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Policy Brief

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Assessing Anti-Corruption, Accountability, and Transparency Measures in South Sudan¹

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Summary

State effectiveness in meeting its public demands is measured using governance impact indicators, sometimes with emphasis on anti-corruption, accountability, and transparency measures (McFerson 2009). Thus, institutional instruments (laws and regulations) are normally deployed to guide against corruption and promote accountability and transparency. The lower the index of corruption and the greater the application of accountability and transparency measures, the more effective the system is graded. The interim period marked South Sudan's entry into state formation, formulating institutions of governance and instituting laws and regulations for economic governance, accountability, justice, security, and human rights, among others. Anti-Corruption Commission (ACC), Audit Chamber, Judiciary, and the Parliament, to list just a few, were formed to promote these values. Attainment of the objectives of these institutions implies South Sudan's state effectiveness.

This analysis assesses the effectiveness of anti-corruption, accountability, and transparency measures in South Sudan. It finds that, despite a gamut of initiatives, both legal and administrative, corruption in the country remains pervasive, presumably owing to incredibly ineffective accountability and transparency measures. While the local laws generally forbid corruption and advocate for transparency, pragmatically, there have never been any known prosecutions since the Government of South Sudan (GoSS) was created a decade ago. Part of the explanation for an entrenched corruption in the country could be that the ACC is not mandated to prosecute offenders, consequently making existing anti-corruption strategies unproductive. It is consoling that the recently signed peace deal has a provision giving the ACC legal teeth to not only investigate but also prosecute offenders.

Secondly, South Sudan's public sector is considerably lacking in transparency. Even though the law mandates right of access to information, most public offices rarely engage in sharing their essential records with the general public. For instance, the few public ventures, such as Nile Petroleum, South Sudan Electricity, and Water Corporation have never disclosed publicly their financial records (Global Integrity Indicators/Africa Integrity Indicators 2015). Lack of accountability and transparency, therefore, encourages corruption, hence retarding public goods provision and compounding social injustice in the country.

In response, a great deal of institutional reforms to stamp out or at least minimize mismanagement in the South Sudan's public sector is desired. These reforms would chiefly need tailoring towards improving accountability and transparency instruments, promoting institutional independence to allow for more robust and greater oversight, empowering the ACC to investigate, indict and punish offenders, and enabling an independent media sector that would assist in popularizing maladministration in the public sector. Still, putting these reforms to work and realizing desirable results demand a significant level of political will, which many South Sudanese perceive as one of the country's key weaknesses.

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1 Introduction

State effectiveness² in meeting its public demands is measured using governance impact indicators, sometimes with emphasis on anti-corruption, accountability, and transparency measures (McFerson 2009). Generally, constitutional governments are expected to dispense, among many other key functions, public goods. The extent to which these provisions are made and the quality of outcomes invoke the question of governance among social scientists and practitioners. Thus, in managing public resources, accountability and transparency outcomes constitute an important indicator of governance. Inadequacy in accountability and transparency leads to poor governance, often manifested via misappropriation of public resources. Bad governance retards public opportunities and promotes greater injustice or inefficiency at best. Good governance, in contrast, produces desired outcomes³, social or otherwise (McFerson 2009). The question of governance is particularly essential in states that are being formed and where potential for maladministration is often high.

As a consequence, states enact anti-corruption, accountability, and transparency laws and related regulations to engender and sustain good governance. However, the outcome of such instruments largely depends on the level of enforcement, itself often a consequence of political will and institutional strengths of the day. This situation is quite commonplace, especially in the developing contexts where weak institutions and lack of political will combine to degrade the ability of the political system to optimally deliver on its core functions. In South Sudan, for example, possibly owing to these ills, corruption and lack of transparency are considered entrenched in the public sector. In this context, corruption is defined as ‘the exercise of public power for private gain, including both ‘petty and ‘grand’ corruption, as well as ‘capture’ of state activities by elites for their own interests and profit’. With corruption seemingly permeating all sectors, in 2014, Transparency International ranked South Sudan 171 out of 175 countries, suggesting that the country has one of the worse indicators of nearly all its counterparts. As it forms, weakness of state institutions is one of the challenges facing South Sudan. Research shows that corruption predominates when the state has limited legal and administrative capacity to manage it (UNDP 2010).

