

# Safeguards to Peace

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## Steps Toward Economic Governance in South Sudan

By Mark Ferullo  
March 2019



Cover: A woman receives emergency rations.  
Agok, Sudan. May 2008. Photo: UN Photo/Tim McKulka.

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### Executive Summary

Hundreds of thousands killed,<sup>1</sup> injured, and raped.<sup>2</sup> Millions more displaced.<sup>3</sup> After five years of violence in South Sudan, the peace agreement signed in September 2018 is a hopeful attempt to end the corruption-fueled war.<sup>4</sup>

But this is an uncertain time in South Sudan. The overall commitment to the peace agreement is low and implementation of some key provisions of the agreement has stalled completely. At the same time, President Salva Kiir continues to control South Sudan's violent kleptocratic system of government that has deliberately constructed an infrastructure for corruption and private gain for its leaders. A peace agreement that is founded on this corrupt system is at high risk of crumbling because the system perpetuates a cyclical, competitive, and at times violent contest for power. In this system, the people of South Sudan suffer.

### An Economic Governance Strategy...

To avoid backsliding into war, a deliberate strategy is needed to address South Sudan's weak economic governance—the institutional structure and regulations that monitor and guide the functioning of a fair, accountable, and transparent economy. Without bold and innovative reforms and swift consequences for systemic corruption, the state's economic resources will remain the ultimate prize—one that, as years of war have proven, is worth fighting over.

South Sudanese outside the leadership of the violent kleptocracy, such as civil society, youth groups, and opposition leaders, have consistently demanded an end to entrenched corruption. For South Sudanese fed up with the kleptocracy, the peace agreement is an opportunity to position economic governance reforms front and center during the implementation.

International supporters should follow the lead of South Sudanese civil society and chip away at the very foundation of the country's violent kleptocracy. Narrowing nonemergency donor assistance to support discrete aspects of South Sudan's economic governance would limit donor exposure and help to reestablish trust in the country's leaders.

**International supporters should follow the lead of South Sudanese civil society and chip away at the very foundation of the country's violent kleptocracy.**

### **...That Includes Financial Pressures and Incentives...**

This pre-transitional period before the three-year unity government forms is a rare opening to improve economic governance—but the leaders of the Kiir-led kleptocracy will not voluntarily dismantle the infrastructure of corruption they have built.

To motivate Kiir and the transitional government to stick to the peace agreement and adopt the recommendations in this report, international donors and partners should rely on financial incentives. The need to finance the peace agreement and boost the post-war economy provides international leverage to champion reforms. In particular, a coordinated international strategy should link financial assistance—which the government has requested—to the implementation of anti-corruption recommendations outlined in this report.

Financial pressures aimed at altering the kleptocracy's incentive structure should work alongside the financial incentives. Tools of financial pressure, including targeted network sanctions and anti-money laundering enforcement, should be deployed against the government and corporate actors both inside and outside the country who enable and profit from the violent kleptocracy. Until the infrastructure of the system Kiir leads is dismantled, the incentives to crater the rule of law and undermine good economic governance will be too strong.

### **...Should Begin to Dismantle the Violent Kleptocracy**

The Enough Project recommends 10 steps that would incorporate financial safeguards and economic oversight into the peace agreement.<sup>5</sup> These initial recommendations are not comprehensive but rather focus on specific policies that South Sudan and international supporters should jointly enact to lay the groundwork for a more transparent, inclusive, and responsive government.

When combined with financial pressures aimed at altering the leadership's incentive structure, these recommendations—which are detailed in this report—should begin to dismantle the violent kleptocracy and also support economic governance reforms that can help to prevent a return to war.

- I. Install Central Bank Technical Advisory Body (page 10)
- II. Appoint AU Transparency Envoy (page 12)



- III. Start Independent National Audit (page 14)
- IV. Build e-Transparency Online System (page 16)
- V. Set Up South Sudan Forum on Asset Recovery (page 18)
- VI. Establish International Commission Against Impunity (page 20)
- VII. Promote Gender Equality and Economic Opportunity for Women (page 22)
- VIII. Elevate Role of the Independent Boundaries Commission (page 24)
- IX. Complete Corruption and Governance Review (page 26)
- X. Broaden South Sudan Reconstruction Board (page 28)

## Introduction

Less than a year after South Sudan's independence in 2011, corruption was rampant and Kiir was looking for a scapegoat. In personal letters sent to 75 former or then South Sudanese officials on May 3, 2012, Kiir pinned the runaway mismanagement and looting on the country's leaders who "forgot what we fought for and began to enrich ourselves at the expense of our people." He estimated that \$4 billion<sup>6</sup> had been lost from the government's treasury.<sup>7</sup>

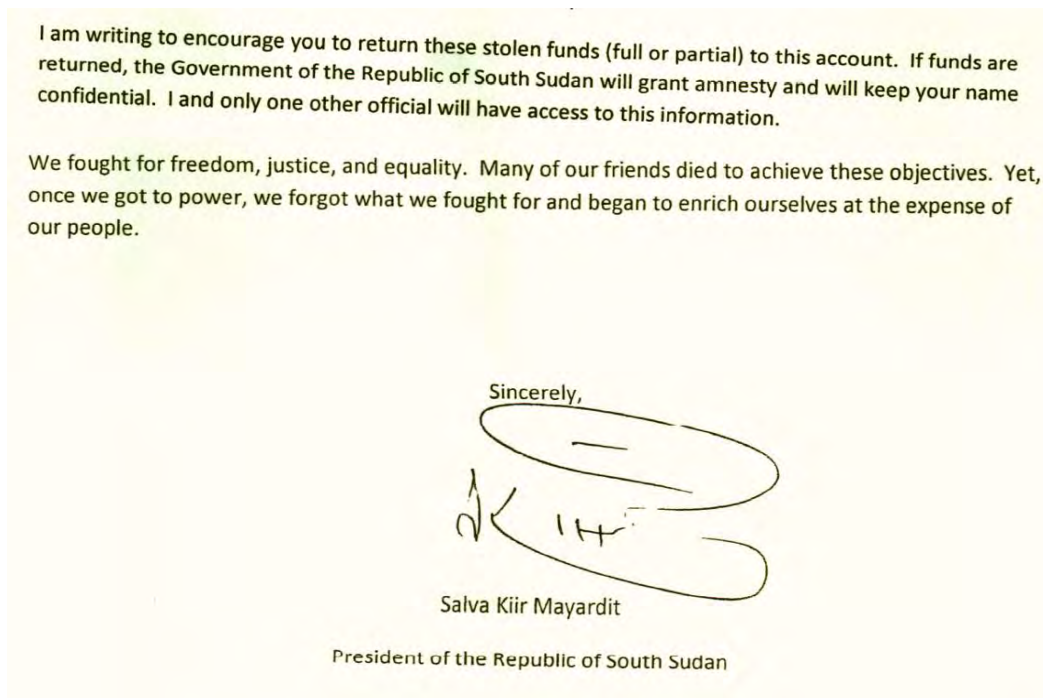


Photo: Abridged text of a letter that Kiir sent to select government officials. May 2012.<sup>8</sup>

The personal letters were a quiet attempt to recover state resources, and a stunning admission that the country's new institutions had failed to prevent individuals from stealing state resources. But under Kiir's kleptocratic watch, the theft of state assets has spread while the people of South Sudan have suffered from five years of war.

## What does South Sudan's violent kleptocratic system of government have to do with peace?

Since independence, South Sudan's kleptocratic system of government has plunged the country into war and undermined the economy for its leaders' profit. In this system of government, the politics and economics of the country interlock because the seat of political power ensures unrestricted access to the country's economic resources. This is the nature of a kleptocracy.<sup>9</sup>

In South Sudan, the kleptocratic system goes a step further and uses violence as a means to control the country. In this way, the *violent* kleptocratic system sometimes deploys fighting—at times including mass atrocities—to solidify political rule and control economic resources, such as the country's finance, transport, and natural resources.

Since 2016, a series of investigations by the Enough Project's investigative partner, The Sentry, have exposed how the violent kleptocratic system benefits South Sudan's leaders and fuels violence. The Sentry's reports

have uncovered how military commanders profit from weapons deals,<sup>10</sup> state funds have financed mass violence,<sup>11</sup> political elites have transferred state funds out of the country,<sup>12</sup> and a network of political elites control local banks.<sup>13</sup>

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widespread corruption.

Kiir commands this system. Yet, when he identified widespread corruption at the country's founding, he conveniently overlooked the most important point: the violent kleptocracy *intentionally* lacks controls to prevent widespread corruption. In fact, it is specifically designed as "a system of state capture in which ruling networks and commercial partners hijack governing

institutions for the purpose of resource extraction and for the security of the regime."<sup>14</sup>

In 2012, Kiir pinpointed 75 individuals responsible for corruption,<sup>15</sup> but the system itself is bigger than this group and is founded on pervasive corruption—bribery, fraud, and patronage. Through the deliberate manipulation of institutions, Kiir's government pursues resource extraction, predation, and repression instead of citizen security, service provision, and economic prosperity.

The system has deliberately institutionalized an infrastructure for corruption and private gain for its leaders. Kiir's government has turned institutions that are supposed to uphold the rule of law and provide social services into key constructs of the kleptocracy.<sup>16</sup> This infrastructure underpins how the system operates.

Government looting of the treasury. Gamed procurement processes. Hijacked sectors of the economy. Opaque oil financing and kickbacks. Unregulated and politicized banks. Government-financed private militias. Hollow state budgets. Unrestricted natural resource extraction. Uncompetitive tenders. Stolen customs revenue. Procurement fraud. All of these and many more predatory and rent-seeking practices prop up Kiir's system.

## But how does the violent kleptocratic system's infrastructure threaten to spark new conflict?

Within this corrupt infrastructure, South Sudan's political leaders are negotiating the implementation of the peace agreement and their eventual roles in it. But a peace agreement founded on this infrastructure is at high risk of reigniting conflict primarily for three reasons.

First, in this Kiir-led system, the personal ambitions of leaders can clash with the best interests of the state—security and prosperity for the people of South Sudan.<sup>17</sup> If the primary goal for leaders is short-term financial

enrichment, the personal takes precedence over the public. At this stage in the peace agreement, that amounts to horse-trading among leaders who seek to serve in the Revitalized Transitional Government of National Unity (R-TGoNU) in positions that provide a chance at financial gain from public office. This does not benefit the country or stop economic mismanagement.

