



The Foundation of Transparency and Accountability: Faith, Law, and Structure of States

Saturday, April, 27, 2019

Juba, Grand Hotel

Introduction

This is a summary of the presentations and discussions on the TAF/DPF discourse on **The Foundation of Transparency and Accountability: Faith, Law, and Structure of States**.

The summary consists of opening remarks, main presentations, a summary of the discussion, key issues, consensus on issues that emerged, policy recommendations and conclusion.

Opening session

Dr. Lual A. Deng in his opening remarks, welcomed the participants for this TAF event. He explained to the participants that, he will be the moderator of this event as the proposed moderator Prof. George B. Nyombe apologized at the last minute. He highlighted that; South Sudan will take some years to achieve transparency and accountability and to eliminate corruption. He added that transparency and accountability require some foundations for efficient management of public resources. Then he mentioned the three pillars of foundation for transparency and accountability as;

1. Faith
2. Law
3. Structure of the State

Then Dr. Lual invited deputy chair for ECSS; Dr. Salwa Berberi to deliver her speech on behalf of the board of directors. She appreciated the managing Director of ECSS for having organized the event with careful selection of the topic. She welcomed all the participants for this event which is titled “the foundation of transparency and accountability”. Dr. Salwa added that, the revitalized peace agreement on the resolution of conflict in South Sudan (R-ARCSS) focuses more especially in reforms. It’s important to note that, these reforms should have impact on the public service. She noted that the peace agreement explains where the

leaders have gone wrong? Why it has happened? And what to be done! She added that there will be two products of TAF event namely; summary and policy brief.

Dr. Lual on his turn added that, the program is supported by the government of Norway. He mentioned that what is happening in Khartoum (Sudan) has impact on South Sudan due to related issues of transparency and accountability between the two countries. Therefore, Dr. Lual argued SPLM to be careful and vigilant in handling national issues. He recognized the presence of Norwegian, European Union and African Union Ambassadors, and representatives from the Arab Republic of Egypt. He also recognized the presence of the Ministers from the National government and members of parliament.

Dr. Lual as the moderator of the event introduced the panelists; Bishop emeritus Enock Tombe, the former Secretary General of Sudan Council of Churches, Mr. Peter Lam Both, the SPLM Secretary for Information, Mr. Zachariah Akol from SUDD Institute and a Lecture at University of Juba and Dr. Santiono Ayuel Longar, is currently in Canada and his presentation will be presented by Dr. Lual

The Presentations

FAITH

Bishop Tombe started by a quote from the Bible; “Those who love your instructions have great peace and do not stumble” Psalm 119:165.

The need for values and ethics for nation building in South Sudan context of conflict

South Sudan plunged itself into political crisis and violence on 15th December 2013. Intergovernmental Authority on Development (IGAD) intervened and mediated in the conflict that resulted into signing of an Agreement on Resolution of Conflict in South Sudan (ARCSS) in August 2015 by the warring parties. Yet, the conflict resumed in July 2016. Once more, IGAD got back to its workshop and facilitated a revitalization process for ARCSS from June 2017 to September 2018. The result of the revitalization process is the current RARCSS 2018, signed on 12th September 2018 in Addis Ababa, Ethiopia by the South Sudanese warring parties that has increased in number from previous four (GRSS, SPLM/A-IO, FDs, OPP) to five (TGoNU, SPLM/A –IO, FDs, SSOA and OPP). Others have not yet signed the RARCSS 2018.

As one of the faith-based delegates in the IGAD led peace process from February 2014 to September 2018, South Sudan needs proper foundations in order to develop as a viable nation. The political leaders have tried their level best to resolve some of the issues of conflict under IGAD mediation, but trust and confidence remain a great deficit between them on one hand and with the general public on the other hand. In addition to the above, inter and intra-communal conflicts have been worsened by availability of modern arms and ammunitions in the hands of civilians sometimes beyond the capacity of state law enforcement agencies to control, to put it mildly. Otherwise some elements within the security sector have been alleged of supplying those arms and ammunitions.