During the interim period (2005-2011), concerns over considerably emerging corruption in South Sudan predominated public discourses and necessitated the institution of laws and other instruments of governance. The Anti-Corruption Commission (ACC), Audit Chamber (AC), National Bureau of Statistics (NBS), and Fiscal Financial Allocation and Monitoring Commission (Fiscal), along side Parliament, and the Ministry of Justice, were established. As well, the Penal Code Act, 2008, Anti-Corruption Commission Act, 2009, the interim constitution of the Sudan, and South Sudan’s Transitional Constitution, 2011, were all crafted to outlaw corruption and advocate for greater transparency in a potentially emerging state. But the extent to which these accountability instruments have mitigated corruption and enabled satisfactory transparency in the country remains unknown. As a newly birthed state, this research primarily explores South Sudan’s effectiveness in accountability and transparent governance.

² State effectiveness in the area of accountability is measured using the extent of enforcement of relevant laws and the changing level of corruption in the country.

³ Good governance tends generally to produce good quality outcomes and bad governance leads in time to bad results.”

This analysis assesses the effectiveness of anti-corruption, accountability, and transparency measures in South Sudan. Because the public deserves to understand the systemic infrastructure through which the matters of maladministration are managed, this analysis first sets out to survey the country's existing legal and administrative frameworks instituted to mitigate corruption and enforce accountability and transparency culture. The objective of this portion of the analysis is to outline existing institutional capabilities, identify gaps, and to suggest possible directions for improvement. Secondly, the analysis maps public perception on corruption and the standing levels of accountability and transparency in the country. The second objective contributes to our understanding of South Sudan's nature of governance by quantifying the extent the population feels corruption is a concern, and whether the prevailing accountability and transparency rules have satisfactorily performed over the last decade.

Drawing on a wide range of sources, including South Sudan's legal documents, Global Integrity Indicators (GII)/Africa Integrity Indicators (AII)⁴ study, a cross-section of nationally representative household dataset, and public financial records, we find that corruption continues to be widespread in South Sudan, presumably due to the inefficacy of the country's accountability and transparency measures. These results are telling, particularly for practitioners, and our confidence in them springs from the fact that our data⁵ are robust to longstanding social science research paradigm.

Knowledge into governance provides an opportunity for policy improvements. Specifically, our findings provide the impetus for propagating policy transformations to minimize power abuse and to deliver on good governance in the country. Poor governance creates and/or amplifies fragility, which frustrates societal progress, partly as a result of the vicious cycle that continues unabated. De Waal (2014) notes that the current South Sudanese violence is associated with corruption (rent-seeking) and kleptocratic culture of the elite. The corruption-conflict nexus deserves special attention. This is because corruption is a form of injustice, which deprives the public of resources intended for services. As well, corruption sharpens socio-economic disparities between a handful of public sector top officials and the citizenry, and reduces the growth of private sector to employ the youth. These factors contribute to conflict.

Understandably, concerned politicians, practitioners, and the civil society organizations seeking redress to poor governance and its consequences can draw from our insights to amend or generate policies that are geared towards effectively fostering accountable, transparent, and productive system of governance in South Sudan. To this end, the new evidence stimulates policy dialogues and complements the underlying demand for systems reforms in the country. The remainder of the analysis summarizes our methodology and

⁴ Typical Global Integrity assessments provide detailed data and reporting on the mechanisms in place to prevent abuses of power and promote public integrity at the national, local, and sector levels. Using a blend of social science and journalism, in-country teams of independent researchers, academics and journalists report on the de jure as well as de facto reality of corruption and governance.

⁵ Global Integrity/Africa Integrity Indicators uses a range of methods to generate data, including media and field researchers 'on the de jure as well as de facto reality of corruption and governance.' The household surveys drew important information from thousands of respondents across the ten states of South Sudan.

data materials, details the findings on accountability and transparency laws and practice, outlines insights from national corruption perception studies, and concludes with recommendations for practice and future research agenda.

2 Methodology and Materials

There are two main sources of our data, both secondary. In 2007 and 2010, when the public became increasingly worried about government’s mishandling of their economic affairs, the ACC conducted nationally representative household surveys to gauge people’s perception on corruption and to recommend more robust mitigation and accountability measures if necessary. The surveys covered both rural and urban communities and considered other socio-demographic variables, including employment, gender, marital status, religiosity, and educational history. We quantitatively summarize these data to establish the extent of corruption and add to the existing knowledge on promoting accountability in South Sudan.