South Sudan's violent kleptocracy has been constructed in such a way that it also risks future violence because political power amounts to uncontrolled economic prospects. That leads to a personalized, zero-sum mentality to governing and accessing South Sudan's wealth. As a result, leaders excluded from the transitional government often fight for economic resources as an alternate method to gain access to political power.<sup>18</sup> This tactic has been recycled for decades in South Sudan, where a leader excluded from the system unleashes violence to control resources or carve out territory. Only when the violent kleptocracy offers a government position and the riches it affords do leaders stop fighting.<sup>19</sup>

Finally, because the infrastructure has assembled exploitative networks for state capture, illicit activity goes unpunished. This impunity then reinforces corrupt practices because there is no incentive to play by South Sudan's rules, its laws, and international treaties to which it is a signatory. "The rule of law is compromised to the level that impunity has become a norm in the South Sudanese society,"<sup>20</sup> according to a South Sudanese civil society activist. Therefore, a peace agreement negotiated on this impunity means that leaders can steal state resources without consequences, even during the transitional period, which would decrease the potential pot of revenue to spend on securing peace.

In this Kiir-led system, the personal ambitions of leaders can clash with the best interests of the state—security and prosperity for the people of South Sudan.

### Do these corrupt practices really have an impact on the economy?

The infrastructure of the system poses risks to sustained peace because it has undermined how the economy should work for most South Sudanese.<sup>21</sup> With this in mind, in a series of exchanges the Enough Project hosted in 2018 with South Sudanese civil society and international experts, participants discussed risks to the prolonged peace. Rather than focus on the political and security gaps in the peace process, the discussion identified six deficits in the country's economic governance that inhibit the peace:<sup>22</sup>

1. **Endemic corruption**, and a lack of accountability and transparency in the economy.
2. **Weak government institutions** that fail to provide basic services.
3. **Elite control of state resources**, and an economy skewed to benefit political leaders.
4. **Political centralization** of economic governance and resources.
5. **Economic underdevelopment**, including insufficient infrastructure and lack of land rights.
6. **Absence of justice for corruption** and disregard for community involvement.

These six deficits<sup>23</sup> undermine South Sudan's economic governance<sup>24</sup>—the institutional structures and regulations that monitor and guide the functioning of a fair, accountable, and transparent economy.<sup>25</sup> Good

economic governance can accelerate growth and enhance the “accountability in the execution of public management functions; the investment climate; and ultimately, governments’ ability to implement development and poverty reduction policies,” according to the United Nations Economic Commission for Africa (UNECA).<sup>26</sup> Weak economic governance, however, undermines growth.

What’s more, weak economic governance undermines the prospects for peace. South Sudan lacks the characteristics of a well-run economy that is inclusive, regulated, transparent, accountable, and open. This type of rules-based economy would provide the stabilizing effect to implement the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). In particular, ahead of a donor conference to finance a post-war economy,<sup>27</sup> improved economic governance of the country would make South Sudan a more stable destination for international finance, including foreign direct investment, multilateral loans, bilateral assistance, and development aid.

Instead, South Sudan’s economy is in a dire state.<sup>28</sup> The violent kleptocratic system purposely undermines good economic governance, fails to address the deficits, and stands in the way of financial stability.<sup>29</sup> The system has created a predatory and exclusionary economic infrastructure where corruption— “entrenched” and “widespread,” according to the U.S. Department of State—thrives.<sup>30</sup>

Consider opening a business in South Sudan. According to a World Bank study in 2018, there are 12 steps but little evidence that the steps are followed, recorded, or made public.<sup>31</sup> This sort of opaque economy works well for the pocketbooks of the system’s leaders, but alienates those outside the system. It isolates donors and investors and fails to support the economic development and prosperity of millions of South Sudanese who miss out on investment opportunities, job creation, and large-scale economic development.

### **Could better economic governance really fit with the peace agreement *and* undo the kleptocratic grip on the economy?**

Improved economic governance is a prerequisite to unlocking the public and private financing needed to support peace efforts. As long as the state’s economic resources remain the ultimate prize that, as years of war have proven, is worth fighting over, short-term political and security deals are a poor substitute for a good economic governance strategy.

To prevent the cyclical, all-out violent contest for the control of economic levers and resources, a deliberate strategy is necessary to dismantle the kleptocratic economic governance of the country and support the peace agreement. Based on the economic governance deficits, the transitional government—with support from civil society, donors, and investors—should immediately develop a strategy that aims to:

- 1. Expand Economic Oversight**
- 2. Increase Transparency in the Economy**
- 3. Implement Justice and Corruption Accountability**
- 4. Develop an Inclusive Economy**
- 5. Leverage International Finance**

The peace agreement provides the framework for an economic governance strategy. Chapter 4 of the R-ARCSS outlines progressive steps to improve the country’s economic administration, transparency, and

accountability.<sup>32</sup> To prevent South Sudan from backsliding into war, supporters of reform should provide the oversight necessary to address the corruption that underpins the violent kleptocracy.

Reforms under Chapter 4 of the R-ARCSS should start with financial safeguards and economic oversight. Safeguards—temporary financial measures to prevent the degradation of institutions and looting of public resources—would help to prevent the resurgence of resource theft that has funded war. Safeguards would back rules-based economic governance. At the same time, economic oversight would prioritize a transparent, accountable, and inclusive system.

### **Who in South Sudan will champion these reforms?**

Dismantling the infrastructure of the violent kleptocracy is only possible with South Sudanese leadership. Kiir and other patrons of the violent kleptocracy are likely to resist meaningful reforms. The best champions of reforms to the system, therefore, are South Sudanese outside the leadership of the violent kleptocracy, such as civil society and the political opposition. Well aware of the destructive role of corruption, South Sudanese should unite to make economic governance front and center during implementation of the R-ARCSS.<sup>33</sup>

Youth and civil society have been calling for reforms. Stakeholders in South Sudan’s civil society have consistently demanded an end to entrenched corruption, and countless local, refugee, and members of the South Sudanese diaspora have long called for systemic reforms, rather than short-term political deals.<sup>34</sup> For

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good reason: Transparency International ranks South Sudan as having the third-highest levels of public sector corruption in the world, based on its Corruption Perceptions Index.<sup>35</sup> Because of the ingrained corruption that is threatening South Sudan’s development for years to come, energetic youth leaders in particular—in and out of the country—are well-placed to come together and call for reforms.

Political opposition leaders in South Sudan’s transitional government would also benefit from promoting Chapter 4 systems-focused reforms.<sup>36</sup> The three-year inclusive R-TGoNU

will economically benefit some opposition leaders who are a part of the transitional government, based on how the violent kleptocracy currently operates. However, an elected government will be less inclusive, likely coalescing around Kiir and locking out most opposition leaders from the system where economic and political power is centered. Consequently, opposition leaders, former government officials sidelined from the system, and anyone worried about the misrule of the country have a long-term incentive to push for transparent and fair economic governance.

### **Do international donors and partners have a role in anti-corruption reforms?**

Convincing international donors to back reforms to South Sudan’s economic governance will not be easy. South Sudan’s government has squandered billions of dollars of international aid and shattered personal trust among donors.<sup>37</sup> Donors “have shown no or little appetite to fund this process unless there is clear provision to ensure transparency and propriety in financial transaction including accountability for past misappropriation of public funds,”<sup>38</sup> explained former U.N. Special Envoy for Sudan and South Sudan Nicholas Haysom in September 2018.



But before the R-TGoNU forms,<sup>39</sup> donors have an opening to press for lasting changes. Chapter 4's comprehensive reforms are an opening for the international expertise to bolster the anti-corruption actions and messages that many South Sudanese endorse.<sup>40</sup> In addition, given the severity of South Sudan's economic crisis and need for outside assistance, international donors have leverage. A coordinated international strategy should link financial assistance to the recommendations outlined in this report.

Because of the international disillusion with Kiir's government, the recommendations in this report create trust-building measures. Following South Sudan's independence, international support focused on whole-of-government institution building through capacity support, expert embeds, and other development projects.<sup>41</sup> At this uncertain stage of the peace process, rather than undoing the system wholesale, international support should chip away at the infrastructure of the violent kleptocracy. Narrowing support to specific economic governance gaps would limit donor exposure and reestablish trust.

Regional leadership would strengthen donor engagement. The Reconstituted Joint Monitoring and Evaluation (RJMEC) is responsible for overseeing the peace agreement<sup>42</sup> and should resist negotiating short-term political deals among the political leaders who fail to adequately dismantle the corrupt system. Instead, RJMEC should stress economic governance reforms. By focusing on the system's infrastructure, a coalition of South Sudanese outside the leadership of the system, international backers, and RJMEC would have the best chance to implement meaningful reforms and lasting peace.

### **Why would the government support safeguards and oversight that weaken the profitable kleptocracy?**

The political will for better economic governance is lacking. To motivate the transitional government to commit to stick to the R-ARCSS, international donors and partners should rely on financial incentives. South Sudan's pro-business government is courting both public and private investments, for instance. In November 2018, the government appealed for \$1.5 billion to support post-conflict recovery.<sup>43</sup> The same month, the Ministry of Finance and Planning released its National Development Strategy to promote investments in key infrastructure projects, which would rely on international finance.<sup>44</sup>

The R-ARCSS calls for an international donor conference to raise money for the post-conflict recovery.<sup>45</sup> The conference would be an opportunity for civil society, donors, and international partners to advocate for reforms. It would also be a platform for South Sudan's leaders to publicly acknowledge the harmful effect that corruption has had on the country's peace and development. Kiir has already admitted as much. Therefore, ahead of a donor conference, the government should call for new safeguards and oversight, the cornerstones of good economic governance.

The architects of the violent kleptocracy, while reluctant to dismantle the infrastructure of corruption they built, could stand to benefit from rules-based and transparent economic governance in the long term.<sup>46</sup> The current infrastructure of the violent kleptocracy leads to periodic conflict, which raises the costs of doing business for investors and puts international investments at risk. This alienates prospective private businesses and raises the cost of doing business for everyone—including those leading the system.

The architects of the violent kleptocracy could stand to benefit from rules-based and transparent economic governance in the long term.

Because the infrastructure of the system raises costs for all countries, a new Compact Group for South Sudan, led by the Troika, the European Union (EU), and China, should advocate for the recommendations in this report. This Compact Group should jointly approach the R-TGoNU about investing responsibly and resisting corruption.<sup>47</sup> As an incentive, the Compact Group could organize a business investment conference to line up potential investors and financial support,<sup>48</sup> if the transitional government adheres to key economic governance guidelines in the R-ARCSS.

