

PhD thesis

Combatting grand corruption alongside state-building: the role of the South Sudan Anti-Corruption Commission and the Episcopal Church of South Sudan in defence of the common good
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‘Combating Grand Corruption alongside State-Building: The Role of the South Sudan Anti-Corruption Commission and the Episcopal Church of South Sudan in Defence of the Common Good’

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OCMS, Ph.D.

February 2023

ABSTRACT

This thesis investigates experiential grand corruption, involving different actors, and institutions in the interim and post-independent South Sudan. The grand corruption phenomenon is critical as South Sudan also undergoes state building, especially after separating from Sudan in 2011. I examine two institutions that, in theory, are tasked to hold the government to account: the South Sudan Anti-Corruption Commission (SSACC), a state actor, and the Episcopal Church of South Sudan (ECSS), a non-state actor. I approached the study phenomenologically, using qualitative methods to analyse and interpret data.

When the SPLM/A transformed from a rebel movement into a government, first autonomous and later an independent state, South Sudan confronted levels of corruption that are detrimental to the common good and building an ideal-type state. Mutations of grand corruption showed a problematic increase in contest between moulding the government infrastructure around elites' private interests, against building and strengthening state institutions for the common good of citizens.

The thesis demonstrates that oversight institutions are constrained and hampered in their efforts to combat grand corruption for various reasons ranging from institutional foot-dragging to active menaces and threats by elites who chose to cross moral boundaries for private interests. The thesis shows that ECSS, collectively and individually, could —and are expected to— provide a counterweight to check the government. Albeit this role has gradually diminished post-independence, partly due to compromises to its moral standing, because of corruption itself and power struggle.

SSACC's effectiveness faced obstructions by top elites who used power to create procedural conveniences to limit capacities to combat grand corruption, for instance, through legislation. Consequently, this thesis argues that combating grand corruption requires an additional approach, the moral and ethical layer, a role churches could and ought to fulfil. This moral (integrity) layer contributes to the literature on (grand) corruption, which in the South Sudan context, is a role played by the ECSS, calling out elites and confronting their private interests to defend the common good.

**‘Combating Grand Corruption alongside State-Building:
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and the Episcopal Church of South Sudan in Defence of the
Common Good’**

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A thesis submitted in partial fulfilment of the degree of

Doctor of Philosophy

Middlesex University

February 2023

Oxford Centre for Mission Studies

DECLARATION

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed:



(Candidate)

Date:

February 28, 2023

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated. Where correction services have been used, the extent and nature of the correction is clearly marked in a footnote.

Other sources are acknowledged by midnotes or footnotes giving explicit references. A bibliography is appended.

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(Candidate)

Date:

February 28, 2023

STATEMENT 2

I hereby give consent for my thesis, if approved, to be available for photocopying by the British Library and for Inter-Library Loan, for open access to the Electronic Theses Online Service (EthoS) linked to the British Library, and for the title and summary to be made available to outside organisations.

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Date:

February 28, 2022

DEDICATION

I wish to dedicate this work to God Almighty who by His grace, mercy and love has enabled me to get to this end, He is indeed Ebenezer, this far the Lord has helped me, and I am forever grateful.

I also dedicate this work to the global Church, the *Adelphoi* who have relentlessly prayed and stood with me countless of times to see that I persisted in this research journey and have this piece of work for His body the Church as a small contribution that by His grace, can impact and advance the Holistic Gospel.

I too dedicate this work to all crusaders in the combat against corruption, both the living and the departed; that for us who are alive, the battle is on and together we must persist and persevere till the end, and to those who have already gone home to be with Lord, we will not let you down, but carry on the baton you left for us.

To my family: parents, sibling, my children (Daniel, Abigail, Lucy, and Samuel), and to my special, best friend and dear wife: Eva Bangu Samuel Lupai; it is to God first, and then you that I dedicate this work.

To God be the glory, and may His kingdom be established on earth as it is in Heaven.

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LIST OF ACRONYMS

AACC	All African Council of Churches
AAPA	Addis Ababa Peace Agreement
AC	Anti-Corruption
ACROSS	African Committee for the Rehabilitation of Southern Sudan
ACROSS	Association of Christian Resource Organisations Serving Sudan
ADB	African Development Bank
AG	Auditor General
AP	Action Plan
AU	African Union
BBC	British Broadcasting Corporation
Bp	Bishop
CANS	Civilian Administration of New Sudan
CBOs	Community Based Organisations
CETA	Comprehensive Economic and Trade Agreement
CMC	Crisis Management Committee
CMS	Church Missionary Society
COMESA	Common Market for Eastern and Southern Africa
CPA	Comprehensive Peace Agreement
CSOs	Civil Society Organisations
Cy	Clergy
DRD	Department of Relief and Development
ECSS	Episcopal Church of South Sudan
ESRC	Economic and Social Research Council
FGD	Focus Group Discussion
FOCUS	Fellowship of Christian Unions
GACS	GOSS-Anti-Corruption Strategy
GONU	Government of national Unity
GOSS	Government of Southern Sudan
H.E.	His/Her Excellency
HEC	High Executive Council
ICSS	Interim Constitution of Southern Sudan
IFES	International Fellowship of Evangelical Students
IGG	Inspectorate General of Government

INGO	International Non-Governmental Organisations
IUEA	International University of East Africa
JUBSA	Juba University Bible Study Association
LWF	Lutheran World Federation
Ly	Laity
MAF	Ministry of Agriculture and Forestry
MCTI	Ministry of Commerce, Trade, and Industry
MHC	Military High Command
MIA	Ministry of Internal Affairs
MK DOOEL	An International Company owned by a British Businessman
MODVA	Ministry of Defence and Veteran Affairs
MOFEP	Ministry of Finance and Economic Planning
MOLACD	Ministry of Legal Affairs and Constitutional Development
MU	Middlesex University
NCA	Norwegian Church Aid
NCP	National Congress Party
NGOs	Non-Governmental Organisations
NNGOs	National Non-Governmental Organisations
NS	National Security
NSCC	New Sudan Council of Churches
OCMS	Oxford Centre for Mission Studies
OECD	Organisation for Economic Cooperation and Development
OLS	Operation Lifeline Sudan
ONAD	Organisation for Non-Violence and Development
PAC	Public Accounts Committee
PCOS(S)S	Presbyterian Church of Southern (South) Sudan
PEPs	Politically Exposed Persons
PPD	Public Procurement and Disposal
PRDA	Presbyterian Relief and Development Agency
R-ARCSS	Revitalised-Agreement on the Resolution of the Conflict in South Sudan
RCC	Roman Catholic Church
REC	Research Ethics Committee
RSF	Reporters without Borders (Reporters Sans Frontiers)
RSS	Republic of South Sudan

SSCC	South Sudan Council of Churches
SCC	Sudan Council of Churches
SCA	Sudan Christian Association
SDG	Sudanese Dinar (Gine)
SEF	Sudan Ecumenical Forum
SPLM/A	Sudan Peoples' Liberation Movement/Army
SSAC	Southern (South) Sudan Audit Chamber
SSACC	Southern (South) Sudan Anti-Corruption Commission
SSBCSE	South Sudan Bureau for Census, Statistics and Evaluation
SSCCSE	Southern Sudan Centre for Census, Statistics and Evaluation
SSFFAMC	Southern (South) Sudan Fiscal and Financial Allocation and Monitoring Commission
SSP	South Sudan Pound
SSRDF	Southern (South) Sudan Reconstruction and Development Fund
SSU	Sudan Socialist Union
SUDRA	Sudan Relief and Development Agency
TCSS	Transitional Constitution of South Sudan
TI	Transparency International
TT	Telegraphic Transfer
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
UNDP	United Nations Development Programme
UNICEF	United Nations Children Education Fund
UNMISS	United Nations Mission in South Sudan
USAID	United States Agency for International Development
USD	United States Dollar
VOA	Voice of America
WB	World Bank
WCC	World Council of Churches

GLOSSARY

<i>Adephoi</i>	Refers to brothers and sisters (Brethren) in Greek.
<i>Akwana</i>	Brotherhood or brethren; in Arabic.
<i>Akwuanacracy</i>	The act or practice of Brotherhood; in Arabic.
<i>Anyanya</i>	Snake poison in Madi Language, and was the name used for the first Southern Sudan Liberation (Rebel) Movement.
<i>Asma (Isim)</i>	Means names (or name - singular) in Arabic.
<i>Dahar</i>	Literally means back; also backing or support from powerful persons.
<i>Diphtheria</i>	Describes corruption as moral decay, also <i>stasis</i> or <i>metabole</i> , in Greek.
<i>Do a met</i>	A phrase in Bari language expression which means ‘you see!’
<i>Ekklesia</i>	A Greek term for church gathering; also used for a gathering of citizens on public issues (in the past).
<i>Fasad</i>	The Arabic term (word) used for corruption.
<i>Gurush wen</i>	Where is the (our) money (gurus: money; wen: where) in Arabic.
<i>Gurustot</i>	Means money in Bari Language (Kuku dialect).
<i>Hakuma</i>	Means ‘government’ in Arabic.
<i>Jalaba</i>	A Slang (word) for Northern Sudanese.
<i>Kido nio</i>	A phrase in Bari language – ‘my chest’ which means ‘what I earned or laboured for.
<i>Koinon Agathon</i>	‘Common Good’ and welfare of all people in Greek.
<i>Mysterium Iniquitatis</i>	The ‘reality of sin’ or evil; in Greek.
<i>Ngingiret</i>	Sweat in Bari, and means hard work, or earned through sweat.
<i>Orthos</i>	A Greek term for a superior, perfect, or moral system of the state or government that serves its citizenry’s welfare.
<i>Parekbaseis</i>	A Greek term for a perverse, corrupt, inferior, and bad system of a state or government where the common good is disregarded.
<i>Thymos</i>	The inner self or deep consciousness (also <i>Thumos</i>) in Greek
<i>Wahamia</i>	Ghost or imaginary; in Arabic (<i>asma wahamia</i> – ghost names).

MAP OF THE REPUBLIC OF SOUTH SUDAN



Source: World Maps (2022)¹

¹ Sourced from World Maps at: www.images.mapsofworld.com; downloaded on December 29, 2022.

CHAPTER ONE

Introduction

1.1 Introduction

South Sudan has been involved in a nation-state building project since it achieved independence from Sudan in 2011. This is after six (6) years of laying the groundwork during the interim period that followed the peace agreement with the Sudanese government in Khartoum. However, this project (state-building) is gravely endangered and undermined by different types and levels of corruption affecting many institutions and sectors of society. Of these, grand corruption is viewed as the most perilous form as it involves the elites at the highest levels of the state power (Buchan, 2014; Rose-Ackerman, 1999; Klitgaard, 1988). This study explores how grand corruption and state building interact, and how each impact on the common good. For a good and an ideal-type state, the common good and public welfare for all the citizens of a nation-state are considered the deep-seated and ultimate end point that are desired by both the governed and the governors (Sison & Fontrodona, 2012). The South Sudanese aspire for the same, despite the prevalent corruption in the country in all its various forms and types. The majority of the people of South Sudanese including those who fought, some others perished while fighting for the cause, both in the present and even those in generations to come, long for nothing short of an ideal-type nation-state.

As with all forms of corruption, grand corruption is the most detrimental to state-making, yet it is unavoidable, and almost extant in several countries. Understood as the most complex, legally covert and involving colossal sums, grand corruption² is the type which occurs at the top echelons of power. It involves changing the laws and creating news ones that favour and give elites added advantage over and above the rest of the population. It is one of the most devastating forms whose enormity, elitism, and negative impacts are harmful on nations and societies (Zyglidopoulos, 2016; Amundsen, 2012; Stueckelberger, 2010). Therefore, undertaking state-building and manoeuvring through

² It is further defined and expounded in section 1.7, and later in chapter 2 in the theoretical framework.

grand corruption is a daunting task which requires the involvement of a range of institutions in a country to play a part, including non-state actors. Civil Society Organisations (CSOs), the media and the churches are some key actors that play essential roles in both state-building and holding the government to account, for instance in combatting corruption. This study investigates two such institutions that play their part in combatting grand corruption. First, the South Sudan Anti-Corruption Commission (SSACC) as a governmental agency is studied. Additionally, I selected the Episcopal Church of South Sudan (ECSS) as a major institution and part of the civil society. ECSS is one of the largest church denominations in the country, which contributed to and played critical roles in the pursuit of the common good. I therefore draw on primary data of these two institutions within the context of South Sudan to inform a triple-nexus model to conceptualise a framework of grand corruption, state building, and the churches, in search of the common good.

1.2 Background

Grand Corruption and any form of corruption is a menace to any state and society, and more so in the developing nations where most of the population relies on the state to provide basic goods and services for their livelihoods and survival. It is usually only a small elite class who control and exploit public resources getting away with so much from the public coffers. Corruption creates inequality and conflicts and usually favours and benefits only a few influential individuals while leaving the vast majority of people desperate and helpless (Allaby, 2013, p. 11). The leader of the global Roman Catholic family, Pope Francis, once pointed out that: ‘Corruption is worse than other sins because of how it becomes a habit that hardens the heart; so much so that we become insensitive to the signs of the times and the invitations of God's grace.’³

The country of South Sudan, which was born through a split from Sudan after decades of civil war, is still an infant and at an embryonic state-building phase, yet at the same time, is already ridden with various forms of corruption.⁴ In its efforts to become a nation-state and join the community of nations, grand corruption is becoming a hamper and an impediment, threatening the very existence, growth, sustainability and prosperity

³ South African Catholic Bishops’ Conference Pastoral Letter on Corruption; Mariannhill, Pretoria (South Africa), October 16, 2013.

⁴ Perception of Corruption Indices of Transparency International Reports (2017; 2018; 2019; 2020), at: www.transparency.org; accessed on March 10, 2021.

of South Sudan. In 2005, the Comprehensive Peace Agreement (CPA) was signed between the north and south, where an autonomous interim Government of Southern Sudan (GOSS) was established in 2006. After the six-year interim period, this autonomous region gained full independence on July 9, 2011. During this time, efforts to contain corruption were attempted and several exerted. There were several watchdog institutions and an anti-corruption agency established alongside other state institutions to form the oversight structures of the independent nation-state. Tools, frameworks, structures, and legal instruments were embryonic, weak, and sometimes inadequate; and are coupled with a lack of capacity, resources, and the political will to implement them (Hemmer, 2012). One of the institutions the government formed among the first institutions was the SSACC in 2006. It was the first time such an agency ever existed in the country; as such, it had the onus to set up from scratch the structures and infrastructures for this institution and, at the same time, commence efforts to address the already existing as well as emerging corruption issues. The work of SSACC started with the recruitment of staff in the third quarter of 2007. Without an enabling Act of Parliament to empower and operationalise the mandate, duties, and functions, the SSACC was reduced to carrying out preventive and educational activities against corruption. In 2009, the SSACC Law was finally enacted by Parliament; however, it was weak and much watered-down by the elites in power who control the government (both legislative and executive branches). They did not favour strong laws with the necessary strength to empower the Commission or any other watchdog institution to combat corruption.

I had the privilege of being part of the SSACC, which at the time was held by those who attempted to undertake their functions with integrity and independence against the odds of the time. The Commission was committed to prevent, prosecute, and confront corruption, without fear or favour, and pursue cases involving some of those regarded as untouchables elites, big fish, or sacred cows to rout out the vice.⁵ Yet the capacity and ability of SSACC to effectively undertake its work and play watchdog roles was being debilitated. The institution was gradually reduced to a mere toothless agency which eventually served only the window-dressing purpose of the government and its elites. Without enabling Acts, resources and political will and support, the budding corruption is unmatched by any efforts to curb it; hence, a remedy to reset and address it ought to be wholistic in order to find comprehensive solutions. As the state became weak in every

⁵ The initial draft bill, which was strong and good, was vigorously resisted and rejected in Parliament and the Council of Ministers by some leaders who openly stated that they only handle this function themselves and prosecute with national interest in mind.

aspect, it resulted in a return to conflict just over two years after gaining independence and has kept recording a consistent rise in ranking as the most corrupt country in the world.⁶

The country's initial strategies to advance its anti-corruption initiatives were noble, included establishing and strengthening relevant government structures, enacting relevant laws, and enhancing institutional frameworks. The mobilisation and soliciting of stakeholders such as churches, the Civil Societies Organisations (CSOs), Non-Governmental Organisations (NGOs), the media and the public to combat corruption were also undertaken (Mores, 2013; Mbaku & Kimenyi, 2011). However, these efforts and initiatives were not sustained. In some cases, actions in bad faith became manifest, and inconsistencies marred the funding for anti-corruption endeavours, including dwindling political will and support. Those who had joined the government to partake in the crusade against corruption and were passionate and staunch for nation-state building felt betrayed and encumbered in their zeal to build the ideal and viable state.

There were, thus, many anti-corruption crusaders who eventually opted out after observing and realising that none of the extraordinary efforts of individuals, the SSACC, and other watchdog institutions were being undermined. There was no longer any value addition to combat and rid the nascent state of elite corruption, and advancing the common good, increasingly became a too-far-to-reach reality. These observations convey that corruption, and the state building project of the nascent state are incompatible and negatively correlated. As such, the latter (state-building) can only be realised if the former (grand corruption) is confronted. Thus, curbing corruption, especially the elite (grand) form of corruption, and building an ideal state which serves the common good are achievable not only by the state, but also with participation, contribution, and restraint of other non-state actors.

Churches form a vital component of non-state actors who are inevitably important in public affairs. In the context of South Sudan, churches have contributed and played vital roles in the service delivery (health and education) and in the welfare of both state and society since historical times (Freeman, 2005, p. 21). Hence, eradicating corruption goes beyond good governance, and an adequate legal framework, so that internal moral transformation is also necessary and unavoidable (Hwa, 2012). The churches in South Sudan and Sudan have contributed significantly to addressing pertinent societal issues,

⁶ Perception of Corruption Indices Reports 2009 – 2019 at: www.transparency.org; accessed on February 1, 2020.

like providing health services, education, relief, rehabilitation, and peacebuilding, sometimes acting solo as individual churches or in partnerships with ecumenical bodies. Bishop Poggo quoted John Ashworth, who stated that the Sudanese churches played significant roles during the war and were ‘the only institution that remained on the ground with the people. They provided basic services like health and education and were involved in conflict resolution and international advocacy; giving the churches tremendous credibility and moral authority’ (A.Poggo, 2013, pp. 208–209). He then sums up the churches’ role thus:

During the war, churches⁷ were involved in many things, including public service delivery, reconciliation, advocacy, and information dissemination, and played a significant role in public life while retaining independence and institutional separation from the state; this should continue.

Therefore, with grand corruption rampaging and impeding the nascent state-building enterprise, South Sudan faces serious challenges to realise the common good for its citizenry. The churches’ role as a moral authority and non-state counterforce to keep the state at check, and its pursuance of the public good for all has become inevitable and significant.

1.3 Research Problem(s)

Grand corruption is a global issue, which detrimentally affects many nations of the world with deleterious and enormous effects on nations. As the youngest state in the world, South Sudan is at an infant stage in the process of state-building, yet grand corruption is endemic and systemic across all sectors of society and the government.⁸ This has predisposed the nascent state to the risk of state failure, stunted growth, and regression. As it is, it is apparent that the country on its own is unable to emancipate itself from this endemic grand corruption. Therefore, all stakeholders ought to partake in the crusade of combatting the vice of grand corruption and altogether engage in the process of building a viable, harmonious, and prosperous state which caters for the good of all its citizens. As it will become clear, the South Sudanese government proved incapable of holding itself to account, which only amplifies the important role that civil society and other actors like the churches ought to play in holding political leaders to account. This investigation into

⁷Churches from the various denominations in South Sudan played various roles both individually and through an ecumenical umbrella of Council for Churches.

⁸ Transparency International’s 2018 and 2019 Perception of Corruption Index ranks South Sudan as the second most corrupt country globally at: www.transparency.org; downloaded on February 1, 2020.

the role of the ECSS, offers insights in how the church plays its role, while also demonstrating how corruption is not exclusive to the realm of government, but also seeps into the wider civil society (including the ECSS).

1.4 Research Question and Sub-Questions

The central research question for this thesis is:

‘To what extent can and do institutions within and outside of the government contribute to battling grand corruption in South Sudan?’

The sub-questions under this broad central research question are:

1. What are the effects of grand corruption on state-building and the common good?
2. In what ways does grand corruption occur and is experienced in South Sudan?
3. How do South Sudanese citizens and church members perceive corruption and its effects?
4. How and what roles can SSACC and ECSS play in combatting grand corruption?

1.5 Purpose of the Study

This study seeks to generate a theory on defining and understanding grand corruption in relation to the state and the common public good. The study explores a common ground where churches and state work in tandem to pursue the commonwealth and welfare of the citizenry in society as opposed to the narrow private interests and benefits of a few as delimited by grand corruption. A nexus between ‘an ideal state’, and the mission and calling of ‘churches’, which is to seek peace, justice, harmony, and prosperity of society, and counter the impact of grand corruption for both the local context of South Sudan, and beyond. It is my aim that the findings of this thesis can be translated into practical applications to help and contribute to the churches and their Christian communities’ understanding and participation in addressing grand corruption in the society, for both researchers and practitioners who have interests in the subject. Additionally, this study would contribute to empowering churches and Christians to effectively engage in discourses and actions against all forms of corruption in the society and public affairs.

1.6 Central Argument

Grand corruption, the elite form of corruption, exists in almost all societies and countries around the globe and operates within the structures of state and the echelons of power. Controlling and eliminating grand corruption is thus an essential factor in the birthing, stability, development, sustainability, and prosperity of any state, of which South Sudan is one, and is the focus of this research. The effects of grand corruption on state-building are devastating (Rose-Ackerman, 1999) and detrimental to the existence of the state itself. The issue with grand corruption is that those in power are usually the primary culprits. Hence, dealing with the issue is challenging and could be compromised because institutions of the same regime in a state tend not to confront each other. Instead, they tend not to work in tandem and pursue a common goal; my experiences inform the argument that grand corruption is entrenched and tolerated in South Sudan, and those in power are complicit and unable, incapable, or unwilling to deal with it. The role of outsiders or non-state actors' participation, contribution, and involvement is vitally essential to achieving and building an ideal state. Many non-state actors have the will, capacity, and ability to mediate and moderate against grand corruption to attain a common good. These non-state actors include the media, civil society, and churches, because the good, and commonwealth and welfare of society fall within their calling and mandate. However, the other non-state actors suffer from intimidation and harassment and are limited in scope, hence, they are challenged to play influential roles in the nation-state and society.

On the other hand, the churches form the most significant non-state actors and continue to sustain independence and authority without fear or favour. In the context of South Sudan, the churches emerge as the most significant civil society organisation that remains active, respected, and attended by most of the population. They are renowned for large audiences, credibility and a voice that cannot be silenced, ignored, or side-lined, and are listened to. Most elites recognise and subscribe to a denomination, though some may not necessarily submit to their authority and teachings (Pillay, 2017; A.Poggo, 2013; Kariithi et al., 2005).

The ECSS is one such essential player, which has a track record in various involvements in the public domain of the socio-economic, political, and development of the country and humanity. Hence, it is one of the institutions which complements the state to advance the *koinon agathon* (common good), which is also the ultimate goal and covenantal obligation for any ideal state – ‘the city’, ‘regime’ or polity (Aristotle, 1997)

and its citizenry. This Church (ECSS) is also among the historical and progressive churches that are involved and participating in the socio-economic and geo-political landscape of South Sudan's lifecycle and evolution towards the common good. Much of this is elaborated in the subsequent chapters of this thesis.

This thesis thus, argues that the prevalent and repressive grand corruption of South Sudan has become detrimental and problematic to state-building. Therefore, grand corruption ought to be restrained, confronted, and inhibited in order to build the ideal and prosperous state that serves its citizens' common good. Among the institutions with capacity, capability, and location in society, to make reasonable contributions and address and confront the menace are churches in general, and in particular, for this thesis, I have selected the ECSS to focus my research. I present a conceptual design and framework of a graphic outlook in the illustration below.

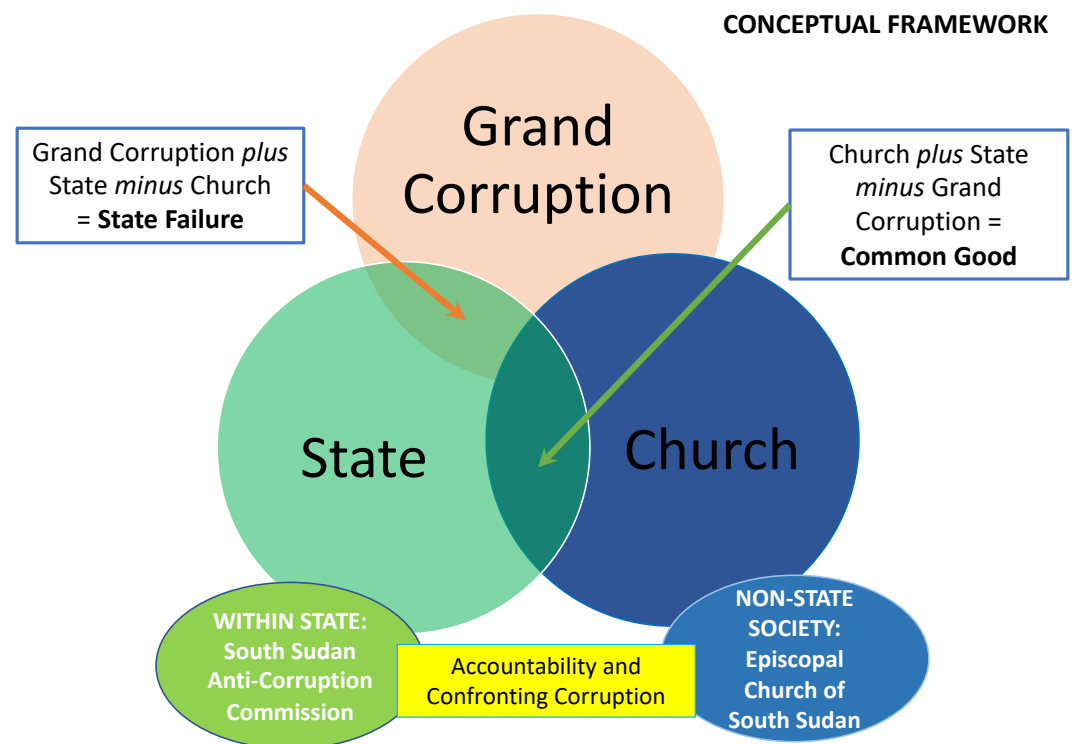


Figure: A Conceptual Design visualising the Thesis' Main Argument

1.7 Key terminologies

This introductory chapter delineates some key terminologies, including sub-themes with meanings specific to this thesis as listed and defined below.

Grand Corruption

Grand corruption, which is entrenched within state structures and systems, where the top leaders in power abuse their authority, is interchangeably designated ‘elites’ corruption’ or the ‘elites form of corruption.’ It manipulates state apparatus such as laws and regulations, including impunity, to favour and advance their private, clientele and political gains or interests and accord the elites privileges and added advantage over and above the rest of society in a state. Its mode of operation is through changing and customising existing rules, norms and laws, and also to create new ones (laws) that unfairly benefit them (Zyglidopoulos, 2015). Grand corruption downgrades laws and systems to mere tools for servicing elites’ self-interests in conflict with public interests. In the absence of personal and moral integrity, the elites are vulnerable and may not withstand the scourge of grand corruption. Hence, grand corruption is an enemy of the common good.

State-Building

Defining the state conjures multiple meanings and associations, which sometimes refer to institutional apparatus: bureaucracies, armies, ministries, police, legislatures, political parties, or legal and symbolic characters as a sovereign power. A state is an institutional, sovereign, territorial body which exists and can stand on its own (Opello & Rosow, 1999). I define the state in terms of its territorial sovereignty, institutions and structures, and its relations with its citizens for state-building. In this study, I use the term state-building to designate the creation of new institutions and structures, the strengthening of old ones, and the laws, rules, and regulations for governing and operations in a sovereign independent state. The objective of state-building is to achieve an ideal state with a commonwealth and obligations between state and citizens in a mutual social contract to achieve the public good for all.

Episcopal Church of South Sudan

This study has designated the term ‘Church’ to refer to the ECSS, which is the Anglican denomination belonging to the Anglican Communion, to distinguish it from the generality it carries in various contexts. The ECSS is distributed widely throughout South Sudan and is ranked the second largest after the Roman Catholic Church (RCC). ECSS currently has sixty-one dioceses, grouped under eight internal provinces led by archbishops, and the overall head of the entire ECSS in the country (South Sudan) is called a primate (Ly03_2, 2022; Bp08, 2021). Like others, the Church claims guardianship of a ‘prophetic voice’ which calls for peace, justice, harmony, and prosperity for all people and creation, and peace between creation and the Creator.

Integrity

This term (integrity) denotes an opposite meaning to corruption, and in this context, I will use it specifically for leaders or the elites as 'a moral wholeness – living consistently in moral aptitude at all levels – individually, interpersonally, institutionally, and globally; across all sectors and settings; local through globally; the systemic and structural.’⁹ It (integrity) is not only limited to actions or deeds, but also embraces virtue, character, motive, and intentions that are consistent with good, ethical, moral and right, with or without laws, rules, regulation, and whether this is visible (public) or invisible (personal).

Prophetic Voice

A prophetic voice which is an onus for the churches, means churches and its leaders speaking out without compromise on behalf of the ordinary (voiceless) people, without fear or favour. Whether they speak in public fora or from the pulpit, church leaders are not afraid to speak the truth. It also means that they [represent the] average person [who] does not have the opportunity [and space] to speak and be listened to (Bp08-2, 2022). On grand corruption, a prophetic voice speaks to visible as well as invisible arenas where the vice operates which is, otherwise complex and covert.

⁹Definition of the term integrity as offered by the Global Integrity Day (GID) Movement and found at: <https://sites.google.com/view/global-integrity-day/>; accessed on June 1, 2022.

Common Good

The common good refers to a shared and beneficial good to and for all. It is the just political good which is a common advantage. For this thesis, I denote the common good as synonymous to the public good, and both seek for the public interest, as opposed to the private, personal, and selfish interest, gain, or benefit which is usually for a few elites. It is a standard for evaluating political justice considering what the city is, and where citizens dwell. A model of a city being a place where the essential constituents and purposes exist and abound; the distribution of benefits and burdens is just, so that its common action is a common good. According to Mark Hoipkemier, the common good describes a good life, human happiness, or virtue, and it is the supreme political goal in a good or correct regime or polity. The common good – *koinon agathon* establishes a community of the free in the city (state), where partnership exists among free citizens. And it is also where political justice, self-sufficiency, freedom and equality are fused, and shared for a common advantage (Hoipkemier, 2018, pp. 1–28).

Elitism

I denote ‘elitism’ in this thesis as a phenomenon or system in which power, wealth and political influence is an exclusive privilege of a few individuals, referred to here as the ‘elites’ who comprise and form the top echelons of power. Elitism thrives on the abuse of power (for both political authority and economics) for the benefit and excesses of those (few) at the top, while the rest (majority) of the population are denied access.¹⁰ In the context of South Sudan, they comprise the ruling class, some of whom are from the old guard and vanguards of the former rebel Movement, the SPLM/A, while there are others who have infiltrated the system and made it to the top, including politically exposed persons (PEPs) who too have access to political and economic power in the country. In elitism, power is used (misused or abused) in both legislative and executive organs of the state to create space, protect, and provide impunity in favour and gain of those within this clique, at the expense of rest of the citizenry.

¹⁰‘Elitism.’ Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/elitism>. Accessed 27 Feb. 2023.

1.8 Scope and Limitations

Disciplines as varied as history, economics, sociology and political science have taken interest in the study of corruption (Holmes, 2015, pp. 47–54). This complexity surrounding delineation and approaches to the study of corruption (grand corruption), and in locating the field of study of the subject itself is an ongoing challenge and debate. I navigate through some of the fields cited above, and in my reviews, I have located myself in the fields of political science and political economy for my discourses on ethics and governance. The sociology of religion guides my methodological approach, which underscores the relevance of roles churches also have and play in society and public affairs. The location and approaches above I use to locate my studies are neither exhaustive nor comprehensive, and I thus, do concede that there are limitations within which I undertake this work, including in gathering the data.

1.9 Justifications and Significance of the Study

The first chairperson of SSACC, Prof. Pauline Riak¹¹ on December 9, 2007, during the first Global Anti-Corruption Day celebration in Southern Sudan at Nyakuron Culture Centre Juba, stated that corruption was identified by Sudan Peoples' Liberation Movement/Army (SPLM/A) leadership as a vice, detrimental to the new government. In her speech, SSACC was among the first and important institutions of the GOSS recognised and established in 2006 because the inflow of funds, financial management, state building and effectiveness are vulnerable to power abuse and are inevitable. Hence, the need for SSACC to combat corruption and protect public property was conceived at its onset as a necessity for the autonomous government. That decision to establish SSACC has shown to be worthwhile and crucial as from its beginning Southern Sudan joined in a community of nations where corruption is already endemic in most countries and societies of the world (Stueckelberger, 2010, pp. 21–41). This study is crucial because it recognises grand corruption as a hindrance to the emerging state, and addresses it through a two-pronged approach, using a state institution (mainly the SSACC) as well as a non-state organisation (through the ECSS).