The second dataset comes from the Global Integrity Indicators/Africa Integrity Indicators (GII/AII) study, released in 2015. This is a longitudinal study that focuses on national social, economic, political and anti-corruption variables to assess conditions of governance, especially the way in which governments use political power to manage critical matters of development and social accountability. The study uses journalistic and conventional social science research methods of acquiring observational data. Since our objective is to assess the application of the rule of law to mitigate maladministration, we specifically focus on accountability and transparency sections of the study. The key information we have drawn upon includes available legal frameworks and people’s opinion on the enforcement of these instruments at the national level. Numerous statutes from acts and the constitutions are assessed, particularly on mandates and practice. *GII/AII* uses a scoring criterion for both existence of laws and enforcement, ranging from 0 to 100; 0 represents the absence of law and/or practice and 100 represents the presence of laws and/or enforcement⁶. Results are instructive of the nature of accountability and transparency practice in South Sudan.

Lastly, supplementary data come from the national Ministry of Finance and Economic Planning (MoFEP) on sectoral spending history. We use this information to assess accountability spending versus other sectors over a 9-year period. We also compare spending among accountability sector institutions. This information provides insights into understanding the capacity of the country’s accountability institutions.

The analysis uses both descriptive and inferential statistical evidence. In particular, multinomial regression analysis (results not reported) assesses the relationship between corruption identification and respondent’s educational attainment, as well as occupation (employment status).

3 Findings

3.1 Anti-Corruption, Accountability, and Transparency: Laws and Practice

⁶ For "in law" indicators, scoring criteria are provided for "Yes (100)" "Mixed (50)" and "No (0)" responses. For "in practice" indicators, scoring criteria are provided for 100, 50 and 0 – the researchers also have the option to score 75 or 25, whenever the higher or lower defined criteria don’t accurately represent the research’s findings.

South Sudan has a number of laws that forbid corruption, promote transparency, and sanction public scrutiny of the state activities. Penal Code Act, 2008 (sect. 87, 91, 92, 94, & 95), in particular, prohibits bribery, with serious consequences for offenders (GII/AII 2015). It mandates up to ten years of imprisonment for those found engaging in any class of corruption. The South Sudan Anti-Corruption Commission Act, 2009, authorizes the ACC to investigate and refers cases of corruption to the Ministry of Justice for judicial execution.

Unrestricted access to public information is one of the objects of South Sudan's Transitional Constitution, 2011 (TCSS) (sec. 32⁷), "which guarantees citizens the right to request public information from state bodies." A separate law, Right of Access to Information Act, 2013 (sec. 6 & 8⁸), complements the TCSS and unequivocally advocates for the citizens' right of access to information, public or private.

According to the GII/AII, the South Sudanese laws on accountability and transparency are incredibly wanting in practice. First, although corruption related crimes are investigated 25 percent of the time for those holding public office, the ACC is neither effective nor independent in discharging its functions to mitigate 'public sector corruption.' More specifically, the GII/AII's evidence indicates a score of zero (0) for the ACC's efficacy as well as independence. In addition, the level of enforcement for public procurements is as low as 25 percent, with zero (0) public accessibility to results and associated records. Records on natural resource exploitation, financial or otherwise, are also not accessible to the general public.

Part of the explanation for the ACC's ineffectiveness is that the commission lacks in frameworks "through which it could" monitor and document corruption across the nation. The second explanation is that the prevailing laws do not authorize the ACC to prosecute offenders and the Ministry of Justice, tasked with powers to prosecute, is yet to flex its muscles and engender impactful outcomes. The new political settlement might change this if it is implemented in full, with the ACC empowered to prosecute.

A third explanation is that institutional futility significantly thwarts the country's anti-corruption endeavors. South Sudan, as a nascent state, lacks the capacity and experience to optimally monitor and stamp out corruption (GII/AII 2015). The absence of political will to exhaustively combat corruption subsidizes state weakness. Part of the weakness of

⁷ Every citizen has the right of access to official information and records, including electronic records in the possession of any level of government or any organ or agency thereof, except where the release of such information is likely to prejudice public security or the right to privacy of any other person.

⁸ Article 6 of the Right of Access to Information Act guarantees South Sudanese citizens a right to information, whether from "public or private bodies," including electronic records in the possession of any level of government in South Sudan or any organ or agency thereof, "subject only to the provisions of this Act, except where the release of such information is likely to cause serious prejudice to public security or the right to privacy of any person, in accordance with exceptions provided for in this Act."

