

**SOUTHERN SUDAN'S STRATEGIES  
TO PREVENT, DETECT AND RESPOND TO  
CORRUPTION**

**Paper Presented at the Public Works Conference on  
“Zero Tolerance Stance on Fraud and Corruption”**

**Boksburg, Birchwood Hotel, South Africa**

**25 – 26 September 2007**

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# **INTRODUCTION**

## **1. Background**

In accordance with the provisions of Article 59 (2:b) of the Interim Constitution of Southern Sudan (ICSS) 2005, the Southern Sudan Anti-Corruption Commission (SSACC) was established on the 26<sup>th</sup> June, 2006 by Presidential Decree. The SSACC is to spearhead the Government of Southern Sudan's (GoSS) fight against corruption, working with other GoSS institutions to realise a comprehensive/holistic approach that embraces the public institutions, private sector and civil society. It is established as an independent institution in Southern Sudan, to be responsible for the investigation of cases of corruption with a view of protecting public property, combating administrative malpractices in public and private institutions and enterprises in Southern Sudan and requiring under the ICSS, 2005 that all public office holders make a declaration of their income, assets and liabilities. The Commission is independent, impartial and exercises its powers and performs its functions in an open, objective, transparent and non-discriminatory manner without fear, favour or prejudice.

This Commission is the first of its kind in our history. We are starting from scratch and yet we have the task and challenge to prevent and combat corrupt practices. This necessitate an understanding of the ways in which Southern Sudanese perceive the concept of corruption and to learn what they consider to be the most appropriate and effective ways of rooting it out of the society on a permanent basis.

The historic Comprehensive Peace Agreement (CPA) which was signed in January 2005 after decades of protracted civil war between the south and north of Sudan was a landmark occasion in the history of Sudan. The peace process has brought about the opportunity for Southern Sudan to rebuild the social fabric that was destroyed by war. The peoples of Southern Sudan expect peace dividends. They assume that peace will be translated into development (better roads, schools, water and housing etc.). These elusive dividends have yet to be realised for the vast majority of the Southern Sudanese peoples.

States such as Southern Sudan in transition from war to peace face several challenges including security, legitimacy and good governance issues. The connection between civil war and state failure has heightened the importance of an effective and responsive government in establishing peace. Rebuilding governance means restoring legitimacy, reducing inequalities and creating accountability. The GoSS has made a commitment towards achieving this. The establishment and adoption of the Interim National Constitution (INC) of the Republic of the Sudan is crucial to the development of Southern Sudan as a state that strives to adhere to the principles of good governance. In addition, the Interim Constitution of Southern Sudan (ICSS) provides the framework to facilitate GoSS, the civil society and all the people of Southern Sudan towards creating social arrangements - namely, institutions, principles, processes and mechanisms that establish a fair and just society for all.

In protecting the rights and welfare of citizens, the constitution empowers the government to establish independent institutions necessary to promote

the welfare of the people through good governance and justice. The independence of the institutions enables and facilitates the operations of government to nurture strong institutions that can manage the delivery of services, have checks and balances in government, respect to the principles of separation of powers as well as in the event of government excesses.

## **2. Current Situation**

As a new state, the GoSS has established the SSACC to ensure that corruption is not entrenched in the new government. The SSACC is meant to ensure that corruption does not damage the emerging state by sensitizing the nationals on the phenomenon of corruption and encouraging them to take action against the vice. This is also meant to serve as a preventive strategy, particularly for public service offices which are currently in the establishment phase.

The 2006, corruption rankings rated Sudan 143 out of 169 countries in the World Democracy Audit. The GoSS has shown political good will and cooperation to deal with corruption through the establishment of the SSACC as a Constitutional Commission. The Commission, in recognition of its wide mandate, is aware of the importance of creating public awareness on all aspects of corruption, so as to effect fundamental changes in the attitudes of peoples of Southern Sudan towards corruption. Along with other institutions, it participated in investigations that led to the dismissal of high ranking government officials in the Ministry of Finance and Economic Planning. It also participated with other institutions in a review of all GoSS contracts for 2005-2006. Both activities were bold steps for the young

nation, but they provided well needed direction on the way the country does not wish to go.

The media, the public and the entire society of Southern Sudan is already speculating about corruption and its effects on our very young nation. There is however, no agreed-on understanding of the meaning, level and magnitude of corruption and administrative malpractices in Southern Sudan. The institutions that are involved and mandated to prevent and combat corruption and administrative malpractices, headed by the SSACC are just beginning operations. Most of the laws, including the Anti-corruption Bill have not yet been enacted by the Southern Sudan Legislative Assembly (SSLA). The Bill is currently with the Ministry of Legal Affairs and Constitution Development (MOLACD) and should be taken to the SSLA before the end of this year. This limits the work of the SSACC.