¹¹ Prof Pauline Riak was chairperson of SSACC (2006-2011) and led the Commission in its maiden days where genuine attempts to combat corruption were apparent.

This study is significant because, firstly it interrogates the state efforts – its success, opportunities and challenges and failures, to build itself and its institutions to tackle grand corruption, where several factors emerge. Some of these are the roles of elites who have power to make or break the nation-state, and shape its trajectory into stability and prosperity, and what shapes their *thymos*¹² for the *koinon agathon*¹³ of society, which is gap in current discourses on grand corruption. Secondly, this study examines the ECSS as one of the important non-state institutions in its role in state-building amidst the challenge of grand corruption, and the potential churches have in their dual mandate to pursue human well-being for both earthly life and eternity. It quizzes the ECSS on its strengths, weaknesses, and opportunities as one of the credible non-state players to contribute to filling gaps by wholistically tackling grand corruption to advance the common public good which is one of its main missions in society.

This two-pronged approach is vital to understand and confront grand corruption with its complexity, perpetual, and pernicious nature across the globe. In the context of South Sudan, churches are key players in the society and state in both personal and public affairs, and their role(s) is to salvage the state from failure and systemic corruption.

South Sudan, the newest country in the world is entangled in systemic corruption and is the most corrupt country¹⁴ at the brink of state failure. The nation's current state institutions, structures and systems are overwhelmed by grand corruption, unable and incapable to unwind, free and set the country on a recovery pathway to state-building, growth, and prosperity. Churches, on the other hand, are considered as reliable and credible partners endowed with a dual mandate, capable of contributing to a moral rearmament, revival, and recovery of the society to grow and prosper, and this study explores that potential and capability.

To summarise, this research is justifiable and significant for three main reasons: firstly, it ignites the churches (and ECSS) as prophetic voices for the voiceless to take on grand corruption through their dual calling and mandate; secondly, ECSS (and other churches) are not exempt from corruption, and this study challenges them to do their own self-reflection and self-examination so as to rise up to the occasion and become exemplary, by doing what they claim to say or preach. The third and final significance of this study is to an create awareness and wake up the sleeping giant in churches (including

¹² The psyche or inner self in Greek.

¹³ The common or public good and commonwealth of all citizenries – also in Greek.

¹⁴ Transparency International PCI 2021 Report published on January 31, 2022, at: www.transparency.org; accessed on January 31, 2022.

ECSS) for their huge potential, positioning, and opportunity in the fight against grand corruption in South Sudan and provide a model which can be customised to any other country with similar challenges.

1.10 Structure of the Thesis

This thesis comprises nine chapters that address the research questions, and some themes that emerge during the in-depth interviews, those that show significance and relevance for the arguments for the research. Chapter one is the introduction, which gives a brief background, the purpose and rationale of this study, the central argument, the main research question and sub-questions, and the definitions of terminologies. Chapter two is a survey of relevant literature that theoretically delineates the research's central themes, outlining the various definitions, concepts, and frameworks from various authors. Chapter three describes the methodology used, which is qualitative research, using a phenomenological approach to gathering, analysing, and interpreting the research data. Chapters 4 and 5 set the scene and offer context. Chapter four is a review of the evolution of South Sudan into a nation-state and how this impacted on the current challenge of grand corruption and state building. Chapter five delves into the role churches play in society, and their relationship with the state in Sudan and South Sudan until the present. Chapter six examines empirical data on state-building and institutional development and the implications for grand corruption – examining how these institutions favour or inhibit corruption, and it covers the periods of pre-independence (interim) and after independence (independence and post-independence). Chapter seven discusses six selected experiential cases of grand corruption based on empirical data obtained from my own experiences as a public official in the government anti-corruption agency. The perspectives and role of the ECSS comprise chapter eight, which is informed by data from key informant interviews. The thesis ends with chapter nine, which revisits the central argument and concludes by tying up the theories with the findings to tackle the research question and sub-questions posed, offering some modest contributions to the body of knowledge, and finally giving suggestions for further research.

CHAPTER TWO

Theoretical Framework

2.1 Introduction

Corruption is an endemic worldwide insidious plague and one big obstacle to any form of development, be it humane, economic, political, or social (Laver, 2018, pp. 13–19; Stueckelberger, 2010, pp. 21–41). It exists in a variety of forms, and is understood, and defined in different ways by different researchers, and its impact on each nation-state and society varies considerably. It is shown to delegitimise states and their institutions, to create inequality and perpetuate poverty usually for much of the populace with only a few at the top in society who benefit from it and to retard growth and development for nation-states. Corruption in all its forms is pernicious, detrimental, hindering growth, development and progress in states and society, and more so in weak, growing and young states (Allaby, 2013, p. 49; Laver, 2018, pp. 1–5; Rose-Ackerman, 1999, pp. 1–6; Heidenheimer et al., 1989, pp. 3–13). For this thesis, my focus is on grand corruption as a form which I typify using a simplistic classification: petty or bureaucratic and grand or elite forms of corruption. To understand the implications of what I call ‘grand corruption’¹ in the process of building a legitimate and idea-type state, I review the literature to explore meanings, definitions, concepts and theories on corruption, and grand corruption in particular. I particularly focus on how grand corruption interacts with state-building, and the roles of state institutions and civil society actors such as the churches in addressing the issue. I offer a theoretical framework to answer my research questions and the ensuing discourses for this study.

The feature of corruption, especially grand corruption, in the moral and ethical dimension, is largely lacking in much of the scholarly discussions and research by both academics and practitioners who are the current experts at the fore in discourses on the subject in various disciplines such as political science, economics, governance and law.

¹ Grand corruption is the focus of this thesis.

Their reluctance, however, could arise from the murky delineation of ‘moral’, ‘decay’ or ethical connotation of corruption associated with it; how can it be measured, by whose standards, how can it be legislated and prosecuted, are some of the challenging issues inhibiting the exploration of this aspect. This chapter unpacks the idea of grand corruption.

2.2 Background: Historical Meanings, Definitions and Concepts

Corruption is a complex phenomenon that is understood and defined diversely depending on the purpose and the specialization, however, in this study, I adopt a political science approach. The phenomenon has been analysed by the Greeks since times past, particularly by the Greek philosopher Aristotle, who in *The Politics* (350 BCE) proposes protection of the treasury from defrauders by having public monies issued openly in front of the whole city, and copies of the accounts (documents) deposited in various chests (Aristotle, 1997). He premised his notion and description of corruption on a degenerated and decayed political system, flawed laws, or constitution favouring the rulers in power. He distinguishes between government (State) systems that he considered superior or perfect, governing for the citizenry and public good (*orthos* in Greek). Contrary to the *orthos*, are those he termed as inferior, who are deviant and pervasive (*parekbaseis* in Greek) and are characterized by a corrupt system that fails to cater for the public good, and instead protects the private interests of elites. This Greek definition puts emphasis on a moral dimension of corruption, and as such, some of the words that were used for corruption include *stasis*, *metabolè*, *diphtheria*, all implying that corruption denotes decay and an aberration from an original form, or loss of integrity of a body, political regime or an individual (Mulgan, 2006, pp. 25–36). The old-age Greek understandings of corruption are relevant to the modern times because they point at the moral dimension of undermining the public good as well. This is particularly relevant to this case where I will also look at the role of other moral authorities like the church plays in addressing corruption, especially grand corruption operating at the level of the elites.

In its current and modern form, corruption as a phenomenon is still understood and defined variously by researchers, some having contending views (though similarities also exist) and this poses a problem with its definition (Holmes, 2015, pp. 47–54; Rothstein & Torsello, 2014). Some authors like Levine, Good, Kupneh and Medard use labels like ‘culture of corruption’ to understand the concept, but Giorgio Blundo, Tidjani Alou and

others argue that this does not pin corruption to a specific culture. Albeit, culture is merely a milieu to portray situations, where and when corruption is generalized, endemic and systemic to an extent that it has become a way of life in a specific culture (Blundo et al., 2007, pp. 25–26). Leslie Holmes also agrees that although culture is useful to interpret corruption, the labelling of corruption through culture like ‘economic’ or ‘modern’ corruption is Western, and ‘social’ or ‘traditional’ is problematic (Holmes, 2015, pp. 55–56). While there are others like Arnold Heidenheimer, Michael Johnston and Victor Levi, who for instance, use a ‘public-office centred’, ‘market centred’ and ‘public-interest centred’ definition to situate it in a politico-economic locus (Heidenheimer et al., 1989, pp. 3–13). The analysis derived from this is that, in the public-office centred definition, it views corruption as a deviation from the expected role of a public official for the sake of desire for improper personal benefit. The market-centred definition takes the form of demand and supply where public officials treat their positions as a business or source of income, in what they can offer and charge a rent above their official wage. The public-interest-centred form focuses on the harm to the public interests due to the self-interests of public officials, and it is where the action of public officials compromises the public good. This last definition does closely resemble the South Sudan experience, and the attempts of its different public and governmental institutions to curb corruption in the ‘public-office’ and public-interest-centred approaches are to be explored further in the proceeding sections.

There is, nevertheless, a consensus on some general principles and definitions that transcend culture, genre, context, and belief and have become the premise on which many studies and research use and will also form the basis of my discourse. The definition adopted by the World Bank is the one widely used by many authors and scholars on the topic (of corruption), notwithstanding the shortcomings that are discussed later in this chapter. The World Bank thus defines corruption as the ‘abuse of public office for private gain or interest’ (M. Johnston, 2005, p. 11). This definition uses terms of governance - ‘public’ and ‘private’ that did not always exist in ancient societies, even in medieval Europe, where regimes virtually existed as patrimonial entities. During that time, state authority was regarded as a private species of the rulers (elites in power), and the common people were subjects at the receiving end. There was no demarcation between what was public and private for kings and monarchs in their dynasties who had too much discretion and power to extract, use and could give out entire provinces and the people living in them to their daughters, sons, allies or even enemies (such as for appeasement) at ease (Fukuyama, 2005, pp. 99–103). Therefore, this definition only fits the modern context of

nation-statehood on a leadership concept where the private and public domains are clear-cut, and leaders are regarded as custodians and servants for their people, not as lords.

The World Bank's emphasis on the 'abuse of public office' confines corruption to the public sector only, implying that corruption only takes place at a public office held by a public official. This definition is limiting and lopsided because corruption occurs beyond the public sector. Even in the public sector, there are always the two faces of corruption, the demand and supply facets, where it may involve a public servant (demand side) and a private agent (supply-side). Hitherto, corruption was prevalent throughout history in all sections of society, and neither the public sector (government) nor the private sector (including religious institutions) was spared (Neild, 2002, pp. 1–12). The other issue is that the phrases 'private gain' or 'personal interest' is delimited in other instances where those perpetuating corruption may not personally gain directly, as is the case in illicit political parties financing, patronage, and nepotism.

More useful for our purpose here is the definition by Transparency International (TI), which is a leading International Non-Governmental Organisation (INGO) on corruption and defines the phenomenon as: 'the abuse of entrusted power for private gain.'² This definition is broader in scope and meaning and extends beyond the 'public office' to 'entrusted power or authority which encompasses the private and other non-governmental sectors', including religious institutions. Even more all-encompassing is Shaazka Beyerle definition, who states that corruption is 'abuse of entrusted power for private, collective, or political gain, often involving a complex, intertwined set of relationships, some obvious, others hidden, with established vested interests that can operate vertically within an institution or horizontally across political, economic, and social spheres of society and transnationally.'³ While this is a more comprehensive definition (Beyerle, 2014, p. 24), as compared to the World Bank version, in my view, its generality excludes the particular relevance of the theoretical conception of grand corruption (Zyglidopoulos, 2016, pp. 3–10) which is my main focus that I further examine in proceeding sections.

² <https://www.transparency.org/en/what-is-corruption>; accessed on June 10, 2019.

³ <https://www.nonviolent-conflict.org/curtailing-corruption-people-power-for-accountability-and-justice-2/>; accessed and downloaded on June 10, 2019.

Ethical and Moral Dimension of Corruption

The inclination to associate corruption with improper behaviour, a deviation from the norm, and always moving side by side with moral decay resonates with the historical Greek and Latin meanings of corruption described earlier, on the moral and ethical aspects. There is also another issue in the debates on what an ‘improper behaviour’ means, who determines it (Holmes, 2015, pp. 47–54), and what may be considered improper behaviour in one community could be a normal thing and acceptable in another, even within the same country, where there could be numerous and diverse cultures (Stueckelberger, 2010, pp. 21–32; Rose-Ackerman, 1999, pp. 89–110). However, certain standards and values are universal and cut across cultures, whether these are legislated or not, yet they remain wrong, unethical – whether legal or not legal.

Official definitions usually opt to only situate and address corruption from a legal, political, and economic dimension as such acts or omissions are only made explicit through legislation or law, while the social and moral aspects are largely excluded. Moreover, to a greater extent, corruption constitutes almost all dimensions, legal, political, economic, social and moral aberrations (Marbaniang, 2013). Most of the official definitions, especially legal ones, are derived from the constitutions and laws of each nation and are therefore confined to governing their respective publics and societies. These in some instances exclude the elites who craft and enact these laws so that even within a good system of the ‘rule of law’, corruption may thrive – especially, the grand form. The following section explores the definitions of corruption from a legal and institutional viewpoint.

Legal and Institutional Delineations of Corruption

Some institutional definitions, especially adopted by Anti-Corruption (AC) agencies, are usually a host of lists of legislated illegal practices grouped under a general label of corruption, limited by provisions of the laws enacted within national contexts. Corruption is more than just a narrow legalistic definition, which typically is a list of acts that are country-specific and confined to the official laws of the nation. Instead, it is a broader, more moralistic issue beyond the legalistic view and articulates an abstract, amorphous morality (Laver, 2018, pp. 1–5; Prvarala & Malik, 2010). This is especially important since, as argued by Robert Klitgaard, corruption bares the risk of evolving into many other strains and mutations, such as illegal political contributions, the sharing of

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confidential information, kickbacks, economic crimes, fraud, and other forms that cannot be contained in such limited definitions (Klitgaard, 1988, pp. 69–97).

There are challenges to the legal and institutional definitions of corruption when those in power consider their private interests, including legislators and their cronies, to overwhelm the public interests. In such a situation, weak laws against corruption could only be enacted or those that protect some corrupt acts. This will entrench corruption into public structures and institutions, enabling it to become systemic such that corrupt acts could even be legal or lawful. This is inevitable, and only avoidable if legislators are upright and do seek to protect the public interests and common good of their electorates in less corrupt systems, who (electorates) are their fundamental 'principals' as described later in the 'principal-agent–client' theory (Holmes, 2015, pp. 172–203). Thus, laws and legal instruments, and using legality, regardless of how strong and efficient institutions may be, are still vulnerable to human manipulation (Bull & Newell, 2003, pp. 1–2); also, they are limited in scope, and are time-bound; hence, a realistic benchmark for integrity and accountability exceeds legislation.

The reviews above illustrate that corruption was understood in the historical past as encompassing morality (moral decay), a deviant from the normal (acceptable) behaviour, and results in a loss of trust for public office. While the present-day, modern definitions and discourses are more focused on political misrule and abuse of power and authority, which leave a void in the behavioural and moral dispensation which was a vital aspect of the concept historically. Although both views concur that the primary motivation for corruption is the pursuit of self-interest and gain at the expense of the common good, the current discourses are inadequate on the root causes and inspiration behind the 'self', 'private' or 'person' gain or interests that are fundamental in propagating corruption in all its forms. This study, therefore, explores this gap in the ethical and moral debate and designation as another facet, which I contend, renders a holistic and broad discourse on corruption. In order to do so, I first typify corruption, its various forms, and prototypes, to which I turn to now.

2.3 Contrasting Grand and Petty Corruption

There are several taxonomical approaches to classifying and categorizing corruption; for some, the basis is functionality, form, context or magnitude (Choms, 2009, pp. 40–41). Many types and sub-types exist in the literature, such as bribery, fraud, embezzlement,

misappropriation, clientelism and the like; and others like bureaucratic or political corruption are not uncommon. Some authors designate petty corruption as bureaucratic, while the grand form is seen as political corruption. For this thesis, I have restricted myself to a simplistic classification for this study: petty and grand corruption, where I focus specifically on the grand (elites) form of corruption to dwell on. In this following section, I give a brief description of both petty and grand types of corruption, and then compare to distinguish between them.

The distinction between the two forms of classifying corruption, as the language suggests, are 'petty'⁴ which denotes that involving small amounts, and is a low-level bureaucratic corruption, whereas the 'grand'⁵ form involves huge sums and high-level corruption, including high-level individuals. Nonetheless, there has not been a clear demarcation between petty and grand corruption. Much of the literature refers to petty corruption as that which exists at the middle and low levels of the bureaucratic system in government, whereas grand corruption involves huge sums and occurs at the top echelons of power (Rose-Ackerman, 1999, pp. 114–124). One author, Monika Bauhr, distinguishes between petty and grand corruption as based on motives and mode of engagement, for instance, citizens engage in corruption because of need; since it is the only way to receive services, to avoid abuses, or are compelled to act corruptly because of a necessity or is the only way out of a situation. Furthermore, the author suggests that 'need' corruption, which occurs only at petty or bureaucratic levels and in circumstances where meagre incomes (low salaries) compel public officials to seek alternative incomes to meet their needs. Whereas in the greed form, individuals engage in it to indulge for excess, seek prominence and get ahead in society and acquire added advantages and be better off than others (Bauhr, 2017, pp. 1–28). In preview, I propose, greed corruption does occur at both petty and grand levels, and both ride on the amoral human nature of self-centredness regardless of the levels at which it happens. As much as petty corruption is attributable to need, both can be driven by greed because cumulatively petty corruption succumbs to the greed syndrome and the infinite human lack of contentment, and the inherent desire to

⁴ Petty means trivial, minor, small, or of little importance or significance (*petit* in French) at: www.google.com/search?channel=crow5&client=firefox-b-d&q=meaning+of+petty; accessed on January 10, 2015.

⁵ Refers to that which has more importance than others, higher in rank; large and striking in size, scope, extent or conception, with a magnificent and imposing appearance, at: www.google.com/search?q=grand&rlz=1C5CHFA_enSS957SS974&oq=grand&aqs=chrome..69i57j46i131i433i512j46i175i199i512j46i512j46i175i199i512j46i512j46i199i465i512j0i271.3090j0j15&source=id=chrome&ie=UTF-8; accessed on January 10, 2015.

always have more, unless there is a force or power to retrain it within the human self, or *thymos* (or *thumos*⁶).

Many authors have juxtaposed petty and grand corruption literally as the names suggest by referring to petty corruption as small, bureaucratic in nature, relating to extortion, visible, apparent, pervasive and endemic, lesser damage, and somehow acceptable (Iyanda, 2012, pp. 37–45). However, I contest the view that it is less damaging and could be acceptable in some instances in my consideration, corruption in any of its forms, whether small or big is deleterious and unacceptable.

The grand corruption debate, referring to it as collusive in its *modus operandi*, is subtler, hidden, structured and more damaging and unacceptable (Bauhr, 2017, pp. 1–28), and also systemic (Rose-Ackerman & Søreide, 2006, pp. 17–20). Transparency International makes the same distinction between petty and grand corruption, defining grand corruption as ‘the abuse of high-level power that benefits the few at the expense of the many.’⁷ Christoph Stueckelberger suggests that grand corruption is rooted in the greed for more power, influence and accumulation of wealth or safeguarding and control existing power or economic position(s) at all means. He further differentiates them thus: ‘petty’ is corruption rooted in poverty, abuse of power by low and mid-level public officials, whereas ‘grand’ refers to the corruption of power by top leaders for their benefit at the expense of the public good (Stueckelberger, 2010, pp. 21–25). All these views and concepts on grand corruption depict a meaning reflective of the language everyday use of the word (grand).

The last exploration, I describe here sets a theoretical framework to delineate petty corruption as ‘first order’ and grand corruption as ‘second order’ corruption which indisputably distinguishes between them (Zyglidopoulos, 2016, pp. 3–10). Stelios Zyglidopoulos argued that ‘first-order’ corruption is the abuse of power by individuals or groups for private gain within a given a system of existing rules or norms, whereas grand corruption, the ‘second order’, is the abuse of power by individuals or groups who change the existing rules or norms or create new ones to benefit from them unfairly. In the first order (petty corruption), power is abused for private gain within existing rules, norms, and laws, but crucially, those practising this form of corruption do not have the power to legislate or change the rules. This stands in sharp contrast to the ‘second order’ (grand

⁶ Another spelling in Greek in another translation but have the same meaning with thymos.

⁷ Transparency International at: www.transparency.org/en/our-priorities/grand-corruption; accessed on January 10, 2015.

corruption), where the abuse of power happens by changing existing rules, norms, or laws and/or by creating new ones to unfairly favour and advantage elites in power for their private benefit. It is this second order of corruption that is particularly relevant for the purpose of this thesis.

The expositions on the meaning of grand corruption presented by Bauhr and Rose-Ackerman, in my view, only provide a literal characterization and distinction between petty and grand corruption and could be situated within a context of linguistic understanding in which petty insinuates trivial, insignificant, or little, while grand is colossal, massive, or huge. In my view, a framework is necessary to distinguish between these two (petty and grand) forms of corruption, to understand what constitutes each of them. For instance, petty corruption can accrue large sums of money or even involve huge sums and yet does not necessarily amount to grand corruption because it still operates at a theoretically first order – abuse or breaking existing laws by bureaucrats. When it (corruption) involves effecting and influencing legislation (creating and changing laws) to favour and legally protect private interests or gains, it is then scaled to a second distinct order (grand corruption) and can only be carried out by ruling elitists (top leaders). Hence, Zyglidopoulos's theory of 'first order' for petty corruption and 'second order' for grand corruption offers me the theoretical framework to differentiate between these two forms and define grand corruption in this research.

Using the second-order lens, I define grand corruption as an endemic and perpetual phenomenon aided by elites in the echelons of power when and if they place their private interests above the populace by customizing the vital laws of the land to accommodate their avarice. Such leaders (self-seeking, promoters of private interests) may ascend and hold legitimate power, state institutions and apparatus within legal precincts; however, their legal acts and dealings can still be wrong and constitute grand corruption (but protected by laws). Hence, it is not uncommon when corruption becomes legal, and leaders make utterances and pleas even in courts of law such as, 'I have not broken the (any) law,' which may be a legally valid argument, but wrong in public opinion, amoral and detrimental to public trust and confidence in the authorities. In this research, I posit this – when such leaders make claims of not breaking the law or committing an offence, while their actions may be legal; how about quizzing: are these acts right, ethical, or morally acceptable? I contend that grand corruption is the avenue for unscrupulous leaders to legalise wrong, immoral, and unethical acts, and commit massive corruption, and still get away from conviction because power (abused) is their discretionary entity.

So, in the likely event that those who dominate power prefer their private interests, and what benefits them matter most, then the welfare of the citizens, that nation-state becomes predisposed and may succumb to misrule and grand-systemic corruption. In such circumstances, the state's ability, and capability to tackle and combat grand corruption is conceded and vanished due to the complicit association of the leaders, state apparatus and grand corruption. In view of this, the impact of grand corruption and its consequences on the state; to build, develop and, sustain it could be far-reaching, damaging, and grave to its viability and obligation to the citizenry. Therefore, the next section further examines the types and prototypes of grand (second order) corruption, how they work, interact, and impact the state and society.

2.4 Types of Grand Corruption

Grand corruption is extant and widespread in all societies (Neild, 2002, pp. 5–9), and with devastating effects on nation-states and their citizens. Martin Allaby describes grand corruption as that which involves high people (elites) who live and discuss their things in cocoons and clubs only owned by them, and they (elites) are the only ones who can eliminate it (grand corruption) through a change of heart and attitude (Allaby, 2013, p. 113). For the purposes of this thesis, I explore only four sub-types of grand corruption that are relevant to this study in engaging with my primary data in subsequent chapters. The prototypes of grand corruption I hereby describe in the next paragraphs are political corruption, state capture, patronage and kleptocracy, though this is not exhaustive list of grand corruption subtypes, I contend they all are typically elites form and fits the second-order concept of grand corruption.

First, political corruption, which is sometimes used interchangeably with grand corruption for its width, breadth, and functionality, is defined as the 'abuse of public office for private gain at the highest levels (M. Johnston, 2005, p. 11; Fukuyama, 2015). Other authors define political corruption as behaviour that violates and undermines the norms of the system of public order and subverts democracy, including buying voters' support during elections (CETA, 2011). Where political corruption thrives, the power derived from state organs and instruments is abused to exclusively protect public politico-administration and policymaking of the ruling clique or party.

The second form of grand corruption is 'state capture, resembling Ziglydopoulos's second order of corruption, a sub-type where the corporate world or powerful elites from

the private sector influence policy making, legislation and regulations to favour their businesses to receive concessions and huge government contracts, usually corruptly as payback. This form uses the purchasing power of business elites to buy those in authority (public office) so that they would legislate and enact laws to favour and protect their business interests. These business elites usually might have paid a bribe, contributed to election campaigns or are business partners and cronies of the political elites (Rose-Ackerman, 1999, pp. 127–142). Characteristically, it is manifested by powerful corporate elites from the private sector who control and grip government affairs (both economic and political) and activities in this country. This type is evident when large firms influence legislative processes (laws, policies, and regulations) of the state in their favour (unfair advantage), sometimes by providing illicit private gains to public officials (CETA, 2011). This sub-type is sophisticated, also referred to as 'ex-ante' because after investing in the manipulation of legislation (Boehm & Joerges, 2008), these firms can now comply with the laws because in essence they have already bribed and paid to legalize their illegalities.

Patronage, the third form of grand corruption, is understood as the granting of favours or giving of contracts or making appointments to office are offered in return for political support. A reciprocity relationship ought to be established for the exchange of favours between individuals of different status and power, usually involving jobs and other favours that patrons give to clients in exchange for the clients' loyalty and political support, and usually at the expense of the most qualified cadres (Fukuyama, 2014). This type of grand corruption keeps divergent interests (political) in the balance around the top leadership such that the regime is made vulnerable to the demands of many contending groups and thus, exposes it to other forms of corruption such as clientelism.

The last sub-type to review here is kleptocracy, which loosely describes an elite conduit where top officials who rule, possess, or hold power, do so primarily for personal enrichment. It is a rule by thieves or the corrupt, greedy and dishonest rulers who autocratically rule for their narrow interest, and have usurped and cling to power through unethical means.⁸ Kleptocracy is characterized by direct looting of the state and the advancement of policies favouring the transfer of resources into personal accounts and self-gain (Andreski, 1968). It is where top government leaders organize the political system to favour corruption, maximize rent-seeking, and manipulate the economic environment to gain money (de Waal, 2014, pp. 347–369; Rose-Ackerman, 1999, pp. 114–124). The main feature derivable in this type of grand corruption is the use of

⁸ Advanced Oxford English Dictionary; accessed on phone App severally.

violence and plundering of the public coffers by a few at the top offices in utter disregard for the interests of the majority population.

The analysis emerging in the section above section suggests that grand corruption is constituted at the elite political level (also corporate elite for state capture) and is driven by all who are privileged with power. This power is only accessed by the elites within the system, and is controlled, well protected, and sustained by this clique (elites), but is unattainable by the rest of the population. This power base is habituated in the state (structures and institutions) and is useable to create a system (through the legislature and other means) and an environment tilted in their favour to extract rents or unfair advantage. In the following section, theories of corruption (grand) their interactions with the state formation processes, functionality, and sustainability are the themes explored.

2.5 Unpacking Corruption: Practices, Theories and Concepts

There are several concepts and theories that further unpack the functioning of corruption in society and its causes, some of which are adopted from existing ones and are also applicable to corruption (de Graaf et al., 2010, pp. 15–20). Some of these I briefly outline include the ‘structural functionalist’ or ‘structuration’ theory, the ‘Weberian ideal-typical’ and the ‘institutional economics’ (Marquette & Peiffer, 2017; (Holmes, 2015, pp. 47–54; de Graaf et al., 2010, pp. 15–20). However, for this study, I examine only four, which are the ‘principal-agent-client’, ‘collective-action’, the ‘extractive state’ and the ‘social orders’ theories.

Principal-Agent-Client Theory

The Robert Klitgaard principle-agent-client theory (agency theory) develops general principles of corruption (without specificity to grand corruption), assuming that the ‘principal’ who is the employer (could be the head of a state, an institution, organization, or even the electorate – who voted in the members of parliament) wills for the public good (Holmes, 2015, pp. 172–174; Klitgaard, 1988, pp. 69–97). The ‘agent’ presented as an employee (could be a public official or member of parliament) will interact with ‘clients’ (the populace and common interest) on behalf of the ‘principal’ to advance the principal's desire, the public-interests of the principal.

Whereas the ‘agent’ is employed on the understanding that he or she will act on behalf of the principal’s interests in this interactive relationship; for both principal and agent have the public as well as their personal interests by which the net costs can then determine their behaviour (Klitgaard, 1988, pp. 69–97). The assumption here is that the principal’s interests are for the common good and would therefore expect their agents to represent them in the same manner they interact with clients on his or her behalf. However, the agents may engage in corruption or illicit behaviour if the net benefits they get outweigh the costs. The main character here is the agent who, in their interactions with clients on their principal’s behalf, can be faced with two main choices, ‘not to be corrupt’ or ‘to be corrupt’. If he or she is not corrupt, then they receive pay-off of their regular pay and the moral satisfaction of not being a corrupt person and thus serve the interests of both principal and clients. However, if he or she is corrupt, then they will engage in corruption and suffer the moral cost of being corrupt and the guilt that accompanies this act. The agent’s behaviour in the choices he or she makes will depend on and be determined by some of the following factors: personal ethical values, peer pressure, and socio-cultural and religious standards (Holmes, 2015, pp. 172–203). The likelihood and consequences of being caught and prosecuted and how huge the value of monetary benefit out of this act would be, and how far they can deviate from the principal’s responsibilities entrusted to them, too are considerations to weigh. For the unscrupulous in a corrupt sub-culture, the moral cost of being corrupt may approximately equal zero and can thus engage in corruption, whereas the non-corrupt will not (Rose-Ackerman & Søreide, 2006, pp. 17–20).

In this theory, the assumption that the public interests of the principal are the public or common good, is not always the case because in my view a principal’s public-interests are not necessarily values, principles, or virtue, and may not always represent the common good or *koinon agathon*. In this case, this theory can be compromised when the interests of the elites are contrary to those of their citizenry, as far as grand corruption concerned. This theory, therefore, in my view, implicitly assumes corruption to be at the petty level because it operates within given rules (assumed to be for public good), and overlooks the role of the ‘principle’ and the ‘agent’ in changing the rules and legal frameworks.

Collective Action Theory

The collective action theory assumes that ‘insofar as corrupt behaviour is the expected behaviour, everyone should be expected to act corruptly, including both the group of actors to whom the ‘principal-agent’ framework refers to as ‘agents’ and the group of actors referred to as ‘principals’ (Olson, 1971, p. 7). In this theory, both principal and agent can act corruptly or not corruptly, and this is a scenario common when corruption is grand and systemic. But a collective action is also capable of make sense and achieve the public good and common pool of resources, and make sense in an environment where all (including elites) are believed to be corrupt; the incentives for group interests – commonwealth and welfare of the group, can coerce to abstain from corruption (Marquette & Peiffer, 2017, pp. 1–16; Olson, 1971, pp. 5–7).

These two theories, the principal-agent, and collective-action described above, both overlap on certain aspects, and are useful approaches for this study, but I will specifically apply the ‘collective-action theory for this thesis as it does explicitly include principals in acts of corruption, the elites who are the perpetrators of grand corruption.

Extractive Theory

The extractive theory depicts a context in which the state and its agents, the public officials, are stronger and more potent than the populace, in contrast to a mutually beneficial state where a social contract exists between the governed (citizens) and governing (State). When the state becomes extractive; the state is the stronger party in the state-society relationship, and mostly witnesses a situation where the ruling elites, and state agents benefit through corruption and plundering of the national wealth (Amundsen, 2019, pp. 1–28). Essentially, the ruling elite is the strongest force in society, this elite or class uses the state apparatus as its instrument to extract resources from society, and it does so for the benefit of the rulers. This theory, in part, is based on the operation of authoritarian countries in general and particularly neo-patrimonial states. The theory mainly applies where the state is not only the strongest force in society but also where the ruling elites have developed into a dominant and ruling class in control of the powers of the state. It emphasizes the well-known remark that ‘all power tends to corrupt, and

absolute power corrupts absolutely.’⁹ Central is the idea that the more political power is concentrated exclusively in the hands of a few individuals, the greater the temptation to abuse power for selfish wealth-seeking and the extraction of state resources.