In view of the above, the reflection on a biblical model of a state of Israel based on three pillars: Faith, Law and Kingdom. The faith came through Abraham, Law through Moses and Kingdom (State) through King Saul and later King David. Bishop Tombe was happy and grateful to Dr. Lual A. Deng, Managing Director of Ebony Centre for the organization of this forum to discuss the three pillars of nation building in relation to South Sudan context of conflict. His role in this forum is to discuss the pillar of faith and to comment on the current situation in the Sudan from faith-based perspectives. The objective is to draw lessons that can be applied in our present context of South Sudan. Other speakers have been selected to discuss the other two pillars: law and state structure.

Faith in God the Creator

The Book of Hebrew 11:1 defines faith as “the reality that we hope for; it is the evidence of things we cannot see”. It gives a list of people who lived by faith and fulfilled God’s will in their time. One of the people in the list is Abraham as you can read from verses 8-10 of the same chapter, Africa Study Bible. In the Book of Genesis 12: 1-3, God called Abraham to leave his native country to an un-disclosed place, God had chosen to establish the nation of Israel and become a blessing to other nations. Abraham obeyed God as revealed in the Bible and the nation of Israel was established after 400 years of slavery in Egypt. Then God called Moses who liberated the Israelites from Egypt and led them to the Promised Land of Canaan. The journey took forty (40) years due to disobedience to God’s laws by the people of Israel who preferred staying in Egypt than having their own state. The people who were twenty years and above died in the wilderness because of complaining against Moses and God for food and water, Numbers 14:26-33. Joshua and Caleb led the younger generation of Israelites and resettled in the Promised Land.

In the case of South Sudan, we began our collective liberation struggle since 15th August 1955 against oppressive rule by Khartoum based regimes in the old Sudan. However, the first struggle ended with a regional autonomy in a united old Sudan based on Addis Ababa Peace Agreement of March 1972 that lasted for only 10 years. Then the second liberation struggle started on 16th May 1983 against the same oppressive rule by Khartoum based regimes in the old Sudan. This time the conflict with Khartoum ended with the signing of a Comprehensive Peace Agreement (CPA) on 9th January 2005 with a provision for Right of Self-determination with two options for either unity or cessation by the people of Southern Sudan after an interim period of 6 years. Finally, the people chose the second option. Thus, South Sudan became an independent state on 9th July 2011 based on the will of its people and support of international community.

With outbreak of the civil war 2013-2018, it becomes clear that the nation of South Sudan that emerged from almost two centuries of external rule on 9th July 2011 needs to be built. The biblical model of Israeli nation seemed relevant to our context as I see it. The Israelites suffered for four centuries of slavery in Egypt. Then God heard their cry and liberated them from slavery under leadership of Moses to fulfil his promise to Abraham. However, it took the Israelites 40 years to reach the Promised Land. Therefore, this time frame of 40 years needs to be given serious consideration by the present South Sudanese leaders who are forty years and above, including myself. We need to give chance to the younger generation to reach the South Sudan we have been dreaming about by the year 2045 counting the forty years since CPA 2005.

But without values in terms of ethics and positive beliefs from our African traditional religion (belief in God via Ancestors), Christianity (belief in God via Jesus Christ) and Islam (belief in God via five pillars of Islam), even the younger generation may become worse than the current generation of liberation fighters. Just to cite a few examples of values, the elders need to show good examples and to mentor the youth in terms of values of love of God and other human beings, stewardship of creation (protection of wildlife and natural environment), self-discipline, accountability, servanthood, respect for public and someone's property, integrity, honesty, love for family, hard work, self-reliance etc. This is an ongoing process of wider education and learning in the family, community, schools, churches and mosques, public and private institutions including businesses, media, arts and entertainment.

What lessons can we learn from modern Islamic Sudan 1989- 2019?

Bishop Tombe had the opportunity to study in Khartoum University with Northern Sudanese colleagues for 5 years from 1977-1981. In addition, he served in Khartoum as General Secretary of Sudan Council of Churches (SCC) for 8 years from May 1995-May 2003. Therefore, he claims to have some experience in living under an Islamic context where Muslims are in majority of the population. While he was studying in Khartoum University, the May Socialist regime led by General Jaafar Mohamed Nimeiri was in power at that time since 25th May 1969. Whereas the people of Southern Sudan were very happy with Nimeiri's regime in its initial years due to the signing of the Addis Ababa Peace Agreement of 1972, the political leaders of Northern Sudan were unhappy with the regime. Thus, there were several attempts to overthrow the regime by Communists (Humanists of Nugud), Umma (Anser sect of Mahdi), DUP (Khatimiya sect of Marghani), Muslim Brothers (Dr. Hassan Abdalla el Turabi) plus other groups such as Republican Brothers (Shiek Idris Albana) until April 1985 when they finally succeeded.