The government's stance, headed by the President, General Salva Kiir Mayardit and the SSACC are resolved to rapidly get established and in a participatory manner develop and implement the Southern Sudan National Policy and Plan of "Zero Tolerance for Corruption".

### **3. Organisational structure**

The SSACC reports and account to the President of GoSS and the Southern Sudan Legislative Assembly. The Commission is made up of a Governing Body headed by a Chairperson. There is a Deputy Chairperson and three Members (all appointed by the President and approved by the Legislative Assembly); a Management Team headed by an Executive Director, assisted by the Director Generals and Directors. The Commission has four main

Directorates namely: the Directorate for Corruption Prevention and Education; the Directorate for Investigation and Legal Services; the Directorate for States Coordination and Capacity Building and the Directorate for Administration and Finance. In addition, it has a Director for Public Relations, Internal Audit and Donor Coordination. These three Directors report directly to the Chairperson. When fully established, the SSACC should have a total workforce of 292 persons for its eleven offices across Southern Sudan.

#### **4. Vision**

To ensure that corruption is not an impediment to the enhancement of development and good governance in Southern Sudan by creating a highly ethical society that is resolute in combating corruption unwaveringly to attain “Southern Sudan, a Corruption Free Country”.

#### **5. Mission**

To ensure that the country’s resources go to the desired development projects by expanding ethics and anti-corruption education; examining the practices and working procedures in public offices and enterprises of GoSS and the ten states governments, thereby plugging loopholes that are believed to be conducive for committing corruption. Exposing, investigating and prosecuting alleged corruption offences where they are committed in public or private offices or enterprises related to resources intended for the benefit of the people.

## **6. Objectives**

- In collaboration with relevant bodies to strive to create an aware society where corruption will not be condoned or tolerated, by promoting ethics and anti-corruption education;
- In collaboration with relevant bodies, to prevent corruption offences and other improprieties;
- To expose, investigate and prosecute corruption offences and improprieties.

## **7. Principles and Core Values**

The SSACC promotes the following principles:

Integrity, loyalty, transparency, confidentiality, honesty, accountability, serving the public interests, exercising legitimate authority, impartiality, respecting the law, responsiveness, and exercising good leadership.

In addition the Commission also promotes the following values:

- Serving as an ethical model
- Showing the maximum determination and perseverance in fighting corruption
- Recognising the public as the major partner in the fight against corruption, and
- Building an ethical society.

## **8. Functions of the Commission:**

- To protect public property

- To investigate cases of corruption involving public property as well as in the private sector
- To coordinate with any agency of government and other bodies regionally and internationally in the investigation of cases of corruption
- To combat conduct which tends to promote or encourage corrupt practices in public affairs
- To combat administrative malpractices in public institutions such as nepotism, favouritism, tribalism, sectionalism, gender discrimination, bribery, embezzlement and sexual harassment
- To enlist and educate the public and foster public support in preventing and combating corrupt conduct and practices
- To implement, ensure and monitor the leadership code of conduct.

## **9. Corruption Prevention and Education Directorate**

The key objective of this directorate is creating an aware society (in cooperation with relevant bodies) where corruption will not be tolerated by promoting anti-corruption and ethics education. It also publicises the Commission's vision, mission, objectives, powers, duties, programmes and activities.

In discharging its functions, the Directorate uses a wide variety of tools and channels of communication, including media, posters, flyers, brochures, newsletters and magazines.



It also gives face-to-face trainings. In addition, it provides the necessary support to public offices and enterprises in establishing their own anti-corruption units and follow up their effective and efficient functioning. All the activities and efforts of this Directorate are geared towards the effective and sustained prevention of corruption, through the enhancement of ethics and anti-corruption education.

The Directorate has three departments:

- Communications and Public Awareness
- Research and Information
- Ethics, Integrity and Quality Assurance

These are headed by directors, who in turn have two assistant directors under his/her supervision.

## **10. Corruption Investigation and Legal Services Directorate**

This directorate consists of four departments, namely; the Investigation, Asset Tracing, Public Information and Forensic Investigations.

The Directorate is authorised to investigate or cause the investigation of any alleged or suspected corruption offences where they are committed in public or private offices or enterprises of GoSS or the states. It is also obliged by law to investigate or cause the investigation of any complaints of serious breaches of codes of ethics in public offices or public enterprises and follow up the taking of proper measures.

The Directorate receives tip offs from whistle blowers on alleged corruption offences and ethical infringements, investigates them in the order of their seriousness and transfers them to the authorities for prosecution in the Ministry of Legal Affairs and Constitutional Development. If it deems it necessary, it may require an individual or public office or public enterprise to produce relevant documents and provide appropriate information for examination.