This theory is based on the authoritarian elitists' use of state power capabilities to attain, retain, and increase their powers to accumulate resources from the nation and the ruled for personal benefit. The ruling elites who engage in grand corruption misuse state powers primarily to safeguard their interests, at the detriment of and usually in conflict with the interests of most of the population. Politically, they mostly use censorship and electoral fraud to establish unjust laws, and sometimes disrespect the laws (impunity) they have made themselves. The theory also uses human rights violations like political surveillance of dissent, harassment and intimidation, imprisonment, and torture of opponents as tools to protect their grip to power and privileges. This mostly economic lens considers grand corruption as one of the many modes to accumulate and plunder public wealth and resources for self-aggrandisement.

The extractive theory describes a complexity of features, which are typical of grand corruption, such as kleptocracy (Andreski, 1968). It underscores characters of an established state that operates in patrimonial, neo-patrimonial and autocratic domains with both rent extraction and use of force as the main goal, which, following the US-based advocacy group Sentry,¹⁰ is a situation referred to as a ‘violent kleptocracy’. Daron Acemoglu and James Robinson affirm that nations fail due to their extractive nature – the extractive economic, extractive political and other governance institutions that are created to cement power for those who benefit from the extraction. They claim that the extractive system is the root of state failure, destroys the rule of law and disincentives and deprives ordinary people of life and dignity – to save, invest and innovate (Acemoglu & Robinson, 2013, pp. 372–373). This theory thus presents a succinct example of interactions between state and grand corruption, which is a precursor to state failure. Nation-states are weakened and the commonwealth of the larger society is put at stake to favour only a clique of minority elitist group whose goal is to enrich themselves and their private interests. It depicts the state’s ruling elites’ inability to fulfil and meet their obligations to

⁹ This state or phrase is attributed to Lord John Acton (1834 – 1902) at: www.acton.org/research/lord-acton-quote-archive; accessed on September 12, 2017.

¹⁰ The Sentry, a part of the Enough Project, published a Report in Sept 2016 describing the government of South Sudan as a ‘Violent Kleptocracy’ at: www.thesentry.org/reports/; downloaded on September 30, 2016.

their citizenry within the sovereignty of the territory they claim to govern because the public good to them is non-essential and matter less.

Theory of Social Orders and State Formation

In the seminal work on social order and state formations, Douglas North identifies and distinguishes between three social orders that mark human recorded history and state formation. He interprets the development and evolution of recorded human history through what he describes as 'social orders'. These social orders shape the organizational development available for sustainable human cooperation and encompass the socio-political, economic, cultural, religious, and other systems prevailing in that particular society (North, 2006, pp. 148–189). He describes these three social orders: the 'Primitive Order', the 'Limited Access Order' or 'Natural State' and the 'Open Access Order'. I will briefly take a detour in each order to establish the historical and evolutionary context of state formation and development vis-a-vis grand corruption.

North claims that the first social order refers to societies dominated by pre-recorded human history; the 'Primitive Social Order' describes a hunter-gatherer society. The society in this order is made up of many small social units, with very little specialization and division of labour. This social order also experiences a high level of violence. The creation of larger social units enables a greater level of specialization and division of labour, but greater specialization creates two problems: the emergence of specialists in violence and the need to coordinate social interaction within and among larger groups (North, 2009, pp. 30–76). There may be a few societies in Africa like the Masai of Kenya (Kwesiga, Juma & Tang, 2017 and Johnston, 1905:83-84), the Murle, Jie and Kachipo of South Sudan (Brake, 2015) that may be linked to this order in some of their practices and social cohesion patterns within this order in the recent past, yet their current feature show an advance to the next level. Hence, this order does not fully suit the context of South Sudan, which, while a new state, it has transitioned from a primitive order, and even some of its societies described as undeveloped above have already transitioned this order to a higher one in the nation-state formation and cohesion evolution process.

Douglas North considers the Limited Access Order as the default option for human societies over the last ten thousand years. 'We have termed the political and economic structure of the limited access order the natural state for a reason: it is the natural form of human society. Limited access orders manipulate the economy to produce rents and then

systematically use those rents to create political stability' (North, 2009, pp. 148–189). The result is a modicum of social order, increased specialization, and division of labour, and economic growth and the commencement of state formation and development.

According to Douglas North, some of the states of the twenty-first century that may fall into this category include Chad, Sudan (South), and Rwanda. Other systems considered as natural states were the like of ancient Roman, Ottoman, and Chinese Empires that were stable for centuries and produced some of the most sophisticated achievements of human history (North, 2009, pp. 30–76). The common features of all these societies that are or were deemed natural states are: most of them limit access to economic and political power for the majority of their populations, while the elites access power and generate economic rents for themselves, and create credible cohesions within existing social order (North, 2009, pp. 30–76). This model, the Limited Access Order, describes the making and building of new states, in which case South Sudan, a new country born after many years of war, fits its characterization as a developing country in a natural state. My submission on this order (the Limited Access Order) is that although it describes a natural state such as South Sudan, it is incompatible with building an ideal state that serves the common good. It only incentivizes a country's elite with excessive power and access to economic rents (grand corruption) in attempts to maintain stability in the state and keep violence at bay, but limits access to politics and economics for the rest of the population.

Where limited access orders use rent-creation to provide social order, open access orders use competition. Although all the natural states limit competition to create rents, they too cannot suppress all competition. Similarly, all open-access societies also possess some rent-seeking and rent-creation features. However, open-access orders maintain open access to political, economic, and other social organizations. Organizations' access vitalizes competition in all systems, and competition sustains the social order. Economic and political systems are just as intimately connected in an open-access order as in a limited access order, but the connections lie in a higher level. In an open-access order, economics appears to be independent of politics. This seeming independence is reflected in both the famous classical liberal dictum about limited government and in neoclassical economics' view that markets are antecedent to government and that the government intervenes in markets. A competitive economy requires a state that maintains open access and entry, defines property rights, and enforces competition. It also requires a state capable of providing the social infrastructure that sustains perpetually lived and highly

sophisticated and complicated organizations (North, 2009, pp. 110–147). Modern business enterprises and thriving modern markets cannot exist outside the institutional framework provided by open-access policies. Developed societies are filled with a wide variety of complex and sophisticated organizations capable of producing goods and services, conducting research and development, and co-ordinating individual behaviour on a scale ever seen in human history. This order, I submit, characterizes the modern, developed democratic states of the world and, thus, far beyond the reach of most developing countries, of which South Sudan is least among them.

My view on the social orders that are advanced by the Douglas North are congruent and converge on Stelios Zyglidopoulos' concepts and his second order of corruption, which describes a relationship between elites' corruption and state formation. The 'Limited Access Order' proposes that a state in the making and a rent-seeking elite at the helm will limit access and wealth while at the same time trying to keep away violence and secure the state for the population. In this study, the 'Limited Access Order' appears to be the theory that establishes a relationship between grand corruption and state-making in an interaction in which both phenomena co-exist in the evolutionary process of nation-state building. Yet, it likely presents an ineffectual and unsustainable utility as a model to achieve a public good and common welfare. The next section offers a review of concepts and theories on state and state making process, and it links up with grand corruption.

2.6 State and State-Building: Approaches, Concept and Theories

This section reviews the concepts and understanding the state and models of state building, focusing on institutional building in relation to good governance and accountability. Francis Fukuyama describes a modern and functioning state as that which has institutions that can concentrate power and allows its community to deploy it to enforce laws, keep the peace, defend itself against internal and external enemies, and provide the necessary goods and services to its people. He further asserts that an ideal 'political development' process should have three main components: the 'state', 'rule of law' and 'accountability' (Fukuyama, 2014, pp. 23–25; 37–51). In the next section, I explore what constitutes a state and how it is variously defined and that is later followed by the description of state building models and approaches.

Defining a State

A state is defined as a hierarchical organization that holds a monopoly on legitimate force over a defined territory in an organized political community under one government. Others refer to it as a form of a political association, or a distinct polity by itself and sovereignty (Kukathas, 11, pp. 1–11).

Two other classic definitions of a state are derived from the experience of European early modern states' formation and are described by a concept developed by Max Weber and Charles Tilly. For Weber, the state is a human community that (successfully) claims sovereignty or monopoly for the legitimate use of physical force within a given territory. If the state exists, the dominated must obey the authority claimed by the powers that behold it. When and why, they obey can only be understood when one knows the inner justification and external means on which domination rests (Anter, 2019, pp. 1–12). Weber asserts that the state represents a corporate body that monopolizes legitimate use of force over a territory as a rightful means to secure the borders of a sovereign state, which appears in most definitions for a state. For Charles Tilly, the state as an organisation, controls the population occupying a defined territory in so far as first: it is differentiated from other organisations operating in the same territory; secondly: it is autonomous; third: it is centralised; and fourthly: its divisions are formally co-ordinated with one another (Taylor & Botea, 2008, pp. 27–56). He cites four distinctions that illustrate and specifically define sovereign state: uniqueness, autonomy, secured borders, united and functional entity (Tilly, 1996).

Both definitions (Tilly and Weber) stress the structural and organizational aspects of the state, but do not mention any state functionality except the monopoly and use of violence (Weber) as one of the legitimate functions. Furthermore, an essential difference between the two definitions is Weber's strong emphasis on legitimacy, which is an important component to show the acceptance of the authority of the state by the people or population governed (Fritz, 2007). These concepts of defining a state are informed various views, some of which are traditionally historical, while the others are quite modern; I will only cite two of these; the first is a traditional one by Hobbes, Rousseau, Locke, and Hegel. According to them, a state is characterised by a social contract between members of society (the governed) and an entrusted authority (governor) of the state, where members of both parties agree to acknowledge the authority of set rules or political regime and its obligations (Riley, 1982). This social contract entails that society accepts to submit to the authority, which will, in turn, take responsibility for the state to provide

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services, security, and social justice. This relationship between the governed and the governor, as established by the social contract is a fundamental provision for the legitimacy and obligations necessary to sustain the viability of the state. As I demonstrate in some of the subsequent chapters of this thesis, the unfulfilled responsibility and obligation to this key agreement, the ‘social contract’, is at risk by the undermining impact and prevalence of grand corruption in the context of South Sudan.

State-Building

This section now examines state-building, and its main focus is on the reconstruction of institutions as foundations for the state to be an edifice in which efficiency, good governance and accountability thrive. According to Heather Marquette, institutionally-focussed state building is a primary enabler for efficient and effective bureaucratic system, and good governance functions that increase integrity and efficiency to shape and positively effect political and socio-economic growth, and improve the welfare of society in the state (Marquette, 2011, pp. 1871–1890).

There are generally two approaches to state-building and are especially shaped and inspired by the post-Cold War, and later the post-9/11 terror attack eras, the externally driven, or exogenous and the domestically led or endogenous approaches. These are based on a developmental theory developed by the Organisation of Economic Co-operation and Development (OECD) in 2007 and follow a set of principles to support to conflict-affected states, identified as 'state-building' areas for development assistance. For an exogenous, externally-led approach, donors commission the work to define and provide the knowledge and practice on state-building, and draw heavily on political science (Berdal & Zaum, 2013, pp. 243–291).

In a domestic and home-led endogenous process, state-building is an indigenous, national process driven by state and society relations (OECD, 2009, pp. 61–148). OECD in an earlier report points out that the endogenous approach is effective, and involves a ‘state and society’ collaboration, which is founded on political processes that negotiates smooth state-society relations as well as power relationships among elites and social groups (OECD, 2008, pp. 1–4). This approach argues that state building by those from outside the own borders is ineffective, but they can influence, support or and sometimes hinder the processes. As such, according to Berdal and Zaum, an endogenous process is

the preferred choice because it favours sustainability and has less contradictions (Berdal & Zaum, 2013, pp. 243–291).

However, these two (exogenous and endogenous) approaches to state-building have their strengths and weaknesses, and therefore need careful and contextual customisation in different countries. For instance, in an externally led process, accountability enhances a strong oversight instituted especially if the domestic forces show less commitment to the public good. Also, resource mobilisation, capacity-building and support may be easier to come by, notwithstanding the challenge of sustainability, exit strategy, ownership and indigenous technical knowledge that are often overlooked and under-utilised. For a domestically-led process, it capitalises in what the shortcomings of the endogenous process are as listed above, and further entrenches ownership, sustainability, sovereignty and dispels the fear for neo-trusteeship which always breeds resentment and distrust (Paris & Sisk, 2009, pp. 1–20).

Nevertheless, both approaches (external and domestic) have their role to play in state-building the construction of fundamental and functional institutions that are necessary to spur economic and political development, and accountable, good, and democratic governance. With such institutions established and strengthened, the state is capable of providing their citizens with physical and economic security, social welfare and accountability between the governed and the governing (Barbara, 2008, p. 307).

For the case of South Sudan, state-building seems to have taken an ad hoc approach, without a defined model used either by the state or its external partners, such as the United Nations Mission in South Sudan (UNMISS) with its peacekeeping and building mission in the country that should have naturally been the lead partner. Nonetheless, the country made efforts to build the state and its institutions, with no clear scientific model, but an endogenous process with dismal success. The country's state-building and growth is in recession, with a limited access order (Douglas North), also referred to as neo-patrimonialism by Fukuyama, and an extractive state by Acemoglu and Robinson. It is the kind of state where it outwardly displays and publicises signs of a modern state, but it is ruled for the private gain of the elites in power (Fukuyama, 2015, p. 26).

2.7 Church Relations with the State

Churches have a dual mandate for both personal life and public affairs and thus have an important role to play in the state and society. Historically and globally, churches have a

chequered history in their dealings with state authorities and regime types; for instance, in authoritarian systems, they are either shyly supportive in fear and for survival, or take a stand on behalf of the public good, and resist to confront such authority (McCallum, 2012, pp. 109–124). The latter position is tough and has consequences, but in most cases, it is for the common good and in defence of ordinary citizens, where churches become the voice of the voiceless. Among the challenges that arise when churches confront the state on issues affecting society and nations, is the allegation of meddling and interference in state affairs (politics), instead of spiritual matters. Autocratic leaders and systems often tell the vocal voices of churches off by claiming that there is a ‘separation between the church and the state.’ This is an issue often of misunderstanding and misinterpreting the dual role of churches, and the statement itself, and different groups of proponents and opponents of whether churches should engage in public affairs also have varied opinions and understanding of the same issue. Autocratic leaders would obviously feel uncomfortable with reprimands and be in a collision course with churches; instead, they would prefer silence and muted voices from the Church on public issues. I will not delve further into the ‘separation of church from state’ debate, but give a simply delineation of this issue, the separation between church and state; first this statement neither means, ‘churches seek to control the state,’ nor the ‘state discriminates or favours churches’ (McCallum, 2012, pp. 109–124). Instead, it means churches play their dual roles, and have duty to individuals’ personal salvation in life after death (eternity), and also a public role in matters affecting society, whether these are political, socio-economic, or justice issues (Perkins, 2010, pp. 1–12).

Thus, considering the public role of churches, and one of these is to be a watchdog and ‘check and balance’ on the issue of grand corruption among the elites in power as part of its public theology and mandates to society and humanity. According to Osvaldo Schenone and Samuel Gregg, only a few Christians and churches do understand and engage in addressing the vice of corruption, which Christian scholars define as sin, and a phenomenon of *myterium iniquitatis*, which refers to the ‘reality of sin.’ This Christian view acknowledges that corruption causes a deep rupture (trauma) within each person self (conscience), as well as affecting (causing poverty, inequality, and injustice) the social environment where the person lives and society. They claim that the wages or consequences of *mysterium iniquitatis* are death and eternal damnation. Hence, corruption is an injustice, not in terms of the rule of law only but also against moral virtues that endure and desire to serve and give rights of others unwaveringly (Schenone & Gregg, 2012, pp. 7–14). The churches’ role and its public theology and missional mandate thus,

aply address and contribute to the ethical-moral gap of grand corruption by teaching and inculcating religious beliefs (Holmes, 2015, pp. 172–174) into peoples' value system to shape, moral conduct, character and outcomes.

Church and faith are also known to give a set of a personal or institutionalized system of beliefs, attitudes, behaviour, or practices that play a very important role in every society and its moral value system. They shape culture and determine the worldviews and values behind people's relationship with their environment. According to Robert Woodberry, social scientists tend to ignore religion and churches in the processes of post-enlightenment modernization. He asserts that in individual cases and events, the role of religious actors is very clear, especially in primary documents, yet in the broad histories and comparative analyses, churches and religious groups are pushed to the periphery (Woodberry, 2012, pp. 244–274). In countries where religion and churches play a vital role in the lives of most people, it has often been assumed that most people, including public officials, derive their ethical conduct from their faith. This might include a list of rules or values to live by and some of which can be of particular importance in fighting corruption (Pavarala, & Malik, 2010; Stueckelberger, 2010). In her study of corruption and religion, Heather Marquette contends that 'it is a myth to assume that a relationship exists between religion and the fight against corruption' because her studies show no effect on either lowering or increasing corruption. However, she also acknowledges that the methodologies she used to prove this point were insufficient, and thus, concluded that religion does maintain a primordial hold on people's values, attitudes, and behaviour, which no other institution has (Marquette, 2012b). She, therefore, loosely maintains that churches and religious bodies remain an essential source of inspiration and moral code that can be used to combat corruption, which places Christians to having a potential to contribute to addressing corruption.

David Nussbaum, who was at some point the head of Transparency International, also argued that a new approach to combatting corruption needs to consider the role that personal values play in moral decision-making processes related to corrupt practices (Nussbaum, 2006). The same argument was further made by Douglas Beets, who claimed that the non-religious are more likely to engage in corruption because of an absence of religious guidance. In comparison, the religiously faithful ones consider corruption theft, illegal and dishonesty (Beets, 2007). Attributing honest behaviour to active church-going Christians, even by non-Christian observers, thus exists. However, Martin Allaby, in his study of churches in Kenya and Zambia on corruption, observed that active church

members have been shown to compromise their faith and soiled themselves in corrupt practices (Allaby, 2013, pp. 121–123). While it is true that churches are not free from corruption and, in many ways, have not lived up to their moral responsibility and calling, they are still a crucial player in fighting corruption and calling for attention and moral outcry if need be. In one of the World Bank's publications, Catherine Marshall and Marissa Van Saanen reported that the role of faith and churches in the world's top financial body is vital; they recognized that faith institutions, leaders and networks have unique expertise in values and integrity and are extensive in their presence and outreach (Marshall & Van Saanen, 2007, pp. 231–240). They offer a powerful potential force in raising standards in the work of development, good governance, and accountability. Furthermore, Daniel Treisman affirms that countries with more significant proportions of active church-going Christians were associated with lower levels of perceived corruption, stating that their faith protects against corruption (Treisman, 2000). And in Africa, churches, irrespective of their shortcomings, weaknesses and struggles, form a formidable force and a significant civil society organization that are primary agents for social transformation (Kariithi et al., 2005).

Furthermore, the public role of the Church vis-à-vis the state originates and is founded on understanding the Greek word *ekklesia*, which refers to the Church in its current meaning, is derived from *ek* (meaning 'out of') and *klesis* (meaning 'a calling' – *Kaleo*, to call), and was used among the Greeks to refer to a body of citizens who are gathered to discuss the affairs of the state. With this dual reference of the word *ekklesia*, the Church sees itself as standing in the gap between: 'the city of God' and 'the earthly city' as described by St Augustine of Hippo, where its missional mandate is both divine and social in nature. It claims to be a community which lives by following biblical practices and beliefs, professes faith in the living God, and bears testimony in word and deed to the reality of salvation through Jesus Christ according to Scriptures (Sebahene, 2017, p. 141). This evolution of *ekklesia* now defines the church's public theology and its role in the public sphere and daily life. According to Alfred Sebahene, Max Weber who wrote that while no society on earth can fully express true justice, the one that is more influenced by Christians and Christian teaching will more perfectly reflect a just society. Hence, Christians have a duty and obligation to influence and guide governments, and sometimes advocate and confront it to better serve society (Sebahene, 2017, p. 151). The debate now dominates that the church not only exercises its role in public affairs but also is under obligation by the demands of biblical tradition (teachings) and the exigency of political reality, and thus lives at the nexus of powerlessness and power. The position

churches should take is to promote the vision of God's kingdom on earth which is a society at peace within the reigns of justice, standing with rulers to minister a state that seeks justice for all in solidarity with the most vulnerable in society (Villa-Vicencio, 1990). In the agenda for state building, the church with its many roles – prophetic, pastoral, and ethical - ought to address the most urgent questions asked by ordinary people. Inherently, the most important political task is to tell the truth, pose tough and uncomfortable questions about society's welfare – economic development, justice for all, good and accountable government, and the welfare of lives of ordinary people at both a material and spiritual level. For this reason, speaking truth to power and interacting with the state on grand corruption is inevitable and obligatory.

The issue of grand corruption in society is a tough political issue to address, and the churches cannot ignore and stay aloof to the challenge it but take up their prophetic role and confront the elites who are the prime clients. In South Sudan (and Sudan before), the trend of churches is to unite on issues and confront leaders in government, in the past, on some of the tough societal and national issues in the nation (Ashworth et al., 2014, pp. 12–13). Churches did that to protect, act and speak on behalf of ordinary the citizens who would otherwise have no voice and have their rights trampled on.

2.8 Concluding Remarks

This chapter reviewed the literature on the main themes and sub-themes that comprised the main topic of this research and established theoretical frameworks for the entire thesis. The review embraced various backgrounds, meanings, concepts, and theories, and situated my main argument and thereon, the rest of the discourses, analyses, and interpretations for the whole study.

The elite type of corruption, which is referred to as grand corruption though is rationally defined by many authors as one involving huge sums and at high levels of power, theoretically demands a clear distinction. This was aptly espoused by Zyglidoulous who conceptualized the 'first' and 'second' orders of corruption, where the 'second order' of corruption sets grand corruption apart as an elite-power-enterprise only useful for their narrow private gain and manipulation (Zyglidopoulos, 2016, pp. 3–10). There is a void, which is not probed in this and other frameworks; this facet is the ethical and moral appendage of grand corruption whereby understanding and restraining it surpasses the legalistic and institutional state entities, instruments, or mechanisms. This

can be approached wholistically through other non-state participants who have the call, mission, and capability to address this void, both to define and combat grand corruption.

Therefore, to conceptualize and theorize grand corruption for this study – both cognitive and causative - I take the approach using the ‘collective action’ theory (Marquette & Peiffer, 2015, pp. 1–16; Olson, 1971, pp. 5–7), which is inclusive of all in acts of corruption, and in grand corruption which is at the top and permeates the whole society (citizenry), and this theory provides that framework.

To understand state-building, the patrimonial, limited access and extractive model (Fukuyama, 2015, p. 26) suits and establishes the context of South Sudan, but with a little improvement from and an oscillation between the natural and modern (open-access) state (North, 2009, pp. 148–189). Therefore, to build a state where institutions and structures for good governance, and able to fend off grand corruption for the good of society is imperative, and churches are non-state actors with a potential role to contribute to that.

The churches’ role in public affairs falls within its dual mandate, for the personal salvation of individuals and the good of society. Churches, therefore, represent a crucial non-state actor to address grand corruption and exercise the moral authority and compass to guide and direct people and powerful elites (who abuse power) to revere the ultimate sovereign and supreme power in their duty and service to the state.

CHAPTER THREE

Research Methodology

3.1 Introduction

This chapter delves into the research methodology, methods, and techniques that I have used to conduct this research. I describe both the theory and practice of how to undertake research, right from the planning process, through a selection of methods, data gathering, analysis, and interpretation. In this study, the qualitative research method was used. Qualitative research pertains to a way of thinking about and studying social phenomena, and the associated procedures and techniques for gathering and analysing data (Corbin & Strauss, 2008, p. 1). In the chapter, I thus describe the process, which I undertook to address the issues raised in my research question, and sub-questions. As I explain here, I drew on various qualitative research methods to gather, examine, analyse, and interpret the data, with the objective to elicit meaning, gain an understanding and further empirical and theoretical knowledge.

The chapter begins with this introduction, which is followed by a section describing my position and reflections on the same where I am both a researcher and, also an insider within the institutions and audience under study. This is where issues of risks and biases due to positionality are mitigated for the objectivity, integrity, and credibility of the data and study itself. The next section describes the different methods used to gather both the primary and the secondary data that constituted the substance for writing up the chapters of this study, and this is followed by a section on methods and data collection processes for both primary and secondary sources. The ensuing section is on how data was managed, describing procedures for coding, analysis, and interpretation. This is proceeded by a section, which outlines issues of data credibility, validity and reliability, the attempts made to sustain the integrity of the entire research process, and finally a section on the limitations and scope within which this research was undertaken.

3.2 Positionality and Reflexibility

Objectively identifying self in the research is key to achieving trustworthiness of the data and helps in addressing the issue of biases, which are not uncommon and yet critical in research. Positionality and reflexivity are increasingly debated from different angles by researchers. The reflexivity deliberations often refer to two categories: an outsider and an insider. On one hand, a researcher is viewed as an insider when undertaking fieldwork within groups or participants he belongs to, while on the other, an outsider when the research is undertaken within an unfamiliar community. Both have advantages as well as limitations and have to be considered so that these positions do not compromise the authenticity and credibility of the research (Ntanyoma, 2021). This narrative of an insider fits my positionality well in the context of my research.

Therefore, the ‘self’ within research encounters is required to be highlighted, as to how their positionality shapes their research experience. The position of the ‘self’ has expanded in research in a bid to address issues of reflexivity, inter-subjectivity, and the decolonisation of knowledge (Mason, 2002, pp. 4–8). A deconstructive exercise for locating the intersections of author, other, text, and the world, and for penetrating the representational exercise itself’ calls for researchers to examine their characteristics, positionality, and the inter-subjective elements in the research encounter that shape and impact the research findings. Hence, researchers have to be introspective, and highlight the specifics of their personal experiences in the account of their research findings, especially true when it comes to research conducted in the researcher’s home or institution (Akwasi Adu-Ampong & Adjei Adams, 2019). I undertook the research not only within my home region (as an insider), but also within the two institutions where I was both working and associated with: the SSACC from 2007 to 2015, and a member of the ECSS laity. The issue of subjectivity and personal biases was a reality to grapple with and impossible to eliminate entirely, so I made deliberate efforts to use my experiences not as data, but instead as a comparative case to stimulate my reflections. Hence, I tried not to impose my views when interacting with interlocutors or when analysing data, but relied on data, including those from my own work in the government anti-corruption agency (Hammett et al., 2015, pp. 51–54; Corbin & Strauss, 2008, pp. 80–82; Mason, 2002, p. 65).

In the government anti-corruption agency, I first worked as director-general in charge of the directorate of corruption prevention and education from 2007 to 2009. This position accorded me the opportunity to participate, design and fully access first-hand

government information on anti-corruption, and institutional building. From 2009 to 2015, my position shifted to that of a commissioner where my work involved investigations and handling information that directly relates to all forms of corruption. My position enabled me to access inside information as well as engage in some of the discussions that were highly privileged and less public which benefited my research, especially on corruption at the grand level, which is premised on the company of elites, and those at high echelons of power. At that time, I was not pursuing this research, so I looked back at these data and findings in recent years while in the process of writing the thesis. The SSACC is fully aware of this thesis project and endorsed me for admission to undertake this study since its start, until the time I left the commission and to date.¹

As an official of SSACC and a researcher, my position accorded me a degree of power and a threatening posture depending on the type of data I was gathering for the purpose of the SSACC (at the time I was not yet a Ph.D. candidate). For instance, in documentary evidence and texts (investigation reports) sourced mainly from government offices, I had access to much of these materials without difficulty as they were available within our agency and departments. Other government agencies also co-operated with us (as an institution) when we requested them to provide information, records, or documents, which was part of our work. Some of these data became useful for this research when I commenced gathering data for this study, and this was a year later (2016) after I had resigned from my position as a commissioner.

In the conduct of interviews, my positionality variably shifted during the research period and this too impressed on the attitudes, behaviour, and perceptions of my respondents although I had already ceased to be a commissioner in SSACC. For instance, some interviewees still viewed me as a government anti-corruption official with the power to investigate, arrest, and hold whoever is alleged to be involved in corruption, so some uneasiness would be displayed in the conversation. Others considered me as a saviour to rid the country of corruption and so would enthusiastically express their views unreservedly as I engaged with them. And then, some were in-between the two categories as stated above, oscillating between timid and exciting discussions. I also noted that some church officials (bishops, priests, and laity) who held positions within the institution (ECSS) were conservative when discussing corruption within the Church, but freer when it comes to public corruption. In contrast, ECSS members who are not employees of the

¹A letter of recommendation and endorsement for admission from the chairperson of SSACC is attached as Appendix 5.

Church were more liberal and expressed freely their views and perceptions of corruption in both the public (government) as well as in the churches (ECSS and other denominations). In this regard, I had to clearly explain my position as an objective researcher who was only seeking honest, non-biased responses, and that the anonymity and confidentiality of the interviewees would be maintained. These assurances and clarifications were always very helpful and thus dispelled the feelings around my previous position, to set and create a conducive environment for free and honest conversations and expressed without fear of repercussions from anyone. I also commenced interviewing respondents in 2016, which was one year after I had moved on from SSACC in 2015; hence, fear and reluctance among participants (interviewees) were removed and this aided open and honest discussions.

In undertaking interviews with members of the ECSS fraternity, I was also conscious of the position I occupy within the Church, which is a lay member (laity). This too made me an insider, and I thus had access to and relationship with most of the participants in the study. However, as a lay² member, I retain some freedom and independence from the Church administration and am free to critique without being subjected to ‘Canonical obedience’³ which is sometimes misused to demand loyalty and allegiance. So, during this research, I endeavoured to exercise my position and right as a full member of the ECSS, with independence, objectivity, not bound by issues of unquestioning submission; however, I carried out the interviews in a respectful, humble, friendly, and open manner.

3.3 Methods

Methods are techniques and procedures used for gathering and analysing data. For this study, I used a qualitative inquiry, which is concerned with the quality or nature of human experiences and what these phenomena mean to individuals, according to the phenomenological approach in qualitative research. Qualitative methodologies revolve

² All members of the congregations within the ECSS who are not ordained to any office or ministry are referred to as lay members or laity and they form the bulk of membership to the Church. Their voice in all matters of ministration and governance is vital and are key players in all affairs of the ECSS.

³ In the ECSS, canonical obedience refers to loyalty or obedience of members (ordained) to their leaders (clergy to Bishops, and Bishops to Archbishops), according to the laws (constitution) and Canons of the Church. Sometimes though, canonical obedience is abused whereby leaders (Archbishops and Bishops) demand allegiance and loyalty from pastors (clergy) and those below, to themselves instead of, to the Institution (Church) even when they are not acting according to the Constitution or Canons. The laity is spared of this as they are free members because they are not ordained into the ministry of the Church.

around questions that tend to start with ‘what’, ‘how’ and ‘why’. The qualitative methodology examines these questions in the context of everyday life and each individual’s meanings and explanations (Draper, 2004, pp. 641–646), and is suited to the subject of my investigations. Qualitative research can thus be broadly described as interpretative and naturalistic ontology, which seeks to understand and explain beliefs and behaviours within the context that they occur and provide scientifically robust accounts of the social world and generate credible, reliable, and useful theories. It is a useful tool for carrying out credible and reliable research which allows researchers to access the inner experience of the participants, determine how meanings are formed, and within the cultural setting (context), discover rather than test variables (Corbin & Strauss, 2008, p. 12).

The three most common and main qualitative research approaches or methodologies are ethnography, grounded theory, and phenomenology (Goulding, 2005, pp. 294–308). In this study of the phenomenon of corruption, I employ phenomenology to undertake this qualitative inquiry, to gather, manage, and analyse data, where I examined the beliefs, life experiences, perceptions and interactions of individuals (Bolderston, 2012). Because corruption itself is a phenomenon, this method aids and facilitates me in my endeavours to enter beyond the known context of participants, to see the world from their perspective and elicit meaning, gain understanding and develop empirical knowledge through data collection, examination and interpretation (Corbin & Strauss, 2008, p. 1). In this phenomenological approach, it is proposed that individuals have a stock of knowledge, and a commonality in lived experiences in the world around them that influence their common sense to construct and categorise the social actions they take and their reality (Goulding, 2005, pp. 294–308). Hence, my main source of data is the views and experiences of the participants who were selected for their lived experiences, whereby I acquired their narratives, extracted significant statements, and then formulated meanings for these significant statements.

I gathered and analysed both primary and secondary data; for the primary data, in-depth interviews using open-ended semi-structured questions were carried out with respondents selected mainly from the ECSS. Additionally, I obtained data through a series of focus group discussions with Christian students’ leaders from the University of Juba Christian Union, the Juba University Bible Study Association (JUBSA) who provided some useful insights and deliberations on the topic. Empirical data from documentary evidences (investigation reports, annual reports, policy documents, statements and

various other and texts are reviewed, and reflections made (Bolderston, 2012) from the South Sudan government offices, especially the SSACC records and reports from the South Sudan Audit Chamber (SSAC) that were other vital sources for the primary state-related data. This choice is determined by the job they occupy and the role or capacity they play – to solicit their experiences and understanding but also their views and expectations on whether the ECSS played or defaulted on its role and calling.