The R-TGoNU is ultimately responsible for calling for economic governance reforms. The recommendations in this report would involve a small international footprint but would have a large and lasting impact. By pursuing discrete safeguards and oversight with African and international partners, the system's economic governance deficits would be addressed without infringing on South Sudan's inviolable sovereignty.

South Sudan has long relied on and benefited from international intervention in its economy. For instance, Uganda accounted for about 50 percent of South Sudan's imports in 2015–16, according to U.N. trade data.<sup>49</sup> In 2018, Sudan even deployed a security force to protect oil fields in South Sudan to ensure the main source of revenue for the country continues.<sup>50</sup> The recommendations in this report would be minor interventions in South Sudan's economic governance and would have a positive impact on the growth and stability of the economy.

### **So what are the next steps?**

The pre-transitional period before May 2019 provides a rare opening to improve economic governance before the three-year transitional government begins. The need to finance the peace agreement and support the post-war economy provides sufficient leverage among donors and investors to immediately champion these actions.

After more than a decade of leadership, Kiir admits corruption still persists. Late in 2018, he confessed that his government is not working efficiently. "I got people who know how to eat," he said, referencing government corruption.<sup>51</sup>

Kiir has diagnosed the problem. What follows are 10 steps to address it.

## I. Install Central Bank Technical Advisory Body

South Sudan should invite a hybrid advisory body of technical experts to have operational authority over discrete aspects of the central bank, the Bank of South Sudan (BoSS). This advisory body of central bank specialists—comprised of South Sudanese and international experts—would have a joint decision-making role in macroeconomic policies, such as the printing of currency and management of the country’s foreign reserves. This focus on monetary policy, rather than budgetary controls, would ensure a narrow scope of work centered on access to foreign exchange.

### How would this action improve economic governance?

The central bank has been complicit in some of South Sudan’s largest corruption schemes, resulting in hundreds of millions of dollars of lost state resources, sometimes through currency arbitrage. The BoSS’s lack of independence to regulate the banking industry and work free of political interference has facilitated corruption and crippled the development of a well-regulated economy. The advisory body’s emphasis on the country’s forex, which is key for macroeconomic stability, might spur international support for post-conflict reconstruction.

- The advisory body—made up of experienced central bankers from South Sudan, multilateral banks, and partner countries—would have operational control limited to the core technical facilities of the bank related to the outflow of currency from the economy.
- A hybrid technical team would apply their knowledge to support the bank’s technocrats, and aim to ensure the central bank is free from political intervention. The body would also have the opportunity to collaborate with South Sudanese civil society and bankers to promote transparency in the BoSS’s operations and decision-making.
- Companies and donors seeking to invest in South Sudan’s economic development and South Sudanese looking for currency stability would, with the support of the advisory body, gain confidence in the BoSS’s handling of the economy. The R-TGoNU might come to appreciate how technical expertise in the country’s monetary policy could lead to economic benefits, such as more consistent access to forex and cheaper international loans.

### Has this policy worked?

Under the transitional government in Liberia, international experts served under the guidance of the Central Bank Governor with binding co-signature for operation and financial matters. This broad oversight, as part of the Governance and Economic Management Assistance Program (GEMAP), had special emphasis on banking operations to stabilize the post-conflict economy, and also required all revenue to be consolidated and held in an escrow account for government expenditure.<sup>52</sup> Many Liberians, however, considered GEMAP’s mandate too broad and burdensome. This recommendation is significantly scaled down and draws on just one aspect of GEMAP.

*Continued on the following page*

## *I. Install Central Bank Technical Advisory Body*

### **What are the steps to implementation?**

An advisory body would be consistent with the R-ARCSS's requirement that South Sudan ensure a transparent economy and the R-TGoNU's mandate to review the legislation, structure, and governance of the BoSS.<sup>53</sup> The R-ARCSS demands a "single treasury account" at the BoSS for natural resource revenue,<sup>54</sup> for instance, and the advisory body could highlight areas for reform.

- **South Sudan:** The R-TGoNU and opposition parties should call for the advisory body at the U.N. Security Council (UNSC). In addition, the R-TGoNU should consider what benchmark would end the body's support, a key aspect of an agreement.
- **IGAD, AU, United Nations:** The UNSC should authorize and oversee the advisory body and work with the R-TGoNU to launch consultations with South Sudanese civil society and international financial agencies—the International Monetary Fund (IMF), World Bank, U.N. Economic Commission for Africa, and African Development Bank—to determine its staffing. The UNSC should build in enforcement measures, including closed-door briefs, to ensure the advisory body works free from political intimidation.
- **International Partners, Donors:** South Sudan's partners should begin to address the economic hurdles ahead for the country and tie international finance support to the implementation of an advisory body. Partners and donors should jointly call for the advisory body, which could ultimately improve the financial flow of humanitarian assistance and lower costs.

## II. Appoint AU Transparency Envoy

The R-TGoNU should ask the AU to appoint an envoy charged exclusively with guiding economic accountability in South Sudan. The AU Transparency Envoy, appended to RJMEC, should ensure full implementation of Chapter 4 of the R-ARCSS and partner with South Sudan's main oversight institutions: the Anti-Corruption Commission;<sup>55</sup> National Audit Chamber;<sup>56</sup> Public Accounts Committee in the National Legislative Assembly; and the Fiscal, Financial Allocation and Monitoring Commission.<sup>57</sup>

### How would this action improve economic governance?

The failure of South Sudan's existing anti-corruption institutions to have the political space to investigate and release their findings on government finances has undermined transparency and accountability in the country. The Transparency Envoy would direct an ambitious anti-corruption reform agenda to counter the elite competition for illicit economic gain.

- With a public relations emphasis, the envoy would raise the profile and importance of Chapter 4 of the R-ARCSS, which focuses on economic governance, resource management, and public finance. Full compliance with Chapter 4 would transform the country's fiscal management practices and combat rampant corruption.
- With the support of the envoy, the independent voices in South Sudan's anti-corruption institutions, including the National Auditor General, would have an international ally to track and publicize whether key government institutions have full budget allocations, sufficient staffing levels, and freedom to work without political manipulation.
- The AU envoy would also steer international resources to existing South Sudanese auditors and investigators, which would help to prevent the misuse of donor assistance allocated for reconstruction.

### Has this policy worked?

Anti-corruption policies are frequently written into peace agreements, but often are overlooked because of other post-conflict priorities. The AU's Advisory Board on Corruption (AU-ABC) is an independent office in the AU that is mandated to promote anti-corruption measures, advise member states, and analyze the nature of corruption in Africa.<sup>58</sup> The AU-ABC has not engaged in peace processes but is well-positioned to support transparency efforts in South Sudan in concert with IGAD's RJMEC staff.

*Continued on the following page*



## II. Appoint AU Transparency Envoy

### What are the steps to implementation?

The R-ARCSS outlines a range of commissions to implement economic governance, including new bodies such as the Public Procurement and Asset Disposal Authority<sup>59</sup> and Fiscal, Financial Allocation and Monitoring Commission.<sup>60</sup> The appointment of an AU envoy would be consistent with the R-ARCSS formation of these bodies—and ensure a high-level and consistent focus on transparency. In this role, the envoy should be a first point of contact for the Economic and Financial Management Authority (EFMA) that oversees public management in South Sudan.<sup>61</sup>

- **South Sudan:** The R-TGoNU's immediate call for an AU envoy should coincide with a presidential directive that requires the immediate release of previous internal government reports written by government auditors, in order to trigger accountability across the transitional government.
- **IGAD, AU, United Nations:** The AU-ABC should volunteer to partner with RJMEC and recommend a well-qualified candidate. The AU Transparency Envoy should have the full endorsement of multilateral bodies—including an IGAD Heads of State Communique that backs the appointment and a UNSC request for regular briefings on anti-corruption progress. The envoy should also hold regular consultations with South Sudanese civil society, including anti-corruption, human rights, and women's groups.
- **International Partners, Donors:** Based on the past patterns of hesitancy among international donors to fund South Sudan's peace process, an international call for an envoy should alleviate some concerns about the R-TGoNU's commitment to the peace process. International donors should also support South Sudan's existing oversight institutions.

### III. Start Independent National Audit

South Sudan should request and publish the results of an independent third-party audit of all government procurement contracts, natural resource concessions, and investment licenses granted since the start of the war in 2013. Until the audit by an international accounting firm is complete, the R-TGoNU should place a moratorium on future natural resource investments and donors should freeze any financial assistance. The goal of the government audit should be to identify deficiencies in the public procurement process and recommend reforms.

#### How would this action improve economic governance?

Political interference, widespread evasion of regulations, and unclear governance in the natural resource and procurement sectors in South Sudan have bred corruption. Amid this economic free-for-all, competition for South Sudan's natural resources and procurement contracts—the most lucrative resources in the country—has fueled and financed conflict.

- An independent third-party audit of the government would help expose the conflict of interest with some of South Sudan's political elites. The South Sudanese procurement system and subcontracting process, for example, are prone to fraud and waste because companies often receive contracts and concessions based on political connections.
- The audit would build off South Sudan's internal, unreleased audits to uncover procurement fraud and the unregulated granting of concessions and contracts. The comprehensive audit would also highlight where the government has failed to account for community rights and social and environmental impact in resource extraction.
- The audit would recommend cancelling contracts that did not follow South Sudan's regulatory framework and suggest debarring companies from receiving government contracts if they have stolen public funds, violated national or international law, or circumvented proper processes in the country. Working with the National Petroleum and Gas Commission and the Land Commission,<sup>62</sup> the auditors would focus on awarding concessions and licenses with correct processes and oversight.