Accordingly, any public official or public employee is obliged by law to show or produce relevant documents or information when requested by the Directorate. Moreover, the former are duty bound to report to the Directorate where they have reasonable suspicion that corrupt offences are or are about to be committed. The Directorate, on its part, is responsible to provide physical and job security protection for witnesses and whistle-blowers.

When fully established, the Directorate will have 40 professionals of which eight are security guards. Investigators are bound by law to apply to courts for restraining orders on any property acquired through the Commission for corrupt offences.

## **11. Administration and Finance Directorate**

When fully established, the Directorate of Finance and Administration will have a workforce of seventy. It will be the hub of the institution, providing the needed and necessary support for the coordination and operation of the programmes and activities in the Commission. It consists of four units:

- Finance
- Assets Administration

- Human Resource Management and Training
- General Services and Information Technology.

The Directorate also deals with recruitment, training and capacity building. It facilitates the work in the ten States in Southern Sudan, in close partnership with the Operations Directorates (Corruption Prevention and Education, States Coordination and Capacity Building and Investigations and Legal Services).

There are two Director Generals in this Directorate. One is responsible for all matters dealing with Finance. The other deals with matters relevant to Human Resource Management and Training, General Services, Assets Administration and Information Technology at the head quarters and in the states anti-corruption offices.

## **12. Directorate of States Coordination and Capacity Building**

The Directorate for State Coordination and Capacity Building will ensure the establishment and efficient functioning of the ten state anti-corruption offices.

These offices will be established in accordance with the law and in consultation and collaboration with state governments and the GoSS head office. The Directors of Anti-Corruption at the State level will be recruited by the Human Resource and Development Units in the states after advertisements are placed in the mass media.

Applicants who meet the requirements will be interviewed by a panel of at least three persons of a higher grade. The three applicants with the highest score will be recommended to the State Governor who will appoint one of the three. That appointed person must be approved by a simple majority of the State Legislative Assembly. The Director of anti-corruption at the state level should have the following minimum qualifications.

- Be a university graduate
- Not convicted by a court of law for a case involving moral turpitude
- Qualified women are encouraged to apply
- Be able and willing to work in any State in Southern Sudan

Capacity building of state level personnel will be streamlined by the Head Office to ensure uniformity in approach, standards, monitoring, evaluation and promotion.

### **13. Anti-Corruption Strategies for Southern Sudan: Good Governance, Rule of Law and Accountability**

It must be noted that institutional corruption is not yet a major hurdle for Southern Sudan. The establishment of the SSACC is intended to create a corruption sensitive culture where all citizens and government officials at all levels will recognize corruption, and where possible shun its practice and entrenchment in both the public and private sectors. The Commission hopes to integrate at the offset, minimum guidelines and principles within the public sector to ensure that service delivery does not yield itself to vulnerabilities of corruption, thereby establishing a corrupt free state.

The strategy (not yet fully articulated) has an integrated threefold approach:

- A perception survey and analysis
- Design of a comprehensive multi-sector anti corruption strategy using results obtained from the situational analysis
- Implementation of the strategy

The SSACC has to make informed decisions on the approach to take in order to effectively fight corruption in Southern Sudan. Currently, no studies exist that could inform the Commission on the incidences and pervasiveness of corruption. It is therefore necessary that the Commission carries out an exploratory study to gather intelligence which will assist in making effective interventions on corruption in Southern Sudan. This study will achieve the following:

- Information on the communities and understanding of the concept of corruption
- Establish the areas in which corruption occurs in private, governmental and other sectors, its forces and dynamics.
- Establish how corruption occurs in the various environments and the peoples perceptions of it.
- Establish the causes and motivations to engage in corruption by various individuals.
- Identify the information gaps there are with respect to understanding the practice of corruption.
- Establish the various audience groups that need to be targeted with information on corruption.
- Establish the information needs of the various audience groups that need sensitization.

- Determine an effective design and production of communication and advocacy materials for the various audiences and determine the society's media use and channels of effectively and efficiently reaching them.
- The study will determine the media channels available and the preference of target audiences and determine the appropriate media for reaching each of them including conversational, folk and traditional media.
- This study will also contribute to the cumulative knowledge necessary for the formulation of anti-corruption policies, planning of anti-corruption campaign activities and provide benchmarks for evaluation of corruption levels and trends in Southern Sudan in future.
- The study will inform the communication strategy and the design of messages that appropriately respond to the problem.

The fully fledged campaign will not be launched until the situational analysis has been conducted to inform the communication strategy design and implementation of the same.

In broad terms the desired impact of the anti-corruption strategy is to bring about effective behavioural change through different mechanisms:

- Building awareness of corruption and its various forms through public information and education, public debates and discussion
- Transforming public awareness to stewardship and advocacy roles where citizens promote the protection and safeguarding of public resources whilst keeping the issue of corruption at the forefront.

- Promoting government’s implementation of structural reforms and the anti-corruption strategy through democratic institutional building, promotion of democratic values and serving a “watchdog” role of the reforms.