One of the strategies used by May regime after the failed Communist coup in 1971 was to exploit Islam and Arab race and culture to maintain its grip on power and control of resources. Please read this in a book entitled, "The Sudan: Struggle for Identity and Wealth" by Professor Suleiman Mohamed Suleiman published in London in 2000. Under pressure from so-called sectarian political parties (Umma, DUP and Muslim Brothers), the May regime passed what became known as September Laws of 1983 (Sharia). But no fundamental changes occurred in the lives of the people of old Sudan despite the introduction of Islamic laws in the country's constitution. On the contrary, it fueled the conflict in Southern Sudan that had already started the second liberation struggle three months earlier in June 1983.

Discrimination, marginalization, injustice and corruption continued under the two layers of political Islam and identity bases on Arabic language and culture. The Muslim Brothers changed its name to National Islamic Front (NIF) and later to National Congress Party (NCP) that continued with the September 1983 laws after taking over power in June 1989 by General Omer Hassan Ahmed Al Bashir. Please read about this in the Black Book published in Khartoum by some Western Sudanese leaders about a year before eruption of Darfur conflict in February 2003. You have heard also about concentration of development programmes in what was called "Hamdi's Triangle" that comprised of Gezira scheme, Port Sudan and

Khartoum. NCP led government was very shrewd in exploitation of oil with the help of foreign investors as from 1994 after termination of contract with USA Chevron Oil Company.

However, the prolonged armed struggle exerted by SPLM/A with its allies in Northern Sudan to create a New Sudan from 1983-2005, did not succeed. Thus SPLM/A fell back to Plan B; the independence of South Sudan in July 2011 based on CPA 2005. One political commentator stated that the CPA 2005 did not really solve the problem in the old Sudan; but divided it into two parts. One part for Northern Sudan and the other part for Southern Sudan to resolve. I think he was right as each part of the old Sudan has been struggling to resolve the issues of power, wealth and identity up to now without addressing the real problem of greed. In fact, this human problem of greed cannot be solved without values derived from faith, good practice and strong institutions led by servant leaders no matter what label is used. It also requires change of heart (repentance) and forgiveness based on faith in God the Creator by the leaders and people of South Sudan.

With respect to lessons that we can learn from the Sudan, we should not exclude people in terms of their religious, ethnic, clan, gender, age, socio-economic status, geographic location, linguistic and political affiliations in the allocation of resources, employment and service delivery. The need to design a system of governance that allows for sharing of power and its peaceful transfer based on democracy and rule of law. Furthermore, freedoms of belief, speech and association for every citizen must be guaranteed in the national constitution and in practice.

He concluded that, Faith as one of the pillars in nation building is very important in terms of values required to promote self-control of individual behavior and provide guiding principles to run public and private affairs for the benefit of all citizens of South Sudan. Religious and any form of discrimination based on ethnicity, clan, language, gender, age, socio-economic status, geographically location and politics should not be allowed in the national constitution of South Sudan and in practice in terms of resource allocation, employment and service delivery to all citizens.

However, the process of nation building in South Sudan should be given sufficient time and a conducive environment. He believes that the RARCSS 2018 is a great opportunity to create the conducive environment characterized by political stability, economic prosperity and lasting peace of mind and heart, John 14:27.

LAW

Dr. Lual's presented on half of Dr. Santino Ayuel Longar

Introduction

It is an honor and, indeed, a privilege to be asked to be part of today's Ebony Centre's discourse on The Foundation of Transparency and Accountability: Faith, Law and State Structure. Unfortunately, two things militate against the effectiveness of my participation. The first is that I can only participate virtually. That is because I am not currently in Juba. For this reason, the Managing Director of Ebony Centre, Dr. Lual Deng, has asked me to participate in the discourse by writing some points on the legal foundation of accountability. The second issue against my effective participation relates to the fact that, while I feel truly honored to be part of this discussion, I would have been more effective if I had enough time to prepare. The concepts of transparency and accountability, especially in the context of public administration, are complex in nature. They require a reasonable timeframe to allow participants to put their thoughts together in a coherent manner. Because the idea came to me on such a short notice, I apologize in advance that I will not be able to meet your expectations in respect of what I should present and how effective I should present it.

