description	Considered in Gogrial East County Hunger Courts?
<i>High household dependency ratio</i>	Given as one productive household member to five non-productive household members	Yes, in more detail. However, household members were not explicitly quantified but instead discussed by name. This often involved a nuanced discussion of whether someone was or was not productive
<i>Female-headed household</i>	Particularly those recently widowed or abandoned	Yes
<i>Fragmented household</i>	Household members have migrated or been sent to other households, such as relatives, due to hunger in the original household	Yes
<i>Zero-sum coping</i>	Productive household members face severe trade-offs in choosing any essential activity, such as having to choose between activities related to food access and time spent on childcare	Indirectly, in relation to other characteristics
<i>Literal hand-to-mouth existence</i>	Given as a possible combination of having a complete lack of livelihood, no remaining social capital to use for obtaining food and other resources from social or kinship support, and/or being completely reliant on a daily activity for each day's food	Yes, especially lack of social support and other forms of assistance
<i>Visible signs of extreme weakness or hunger</i>	May include evident lack of energy, even for standing up, extreme reliance on wild foods, tying cloth around the stomach to relieve hunger pangs	Yes
<i>Malnutrition</i>	The presence of an acutely malnourished child, especially if severe, may be a marker, though is not on its own an indication of a likely phase	Yes, discussions of the welfare of small children were prioritised, though no formal measurement of acute malnutrition used
<i>Mortality</i>	With strong qualitative links in context to hunger	Yes, though emphasising mortality risk and prevention

this period of hunger. The man seeking to reclaim his cow emphasised the hunger of his children. In response, the chiefs ordered the return of the cow. However, they told the man to return at a later date to determine whether the calves birthed by the loaned cow while it was in the borrower's possession should also be returned. The calves were not urgently needed by the man and his children to survive that hunger period.

The focus on children's needs is consistent with nationwide patterns in the FSNMS data across the four rounds. Large households tended to report community leader or court usage more commonly, rising from about 5% of households of five or fewer members reporting community leader or court usage to around 16% of households reporting 16-25 household members. While further research is needed to confirm this, it could suggest that those with more children and dependents were seen as more vulnerable by community leaders or courts.

Women often used the hunger courts. FSNMS data for the 2018 lean season round for Gogrial East County showed that 40% of those who used the courts to cope with hunger were female-headed households. Of the 120 observations made in Boyar and neighbouring communities, 28% of the hunger cases observed were brought by women, with additional cases brought by men on behalf of women. All these cases were successful and resulted in the redistribution of food to these claimants.

Many of the cases brought by women in Gogrial were against their husbands. They complained of a lack of food because their husband favoured another wife, was lazy, or was away for work or military service without sending money home. The courts usually ordered the husband to provide for his wife with the threat that divorce would be allowed if this obligation was not met. At the same time, in the discourse of the courts, gendered norms that emphasised the man's responsibility to provide for the family were often repeated.

In general, female heads of household were slightly more likely to report using community leaders or courts, with 8% of female respondents reporting doing so compared to about 6% of male respondents. While female respondents reported turning to courts at about the same rate across seasonal rounds, nearly 4% of male respondents reported turning to community leaders or courts in post-harvest season rounds compared with about 8% in lean season rounds.

Who is Excluded from the Courts?

In Gogrial East County, people paid a fee to the court to bring a hunger case. This was only a few hundred South Sudanese Pounds (less than 1 USD at the time). Nationally, not being able to afford fees did occasionally stop people bringing a case (345 and 327 in Rounds 24 and 25, respectively). In Gogrial East, occasionally fees were waived if the person could justify their lack of money, and fees for hunger cases were significantly less than other cases.

Beyond potential financial barriers to usage, courts may also function more as a late coping strategy when it can be demonstrated to the wider community that other options have been exhausted or are otherwise impossible. For example, in FSNMS Round 22, nearly half of households who asked community members – not community leaders or courts – for support due to a lack of food or resources to acquire food in the 30 days prior to the assessment also reported that they could not use the courts for various reasons.