My secondary data source for this study was obtained from published material both printed and online – in the public domain, in church, government, research and academic institutions, and the media, including libraries, archives, offices and open sources.

3.4 Sampling

The samples for my primary sources comprised of participants for in-depth interviews from the ECSS, the Fellowship of Christian (Universities) Unions (FOCUS), and a Focus Group Discussions (FGD) of JUBSA. I based the selection of the participants on their knowledge, possible experiences, and exposure to the topic – church and grand corruption. For the documents, I mainly gathered from SSACC and SSAC most of which were public with a few exceptions. For JUBSA, the group comprised the leaders who led groups on campus and are aware and conversant with political and societal issues and how to respond from a Christian or church worldview and perspective.

In the ECSS, the criteria I utilised to select the sample were the existing structures of the Church which are created to represent all the organs that form the body of the institution (ECSS), namely, the ‘house of Bishops’, house of Clergy and the ‘house of Laity.’ I also drew these participants from all the main regions of South Sudan: greater Equatoria, Bahr el Ghazal and Upper Nile that are now further split into ten states and three administrative areas to demographically cover the whole country. The issues surrounding travel and movement across the country to gather data are complicated by insecurity, the high cost of travel (feasible only by air now), and poor roads were challenges to contend with. However, this I mitigated by targeting the selected respondents whenever they were in Juba, the capital of the country, as most of them were frequent and regular visitors to the city. I use a concept referred to as ‘bricolage’ advanced by Claude Levi- Strauss in research that also encompasses data collection, who stressed that regardless of the stability, purity, or truth of a system, find and get what is at hand to get the job done (Mambrol, 2016). I took the opportunity to interview respondents who

were visiting Juba for meetings, conferences and any other ECSS function, otherwise, it would be a challenge and impractical to reach them in their various locations in South Sudan due to conditions already alluded to above.

3.5 Data Collection

In the data collection, I used and integrated multiple methods and sources to obtain various types of data such as the in-depth interviews, focus groups and documents, for both primary and secondary material. By doing this, I used triangulation or a mixed data methods (in-depth interviews, focus groups, documents) to aid and improve the quality and validity of data gathered, and minimise the risks of errors and biases that can easily creep in (Hammett et al., 2015, p. 253; Corbin & Strauss, 2008, p. 27). For the primary data, I used in-depth interviews with key informants from the ECSS using semi-structured questions to trigger conversations in interviews. Focus Group (FGD) was another source of primary data and was conducted with a single group of Christian student leaders from the University of Juba over six weeks. Other primary sources were documents, records, and reports mainly from the government Anti-Corruption Commission office and churches (especially the ECSS). Notes of observations recorded through conversations, preaching/sermons and relevant statements from speeches were also sourced.

Primary Data

The primary data I sourced were used to develop and write three main chapters: chapters six, seven and eight are data that have not been used or published in any academic work. I have also endeavoured to gather these data using multiple integrated sources as ways to improve the credibility and validity as well as minimise the usual errors and biases that occur in research. Hence, I used in-depth interviews with key informants conducted mainly among ECSS members who were categorised into three groups according to the Church's governance structure and set-up, namely: bishops (including archbishops), clergy (these are ordained pastors or priests), and laity (lay members). Also included were documents of different kinds (including classified investigations reports) and a focus group.

Interviews

Interviews are structured conversations between participants where one asks questions (researcher or interviewer) and the other provides answers (interviewee or researched), which is another important method of primary data collection.⁴ It is a tool that provides ways of listening to and gaining an understanding of peoples' stories to provide meaning to their experiences and perceptions, and a context to behaviour and practices (Bolderston, 2012). Semi-structured questions, which were based on the research question and sub-questions, were posed to the interviewees in a period covering five years within the time this study was carried out. The discussions took a form of open sharing which was fluid and flexible in structure, where the interviewees were prompted and guided along with themes to generate a 'conversation with a purpose' (Mason, 2002, p. 62). I carried out in-depth interviews with key informants who were purposefully selected from the targeted sample, which in this case comprised mainly of individuals from the ECSS, and a few from FOCUS and other churches. There were a few other non-ECSS members interviewed as well, but this was mainly due to their connectedness to the topic and its relevance to their experiences and work.

The interviewees were categorised into three main groups according to the structure of the ECSS – bishops (including Archbishops), clergy (ordained priests) and laity (lay members). These groups form the main and key institutions – 'House of Bishops', 'House of Clergy' and 'House of Laity'; and that represent the entire establishment and governance of the Church and all its organs. In total, twenty-eight participants were interviewed, comprising eight bishops (four archbishops and four bishops), four clergy and fifteen laity or lay members.

I conducted all the interviews by myself in English (including participants from the Arabic speakers who were able to express themselves in English) and were done both face-to-face and on Zoom interactions. For the face-to-face sessions, I used audio recording and then transcribed it into texts (scripts), while for the Zoom interviews I recorded on the cloud and transcribed them into scripts. Initially, for the first few early recordings of my interviews, I did manual transcription, with the support and assistance of my eldest son Daniel Mogga Daniel who was then a computer science student at the International University of East Africa (IUEA). For later recordings that formed the bulk of my interviews, I used a computer software application called 'otter.ai' to transcribe the

⁴ <http://readingcraze.com/index.php/types-of-primary-data/>; accessed and downloaded on May 15th, 2015.

audios into script or text. This software package is available on subscription, for which I subscribed and paid for a year during the analysis and writing stage of this thesis.

Focus Group Discussions

I had a single focus group meeting weekly for six weeks, which is slightly an unconventional set-up, but it was conducted in the usual pattern of focus groups, to bring people (Christian union leaders) together, listen, and capture their attitudes, experiences, or perspectives on a subject matter. It may be used as both an interview and an observational technique to allow researchers to gain access to issues around a topic, particularly when not much is known about that topic (Hallas, 2014, pp. 519–523). The Focus Group Discussions method is a useful and effective mechanism in which the researcher is interested in processes whereby a group jointly constructs meaning through group interactions on a particular topic (Jayasekara, 2012).

In my case, I used the FGD method to garner views and understanding on a choice of topics or themes relating to my research questions and objectives to gauge responses from the participants in answering questions (Kombo & Tromp, 2006). The group teased out the indigenous meanings and understanding of corruption and grand corruption and the implications associated with it. The group I had comprised of a total of eighteen Christian students' leaders from the Juba University Christian Union, JUBSA who participated in six meetings in a period of six weeks. The whole group met once a week from June 7th, 2017, every week on Tuesday afternoon for two hours until July 11th, 2017. In each discussion (meeting), a sub-question was posed and discussed, and the reflections were transcribed.

Documents

I also analysed the contents of documents, records, reports, written statements and speeches, and archival material I gathered from government departments and churches that formed the substance of writing chapters six and seven. Much of these data were collected during the time I was a government official in the Anti-Corruption Agency where I had access to investigations reports – some of which I authored myself. A few others contained in this thesis were authored by my colleagues within the same institution,

most of which I was still part of the investigations team, and in each case, I have indicated my position and role I play in the inquiry or authorship of the script. The documents that provided much of my primary source to my findings included reports on alleged corruption investigations, which are the Macmillan bribery case, price inflations on the Dura saga, embezzlements and power abuse at Customs, misappropriations on Aviation-Radar system procurement and the Crisis Management Committee fiasco. Other documents also gathered are SSACC reports (annual, surveys, strategies and many others that are cited); Auditor General's report and notes; Bills/Acts and notes from Parliamentary committee meetings and discussions; and government policy and strategy papers, much of which are public documents. There is no provision or laws to govern access to government records in South Sudan that are available in most public offices. The only exception are the investigation reports that are kept at SSACC, though some are already shared with other government agencies like the ministry of justice and/or the judiciary but using them as is the case for this study is a loose end, and there are currently no guidelines to govern use or divulging information, either through interviews or other means.

Secondary Data

Secondary data are material collected from sources that have already been published on works of other scholars and researchers whose publications are in the public domain for use in any research. So, I have consistently acknowledged and referenced all such material whenever I referred to or quoted them throughout this thesis. I obtained most of it from books, journals, and periodicals, both printed and online from academic libraries and institutions. Other secondary sources were sourced from various reports from government offices and churches as well as online newspapers and websites.

The secondary data in this study formed the bulk of the material I used in reviewing published literature of others on my subject and related areas. Much of this data I used mainly in the background of my thesis' introduction in chapter 1, and the theoretical chapters including scene-setting (context) portions of my thesis. In the review and writing process, I sieved through huge volumes of sources from other researchers and authors, reviewing and analysing their arguments, and eventually critiquing them as per my research question and sub-questions, and thereafter I drew conclusions.

3.6 Data Management

I have gathered different sets of data that are securely stored and backed up, each set is organised and analysed to produce credible outcomes. This I did by labelling and collating the data (interviews audio records and transcriptions, documents, and texts), and carrying out thorough reading and reviews. I then from the reviews, identified key themes and topics that I put into categories that I considered important content analysed to generate theory by firstly coding the data, to analyse make sense and meaning as intended by the respondents, and then interpreting them to generate theory from my perspective as a researcher.

Coding

Coding is an analytic mechanism I used to locate material within my data and put them into categories and themes so that I can symbolically assign cumulative, and key attributes to derive meaning (Saldana, 2016, p. 3). In a database, connections are made between various terms and data items selected from among the whole bulk of evidence gathered, then codes help to convalesce or retrieve some meaning in a purposeful way (Olsen, 2012). I used coding for both interview scripts with members of the ECSS as well as in the content analysis of documentary evidence, which were mainly reports of corruption investigations and state-building initiatives.

In interviews, I categorised my data thematically, centred on the research question and sub-questions I posed at the onset of data collection, which emerged from my conversations with respondents. The themes that emerged from the codification and categorisation then formed the sections in the chapter on the perspectives on ECSS on grand corruption and its implications for state-building.

Analysis and Interpretation

In data analysis, I worked out the links between data, identifying patterns that I reflected on to find meaning to represent the voices of respondents and their expressed views, and perceptions in an iterative and inductive process to generate concepts and meanings

(Hammett et al., 2015, pp. 258–264). This I did in the primary data chapters, for both interviews and documentary evidence that I gathered for this study. These raw data were coded into themes or categories and analysed to generate theory from each section, particularly in the chapter on grand corruption cases.

In my analysis, corruption was generally defined from FGD and interviews, and grand corruption specifically in interviews where the phenomenon was understood to represent more than the political, economic, or legal connotation; by adding a moral and immortal dimension as aspects of defining and understanding grand corruption. Also, I established a trend, and contend that there is a rational link between state-building regression and the progression of grand corruption in pre-independent and post-independent South Sudan, and its impact on the common good of the nation-state.

Data interpretation is the point in the data management pathway; theorisation emerges from the themes and concepts that were developed in the analysis process. In the interpretation phase, I deduced out of the analysed themes and concepts (that emerged during analysis), some conceptual frameworks this time by making my voice audible in the discourse. This is where theory and my contribution to the body of knowledge are first depicted; from material data to immaterial (abstract), from themes and concepts to theory, and from a particular set of evidence to a general framework that is applicable in different contexts and settings.

3.7 Data Reliability and Credibility

For credible research, researchers need to establish themselves as worthy of the time to be invested in the research (Akwasi Adu-Ampong & Adjei Adams, 2019). Commonly, when the reliability of data gathered in interviews could be criticised due to its subjective nature, especially in phenomenological research, it is also important to note that this type of research has its strengths as well. Therefore, the validity, authenticity and reliability of this research were vital measures I undertook to uphold throughout my study. I have kept very close to the audio recordings and transcribed them using software (otter.ai) – although there were errors due to variations in accent;⁵ hence, I had to be thorough and diligent to keep true to the original meaning of the content. I maintained and ensured that

⁵ The ‘otter.ai’ transcriber was customised to the American accent, and it misspelled and did not recognise certain pronunciations in the African (South Sudanese) accent, which in many instances veered away from the actual or standard one.

my material was factual, scientific, trustworthy, and of good quality, which is a true representation of what was said by the interviewees (respondents) without any addition or removal of what was said. There were instances when some Arabic or local language phrases or words were uttered during interviews, and I handled translations accurately to retain the meaning, content, and context of such utterances. However, I undertook to edit some of the transcripts (from the audio recordings) where at times there were repetitions of words, or other expressions (like Ummm, aaah, and others), transcribed by ‘otter.ai’ – the computer software. This I did for some, but not all the transcripts because they were bulky; though, I sorted thoroughly by reading the transcripts and listening to the audio at the same time draw out themes and categories in the analysis.

For referencing, I used the Harvard Educational Review style of Zotero to cite sources and organise the bibliography for this thesis.

3.8 Scope and Limitations

This study was multidisciplinary in scope and ranged from political economy within which grand corruption may be located, but also recognised that many authors and researchers still contend that the subject matter is too difficult to pin to one genre or the other. I, therefore, limited myself to the multidisciplinary nature and approach for this; to recognise that it encompasses political economy, ethical, historical, and sociological aspects, including the sociology of religion.

The timeline for the primary sources of this study covered the period when GOSS was established after the signing of the CPA in 2005, through independence in 2011, to the present 2022 (at the conclusion of this study, but there is less data after 2015). I do not, however, claim to have exhausted all the issues on this subject within the period of this study, but I opted to select those that can present an informed view to argue my case of how grand corruption impacts and implicates efforts of state-building in South Sudan.

In the interviews, I draw most of my sources from ECSS members, and only a few from other denominations, who are all Christians and sympathetic to churches, and these include the FGDs. The interviewees were knowledgeable and have experiences on the issues and subject matter but, I also acknowledge that these are not entirely without bias in favour of churches. Hence, the data is limited and does not represent the broader public (not include non-members) opinion and assessment of the ECSS and its role in public affairs, both historically and at the present time.

3.9 Research Ethical Guidelines

Both Middlesex University (MU) and the Oxford Centre for Mission Studies (OCMS) codes of ethics and practice are used to guide this research. I signed and submitted on January 30, 2015, the 'Ethics of Research Guidelines' for Middlesex University and OCMS, the Code of Practice for Research statement to the Research Ethics Committee (REC) of Middlesex University.⁶

These guidelines stipulate six key principles that guide this research, and they are: My research, therefore, abides by the 'Six Key Principles' that are extracted from the Economic and Social Sciences Research Council (ESRC) document, pages 3 and 4):

1. Research will be designed, reviewed, and undertaken to ensure integrity, quality, and transparency.
2. Research staff and participants will normally be informed fully about purpose, methods and intended possible uses of the research, what their participation in the research entails and what risks, if any, are involved. Some variation is allowed in very specific research contexts for which detailed guidance is provided in Section 2 (of the ESRC Framework for Research Ethics):
3. The confidentiality of information supplied by research participants and the anonymity of respondents will be respected.
4. Research participants will take part voluntarily free from any coercion.
5. Harm to research participants will be avoided in all instances.
6. The independence of research will be clear, and any conflicts of interest or partiality will be explicit.

I also undertake to maintain anonymity of my informants and keep their identity confidential, though some have stated during the interviews that they do not mind mentioning their names to identify them. ECSS Bishops (and Archbishop) for example declared that they are happy to be identified and associated with their statements. However, as a matter of principle, I undertake to only have them in codes, and keep a record of their identities in the appendices.

⁶ For my signed form and statement to the REC on the ethical guidelines see Appendix 6.

3.10 Conclusion

This study is one of relevance and sensitivity, and a mitigation of these is attempted, but may not be entirely complete. However, I have maintained some facts and evidence as they are, and then propose anonymity at the time when this thesis is due for publication. I, therefore, take responsibility for any omission, commission, or any material error(s) therein, though not intentional, but because I am human.

CHAPTER FOUR

Evolution of the South Sudanese State

'I had no hope of uniting the South. Even if these people at home are united, in the parliament they will not be able to unite themselves. The money was there, a great amount of money from the government and the Umma Party, and every time elections (voting) came, they [Southerners] are destroyed [bribed] like this. You see always this personal benefit or personal looking [search] for power, somebody [wants] to be on the top, that is what always destroyed us: personal benefit and their thirst for power.' Stanislaus Paysama Abdullahi.¹

4.1 Introduction

This chapter offers a context and setting to examine the pathways and processes through which the nation-state of South Sudan was conceived, birthed, and is currently built. It also provides a base to analyse and make sense of the empirical data on the new state development and institutional building contained in chapter 6. South Sudan, which was historically, geo-politically, and socio-economically intertwined with Sudan until July 2011, went through numerous changes, spanning through conflicts, political upheavals, stunted growth, and systemic and grand corruption. I peruse in this chapter, a brief background to highlight spots and landmarks from a historical-political angle, on how South Sudan came to be, mainly focussing on the political landscape on governance and corruption and how that implicates state-building, since pre-colonial, colonial, and post-colonial times. In subsequent sections I delve into recent developments that culminate at the birth and growth of South Sudan statehood.

4.2 Background

There are several narratives and descriptions of the political evolution and development of South Sudan that contribute and shape the current state-building process. Some have

¹ This prophetic conclusion was made by Stanislaus Paysama Abdullahi in 1965 when speaking about his political experience with Southern politicians and corruption during their time (Dellagiacoma, 1990, pp. 69–70).

argued that before the territory received foreign visitors such as the missionaries, slave merchants and traders, explorers and colonisers, the indigenous tribes were living together peacefully in their ways of governance and livelihoods. This peaceful co-existence though unqualified, was not completely devoid of minor conflicts and clashes between and among some of the ethnic groups and clans. Complete peace, harmony and stability did exist within some ethnic communities rather than throughout the territory which constitutes the present-day South Sudan (Sanderson & Sanderson, 1981). The first time the territory of South Sudan came under a system of rulership is suggested in the Turco-Egyptian reign of Sudan from in 1820 until 1898 (Frahm, 2012; Rolandsen, 2005, p. 23). These occupiers were primarily on missions to collect slaves in Southern Sudan which remained ethnically and linguistically diverse, lacked political unity and isolated, unlike in Northern Sudan which already claimed a form of civilisation informed by the Islamic religion and Arabic language (Akol, 2014, p. 15; Idris, 2005, pp. 24–41). This situation of unequal and skewed policies in many aspects including economic, political and educational development between North and South, carried on pre-independence when the Anglo- Condominium administration took over (Dellagiacoma, 1990, pp. 52–54). The British in Southern Sudan basically undertook to maintain security and enforce the rule of law, with education largely left for Christian missionaries (Akol, 2014, pp. 15–19; Sanderson & Sanderson, 1981). As such, Southern did not develop at the same pace with Northern Sudan, in all aspects – educational, economic and political, while numerous utterances, gestures, policy pronouncements and promises to develop Southern Sudan remained unfulfilled (S. Poggio, 2009, pp. 22–29). A picture of a state or government for some Southerners was mixed and marred. Sharon Hutchinson describes *hakuma* (government) among the Nuer as the government of the left and that of the right. The left one provides services such as local administration, chiefs, courts, police, and brings in peace and harmony among communities. Whereas the government of the right, comprised of the army and is known for death, or punitive actions (S. E. Hutchinson, 1996, pp. 109–111). That is why a certain Nuer legend defined *hakuma* (government) as: ‘a group of few people, who are very clever and dedicated [to] with the principles, [of] ruling and cheating so many people who are blinded [and] who do not know what to do.’² This conception is momentous among some Southerners both in government, and in different communities. On one occasion not long ago, I encountered a similar view of the

² This was narrated to me by Hon. John Chuol Ruac, Commissioner in the SSACC and a senior statesman and citizen who served as district administrator or *Mamur* for several years on October 23, 2014, in Juba (see Appendix 7).

government in a conversation with two young people, on August 23, 2020, in Freedom Hospital, Juba. The two and I were waiting for a medical procedure, where one was the patient and the other his co-patient, and our talk was about an accident on the previous day (August 22, 2020) where a plane had crashed after take-off from Juba International Airport, carrying salaries (cash) and a few passengers.³ There was only one survivor of this crash, and much of the cash scattered around the crash scene, which witnessed a crowd that rushed in to gather for themselves. I inquired whether these cash gathered was handed back to the government, and the fellows responded instantly asking who is the government? They conceded that this was luck for those found around to gather; after all government is there for grabs. It construes that *hakuma* is a clique of clever, powerful but also cunning people who use power to outwit the weak and ordinary people for their own gain – a vivid definition of corruption. This distorted image of government (*hakuma*) bears certain impressions and manifestations in the current context, as such, there are many who think it is all right to cheat, defraud or outsmart the state, after all they (government leaders) too, are fraudsters.

At the time Sudan attained independence in January 1956, a new wave of civilisation and self-rule dawned, mainly for Northern elites, but Southerners and other groups in areas further West and East, and the Blue Nile and Nuba Mountains did not partake in this new dispensation. Power was centred in Khartoum, Northern Sudan, and Southern Sudan remained undeveloped, and this led to protest and conflict, first a mutiny in Torit in 1955, and later a full-scale Anyanya⁴ civil war, which raged until 1972. In March of 1972, the *Anyanya* one war ended with a peace agreement, and a Southern regional government with a limited autonomy was established in Juba (S.Poggo, 2009; Rolandsen, 2005; Rolandsen & Kindersley, 2019). The local Churches through the All Africa Council of Churches (ACC) and the World Council of Churches (WCC) played a leading role in mediating the peace, and the Addis Ababa peace agreement brought the war to an end (Ashworth et al., 2014, pp. 33–36; D. Johnson, 2003, pp. 39–42), and contributed to the relief, rehabilitation and resettlement of returnees.⁵

Although the Addis Ababa peace agreement ended the *Anyanya* war, it only partially met the demands of Southerners. A self-rule government for Southern Sudan,

³ Local News – TV (SSBC) and Aljazeera TV News at: www.aljazeera.com/news/2020/8/22/south-sudan-7-killed-in-plane-crash-shortly-after-juba-takeoff; watched and accessed on August 21, 2020.

⁴Anyanya is the name Southern rebels gave to their Movement and means snake venom (poison) in Ma'di language of South Sudan.

⁵ACROSS history of forty years in Southern Sudan by Keith Black in ACROSS History Booklet.

the High Executive Council (HEC) was established 1972, but later collapsed in 1983. HEC had limited executive and legislative powers, where Khartoum controlled its economy and capacity to develop resources. Ja'afar Nimeiri, the President of Sudan at that time kept the leaders of Southern Sudan under his grip, sometimes pitting them against each other to subdue the region (L. de Vries, 2012, pp. 60–62). One veteran politician, Stanislaus A. Paysama, had this to say about the HEC when Abel Alier was the regional President, about Southern Sudanese leaders:

Then when they came to Juba, Sayyed Abel Alier was doing his best, but he was lenient: he could not intervene to stop corruption; the ministers became corrupt, the others in the other posts became corrupted; people began to struggle for power and then in their struggle for power, they destroyed everything. As long as they run after their benefits and after tribalism, the South will never progress.⁶

The above predictions and views on the failure in state-building vis-a-vis corruption in the self-rule government, describe the prevailing situation in present-day South Sudan which is overgrown with systemic corruption. The regional civil service then was also corrupt (D. H. Johnson, 2003, pp. 42–43), and Northern business elites, the *Jalaba* controlled markets and local economy, enticing civil servants to disburse goods and services for bribes at the expense of the populace. Bishop Paride Taban claimed that these Northern traders would try to convince corrupt officials to sell off food items meant for humanitarian relief, including to support refugees, and then return the goods for re-selling in the North where they were shipped from originally (Eisman, 2011, pp. 80–82). According to Bishop Taban, when he was still a priest, he encountered a Northern trader when he was managing relief work for Ugandan refugees in Juba in 1979, and this man told him of: ‘how many needs there were “among my family,” he invited me to sell him milk powder I had received for refugees. He again and again stressed how bad the situation was for everybody and how much I would need extra to assist my own kin..., I told him that “my relatives” were precisely those vulnerable refugees he was trying to deprive of food because of his greed and [bad] act[s] of morals’ (Eisman, 2011, p. 81). This was a common phenomenon as the Northern business elites thrived to use corruption to lubricate their ways around in the regional government. Northern rule and any involvement in Southern Sudan were characterised by dominance, exploitation, corruption, and extraction of material resources. The South was neglected in economic development and political representation (D. H. Johnson, 2016; Frahm, 2012, pp. 21–49; de Vries, 2012), and very little consideration was given to prepare the region to viable

⁶ This portion of Stanislaus Abdallahi Paysama’s memoirs was recorded in an interview in Wau (Southern Sudan) on July 17, 1985, and then transcribed by Louis Umudo (January 3, 1988).

and sustainable nation-statehood. As such, war became imminent, and a second civil war broke out in 1983.

The Peoples' Liberation Movement and Army (SPLM/A) conflict, which is the second civil war erupted, ending the HEC, and begun as a protest against misrule, domination, marginalisation, and endemic corruption in the country. The SPLM/A claimed to fight for total liberation of the whole of Sudan from injustice, establish a secular and democratic state, dubbed 'New Sudan' to accommodate and treat all Sudanese equally, grant religious freedom, for all racial and regional diversities (Vaughan et al., 2013), and shun the abuse of power. In the next section, I review the political and military developments, including state development, in the period of the second civil war (SPLM/A).

4.3 SPLM/A War Era: Institutions, Structures and Function

The modus operandi Khartoum rode on hinges on bribery and corruption, ruling by divisiveness, and the destabilisation of any foundations that develop and strengthen the nation-state institutions in and among Southern Sudanese (D. Johnson, 2014; Rolandsen, 2005). Khartoum managed the South by pitting the Southern Sudanese against each other, especially political leaders, in a divide-and-rule policy through bribery and political appointments, and members of the Southern legislative assembly were often probed to vote for candidates for President of the HEC who are favoured by Nimeiri, and each time he dissolved the regional government and new elections held, with money exchanging hands in between. These situations deepened the distrust, between Southerners and the Northern elites, resulting in the outbreak of a second civil war, the SPLM/A in 1983.

The SPLM/A war built on a reform agenda, claiming to usher a new dispensation for a good and ideal state to justly govern the whole Sudan, in an equitable and good government (D. Johnson, 2014; SPLM, 1983). It (SPLM/A) claimed to fight against injustice, corruption, and misrule, yet it built its governance structure on a five-man leadership team named the Military High Command (MHC) who had both political and military functions, with power centred in a single entity. Dr John Garang, the leader was at the top as Chairman and Commander-in-Chief, usurped all powers, with his deputies named Alternate Commanders, and below them Area Commanders devoid of authority. Some members in this structure were critical of this system and referred to it as a non-functional governance structure and institution (Nyaba, 2011, p. 12; Rolandsen, 2005).

This system concentrated power (political and military) in one entity under a single leadership became problematic and raised some governance issues, such as absence in the segregation of powers and duties (D. Johnson, 2003; Nyaba, 1997). It all went against good governance practice because it is predisposed to ‘the abuse of power’ – which is corruption by definition, and renders ‘checks and balances’ inadequate (Amundsen, 2012; Klitgaard, 1988). The SPLM/A as an organisation was, therefore, faulty in terms of governance and best practice and allowed an opportunity for power abuse. Its systemic usurpation of power and authority upon itself was the same as Khartoum’s which it claimed to confront and fight (Rolandsen, 2005; Nyaba, 1997). The reformist dream of the SPLM/A, the ‘New Sudan’ did not yield much, instead, the Movement became engulfed in similar governance issues to those of the ‘Old Sudan’, abuse of power and authority through its phases to the detriment of an ideal state it claims to build (Hosle et al., 2020; Edwards, 2016; H. Johnson, 2016; De Waal, 2015; Rolandsen, 2005).

In its early stage, the SPLM/A had uneasy relations with the civil population, which resulted from cumulative abuses over time by their liberators (SPLA), resulting in a deterioration in relations with the people from which it was supposed to draw its main support (Rolandsen, 2005). This was also the case with the civilian related organisations, such as the churches, that have always stood and represented the common people, and this was happening for some time especially in the early period, creating an antagonistic and confrontational relationship between the two. There was also the contentious issue of human rights abuses, mainly perpetrated by the rebel army against civilians; SPLA were perturbed if exposed, it might taint their image and damage external relations. However, by 1989 there was a thaw and an improvement in relations, though not fully; this came about with the establishment of the New Sudan Council of Churches. According to John Ashworth and others, the Church in the early period of the SPLM/A was solely the provider of basic human and social services (Ashworth et al., 2014, p. 11). Also in 1989, the NGOs started to gain access to areas of crisis and humanitarian aid started to reach the needy in the liberated areas. These changes can to a considerable degree be attributed to the creation of Operation Lifeline Sudan, which was an umbrella body established to harmonise, co-ordinate and lead the humanitarian effort to reach the areas under SPLM/A control under the leadership of UNICEF (D. Johnson, 2003; Rolandsen, 2005; Asworth et al., 2014). Nevertheless, the systemic and structural construction of the SPLM/A as an organisation and movement provided a rudimentary and unsustainable model for both the governors (leaders) and the governed (civil population) right from the top to the lowest level. At the local levels, there was the Civilian Military Administration which in most

cases was manned by military officials, where signs of cracks and splits were becoming apparent (Akol-Ajawin, 2000; Rolandsen, 2005). Some of these disparities were attributed not only to the failure of the Movement's structures and top leadership to handle them early enough but also the lack of capacity for good governance, the deficiency, dysfunctionality system, lack of political will or weakness in implementing laid down provisions. The leadership organ of the Movement was now faulted for inefficiency, and an inability to run the movement and fulfil its mandate. Hence, dissent, internal rifts and conflicts consistently erupted and inflicted the Movement since its onset and subsequently throughout its lifecycle. This became a liability to SPLM/A and caused setbacks in several aspects including militarily, politically, loss of territory and morale, and eventually led to a split in the Movement in 1991.

To mitigate its shortcomings and splits, the SPLM/A undertook to convene and hold the landmark Chukudum SPLM Convention in 1994 to drum up support from the civil population and strengthen its governance structures. This Convention was, and to some extent still is, regarded by most members of the SPLM/A and other observers as one of the Movement's greatest achievements in strengthening itself. The Convention relaunched the 'New Sudan' project and endorsed several resolutions and recommendations that laid the bedrock for radical reforms and restructuring of the Organisation that set a new trajectory for the Movement (Rolandsen, 2005). Although a large portion of SPLM/A was missing due to the split, the Convention provided a regrouping and facelift that enhanced its outlook both domestically as well as externally. Civilian administrative units, the Civilian Administration of New Sudan (CANS) were set up, and the churches were granted space to carry out their activities and were able to speak out for and on behalf of the civil population (Rolandsen, 2005). One of the landmark achievements that followed the Convention was the establishment of governance and state structures such as departments, secretariats, and units, and among these was an Anti-Corruption Unit. This was so significant if it had become viable and endured through that era, however, time later proved that its unsustainability and demise came about sooner than later (Rolandsen, 2005).

The subject of corruption became thorny during the SPLM/A struggle and particularly on this occasion in 2004. The current President of the Republic of South Sudan, Gen. Salva Kiir Mayardit, who was at that time the deputy of Dr John Garang, challenged his boss, the Chairman, Dr John Garang, on the issue of corruption in the Movement. This happened at a historic Rumbek Meeting which almost split the

Movement again on 29 November 2004, less than five weeks after the signing of the Comprehensive Peace Agreement (CPA). Salva Kiir Mayardit confronted Dr John Garang saying: ‘I would like to say something about rampant corruption in the Movement. At the moment, some members of the Movement have formed private companies, bought houses and have huge bank accounts in foreign countries. I wonder what kind of system we are going to establish, considering how we have indulged ourselves.’⁷ This was a very strong and bold statement on state affairs and shows that the nationalistic and patriotic revolutionary spirit was still alive and active among some of its leadership, and only needed to be retained and sustained. The remarkable thing that happened in this meeting was that the two leaders reconciled, and the CPA was then signed ending the war with the SPLM/A becoming a ruling government for Southern Sudan with Salva Kiir as President after the death of Dr John Garang in a helicopter crash, but the issue of corruption remains unresolved to date. For the last successive four years (2017, 2018, 2019, 2020) South Sudan ranked as the second most corrupt country in the world according to the Transparency International’s Perception of Corruption Index (Transparency International, 2020).

There is a pattern that has emerged and is observed throughout the life of the SPLM/A, from its birth throughout the years of struggle until the signing of the final peace deal. Out of diverse communities, Dr John Garang indeed managed to unify and fuse a common goal for the Movement, achieving self-determination for Southerners even though the ‘New Sudan’ project was way beyond realisation. It struggled and survived through hard times until it achieved what it existed for, but this was at the expense of the fundamental necessity for a viable nation-state. There was little effort in advancing good governance and state-building. On the contrary, it concentrated wielding power and authority, along with discretion at the top elite, setting a precedent for both the Movement and subsequent structures and systems it would institute. The superficial glamour of SPLM/A in the war era as an organisation with a clear vision and steam to accomplish its mission was deficient in the structures and systems to sustain its reality (Hosle et al., 2020). This has prevailed and continues to negatively impact the Movement in the next phase – the SPLM/A in an interim government.

⁷ SPLM/A Minutes of the leadership meeting to reconcile Chairman Dr John Garang and Vice-Chairman Salva Kiir Mayardit on November 29, 2004, in Rumbek, South Sudan.