All that notwithstanding, the concept and practice of accountability in public administration can be achieved if certain public structures or institutions exist. The first institution is the state itself. We cannot talk of transparency and accountability on the part of public officials if there is no system of public bureaucracy. The second institution is that of structures of accountability: how are public officials held accountable and by who? Since accountability takes the form of public responsibility, it follows that there must be a chain of being held accountable and/or holding others accountable for their impugned conduct. The third and final institution is that of the rule of law. There must be set of rules that are applicable to all and sundry, irrespective of gender, social status or political position. More importantly, while the rule of law means that the law must apply to all equally it cushions private citizens against an arbitrary exercise of state power.

As we look at the problem of mismanagement of public resources and why South Sudan has not been effective in stamping out the propensity for using public resources for personal gain as well as the fact that this culture operates to impede the development of a transparent and accountable public sector in the world's youngest country, these institutions are indispensable. We start with legal foundation of the state.

The Legal Foundation of the Institution of Statehood

Definition of Statehood under International Law

Literature is replete with definitions as to what a State or nation-State is. For purposes of this presentation, I use the term “State” or “nation-State” pursuant to the criteria set out in Article 1 of the 1933 Montevideo Convention on the Rights and Duties of State, which Convention governs all members of the society of sovereign States under international law. Generally, whether a State is structurally federal or unitary, the Convention defines “State” as a juridical entity with (a) a permanent population; (b) a definitive territorial or geographical scope; (c) an internationally recognized government; and (d) the capacity to enter into relations with other sovereign States.

By virtue of this definition, South Sudan, at first blush, satisfies all the elements of statehood. Satisfying these criteria, however, is not enough. Francis Deng, Roberta Cohen and other scholars have elegantly stated, international law does not vest sovereignty in States in an absolute sense. That is, while juridical sovereignty, as defined by the criteria set out under the Convention’s Article 1, tends to be more easily satisfied, the concept of empirical sovereignty largely determines whether a given State is a responsible member of the society of sovereign nations/States. In this sense, sovereignty is understood as an idea that imposes legal imperatives on every State to operate as a surrogate of the interests and/or welfare of its own people. Among the main ones are the state obligations to ensure a reasonable provision of security (both internal and external)—protection from external and/or internal aggression—and service delivery (food, education, health and housing) etc. In this sense, the State’s responsibility towards its people/subjects is fiduciary in nature. The State-subject fiduciary relationship undergirds the nature and scope of the exercise of the sovereign authority vested in States. This vesting enables States not only to make laws but, more importantly, to also ensure that citizens have the power to censure the exercise of this authority by the directing minds of the State—State officials. The exercise of sovereign power, thus, calls not only for accountability on the part of those in whom State power is vested. It is also circumscribed by the rule of law, as further discussed herein.

South Sudan and the Fragility of its Legal Statehood

Yet since becoming a member of the society of sovereign States in 2011, South Sudan is a country torn between solidarity and fragmentation. In this sense, South Sudan may be described as a fragile state. The underlying circumstances for this are, in fact and law, multivariate in nature but ones that have significantly tested the legal foundation of the

problem that inheres in the novelty of statehood. For the heuristic purposes of this presentation, I will list only two elements of the problem. The first element organically arises from the fact that, following many decades, even centuries, of war and violence, South Sudan's modern and pre-existence (indigenous) economic, social and political structures have given way to disorder. The war has, therefore, virtually left the country without bureaucratic infrastructure. To undo this damage is normally an uphill battle before a semblance of stability is regained. Second element is that, seen a priori, challenges to the process of state and nation-building in South Sudan are further exacerbated by the fact that the country has attained statehood at a time when the traditional idea of the nation-state's monopoly over the tools and legitimate use or threat of the use of violence is under siege. Traditionally, States have exercised nearly unfettered control over the legitimate use of force to create a semblance of law, order and security within their sovereign jurisdictions. In recent decades, however, this monopoly has significantly been challenged by the inherent threats of globalization, technology, multinational conglomerates and/or amorphous groups of individuals that tenuously compete with States over the use of force. This makes it extremely difficult to create a transparent and accountable system of public bureaucracy. That that is, creating structures of transparency and accountability requires firm legal foundations of statehood so that the propensity to use public resources for personal gains can be kept at bay, in part, by means of a judicial system that independently exacts punishment for such impugnable offense in public administration.