This may function similarly to observed outcomes in coping strategy usage related to food consumption – not livelihoods – in pockets of famine conditions in Leer and Mayendit counties in Unity State in mid-2018. Coping strategy usage was high except for those involving social connections, like borrowing food or sending some household members to eat in other households. In this situation, the non-usage of a subset of coping strategies premised on social

connections having shareable food, alongside other indicators of extreme food insecurity, was taken as evidence of collapsing coping capacity.

This high-level of seeking support from the community indicates the widespread use of networks to survive in difficult times. Discourse in the courts in Gogrial highlighted that it is often only when people fail to provide for those they are obliged to provide for, that the cases go to court. Therefore, before even getting to the court, these obligations are often being upheld. It is likely that the courts are not only enforcing social obligations in the community, but that this potential enforcement also encourages compliance and the redistribution of resources through other means in order to avoid the costs and punishments of courts. This requires further research, however. The role of enforcement in socially-based coping strategy utilisation is poorly understood overall.

In Gogrial East, successful cases were exclusively made against people's paternal kin unless there was a pre-existing legal claim between the parties. Only a couple of cases were rejected on these grounds, but it appeared that most claimants only came to the court if they had the required relationship with the other party. In the cases rejected on these grounds, the chiefs' advised on other members of the community that a case could instead be brought against.

However, this does mean that in order to make a successful claim, people needed to have family with food or resources. This was the case in Gogrial East County and is illustrated in more depth in a forthcoming publication.

This may particularly preclude these courts from serving as a survival strategy to those who have been displaced from family networks. However, it remains unclear exactly how court usage is limited to kinship across South Sudan, and meanings of kinship are also evolving.

Across South Sudan, those who live in non-permanent structures reported being likely to find it harder to access the hunger courts in the four FSNMS rounds.

While analysis of self-reported residence status and community leader or court usage was inconclusive, the shelter type results could indicate that displaced households living in impermanent structures are at a distance from their kin and may have reduced social capital. However, many people often flee with wider community members and follow shared patterns of displacement. There is much more to understand about how displacement impacts court usage to redress hunger.

Conclusion

The findings of Luka Deng during the 1997-1998 Bahr el Ghazal famine appeared to hold true in 2020 in some of the same areas of South Sudan. Deng's findings, as reported through four FSNMS rounds, may also extend in different ways across much of the country. Chiefs' courts, operating as hunger courts, are an important community-based mechanism for mitigating hunger among vulnerable people in food insecure communities. Monitoring them could provide useful data for famine early warning and response. Humanitarians should invest in understanding the role of community leaders and chiefs' courts, and hunger courts specifically, to gain greater insight into how some communities in South Sudan proactively engage in grassroots emergency response.

This report has highlighted how courts operate at several administrative levels, including two below the level of the county, the standard unit of classification for IPC analysis in South Sudan. With additional research, it may be possible to achieve greater geographic specificity in identifying pockets of famine conditions and other localised severe food insecurity in some areas of the country, like Gogrial East County, where hunger courts are relevant.

A chief's decision to dedicate the court's time largely or exclusively to matters of hunger is a clear, externally observable, and time-sensitive indication of severe food insecurity within the geographic and social catchment area of that court. It is based on detailed, locally collected, and analysed information about complex factors impacting food security in that context. The initiation of a hunger court, whether through a formal declaration or in practice through shifts in the types of cases heard, offers a timely and geographically limited indication that community-level coping is under strain.

While research continues to highlight the importance of social networks and support to household resilience in South Sudan, it is not always clear what happens when these networks begin to break down, especially in the context of severe and extreme food insecurity.

In appealing to community leaders and especially hunger courts, vulnerable community members are seeking the enforcement of social and kinship obligations – whether through pre-existing claims or broader appeals – to survive. This may be a sign that a community or catchment area of a court is transitioning into the higher IPC phases.

In this way, institutions like hunger courts may provide greater insight into the direction and rate of change in a food security situation in complement to outcome indicators, like the standard livelihoods coping strategy module and the food consumption indicators used in the FEWS NET matrix. Better understanding of the trigger criteria for initiating hunger courts in specific contexts could in time allow humanitarian agencies to more rapidly and accurately gauge the food security status of the population within a given court's jurisdiction, such as in a *payam*.

