

Stolen Assets Must be Returned to the South Sudanese People

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Recently, the president of South Sudan, Salva Kiir, called for global support to recover assets stolen by South Sudanese elites and deposited into foreign bank accounts or spent on purchasing properties in foreign countries. This is not the first time President Kiir has expressed a desire to tackle elite corruption in his country. In past cases, however, there has been no effective follow through, leaving the situation unchanged and the stolen assets in the hands of those who stole them.

This time it can, and should, be different.

President Kiir could demonstrate his commitment to action by giving real autonomy and support to the domestic agencies that are authorized to counter corruption and by operationalizing collaborative efforts between his government and international agencies. Both of these steps would work only if independent investigators were allowed access to financial information of top officials of the government, right up to the presidency. If instead anti-corruption efforts become a tool to target political opponents, it will have no impact on good governance and only serve to undermine confidence in future anti-corruption initiatives. Recent news of convictions in a case involving the reported theft of \$14 million from the presidency is encouraging, but questions abound as to how such an effort will be followed up and further high-level corruption will be targeted.

In order for President Kiir's call for global support for asset recovery, specific steps could be taken by his government that would lay the groundwork for meaningful implementation. His government could:

1. Issue an official request for global assistance in asset recovery, specifically to the governments of the United States, United Kingdom, Australia, and Kenya. President Buhari of Nigeria recently issued a similar request, and this type of request helped to spur an effective asset recovery process in Kazakhstan.
2. Spearhead and fully resource an independent audit of government departments suspected of massive leaks of funds both before and during the conflict, including his own office.
3. Task government agencies with implementing mechanisms to enforce banking and procurement transparency. In particular, procurement transparency should include requirements for the publication of contract amounts, beneficial ownership information, and other pertinent data, in line with the principles of the Open Contracting Partnership.
4. Ensure that civil society and media organizations focused on investigating and reporting on corruption can do so in a safe space without fear of retribution.

With these steps taken, the U.S. and other governments should respond by providing tangible assistance to investigations through the Department of Justice's Kleptocracy Asset Recovery Initiative and, for transactions that appear to have been conducted in U.S. dollars, through investigative tools available to the Treasury Department's Financial Crimes Enforcement Network. The State Department should prioritize this assistance in engagement with other countries critical to the asset recovery process, and USAID should evaluate effective means to support critical institutions.

President Kiir has opened up a critical conversation just as he did in 2012 when he addressed a letter to 75 top officials asking for the return of \$4 billion that were stolen and taken out of the country. Since that time, the looting has continued and too often anti-corruption measures have been used as a political tool to target political opponents. The Transitional Government of National Unity will need to address serious economic, humanitarian and political challenges and will need the support of the donor community. Demonstrating that graft and corruption will no longer be tolerated is an essential element in building back trust.

In order to set South Sudan on a new path forward, we call on President Kiir to show the South Sudanese people and the international community that he means what he says and that The Transitional Government of National Unity will act on these words in the interest of the people. The era of impunity can be brought to an end, restoring investor and donor confidence as well as laying the groundwork for a lasting peace.

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