Article 8, Subsection (2) of the act reaffirms that "Nothing in this Act shall limit or otherwise restrict the disclosure of information pursuant to any other legislation, policy or practice."

the accountability institutions in the country is that they are considered under-funded compared to a number of other public sector entities⁹ (The Sudd Institute 2014).

Indeed, national budgets/expenditures since 2006 indicate that accountability has not been a government's lead priority (see Fig. 1). Instead, in the last decade, a great deal of financial support has been going to the public administration, the rule of law, and security sectors. Government's spending on accountability was roughly 9 percent in 2006, compared to 11.8 percent on the rule of law and 40.5 percent on security. The 2014 fiscal year indicates a marginal allocation for the accountability sector, amounting to 3.4 percent of the total budget. In contrast, public administration received 11.4 percent, the rule of law 17 percent, and security 35.5 percent. While there have been periods during which the accountability sector fared relatively better, on average, it has consistently lagged behind public administration, the rule of law, and security sectors. See Table 1 and Figure 1 in the appendix for more details.

We also explore how core accountability institutions compare among themselves in their access to state sponsored financial allocation, and show that the Fiscal Financial Allocation and Monitoring Commission has been consistently under-funded over the years (see Fig 2). In recent periods, the NBS and AC have been receiving more funding than the rest of the sector's institutions. Like other public sectors shown in Figure 1, there generally has been vacillation in accountability sector's spending. The NBS went from 1.04 million South Sudanese pounds in 2013 to nearly 74 million pounds in 2014. This over 70 times increase in the NBS' funding is presumably owed to the propagated census activities, originally slated to take place that year. On average, the NBS (50 percent) spent more than the rest of the sector's constituents over the period covered by this analysis. For instance, ACC spent 20.7 percent, AC 24.3 percent, and Fiscal Financial Allocation 4.8 percent. See Table 2 and Figure 2 in the appendix.

The accountability institutions assessment the Sudd Institute conducted shows that a few of the functioning accountability institutions draw much of their financial support from donors. The 2012/13 austerity measures instituted after the oil shutdown have compounded low budget constraints. As well, due to the current war, the donors have withdrawn a great deal of their support, weakening the institutions even further. "Lack of financial resources deprives these institutions of the human resources that they need to perform highly specialized tasks inherent in their mandates. "Another source of weakness for accountability institutions is that many of them lack pronounced presence at subnational levels, "except the National Bureau of Statistics (NBS)", which largely depends for its operations on donor funds from Norway (The Sudd Institute 2014).

Relatedly, corruption is increasingly becoming a common practice in the country, although it remains a widely debated problem in the population¹⁰. For example, it is a

⁹ Core accountability sector institutions include ACC, NBS, AC, and Fiscal Allocation and Monitoring Commission; public administration institutions include the Parliament, Office of the President, and numerous other executive bodies; security sector institutions include defense, DDR, and Demining; the rule of law institutions include the Judiciary, Law Review Commission, Interior, Justice, and Human Rights.

¹⁰ In DRC, for instance, corruption is widely accepted as a norm. Some interviews suggest that while ordinary Congolese do not judge other ordinary Congolese negatively for paying bribes because it is seen as unavoidable, they do view politicians negatively for their excesses.

ubiquitous practice for government officials in South Sudan to donate public funds to either the public itself or other entities without corresponding condemnation or demand for accountability from the citizenry. A recent case in point involves the president supposedly donating 1,000 farming contractors and other equipment¹¹, bought with the military pensions funds, to the ten states. While the president as a chief servant of the people is obligated to cater to the voters, the word ‘donation’ has little relevance to this decision. Could it be the case that many South Sudanese are not even aware and/or do not understand what constitutes accountability and that public resources belong to them? Additionally, lack of demand for accountability and public condemnation are functions of the current enabling environment. A crucial element of anticorruption success is citizenry cooperation, whereby whistle blowers come forward with information. This is absent in South Sudan, partly due to fear of reprisals and partly due to corruption having become an entangled web that leaves very few public figures untainted.

There are other instances where public figures have used public resources to demonstrate personal goodwill. This does not only constitute corruption, but also violates the social contract that makes government officials public servants. While initiatives such as increased spending in agriculture are desired, the people-to-government’s social contract demands that they be clearly pegged to the budgetary obligations of the political administration, not as a favor from individual politicians or civil servants.