IPC is not best as a tool for early warning, but rather a set of tools and protocols for rendering a snapshot in time of acute food insecurity. As a large-scale, biannual household survey at county-level, FSNMS is similarly better for long-term trends rather than short-term changes and severe or extreme outcomes in areas below the level of a county. Additional tools and mechanisms remain needed for the timely identification of warning signs of coming severe and extreme food insecurity – not only the confirmation of outcome, but also processes of deterioration in food security occurring at widely varying rates. Chiefs' courts' responses to hunger may provide an opportunity in certain places in South Sudan to fill this gap.

While famine early warning was the main focus of this report, an exploration of hunger courts also shows great potential for other areas of humanitarian programming. Court monitoring yielded information about locally defined vulnerability, community-level coping, and household access to social and kinship networks. Coupled with food security outcome and other data, it can allow for more effective mapping of individual, household, and community vulnerabilities and resilience capacities.

This could enable more informed programmatic targeting and better tailoring of resilience interventions. In keeping with a long tradition of research on humanitarian programmatic targeting in South Sudan, locally defined vulnerability is often the best foundation for targeting and local communities are often the best placed to make these determinations. While such strategies are not without risks, the extent to which local communities conduct their own targeting and redistribution of humanitarian assistance cannot be ignored.

Despite the potential benefits, humanitarian engagement with chief's courts is also encouraged with a note of caution. Humanitarian interaction with these crucial local institutions could have unintended consequences, not all of which may contribute to reducing hunger and achieving other positive outcomes. Engagement with the courts needs to be contextually informed and locally nuanced.

This report also leaves several questions about hunger courts in South Sudan unanswered. The ranking of community leader or court usage as an Emergency strategy within the livelihoods coping strategy module cannot be confirmed without dedicated data collection on this question. The relationship between community leader or court usage, or a substantively comparable though differently worded strategy, to other livelihoods coping strategies is also unclear and requires exploration.

The outcomes of community leader or court usage, and hunger court usage specifically, also warrants additional research. The extent – especially quantitatively – to which these strategies are able to mitigate inadequate access to food in the short-term, such as through grain redistribution, and the long-term, such as through a transfer of livestock, as well across different seasons, is important to understanding coping capacity. How humanitarian food and other assistance does or does not affect the onset, functionality, and duration of hunger courts is also worthy of deeper understanding.

Additionally, in some of the most food insecure areas of the country, households reporting food consumption consistent with extreme food insecurity, or Catastrophe/Famine (IPC Phase 5), reportedly used community leaders or courts marginally less than those reporting food consumption consistent with Emergency (IPC Phase 4) levels of food insecurity. This could be indicative of extreme food insecurity being so widespread in a specific chiefdom, *payam*, or county that there is no food to be claimed at this level of distress and community-level coping is entering collapse, though this cannot be concluded definitively here. The point at which a hunger court becomes unviable, and what community-level strategies – if any – are triggered at this stage require further exploration. If the exhaustion of a hunger court is followed by an increase in some form of distress migration, for example, this is an important shift for humanitarians to be familiar with and be able to identify in real-time.

The accessibility of hunger courts is also of concern. Some of the poorest people may be socially excluded from the courts and more constrained in their utilisation of community-level coping mechanisms. Deeper analysis of internally displaced person access to hunger courts is especially needed. It would be useful to explore whether displacement with your community and chiefdom allowed hunger courts to still provide opportunities for coping even in new locations. Overall, the strength

of social connections, or alternatively level of social capital, needed to utilise community leaders or courts, and especially hunger courts, in a given area is not yet clear. As with any coping strategy, it is necessary to understand why it is being used as well as why it is not being used. The lack of observed strategy usage may signal enduring coping capacity or collapsing coping capacity, depending on the situation.

While there is also a clear relationship between hunger courts and areas that have experienced famine or pockets of famine conditions in the last seven years overall, there is considerable variation in this relationship across the country. There is a need to better understand the histories and politics of hunger courts in different areas and to explore why some areas appear to have strong redistributive courts while other areas do not. Understanding these and other puzzles could provide key insights into how extreme food insecurity can be recognised in a timely and geographically precise way.

A new [British Academy](#) funded research project, [Hunger and Human Dignity](#), has some limited funding to seek to respond to some of these questions and others through ethnographic, qualitative, and historic research in South Sudan in 2021 and 2022. If you would like to receive updates from this research, please e-mail Naomi Pendle (N.R.Pendle@lse.ac.uk) to be included in future communications about this work.