#### Has this policy worked?

In November 2010, because there were not sufficient regulations to control the allocation of contracts and concessions, Southern Sudan's pre-independence government instituted a temporary moratorium on investments in mining.<sup>63</sup> Public independent audits are common in certain sectors. In Mozambique, international donors requested an audit of certain companies to clarify irregularities in government loans and address concerns related to the management of public resources.<sup>64</sup> Further, as part of the Kimberley Process—a government-led certification initiative to clean up the diamond trade—independent audits have been required before restarting certified exports in certain situations where exports had been suspended under the initiative.<sup>65</sup>

*Continued on the following page*

### III. Start Independent National Audit

#### What are the steps to implementation?

The R-ARCSS mandates that the transitional government review all public funds,<sup>66</sup> and requires an audit of the awards of concessions and licenses in the oil sector. An international auditor would expand on this oversight. South Sudan has taken initial step to improve the procurement process with the passage of the Public Procurement Bill earlier this year.<sup>67</sup>

- **South Sudan:** The Minister of Petroleum and Mining should immediately place a moratorium on natural resource investments. At the same time, the R-TGoNU should request an international audit and appoint a National Auditor General to work with the accounting firm and lead the publication of the results.<sup>68</sup>
- **IGAD, AU, United Nations:** To weave the audit into the implementation of the R-ARCSS, RJMEC and the AU Transparency Envoy should work with the accounting firm to ensure full access to government records, budgets, and reports. Any failure of the R-TGoNU to comply with the auditors should be publicized.
- **International Partners, Donors:** Major investors, such as China and Kenya, should advocate for the audit given how unregulated economic sectors typically raise the costs of doing business for all companies and donors. Key donors should finance the audit and recommend reforms to the legal and financial frameworks that support—for instance—a more accountable tender process, improved anti-money laundering enforcement, and Extractive Industries Transparency Initiative (EITI) standards.<sup>69</sup>

#### IV. Build e-Transparency Online System

South Sudan should construct a centralized e-transparency system that distributes public economic and business data—free and in real time. Starting with the publication of transitional government officials’ asset declarations,<sup>70</sup> the online database should include public and government data—available on mobile devices—that includes the corporate business registry, national and local budgets, procurement deals, mining concession contracts, current oil production data, and more.<sup>71</sup> The online platform should also be a place for companies to publish due diligence information in line with the U.N. Guiding Principles on Business and Human Rights.<sup>72</sup>

##### How would this action improve economic governance?

Most government data are unreported, opaque, or outdated. But transparency in the extractives sectors, for instance, is pivotal for rooting out corruption.<sup>73</sup> The e-system would be a public and central register that aggregates a wide array of economic data to promote full transparency of the country’s economy to ensure it works for more than a narrow set of political elite.

- With more open and accurate economic figures, South Sudan’s state and local governments would have better access to data on the public finances to ensure a fair budget, and one that significantly decreases the share for national security. The higher level of transparency would expose the inequity in government disbursement and expenditure.
- Legitimate investors would have more confidence in doing business in South Sudan with a transformation in public reporting on investments in the extractives industry, a more open public procurement process, and a system that rewards adherence to the country’s regulations.
- The e-system would be a resource for anti-corruption advocates, civil society, and political parties to hold leaders accountable and seek remediation for economic crimes and misconduct. By providing data for the public to dissect, the illicit economic activity in the country would be more transparent.

##### Has this policy worked?

South Sudan would set a new global standard for the availability and accessibility of public data. The country has taken initial steps to establish this system. In May 2015, South Sudan’s Anti-Corruption Commission (SSAC) installed data management software, the Asset Declaration Management System,<sup>74</sup> but the process failed to take hold during the conflict. In Rwanda, the e-procurement system publicizes government tenders and includes a blacklist of companies barred from doing business with the government.<sup>75</sup> Similarly, in Armenia, various e-governance tools include a system for the publication of asset declarations and the expansion of e-procurement tools.<sup>76</sup> Both efforts have improved transparency in public procurement.

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#### IV. Build e-Transparency Online System

##### What are the steps to implementation?

The implementation of an e-transparency system would tie into the R-ARCSS, in line with Chapter 4 of the peace agreement and Public Procurement Bill passed in 2018.<sup>77</sup> Under the R-ARCSS, a new Economic and Financial Management Authority (EFMA)<sup>78</sup> should pursue an e-transparency system as the initial project. The R-ARCSS also calls for a registry of lands and issuance of title deeds, for example,<sup>79</sup> that the e-system should include.

- **South Sudan:** The R-TGoNU should endorse the e-system and show its support by issuing a directive for transitional government officials to fill out asset declarations and call for ministries to compile data. Government endorsement of an online system would demonstrate a decisive departure from past opaque practices in government operations.
- **IGAD, AU, United Nations:** The bodies overseeing the implementation of the peace agreement should enforce the use of the system. RJMEC and the AU Transparency Envoy should be empowered to report on which individuals, agencies, and ministries fail to provide data or expose those who look to manipulate the online system.
- **International Partners, Donors:** The United States and other donors should finance and help build the e-system, in consultation with the SSAC and investors. By contracting with an international due diligence firm, the e-system should be developed at the same time that South Sudan's disparate agencies compile data. Donors should structure financing to ensure the system is sustainable beyond the end of the transition period.



## V. Set Up South Sudan Forum on Asset Recovery

South Sudan should request that the World Bank resume and broaden the work of the Stolen Assets Recovery Initiative (StAR) to investigate and return stolen state resources.<sup>80</sup> As part of a new South Sudan Forum on Asset Recovery (SSFAR), the R-TGoNU should engage with community leaders and civil society to integrate the public's interest in providing evidence of wrongdoing and investigating egregious acts of corruption. Because asset recovery initiatives are typically hosted outside the target country, the United States should host the forum to trace the money that has been parked outside South Sudan.

### How would this action improve economic governance?

An international effort to investigate stolen financial assets, including the proceeds of embezzlement, bribery, and other serious crimes, would help turn the page on the rampant corruption that defined the early years of the country. The corrupt nature of the system must change before an accountable and equitable economy will emerge—one that creates jobs, attracts foreign investments, and expands economic inclusion.

- Given that officials have strategically moved vast assets out of the country, proactive international engagement on the recovery of assets is critical for the return of stolen funds. The R-TGoNU—South Sudan's three main oversight committees, in particular—would have the full scope of international resources, under the SSFAR, to recover stolen assets.
- The SSFAR would provide a channel for civil society to rally support for a range of anti-corruption measures. In the forum, grassroots communities would have the chance to decide which investigations are highest priorities. A coalition of South Sudanese civil society should also lead strategies for returning stolen assets to victims and to fund civil society oversight.
- The R-TGoNU's commitment to the SSFAR would demonstrate an urgency to identify stolen assets, recognize the devastating role corruption has had on the country, and commit to anti-corruption reforms.

### Has this policy worked?

StAR investigators' previous work in South Sudan stalled during the early violence of the war, but a broader scope would rally international support for renewed investigations. For example, the Ukraine Forum on Asset Recovery (UFAR) brought together international partners from across the world, hosted in the United Kingdom.<sup>81</sup> UFAR facilitated international cooperation to trace and freeze assets, receive technical support, and build networks to recover assets across jurisdictions. In a citizen-run anti-corruption drive last year, South African civil society organized the independent "People's Tribunal on Economic Crimes" to collect evidence on corruption and state capture to raise national and international awareness and hold the government accountable.<sup>82</sup>

*Continued on the following page*

### **What are the steps to implementation?**

The SSFAR would be consistent with the R-ARCSS and would serve as a way for South Sudan to tap into the international expertise and existing frameworks to recover assets and combat corruption. The R-ARCSS outlines steps for the establishment of the Compensation and Reparation Authority (CRA)<sup>83</sup> and instructs the R-TGoNU to accede to the African Convention on Preventing and Combating Corruption (AUCPC) and the U.N. Convention Against Corruption (UNCAC).<sup>84</sup>

- **South Sudan:** Following an official request for the World Bank to restart the StAR's work, South Sudan's civil society should step up to lead the public's engagement with the SSFAR team and channel the asset returns into a trust fund.
- **IGAD, AU, United Nations:** StAR and the U.N. Office on Drugs and Crime (UNODC) should prioritize the investigation with engagement from the R-TGoNU. The AU should ensure that the SSFAR works alongside the AU Hybrid Court for South Sudan (HCSS), which is geared toward transitional justice for those responsible for serious atrocities and high crimes during the war.<sup>85</sup>
- **International Partners, Donors:** International jurisdictions that might hold stolen assets should appoint investigators dedicated to working on South Sudan to begin the process of sharing information with anti-corruption advocates. Leadership from anti-corruption investigators in the United States, which should offer to host the forum, would rally broader international support for the SSFAR.

## VI. Establish International Commission Against Impunity

The R-TGoNU should request that the United Nations establish an international anti-corruption commission to investigate state capture and endemic corruption. The International Commission Against Impunity in South Sudan (ICAISS) should include international prosecutors and law enforcement mandated to investigate and prosecute systemic violence and corruption in coordination with South Sudan's prosecutors and the Anti-Corruption Commission (ACC).<sup>86</sup> The commission should narrow its scope of work to focus on current practices, prosecuting corruption that is uncovered during the transitional period rather than during the years of conflict.

### How would this action improve economic governance?

South Sudan's courts, prosecutors, and law enforcement are not in a position to effectively investigate and prosecute high-level or state-wide corruption. Only by dismantling the corrupt networks that are embedded in the government and removing the sense of impunity that follows will the country be able to avoid cyclical conflict.

- As a high-visibility, independent investigative body, ICAISS would focus entirely on endemic corruption and systemic violence. ICAISS would collaborate with South Sudan's judiciary to prosecute serious financial crimes in South Sudan and conduct periodic public briefings and consultations with relevant civil society.
- The ultimate goal of ICAISS would be to strengthen South Sudan's judiciary. ICAISS would supplement South Sudan's judicial capacity with the support of experienced international prosecutors and law enforcement. The international expertise would provide technical assistance to local judiciary and open space for more routine judicial reforms at the lower levels of the courts.
- By focusing on widespread corruption among high-level officials, ICAISS would help combat the elite impunity that has contributed to public distrust of the government. For civil society advocates who recognize the destructive role of corruption in the country but have no way to address it, ICAISS would be an outlet for filing complaints and safely providing information to authorities in support of accountability for high crimes of corruption.

### Has this policy worked?

In 2006, the government of Guatemala and the United Nations established an anti-corruption commission, the International Commission against Impunity in Guatemala (CICIG), to confront organized crime and illegal groups, such as drug traffickers, that had infiltrated every level of the government.<sup>87</sup> CICIG has been highly effective as an impartial voice that has exposed corruption, opened space for civil society and the judiciary, and quietly advocated for transparency. The CICIG court includes dozens of judges, prosecutors, and law enforcement from around the world, and works within the Guatemalan legal system.

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## *VI. Establish International Commission Against Impunity*

### **What are the steps to implementation?**

The R-ARCSS outlines the need to prosecute corruption. Because the AU Commission of Inquiry has cited the fight for state resources as a driver of the conflict and backed a Hybrid Court for South Sudan (HCSS),<sup>88</sup> international prosecution in South Sudan would be consistent with existing frameworks. ICAISS should collaborate with the Commission for Truth, Reconciliation, and Healing (CTRH) mandate.<sup>89</sup>

- **South Sudan:** The R-TGoNU should issue an executive order calling for a commission to help provide technical, prosecutorial, and investigative support to tackle state-level corruption. The specifics of the commission would be a negotiation between the R-TGoNU, ACC, and United Nations.
- **IGAD, AU, United Nations:** Given that it has established a similar commission in Guatemala, the United Nations should lead the effort to implement ICAISS. The commission should report directly to the UNSC to establish true separation from the other U.N. mandates in South Sudan.
- **International Partners, Donors:** The United States, EU, and other donors should be prepared to finance and staff ICAISS and advocate for its formation at the UNSC.

