



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

P. O. Box 34, Juba, South Sudan • Tel: +211 (0)956 305 780
Email: thesudd.institute@gmail.com • www.suddinstitute.org

WEEKLY REVIEW

July 3, 2013

South Sudan's Fight against Corruption: Are We Winning?

Abraham Awolich

In a decree, issued on June 18, 2013, the President of the Republic, Salva Kiir Mayardit, in a rare move, lifted the immunity of two senior ministers in the government, Deng Alor and Kosti Manibe, to answer questions regarding their role in the un-procedural transfer of nearly eight million dollars. For the public that witnessed for far too long non-delivery on the “zero tolerance” policy, the decree is seen as an act of courage and decisiveness from the President, embodying the type of leadership desired of him. Confronting corruption right from the top of the government sends a clear message to the country and the world about the government’s commitment to protect public resources and national integrity. Although these individuals remain innocent until proven guilty, this move is encouraging, as it seems to put teeth to the President’s zero tolerance mantra against corruption.

Judging from the public reaction, the President should be commended for taking this action against what is ostensibly viewed as high-level corruption. While this is not the first time the President has acted against corrupt activities, it is worth noting that no high profile case to date has ended in a conviction. Instead, the number of serious corruption cases in South Sudan is growing exponentially. Typically, most of these cases end in the dark without any official statement, leaving the public in extreme suspense. While the President’s recent efforts against corruption are certainly laudable, there is a need for the government to put in place institutional and technical safeguards to reduce corruption beyond just naming and shaming those who get caught. Those alleged to have been involved in corruption should be investigated, tried, and sentenced if the verdict so suggests, with the public regularly informed.

Corruption in South Sudan Since 2006

The President has never been quiet on corruption, yet so far this rhetoric has been no more than a scarecrow. In his major policy speech given on April 10, 2006 at the second opening of the then Southern Sudan Legislative Assembly (SSLA), the President declared, “*Zero tolerance*” against corruption in his government. This declaration drew public approval and the President rightly followed the declaration with the creation of the then Southern Sudan Anti-Corruption Commission.

Despite this publicly announced dedication to combat corruption, there have been several major corruption cases that went unpunished since the formation of the anti-corruption commission. In 2007 then Minister of Finance and Economic Planning, Arthur Akuien Chol, was accused of overpaying contractors to procure government's vehicles. While this issue was being investigated, President Bashir in his speech on the second anniversary of the signing of the CPA disclosed that his government had given the SPLM \$60 million for transitioning purposes, adding the possibility that this money had gone missing. The scandal became a duel between the Ex-Minister of Finance and the SPLM Secretary General who accused each other of either misappropriation or slander. The latest round of this contest ended last year, when both men interestingly won a defamation case in the court against the newspapers after the media ran a story related to the aforementioned corruption allegations. Predictably, the court ruling drew a negative public reaction, as the basis for the judgment was not clearly explained.

In addition, Wikileaks¹ made public last year an alleged corruption at the John Garang Military Academy. According to the report, the government allocated thirty million dollars for the construction of this academy, but only two million dollars was actually accounted for and the rest of the money was allegedly spent without a trace. The academy remains on papers so far as a project, which may or may not be realized at all.

Another area in which the government reportedly lost millions of dollars according to Wikileaks was through corrupt tax exemptions. It is suspected that government ministers and other officials brought goods worth millions of dollars to South Sudan during the interim period in the name of their ministries in order to qualify for tax exemptions while the goods were actually for personal purposes.

The Dura Saga is, of course, the largest of all scandals. Dura Saga was a government program established as a response to the anticipated food shortages in 2009. The program was intended to build food stores across the 10 states to be filled with sorghum (Dura) reserves. While in many cases money was spent, no stores were really built and no sorghum reserves were delivered. Both the executive and legislative branches of the government launched investigations as early as 2009 and no conclusive end was reached, unfortunately. The citizens have been waiting for the results of these investigations, but the government has not been forthcoming. Interestingly, the government took a hiatus on the investigation at some points, only reviving them in mid-May 2013 and inviting the World Bank² to help with the investigations. The World Bank found that 290 companies were paid without signing any contracts with the government and 151 companies were overpaid. The amount that vanished through this unscrupulous and bogus scheme is disputed, but different sources put it at 6 billion South Sudanese Pounds (SSP). These companies and government officials who administered the contracts need to be

¹ www.wikileaks.org/plusd/cables/08KHARTOUM345_a.html accessed on Monday June 24, 2013

² <http://www.voanews.com/content/south-sudan-probe-sorghum-dura-saga-corruption/1661994.html>. The involvement of the World Bank in the Dura Scandal was reported May 15, 2013 by VOA News as per the link provided above. This was accessed on June 24, 2013.

investigated and made to return public funds, in addition to serving appropriate jail terms if found guilty. The public impatiently awaits the outcome of the criminal investigations launched recently by the Ministry of Justice under the leadership of Prosecutor General, Filberto Mayuot Mareng.