We propose three approaches to the implementation of the SSACC anti-corruption strategy. The first is to create awareness on anti-corruption, second is to strengthen the institutional capacity of public institutions and thirdly is the need to collaborate with organisations and institutions which are already in place to ensure longevity of the campaign.

The SSACC is not intended to be primarily a punitive institution. However, it will work very closely with the law enforcement agencies and other governance institutions to ensure that those members of our society who are found guilty of the abuse of power and public resources should not escape the full brunt of the law (and all are equal in the eyes of the law)!

#### **14. SWOT ANALYSIS**

This Commission as it plans strategically to prevent corruption at all levels in society, it is both challenged and privileged. This analysis acknowledges its strengths and weaknesses and at the same time seeks out opportunities while recognising the constraints (threats). The analysis here, however, is not exhaustive, but will be reviewed continuously as the situations change.

## **14.1 Strengths**

Among other things, the following can be attributed as our strengths:

- i. Leadership support and will is confirmed and unwavering on the war against corruption; i.e. the President wears our (SSACC) badge and has been cited on several occasions, public and private, speaking out against corruption
- ii. The corrupt acts if already committed are still fresh and crude, and thus relatively manageable
- iii. There is a public outcry against corruption and willingness to support any fight against corruption throughout Southern Sudan
- iv. Regional and international support
- v. Staff composition, commitment and strengths have the potential and capacity to build a formidable force for the Anti-Corruption battle
- vi. Prudent management and improved institutional framework with well-defined duties, functions and responsibilities within each Directorate and the Commission as a whole.

## **14.2 Weaknesses**

Some of the weaknesses SSACC have are hereby listed below:

- i. Constitutional limitation in the powers of prosecution (SSACC after investigations, submits its findings to the Ministry of Legal Affairs and Constitutional Development for necessary action [Ch. 3 148:1(b)]; Also SSACC has no power to question the decision of any justice, judge, magistrate or court registrar where such decision was made in the discharge of the functions of his or her office [Ch.3: 148 (2)]



- ii. Insufficient staff remuneration, that may demoralise and reduce staff performance and can lead to increased staff turnover
- iii. Inadequate office space, few computers and inadequate transport hampering operations
- iv. The infancy stage with developing structures, capacity and mechanisms (and the lack of the legal framework) limits activities in spite of growing public demand for information on activities of the SSACC
- v. Under funding from the government coupled with delays in receiving even the approved budget, limits operations, especially to the ten states of Southern Sudan
- vi. Difficult to deal with funds/assets stacked outside Southern Sudan because Southern Sudan is not a signatory to Regional International Conventions on Anti-Corruption. There are also no bilateral agreements that provide jurisdictions for across the border and external investigations
- vii. Few operational staff resulting in an overload of work and responsibilities, thus reducing efficiency.

### **14.3 Opportunities**

- i. Assets/funds recovery is very possible as those who are believed to have stolen public money or property were not careful enough to cover the paper trail. Detection and tracing may not be too complicated
- ii. The public is already concerned, aware and eager to fight corruption. This is measured from the response in the media each time the subject of corruption is mentioned

- iii. External partners, anxious to ensure that their funds are utilized for development purposes support the fight against corruption. This provides an opportunity for SSACC to deal with some of the corrupt practices in these institutions as we work together for the same cause
- iv. Qualified Southern Sudanese living outside the country are slowly returning home.

#### **14.4 Threats (Constraints)**

- i. Susceptibility of some staff to tendencies of corruption as a result of low remuneration e.g. bribery
- ii. Lack of cooperation from institutions and individuals under scrutiny, including denial to access information as there is still no legal framework to enforce access
- iii. Dealing with highly placed individuals and companies that have backing from people who wheel political, military and economic power
- iv. Lack of legislation for whistleblowers and protection of witnesses
- v. Lives of SSACC staff pursuing a case can be endangered and there are no clear protection and insurance laws
- vi. Tribalism/ nepotism may take precedence over corruption i.e. a suspect may command support, protection and sympathy for being a member of a certain tribe or clan regardless of guilt or innocence

- vii. Operating in a state of traumatised people, having just come out of war and the presence of large quantities of illegal small arms
- viii. Public confidence and support may dwindle and eventually get lost, if quick legal actions and the proper handling of suspected cases of corruption are retarded.

### **14.5 Conclusion**

The peoples and its nation, Southern Sudan, cannot afford losing its hard earned peace to this enemy called corruption. The SSACC in its strategies to detect, prevent and combat corruption, commits itself to carry its task with prudence. The strategies being adopted now will include milestones for continuous review, monitoring and evaluation, to guard against complacency at some stage. This Commission operates as a learning institution and will work with all stakeholders to make Southern Sudan a corruption free country.