Although typically investigated, rarely are allegations of corruption judicially attended to in South Sudan. This is well demonstrated by the fact that there have never been *known* corruption related prosecutions since the accountability measures were established nearly a decade ago¹². Several high profile cases¹³, investigated by the ACC and handed over to the Ministry of Justice for judicial action, remain untried. Similarly, the TCSS requires senior government officials to disclose their wealth as an important condition for employment. Unfortunately, the law does not advocate consequences for noncompliance, resulting in the statute being impractical.

Customarily, the government does not heed “citizens’ requests for public information, despite the laws that guarantee the rights of citizens to access public information.” In particular, media personnel and ordinary citizens seeking public information are often turned away or frustrated to abort their efforts. Research has shown that South Sudanese politicians and civil servants are sensitive to the idea of transparency, presumably owing to

¹¹. South Sudan's government announced yesterday that their president 'donated' 1000 tractors to the Ministry of Agriculture to boost food production. Officials were unclear as to whether the initiative was a private one headed by Salva Kiir, a government one or a joint public-private effort. <https://radiotamazuj.org/en/article/salva-kiir-donates-1000-tractors>

¹² Some of our interviews with public authorities, however, suggest that there have been at least 6 prosecutions that were not made public. Even worst, none of the officials alleged to have been prosecuted and found guilty were punished.

¹³ For example, there was a case in which millions of dollars were paid to contractors who did not deliver the supplies. Another case involved the alleged loss of \$60 million meant to transition the SPLM into a modern political party. And, there was the alleged loss of millions of dollars meant to construct John Garang Military Academy. Despite reports that investigations were carried out by the anti-corruption commission and that several investigations were conducted, nobody has been prosecuted.

a number of factors¹⁴ (GII/AII 2015). One such explanation is the history of war that has apparently entrenched the philosophy of secrecy as a way to guarantee political and physical safety. Thus, demand for transparency is considered an act of “spying.” More importantly, public figures fear research, thinking such constitutes a form of auditing. This is despite the fact that secrecy in and of itself implies evidence of corruption—that the public officials are hiding something.

Finally, the realm of public procurements presents a concern, as the country’s current legal infrastructure makes it an avenue for corruption, petty or grand. There are no active laws on procurement in South Sudan, but public procurements follow a supposedly open bidding process, which involves advertisement. Although large-scale public procurement projects are often advertised for competitive bidding pursuant to the Public Procurements and Disposal Bill, 2011, “there is no evidence that citizens have ever accessed the results and documents associated with procurement contracts” (GII/AII 2015).

3.2 *The Extent of Corruption in South Sudan*

This study uses the 2010 nationally representative household survey data to estimate the extent of corruption in the country. According to this study, we find that roughly 98 percent of the respondents believe that corruption exists in the country, up by about 9 percent from 89 percent in 2007, demonstrating a surge in corruption over time. This finding is consistent with the underlying evidence on the experience of other post-conflict environments (UNDP 2010). Likewise, 95 percent of these respondents think corruption is fundamentally serious. As many as 54 percent of the respondents express concern that corruption has increased over the years, with 97 percent of these individuals suggesting this problem is more entrenched in the public sector. What is more striking is that 98 percent of the studied subjects reported having encountered some form of corruption while seeking services. Unfortunately, due to an increasing demand for bribes and security related fears, only 25.6 percent of South Sudanese report such experience to concerned authorities.

The law enforcement constituency of the government features as a lead perpetrator of corruption in the country, with as many as 61 percent of the surveyed South Sudanese implicating the branch. In particular, the Judiciary seems to be the least committed government institution in the country’s strides toward combating corruption. This finding invokes the question of government’s commitment to eradicating or minimizing corruption in South Sudan. Although 43 percent of the respondents believe that the Anti-corruption Commission is quite committed, regrettably, only 35 percent of the studied population suggests that the government as a whole is very committed to fighting corruption.

3.2.1 *Key Correlates of Corruption Identification*

¹⁴ Most South Sudanese government agencies either have organized information archives or are unwilling to share information with citizens. South Sudanese civil servants and leaders are for the most part not used to openness and transparency. Thus, any requests for public information are met with suspicion. Experts attribute this to the country’s long history of conflict, which created an environment in which people believe in secrecy and shun transparency. On a number of occasions, journalists who have requested information of some government departments have been asked who they are “spying for.”