## VII. Promote Gender Equality and Economic Opportunity for Women

The R-TGoNU should invest in the promotion of women's rights and gender equality. Among the first steps toward this goal are the appointment of a woman as transitional vice president (VP)<sup>90</sup> and the implementation of gender equality trainings among government leaders. The VP and other high-level officials should have the resources to support gender equality in the country, coordinate trainings across a range of economic skills and access points on gender equality, and ensure gender quotas in government and economic leadership.<sup>91</sup> The VP should lead the transitional cabinet's Gender and Youth cluster of ministerial oversight<sup>92</sup> and use the high office to ensure international donors commit to hiring women to fill 50 percent of positions in international organizations, NGOs, and local communities.

### How would this action improve economic governance?

Women in South Sudan are underrepresented in government and business and disproportionately suffer the physical, mental, and economic impacts of armed conflict and atrocities.<sup>93</sup> The government has so far ignored this basic reality. To achieve peace in the country and an inclusive and thriving economy, women need to have equal access to resources, basic services, justice, and positions of power.<sup>94</sup>

- Representation by women in high-level government leadership positions would signal the importance of gender equality in South Sudan that is necessary for post-conflict economic growth and anti-corruption efforts.<sup>95</sup> With greater emphasis on gender equality in the economy, government leaders would advocate for women's economic opportunity with international NGOs and banks to tailor economic revitalization packages to women.
- The credible and informed VP would lead the initiative to ensure all high-level government authorities are mandated to advocate for women and commit to gender quotas. High-level leadership that prioritizes opportunity for women would spur growth in job creation.
- With improved access to healthcare and education, increased overall security in the country, and more promising economic opportunities—including the freedom to own and operate businesses safely—women who chose to return from refugee and internal displacement camps would find greater opportunities to pursue sustainable work.<sup>96</sup>

### Has this policy worked?

In Kosovo following the U.N.-brokered peace agreement in 1999, international assistance provided critical training and opportunities for women after the conflict. The U.S. Agency for International Development (USAID) and other donors prioritized promoting entrepreneurship opportunities for women and workplace development, creating opportunities for women in the formal economy. At the political level, a quota system was instrumental in setting the groundwork for increased representation at higher levels of government in Kosovo.<sup>97</sup>

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## *VII. Promote Gender Equality and Economic Opportunity for Women*

### **What are the steps to implementation?**

The R-ARCSS guarantees the participation of women in the transitional government, requiring 35 percent of positions in the Council of Ministers to be filled by women.<sup>98</sup> Across all legislative and executive bodies, a higher 50 percent quota should be prioritized to open up a new space for South Sudanese women in government positions and socioeconomic advancement.

- **South Sudan:** The R-TGoNU should nominate a woman as the VP in charge of the Gender and Youth cluster of the cabinet, which includes leadership of multiple ministries. In addition, all levels of government should follow a 50 percent baseline quota when selecting members of transitional committees and government posts.
- **IGAD, AU, United Nations:** RJMEC should work with the VP to advocate for a 50 percent threshold. International organizations operating in the country, including the United Nations and AU, should commit to hiring women to staff 50 percent of positions to meaningfully promote gender equity, drawing on diaspora and refugee communities.
- **International Partners, Donors:** Development agencies should incorporate training and capacity building for women into development projects and gender equality training for government leadership.<sup>99</sup> In the procurement and bidding process for development projects, donors should require that NGO partners commit to gender parity.

## VIII. Elevate Role of the Independent Boundaries Commission

South Sudan should expand the authorities of the Independent Boundaries Commission (IBC) to manage natural resource use in the country, after the number and boundaries of South Sudan's states are determined. The IBC includes the participation of five AU member states and is among the most critical transition bodies. It should fill the gap in the oversight of natural resources—including oil, mining, and land—during the transitional period.<sup>100</sup> The IBC, in coordination with the relevant commissions,<sup>101</sup> should also organize a conference on the decentralization of economic resources to focus on finding an equitable division of authority between the central government and states.<sup>102</sup>

### How would this action improve economic governance?

The failure to regulate and clarify rules for investing in South Sudan's natural resources has led to violent competition and widespread exploitation of natural resources. Land grabs in particular entrench misuse of power by government actors, and lead to cyclical human rights violations against affected individuals—most often women—and communities, including forced evictions, denial of justice, and limited access to food and water.<sup>103</sup> The IBC's extended work is urgent because of the persistent risk of natural resource conflict, corruption that drives it, and wealth inequality that could spark future violence.

- The IBC's expansive focus on land-based natural resource issues and oversight of investments would ensure open dialogue on the use of resources during a period of fragility and uncertainty surrounding the redrawing of borders.<sup>104</sup>
- The expanded IBC would have the authority, under an AU non-South Sudanese director, to arbitrate on land and natural resource issues in strict compliance with relevant international standards.<sup>105</sup> The IBC would follow the Free, Prior and Informed Consent (FPIC) guidelines for land and natural resource issues to protect the rights of communities, prevent conflict, and flag any form of exploitation—labor abuses, gender inequality, environmental degradation, and other illegal practices.<sup>106</sup>
- There is a pressing need to delegate fiscal planning and spending power to the states to decongest public expenditure centralization and improve economic development outside the capital.<sup>107</sup> Since both the national and state governments have the right to levy taxes, for instance, a conference on decentralization would pursue issues such as revenue sharing and management of development assistance.<sup>108</sup>

### Has this policy worked?

In East Africa, land use conflicts between local communities and investors are common because while communities often hold rights to the land, foreign companies generally receive the rights to the natural resources under the same plot. In Tanzania, Community Based Natural Resource Management (CNBRM) boards delegate the management of some natural resources to the local communities to head off conflict.<sup>109</sup>

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**What are the steps to implementation?**

The R-TGoNU is reviewing the number of states in South Sudan. The Transitional Constitution of 2011 indicates that South Sudan should follow a decentralized system, and the R-ARCSS also calls for “the decentralization of decision-making in regard to development, service delivery and governance.”<sup>110</sup> Following the IBC’s findings, donors and investors should adhere to existing frameworks of the IBC to ensure the right procedures are in place for accountable investments.

- **South Sudan:** The R-TGoNU should legally expand the IBC’s mandate. South Sudan should also support the work of the previous Constituency Development Funds (CDFs) that distribute development assistance directly to the states in a more equitable manner.<sup>111</sup>
- **IGAD, AU, United Nations:** The five-member AU contingent of the IBC and the non-South Sudanese chair of the IBC should prioritize the process of allocating new states. RJMEC, as the international oversight head, should work with the transitional government to convene the conference on the allocation of financial resources.
- **International Partners, Donors:** The R-ARCSS calls for Troika expertise in the IBC.<sup>112</sup> The Troika and other donors should offer technical and financial support to the IBC and seek to empower humanitarian and development partners to engage directly with local communities and comply with FPIC standards.

## IX. Complete Corruption and Governance Review

South Sudan should support a joint World Bank-IMF country review of corruption and governance risks. This would be the first high-profile, international study of state capture and corruption under the IMF's updated Article IV Consultations, and the results should determine how international donors and multilateral organizations support South Sudan's economy. International financial support should be contingent on reaching anti-corruption standards that prevent misuse of assistance.

### How would this action improve economic governance?

The urgency of donors to rehabilitate South Sudan's war-torn economy should be balanced with the reality that international assistance has been misused or outright stolen in South Sudan through corruption and poor governance. Development banks and international financial institutions are central to South Sudan's stability and prosperity, and the review would highlight how to reform the way assistance flows into the country.<sup>113</sup>

- The primary objective of the review would be to focus on the best practices for the efficient and equitable distribution of public resources to reduce poverty and promote fair competition in the private sector.
- The in-depth review would help donors coordinate a recovery program for the country—in consultation with the transitional government and civil society—that explicitly addresses corruption. In the coordinated review on corruption in the country, the study would pinpoint where donors and banks should watch out for corrupt practices in procurement processes.
- This review would set new standards for anti-corruption policies. A key purpose of the review would be to address the traps in the distribution of donor assistance and make accountability recommendations, such as publishing the beneficial owners of companies with which donors contract.

### Has this policy worked?

The IMF's new review process, the Framework for Enhanced Fund Engagement, commits the IMF to review corruption and governance risks in country evaluations.<sup>114</sup> The framework aims to promote more systematic, effective, candid, and evenhanded engagement on governance vulnerabilities. Tying financial support to governance improvements has precedence. In the Ukraine, the IMF made the formation of an independent corruption court a condition for releasing a \$1.9 billion loan.<sup>115</sup> In addition, the World Bank can assess government institutions before providing additional financing and debar companies from receiving World Bank funds for failing to disclose beneficial ownership.<sup>116</sup>

*Continued on the following page*

### What are the steps to implementation?

South Sudan will likely turn to lending agencies, including the United States' new International Development Finance Corporation (IDFC),<sup>117</sup> to promote foreign investment and provide low-risk financial guarantees to investors and lenders. The review should be a precondition to unlocking bilateral and multilateral financing. Following the review, international donors should fund oversight bodies, including the ACC and parliamentary oversight bodies to guard against misappropriation.

- **South Sudan:** The government, under the R-TGoNU's Board of Special Reconstruction Fund (BSRF), should immediately request an Article IV Consultation team of evaluators to travel to South Sudan.<sup>118</sup>
- **IGAD, AU, United Nations:** The World Bank and IMF should spearhead the review, consult early and often with civil society, and invite other multilateral lenders, such as the African Development Bank and China Development Bank, to participate.
- **International Partners, Donors:** The United States and EU—as two of the top donors to multilateral lending agencies—should make lending contingent on the review. Donors should also revamp the standards for financial transparency in the development sector and require beneficial ownership records independent of the World Bank-IMF review. An initial step for donors could be to appoint anti-corruption advisers that focus on due diligence in procurement and implementation contracts.<sup>119</sup>



## X. Broaden South Sudan Reconstruction Board

South Sudan should expand the mandate of the transitional body, the Board of Special Reconstruction Fund (BSRF)—which is responsible for the reconstruction in the country—to act as the final approver of all high-value investments, such as infrastructure projects.<sup>120</sup> A central body that oversees foreign financing and investments would lower the risk of corruption or mismanagement that results from uncoordinated assistance.<sup>121</sup> Following an independent national audit, the BSRF should organize the South Sudan Pledging Conference, as called for in the peace agreement,<sup>122</sup> to coordinate foreign assistance.