Accountability in Public Administration

Generally public administration may be described as "an exercise of governmental power." As a requirement of an effective public administration in modern states, accountability is a complex aspect, especially in countries in which public institutions have little to no legal teeth. Accountability requires an actor, whether it is an individual or organization, to be answerable to an independent body or authority. Such a body is empowered, under a given statute, to adjudicate over an impugned conduct of public officials. This also requires public officials to provide reasons or justifications for the basis of the execution of a given duty or of making decisions of national importance. Furthermore, for purposes of intelligibility and objectivity, accountability requires that the scope of the exercise of public authority be prescribed by law. Where an actor fails to act; commits malfeasance or the exercise of authority *ultra vires* (exceeds) the extent prescribed by law (statute), accountability is triggered. Where there are no structures or system that is sufficiently robust to exercise an

oversight over such conduct or they system is incapable of detecting and punishing misappropriation of public funds, there is greater latitude for public officials to misuse public resources for personal gain with little or no accountability.

From the foregoing, it is self-evident that three types of errors are prevalent in public administration, namely; managerial errors (or malfeasance), jurisdictional errors (which arise when public officials exceed the exercise of legitimate authority); and errors of inaction or inadequate action. These errors can be cured by means of effective supervision, adequate training, personal accountability, intra-organizational control or by means of an oversight committee or intergovernmental agency as well as checks and balances inherent in the division of powers among the three organs of government, particularly the courts which operate as final neutral arbiters.

The Relevant Instrument of Accountability in the Management of Public Resources in South Sudan: Hierarchy

Existing literatures on accountability identifies at least four layers, instruments or structures of accountability in public administration, namely, hierarchy, mutuality, competition and contrive randomness. The most relevant instrument for the context of South Sudan is hierarchy. Hierarchical bureaucracy basically defines the basic organizational structure of public administration, setting out, in terms of seniority, the relationship among public officials or administrators in a particular public department, branches of government as well as the foundation for legitimate grants or delegation of public power. This explains why hierarchical structure is often seen as the bedrock of accountability in public administration.

In South Sudan: All public post holders, at the levels of central and state governments, fall within the structure of hierarchical bureaucracy, starting from the Office of the President downwards. The President, for examples, theoretically holds all the members of his cabinet answerable to him because they serve at his pleasure just as the National Assembly must exercise an oversight over the executives. Ministers must also hold those in their respective departments answerable to them. Same can be said of the hierarchical accountability at the state level.

Misappropriation of Public Resources in South Sudan

Since the establishment of the public bureaucracy or administration in South Sudan in 2005, a lot of liquid cash, generated from the sales of crude oil, has flowed into the public coffers. Yet, despite the fact that South Sudan had, until 2013, the highest income per capita in the region, the government has done little to account for how this money has been used. The culprit has been found in the form of the misappropriation of public resources by government officials and corrupt business associates, domestic and foreigners alike. In 2012, the country reportedly lost more than US\$4.5 billion, a staggering amount allegedly embezzled by corrupt government officials. That was not it. Much more has been lost since 2013, following the outbreak of civil war and the breakdown of structures of accountability, if there ever were. Attempts by the President to hold some of these officials accountable have led to bitter rift within the ruling political party. Moreover, how much of crude oil is produced every day and how much money oil generates or goes into the public coffers, is shrouded in secrecy. Furthermore, a 2018 report by the Sudd Institute established that the central government owes oil producing communities millions of dollars that have not been remitted to them as stipulated in the Petroleum Revenue Sharing Arrangements. That is because the Petroleum Ministry and local governors from oil producing areas have not been forth-coming in terms of how much money the oil producing communities receive or ought to monthly. Overdue monthly remittances run into years and now into nearly decades with no single dimes in the account of these communities.