4.4 SPLM/A Autonomous GOSS Government in Interim Period

SPLM/A in the interim period had to undertake the process of transforming itself from a guerrilla rebel army and movement into a ruling party in government, which is the phase that commenced after the signing of the CPA in 2005. The task at hand included the setting up of state structures and instruments that can viably and efficiently run the GOSS and to prepare the South for possible independence in six years. This proved to be a daunting task which was only at the eve of the CPA when the SPLM/A launched a new charter; ‘from War to Peace’ where Dr John Garang hurriedly articulated his aspirations to transition from a guerrilla movement to a democratic governance institution, which was a bit too little, too late. Although the task to transform the character of a rebel movement into a civilian government is not an easy one, especially after two decades of consistent fighting (Vertin, 2018), the foundation of the Movement was faulted at its founding (Nyaba, 1997). Some observed that the SPLM/A mainly depicted itself as a politico-military organisation that does not go beyond opposing Khartoum, which was indeed a huge task, and as such it invested so little on state-building and development. However, it can also be argued that the omissions of the current leadership in concerting efforts on state-building is derailing the Movement from its roadmap towards building a functional state, partly by abandoning plans developed by Dr John Garang after he passed away. The other view relates to the leadership style of Dr John Garang, the architect and leader of the SPLM/A, which was understandable, as Khartoum wanted to eliminate him. He was described as a renowned one-man-styled leader who concentrated both political and military power and authority in himself right from the founding of the SPLM/A in July 1983 and kept his cards close to his chest and made no indication as to who in the Movement’s leadership would be deployed and to what docket (Akol-Ajawin, 2000; Edwards, 2016). His sudden death also created a huge disorientation to whatever plans were to be developed for the best running of the government that was to be established. There was very little that could be traced and retrieved for planned implementation, and succession and continuity in the Movement were non-existent. The errors from the past started to show within the SPLM/A at the demise of Dr John Garang and preparations to form a government. It became apparent that the vision on how to run the GOSS was insufficiently developed, shared, or lacked collective ownership. The SPLM leadership that took control of the government as per the hierarchy within the SPLM/A was lacking preparation, grooming and capacity. Additionally, the partnership with other armed groups, including opposing ones to form GOSS as stipulated in the CPA (MOLACD-

GOSS, 2005a) made it difficult to forge a coherent structure and direction. The possible explanation is that within the SPLM/A, a powerful group of leaders was groomed and prepared but is way below the hierarchy in the structure of the Movement or operated outside of the structure. This group is likely aware and has grasped how the government is to be established and run, but now devoid of the guardian, it cannot surface and becomes ambivalent. This implies that the formal leadership structure was only an accompanier of the chairman who singly held the reins of power while the rest of the members hung on were given empty positions. This situation stems from the genesis and founding structure which was established at the onset of the Movement and was thus faulty, and as a consequence needs a serious effort to address and fix it (Akol-Ajawin, 2000; Nyaba, 1997).

The commencement of the GOSS era was marked by augmented muffling and lobbying for positions as the SPLM/A cadres realised that the CPA was ushering in a government for the six-years interim period, which is a behaviour that continued to feature throughout this period. All suddenly, there were too many variables and players – not just SPLM/A as provided for in the CPA, all seeking accommodation, unlike in the war era where desertions were a common thing. CPA provides for power-sharing arrangements with other political groups with the majority coming from the SPLM, so this time, the SPLM/A was not going to be the only group to accommodate groups as well (MOLACD-GOSS, 2005a). Yet the responsibility of establishing GOSS lay with the SPLM under its new leader, Gen Salva Kiir Mayardit, Dr John Garang's former deputy who had openly challenged the corruption and misrule of Dr John Garang's leadership in 2004 in Rumbek. On assuming power, his regime seems to revert to the very pattern of the previous leadership and was showing laxity to rein in on factionalism that was budding within the Movement, now the ruling party, and was also failing to control corruption (D. Johnson, 2016a). This situation began to mar the system and rule of GOSS right at its onset and persisted throughout the interim period, severely undermining the nation-state building process all along.

The premature departure of Dr John Garang left a huge void and challenge of forming and appointing public officials for the GOSS as well as those to be selected to represent the Government of National Unity (GONU). President Salva Kiir therefore, had to grapple with and deal with the various groups and individuals to be incorporated, and this will be explored more in the next sections (Nyaba, 2011, pp. 11–12). The process of vetting for suitability and meritocratic selection was disregarded, instead, most

appointments were made based on comradeship, accommodation and reward, and those who can access (North, 2006) the appointing authorities usually through patronage-clienteles and nepotistic relations. This in my view has contributed to the incapacity and inefficiency of the GOSS to establish and build strong government institutions and systems, and more so, the prevalence of corruption. This I will attribute to a lack of good leadership and political will, with unclear strategic direction and failure to take the right decisions to select and grant opportunities to the qualified, capable, and available human resources, some of whom returned to their adopted nations while others took jobs with international organisations.

The other issue at the formation of the GOSS to later haunt and plague the country into and after independence was the appointment of ministers who are political leaders without the existence of a civil service or technocratic cadre base. Their appointments are set along with certain precedence, when appointed, as they embark with discretion to assign their senior bodyguards, girlfriends, concubines or relatives, jobs within their ministries, often without any consideration for competence or qualification (Edwards, 2016), and also generate colossal budgets for their respective ministries and themselves. This brought a new socio-economic life into Juba, a change that accompanied the forming of GOSS, coming along with the new currency, the US Dollar which became the currency of choice as petro-dollars funded the new government operations and local economy. However, the systems in place were inadequately prepared and getting overwhelmed with this influx of money; the main task was to allow the new Ministry of Finance and Economic Planning (MOFEP) to cope with the situation. This MOFEP is an offshoot of the Secretariat of Finance, which existed during the war era and was only managing and handling a budget of not more than a hundred thousand dollars (USD 100,000) annually. When the GOSS was formed, it had to contend with a budget of over a hundred million United States Dollars (USD 100 Million). Hence, this scenario primed and precipitated the incoming corruption and abuse of public resources within the systems that were forming, which thus hints at the systemic nature of the vice that symbolises the SPLM/A-GOSS era.

The establishment of a functional civil service for the GOSS was an important and foundational part of the state-building process that needed a quick and intentional engagement, with all its complexities and contests. There was the civil service that previously existed during the war in the government-controlled areas under the old Sudan or *Jalaba* system – the Arabic word *Jalaba* being a term used in South Sudan to refer to

a Northern Sudanese Arab. Though this civil service group had persisted from the first regional autonomous government was small, limited in capacity and inefficient with many shortcomings, it was virtually the only block to build upon (L. de Vries, 2012, pp. 169–192). SPLM/A-GOSS government was inclined to discredit and disregard it as it was deemed to remind them of the old Sudan system, so they preferred everything to start afresh which is a daunting task to take on during this period. This though was unlike other liberation movements on the continent that entered government offices of functional post-colonial institutions. In the case of Southern Sudan, the freedom fighters (veterans) had spent most of their lives in the struggle and were not necessarily the ones best prepared for the task of taking over the bureaucracies in the GOSS government in 2005. Many had governed liberated areas, which were still military administrations and not political governments based on at least some principles of the rule of law. But some of these were, however, charades and non-functional and at best subordinate to the military authorities on the ground and were staffed with rejects, the elderly, retired or those who had no qualifications to get better-paying jobs with the myriad International NGOs and United Nations (UN) Agencies that were operating in liberated areas during the war. This group represent the core of the civil service, but it is associated with inadequate capacities and underperformance, yet it prides in according to themselves titles and positions. As such, it is common for a public servant to concomitantly carry both a civil service title like a Director General and a military one (Brigadier General).

The other group to join in the civil service was comprised of those able and qualified cadre from the SPLM/A liberated areas including some of the soldiers and party (Movement) members. Many of whom out of desperation and a desire to earn some money and escape destitution, had taken jobs in NGOs during the war period. This was a sizeable, educated force of South Sudanese who came in handy for the Government and many of them had their capacities enhanced by their former employers, the NGOs and UN agencies. This group was received with ease as it is considered ‘one of us’, and many of them were absorbed into the Civil Service and the political class because they were in the liberated areas or neighbouring countries hosting the SPLM/A (Edwards, 2016). However, despite its exposure to the NGO and UN systems, it was not able to influence the system and set a tone for good government, instead, it got coerced by its comrades, the core group comprised of former combatants and became part of position-title and resources seeking workforce.

There came another vice, sneaking in from the neighbouring countries of Uganda and Kenya as well as in the diaspora among some South Sudanese, that it was faking qualifications and certificates. There was a growing enticement to forge academic qualifications and transcripts to get jobs and appointments to big offices in the new government. This irresistible trend came about as the new government was looking for people to fill the many positions that had become available. The many young South Sudanese who missed educational opportunities or were disrupted by the war were desperate to acquire some qualifications by paying amounts to get accommodated in the GOSS. This situation went unchecked because GOSS could not screen or did not bother to verify with the institutions where the said qualifications were obtained. This eventually increased the number of incompetent cadres who though carried paper qualifications, were devoid of the knowledge and skills therein contained in their papers and were unable to deliver on any job tasked to them (Edwards, 2016). There were some attempts made by then Minister of Labour and Public Service at that time (GOSS period) to weed the civil service of this and other vices and have it reformed. These efforts, however, did not get all the support needed from the top leadership and council of ministers, instead, other cabinet members vigorously opposed to the move. The labour minister was chastened by fellow a fellow minister, who then was the minister of Legal Affairs (Justice) and was unwelcoming to the civil service reforms. It is worth noting that this minister (former minister of justice) is one of the most powerful and outspoken ministers in the country who has maintained cabinet positions since the formation of GOSS up to date (2022). This minister holds the view that the GOSS era is a period of grace to reward those who have fought the liberation war and no accountability is to be held for this category of people. He is identifiable for opposing the issue of civil service reform, as well as others, like enacting strong anti-corruption and audit laws.⁸ This era was, thus typified by corruption and nepotism which has prevented the building of stronger and more effective state institutions for the common good, which was perpetrated at the expense of an emerging elite of a privileged few who try to limit access to state power and resources for themselves (North, 2006).

Furthermore, assistance from the international community to support Southern Sudan in the right way, building the core functions of the state, was in part sporadic, unsystematic and uncoordinated, and partly non-existent (H. Johnson, 2016). There was also hesitance from the international community and friendly countries to deliberately

⁸ SSACC Act (2009) and SSAC Act (2010).

support state-building to prepare South Sudan into a viable nation-state in this period, lest they be perceived by Khartoum to already influence the outcome of the plebiscite for independence. There were, therefore, less concerted efforts to build the state during this time by the SPLM/A-GOSS government and its many friends and partners remained aloof; with much of the state-building aspect unattended, and anti-corruption initiatives arguably to be pended until the nation is free and independent. This I observe rendered the GOSS ill prepared to transition into statehood (independence) which is the anticipated logical end of this period.

GOSS also grappled with separating its civil structures and organs from the emerging ruling party, the SPLM and army during the interim period. These organs though meant to be separate were in practice fused into the SPLM/A-GOSS entity whose relationship and function are so intertwined and difficult to demarcate. For some, it was the same and the flow of public funds between them was fluid, opaque and difficult to scrutinise, lacking transparency. It was thus obvious that the SPLM/A-GOSS era did not exert much effort to prepare a political entity, an efficient civil service, and a future national army and indeed as a government-in-the-making, instead time was taken up jostling for positions and the new offices that came with the implementation of the CPA and the creation of the GONU in Khartoum and the GOSS (Edwards, 2016; H. Johnson, 2016). The opposition groups, the population and the CSOs, including the international community, also did not exert any pressure or task on the GOSS, except for a few critics; instead, everything was overshadowed by the overwhelming desire to conclude the CPA without the eruption of war. GOSS was looked upon as a darling that many sought to associate or identify with and was accorded much support and grace while neglecting the defects that were fast evolving. Thus, the foundation for state-building and principles of democratic governance, accountability and justice for all its citizens remained undeveloped (D. Johnson, 2016a).

SPLM/A in the GOSS era fell short of taking the opportunity to build and strengthen the foundations on which the country is to be built and ignored warnings against corruption and mismanagement. The focus was more on a successful referendum leading to independence, whereas the very foundations for state institutions that are needed to sustain a viable nation-state that are equally important were ignored and relegated to a less important list of priorities. The liberators became affixed to securing the new republic, which was indeed inaugurated at the end of the interim period, but at the expense of the nation-state building process. South Sudan became a country without being a state

as described by BBC Journalist Peter Martel and Hilde Johnson, the first UN Secretary General's representative to the country (Martell, 2018; H. Johnson, 2016); which made it possible for vices such as corruption and nepotism find ways and entrench into most government offices. A firm beginning to build the kind of democracy it had articulated in its founding documents slowly eroded, and according to Zach Vertin, SPLM/A's top brass presiding over an increasingly corrupt, and authoritarian system would lead the new nation to disunity, instability and collapse (Vertin, 2018). And sadly, these predictions are becoming a reality as explored further in the next section.

4.5 Independence Period: Birth of South Sudan new Nation-State

The nation of South Sudan was inaugurated as a sovereign independent state on July 9, 2011, amidst jubilations by its citizens, leaders, and friends; and the international community-friendly foreign governments and international development partners revelled in it too as a beacon of hope and a success story of a liberation struggle that was to become the new model of a successful guerrilla movement transitioning to statehood. This was the context in which the President, General Salva Kiir Mayardit, gave his maiden speech, making the following declarations and affirmations for the new country:

From today on, we shall have no excuses or scapegoats to blame. It is our responsibility to protect ourselves, our land, and our resources... While the pillars of a house are important, its foundation is even more critical. We must build a strong foundation for our new nation. Our detractors have already written us off, even before the proclamation of our independence. They say we will slip into civil war as soon as our flag is hoisted. They justify that by arguing that we are incapable of resolving our problems through dialogue. They charge that we are quick to revert to violence. They claim that our concept of democracy and freedom is faulty. It is incumbent upon us to prove them all wrong.⁹

This declaration came about in the backdrop of numerous assertions and prophetic pronouncements from the 'detractors' of South Sudan's journey to independence, which envisaged that the young nation would be doomed to fail and resort to chaos. One of these detractors was the then Vice-President of the Sudan, Mr. Ali Osman Mohammed Taha, who was the main negotiator of the CPA representing the NCP Khartoum regime and maintained that if the South seceded, it would continue to split even more and more into minor tribal entities.¹⁰ These warnings of threats to a sustainable independent and viable

⁹ Excerpts from the speech of the President, Gen Salva Kiir Mayardit on the day of independence of South Sudan; July 9, 2011.

¹⁰ A statement by Vice President Mr Ali Osman Mohammed Taha on August 1, 2010, to NCP Youth in Khartoum at: www.sudantribune.com/spip.php?article35827; accessed January 4, 2021.

state were altogether overlooked and ignored, albeit the unpreparedness for statehood that ensued in the interim period was obvious. GOSS under the SPLM/A entirely neglected this important task to undertake or seek support to institute tangible state-building actions and worse still habituated corruption which is pernicious statehood (Sentry, 2016). Hence, the events that immediately followed and characterised the era of independence did prove the detractors (Khartoum) right. As such, declarations, pronouncements and hopes of South Sudanese for a viable progressive and sustainable state have remained unfulfilled. These shortcomings marring the new sovereign state are unceasingly numerous, various, and cyclical. Mentioned here are a few of those associated with state-building and grand corruption, which happens especially among the ruling elites and their cronies. The first instance that surfaced within six months of independence was in January 2012, when the politico-military elites in Juba had obtained fabulous wealth through rents and decided to shut down the country's oil production over disagreements with Khartoum on transit and pipeline fees (De Waal, 2015). This action caused the loss of 98 per cent of government revenue with the greatest impact on the desperately poor and suffering citizens of South Sudan. There was competition for political power among the ruling elites, which was to turn violent, and eventually, shake the foundations of the new Republic, and yet so little was done on nation-state building.

The country instead embarked on self-destruction and implosion immediately after independence, marked by a power struggle, poor governance and unchecked rampant corruption by the former rebel generals who turned public officials across the government (H. Johnson, 2016; De Waal, 2015). These I suggest are attributable to many factors, some of which I cite here include the lack of preparation and readiness to run a country. Much of the GOSS (leadership, building of institutions and their structures, human resources, and others) efforts focused on attaining independence, but it became overwhelmed on managing a nation-state. The country's regression from the trajectory of growth and development peaked when in just over two years of independence war broke out, and the detractors, those who opposed the secession of South Sudan were proven right in their prophetic verdicts (Biong Deng et al., 2019; de Vries & Schomerus, 2017; D. Johnson, 2016a; Abyei, 2014). There too was a power struggle within the ruling party (SPLM) which led to another split among its ranks and sparked a bloody civil war in December 2013, lasting for almost two years until a peace agreement signed in 2015 resolved it, and a transitional government was formed in the of the middle of 2016. This newly formed transitional government of national unity was short-lived; war again broke out in July 2016, which lasted until 2018 when another peace agreement was signed. The

point to note is that the government's preoccupation during its entire independence period is to remain in power, somehow keeping war at bay and maintaining peace and the status quo. The fundamental issues such as state-building and an anti-corruption drive are relegated and become residual in the agenda of government policies. Moreover, the emphasis and focus on peace are questionable, and apparently a deficiency in good faith and intentions to resolve the conflicts and realise a viable state is dissipating. This is a deviation from Charles Tilly's concept that: 'war-making is state-making' (Tilly et al., 1975). This view entails that in war-making, the state-making process is advanced, which should eventually yield a viable and sustainable nation-state. The elites' version of peace seemed to only silence the guns, but retain their grip on power and positions, and this motif became stark throughout the negotiation process and in the implementation of the signed accord. These elites' conduct was no longer unambiguous and well exposed, thus attracting sharp rebukes and reprimands from various leaders in the region and around the world. The most notable among them was the Secretary General of the United Nations, Antonio Guterres, who in his remark at one of the African Union (AU) Consultative Meetings on South Sudan in Addis Ababa, Ethiopia in April 2018 at the peace negotiations asserted: 'First of all, it is clear to me and, I'm sorry to say so, but I've never seen a political elite with so little interest in the well-being of its people.'¹¹ This was out of frustrations and desperation by external observers on how in the negotiations, the elites of South Sudan, both in government and in opposition, portrayed less concern for the common good and welfare of their people and more on wrangling for power and positions. The rebuke was again repeated later in February 2020 after the peace agreement was already signed and disagreements emerged on the implementation, where Mr. Guterres warned the South Sudanese leaders against missing another deadline to form the revitalised government of national unity. 'Think about your people, respect your people, you have not the right to continue the confrontation when your people are suffering so much,' Guterres told reporters in Addis Ababa ahead of an AU summit.'¹² These statements amongst many others suggest a modest political will toward building a strong and viable nation-state. In his analysis of the December 2013 war, Alex De Waal describes South Sudan as a kleptocracy, of a 'militarized and corrupt neo-patrimonialism with a system of governance comprising numerous generals who are divided on ethnic loyalties that only hold together by a rental agency from the centre (De Waal, 2015). The

¹¹ News by Daniel Juol Nhomgek on April 5, 2018, at: www.southsudannation.com/south-sudan-suffering-population-and-the-indifferent-politicians/; accessed on April 6, 2018.

¹² Reported by Eye Radio on February 11, 2020, by Daniel Danis, and found at: www.eyeradio.org/think-about-your-people-guterres-tells-leaders/; accessed on February 12, 2020.

representative of the UN Secretary-General who oversaw the country to become independent expressed the same sentiments; Ms. Hilde Johnson described South Sudan as a corrupt ‘political marketplace’ where the national revenue only is disbursed and accessed by the ruling elite in the politico-military patronage system, with almost nothing left for public goods and services, development and state-building (H. Johnson, 2016). These characterisations of South Sudan as a corrupt country are not only limited to foreigners and opposition groups but also shared by some of the elites within the ruling party, especially those who have been side-lined in the power machinery. The late Edward Lino Abyei was one of them and had this to say: ‘we must confront corruption; we need to direct our social institutions and implement developmental projects equitably throughout the country. Oil can be a killing grace and as such, we need to revisit its extraction and disposal process on an equitable basis.’¹³ In his analysis, the country’s oil wealth has so far failed to translate into service delivery and prosperity for the majority of citizens as it was the core mantra of their struggle, instead, it has become a source of instability, culminating in a vicious battle for the control of power and oil, and allegations of corruption are widespread (Abyei, 2014). Another South Sudanese critic of the government, Dr Justin Ambago Ramba, who now lives in exile, started six years ago: ‘South Sudan ceases to appear young when it comes to its capacity to create multi-millionaires overnight; though the country is potentially wealthy through producing oil, it is still classified as one of the world’s poorest, but has the highest rate of freedom fighters turned public fund looters’ (Ramba, 2014). Therefore, in a country like South Sudan where the state is yet to be built and is in its very infancy with all other sectors of the economy and most institutions are weak and embryonic, the impact of corruption can be so devastating to a nation’s growth, development, and prosperity.

The other challenge that has haunted the new nation concerns the inefficient civil service which was alluded to earlier on as an issue in the interim (GOSS) period and is also remaining as one of the drawbacks in this phase. South Sudan as a nascent state with a newly established government has only a short history of sovereignty with a negligible prior state-organised service delivery or policy-making experience. The task of building a state that can shepherd the country beyond conflict is thus made much more difficult by the other overwhelming developmental challenges, including low food security, modest infrastructure, low rates of adult literacy and high levels of ethno-linguistic diversity. The

¹³ Edward Lino Abyei is a prominent SPLM member; his article ‘Looking at Ourselves the Way We Know’ published on February 7, 2014; accessed on February 16, 2014 at: www.Southsudannation.com/.

continuous violence has additionally placed a burden, causing disruptions on institutional growth and the massive human displacement depriving the nation of some qualified personnel who are forced out of their workstations, with both situations immensely damaging to the government's institutional capacity. However, the gist of the matter is the domination of the public service by veterans most of whom are not qualified for the tasks and positions they occupy, instead of providing space for competent South Sudanese who can take on the state-building project. The vast majority of qualified, competent, and experienced South Sudanese mainly in the diaspora and in neighbouring countries, including the old Sudan, found themselves excluded and alienated because they are not considered SPLM/A proper or at least known or related to some general or a commander. South Sudan could not benefit from its many zealous diaspora cadre who had come back to contribute and build their country, and instead received rejection, and have to find their way back to their former jobs in the diaspora (second homes), while others took up jobs with NGOs, UN agencies and private companies.

Therefore, to deal with these problems cited above, the country's ruling elites will need to intentionally transform itself into a coherent body of public policymakers at the helm of public administration with an institutionalised civil service, a reformed professional army, and the security sectors to govern credibly and sustainably. This calls for the recruitment of a qualified, well-performing government, which is recognised in the 2011 Transitional (independence) Constitution of the Republic of South Sudan (TCSS), and sets out the basic formal provisions for the establishment of an efficient and professional civil service (Biong et al., 2019: 227–242). Consequently, the birth of the South Sudan nation-state did not bring about homogenous societies to pin its growth. Redie Bereketeab, in his study of state-building in the region, observes that South Sudan needs to re-examine itself to re-configure a nation-state identity by adopting and setting such realities as multi-ethnicism and diversity (Bereketeab, 2017). According to Amir Idris, the nation-state construction of old Sudan faulty and premised on ethnic, religious, and racial community, rather than citizenship as the basis for political and economic inclusion and entitlement, led to South Sudan's separation. Similarly, South Sudan, by entrenching ethnicity and regionalism to dispense power and economic inclusion is a risky pathway (Idris, 2005). The nation-state in its current form lacks the means and ability to self-revive, impose order and provide effective governance (Hosle et al., 2020) on its own. In the following section (4.6), I briefly explore the role other stakeholders play and contribute to state-building realise and advancing the public good for all. Such non-state players, are capable to provide among others basic services and state-making,

but also oversight, advocacy, and restraint to misrule and the abuse of power by the state (Majak, 2019).

4.6 Role of Non-State Actors: Media, Civil Society and Church

This section explores the roles of non-state actors such as the media, Civil Society Organisations (CSOs) or Non-Governmental Organisations (NGOs) and churches play in South Sudan, focusing on how they combat corruption (grand) in the state-building process in pursuit of public good for the citizenry. Several authors acknowledged that churches, CSOs and NGOs contributed in several ways to serve and advance the welfare and common good of society in South Sudan, and I only cite two of them here, John Ashworth and Bishop Anthony Poggo. They affirmed that churches in (South) Sudan variously contributed in a range of services like providing humanitarian relief, health, education and development, including peace-building and oversight on democracy, good governance and human rights (Ashworth et al., 2014, pp. 12–16; A.Poggo, 2013, pp. 204–209). These though, were self-appraisals from individuals associated with churches, they do carry a degree of validity, as the authors have interactions with the wider public who mostly make the same observations on the vital role of churches play in society.

There were few CSOs, and NGOs operating during the Anyanya period in Southern Sudan, but in the Second Civil War (SPLM/A), the number increased greatly. In the SPLM/A period, organisations and churches were involved in two categories of work. The first is a set of activities such as advocacy, peace building, activism, oversight, capacity building and empowerment of human resources. The second is rendering physical services like humanitarian relief, health, education and food security and livelihood which is a hardware form of intervention (Ashworth et al., 2014). For the churches, they represent a vital part of society, and are widespread throughout the country, and influence both private and public life of the South Sudanese people.

The working relationships between NGOs/CSOs and state varied depending on the phases of political developments in (South) Sudan, from cordial, normal, and hostile. For instance, in the interim and post-independent South Sudan, theoretically, churches, associations and organisations are to enjoy freedoms to associate, express, and carry out their activities unhindered, as enshrined in the Constitution(s).¹⁴ However, in practice, the

¹⁴ The Interim Constitution of South Sudan (2005) and Transitional Constitution of South Sudan (2011); Article 9-12, 24-24.

relationships with the state have varied and the following sub-sections briefly describe these interactions in South Sudan.

The Media

The role independent media play in society can initiate, chart, and define a state, on how it runs its processes and functions, if it (media) is free, objective, ethical and independent in its reporting. The media is sometimes called a fourth pillar in democracy by media and governance experts (Reinikka & Svensson, 2004), especially if it is free, independent and objective enough. It ought to be able to play a role in monitoring, and investigating the actions of those in power and holding them accountable including enlightening and informing citizens (Schauseil et al., 2019; Reinikka & Svensson, 2004). This is particularly the case in investigative journalism, which can actively and directly challenge elite sources of information as well expose abuses and misrule. It is oftentimes endowed with the potential and responsibility to institute accountability across the board and in the corridors of power in a nation-state (Schlosberg, 2013). Media have the capacities to deliver accountability to others, and also for self-correction.

In Sudan and throughout the civil wars, the main media were owned and controlled by the government, and functioned to propagate, promote, advocate, and present a government narrative and agenda regardless of whether it was biased and devoid of facts. The independent and mainly foreign media groups that operated in Sudan were often restricted and persecuted by state authorities to curtail their objectivity and independence. During the SPLM/A war, the government media was well equipped and waged a sustained media war to tell their versions of the news and stories, and any other not associated with the regime, whether domestic or foreign suffered intimidation and harassment, including expulsions from the country. The Reuters News Agency reporter and BBC correspondent then, the late Alfred Taban Logune was one of the few independent journalists in the country who persevered through this period in Khartoum, the Sudanese capital. His independent and uncensored reporting, which oftentimes repudiated the state narrative, put him in direct collision with successive regimes, resulting in several arrests, torture, and detentions both in Sudan and South Sudan.¹⁵

¹⁵ Tribute to Late Alfred T Logune by Victor Lugala on April 29, 2019, at: www.gurtong.net/ECM/Editorial/tabid/124/ID/21825/Default.aspx; accessed on April 22, 2019.

The period after the signing of the CPA in 2005 brought about the formation of GOSS that did see an easing and some freedom for the press and media in general, though incidences including arrests, harassment and deaths eventually increased over time. The South Sudan Anti-Corruption Commission (SSACC), a GOSS institution at this time, recognised the crucial locus and forte media possessed in combatting corruption, and took the opportunity to engage and collaborate with them. It formalised working relations and partnerships with some media groups in Juba on education and an awareness of corruption. SSACC sponsored and provided several training workshops to journalists on investigative journalism and factual reporting, especially on corruption (SSACC Annual Reports, 2009; 2010). Notwithstanding, reporting on corruption and crime became a risky business and is taking a heavy toll on the lives of journalists in the country. For example, one journalist, Nhial Bol of Citizen Newspaper, was harassed and arrested for publishing a corruption scandal where huge sums of public funds were lost in a bloated procurement of government vehicles by Cardinal Company in 2006.¹⁶ Hence, the next paragraph will provide some incidences of the agony some journalists face and have gone through in South Sudan when they dared confront public corruption and other sensitive issues.

The list is growing of victims from the media fraternity (journalists) who lost their lives in their line of duty on independent reporting associated with corruption scandals and corruption. These include the late Isaac Abraham, who was shot dead in his house on the night of December 5, 2012;¹⁷ and the late Peter Julius Moi, killed in August 2015;¹⁸ both on the outskirts of Juba. The other victim was the late Isaac Vuni who was a freelance journalist for the Juba Post Newspaper and Sudan Tribune and was initially severely injured, becoming lame in a hit-and-run attack in 2010. Eventually six years later, he was kidnapped from his home village in Eastern Equatoria and found dead on September 26, 2016. All these killings of journalists were linked to their persistent and investigative reporting on corruption.¹⁹

The other challenges the media fraternity continues to encounter is the lack of a clear legal framework to protect journalists, although this can still be violated, and so they

¹⁶ Journalist Nhial Bol of Citizen Newspaper was arrested for publishing a cars procurement scandal by government officials from Cardinal Company found at: <https://www.sudantribune.com/spip.php?article23195> at: www.reuters.com/article/us-sudan-south-editor-idUSMCD85360820070808; accessed on January 16, 2014.

¹⁷ Isaac Abraham gunned down in front of his house in Juba at: www.paanluwel.com/2012/12/07/isaiah-abraham; accessed on December 20, 2014.

¹⁸ BBC Reporting at: www.bbc.com/news/world-africa-34008089; accessed on August 31, 2015.

¹⁹ Reporters Without Borders (RSF) on September 28, 2016 at: www.rsf.org/en/news/rsf-calls-justice-after-south-sudanese-journalists-body-found; accessed on September 30, 2018.

are exposed to harsh treatment and abuses. For instance, in 2012 a year after independence, Reporters Without Borders (RSF), a global Organisation that advocates for journalists, gave South Sudan a much more favourable ranking than Sudan for its 2011 Press Freedom Index (number 111 for South Sudan; compared with Sudan who was number 170).²⁰ This favoured ranking was short-lived and press freedom in the country has suffered from restrictions and intimidation, slipping 12 places down in the January 2013 RSF Report,²¹ and this situation is continuing. Free Press is deteriorating and has become precarious thereafter, especially after the outbreak of the two civil wars, in December 2013 and in July 2016 respectively.²² The only unhindered media outlets that have remained and continued to keep the state in check and balance, although some are also unreliable, are the online sourced ones. The social media platforms: Facebook, Twitter and other online publications are now the alternative leaks and whistle-blowers outlets that are unhindered. Others like the Voice of America (VOA) – which focus on South Sudan radio programme, the Tamazuj radio – print and radio, the Sudan Tribune Newspaper, and online publications such as the Sentry and Northern Corridor, have also consistently issued reports on governance, public accountability, and human rights issues.²³

The Civil Society Organisations

‘CSOs are the voice of ordinary citizens of South Sudan, representing an entire spectrum of society and are a cornerstone of the Peace Agreement with access and advocacy to the grassroots [in helping] shape public opinion, understand clearly the key leaders and opinion shapers at the local community levels through whom information cascades most freely and authoritatively; [and can, therefore] initiate, promote and strengthen comprehensive and objective dialogue between the government and the people.’²⁴

²⁰ Freedom House 2011 Country Report for South Sudan at: www.freedomhouse.org/country/south-sudan/freedom-world/2012; accessed on February 1, 2013.

²¹ Reporters Without Borders (RSF) 2013 Report at: www.sudantribune.com/spip.php?article45344; February 1, 2013.

²² RSF Reports on South Sudan at: www.rsf.org/en/south-sudan; accessed on March 5, 2016.

²³ Online independent news and reports on South Sudan and Sudan are published with unfettered access (though sometimes blocked in-country) and found at respective sites: www.radiotamazul.org/; www.sudantribune.com/; www.sentry.org/; www.voa.com/southsudaninfocus/.

²⁴ Speech of Maj. Gen Charles T Gituai Interim Chairperson, RJMEC, presentation at the Stakeholders Consultative Forum on Implementation of the R-ARCSS on August 28, 2020.

The different groups of CSOs and NGOs have played various roles throughout the phases of the evolution of South Sudan into a nation-state. During the *Anyanya* one war period, the Sudan Christian Association (SCA) was the main indigenous CSO formed by the Southern Sudanese exiles. It operated in East Africa (mainly Uganda and Kenya), and only one other branch along the Sudan-Congo border, whose primary function was to fundraise and mobilise resources to support the insurgency, and also advocate their cause (S.Poggo, 2009, pp. 147–151). Most CSOs and NGOs in the first decades after independence were faith-based.