### How would this action improve economic governance?

Since independence, unregulated business deals and unscrupulous investments from foreign companies have been detrimental to South Sudan's economy. The country's failure to guard against predatory investors, corruption, abuse of local communities, and economic mismanagement has led to episodic instability. Because the rapid investments that are needed to boost the economy will likely require international support, the BSRF should take the lead in approving all high-value foreign investments.

- The BSRF would have the mandate to conduct a strategic investment review to promote economic growth and identify the top government priorities in infrastructure, agricultural production, and social service delivery in the transitional period.
- The board would outline, promote, and coordinate the country's priority infrastructure and regional integration projects.<sup>123</sup> With the guidance of IGAD, the AU, and development partners, the BSRF would assess the viability of physical infrastructure and rehabilitation projects to spur reconstruction and development.
- With the support of South Sudan's oversight agencies, the board would help to ensure public and private investments include explicit anti-corruption commitments and incorporate internationally recognized due diligence and transparency standards—including robust remediation protocols and environmental and social impact assessments.

### Has this policy worked?

Following conflict in Cambodia, the U.N. Transitional Authority in Cambodia (UNTAC) promoted economic reconstruction and development, including through the rehabilitation of Cambodia's essential infrastructure. UNTAC helped to channel economic resources in a coordinated, efficient manner.<sup>124</sup> The U.N. Guiding Principles on Business and Human Rights, which sets the global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity, calls for businesses to respect human rights, which should include anti-corruption efforts.<sup>125</sup>

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### **What are the steps to implementation?**

The BSRF, as part of the R-ARCSS transitional structure, should work with the Ministry of Finance and Planning to implement the R-TGoNU's Strategic Economic Development Roadmap in South Sudan.<sup>126</sup> The board should lead the reconstruction effort, which will require foreign assistance, and coordinate donor support with the Vice President of the Infrastructure Cluster to lead an investment-led development plan.<sup>127</sup>

- **South Sudan:** The president should publicly endorse the board and declare that it is the preeminent and only body in the country authorized to sign off on high-level foreign assistance and investments. The R-TGoNU should also incorporate aspects of the South Sudan National Revenue Authority (SSNRA) into the BSRF.<sup>128</sup>
- **IGAD, AU, United Nations:** The AU should lead an African-led investment campaign tied to the South Sudan Pledging Conference to spark business and infrastructure projects in South Sudan that adhere to the U.N. Guiding Principles.
- **International Partners, Donors:** Once the R-TGoNU makes significant progress to implement the peace agreement, donors should collaborate with the BSRF, whether through the Donor Assistance Committee or other venue, to prioritize which projects will have maximum benefit for the people of South Sudan. A divided approach would increase the risk of further corruption and mismanagement.

## Endnotes

<sup>1</sup> Siobhan O’Grady, “A New Report Estimates That More Than 380,000 People Have Died in South Sudan’s Civil War,” *Washington Post*, September 26, 2018, available at [https://www.washingtonpost.com/world/africa/a-new-report-estimates-more-than-380000-people-have-died-in-south-sudans-civil-war/2018/09/25/e41fcb84-c0e7-11e8-9f4f-a1b7af255aa5\\_story.html?noredirect=on&utm\\_term=.83f6ba98eeef](https://www.washingtonpost.com/world/africa/a-new-report-estimates-more-than-380000-people-have-died-in-south-sudans-civil-war/2018/09/25/e41fcb84-c0e7-11e8-9f4f-a1b7af255aa5_story.html?noredirect=on&utm_term=.83f6ba98eeef).

<sup>2</sup> Rachel Savage and Maura Ajak, “In South Sudan, Girls Forced Into War Face Gender Double Standards in Peace,” *IRIN*, January 7, 2019, available at <https://www.irinnews.org/news-feature/2019/01/07/south-sudan-girls-child-soldiers-forced-war-face-gender-double-standards-peace>.

<sup>3</sup> U.S. Agency for International Development, “South Sudan,” December 7, 2018, available at <https://www.usaid.gov/crisis/south-sudan>.

<sup>4</sup> The full text of the agreement, “The Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan,” is available at <https://www.jmecsouthsudan.com/index.php/arcss-2015/igad-hlrf-agreement>.

<sup>5</sup> While South Sudan’s oil industry is the most profitable sector of the economy, this report focuses on the economy as a whole and does not discuss control of specific resources (there are existing publications that explore ways to address deficiencies in the management of oil and other extractives). For more on South Sudan’s oil industry and ways to address corruption within the practices, please see Global Witness, “South Sudan: The Call for a Moratorium on New Oil Contracts” (June 4, 2014), available at <https://www.globalwitness.org/en/archive/south-sudan-call-moratorium-new-oil-contracts> and Global Witness, “Turning the Tide: Building a Clean Oil Sector Through South Sudan’s Peace Agreement” (November 10, 2015), available at <https://www.globalwitness.org/en/reports/turning-tide>.

<sup>6</sup> According to analysis by Global Witness in 2012, \$4 billion would have equaled 30 percent of all oil revenues received by the government since it became semi-autonomous in 2005. More information available at <https://www.globalwitness.org/en/archive/attack-activist-threatens-anti-corruption-efforts-south-sudan>.

<sup>7</sup> Hereward Holland, “South Sudan Officials Have Stolen \$4 Billion: President,” Reuters, June 4, 2012, available at <http://www.reuters.com/article/us-southsudan-corruption-idUSBRE8530QI20120604>.

<sup>8</sup> PaanLuel Wel Media, “Letter from President Kiir on Corruption: \$4 Billion Dollars Stolen; Only \$60 Million Recovered,” June 1, 2012, available at <https://paanluelwel.com/2012/06/01/letter-from-president-kiir-on-corruption-4-billion-dollars-stolen>.

<sup>9</sup> The Enough Project defines the violent kleptocracy as a “system of state capture in which ruling networks and commercial partners hijack governing institutions for the purpose of resource extraction and for the security of the regime. Ruling networks utilize varying levels of violence to maintain power and repress dissenting voices. Terrorist organizations, militias, and rebel groups can also control territory in a similar manner.” For a longer definition and explanation of violent kleptocracy, see Ken Menkhaus and John Prendergast, “Defining Violent Kleptocracy in East and Central Africa” (Washington: The Enough Project, October 20, 2016), available at <http://www.enoughproject.org/blogs/defining-violent-kleptocracy-east-and-central-africa>.

<sup>10</sup> The Sentry, “Making a Fortune While Making a Famine” (May 2017), available at <https://thesentry.org/reports/making-a-fortune-while-making-a-famine>.

<sup>11</sup> The Sentry, “Fueling Atrocities: Oil and War in South Sudan” (March 2018), available at <https://thesentry.org/reports/fueling-atrocities/>.

<sup>12</sup> Please see The Sentry, “War Crime Shouldn’t Pay: Stopping The Looting and Destruction in South Sudan” (September 2016), available at <https://thesentry.org/reports/warcrimeshouldntpay>.

<sup>13</sup> Mark Ferullo, “Banking on War: Ending the Abuse of South Sudan’s Banking Sector by Political Elites and Pushing for Peace” (Washington: The Sentry, October 2018), available at <https://thesentry.org/reports/banking-on-war>.

<sup>14</sup> Abridged definition of The Enough Project’s definition of violent kleptocracy.

<sup>15</sup> Hereward Holland, “South Sudan Officials Have Stolen \$4 Billion: President,” Reuters, June 4, 2012, available at <http://www.reuters.com/article/us-southsudan-corruption-idUSBRE8530QI20120604>.

<sup>16</sup> Brian Adeba, “A Hope From Within? Countering the Intentional Destruction of Governance and Transparency in South Sudan” (Washington: The Enough Project, July 2016), available at [http://www.enoughproject.org/files/report\\_AHopeFromWithin\\_Adeba\\_Enough\\_July2016.pdf](http://www.enoughproject.org/files/report_AHopeFromWithin_Adeba_Enough_July2016.pdf).

<sup>17</sup> Clemence Pinaud, “South Sudan: Civil War, Predation and the Making of a Military Aristocracy,” *African Affairs*, Vol 113, Issue 451, pp. 192–211 (April 1, 2014).

<sup>18</sup> Clemence Pinaud, “South Sudan: Civil War, Predation and the Making of a Military Aristocracy,” *African Affairs*, Vol 113, Issue 451, pp. 192–211 (April 1, 2014).

<sup>19</sup> Daniel Akech Thiong, “South Sudan: Buying Off Elites to Stop Fighting Won’t Work, Here’s What Might,” *African Arguments*, March 18, 2018, available at <http://africanarguments.org/2018/03/12/south-sudan-buying-off-elites-to-stop-fighting-wont-work-heres-what-might/>.

<sup>20</sup> Civil Rights Defenders, “Civil Rights Defender of the Year, 2017” (April 4, 2017), available at <https://crd.org/2017/04/04/civil-rights-defender-of-the-year-award-2017-edmund-yakani/>.

<sup>21</sup> South Sudan's economic objectives, as detailed in article 37 of the 2011 constitution, include the "a. eradication of poverty; b. attainment of the Millennium Development Goals; c. guaranteeing the equitable distribution of wealth; d. redressing imbalances of income; and e. achieving a decent standard of life for the people of South Sudan." The constitution continues, "All levels of government shall:

- a. develop and regulate the economy in order to achieve prosperity through policies aimed at increasing production, creating an efficient and self-reliant economy and encouraging free market and prohibition of monopoly;
- b. protect and ensure the sustainable management and utilization of natural resources including land, water, petroleum, minerals, fauna and flora for the benefit of the people;
- c. facilitate the development of the private sector, particularly indigenous entrepreneurs to establish and develop a viable private sector capable of participating effectively in reconstruction and development;
- d. promote private initiative and self-reliance and take all necessary steps to involve the people in the formulation and implementation of development plans and programmes that affect them and to enhance as well their right to equal opportunities in development;
- e. promote agricultural, industrial and technological development by adopting appropriate policies and legislation for the encouragement and attraction of local and foreign investment; and
- f. take necessary measures to bring about balanced, integrated and equitable development of different areas and to encourage and expedite rural development as a strategy for averting urban-biased development and policies that have been responsible for the neglect of rural communities.