There are also reports that other public officials, both in central and state governments, have created fictitious companies in cahoots with foreigners to illicitly exploit and extract other natural resources such as gold, timber and other natural resources, or reports on land grabbing by public officials, all for personal gains.

But why and how does all this happen with impunity? The following section attempts to provide an answer.

Why Misappropriation of Public Resources is Rampant in South Sudan

Abuse of the Rule of Law

The concept and application of the rule of law historically emerged, especially in England, as an instrument for mitigating misuse or abuse of public power by state officials. In its original

sense, thus, the rule of law sets and prescribes the balance between the exercise of public authority and the rights and freedoms of ordinary people who would otherwise be perpetual victims of arbitrary use of state authority. In this sense, the rule of law stipulates that no one is above the law: the law must apply to all equally irrespective of gender, social status or position of public authority. This suggests that everyone, especially public officials, in matters of public administration, are as equally answerable for their conduct before a court of competent jurisdiction as everyone else. Prior to the development of this concept, the sovereigns (kings/queens, chiefs, princes/princesses, emperors/empresses) were the law themselves. What they thought should be the law became the law. Moreover, this law applied only to their subjects. They were above the law.

But in a free and liberal society, the law is not just simply the king/queen. It also lays the foundation for transparency and administrative accountability. In a system where the law does not apply to all equally, transparency and accountability are illusive.

In respect of South Sudan, the rampant abuse of the rule of law allows public officials to get away with public resources. That is because the rule of the sword trumps the rule of law. Because there are no consequences for misuse or abuse of state power or misappropriation of public resources, the judicial system and other law enforcement institutions have not been able to deter the propensity for misuse of public resources for personal gain.

So how can South Sudan mitigate the searing ubiquity of the lack of transparency and accountability in the management of public resources, especially the oil industry, considering the fact that misappropriation of public resources has also become such an impediment to the world's youngest country's state and nation-building? I make some rudimentary suggestions below.

How to Mitigate Misuse of Public Resources: Structures of Accountability

Establishment of the Petroleum Marketing and Review Boards

These boards would be able to verify the quantum of daily oil production as well as the price to which the oil sells at international market at a given time. They should also work in conjunction with the Ministry to stamp out insider dealings, or illicit dealings that lead to unreasonable award of tenders, and put to an end the inflation of prices for certain contracts

relevant to the operations and production in the oil industry. The board should comprise of but not limited to:

The Minister of Petroleum

- Representatives of government of oil producing states;
- Local oil producing community representatives; and/or
- Women representatives; and
- Civil society representatives.

Establishment of a Petroleum and Natural Resource Tribunal

This would be a quasi-judicial body. The role of this tribunal would be to:

Expedite the review of cases from this sector.

Serve as a neutral arbiter of first instance. It would adjudicate over all cases involving administrative errors committed by those charged with running the affairs of oil industry and other issues relating to misuse of public resources.

The tribunal should comprise of but not limited to:

- Lawyers: these must be members of the Law Society of South Sudan or other jurisdictions with impeccable and reputable moral standing;
- Experienced and trained administrators
- Emphasis on the importance of personal dignity and integrity

Besides requisite academic qualifications and skills, these qualities must be imperative for hiring staff. Passing a piece of legislation on Natural Resources and Land Reforms Act: This legislation must give substantive contents to the constitutional provision on the idea that the land belongs to the community. The Constitution must empower communities to control the use of land and grant them an inviolable participation in how natural resources on or under their communal land are used by the central and state governments.

Conclusion

This presentation critically examines the foundation of transparency and accountability in the management of public resources in South Sudan. It outlines, both in theoretical and practical terms, the idea that for there to be a transparent and accountable system in the management of public resources, three institutions must be in place. The first is the institution of the state itself. The second is the institution of a transparent and accountable public bureaucracy; while the third and final institution is that of the rule of law.

Against this backdrop, this presentation demonstrates that the ubiquity of the culture of mismanagement of public resources in South Sudan arises in part from lack of strong structures for transparent and accountable public bureaucracy; and abuse of the rule of law by state officials. This means that misuse of public resources either go undetected or, even when detected, mechanisms for holding public officials accountable for their impugned conduct barely exist. This militates against the project of state and nation-building in the world's youngest country.