The ending of the *Anyanya* war through the Addis Ababa Peace Agreement in 1972, for instance, was brokered and negotiated by the African Union, in collaboration and support of the World Council of Churches (WCC) and its African affiliate, the All-African Council of Churches (AACC). These Church Organisations (WCC and AACC) in partnership with the Sudan Council of Churches (SCC) played the leading roles in the mediations and confidence building, which ushered in an epoch of relative peace and self-rule for Southern Sudan (1972-1983). The SCC which was founded in 1965 established a relief and development department and undertook the task of providing relief and rehabilitation for the returnees back to the Southern Sudan region (Werner et al., 2000, pp. 451– 454). These efforts followed up the Agreement by consolidating the peace through service provisions such as food relief, the building of health and educational facilities, and resettling and rehabilitating the returnees' livelihoods back to the homeland (Ashworth et al., 2014; Werner et al., 2000).

Some of the local churches too established their own humanitarian and development agencies to do the same, and among them were the SudanAid by the Catholics, Sudan Development and Relief Agency (SUDRA) by the Anglicans - ECS, and the Presbyterian Relief and Development Association (PRDA) by the Presbyterian Church of South Sudan (PCOSS) (Ashworth et al., 2014, pp. 57–65). There were other international faith-based NGOs associated with the local churches that came into the country in 1972, that as well undertook to support Southern Sudan to recover and rebuild itself. The three main ones were the Norwegian Church Aid (NCA), the Lutheran World Federation (LWF) and the Association of Christian Resource Organisations Serving Sudan (ACROSS²⁵), serving various sectors across Southern Sudan (Moro et al., 2020, pp. 16–20).

²⁵ Formerly known as the African Committee for the Rehabilitation of Southern Sudan, then became the Association of Christian Resource Organisations Serving Sudan.

During the SPLM/A war, the number of Southern Sudanese CSOs and international NGOs had phenomenally increased and were participating in rendering humanitarian aid and social services, but also advocating against the war, human rights abuses, and for peace and justice. During this time, the SCC with its headquarters in Khartoum was unable to communicate effectively with and reach the local churches in parts of the South that were cut off by the war. As such, the New Sudan Council of Churches (NSCC) was formed in early 1990, with the Catholic Bishop of Torit, Bishop Paride Taban as the first Chairperson (Rolandsen, 2005, p. 75). This created an avenue for the two churches' councils to reach all territories of Sudan and Southern (government-controlled and liberated areas); the SCC in government-controlled areas and the NSCC in SPLMM/A liberated areas.

Initially, like the case with the Sudan government, the SPLM/A administration was reluctant to co-operate with civilian organisations, both domestic and foreign despite the overwhelming demand for humanitarian aid in the South, particularly in 1988. Both the foreign NGOs and Southern Civil and Church organisations were unpopular among the SPLM/A leadership and were hardly allowed to establish local bases inside Southern Sudan in the early stages of the civil war. However, this relationship eventually began to improve after the establishment of OLS and NSCC in 1989 to a considerable degree, and this thaw in the relationship was attributed to OLS (Rolandsen, 2005, p. 30; Ataul et al., 1996).

In the period after the signing of the CPA, most CSOs' viability waned and their workforces were usurped into the new GOSS institutions, and this smothered the little space for oversight and critique they had previously occupied. The humanitarian and development NGOs, on the other hand, continued with their operations to deliver relief and services to the population (Ashworth et al., 2014). The few CSOs that survived, and newly formed ones were weak, incapacitated and lacked resources as most donor agencies shifted and re-directed their support instead to fund and capacitate the new GOSS structures and institutions. The work of CSOs became less and significantly dwindled in activities and influence until much later at the latter stages of the GOSS period towards independence (2011). In this period too, several other CSOs worked alongside the government to mainly mobilise and advocate support for the sustainability of the CPA, free and fair elections and advocating for the referendum, which was to culminate the Interim (CPA) period. However, after independence, the number and activities of CSOs and NNGOs greatly increased, more so particularly after the outbreak of the two civil

wars (2013 and 2016), mainly to respond to the humanitarian situation and service provision where the government's role appears to dwindle, and also initiate advocacy work.²⁶ There could be several factors attributed to this, such as the increasing humanitarian crises and need, their ability and neutrality to reach anyone in need by NGOs rather than government, and trust with more funding for non-state institutions by donors. Those combatting corruption though, are fewer and muted in their activities as compared to many other countries where many CSOs and NGOs are involved and advocated against corruption (Jenkins, n.d., 2007, pp. 161–174). Many of the South Sudan CSOs and NNGOs were often weak and limited in many ways (Mores, 2013), while others have eventually grown in the recent and last few years. The CSOs that venture to focus on state issues like human rights, good governance, and corruption, are sometimes monitored, intimidated, and harassed, and to speak or act against misrule and power abuse tend to invite retribution from state apparatus. The state has increasingly become intolerant to critique or challenges and this has greatly diminished the space for CSOs and NGOs on advocacy and oversight. As such, some individuals became victims of repression, and these include the Chairperson of the South Sudan Civil Society Alliance, Deng Athuai Mawiir, who was kidnapped in Juba on July 4, 2012, by unknown assailants. He was held, beaten, and interrogated about his work on corruption and was later found unconscious along Juba – Bor road three days later.²⁷ The Organisation for Non-Violence and Development (ONAD) Executive Director, Moses Monday, was also arrested recently by the country's National Security Service for setting up a billboard on accountability. The billboard, which stood along the State House (referred to as Juba One or J1) road in Juba, the capital, carried the words '*gurus wen*' or 'Where is our money?' Mr Monday after being held for about two weeks was released on Thursday, June 25, 2020, without charges, and the billboard was pulled down.²⁸

According to some research conducted by a CSO referred to as the Working Group on Sustainable Peace, State-building and Development, the current space for public

²⁶ List of National Organisations in South Sudan at: www.southsudannngoforum.org/membership/national/; www.humanitarianresponse.info/files/documents/files/3wop_south_sudan_06jul2015_nngos_map_0.pdf; accessed on September 20, 2018.

²⁷ Global Witness Press Release on July 12, 2012 at: www.globalwitness.org/en/archive/attack-activist-threatens-anti-corruption-efforts-south-sudan/#:~:text=On%204%20July%2C%20the%20Chairperson%20of%20the%20South,his%20work%20on%20corruption%20issues%20in%20the%20country; accessed on March 15, 2014.

²⁸ Moses Monday's arrest story at: www.eyeradio.org/activist-moses-monday-released/#:~:text=Moses%20Monday%2C%20the%20director%20of%20the%20Organization%20for,accountability%20of%20public%20finance%20was%20erected%20in%20Juba; accessed on June 27, 2020.

engagement in South Sudan continues to shrink and has disabled the South Sudanese CSOs that focus on accountability and watchdog roles in the crisis recovery, development, and state-building of the nation. This has deleteriously impacted the country's ultimate goal of realising an ideal nation-state for the good of all where the government, civil society and citizenry live together in peace, harmony and prosperity (Wani & Wani, 2015). The other important CSO and non-state actors are churches that are vital players in both spiritual and material lives and affairs of the society and state in South Sudan.

The Churches

The churches in Sudan have similarly had anecdotal types of relationships with the state, ranging from distrustful, antagonistic, confrontational, and seldom collaborative since the time of independence in 1956, and throughout the two wars (1955-1972 and 1983-2005). This antithetical relationship was compounded when successive regimes in Khartoum consistently adopted an Islamic agenda to Islamise Southern Sudan, a territory originally protected by the British colonialists before independence. Many factors have sustained this uneasy nuance in the relationship between church and state, from Sudan's independence in 1956, till the birth of South Sudan as a nation-state in 2011. The Sudanese state has held the view that the churches (including local ones) are foreign, imperialist or Zionist supported, and that they have backed the insurgencies in Southerners to resist and reject embracing Islam (Sanderson & Sanderson, 1981, pp. 387–418).

Moreover, the churches have carried on the responsibility for providing services since colonial times, first when missionaries had been responsible for much of the education and health services (Rolandsen, 2005, p. 30). These activities and churches continued to carry on and prevailed to do so after Sudan became independent, sometimes undergoing severe restrictions, intimidation and expulsions which were consistently enacted on them by the state (Sanderson & Sanderson, 1981). Among these laws was the Sudan Missionary Act enacted in May 1962 primarily to legalise the expulsion of foreign missionaries and curtail Christian activities (Werner et al., 2000, pp. 370–379; Sanderson & Sanderson, 1981, pp. 387–418). The imposition of Islamic Sharia Law by President Ja'afar Nimeiri in September 1983 throughout the country was another blatant disregard for religious diversity and freedom of worship (Ashworth et al., 2014, p. 36; Werner et

al., 2000, pp. 515–517). In this turn of events, the churches managed to hold together as the voice and protectors of the masses, endowed with a prophetic role to act as a watchdog for society and public life. In so doing, they have positively contributed to transforming the socio-economic and political development of state affairs (A.Poggo, 2013; Salter, 2009). Bishop Poggo quoted John Ashworth on the significance of the churches' role during the SPLM/A war; that it was 'the only institution that remained on the ground with the people, providing basic services like health and education, and was involved in conflict resolution and international advocacy. According to him, the church has a remarkable degree of credibility and moral authority (Ashworth & Ryan, 2013) and yet retains independence from the state, where freedom and liberation are vital aspects of its gospel message to the whole human person and society right from its inception (A.Poggo, 2013; Dau, 2011). In chapter 5, which I will further elaborate how churches in modern Sudan and South Sudan interacted with the state, centring on the impact and contributions churches made, and are making on state-building and addressing corruption.

4.7 Concluding Remarks

The evolution and trajectory of South Sudan into statehood is a complex and partially intertwines with Sudan from which it separated from on July 9th, 2011. There were commissions and omissions along the process of state building undertaken by the various trustees and stakeholders, both foreign and domestic, who governed the territory in the different phases of the country's development, at pre-independence, independence, and now post-independence stages. This section offers some concluding remarks as outlined in the following paragraphs.

There were no policies for state-building in Southern Sudan as part of Sudan and instead, these periods, the region was subject to invasions by powerful (armed) outsiders whose aims were to extract and exploit treasures and gather slaves. When the colonial authorities (Anglo-Condominium rule) came, their policies and efforts in Southern Sudan deprived the region of the foundations and building blocks for a future viable state formation, unlike those for Northern Sudan. The North was better prepared for independence with basic services and governing structures, a political consciousness and basic economy instituted and inaugurated. Some of the factors are attributed to this include the geographical barriers of the region, ethnic diversity and hostilities, and level of various conceptions or distortion of state or government (*hakuma*) by some of the

inhabitants of Southern Sudan, and how this affects the perceptions. There too was a tension in the colonial administration on how to balance between maintaining control of, and peace in the North, which eagerly longed to subdue the South; hence, a cautious and measured approach was adopted in Southern Sudan, to not awaken their nationalist and religious sentiments against their rule in the North.

The period of Sudan's independence meant little for Southern Sudan, but just an exchange of masters (British-Egyptian to Northern Sudanese) and another neo-colonial era. Any political development and unity among Southern Sudanese were undermined and weakened. The Northern Sudanese who have ruled the region after independence were successful in rooting deep suspicions and allegiances among Southern Sudanese at different stages – in both war and peace to keep their grip on the territory (L. de Vries, 2012, pp. 169–171).

The outbreak of civil wars – the first *Anyanya* and later the SPLM/A - was to counter the exploitation and deprivation by the North, to pursue a separate independent state or self-rule which guarantees freedom, equality, fair and just system where the welfare and commonwealth of all its citizens. For the South Sudanese, confronting the North was a slogan that united them and the aspiration for a nation-state became an overriding factor and the main preoccupation. Consequently, investing in the infrastructures and institutions to build a viable and sustainable state has always slipped from notice and attention. The lack of resources, both human and material for such an undertaking is another factor that contributed to this failure, especially during the Anyanya Movement. However, in the SPLM/A, where human resources and capacities were comparatively enhanced, the issue of power struggle and abuse emerged as a hindrance to state-building efforts. The leaders of SPLM/A, from the inception throughout the struggle and later in the interim period, defined themselves with power abuse and corruption. There was a sense in the Movement that suggest a notion of 'first let us liberate the country, and then we can build it later, which became an excuse for not taking the state-building opportunity even in the GOSS era. The fact is there were seemingly cracks that appeared at the initial stage of the SPLM/A formation, in its leadership and governance structure, and this apparently explains the difficulty and legacy the Movement carries, giving it a false start, and has haunted and caused the splits and infighting in the group. Rivalry and competing self-interests became features that marked the Movement, which became too difficult to eliminate and rid of in the struggle and carried along into government – both interim as well in the independent state. Some of

their efforts to form administrative structures and reforms in the liberated areas were helpful but inadequate; state-building is a daunting task that demands a political will, commitment, and hard work.

The GOSS period witnessed a lack of preparedness and incoherence for taking on accountability and state-building, instead grand corruption is embraced and taking hold of government and continues unabated. The inflow of millions of dollars into the ill-prepared government departments that lacked the apparatus and experience to manage such huge amounts, introduced the systems into forms of structural corruption that became entrenched and systemic. The CPA too had structural weaknesses in that it lacked mechanisms to prepare South Sudan in case it voted for independence. The other issue was the hesitance and reluctance of the international community to be seen to prepare and support South Sudan in state-building, as this would irritate Khartoum and make it hostile. Some actors were also stuck with the myth of a united Sudan; hence, the South Sudan nation-state was birthed from little pre-natal preparation into inadequate post-natal care.

Therefore, state failure is an impending option for South Sudan where the state finds itself overwhelmed with challenges, some due to past and current commissions and omission, coupled with elites' corruption by those in power. The government's inability and incapability to undertake concerted strives to state-building and rid itself of grand corruption is compounding and unhelpful for the current state. It thus needs non-state actors such as the media, CSO and churches, who are equal stakeholders for the common good, to offer a remedial counterforce. These actors have the experience of providing not only services but also oversight and watchdog roles including advancing the public good, sound governance and democracy.

CHAPTER FIVE

Churches as Non-State Actors in State-Building

5.1 Introduction and Background

The churches in (South) Sudan have played key roles in both the private and public life of citizens, society, and the state. Relationships and continuous interactions between churches and state occupy a critical niche, which ideally contributes to impacting public life and affairs of the nation-state, state-building and advancing the public good. This chapter explores the relationships and interactions between churches and state, and begins with briefly outlining developments from the period of the birth of the modern Sudanese state in 1899, and the rebirth of the churches thereafter in 1920, also referred to as the modern Sudanese churches (Werner et al., 2000, pp. 264–339; Sanderson & Sanderson, 1981). Furthermore, it examines the role churches play in the evolution of the state of South Sudan, which partly sets the scene for this thesis on the role churches play and their contributions to public affairs at the different historical and political transitions the country went through.

Christian missionaries from Western Europe and America followed the colonialists, to set bases (missions) in the territories gained. This era of the birth of the modern Church(es) in Sudan commenced and was ushered in alongside the colonisation of the country by the Anglo-Egyptian Condominium re-conquest from 1896-1899. Most of the colonial troops and administrators (mainly the British) were Christians, and the missionaries who were from the same home countries followed them into these new territories they were occupying. The missionaries propagated their Christian faith, established churches, built schools and health centres and initiated other development projects (Sanderson & Sanderson, 1981). The actions of the missionaries appeared to support and supplemented the colonial government that ensued at the time. As such, relations between churches and state during this time were mainly cordial; nevertheless, the colonial administration was wary of provoking the North, which was majority Muslim, so it was at times cautious in dealing with the missionaries. The colonial

administration restricted missionaries from propagating their faith in the North (current Sudan) but gave them access to move farther South to the present-day South Sudan, which had few indigenous Muslims. The missionaries, with the unfettered access into South Sudan, were in competition on denominational lines and affiliation, but this did not escalate further and was never disruptive to mission work (Sanderson & Sanderson, 1981, p. 90). The missionaries came from various church denominations such as Catholics, Anglicans, and Presbyterians, and each group was vying for followers and territory to replicate their sending denominations and home churches. As such, the colonial administration devised a formula to avoid conflict by instituting the demarcation of South Sudan into territorial zones to accommodate the different missionaries' denominations to lessen the emerging rivalry (Sanderson & Sanderson, 1981). The next paragraph outlines a few examples of how the missionaries and their denominational affiliations were allocated spheres or zones in the Southern region of Sudan to base their missions.

The missionary agencies were only permitted and regulated by the state authorities to establish denominations (bases and stations) in Southern Sudan according to the specific territories allocated to them, and this reflects the current denominational demographics in the country. For instance, the Catholics were granted permission to establish a base in Gondokoro among the Bari and later moved to Rajaf East and the city of Juba by the Nile. They also set up a base among the Ciec Dinka, including at Lul along the Nile for the Shilluk, and then moved on to develop stations in Bahr el Ghazal, which is an area that today remains staunchly Catholic. However, most denominations especially the Catholics who opposed the system, still continued to grudgingly work and operate under it (Werner et al., 2000, pp. 218–219; Lamport, 2018; Sanderson & Sanderson, 1981).

The other group of missionaries was the American Presbyterians who settled in the Upper Nile region and selected their first site at Doleib Hill near the mouth of the Sobat River. They established this mission with permission to evangelise the Sobat River area where they emphasised mainly education, practical training, and economic development, and not just evangelism. They opened a school, which expanded and developed to become a boarding school at Atar to be a reception centre for a large network of lower 'bush schools.' The mission also bought a boat to provide medical services up the Sobat River to the Nuer people; which eventually culminated in the construction of a hospital among the Nuer (Werner et al., 2000).

The Episcopal (Anglican) Church with its missionary wing called the Church Missionary Society (CMS) was the last of the three mission agencies to begin work in Southern Sudan in 1905. It began its work by assembling a team of six men comprising three ordained clergy and included a doctor, a builder, and an agriculturalist. They opened the first station at Bor (Jonglei), but this was soon moved to Malek farther south, which became the CMS headquarters in Southern Sudan in 1906 for many years to come, working among the Bor Dinka of Jonglei. Later in 1913, some of its work commenced in Yambio, the administrative centre of the Azande country, and subsequently expanded to the Moru people with a focus on medical work, all in Western Equatoria (Werner et al., 2000; Sanderson & Sanderson, 1981). In the Central Equatoria region, CMS started its work in Yei among the Kakwa people by setting up a school in Juba on the banks of the Nile, which was then just a small village but is now the capital city of South Sudan. Some educational work too was begun in Kajo-Keji among the Kuku on the border with Uganda and among the Agar Dinka of greater Lakes and in the Yirol region which makes it now predominantly Episcopal (Anglican) (Lamport, 2018; Werner et al., 2000; Sanderson & Sanderson, 1981).

During this time (colonial period), the church and state complemented each other especially in service provision and their relations were mostly harmonious. This period came to an end with the withdrawal of colonial rule when Sudan attained independence on January 1st, 1956. The commencement of Sudan's independence witnessed hostility in relations between churches and state, where the Northern Sudanese, most of whom are Muslims took over the reins of power throughout the country, including Southern Sudan. Antagonism and confrontation between the state, and churches along with missionaries were at the peak from the period after independent Sudan (in 1956), prevailing through the two civil wars (1955-1972; 1983-2005) (Ashworth et al., 2014, pp. 27–65; Sanderson & Sanderson, 1981, pp. 387–418). During the two civil wars, churches played a crucial part, and were apparently in support of the rebellions (*Anyanya* Movement and SPLM/A), which were viewed as struggles against injustices. The Sudanese state, which was Muslim saw the churches as enemies, and the thaw in relations only came after the signing of the CPA in 2005 ending the SPLM/A war.

After the second civil war, from 2005 onward, while churches and the emerging SPLM/A government had supported each other during the decades of struggle, this relationship started to become more complicated. In the final years of the CPA and subsequent independence of South Sudan in 2011, there is a growing tendency of

intolerance by the nascent state to any form of critique, especially when churches confront it on issues of corruption, human rights abuses, and other vices (Lamport, 2018). To date these tensions have not eased and current situation is increasingly showing tension and mistrust in the church-state relations throughout the country.

The churches argue that they will continue to stand with and for the ordinary people, which does not imply that they are trying to interfere or impose on how to rule a state, but are only playing their public role in society, which has been their duty – past, present and in the future (A.Poggo, 2013). They cite several biblical examples of godly men such as Nehemiah (Nehemiah: 5,9,10,13), Joseph (Genesis: 41-42) and Daniel (Daniel: 1-8); who played active and effective roles in the political as well as economic affairs of the nations during their time. This repudiates any argument by some public officials that the church should stay away from politics, by always citing a form of secularism – ‘the separation of church and state’; yet what they mean is: ‘do not criticise us’ (A.Poggo, 2013, p. 206). The separation of church and state is only institutional, which means that the church should not depend on the state, but should act as a watchdog for society, including speaking out against injustices, human rights abuses, corruption, and corrupt officials. Both are bound together in the realm of ethics and service for the pursuit of the common and public good (Okullu, 1987). The relationship between church and state ought to maintain a critical distance which the late Anglican Archbishop of Kenya David Gitari (A.Poggo, 2013, p. 206) once described as a ‘relation between church and state should be like that between human beings and fire. If they are too close, it is too hot; but if they are too far, it is too cold.’ As such, churches play vital roles in the building of the state and society; and notwithstanding their shortcomings, they remain the biggest non-state civil society organisation in Africa and a primary agent for social transformation (Kariithi et al., 2005). With this background, I further explore the relations and interactions churches and state have in the body of this chapter under their respective sub-headings.

This chapter begins with an introduction and historical background, reviewing the ancient church(es) and state relations. This is followed by a section delving into the birthing of and relations between the modern Sudanese state and church(es) that were brought about in the Anglo-Egyptian Condominium period until Sudan became independent in 1956. The Sudanese independent state and the churches' interactions after colonialism until the end of the first civil war are then examined, and thereafter, the role(s) of the churches in building its relations with the SPLM movement and later in the

independent nascent South Sudanese state. The aim is to particularly look at the role of the churches in holding the new state to account, for instance about the renewed conflicts in the new nation (South Sudan), and more particularly on the issue of state building and dealing with elite corruption. Thereafter, a section which specifically examines the role of the ECSS in state building and on issues affecting society, ends with concluding remarks.

5.2 Birth and Rebirth of the Sudanese Church and State

In this section, I explore the relationship between church and state from the period of the birth of this modern Sudanese state in 1899, and the rebirth of the church in 1920, also referred to as the modern church (Werner et al., 2000, pp. 264–339). Thus, the section covers the period from the fall of the Mahdiya era in 1898 and ends up with Sudan's first independence in 1956.

The Anglo-Egyptian Condominium rule was a treaty between Britain and Egypt to govern Sudan starting in 1899 and ended at the eve of Sudan's independence in 1955. The British comprised of both civilian and military officials (L. de Vries, 2012, p. 55), who dominated the running and administration of the affairs of the country (Markakis et al., 2021, pp. 145–165). This too was also the time when the missionaries entered Sudan in substantial numbers, in a sustained and consistent manner (Sanderson & Sanderson, 1981, pp. 27–78) because of the more favourable and conducive environment for missions that was ushered in by the Condominium rule. Yet, the significant entry and thrust of missionaries under the auspices of the colonial administrators who were mainly Christians (the British), was not a colonial plan or invention (Werner et al., 2000, p. 211). The missionaries mostly came from the countries and other friendly nations of the colonisers, sharing a similar and common culture, social and political life, had their own objectives and mission to accomplish, and did not necessarily have a common goal with the colonisers. Their (missionaries) pursuit was the conversion of souls, and the preaching of the gospel, whereas the colonialists were on an expedition to rule and extend home empires. Missionaries, in addition, were poised at establishing and likely to replicate home churches in this new frontier but were also mindful and conscious of how the church and state should interact and relate. But the colonial administration was also under home pressure not only to rule the country but also to bring education and religion to the people of Southern Sudan for fear that they would otherwise convert to Islam (Sanderson &

Sanderson, 1981, pp. 51–111). This pressure strained the colonialists to allow the missionaries certain access and domains into different parts of southern Sudan to proselytise (Markakis et al., 2021, pp. 145–165); so that south of the 10th parallel was regarded for missionary activities, whereas, north of it (10th parallel) was reserved for Islam. This colonial approach of treating the two regions (North and South) differently partly shaped the relations between churches and state in the two regions right from this founding stage and affected the political landscape for a while.

During the colonial administration (1899-1955), relations with missionaries were fairly normal, but these were not without occasional conflicts. Missionaries' work complemented that of the colonial government, while still carrying out spiritual ministries and church planting. The missionaries partnered with the government in providing basic services like health and education, and enhanced civility and development particularly for the region of Southern Sudan. Thus, the cadre forming the main Southern Sudanese workforce and intelligentsia are products of mission schools. These include teachers, church workers and priests, clerks, health workers and police who were employed to work in the colonial administrations as junior officers, alongside the colonial administrators (Zink, 2018, p. 12; Sanderson & Sanderson, 1981, pp. 211–256; Sanderson & Sanderson, 1981, pp. 352–418). The colonial administration for its part, focused more on maintaining law and order in Southern Sudan (Ashworth et al., 2014; Sanderson & Sanderson, 1981).

Churches then came to realise the need for unity and the power it wielded for advocating issues, and this led to the formation of a body in 1944, the Sudan Christian Council (SCC), which united the churches, initially the Protestant denominations, under an umbrella to defend Christians' rights, as well as advance and advocate for their cause (Sanderson & Sanderson, 1981, p. 389). The work of the missionaries earned them more respect, acceptability and credibility among the Southern Sudanese people over time (Sanderson & Sanderson, 1981, pp. 27–51) as compared to the colonial administration which was sometimes viewed suspiciously due past encounters and experiences, some of which were very violent and brutal at both ends (Sanderson & Sanderson, 1981, pp. 111–146).

The British policy for Northern Sudan, however, differed from that of the South. The colonialists preserved and allowed the Islamic religion and culture to dominate the culture and society of Northerners, with more focus on education, economic growth, and development. The colonialists in dealing with the North were cautious in their policies

and this was to avoid provoking another rebellion¹ and anti-religious ardour from among them (Northerners), the majority of whom were Muslims (Zink, 2018, p. 35; Markakis et al., 2021, p. 146). Historically, the Northern intelligentsia was more educated and advanced than their Southern neighbours. They, therefore, constituted the bulk of the local (native Sudanese) workforce that was serving in the colonial administration, alongside the British, and took up most of the senior positions available for locals. They were politically more exposed, learned, and enlightened, with almost all subscribing to Islam, and were more leaning toward the Arab-Islamic world. Among them, nationalist and self-determination sentiments were mounting, and resentments were growing against both colonialists and missionaries who they perceived were the obstacles to self-rule, control of the entire country, and Islam's expansion and spread into Southern Sudan (Sanderson & Sanderson, 1981, pp. 291–325).

The churches were viewed as sympathetic to Southerners and were resisting the influence of Northerners southwards. A tense relationship between churches that represented most Southern population, and the state began to emerge and escalate when there was a twist in the British policy to Sudan after World War II in 1945, especially on education policies in Southern Sudan. During this time, the Condominium administration changed its policy which previously administered Southern Sudan separately from the North, and amalgamated the two regions into a united Sudan (Sanderson & Sanderson, 1981, pp. 291–324). The enlightened Southerners were disappointed with this development and saw it as a betrayal by the British colonialists, who seem to give in the Northern schemes to dominate, to Arabise and Islamise the South. Southern resistance grew and degenerated into an armed confrontation and eventually civil war which was mainly led and orchestrated by the Southerners who were closely linked and educated by the churches and /or missionaries (Dellagiacoma, 1990). These situations gave Southern Sudanese an iniquitous experience and a mixed perception of statehood, or a quasi-state; firstly, with the foreign slave traders and treasure hunters, the Turks, and Arab marauders, the Mahdiya, who were all hostile; and lastly, the wave of the Anglo-Egyptian rule, which was more moderate in comparison, and especially regarding churches and missionaries' activities.

Reflecting on the colonial (Anglo-Egyptian rule), they initially were also harsh and violent in confrontations with some of the tribal dynasties and chiefdoms when they were

¹The Mahdist revolt of 1881 was a religious (Islamic) and nationalist movement, which was still in the back of the minds of Northern Sudanese, and highly regarded as an anti-colonial nationalistic Movement.

taking grip of Southern Sudan (Niblock, 1987; Evans-Pritchard, 1976; Evans-Pritchard, 1940). Some Southerners then viewed the *hakuma* or ‘government’ on one hand as alien, not the provider of security who lacked ownership by the people (the ruled); rather it was viewed as an occupier and tax collector that conscripted labourers and soldiers (Zink, 2018, pp. 11–34). On the other hand, the expansion of the colonial administration was also connected and associated with religious change and church growth and accompanying services like education and health (S. Hutchinson, 1995). In the next paragraph, I describe the events and developments that veered the nation toward independence with the British handing power to the Sudanese.

The predominantly Muslim-Arab Northerners were suspicious to the work of missionaries and churches in the country and more so in the South. The South, which was initially a protected area from the Northern influences such as Islam and Arabism, became exposed and firmly part of Sudan before its independence in 1956, when Sudan attained independence under the grip of the Northern intelligentsia. In this new phase, difficult relations began to evolve where the African South Sudanese, who were less Islamic, were perceived as primitive and backward. The Southerners, on the other hand, viewed churches as more friendly, supportive, offering basic services where they found security and identity (A. Poggio, 2013, pp. 210–2013; Ashworth et al., 2014, pp. 30–56; Werner et al., 2000, pp. 340–384). The Northerners became the new colonial masters/rulers for Southern Sudan, and the Southerners viewed them as neo-colonialists, with an extractive agenda, to dominate and convert them into Islam without any due consideration for state-building. The British colonial administrators somewhat were the first and last with a state-building agenda for Sudan (Northern) and had laid the foundation for the establishment of a modern state, though this was deficient and inconsistent for Southern Sudan. This government was passed over to the Sudanese by the end of 1955 to become the independent nation-state on the first of January in 1956. The British had introduced Western ideas and institutions to transform the traditional pattern of the Sudanese government and society (Collins & Deng, 1984, pp. 1–27). This state has perpetually evolved and progressed to the present-day republic of Sudan. It has survived through various successions in leadership, political changes, and affiliations either through coups or democratic processes that have also impacted the formation of the South Sudan nation-state. Finally, on the eve of independence, Northerners replaced the British as the new colonial masters for the whole country; out of 800 positions, only 6 were filled by

Southerners, in a process referred to as Sudanisation² (Markakis et al., 2021, p. 146; Heraclides, 1987, p. 217). The Southerners were initially persuaded to support independence for Sudan in exchange for a promise to establish a federal system in Southern Sudan which was still underdeveloped in all aspects, but this promise was dishonoured and unfulfilled and a revolt broke out in Torit garrison in August of 1955 (D. D. Johnson, 2003, pp. 22–38). Thus, the new independent Sudanese nation-state started with a rebellion in its Southern part where state failure (marginalisation and enslavement), and matters of religion (Islam and Christianity) were considered key triggers (S.Poggo, 2009; Dellagiacoma, 1990).

5.3 Church and State Relations after Sudan's Independence

The independence of Sudan in January of 1956 was received with mixed internal reactions; in the North, people saw it as a great achievement of self-rule and freedom from the imperialists (British and Egyptians) who had colonised the country for over fifty years. Southerners, on the other hand, viewed it as an exchange of masters from the British-Egyptian colonialists to a new phase, fearing misrule and subjugation. The new emperors then moved to dominate the South militarily, administratively, and economically for extractive purposes, and doing little on political, institutional, or state development in the region. Most of the only few educated and politically enlightened Southern Sudanese were transferred to the North against their will, killed, or forced into the bush and exiled. The government of the day then began to corruptly and fraudulently exploit the natural resources of Southern Sudan (Barnabas, 2007).

This period witnessed a worsening relationship between the churches and the state where the whole country was witnessing a state-sponsored Islamic agenda in the nation. The continuous fall and degeneration in relations led to confrontation and hostilities where successive leaders of the country who took power could differ and disagree in their political and economic ideologies, but were always unanimously in agreement on Southern Sudan – Islamise, Arabise, dominate and suppress dissent (Werner et al., 2000; Sanderson & Sanderson, 1981).

Meanwhile political dissatisfaction was also brewing in Khartoum. The first military coup after Sudan's independence was staged by the military, led by General

² Sudanese replaced British officials in the new administration and out of 800 positions in the whole Sudan, Northerners filled all, except for only six junior ones given to Southerners.