3. The State shall ensure that National wealth is equitably shared among all levels of government for the welfare of the people." Transitional Constitution of the Republic of South Sudan, 2011, art. 37, p. 18, available at [https://www.constituteproject.org/constitution/South\\_Sudan\\_2011.pdf](https://www.constituteproject.org/constitution/South_Sudan_2011.pdf).

<sup>22</sup> In a series of email and personal discussions in May–June 2018, South Sudanese civil society participants and South Sudan experts identified specific problems and deficits in South Sudan's economic system. Participants were asked to envision a stable, economically viable South Sudan; they also debated power sharing and the viability of federalism, and shared opinions on the sort of economy the country should build.

<sup>23</sup> For more information on the violent kleptocracy's role in the oil sector, see Brian Adeba and the Enough Project Team, "A Hijacked State: Violent Kleptocracy in South Sudan" (Washington: The Enough Project, February 2019), available at <https://enoughproject.org/reports/a-hijacked-state>.

<sup>24</sup> South Sudan's economic governance laws are outlined in (1) the 2012 Petroleum Act; (2) the 2012 Petroleum Revenue Management Bill, which has passed the National Legislative Assembly but has not yet been signed into law; (3) the 2012 Anti-Money Laundering and Counter-Terrorist Act; (4) the 2012 Companies Act; (5) the 2011 Public Financial Management and Accountability Act; (6) the 2011 Public Procurement and Disposal Bill; (7) the 2011 constitution; and (8) the 2009 Anti-Corruption Commission Act, among other laws or proposed laws relating to South Sudan's financial transparency and accountability and oil revenue management.

<sup>25</sup> For more information on good economic governance, see Organization for Security and Cooperation in Europe, Office of the Coordinator of OSCE Economic and Environmental Activities, "Good Economic Governance," September 6, 2016, available at <https://www.osce.org/resources/factsheets/good-governance>.

<sup>26</sup> United Nations, Economic Commission for Africa, Macroeconomic Policy Division (2017-07), "Strengthening Economic Governance in Africa Lessons on Audit From Brazil, Russia, India, China and South Africa" (July 2017), available at <https://repository.uneca.org/handle/10855/23889>.

<sup>27</sup> According to the peace agreement, the transitional government is to convene a donor pledging conference, see R-ARCSS, Chapter 3.2, Special Reconstruction Fund (SRF).

<sup>28</sup> International Monetary Fund, "South Sudan: Staff Report for the 2016 Article IV Consultation" (February 28, 2017), available at <https://www.imf.org/en/Publications/CR/Issues/2017/03/23/South-Sudan-2016-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-44757>.

<sup>29</sup> For a discussion of some of these institutional challenges, see African Union Commission of Inquiry on South Sudan, "Final Report of the African Union Commission of Inquiry on South Sudan" (October 15, 2014, released publicly October 27, 2015), pp. 74–78, paras. 235–247, available at <http://www.peaceau.org/uploads/auciss.final.report.pdf>. For a look at a set of wide-ranging and comprehensive arrangements that were designed to address the resource, economic, and financial management issues in South Sudan, see "Agreement on the Resolution of the Conflict in the Republic of South Sudan" (August 2015), chapter IV, pp. 29–39, available at [http://igad.int/index.php?option=com\\_content&view=article&id=1193:agreement-on-the-resolution-of-the-conflict-in-the-republic-of-south-sudan&catid=1:latest-news&Itemid=150](http://igad.int/index.php?option=com_content&view=article&id=1193:agreement-on-the-resolution-of-the-conflict-in-the-republic-of-south-sudan&catid=1:latest-news&Itemid=150).

<sup>30</sup> U.S. Department of State, "Investment Climate States for 2016," available at <https://www.state.gov/e/eb/rls/othr/ics/2016investmentclimatestatements/index.htm?year=2016&dld=254247#wrapper>.

<sup>31</sup> World Bank, "Doing Business," 2018, available at <http://www.doingbusiness.org/data/exploreeconomies/south-sudan>.

<sup>32</sup> The full text of the agreement, "The Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan," is available at <https://www.jmccsouthsudan.com/index.php/arcss-2015/igad-hlrf-agreement>.

<sup>33</sup> Moses John, Philip Wilmot, and Nicholas Zaremba, “Resisting Violence: Growing a Culture of Nonviolent Action in South Sudan” (Washington: United States Institute of Peace [USIP], November 2018), available at <https://www.usip.org/publications/2018/11/resisting-violence-growing-culture-nonviolent-action-south-sudan>.

<sup>34</sup> Rajab Mohandis, “Civil Society: Who Are the Voices That Are Rebuilding South Sudan?” (Manchester, UK: Global Development Institute, October 26, 2018), available at <http://blog.gdi.manchester.ac.uk/civil-society-rebuilding-south-sudan/>; Omar Mahmood and Thijs Van Laer, “South Sudan Peace Deal: ‘Whose Power Are They Sharing Anyway?’” *IRIN*, November 18, 2018, available at <https://www.irinnews.org/opinion/2018/11/13/south-sudan-peace-deal-whose-power-are-they-sharing-anyway>; Radio Tamazuj, “South Sudan Civil Society Wants Stronger Judiciary, Anti-Corruption Commission,” July 15, 2015, available at <https://radiotamazuj.org/en/news/article/south-sudan-civil-society-want-stronger-judiciary-anti-corruption-commission>.

<sup>35</sup> Transparency International, “Corruption Perceptions Index, 2018,” available at <https://www.transparency.org/cpi2018>.

<sup>36</sup> Radio Tamazuj, “Cirillo: Opposition Seeks to Weaken Kiir’s Power,” July 24, 2018, available at <https://radiotamazuj.org/en/news/article/cirillo-opposition-seeks-to-weaken-kiir-s-power>.

<sup>37</sup> Robbie Gramer, “Remember South Sudan? Washington Would Prefer Not To,” *Foreign Policy*, October 4, 2018, available at <https://foreignpolicy.com/2018/10/04/quietly-angrily-washington-confronts-its-wayward-offspring-south-sudan-africa-diplomacy-foreign-aid-war-conflict-peace-deal-salva-kiir/>.

<sup>38</sup> Hellen Achayo, “Donors Show ‘Little Appetite’ to Fund S. Sudan Peace Process,” Eye Radio, September 19, 2018, available at <http://www.eyeradio.org/donors-show-little-appetite-fund-s-sudan-peace-process>.

<sup>39</sup> R-ARCSS, Chapter 1.4, General Provisions Applicable During the Pre-Transitional Period.

<sup>40</sup> There are various multilateral mechanisms that aim to help avoid conflict over natural resources, including the Extractive Industries Transparency Initiative, the Kimberley Process Certification Scheme, the U.N. Guiding Principles on Business and Human Rights, and the Organization for Economic Cooperation and Development (OECD) Due Diligence Guidance for Responsible Supply Chains of Minerals From Conflict-Affected and High-Risk Areas.

<sup>41</sup> Greg Larson, Peter Biar Ajak, and Lant Pritchett, United Nations University-World Institute for Development Economics Research, “South Sudan’s Capability Trap: Building a State With Disruptive Innovation,” Working Paper No. 2013/120, (October 2013), available at <https://www.southsudanpeaceportal.com/repository/south-sudans-capability-traphttpswww-wider-unu-edusitesdefaultfileswp2013-120-pdf-building-state-disruptive-innovation>.

<sup>42</sup> The JMEC is constituted under Chapter VII of the ARCSS and is responsible for monitoring and overseeing the implementation of the Peace Agreement and the mandate and tasks of the TGoNU, including the adherence of the Parties to the agreed timelines and implementation schedule. More information is available at <https://jmeccsouthsudan.org/>.

<sup>43</sup> Joseph Oduha, “South Sudan Wants \$1.5bn for Post-Conflict Recovery,” *The East African*, November 22, 2018, available at <https://www.theeastafrican.co.ke/news/africa/South-Sudan-wants-post-conflict-recovery-aid/4552902-4864052-j73rhh/index.html>.

<sup>44</sup> Ojwe Lumara, “South Sudan Launches National Development Strategy to Spark Economic Development,” *Gurtong*, November 28, 2018, available at <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/21679/South-Sudan-Launches-National-Development-Strategy-To-Spark-Economic-Development.aspx>.

<sup>45</sup> R-ARCSS, Chapter 3.2, Special Reconstruction Fund (SRF).

<sup>46</sup> In addition to having these domestic laws, South Sudan has also acceded to the U.N. Convention against Corruption (UNCAC) and signed the AU Convention on Preventing and Combating Corruption. South Sudan and its neighbors’ participation in these treaties provides an entry point for international engagement. UNCAC obliges states parties to criminalize corruption within their countries and support other members with legal assistance requests to advance corruption investigations. While less robust and explicit in some of these provisions, the AU convention also encourages criminalization of certain offenses and strengthening of anti-corruption authorities and mechanisms in addition to cooperating in corruption cases that cross borders. Additional information on UNCAC and the AUCPCC is available at

[https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf) and <http://www.au.int/en/treaties/african-union-convention-preventing-and-combating-corruption>.

<sup>47</sup> For more information on responsible investing, please see the United Nations Office of the High Commissioner for Human Rights, “Guiding Principles on Business and Human Rights, Implementing the United Nations ‘Protect, Respect and Remedy Framework’” (2011), available at <https://www.unglobalcompact.org/library/2> and Organization for Economic Cooperation and Development, “Guidelines for Multinational Enterprises” (2008), available at <http://www.oecd.org/investment/mne/1922428.pdf>.

<sup>48</sup> In 2011, the United States hosted the International Engagement Conference to highlight the country’s investment and development plans. For more information, see “US Hosts International Engagement Conference for South Sudan,” *Sudan Tribune*, December 13, 2011, available at <http://www.sudantribune.com/US-hosts-international-engagement,40987>.

<sup>49</sup> United Nations Comtrade database, accessed May 30, 2018, available at <https://comtrade.un.org>.

<sup>50</sup> United Nations Panel of Experts on South Sudan, “Interim Report S/2018/1049,” November 26, 2018, available at <https://www.un.org/securitycouncil/sanctions/2206/panel-of-experts/reports>.

<sup>51</sup> Radio Tamazuj, “Kiir Laments Corruption: ‘I Got People Who Know How to Eat,’” November 25, 2018, available at <https://radiotamazuj.org/en/news/article/kiir-laments-corruption-i-got-people-who-know-how-to-eat>.