In order to create a transparent and accountable system of public bureaucracy in relation to the management of public resources in South Sudan, this presentation recommends the creation of public review and control boards as well as tribunals for adjudicating issues relating to misappropriation of public resources.

I thank Ebony Centre for the opportunity for this presentation. I also apologize that I may not have met your expectations. With availability of financial resources in future, I will make an in-depth research and publish my findings on the project. Only there and then may I be able to provide better answers to the nagging issues of misuse of public resources in South Sudan.

Structure of State:

Mr. Peter Lam Both expressed appreciation to Dr. Lual and welcomed all representatives at different levels. He acknowledged the previous presenters. He stated that, SPLM is the foundation of human rights organization which was founded against injustices and oppression. However, the cadres are to be blamed. His presentation focuses on the structure of state for Transparent and accountability. The institutions were established in 2011; hence South Sudan is young in terms of institutions. The foundations of transparency and accountability are anchored on: a) Faith, b) Law, c) Structure of state. Peter's presentation focuses mainly on the structure of the state as tools for ensuring transparency and accountability. South Sudan is being referred to as young country due to challenges managing the affairs of our state, and many people feel that, their intelligence is insulted. However, South Sudan is not young because they know what infancy is right and therefore cannot be a justification for what is happening in the country which is right and no one can dispute the logic.

South Sudan is young in terms of state institutions-building. South Sudan started building preliminary institutions in 2005 and the state institutional mechanisms started in 2011 onwards as an independent country. However, another civil war started in 2013. Thus, the time is very short for the institutions to mature and effectively fight corruption. Fighting corruption require taking actions. Transparency and accountability are functions of strong state institutions that are built to be resistant to corruption and administrative malpractices. Looting is when corruption happens in a situation where there are no constraints by state systems. Therefore, corruption can be defined as a violation of institutions and systems and violation of such laws require taking right actions against them.

Corruption manifest in three ways:

Grand corruption affects government on the large scale which becomes part of everyday structure of society. This is called kleptocracy; a system run by thieves. This system is characterized by transfer of public funds to private individual accounts. Political corruption occurs when the government officials act in capacity for personal gains. For example, kickbacks from contracts are part of this scheme. Administrative or petty corruption; happen in small scale between two offices and among officials in the office. Examples include underserved incentives, tickets, fuel, and hiring practices.

Corruptions occur due to:

- I. Lack of transparent financial transactions and management of public offices.
- II. Weakness and absence of strong state institutions or system that block the leakage.
- III. Traditions and culture; giving support from government coffers without budget line (medical, school fees) staying at homes of government officials, blurry distinction between public and private properties. Yet the Minister's salary is only 8,000 to 11,000 SSP. Steal and commits crime on behalf of some one.
- IV. Pervasiveness of impunity, limited political will is unable to hold corrupt government officials accountable and punish those found guilty of corruption. No accountability/responsibility to crime. There is no discipline in the government sector.
South Sudan government officials are competing to steal public property.

Fighting corruption requires transparency and accountability as a function of the following:

- I. Build strong institutions to make it difficult for corruption practices. Building strong justice's infrastructures, independent court system, independent anti-corruption commission; independent Auditors, well-paid organized forces, well- resourced Judiciary. However, in

South Sudan, there is lack of stationary at the judiciary, traffic Police officers take bribes from the citizens due to low salary scale and unpaid salary. Hence, building strong institutions take between 10 to 15 years to see their effects on the war on corruption. Therefore, because of the time frame in building strong institutions, people resist investing in building institutions of governance, although it's the only way to eliminate or reduce corruption.

II. Technological systems. Building electronic platform to manage government finances; the biometrics system to ensure integrity of personal and government. Web platforms provide transparency of government finances; Ministry of Finance, Economic Planning should publish the budget for the public to have trust on the government institutions. However, everything in South Sudan is a national emergency (food, water, agriculture, education, electricity, road etc.). Insufficient budget allocated to the spending ministries. Therefore, there is need to prioritized budgets based on the ministries. Furthermore, employment of block chain system to underpin government contracts and procurement systems. Additionally, political will require real and tangible commitment on the part of the leadership to eradicate corruption, although it's difficult because these are people that are familiar. Need of strong political party to supervise government. In 2010, SPLM won and it's being abused in South Sudan.