Human capital development is key to adequately understanding issues of governance. More generally and in South Sudan in particular, education plays a fundamental role. Well-informed citizens better understand and pursue their rights. The least educated a citizen is, for instance, the more likely they are to suggest the government is committed to fighting corruption. That is, not being formally educated is associated with a 36 percent probability of believing that the government is very committed to fighting corruption. This compares to 34 percent among those with formal education.

By extension, the logistic regression model we estimated suggests that those who are formally educated, unlike their uneducated counterparts, are 7.8 times more likely to report the prevalence of corruption in the country. Education, it seems, makes one more alert of and engaged in matters related to governance. Likewise, since corruption impacts on economic opportunities of individuals and the society at large, the survey considered employment as an important indicator. Thus, the unemployed respondents appear less optimistic about the government's commitment to combat corruption compared to those with jobs. Specifically, 30 percent of the unemployed believe the government is very committed. Among the employed, however, the corresponding proportion is a high 41 percent. Hence, being employed as opposed to being unemployed reduces one's belief on the existence of corruption by a high 67 percent¹⁵.

4 Recommendations and Conclusion

Drawing from institutional records (laws, regulations, and spending records) and survey data, this analysis finds ineffective accountability governance in South Sudan. It shows that corruption is entrenched in the country's public sector presumably due to the inefficacy of accountability and transparency measures. The under-performance of existing accountability and transparency measures is inextricably associated with weak institutions and the dearth of political will in the country.

The futility of political institutions to adequately regulate public sector affairs and curb economic crimes is a familiar phenomenon in post-conflict and recovery environments (UNDP 2010). This revelation partly calls for institutional building and reforms to positively impact governance. This is essential in light of prevailing transitional challenges, such as peace-building and development programming. Strengthening the capacity of current accountability and transparency institutions via legal instruments and human resource enhancement can go a long way in creating a climate conducive for managing corruption and engendering social justice for all. The present laws are either not enforced or have significant loopholes that render the enforcement impractical. The ACC, Ministry of Justice, Parliament, and the Judiciary require reforms in the application of accountability and transparency laws. These institutions should be armed with clear laws and competent manpower to investigate, adjudicate, and enforce punitive measures against offenders. Guaranteed independence and funding for these institutions could also address issues of obstruction from other organs of the government and operation. These guarantees are important because incomplete independence and fiscal constraints combine to frustrate anti-corruption efforts.

¹⁵ All our multinomial logistic regression model results are statistically significant at 95 percent confidence level. The model empirically associates corruption identification/understanding with respondent's educational attainment.

An empowered citizenry typically holds its state authorities accountable. The present study shows that formally educated citizens are more likely to detect corrupt (fraudulent) activities and adequately appraise the level of effort the state authorities exert in the fight against corruption. Recognizing the role of formal education in fostering an effective anti-corruption campaign is imperative. Increased investment in education to boost literacy rates and analytical capacity of the nation may partly aid in successfully combating corruption.

Media plays a key role in exposing frauds and maladministration. In addition to the recently passed media laws, the state needs to partner with the press houses and civil society institutions at large and empower them financially to assist with surveillance and investigative tasks. To be effective, a substantial level of security protection for these groups is required, which the state should guarantee.

Incentives generally supplement good anti-corruption laws. Low salaries entice bribery or petty corruption, which consequently undermines economic production of a society. Accountability institutions could make good use of extra incentives to curtail corruption. The incentives should be attached to the performance of an institution as a whole, as well as individual staff.

Since 2006, the government has been on records rebuking corruption and proclaiming zero tolerance for it. In practice, however, it has been missing in action in terms of political will¹⁶ and enforcement. Over the years, the government has done not more than investigating corruption related cases, indicating little intent by political actors to stamp out corruption (Brinkerhoff 1999). No known court cases have ever been heard. To be considered credible and not appear coerced in its commitments toward anti-corruption programming, the government needs to proactively implement the existing laws. GoSS does not engage in mobilizing the grassroots for support pursuant to anti-corruption enforcement and mostly funds salaries for the ACC staff. Other than public statements on corruption, the government lacks definitive anti-corruption strategies obtained from a rigorous analytical project (Brinkerhoff 1999). Thus, the government ought to validate its political commitment against corruption through thorough understanding of the matter and action so as to attain credibility. Credibility stems from satisfactory application of sanctions, which demonstrate ‘a greater degree of political will’ (Brinkerhoff 1999).