The latest rounds of scandals came too close to the doorsteps of the President. The first one involved the widely reported President's accusatorial letter to 75 current and former government officials alleged to have stolen public funds totaling to four billion dollars. The letter purportedly demanded that the officials return this money by making anonymous deposits into a bank account setup for such purpose. The reaction of the public was a loud call to publicize these officials and to have those who received the letter and were still serving in the current government suspended. No names were made public and no one was suspended. The last public knowledge of the issue was a series of incoherent public statements made by the government, basically retracting the content of the letter and its intent. Unfortunately, the fact that the public remains in the dark on this matter diminishes the credibility of government in its fight against corruption.

Additionally, a recent scandal relates to Sudan Tribune's March 27, 2013 report³ on the stolen money from the Office of President. Initial reports put the amount stolen at 6 million South Sudanese Pounds. The Office of the President however released a statement on March 28, 2013, essentially admitting the theft and disputing the stolen amount and reported only SSP 176,196 and USD 14,000 to have been the actual amount stolen. On June 14, 2013, a press release by the investigation committee concluded that theft occurred on two separate occasions in the Office of The President, both amounting to 208,543 SSP and 14,000 USD, respectively. While the amount lost is certainly significant, what is more troubling is the idea that stealing took place in the esteemed Office of the President. Worst still, the esteemed office has been very inactive in fighting these unscrupulous acts.

The investigation committee's report per the press release was disappointing in one respect; the committee did not find any hard evidence implicating any official in the theft, blaming it on the loss of evidence due to the fact that the case was reported to the police after a considerable time period had elapsed. The fact is that no one would expect a thief to report a case that involves him or her. What is also true is that any government official or anyone who knowingly refuses to report a crime or hides evidence can be charged. Given that thefts occurred in the highest office, the committee should have gone far enough and treat the matter as grievous and exigent. The public deserves better than the unacceptable level of incompetence the investigation committees have shown, an act that perpetuates corruption and exacerbates public distrust in the institutions of governance. The committee's report is just a gentle slap on the hands of those who either participated

³ <http://www.sudantribune.com/spip.php?article45984>. The money was said to have been stolen first and not reported, so this was the second time money was stolen and the media got hold of the story. This article was accessed on the website provided above on June 24, 2013.

in the thievery or those who failed to protect the reputation and physical security of the Office of the President.

Recommendations

In light of all these corruption cases, it is evident that corruption is a growing threat to the integrity and viability of South Sudan. It has tainted the image of this wonderful country in the international arena and scared away potential investors. Although the President is working diligently to rid the country of this malfeasance, the lack of criminal convictions against corruption reduces the President's "zero tolerance" mantra to a mere hollow gong. To his credit, the President has suspended a number of debased officials and ordered their investigation, but the results of the investigations have often been disappointing. No money has ever been recovered, nor has anyone ever served a jail sentence in connection to corruption charges.

If the government is serious about fighting corruption, it should:

- Reconstitute investigation committees to include respectable international institutions and reinvestigate all the scandals and commit to prosecute all individuals and private companies that have assisted, facilitated, or participated in corruption cases. The Ministry of Justice, Anti-Corruption Commission, and ad-hoc investigation committees have so far failed the President and the country as no one is made to account for misappropriation of the public funds, rendering the money unrecoverable.
- For Anti-Corruption to be effective, it should be completely independent of the Executive and it should report directly to the Judiciary and the Assembly; otherwise, it should not be a commission, it should be a department within the Ministry of Justice.
- The Judiciary has also been compromised in its handling of corruption cases, so it must make sure that corruption cases are adjudicated in a free, fair, and open manner.
- All investigation committees should be open to the media and any trials should be made publicly with the participation of media and should be broadcast on national television.
- The legislature, especially the public account committee, must step up its oversight role and exert pressure on the executive to strengthen financial management systems and report regularly to the Assembly in order to curtail running away level of corrupt practices.

About Sudd Institute

The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for discussion and debate, and to improve analytical capacity in South Sudan. The Sudd Institute's intention is to significantly improve the quality, impact, and accountability of local, national, and international policy- and decision-making in South Sudan in order to promote a more peaceful, just and prosperous society.

About the Author

Abraham Awolich is a founding member of the Sudd Institute and currently runs administration and finance department. Awolich is a policy analyst and his research interests are in public administration, development, decentralization, NGO and public management, budgeting and public finance, community development, organizational justice and all poverty related issues. Prior to joining the Sudd Institute, Awolich was a consultant for the Government of South Sudan conducting the Comprehensive Evaluation that looked at systems, structures, and government inter-linkages of the GoSS during the interim period.