Peter Lam Both concluded that, transparency and accountability are functions of a chain system including the spirituality which influence ethical behavior: the law and establishment of strong institutions of government that are supported by technological systems. Hence political will can rid society of the vice of corruption.

Zachariah Akol

He appreciated and acknowledged ECSS for the event and all participants. He mentioned that South Sudan has good laws, but require improvement. It's important to note that, institutions such as National Audit Chamber, National Statistic among others are mandated to improve transparency and accountability. He added that there are three branches of government with their respective functions namely; Legislation, Executive and Judiciary.

Additionally, he mentioned that public servants require finance and political will to reform the institutions. He added that there is no prioritization for development project in addition to lack of political will to enhance Transparency and Accountability in government institutions. He mentioned that it's time for the government to improve the formulated policies that were worked out by the consultants which were not supervised.

Key issues raised and consensus that emerged

- A strong tie of comradeship between senior government officials has effect on transparency and accountability; patriotism is not considered when addressing national issues.
- Corruption and temptations are related; it is important to introduce an efficient bureaucratic system to avoid temptation which will usually lead to corruption.
- The spiritual leaders failed to change the political leaders of South Sudan; the actions of most of the leaders do not reflect their faith.
- The SPLM lead government failed to provide public services to the population of South Sudan (water, roads, water, schools, hospitals, agriculture etc.) that they promised during the liberation struggle.
- Inadequate funding for public institutions such as Ministry of animal resources, fisheries has affected service delivery.
- There is great tendency to ignore the existence of laws, regulations and instructions at different institutions.
- There is need to involvement youth in decision making to enable them learn from their senior colleagues.
- Public offices lack inventory for their properties as such the illegal misuse of public properties has become a common phenomenon.
- Family is considered as one of the pillars of foundation for transparency and accountability.
- It's important to give salaries to employees on regular basis to boost their morale and increase their satisfaction; low/delay of pay is considered the primary cause of poor performance in public institutions.
- The interference of the National Security Service personnel especially in the oil sector affects the performance of work.
- There is lack of political will to enhance transparency and accountability in the country.
- Appointment of political leaders in public offices is based on personal relationship and nepotism.
- Some National Ministers don't attend the TAF events although they receive regular invitation from the Center.
- Some South Sudanese traditions and culture to be blamed for lack of transparency and accountability.

- Since the signing of the CPA, some politician and government officials are still living in hotels.
- Public servants who introduce reformers in public offices are removed and dismissed; there is a need to improve the system of accountability to avoid such actions.
- Bad governance and lack of accountability is link to tribalism

Policy recommendations

- It's important to have political will to enhance transparency and accountability
- ECSS should take commission study to evaluate all government institutions especially in terms of their mandate and function.
- Donor community is requested to support the building of strong institutions especially those mandated to combating corruption.
- South Sudan should follow constitutional democracy which offers a clear separation of power between the three branches of the government; the judiciary, the executive and the parliament.
- Public servants should obey laws and regulations at the public offices.
- There is need to have free, credible and active civil society organizations to influence the government and hold it accountable.
- The church should have a critical role in influencing leaders in addressing transparency and accountability.
- Laws of South Sudan need critically review
- Formation of a system that ensures good governance to allow peaceful transfer of power based on democracy and rule of law.
- Inventory system for Government assets should be reintroduced to improve accountability.
- Civic education should be incorporated in South Sudan curriculum.
- There is need for SPLM to review its function as national movement.
- Political appointment (e.g. Ministers, Chairpersons of Commissions etc...) in any public office should consider aptitude, competency and merit.
- The constitution of South Sudan should pronounced structure of government including the structure/ names of the ministries
- There is need for serious reforms in the judiciary.
- A framework for prioritization of development areas should be proposed and followed strictly.

- Establishment of the Petroleum Marketing and Review Boards is essential.
- Establishment of biometrics system to ensure integrity and to provide transparency in government finances.
- Establishment of a block chain system to underpin revenue collection system to enhance transparency and to avoid corruption.

Conclusion:

Doing right actions require individual to evaluate him/herself for the interest of transparency and accountability in management of public resources. Therefore, Faith without good works is dead. South Sudanese should have moral and ethical values in every day's life.