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- <sup>52</sup> Liberia Governance and Economic Management Assistance Program, website available at [http://www.gemap-liberia.org/about\\_gemap/index.html](http://www.gemap-liberia.org/about_gemap/index.html).
- <sup>53</sup> R-ARCSS, Chapter 4.2, Institutional Reforms.
- <sup>54</sup> R-ARCSS, Chapter 4.10, Public Finance and Economic Management and Chapter 4.8, Review of National Legislations.
- <sup>55</sup> R-ARCSS, Chapter 4.4, Anti-Corruption Commission.
- <sup>56</sup> R-ARCSS, Chapter 4.5, National Audit Chamber.
- <sup>57</sup> R-ARCSS, Chapter 4.11, Wealth Sharing and Revenue Allocation.
- <sup>58</sup> The African Union Advisory Board on Corruption (AU-ABC) is an autonomous organ established within the AU, in terms of article 22 of the African Union Convention on Preventing and Combating Corruption. For more information, see <http://www.aumaticorruption.org/auac/en>.
- <sup>59</sup> R-ARCSS, Chapter 4.6, New Institutions.
- <sup>60</sup> R-ARCSS, Chapter 4.11, Wealth Sharing and Revenue Allocation.
- <sup>61</sup> R-ARCSS, Chapter 4.16, Economic and Financial Management Authority (EFMA).
- <sup>62</sup> R-ARCSS, Chapter 4.8, Resource Management.
- <sup>63</sup> David K. Deng, Paul Mertenskoetter, and Luuk van de Vondervoort, “Establishing a Mining Sector in Postwar South Sudan” (Washington: United States Institute of Peace, Special Report 330, April 2013, available at <https://www.usip.org/publications/2013/04/establishing-mining-sector-postwar-south-sudan>).
- <sup>64</sup> All Africa, “Mozambique: IMF Demands Publication of Full Kroll Report,” July 24, 2017, available at <https://allafrica.com/stories/201707240738.html>.
- <sup>65</sup> The Kimberley Process is a multilateral trade regime established in 2003 with the goal of preventing the flow of conflict diamonds. More information is available at <https://www.kimberleyprocess.com/>.
- <sup>66</sup> R-ARCSS, Chapter 4.12, Public Expenditure.
- <sup>67</sup> Joakino Francis, “Parliament Finally Passes Procurement Bill,” Eye Radio, September 24, 2018, available at <http://www.eyeradio.org/parliament-finally-passes-procurement-bill/>.
- <sup>68</sup> R-ARCSS, Chapter 4.5, National Audit Chamber.
- <sup>69</sup> The Extractives Industries Transparency Initiative (EITI) is the global standard to promote the open and accountable management of oil, gas, and mineral resources. For more background, see <https://eiti.org/>.
- <sup>70</sup> The Anti-Corruption Commission Act of 2009 and the Transitional Constitution of 2011 require that senior public officials make confidential declarations of their income.
- <sup>71</sup> Sophie Taylor and Joseph Kraus, “5 Simple Changes That Your Government Can Make to Make the World Less Corrupt,” ONE, May 11, 2016, available at <https://www.one.org/us/blog/5-simple-changes-that-your-government-can-make-to-make-the-world-less-corrupt/>.
- <sup>72</sup> The Guiding Principles on Business and Human Rights seeks to provide an authoritative global standard for preventing and addressing the risk of adverse human rights impacts linked to business activity. For more background, see United Nations Office of the High Commissioner for Human Rights, “Guiding Principles on Business and Human Rights, Implementing the United Nations ‘Protect, Respect and Remedy Framework’” (2011), available at <https://www.unglobalcompact.org/library/2>.
- <sup>73</sup> Publish What You Pay (PWYP), a worldwide campaign for an open and accountable extractive industry, coordinates action to ensure revenues for oil, gas, and mining are used to drive development. For more background, see <https://www.pwyp.org>.
- <sup>74</sup> John Gatwech Lul, institutional report to the East African Association of Anti-Corruption Authorities (EAAACA) Extra-ordinary meeting, September 29–30, 2015, Kampala, Uganda. PowerPoint on file with the Enough Project.
- <sup>75</sup> *The New Times*, “How Rwanda Became the First African Country With an Electronic Procurement System,” September 8, 2018, available at <https://www.newtimes.co.rw/news/how-rwanda-became-first-african-country-electronic-procurement-system>.
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- <sup>78</sup> R-ARCSS, Chapter 4.16, Economic and Financial Management Authority (EFMA).
- <sup>79</sup> R-ARCSS, Chapter 4.8, Resource Management.
- <sup>80</sup> The Stolen Asset Recovery Initiative (StAR) supports efforts of policymakers and practitioners to return stolen assets, remove barriers to asset recovery, and prevent laundering of proceeds of corruption. World Bank Stolen Asset Recovery Initiative, available at <http://star.worldbank.org/star>.
- <sup>81</sup> The Stolen Asset Recovery Initiative (StAR), “The Ukraine Forum on Asset Recovery,” available at <https://star.worldbank.org/ufar/ukraine-forum-asset-recovery-ufar>.
- <sup>82</sup> Given the failure of state institutions to fully investigate allegations of corruption and state capture, members of civil society held a People’s Tribunal on Economic Crime in South Africa from the 3rd to the 7th of February 2018. For more information, see The People’s Tribunal on Economic Crime, available at <https://corruptiontribunal.org.za/>.
- <sup>83</sup> R-ARCSS, Chapter 5.7, Compensation and Reparation Authority (CRA).
- <sup>84</sup> R-ARCSS, Chapter 4.4, Anti-Corruption Commission.



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- <sup>85</sup> R-ARCSS, Chapter 5.6, Hybrid Court for South Sudan (HCSS).
- <sup>86</sup> R-ARCSS, Chapter 4.4, Anti-Corruption Commission.
- <sup>87</sup> International Commission against Impunity in Guatemala (CICIG), United Nations, Political and Peacebuilding Affairs, available at <https://dpa.un.org/en/mission/cicig>.
- <sup>88</sup> R-ARCSS, Chapter 5.6, Hybrid Court for South Sudan (HCSS).
- <sup>89</sup> R-ARCSS, Chapter 5.2, Commission for Truth Reconciliation and Healing (CTRH).
- <sup>90</sup> R-ARCSS, Chapter 1.8, Vice Presidents of the Republic of South Sudan.
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- <sup>92</sup> R-ARCSS, Chapter 1.5, Structure of the Executive of the RTGoNU.
- <sup>93</sup> Dominc Iyaa and Katie Smith, "Women and the Future of South Sudan: Local Insights on Building Inclusive Constituencies for Peace," (Washington: Search for Common Ground, September 2018), available at <https://www.sfcg.org/women-future-south-sudan/>.
- <sup>94</sup> Ann Hudock, "Protecting Spaces for Women's Economic Participation in Fragile and Conflict-Affected States" in Occasional Paper Series: *Women's Economic Participation in Conflict-Affected and Fragile Settings* (Washington: Georgetown Institute for Women, Peace and Security, January 2016), available at <https://giwps.georgetown.edu/resource/women-economic-participation-fragile-states>.
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- <sup>96</sup> Mayesha Alam, Ségolène Dufour-Genneson, and Rebecca Turkington, "Security, Basic Services and Economic Opportunity in South Sudan – Perspectives of Women Post-Independence and Pre-Civil War" (Washington: Georgetown Institute for Women, Peace and Security, July 2014), available at <https://giwps.georgetown.edu/wp-content/uploads/2017/10/Security-Basic-Services-and-Economic-Opportunity-in-South-Sudan-Perspectives-of-Women-Post-Independence-and-Pre-Civil-War-.pdf>.
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- <sup>99</sup> World Bank Group, "Building Sustainable Public Sector Capacity in a Challenging Context" (January 2017), available at <http://documents.worldbank.org/curated/en/161481493196781863/Building-sustainable-public-sector-capacity-in-a-challenging-context>.
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- <sup>101</sup> R-ARCSS, Chapter 4.11, Wealth Sharing and Revenue Allocation.
- <sup>102</sup> Augustino Ting Mayai, "How the Federal System of Government Is Misunderstood in South Sudan" (Juba, South Sudan: The Sudd Institute, June 4, 2014), available at <https://www.southsudanpeaceportal.com/repository/federal-system-government-misunderstood-south-sudan/>.
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- <sup>105</sup> These relevant international standards include the International Covenant on Economic and Social Rights, the Declaration on the Rights of Indigenous Peoples, and the World Heritage Convention.
- <sup>106</sup> The International Finance Corporation's performance standard 7 on Indigenous People and Free, Prior, and Informed Consent seeks to ensure that business activities minimize negative impacts; foster respect for human rights, dignity, and culture of indigenous populations; and promote development benefits in culturally appropriate ways. For more background, see [https://www.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/sustainability-at-ifc/policies-standards/performance-standards/ps7](https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/performance-standards/ps7).
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- <sup>109</sup> The Tanzania Natural Resource Forum (TNRF) promotes community-based natural resource management (CBNRM) as the focus for strengthening citizens' voices in the forestry, rangelands, wildlife, and fisheries thematic areas across the country and at the community level. More information is available at <https://www.tnrf.org/cbnrm>.
- <sup>110</sup> R-ARCSS, Chapter 4.11, Wealth Sharing and Revenue Allocation.
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- <sup>119</sup> Kristine Gronhaug, “Working in the World’s Most Corrupt Countries,” Voices for Transparency, December 19, 2018, available at <https://voices.transparency.org/working-in-the-worlds-most-corrupt-countries-88de00492b88>.
- <sup>120</sup> R-ARCSS, Chapter 3.2, Special Reconstruction Fund (SRF).
- <sup>121</sup> The Oakland Institute, “Understanding Land Investment Deals in Africa – Country Report: South Sudan” (2011), available at <https://www.oaklandinstitute.org/understanding-land-investment-deals-africa-south-sudan>.
- <sup>122</sup> R-ARCSS, Chapter 3.2, Special Reconstruction Fund (SRF).
- <sup>123</sup> Bester Mulauzi, “South Sudan Needs Roads For Peace. Literally,” African Arguments, October 18, 2018, available at <https://africanarguments.org/2018/10/18/south-sudan-needs-roads-for-peace-literally/>.
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- <sup>126</sup> R-ARCSS, Chapter 4.3, Ministry of Finance and Planning.
- <sup>127</sup> R-ARCSS, Chapter 1.9, Powers, Functions and Responsibilities to Be Exercised by the President, the First Vice President, and the Vice Presidents Through Consultation and Agreements.
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