Transparency laws are also lacking in implementation. This retards the ability by the general public and the government to optimally respond to corruption related consequences. In addition to state budgets and expenditures published annually by the MOFEP, citizens’ access to public information in other areas should be guaranteed. All state financial records, be they debt or revenue, need to be publicly accessible. A complementary strategy for obtaining satisfactory transparency across all public institutions concerns passing the Public Procurement and Disposal Bill, 2011. The underlying lack of definitive procurement laws makes resultant abuses difficult to regulate. While observing institutional independence is greatly emphasized in this analysis, comprehensive reforms on transparency need to advocate for collaboration across all

¹⁶ According to Brinkerhoff (1999), political will refers to the intent of societal actors to attack the manifestations and causes of corruption in an effort to reduce or eliminate them. It is defined as: the commitment of actors to undertake actions to achieve a set of objectives-- in this case, anticorruption policies and programs-- and to sustain the costs of those actions over time. This commitment is manifested by elected or appointed leaders and public agency senior officials.

public institutions. This could streamline the system and minimize misuse of public resources.

Finally, corruption and political violence are inextricably linked, with proven reversed causation. Thus, strategies aimed at addressing corruption need to incorporate the ultimate objective of achieving political stability. This is because corruption weakens the state, obstructs economic growth, and thwarts democratic processes (O'Donnel 2006).

Future research can benefit from exploring the role of corruption on the effectiveness of a number of national projects in this new context. A project worthy of policy analysis could be the constituency development funds (CDF), which was instituted along side conditional transfers to deliver basic services at subnational levels. The CDF is now suspended due to lack of funds but how effective this development initiative might have been remains unknown. A supplementary analysis may be conducted on how the government monitors spending and project outcomes. So far, little exists on institutional monitoring of funds and program activities, invoking the importance for an assessment. Insights from these analyses could inform government decisions on how to best allocate and account for resources to ensure development.

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Appendix

Table 1. Spending proportions by sector, 2006-2014

| Year | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | Average |
|-----------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
| Accountability | 0.087 | 0.030 | 0.125 | 0.088 | 0.106 | 0.138 | 0.048 | 0.131 | 0.034 | 0.085 |
| Economic Functions | 0.021 | 0.025 | 0.041 | 0.027 | 0.038 | 0.024 | 0.022 | 0.022 | 0.048 | 0.031 |
| Health | 0.046 | 0.028 | 0.022 | 0.026 | 0.028 | 0.027 | 0.047 | 0.052 | 0.076 | 0.044 |
| Natural Resources | 0.040 | 0.045 | 0.037 | 0.047 | 0.037 | 0.017 | 0.037 | 0.033 | 0.052 | 0.038 |
| Public Administration | 0.062 | 0.097 | 0.097 | 0.091 | 0.168 | 0.384 | 0.146 | 0.092 | 0.114 | 0.143 |
| Rule of Law | 0.118 | 0.106 | 0.098 | 0.140 | 0.132 | 0.080 | 0.130 | 0.149 | 0.170 | 0.130 |
| Security | 0.405 | 0.491 | 0.358 | 0.373 | 0.301 | 0.206 | 0.401 | 0.404 | 0.355 | 0.361 |
| Humanitarian Affairs | 0.029 | 0.016 | 0.016 | 0.010 | 0.014 | 0.015 | 0.015 | 0.005 | 0.011 | 0.014 |
| Infrastructure | 0.116 | 0.066 | 0.151 | 0.136 | 0.120 | 0.080 | 0.107 | 0.059 | 0.064 | 0.097 |
| Education | 0.076 | 0.096 | 0.055 | 0.062 | 0.055 | 0.027 | 0.047 | 0.052 | 0.076 | 0.058 |

Table 2. Proportions of spending within accountability sector, 2006-2014

| Year | Institution | | | |
|---------|-------------|-------|-------|-------------------|
| | ACC | AC | NBS | Fiscal allocation |
| 2006 | 0.091 | 0.065 | 0.784 | 0.060 |
| 2007 | 0.142 | 0.142 | 0.644 | 0.072 |
| 2008 | 0.227 | 0.122 | 0.567 | 0.085 |
| 2009 | 0.303 | 0.161 | 0.395 | 0.142 |
| 2010 | 0.326 | 0.256 | 0.355 | 0.063 |
| 2011 | 0.231 | 0.571 | 0.150 | 0.048 |
| 2012 | 0.355 | 0.324 | 0.258 | 0.062 |
| 2013 | 0.320 | 0.342 | 0.278 | 0.060 |
| 2014 | 0.130 | 0.198 | 0.657 | 0.016 |
| Average | 0.207 | 0.243 | 0.502 | 0.048 |