Annex 1: FSNMS Data and the FEWS NET Indicator Matrix

FSNMS is an inter-agency survey of rural households conducted in the post-harvest and lean seasons of South Sudan to capture acute food insecurity, livelihoods change, and nutritional status. Findings are considered geographically representative and statistically indicative at county-level for food security indicators and at three-county domains for nutritional status.

FSNMS utilises two-stage cluster sampling, with the National Bureau of Statistics randomly selecting clusters using extrapolated population data based upon the 2008 census of then Southern Sudan. Within each county, nine *bomas* are selected as clusters, with 12 households interviewed per cluster, for a total of 108 households assessed per county and a target 8,424 households each round. Households are chosen for interviews using systematic random sampling based on complete or segmented household listings within a single village generated at the time of data collection through Key Informant Interviews. FSNMS sampling utilises the 78 counties of the 10-state system in line with humanitarian programming in South Sudan, as do all IPC analyses making use of this data.

All FSNMS data was provided after data cleaning by the FSNMS secretariat, with quantitative data analysis for food security overseen by WFP, with support from FEWS NET and REACH, according to standard FSNMS data analysis protocols. Additional though largely minor data cleaning was also undertaken after receiving the FSNMS data, with the most significant data cleaning for Round 24. In this round, responses for one of the component questions of HHS were consistently incompatible with the responses to the other two closely related component questions. No household reported the two

higher responses to this question, meaning that no household could have the highest possible HHS result of 6. The responses to this question were therefore imputed using the responses to the other questions via a multinomial logistic regression model trained on data from the other survey rounds. This model displayed 85% accuracy on known values. These values were used in the subsequent FSNMS analysis for this report.

The FEWS NET matrix for determining the alignment of food security indicators within the same household can be used for multiple combinations of food consumption indicators with or without the inclusion of a livelihoods coping strategy indicator. For this report, only food consumption indicators were considered, given that turning to community leaders or a court was included within the livelihoods coping strategy module itself.

The food consumption indicator combination chosen was FCS, rCSI, and HHS. FCS is a household indicator of dietary diversity using a seven-day recall period for consumption of any non-trivial amount of different food groups, with both raw numeric scoring and categorical scoring weighted by macronutrient value. The rCSI is a series of five strategies for coping with inadequate access to food that directly involve food consumption asked on a seven-day recall period, with strategies weighted by severity for a numeric result. HHS uses three common experiences of hunger of varying severity to produce a numeric result based on the frequency of these experiences within a 30-day recall period.

While FCS and rCSI are generally more sensitive to lower levels of food insecurity, including IPC phases 1, 2, and 3, HHS is the only indicator that can reliably differentiate between the most extreme levels of food insecurity, including IPC phases 4 and 5. In combination, the strengths of each indicator can help compensate for the weaknesses of

others. When combined within the FEWS NET matrix, the results of these three indicators place a household within one of 45 cells. Each cell indicates the likely IPC phase associated with that combination of indicator results.

The table below offers a visual representation of the FEWS NET matrix used for this report, where cells are numbered sequentially, and colours indicate the corresponding IPC phase.³⁶

³⁶ Graphic adopted from Maxwell et al. 2020. This matrix is global, with only minor deviations from a South Sudan specific matrix also in use. This matrix offers flexibility for cell 43 in indicatively classifying a household in either Crisis (IPC Phase 3) or Emergency (IPC Phase 4) for food consumption.

	rCSI <4			rCSI 4-18			rCSI >18		
	FCS > 35	FCS 21.5-35	FCS < 21.5	FCS > 35	FCS 21.5-35	FCS < 21.5	FCS > 35	FCS 21.5-35	FCS < 21.5
HHS = 0	1	6	11	16	21	26	31	36	41
HHS = 1	2	7	12	17	22	27	32	37	42
HHS = 2-3	3	8	13	18	23	28	33	38	43
HHS = 4	4	9	14	19	24	29	34	39	44
HHS = 5-6	5	10	15	20	25	30	35	40	45



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Cover Photo: Chief's court, Gogrial East County, 2013. Taken with permission by Naomi Pendle

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