Ibrahim Aboud whose rule between 1958 and 1964 was marked with an Islamic agenda. His rule curtailed Christian activities, targeting missionaries and the churches that experienced some of the hardest times it went through while the war in the southern region escalated. Government agencies were tasked to carry out these plans and rid the country, especially Southern Sudan of the churches' impact and legacy. In one of its meetings held on December 3, 1959, in Khartoum, the Interior and Education officials issued a joint communiqué stating that: 'The Ministry of the Interior, along with the Governors of the Provinces and the Ministry of Education, will present a draft of reforms of the administrative and general laws required to obviate all the foreseeable cases regarding education, missionary activity, trade, industry, agriculture, buildings, and others, to the Attorney General, to put an end to the activities of the Missionary Societies, since they have proved a great disadvantage to the country' (S.Poggo, 2009, p. 100). As a result, a law was passed in 1962, referring to as the Sudan Missionaries Act which provided for the expulsion of missionaries, including curtailing and restrictions on churches and Christian activities, and over one hundred-fifty missionaries were expelled from the country (Ashworth et al., 2014; S.Poggo, 2009, pp. 104–107; Werner et al., 2000; Sanderson & Sanderson, 1981).

There were other state policies, rules and decrees that were issued to curb the work of churches and missionaries. Among these, was the replacement of the English language with Arabic in schools; the day of rest/worship in the South was changed from Sunday to Friday; and the introduction of the Arab-Islamic dress code or school uniforms in schools. A decree to expel missionaries was again issued in 1964 was promulgated into law,³ and saw the eviction of another one thousand-five hundred missionaries from the country following the enactment (S.Poggo, 2009; Werner et al., 2000). The state accused the churches (especially the Catholic Church) of being the sponsors of Southern resistance and rebellion, and so attempted to weaken and destroy the churches, as this in the view of the government would isolate the Southern rebels. The Governor of Equatoria at that time, Sayyed Ali Baldo in February 1960, spelt this out in his policy statement on foreign missionaries:

We note with certitude as clear as the sun that the origins of all the misfortunes and contrarities in our way are the Roman Catholic Church and that the greater part of these evils come from it, although we have pardoned them for many things that should have required hard and energetic treatment.... Notwithstanding all this, the Catholic priests do not quit their corrupt politics and they

³ The Sudan Missionaries Act of 1962 was enacted to restrict churches and Christian activities and expel missionaries during Gen. Ibrahim Aboud's reign.

do not make their best effort to co-operate with our present scopes, to respect our national feeling and the scopes for which we work. They do not cease to instil their poison and create the spirit of racial division and hate between the children of the same country, and even tempt others to mistrust the authority and law in some cases.... In front of all this, the wisdom and security of the nation and the interests of the citizens demand with one voice, that this evil which is represented by the Catholic priests should be rooted out: there is no other way to save ourselves than to kick out all the Italian priests and put the situation in the hands of the Sudanese priests who are only a small number. The time has been reached when we must adopt this measure which is both imperative and useful (S.Poggo, 2009, p. 101).

During this time, the Southern Sudanese political elite was in its infancy and still developing and was trying and making attempts to engage with their Northern counterparts on matters concerning the South. But there was a growing feeling that the Northerners were not interested or did not wish to address the Southerners' demands for a fair share and just rule especially in their Southern region. These non-violent efforts including Southern Sudanese political formations were stifled and infiltrated and Southern politicians were bribed and bought off to weaken and destroy the emerging Southern Fronts (S.Poggo, 2009; Dellagiacoma, 1990). There was also a perception by the government that churches and missionaries supported the Southern Sudanese, with both politicians and the rebels opposing the system. This belief was borne from the fact that priests and church-schooled Southerners were in the lead of the political consciousness, activities, and the rebel Movement. Indeed, most of the Southern leaders were church-schooled, for instance, Fr. Saturnino Lohure, a Catholic priest, was among the politicians who fled the country to join the rebellion and became one of the leaders who played a vital role in organising and mobilising resources for the group. He was later killed in an ambush in Northern Uganda near the Sudan border, in a suspected Uganda-Sudan plot in 1965 (S.Poggo, 2009; Werner et al., 2000). The churches were undeniably involved right from the onset of this civil war, later renamed the Anyanya, as one of the few institutions that lobbied for help and provided support to the population who was suffering and dispersed in the bushes of Southern Sudan. They (churches) connected Southern Sudanese students to the worldwide Church, Christians and other benevolent benefactors for adoption and sponsorship to further their studies in neighbouring countries and overseas. Relief and humanitarian support came in through the churches as there were no NGOs during that time to provide services. The SCA was the only NGO that served the rebels and those in the bush during the time of the first civil war (S.Poggo, 2009, pp. 149–150).

The aggression by the Sudanese state on churches led to resilience and unity across denominational boundaries to fight for survival. The churches overlooked their differences and previous in-fighting and instead fostered a united front to strengthen their

voice, resolve and cause. At this time, the churches were run by Southern Sudanese who as nationals stood up to oppose the oppressive policies of the state. It also witnessed South Sudanese becoming more enthusiastic in their embrace of Christianity and leading the local churches. This led to the establishment of the Sudan Council of Churches (SCC) which was formed on January 29th, 1965.⁴ The SCC then begun to formulate churches' responses the state threats, and also developed different strategies confront state-building coming out from the Khartoum that were mainly hinged on an Arab-Islamic schema (Ashworth et al., 2014; D. Johnson, 2003; Werner et al., 2000, pp. 451– 454). Sour relations between the Sudanese churches and state prevailed and dominated the first civil war period, until the time of peace negotiations to bring about the 1972 Addis Ababa peace agreement. The next paragraph examines the crucial role the churches and their regional and global bodies played in bringing peace to the country, and Southern Sudan in particular, through the Addis Ababa peace agreement.

President Ja'afar Mohammed Nimeiri who took over power in a military coup on May 25, 1969, with a group of junior officers who included communists and secularists, initially with a pragmatic approach to address the nation's problems. Within two years in power, Nimeiri's regime went through turbulent times where he had to crush a revolt of Mahdi's Ansar sect on Aba Island in the Nile in March of 1970 and barely survived an attempted communist-staged coup in July 1971. In September of 1971, Nimeiri organised elections where he was the sole candidate under his newly formed party, the Sudan Socialist Union (SSU) (Shinn, 2005; Werner et al., 2000, pp. 433–434). He was overwhelmingly elected by 98.6 per cent in a voter turnout of 92.9 per cent, which consolidated his firm grip on power and allowed him to attend to the war in Southern Sudan. He recognised the need to consider some of the demands Southerners were making and was willing to give a kind of autonomy. Moreover, he also launched a ferocious war against the *Anyanya* Movement with Arab and Soviet support, which was presumably force the rebels into negotiations. At the same time, voices were emerging within Nimeiri's government and in the churches' (WCC, AACC, SCC and among local churches) for the need to seek a peaceful resolution of the conflict. This, led to efforts by the Khartoum government to use a Southerner, Hon Abel Alier, the then Minister for Southern Affairs (an Anglican devotee), and to start engaging in peace talks with the churches through WCC, AACC and SCC (Shinn, 2005; Werner et al., 2000, pp. 433–

⁴ <https://www.oikoumene.org/organization/sudan-council-of-churches>; downloaded and on accessed on August 25, 2018.

434). This eventually paved the way for a peaceful settlement of the conflict, and the end of the *Anyanya* war.

The three church umbrella bodies, the national SCC (local), its regional partner, the AACC and the global body, the WCC strived and worked to realise peace. The WCC with its affiliate partners (AACC and SCC) led the process to mediate and broker the Addis Ababa Peace Agreement signed in February 1972, marking the end of the first civil war (the *Anyanya*), and Southern Sudan was granted a limited self-rule autonomous regional government within a united Sudan (Ashworth et al., 2014; D. Johnson, 2003; Werner et al., 2000). The mediation and negotiation period for this agreement was a short one, and some attributed this to the trust and confidence the warring parties (especially the *Anyanya* Movement) had in the churches among other factors. Upon the signing of the peace agreement, individual churches, their development agencies, and SCC responded to the humanitarian needs (relief) and resettlement. The SCC set up the Relief and Rehabilitation Commission to undertake the humanitarian response and the rehabilitation of returning refugees. Some of the key roles these organisations played included helping the return and repatriation of Southern Sudanese refugees, providing relief and rehabilitation services, constructing schools and hospitals, and offering scholarships and building capacity (Ashworth et al., 2014, pp. 57–58; Werner et al., 2000, pp. 451–454).

5.4 Church and State in the Addis Ababa Peace Agreement Era

The years 1972 -1983 were a period of relative peace and normality, with churches and the State in good relations. It also saw some of the local churches establishing their own humanitarian and development agencies to bring services and support the state-building in Southern Sudan. This they did with the support from international partners through their respective agencies were able to respond to the various needs and contributed to the capacity building of Southern Sudanese cadres by providing scholarships and skills training at different levels.

Some of the specialised development agencies the different churches established included the SudanAid, which was the organisation set up by the Catholic Church and the SCC's Relief and Rehabilitation Commission in 1972. Much later, the ECS established the Department of Relief and Development (DRD) which then changed its name to Sudan Development and Relief Agency (SUDRA) for its humanitarian and development work;

and the PRDA was formed PCOS for similar purposes (Ashworth et al., 2014, pp. 57–65). There were also other partners who are international faith-based NGOs working closely with churches and had arrived in the country during this period to undertake and support Southern Sudan to recover and rebuild itself. The three main ones that came in 1972 are the NCA, the LWF and ACROSS which served in various sectors across Southern Sudan (Moro et al., 2020, pp. 16–20).

Throughout this 11-year peace period (1972-83), the churches had assumed a comfortable alliance and relations with the Sudanese state and were not engaging in the Southern Sudan public affairs and politics. Yet they (the churches) including those in the North and the SCC were not treated and accorded full rights as other Sudanese religious (Islamic) bodies by the Khartoum regime. When Nimeiri imposed Islamic laws to stifle some internal objections against his rule in September 1983, for the largely non-Islamic Southern Sudan, it obviously worsened relations that quickly deteriorated (Ashworth et al., 2014; D. Johnson, 2003). The lesson(s) to have been learned during this period of relative peace and tranquillity should have considered this epoch not only for spiritual and theological formation as it were but also for the Church to apply the Christian faith to the political, social and economic realities of life in the country for the common and public good (Werner et al., 2000, pp. 518–521). The events of 1983 though were due to happen and there were obvious signals and speculation, yet the churches were mainly unprepared to cope with the reality and eruption of hostilities and ensuing suffering which befell the people.

The next section explores events and developments in relations between churches and the SPLM/A (the rebel group) in the period of the second civil war, when it broke out in 1983 until the time of the signing of the Comprehensive Peace Agreement (CPA) in 2005.

5.5 Church-State Relations in the Second Civil War: SPLM/A Era

The relative peace and tranquillity period that was brought about by the 1972 Addis Ababa agreement gradually came to an end in 1983 when remnants of Anyanya soldiers in battalions 104/105 mutinied and fled to the bush. The Khartoum government under President Nimeiri had reneged on several issues concerning the South and eventually abrogated the peace pact he championed by dissolving the Southern Regional HEC self-rule government into three smaller separate regions. This among other the actions

committed against Southerners increased the distrust and loss of confidence once again, hence, the start of the second civil war, the Sudan Peoples' Liberation Movement/Army (SPLM/A) breaking out on May 16, 1983 (Madut-Arop, 2012; D. Johnson, 2003). In the following September of the same year (1983), President Nimeiri escalated the situation further by imposing Islamic Sharia Laws to govern the whole country in a blatant disregard for the churches and Christians' interests, religious diversity and freedom of worship (Ashworth et al., 2014, p. 36; Werner et al., 2000, pp. 515–517). This further fuelled the rebellion and this bloody civil war lasted for twenty-one years.

During the SPLM/A war (1983-2005), the churches operated on both sides of the battlelines, with the SCC active in the areas under the Government of Sudan (GOS). The SCC with its headquarters in Khartoum was unable to communicate effectively with and reach the local churches in most rural parts of the South that were cut off by the war and had come under SPLM/A control. The New Sudan Council of Churches (NSCC) was the umbrella body that operated in the liberated areas or under SPLM/A control, also referred to as 'New Sudan' that was formed in early 1989⁵, with the Catholic Bishop of Torit, Rt. Rev Paride Taban as its first Chairman (Rolandsen, 2005, p. 75; Ashworth et al., 2014). In the so-called liberated areas in Southern Sudan (that is under the SPLM/A control), churches found themselves in collaboration with an alternative vision of state-building in the liberated areas – 'New Sudan', whereas in the North (government-controlled areas), they were in contrast opposition to the state. Each of these bodies, the SCC and NSCC had to deal with different sets of state-building agendas advanced by Khartoum and the SPLA/SPLM accordingly.

The government of Sudan did not relinquish its Islamic agenda when the war broke out. It continued to treat churches with suspicion and again labelled them as rebel sympathisers. The churches were subjected to intense scrutiny and restrictions, and on the other hand, Islam was promoted and funded by the government as the religion of the state throughout the country. The conciliatory tone that proceeded with the signing of the Addis Ababa agreement was banished and churches resorted to a confrontational relationship with the state. The role churches and their partners undertook during this period went beyond humanitarian relief and basic services to advocacy against Christian persecution, and defence against human rights abuses, especially against Christians and minority groups. The churches inside Sudan also undertook to covertly support political activities and harboured opposition politicians who were constantly subjected to harassment, arrest,

⁵ <https://www.oikoumene.org/organization/sudan-council-of-churches>; accessed on August 25, 2018.

and torture. The churches and SCC became the safe harbour and mouthpiece for those who stood against Khartoum and were not able to join the SPM/A in the bush of Southern Sudan. Peace-building was also on the agenda of the churches with its umbrella body, the SCC, and they pursued it, maintaining pressure on the government to opt for a peaceful resolution of the conflict (Ashworth et al., 2014; D. Johnson, 2003).

Akin to the Khartoum government's attitude towards churches, the SPLM/A authority at its initial establishment stages was reluctant to embrace the work of churches and other civil society organisations, both domestic and foreign, despite overwhelming demand for humanitarian aid in the South, particularly in 1988. Churches too were unpopular at this time among the SPLM/A leadership and were hardly allowed to establish local bases inside the areas it controlled in Southern Sudan. This was partly because the churches were the voices against all forms of abuses meted out on the civil population in the liberated areas. In later times, however, this relationship began to improve especially after the establishment of Operation Lifeline Sudan (OLS) and NSCC to a considerable degree (Rolandsen, 2005, p. 30; Ataul et al., 1996). They (churches) had to navigate where they collaborated whole-heartedly with the SPLM/A state-building agenda, while also articulating their opposition to SPLA-generated corruption and oppression of the populace. Several Southern Sudanese CSOs and international NGOs had phenomenally increased and were participating in rendering humanitarian aid and social services, but also advocating against injustice, human rights abuses, and peace-building (Ashworth et al., 2014).

Some of the activities the churches and NSCC carried out ranged from engaging with the leadership of the SPLM/A in what the churches view as misrule as well as at the grassroots peace efforts between the Southern Sudanese 'people-to-people' reconciliations. There were also efforts to bring harmony between the government (SPLM/A) and the people, and in 1996, the NSCC and the SCC through the Sudan Ecumenical Forum (SEF) a Christian body set up for reconciliation, came up with a celebrated document "Here we stand united in action for peace". This was the document spelt out in very clear terms what the churches saw as the vision for a New Sudan after the civil war. It also laid down a clear programme and project with the main ingredients of what it takes for churches to contribute meaningfully to the peace processes in Sudan. 1997 was the year of the first Kajiko conference which took place at the Kajiko church in Yei (Ashworth et al., 2014). This Conference was considered an important milestone, which set a platform to promote engagements between the SPLM/A and churches in a

frank and open way. And churches had the opportunity to air out and challenge malpractices some leaders of SPLM/A meted on the civil population that made it difficult for many people to participate fully in the liberation struggle.⁶

On the path of reconciliation, churches were able to galvanise communities and restore peace among them as later witnessed in Wunlit, a village in greater Bahr el Ghazal where Dinka and Nuer communities reconciled and signed a peace agreement in 1999 after the loss of many lives. The SPLM/A split in 1991 had divided communities along ethnic lines, creating a conflict, which took over eight years for these factions to reconcile and unite their forces. For the churches, the process of bringing these conflicting communities together and reconcile took less time because of the confidence and trust they had in churches and their institutions.⁷

More than a decade later, the churches also helped avert a split and conflict between the SPLM/A leadership, which almost erupted in December of 2004, on the eve of signing the CPA. This was when serious differences emerged between Dr John Garang, the leader, and his deputy Salva Kiir Mayardit who is now the current President, and the churches took the lead by intervening through one of its senior clergymen, Rev. Canon Clement Janda, who was also a senior member of the SPLM. His mediation efforts toned down the conflict and these two principals reconciled.⁸ The churches continued to play important roles throughout the war period, and quoting John Ashworth, Bishop Anthony Poggo cited the significance of the churches' role during the SPLM/A war. He stressed that the 'Church' was the 'only institution that remained on the ground with the people, providing basic services like health and education, and was involved in conflict resolutions within and international advocacy' (A.Poggo, 2013, pp. 204–209). This has continued in the relevance and importance of the churches in playing key roles in the state, their contributions to reconstruction, peace, and development, in pursuance of the public good for all as observed by Christians and their sympathisers.

⁶ <https://www.oikoumene.org/resources/documents/at-the-sudan-church-leaders-conference>; downloaded on August 25, 2018.

⁷ Ibid.

⁸ Confidential Report (Minutes) of the Resolution of the Conflict between Dr John Garang and Salva Kiir Mayardit in Rumbek, South Sudan – November 29 – December 1, 2004.

5.6 Church and State during the CPA and Independence Period

The churches in Sudan and their corresponding bodies were split into two along the battlelines; those in the government-controlled areas (old Sudan), and those in the SPLM/A areas (liberated areas or New Sudan) merged after the signing of the CPA and the beginning of the Interim period (2005-2011). There were efforts to reconcile activities and programmes to suit the new era of peace and freedom of worship brought about by the CPA. Yet, there was also a sense of contentment and complacency in the churches where they sailed along with the state. In my observation, and experience during the interim period, many (people and institutions) in Southern Sudan were fixated on the expected referendum, while very little or no attention was given to confronting and challenging the state on its failures in leadership, bad governance and corruption that were emerging. There were no serious considerations, efforts, or initiatives to address and avert state failure, except for a few sporadic and less concerted endeavours.

One important action on grand corruption as an impediment to state building was a statement issued on Independence Day by the then ECS ‘house of bishops’ comprising of 31 diocesan bishops at that time, entitled ‘Pastoral Letter to the Children of South Sudan as a Guide and Framework for them as Citizens of a New Republic’, signed by Archbishop, the Most Rev. Dr Daniel Deng Bul Yak, the head of the ECS(S) that started with a prayer:

The Episcopal Church of the Sudan Independence Prayer:

‘Heavenly Father, we give you all the honour and the praise as we celebrate the wonderful independence you have given to us. You have led your children across the river, bringing an end to our slavery and abuse. We have left behind the pain and suffering of so many years of oppression. Greater has no one than this, that [H]he lay down [H]his life for [H]his friends. May those who surrendered their lives for the freedom we now enjoy rest in perfect and everlasting peace in your kingdom. Let your Holy Spirit guide and protect us as we strive for peace, freedom, and stability we have longed for in this land. Show us how to love one another as you have so commanded us to do; [u]Unite us to each other and to yourself. **Cancel any plans of tribalism, corruption, injustice, division, and greed that may linger in the hearts of your children causing us to live in darkness and confusion.** And grant us your grace and blessings in abundance as we build this new nation of South Sudan for your glory in accordance with your holy will. We ask this in the name of your Son, our Saviour and Friend, Jesus Christ. Amen.’⁹

In this statement, the ECS(S) Bishops called on the leaders and people not to fail the new state, and among other things, to shun tribalism, nepotism, and corruption; requesting everybody to work towards achieving unity by promoting the Transitional Constitution

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A Pastoral letter issued by the ECS House of Bishops on Saturday July 9, 2011, advising the sons and daughters of South Sudan on Independence Day (see Appendix 4).

and reducing tribalism, nepotism, and corruption. The statement specifically tasks the government to take on specific tasks and mentions its (ECSS) own role to play in the new nation on the pertinent issues highlighted – including corruption.¹⁰ This is an important and strong statement, which spells out the prophetic mandate ECSS has on state-building and confronting all forms of corruption in the country, and only needed the mechanisms to actualise and embrace the challenge.

Another lone voice came from one of the ECSS Bishops, Peter J Mayom, who in August 2018 wrote an open letter to leaders of both churches and government. He called on both Church and State to end corruption, bribery, and violence, which he maintained, was rampant in the country. In his statement, he referred to the gospel of Matthew 5:13, where the Bible says: ‘You are like the salt for all mankind. But if the salt loses its saltiness, there is no way to make it salty again. It becomes worthless, so it is thrown out and people trample on it.’ Implying that, Christians are as salt, who should eradicate the rot and corruption in the system and in and among individual members.’¹¹ These efforts are part of similar reactions and actions from other leaders, especially from the Catholic Church in South Sudan who have made calls and declarations against corruption and state failure. The failure of post-independence leadership became stark as rampant corruption and ineptitude by government officials continued to siphon away public funds for self-enrichment, and corruption was nearly devouring the state before it was born. In 2012 the country’s top Catholic and Episcopal bishops issued a joint statement that “sharply criticized the culture of corruption in high-ranking officials (Hertzke, 2019). The South Sudan Catholic Bishops Secretariat issued a statement calling on the government and its partners in the peace process to speed up the implementation of the agreement. They even quizzed the agreement signed – ‘why the focus of the peace efforts is on power-sharing between two or more individuals rather than addressing the root causes of the conflicts which are affecting the ordinary people of South Sudan, including issues of governance, violence, poverty, lack of basic services, corruption, national identity, and conflict within and between communities over resources.’¹² They demanded accountability on the violence and corruption which have destroyed the country (South Sudan Catholic Bishops Secretariat, personal communication, October 18, 2019).

¹⁰ Ibid.

¹¹ Bishop Peter Jon Mayom of the ECSS diocese of Malek speaks out against corruption in the state and Church. Found at: <https://www.anglicannews.org/news/2018/08/south-sudanese-bishop-speaks-out-against-corruption.aspx>; downloaded on September 12th, 2018.

¹² A statement by the South Sudan Catholic Bishops issued on October 18, 2019, over the stalling in the implementation of the peace agreement signed in Khartoum, Sudan.

As South Sudan continues to be riven by ethnic division, and unreconciled wounds, government corruption has become pervasive, and the state is unable to perform the most basic functions of governance. The state institutions and infrastructures are virtually stillborn and weak, and the country is only surviving with sustenance by NGOs and a heroic civil society actor in the form of indigenous churches. And the many years of conflict, the current ethnicism and the greed of the elites are some factors that are leading the state into failure instead of state-building (Hertzke, 2019, p. 184). In another report on the Church and conflict in Sudan in July 2018 in the fifty years of struggles, James Jeffery affirmed that different churches have remained one of the country's few stable institutions. They have mostly worked toward peace and displayed a level of inter-religious cooperation rarely seen in other parts of the world. Bishops, priests, and pastors from numerous denominations brought humanitarian relief to their people. Amidst destruction and failed politics, the churches emerge as the only credible and recognisable national players for the cause of the Southerners.¹³ Some suggest that the Christian churches in South Sudan are the nucleus of a potential peaceful nascent civil society that can serve the common good for its people (Hosle et al., 2020). This observation is from a non-member of South Sudan churches and a foreign humanitarian worker who just shares his first-hand experiences.

5.7 ECSS and the State Relations: A Historical Overview

Before concluding this chapter on the relation between the churches and the state, some final words are needed on the particularities of the Episcopal Church on which this thesis focuses. The ECS was founded by CMS, the mission agency of the Anglican Church, which came into Sudan following the Anglo-Egyptian Condominium conquest in 1899. Most British colonial officials were Anglican and subscribed to the ECS as members, which contributed to building a loose link between the state and this Church during this period (1899-1955) (Werner et al., 2000; Sanderson & Sanderson, 1981). This link contributed to preferential treatment that was demonstrated in the construction of Anglican (Episcopal Church) cathedrals close to government or state offices in some Northern cities. These are visibly obvious with the (old) All Saints cathedral in Khartoum, located by the Presidential palace, and El Obeid and Port Sudan Cathedrals, which were built close to the governors' offices. Except for Port Sudan Cathedral, President Nimeiri's

¹³<https://reliefweb.int/report/south-sudan/church-and-conflict-south-sudan>; accessed on January 10, 2021.

government confiscated the other two Cathedrals, which are now government properties and in use for secular functions.

The departure of the British colonial administrators in 1954 before the independence of Sudan in 1956 weakened the ECS position. It was ill-prepared and became alienated from the support it was used to receiving. This put it (ECS) in an awkward position, unlike the Catholic Church which was more politically conscious and quickly responded by taking a stand for the rights of Christians against the state (Werner et al., 2000). The ECS instead tried to be less confrontational to the state in anticipation of maintaining a relationship, but this was not forthcoming as the state was very determined to advance its Islamic agenda. The only strength it had was its sizeable indigenous leadership with only a few missionaries occupying top and senior positions within the Church hierarchy which was unlike the Catholic Church which had more foreign missionaries in its leadership.

When the Khartoum government strengthened its grip on state affairs and advanced Islam in public life, the ECS voiced a fractured response. In an incident in 1964 where Sudan the day of rest was abolished and replaced by Friday, the ECS wrote to the governor Ali Baldo of Equatoria condemning it. Governor Baldo hit back accusing the Church of interfering with politics, then the CMS leader, Mr. Cook backed down by 'accepting the rebuke' whereas the ECS Bishop Oliver Allison refused to back down (Sanderson & Sanderson, 1981). On this occasion Bishop Allison stood with the people of Southern Sudan and he became the voice of the voiceless.

From early 1970, the ECS started to take up its position on state matters, starting with addressing and responding to the humanitarian issues, advocacy, and pursuit of peace. The two Sudanese ECS Bishops Elinana Ngalamu and Yeremaya Datio intensified Anglican efforts in exile seeking support for the Sudanese Christians. There was also a group of Anglicans at Makerere University in Uganda led by a Canadian lecturer, Dr Storrs McCall, who took up the issue of Southern Sudan and started to mobilise support. Teaming up with the Sudanese bishops, they championed and advanced the peace efforts that led to the Addis Ababa Peace Agreement in 1972. They however, approached the AACC and WCC to take lead of the process, while the SCC acted behind the scenes in order for all the churches to take ownership (Werner et al., 2000, pp. 433–443). In the decades that followed, the ECSS has worked along the other churches to strive for peace, respect for human rights, justice, good governance, and virtue for the people of South Sudan.

5.8 Concluding Remarks

The churches in Sudan and South Sudan, since their founding, have formed the largest civil society organisation that has reached both urban and rural areas of the country. They carry the responsibility of partnering with the state, as well as taking a stand on issues, responding to dire situations affecting society, and seeking the common good. For instance, during colonial times, service provisions like education and health were the pertinent issues the country needed to address for which they took the lead (Sanderson & Sanderson, 1981; Rolandsen, 2005, p. 30).

During the first civil war, the Anyanya, and in the second one, the SPLM/A, the churches contributed much to providing relief, education, and health, including addressing issues of advocacy, human rights, good governance, and conflict resolution (peacebuilding). In carrying out some of these activities and programmes, the Sudanese churches had to endure and go through varying levels of relations with state authorities, graduating from the friendly and harmonious to sometimes the harsh and hostile (Werner et al., 2000, pp. 370–379; Sanderson & Sanderson, 1981, pp. 387–418). Yet the roles and contributions they make have remained important and form the building-blocks of the (South) Sudanese state-building project. In the numerous and various challenges faced, churches have held together as strong voices and protectors of the masses. They view themselves (Sudanese churches) as endowed with the sole prophetic role of spiritual guardianship as well as a watchdog for the well-being of society in both private and public affairs. In so doing, they have positively contributed to transforming the socio-economic and political development of state affairs (A.Poggo, 2013; Salter, 2009). They have attracted a certain degree of credibility and moral authority in society (Ashworth & Ryan, 2013, p. 47) and still somehow retain independence from the state, where freedom and liberation are vital aspects of its gospel message to the whole human person and society right from its inception (A.Poggo, 2013; Dau, 2011). Their position in the state demonstrates their importance, with key roles to play not only on spiritual matters, but also the moral authority and prophetic voice in public affairs, without imposing or ruling the state. Therefore, as the largest civil society (non-state-actor) organisation with the credibility and expanse nationwide, their contributions, mediations and watchdog-partnerships and engagements with the state are crucial. This will further the quest to realise and build a covet South Sudan state that will serve the common and public good of its citizenry (Aristotle, 1997). These views though are mainly from Christian

researchers and authors but are not necessarily from a wider public view or and do not represent the entire public opinion.

CHAPTER SIX

State-Building and Institutional Development

'But legislation alone cannot make [nations], organizations open and healthy. Only the character and will of those who [create them], run them and participate in them can do that... If a culture of collusion exists instead of a culture of candour, participants will find ways around the rules, new or old, however stringent.' Warren Bennis, Daniel Goleman and James O'Toole, *Transparency: Creating a Culture of Candour* (2008).

6.1 Introduction

This chapter examines the creation and development of the public institutions, structures, laws, and systems, the SSACC undertook as part of its state-building, which is necessary to combat and salvage the state from the menace of grand corruption. The focus is on the six-years' interim period before independence (2005 – 2011) and post-independence, after July 2011, when the country attained an independent nation-state status and thereafter. Creating and strengthening institutions, structures, and systems as key aspects of state-building to enhance good governance, accountability, and corruption prevention, and support economic growth, social, and political development aspect of state-building.¹ The empirical data forming the substance of this chapter draws from my previous experiences and interactions as a state public official (2007 -2015), which accorded me the privilege of being an insider within the state system. The material consists of records, reports, documents, and archival material, including personal observations and experiences collated from state (public individuals and records) sources.

In the period commencing from 2005, the GOSS, which was still a semi-autonomous part of Sudan, commenced a nation-state re-construction after many years of war, destruction and incapacitation in both software and hardware of the region's structures and infrastructures. This also implies that the SPLM/A rebels had to transform

¹ State-building broadly refers to the (re)construction of functional countries capable of providing their citizens with essential functions and services and meeting their responsibilities and obligations as members of the global community nations.

themselves into governors of an autonomous region. The GOSS inherited dilapidated structures and systems that were first a construct and establishment of the regional government, the HEC formed under the AAPA in 1972, and lasted until 1983 when the second civil war (SPLM/A) broke out again. During the war period (1983-2005), some form of regional government controlled by Khartoum operated the region's public affairs and survived through this conflict era. As described in the scene-setting in chapter 4, the underpinning of GOSS in 2006 faced a conglomeration of issues, including trying to manoeuvre which system (s) to adopt for running the new government and the kind of cadres to run it. I will briefly cite a few realities and complexities encountered at the formation of GOSS. First, this sizeable number of civil servants remained working in the previous regional governments in Juba during the war period, stayed put and needed accommodating. Then the influx of more public officials coming in from the SPLM/A (both combatants and civilians) as the lead workforce, the diaspora community from different continents and others from refugees' camps in neighbouring countries, all in conjecture to work together. Being the new dominant workforce, the GOSS government of the SPLM/A undertook to conduct several pieces of training, and various planning workshops. They also organised study tours to other developing and stable countries and institutions to learn experiences and best practices to bring for use back at home. These training and study tours were in anticipation and preparation for setting up well established and functional systems and institutions for GOSS to be formed as stipulated in the CPA.

The main task for GOSS included the herculean task of setting up new institutions and strengthening old ones, including systems, structures, and infrastructures (both hardware and software) – renovations of structures, setting up of ministries, independent commissions, departments, and other apparatus to run government. The promulgation of the Constitution and enactment of laws were too at the fore so that the new state could become functional and viable. During that GOSS period, the mood and sensation for most citizens, well-wishers, friends, and other observers alike were positive. There were those who got involved by joining, capacitating, or supporting the system and identifying with the nascent state; others refer to it as a 'success story' of a liberation (rebel) movement becoming a government. Various attempts and efforts commenced steering the region toward state-building and the path of growth and development. However, limitations and hurdles kept springing up, blocking, and reversing the strides and progress. This chapter provides insights into South Sudan's trajectory to building a viable state, focusing on institutional building and development, and strengthening good governance. The outline

of the themes perused in the chapter after this general background is a section on the establishment of GOSS institutions, particularly those that address accountability during the interim (pre-independence) period. The next section looks at strategies and initiatives that foster good governance, increase accountability, shun corruption from the period before independence, and spill over into independence and post-independence. Section 6.4 illustrates the SSACC's endeavours to develop and strengthen its laws, the Constitution, and other laws in the legislative process on accountability and good governance, vis-à-vis building a corruption-free state before and after attaining independence. The following section reviews challenges and drawbacks encountered in the institutional development aspect of state building in the accountability sector. The last section provides some reflections and inferences in the concluding remarks.