Fig. 1. Accountability spending vs. other sectors, 2006-2014

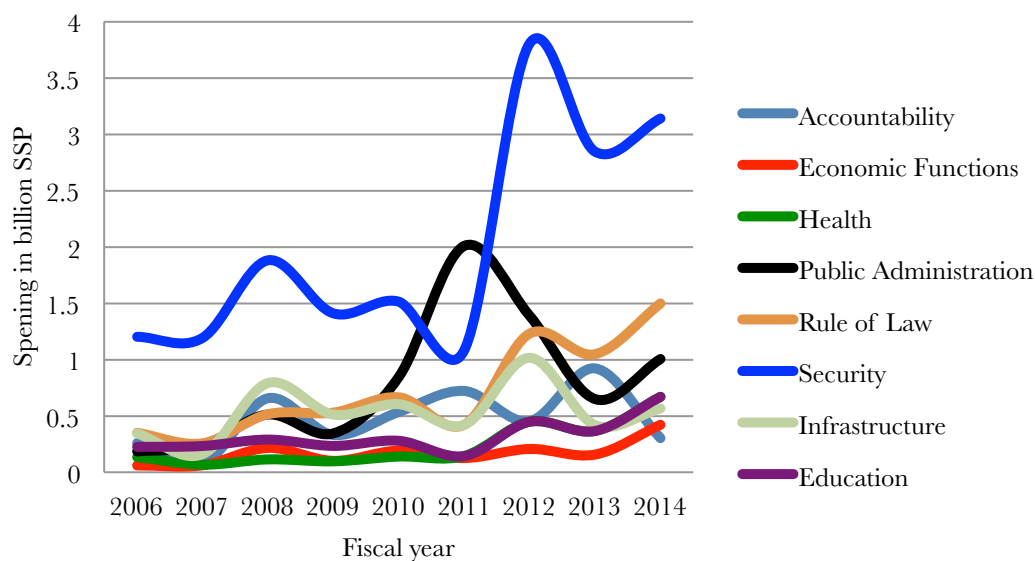
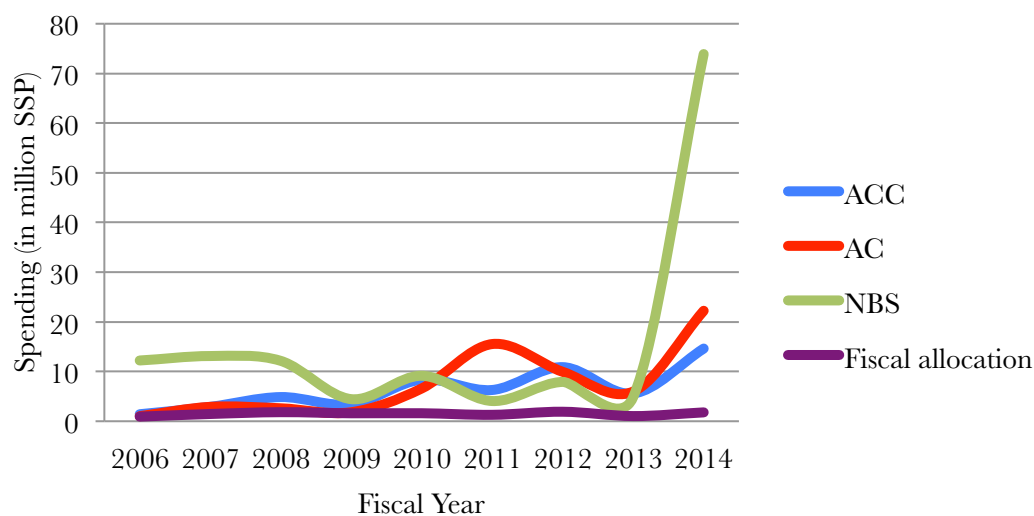


Fig. 2. Spending variations within accountability sector, 2006-2014



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.

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