6.2 Establishment and Institutional Development of GOSS

GOSS was formed in 2005 and followed in 2006 by the establishment and setting up of core institutions such as ministries, commissions, and agencies to run the government at its onset and establishment. These institutions were put in clusters according to their functions, mandates, and specialisations; one of which was the Accountability Sector. Some of the other sectors included Security and Rule of Law, Governance, and Services. The Accountability Sector, which is my focus in this study, was given the task of ensuring accountability in the government and its use of public resources and be accountable to the people.² The sector identified the following targets whose achievements are vital for achieving the sector objectives:

To mobilise and manage resources efficiently and allocate them equitably for sustainable service delivery and socio-economic development.

To ensure timely accountability, transparency and zero tolerance for corruption.

To ensure the public access to information on time on the use of public resources.

The Institutions that made up the sector were the following: SSACC, South Sudan Audit Chamber (SSAC), South Sudan Centre for Census, Statistics and Evaluation (SSCCSE), which has now become the South Sudan Bureau for Census, Statistics and Evaluation (SSBCSE), Ministry of Finance and Economic Planning (MOFEP), Southern Sudan Fiscal and Financial Allocation and Monitoring Commission (SSFFAMC), and Southern Sudan Reconstruction and Development Fund (SSRDF). All these institutions were

² Accountability Sector Budget Plan 2008 – 2010, Government of Southern Sudan.

lumped together but functionally short in delivery and performance, whose composition was not well thought through. That was a decision made by the government and its experts at that time of establishing GOSS. The inclusion of these other institutions listed above in this cluster and their role needs interrogation; whether a good gesture and beginning to recognise and raise accountability as a standard to be brought to the fore in the new nation or dilute accountability is questionable and diversionary. For instance, MOFEP does the disbursement of all public funds and ought not be directly involved in oversight functions to maintain good practice and segregation of duties and powers. The sector identified and listed five major programmatic areas and leading activities, namely: economic management and resource mobilisation (by MOFEP and SSRDF); planning and budgeting (by MOFEP); financial management (also by MOFEP); accountability (by SSACC, SSAC, SSFFAMC and SSRDF); and statistics – conducting economic statistics, surveys, and analyses (by SSCCSE).

In this 'Accountability' sector, the leading institutions entrusted with addressing the corruption challenge are primarily the anti-corruption commission and the audit chamber, with complementary mandates. Crucially, both were never granted the power to prosecute corruption. The Ministry of Legal Affairs and Constitutional Development (MOLACD) from the Law-and-Order sector had usurped the prosecution function from the two agencies (SSACC and SSAC). This, as will become clear in this chapter, had significant consequences on the strength and powers with which these institutions could carry out their tasks and made them vulnerable to undermining practices. South Sudanese cadre in the newly created workforce mainly led these efforts with little external support on capacity enhancement from bodies like the United Nations Development Programme (UNDP) and the United States Agency for International Development (USAID) through an agency called Bearing Point (SSACC, 2007). OECD proposes an endogenous state building approach as most suitable (OECD, 2008, pp. 1–4). However, the South Sudan endogenous experience fell short of delivery, and is marred with inconsistencies from both domestic and external players, such as weak co-ordination and collaboration, strategies, and political will. I observe that a hybrid endogenous-exogenous model of well-defined, locally owned, and resourced model would serve the South Sudan state-building as an option to statehood and viability.

6.3 Institutionalisation and Initiatives on entrenching Accountability

There were several attempts SSACC took to institutionalise and entrench accountability and anti-corruption into all state structures and institutions in the interim period at the formation of the GOSS, and in the early years of independence. These efforts were considered essential for the country to succeed, as perceived by most citizens, friends, partners, and donors, keen on building South Sudan to their wishes. Among these endeavours were the national anti-corruption strategy, the establishment of watchdog institutions, enacting laws that confront corruption, and enlisting and mobilise political will and support from the highest echelons of power to combat corruption. In this next section, I examine the national Interim Constitution of Southern Sudan (ICSS) of 2005, and the ‘Anti-corruption Strategy,’ which was developed, and launched in 2010 to undertake and oversee an anti-corruption agenda for the nation-state in the making.

Anti-Corruption in the Interim Constitution

The ICSS (2005), was the governing supreme law for the GOSS era (2005 – 2011) under the CPA, and through it, the SSACC was established as an independent institution in Part 6: Chapter three (3); Articles 147, 148. SSACC was established on June 26, 2006, with a Presidential decree, and became functional in 2007, charting out a vision of a ‘corruption-free Southern Sudan’ which became a flag-ship for its programmes and outreaches (SSACC, 2007). Its members are to be appointed by the President, and the approval of the legislative assembly ought to be persons of high moral character and proven integrity who are also independent, competent, non-partisan and impartial individuals (MOLACD-GOSS, 2005b, pp. 53–54). ICSS (2005) conferred upon SSACC the following functions:

- (1): (a) Protect public property.
- (b) Investigate cases of corruption involving public property as well as in the private sector; such investigation shall be submitted to the Ministry of Legal Affairs and Constitutional Development for necessary action.
- (c) Combat administrative malpractices in public institutions such as nepotism, favouritism, tribalism, sectionalism, gender discrimination, bribery, embezzlement, and sexual harassment.
- (d) Pursuant to provisions of Article 121 (1) herein, require all persons holding such public offices to make a confidential formal declaration of their income, assets, and liabilities.
- (2): Without prejudice to sub-Article (1) above, the Commission shall not have any power to question the decision of any Justice, Judge, magistrate, or chief registrar where such decision was made in the discharge of the functions of his or her office.

SSACC, in fulfilling its mandate, and executing its functions, also receives and investigates allegations of corruption. Upon completing such investigations, the reports are submitted to the Ministry of Justice for prosecution. This supreme law (constitution) and framework was practically unable to provide SSACC with the necessary tools for effectiveness by denying it prosecutorial powers. For the importance of laws and institutional building, Heather Marquette argues that institutionally focused state-building should aim at good governance; increase integrity and efficiency to shun corruption (Marquette, 2012a, pp. 1871–1890). SSACC thus was handicapped from its set-up regardless of several initiatives to foster good governance, best practices and to embed accountability into government. I will, though, cite some key activities that were intended to realise this dream in the interim period and eventually continue into independence and post-independence, one of which is an anti-corruption strategy.

Anti-Corruption Strategy

SSACC, from late 2008 till mid-2009, engaged with different public and private institutions and stakeholders from across the ten states of Southern Sudan to develop a national anti-corruption strategy. This Strategy, dubbed the GOSS Anti-Corruption Strategy (GACS), was developed using the results of SSACC's first perception survey³ and minutes derived from these consultative workshops with government ministries and organs that participated and inputted into the Strategy. Tellingly, the only government institution declined to participate was the Ministry of Justice, then referred to as the Ministry of Legal Affairs and Constitutional Development (MOLACD). Its Minister at that time halted the consultative workshop in his ministry, which was held to solicit the views of his staff and contributions to the Strategy, just midway into the meeting, after the initial introduction and presentation by SSACC. According to the then Minister, the hierarchy of the institutions was such that his ministry was above the SSACC when dealing with public corruption, and it should be them that should take the lead. In hindsight, this could be seen as a first indication of the evasion and hindrances that would follow in the years to come. Hence, the MOLACD turned out to be the only government agency that did not input and contribute to the GAC, the first and only GOSS framework to address corruption in the semi-autonomous nation and became crucial in the combat against corruption.

³ SSACC Perception Survey 2007.

In the development of the Strategy, however, members of Parliament, political parties, youth, journalists, NGOs and CBOs, religious groups, the business community across the ten states of Southern Sudan all joined in and contributed their views, represented by over 2000 people in total. In each consultative workshop held, there was a short presentation by an SSACC official on the meanings, causes and effects of corruption and the advantages of being a corruption-free country; after that, participants would then break into groups' discussions to answer a set of questions. The Strategy was aimed at undertaking activities that foster trust in government, enhance the prosperity of all its citizens and the public good, and strengthen the relationship between government and its citizens. Furthermore, the GAC Strategy sought to place the responsibility of fighting and to prevent corruption collectively on the entire government and citizens instead of singling out certain institutions or individuals. This Strategy was envisaged to facilitate a national integrity system where all public sectors like the judiciary, legislative, executive, civil society, the business community, private sector and the media strive to enhance and uphold transparency, accountability and the rule of law.⁴ The Strategy's focus was to strengthen the rule of law through criminal prosecution and punitive measures and undertake preventive measures, including improving efficient administrative processes and promoting best practices and public and government employee's education. It provided that all public institutions, parastatals, and community stakeholders must be involved in creating and adopting AC programmes and measures; harmonised in the National Strategy for implementation and monitoring. According to Dr Pauline Riak, the Chairperson of SSACC, in her remarks at the launching, stated that: 'the strategy is meant to be a tool for implementing standard practices and procedures in both the public and private sectors to improve service delivery and eradicate corrupt practices and achieve sustainable social, economic and political development.'⁵

For its implementation, an advisory committee was formed where the SSACC became its secretariat, and the chair was scheduled for the Minister of MOLACD, a critical role that the Minister never took up. The other members were drawn from key public officials, notable or senior citizens, donors and development partners, and religious leaders. The advisory committee would be convened principally to set the direction for the Anti-Corruption Strategy for the Government of Southern Sudan in a manner responsive to the voice of the people of Southern Sudan and implementable by the

⁴ The foreword of the Chair of SSACC to the Government of Southern Sudan AC Strategy 2010 – 2014 (2009).

⁵ Ibid.

individual institutions within the Government of Southern Sudan. The Strategy and its Action Plan (AP) were some of the tools developed early enough at the formation of the government that could have aided and steered the country towards better governance. However, the implementation fell short of its entire intended purpose. Some piecemeal executions of the GACS, particularly by SSACC and a few other public and private institutions, only selected what mattered to them most. This led to accountability and transparency, taking the backseat and relegation from the vital agenda of the country in due course. The main excuse from the other public institutions that failed to do their part was that they did not have or receive the necessary resources or funds to implement the Strategy. This was indeed a genuine issue but not entirely because certain aspects of the Strategy required fewer resources and were doable within available budgets. The greatest challenge to the GACS was its inability to garner the practical will (including political will at the top) and support, not just political slogans, and jargon, if it were to be implemented and sustained in spirit and letter.

6.4 Accountability in Legislation and Law-Making

Designing and controlling new laws and legislation played a vital role in GOSS (government in the making), the independent Republic of South Sudan (RSS). These frameworks potentially offer vital tools to combat corruption, especially grand corruption, when elites usually entrench their private interests within legal frameworks. At the same time, at this level (legislation and making of laws), leaders may try even to legalise corrupt acts, giving themselves added advantages and privileges above the ordinary persons, which is what conceptually distinguishes between petty and grand corruption (Zyglidopoulos, 2016).

SSACC operated amid examples of both these legal dynamics. The following subsections present how it attempts to imbed and institutionalise accountability in state institutions and organs by influencing Constitution and law-making.

SSACC on its Anti-Corruption Laws

The Commission's efforts to have a strong SSACC Bill passed into law faced mammoth challenges from within the same government Ministries, especially the MOLACD, which is now the present Ministry of Justice. Serious disagreements emerged during the three readings of the Bill before it was passed into law (SSACC Act in April of 2009); the then

Minister⁶ put up a spirited fight to oppose any provision in this Act that gave powers to prosecute and effectively combat corruption, and he carried the day. The initial draft bill was submitted to Parliament by SSACC. Nevertheless, the political elite led by the Minister cited above watered it down, and what was passed into law was a weak anti-corruption law.⁷ It is noteworthy that the SSACC drafted the initial Bill after much research and review of several laws from other AC agencies in the East African region and elsewhere. It incorporated some of the best provisions, including lessons learnt from past experiences. These efforts were all thwarted by these few elites (led by the then MOLACD Minister) whose opposing arguments on a strong AC law were public and unapologetic. The Minister stressed that those powers are articles confined only within his ministry. It is also there where who or what to prosecute is decided, considering national and security interests first. In retrospection, this may reflect the fear the elites have about their private interests (corrupt acts) that could be exposed and prosecuted by an independent and robust SSACC. He insisted that the fight against corruption should not compromise the hard-won freedom and national security interests of Southern Sudan.⁸

The critical point to note here is the rejected original draft of the Bill⁹ contained, among others, articles that explicitly define and criminalise corrupt acts and offences; powers to compel and access information and premises during investigations; and disqualification and disbandment from holding public office for those convicted of corruption. While the one that was passed into law, the current SSACC Act (2009), which has remained the only AC law in the country, is merely an established law and offers little to combatting corruption.

⁶ Michael Makuei Lueth was the Minister of the MOLACD when the SSACC Bill was tabled at Parliament.

⁷ SSACC Act, 2009.

⁸ In all three readings of the Bill with the Commission in total attendance, those rejecting good AC Law were the team led by the then Minister of Legal Affairs and Constitutional Development.

⁹ The rejected SSACC Draft Bill is kept and saved in the archives and files, also available to the researcher.

SSACC on the Transitional Constitution (2011)

The ICSS (2005) which governed the six years before independence, gave provisions for the formation of accountability institutions (SSACC and SSAC), but the functions and powers given to combatting corruption were weak and deficient. The Transitional Constitution of South Sudan (TCSS) 2011, the new supreme law to govern independent South Sudan, was finalised and ready for promulgation just two months before Independence the Day. There were concerns raised by various groups, including some public and private institutions and organisations, CSOs, and some conscientious citizens, regarding some of the articles and provisions in the draft Constitution. The SSACC was one of those institutions, which acted and sought to input and strengthen specific provisions, especially on accountability, good governance and anti-corruption, and proposed suggestions to strengthen it. Hence, the Chairperson of SSACC wrote a letter on May 6, 2011, and an excerpt is as follows:

These are just a few observations regarding sections and articles in the Transitional Constitution, 2011 on the National Anti-Corruption Commission in the new nation of the Republic of South Sudan (ROSS), which is official to be born on July 9, 2011. The observations note that ROSS is becoming a nation on its own, hence joining the community of nations of the world, and bear its shame and pride depending on how it conducts itself. As the people of this land, we can now choose whether to make or break our nation. According to international standards and specifically the United Nations, all countries are supposed to meet certain minimum standards in the war against corruption, as contained in the United Nations Convention Against Corruption (UNCAC), which has 71 Articles. The Convention essentially commits nations to the core issues of corruption prevention, criminalisation and law enforcement, international cooperation (mutual legal assistance) and asset recovery and technical assistance and nations, therefore, ought to set up watchdog Institutions or Agencies (Anti-Corruption) with the powers to carry out this task. The draft 'Transitional Constitution of Republic of South Sudan (ROSS), 2011' falls short of empowering the National Anti-Corruption Commission to effectively undertake and live to its mandate as an Independent Anti-Corruption Agency. This has been seen over the last six years of GOSS with the same powers of SSACC as per the ICSS, 2005 that are just the same within the current draft. Notably, the lack of the 'Prosecutorial Power' on corruption cases for the Anti-Corruption Commission has been widely acknowledged as a bottleneck by many anti-corruption crusaders, and our President has publicly declared and formally requested that this power be granted to the Commission.

The unfortunate thing is that the drafters did not take note of this genuine outcry but preferred to enshrine provisions that protect their own elitists' private interests, rather than the public interests. This act conforms to the conceptual designation of grand corruption as a 'second order' where the elites craft laws to protect their interest (Zyglidopoulos, 2016, pp. 1–10) or exclude themselves from the clutches of laws they enact as in the case in South Sudan.

The aim and efforts of SSACC were to seize South Sudan's opportunity as a newly independent nation to seriously strengthen its state institutions to combat corruption

entrenched in the Constitution, unfortunately this was thwarted and frustrated by the powerful comrades in the same government.¹⁰

In this letter, the Commission made its observations; thus, on page 40, Article 121 (1), it read: ‘All executive and legislative constitutional office holders, Justices, and senior Civil Service officials at all levels of government shall, upon assumption of their offices, make confidential declaration of their assets and liabilities including those of their spouses and children per the law’, and thus, proposed:

All executive and legislative constitutional office holders; members of the legislative assemblies; Justices and judges; senior officers of the army, security, and organised forces; and senior Civil Service officials at all levels of government shall, upon assumption of their offices, make declaration of their incomes, assets and liabilities including those of their spouses and children in accordance with the law.

This was to broaden and comprehensively include protecting and obliging more public officials who may become prone and likely be exposed to corruption. There were issues raised on page 48, Article 143 (2): It reads, ‘The President shall appoint the Chairperson, Deputy Chairperson and Members of the Commission with the approval of the National Legislative Assembly by a simple majority of all the members.’ It should read, ‘The Chairperson, Deputy Chairperson and Members of the Commission shall be appointed by the President with the approval of the National Legislative Assembly by a simple majority of all the members present and voting.’ On page 49, Article 143, add (5) to read ‘The Commission's budget after approval by the National Legislative Assembly shall be charged on the consolidated fund’ – This is the case in many countries including Uganda and Ethiopia. On page 49, Article 144 (1): Reads ‘Without prejudice to the powers of the Ministry of Justice in public prosecution, the Commission shall, among other things, perform the following functions’: Article 144 (1) (b): It reads ‘investigate cases of corruption involving public property and public interest, and it shall submit such investigation to the Ministry of Justice for prosecution.’ It should read ‘investigate and prosecute corruption cases involving public property and public interest in South Sudan’; this is important to have the prosecutorial powers included.

On page 49, Article 144 (1) (d): Reads ‘pursuant to the provisions of Article 121 (1) herein, require all persons holding such public offices to make confidential formal declarations of their income, assets, and liabilities. It should read ‘pursuant to Article 121 (1) herein, require all persons holding such public offices to make formal declarations of

¹⁰ Letter of SSACC on May 6, 2011; Observations on the Constitution.

their income, assets, and liabilities. It is important to eliminate ‘confidentiality’ in fighting corruption.

The provision in final decisions of justices, judges and magistrates on corruption was unfavourable in the pursuit of corruption offenders, which could lead to impunity, mainly if any of such officials accept to be compromised. So, the Commission felt the necessity for a rewording and strengthening of Article 144 (2), which speaks of court decisions and thus made its proposition:

In the Constitution, on page 49, Article 144 (2) reads: ‘Without prejudice to sub-Article (1) above, the Commission shall not have any power to question the decision of any Justice, Judge or Magistrate where such decision was made in the discharge of the judicial functions of his or her office.’ SSACC proposed that it should read: ‘Without prejudice to sub-Article (1) above, the Commission shall not have any power to question the decision of any Justice, Judge or Magistrate where such decision was made in the discharge of the judicial functions of his or her office but may appeal any ruling in accordance with the law.’

This re-wording would provide for appeals and reviews if the Commission feels unsatisfied with a ruling, whether deliberate or otherwise, and for the fair and successful adjudication of corruption.

The last point raised was to add subsection three (3) to Article 144: ‘The Commission shall perform its functions independently and impartially and reports annually to the President and the National Legislative Assembly.’ This was intended to protect the independence and ensure it is accountable to the relevant organs of the state. SSACC sought to have accountability enshrined in the Constitution by having the above articles amended and inserted into the text in these efforts. SSACC presented all these comments in write-ups to the Chairperson of the Parliament sub-committee of legal and legislative affairs and the President's legal advisor. Both of these leaders promised to pursue on SSACC's behalf the inclusion and corrections suggested. Nevertheless, their efforts did not yield many results because most of the propositions were disregarded and discarded in the final version of the Constitution. The only important point accepted and included is the power to investigate and prosecute corruption in Article 144 (1) (b) – which reads: ‘Investigate and prosecute only cases of corruption.’ Although this looks insignificant, its impact in the fight against corruption, where having investigative and prosecutorial powers, among others, has been demonstrated to be successful anti-corruption crusades (Rose-Ackerman, 1999). And having the right laws is shown here to be dependent on those who have the power to create them; whether they the moral urge to or not to do it is beyond legislation and rule of law, but on personal convictions.

Leadership Integrity Bill

SSACC also drafted and submitted a Bill that should govern the conduct of leaders in the country, referred to as the 'Leadership Integrity Bill', whose purpose is to provide for a minimum standard of behaviour and code of conduct for leaders, but has never been tabled to Parliament. This Bill, among others, requires leaders to declare their incomes, assets, and liabilities mandatory, to put in place an effective compliance and enforcement mechanism and provide for other related matters. It obliges the naming of all persons holding virtual offices after making their formal declaration of incomes, assets, and liabilities to explain if anything they owned was deemed incommensurate with their income earnings.

Moreover, it also 'examines whether or not a leader has corrupting influences or has corruptly entered into a contract with a government or public body or foreign business organisation contrary to this law; inquire or cause an inquiry to be conducted on its initiative or a complaint made by any person, into any alleged breach of Leaders Integrity Bill'. Another provision is for 'investigation and duty to report on any allegations of high handed, outrageous, infamous or disgraceful conduct or any other behaviour or conduct' on leaders. This Bill and the new Anti-Corruption proposed Bill have remained at the Ministry of Justice, the only competent authority to table all Bills at the Council of Ministers (Executive branch) before submission to the Parliament. Though these drafts were prepared and ready immediately after independence, they have remained on the shelves of the Ministry of Justice to date. SSACC can only submit Bills to Parliament through MOLACD, which then receives and reviews them, table them to the council of ministers (executive) and eventually submits a version that it deems fit to Parliament for discussion and enactment. This hurdle was too encountered by other similar institutions and agencies, such as the SSAC (Audit Chamber) whose bill was debilitated. Their Bill (Act) was watered down from its original text to render it toothless in executing the watchdog function it was meant to do to perform.

One of the attempts SSACC made was to urge public officials to comply with an existing provision in the law, which requires all senior public officials to declare their incomes, assets, and liabilities upon assumption of office and annually. SSACC Chairperson at that time tried to enforce this, so he issued a press statement at the beginning of 2012, which thus reads:

PRESS STATEMENT ON ASSETS DECLARATION

January 21, 2012

Fellow citizens of the Republic of South Sudan. My name is Justice John Gatwech Lul, the Chairperson of the South Sudan Anti-Corruption Commission. I am speaking to you today to remind you all that His Excellency President Salva Kiir Mayardit issued a Presidential Order No. 30/2011 for the Declaration of Assets and Prohibition of Private Business. The Order issued in December last year requires a defined category of public officials to declare their incomes, assets and liabilities. The deadline for these to be handed in is Tuesday, January 31, 2012.

All public officials are therefore urged to fill out these forms and submit them to the South Sudan Anti-Corruption Commission office for those in the national government in Juba and to the State Anti-Corruption Offices in the ten States for officials in the States before January 31, 2012; and together let us build a transparent and accountable Republic of South Sudan.

Thank you, and God bless you all.

H.E. Justice John Gatwech Lul
Chairperson, SSACC – Juba.

This statement, good as it is, did not achieve much and was largely ignored by those required to abide by it, and SSACC had no mechanisms in place nor powers to compel. Such legal or constitutional provision requires a law that obliges compliance, with consequences for failure to comply. Consequently, several provisions lack the means to carry them out, and SSACC was preoccupied with pursuing the strengthening of laws and ways to carry them out.

SSACC on Public Procurement and Disposal (PPD) Bill

The other attempt SSACC made was trying to influence the PPD (2012) Bill when it was introduced at Parliament and made the following propositions and arguments as outlined below: ‘Firstly, the principal law in place should have enough legal framework within which public procurement operates so that South Sudan can equally consider the establishment of associated regulations (at national and state levels) and several other guidelines on basic operational public procurement procedures.’¹¹ This draft has incorporated a lot from other laws in the region and note that all these originate from the United Nations Commission on International Trade Law (UNCITRAL) law. The procurement reforms for a new nation like South Sudan should match with reforms in the attitudes of citizens and the long-held beliefs and cultural foundations.

Secondly, on the institutional posture, the draft sought to provide and guarantee the autonomy of the public procurement and disposal body. The original draft establishes the

¹¹ SSACC Letter to the Legal and Legislative Affairs Committee of Parliament.

Public Procurement and Disposal Body as a department within the Ministry of Finance; this poses a severe challenge to the autonomy and independence of the department to perform its duties. Given the African Development Bank (ADB), World Bank (WB) and the Common Market for Eastern and Southern Africa (COMESA) guidelines, this Bill falls behind the current trend in the procurement reforms. The importance of divorcing procurement agencies from the ministry of finance (though they are related) helps segregate powers and ensure and promote accountability. The Bill, in its current form, proposes Public Procurement to be a department within the Ministry of Finance.

The inspiration for SSACC to pursue this was to secure the independence of this public procurement body, with a governing board to oversee its activities and ensure accountability and free it from compromises and corruption. The key executive officers for such a Body should equally be provided within the principal law. Also, given the level of legal knowledge and the nature of procurement procedures, it is advised that one should be a lawyer of the five members of the procurement committee (Article 12b). Other suggestions also included providing bidder review and complaints mechanisms (Articles 75, 76, 77) to ensure fairness and appeal opportunities. Incorporating Real Property and Investments procurement into the Procurement Legal Framework should propose the provision for Electronic Procurement Processes and Communication. The aim of inputting provisions that strengthen transparency and accountability in procurement is cognizant that this area (procurement) is potentially prone to fraud and abuse if the laws are not watertight.

6.5 Hurdles on Institutionalisation of Accountability in State Organs

As I have demonstrated, there was a sense of apathy and reluctance to build good and robust governance and accountability institutions and structures right at the onset of the GOSS. This attitude was dominant in some of the circles among the elites in power, who were mostly the veterans of the liberation struggle. This is possibly inspired by a sense of entitlement and reward, and the need to have space and leeway to access public finances to compensate those who fought and made sacrifices to liberate the country has to be available and maintained for their benefit. Consequently, governance and accountability institutions were established and kept toothless in order to postpone the combat against corruption, particularly grand corruption which is the type hidden and protected by law(s) (Zyglidopoulos, 2016, pp. 1–10). These elites placed several obstacles in the setting up

institutions and sound structures, especially in making excellent and robust laws to foster good governance, best practice and prosecute corruption. Some of these powerful elites and a minority clique, valued, and preferred their personal and private interests at the expense of vast majority of the South Sudanese populace, who equally suffered and, too, deserved peace dividends in the form of essential goods and services delivered from their government. For most ordinary citizens, the meaning of the abbreviation GOSS was not the government of Southern Sudan it claims, but a ‘government of self-service’, serving only those in power and not the common people.

6.6 Concluding Remarks

The direction South Sudan took at its onset, commencing with the formation of GOSS regarding state-building to a viable, ideal state, is better explained as a choice in two contradictory trajectories, both competing against each other. The first is to build a country and emerge it as a functional nation-state, which serves the public and common good of its citizens. The second contrary option is to create a kleptocratic and extractive state which creates margins (few-rich and majority-poor) between its people (Amundsen, 2019, pp. 1–28). This latter choice seems to dominate and prevail in South Sudan, and all efforts especially at the early stage of GOSS and at independence fell short of yielding a viable state. SSACC as a state institution is disabled by the powerful elites and unable to prevail over the sisterly government bodies entrusted with public resources on preventing corruption. SSACC and other state agencies though had taken sombre initial steps, intentions and will to build the state; its structures, laws and systems for a good government were inverted. The vitality could not last and be sustained and instead the undesirable options took over and dominated the scene which are grand corruption, state failure, and a lack of progress perpetuated by the ruling class or elites who feel they are entitled to dip into the public coffers.

‘Where were you when we were fighting?’¹² Became a common phrase among the South Sudanese leadership in the years after the CPA. In his book entitled ‘Vomiting Stolen Food’, Victor Lugala demonstrates a common view among some elites who are convinced that they deserve to draw from the public coffers because they liberated the country (Lugala, 2010). This statement and argument are not only common among the

¹² Lugala (2014) *Vomiting Stolen Food*.

elites, but also entrenched and seem to drive a culture and concept of rights and entitlement, suggesting impunity and disregard for the rule of law or acting ‘above the law.’ Some deceptively believe those who face and abide by the law are weak, probably without any support or godparents.¹³ In that view, if you are powerful, then you are untouchable; you are ‘the sacred cows or big fish’ and can unplug public resources deservedly without remorse. The other argument among veterans and leaders who are mainly former soldiers is that they fought during the struggle without any compensation, hence, liberators now who had given up everything and sacrificed for the nation ought to get rewarded whatsoever. The other contention which seems to aid power abuse of public property and office is a view of what is state, or government is, which to some is a body ready to grab when opportunity avails. This is dangerously detrimental to patriotism and nationalism, both of which refer to citizenry and perpetuate abuse in the public office.

Therefore, institutions such as SSACC have failed to develop in their ability to combat grand corruption, which is deeply rooted and has become systemic in all government and societal structures, so much so that it has become a norm, too hard to eradicate. My observations and experiences both as an insider in the system a few years ago and now as an external researcher suggest that the country will and does need other actors and any other efforts the state makes in combatting grand corruption. For it to undertake its task of state-building, external support, pressure, oversight, or restraint are vital considerations. I concur with a Ugandan Anti-corruption activist and Catholic Priest, Fr. Gaetano Batanyenda, who, in speaking about corruption and the role of leaders (elites) and their political will to fight it, stated that: ‘political will’ is just anecdotal; it is not words, but action that matters. He inferred that a thief could not chase and catch another thief.¹⁴ This chapter demonstrated the need and role of other stakeholders with lesser self-interests can play to contribute to state-building in aid of the state to entrench integrity and accountability in public institutions. Even with laws, legal instruments, and strong institutions in place, individuals can still manipulate the system for their private benefit (Bull & Newell, 2003, pp. 1–2), due to human nature. The opening statement (epigraph) for this chapter argues that: ‘Legislation alone cannot make [nations], organizations open and healthy. Only the character and will of those who [create them], run them and participate in them can do that. If a culture of collusion exists instead of a culture of

¹³ Godfathers or a backer (*Dahr* in Arabic).

¹⁴ Fr. Gaetano spoke on NTV, a TV station in Uganda belonging to the East Africa Nation Media giant, on December 2, 2013, in Kampala at the launch of Anti-Corruption Week by the Uganda Anti-Corruption Forum.

candour, participants will find ways around the rules, new or old, however stringent.’ I thus submit that a moral authority and guide is a missing gap and an important interlocutor for good laws, necessary to inform, convict and inspire top leaders, which can appeal to their consciences for them to consider the significance of public good and public interest. That way, institutionalisation toward good government and the state able to confront grand corruption will be a common and public desire and pursuit by the leaders and their followers.

The nation-state of South Sudan is compromised due to this failure to realise strong institutional building and development, and the system is rendered susceptible to occurrences and evolvment in experiences of grand corruption, which I examine next.

CHAPTER SEVEN

Experiential (Grand) Corruption in South Sudan

*'There are people who squandered money and when you ask, they will rebel, and South Sudan is dealing with the revitalised peace agreement on how to bring a permanent peace and the constitution. The responsibility of taking people to court is the responsibility of the people of South Sudan [and] is not entirely for the President. We have not yet arrived at having a permanent constitution in the country. So, anybody now can even choose to go back to war if he is asked to pay back the public money.'*¹ Ateny Wek Ateny, Presidential spokesperson, speaking in Juba, November 15, 2021.

7.1 Introduction

Weak institutions and accountability structures, poor governance and loss of integrity characterise the state of South Sudan, which is bowing to spiralling levels of grand corruption. This elite corruption in its different forms is manifest in the various government departments progressively and exponentially, visibly crippling the country's short history. Although corruption has featured before in Southern Sudan's previous regional governments (D. D. Johnson, 2003, pp. 42–43), it became more prominent after the CPA, at the establishment of the GOSS interim government, through to independence in July 2011, and after that. The first time South Sudan was assessed as an independent country by Transparency International's Perception of Corruption Index (PCI) was in 2012 when it immediately ranked the third most corrupt nation in the world.² In the following years, the country continued sliding, and its ratings kept getting worse, until a decade later, South Sudan has now the dubious honour of topping the list of the most corrupt country in the whole world in the 2021 PCI Report.³

¹ A statement by Ateny Wek Ateny, Presidential Spokesperson (now former; was fired on August 6, 2022), on Monday, November 15, 2021, in Juba, South Sudan.

² [Transparency International at: www.transparency.org/en/cpi/2013/index/ssd](https://www.transparency.org/en/cpi/2013/index/ssd); accessed on February 1, 2022.

³ [Transparency International at: www.transparency.org/en/cpi/2021/index/ssd](https://www.transparency.org/en/cpi/2021/index/ssd); accessed on February 1, 2022.

This chapter examines six selected grand corruption experienced between 2005 (at the GOSS interim period) up till 2016, five years after the country attained its independence in 2011. Much of the material presented in this chapter draws from my previous role as Commissioner at the SSACC and my experiences and encounters in tackling some specific cases of grand corruption within the state anti-corruption agency. In some of the cases, I led the investigations myself. In contrast, for the others, I was privy to data through colleagues who similarly undertook the same investigations responsibilities as I am in the agency.

ICSS (2005) tasked mainly the SSACC (MOLACD-GOSS, 2005b, pp. 53–54) and the SSAC as the institutions to combat corruption. As I have argued in chapter six, these institutions were limited in power and lacked functions to prosecute, compel and enforce vital actions in fighting corruption. SSACC only had powers to protect public property and investigate corruption cases as provided by the Constitution, the ICSS (2005) in the GOSS period. However, there were no provisions or mechanisms (enabling laws) to accomplish these responsibilities. In the SSACC law (SSACC Act, 2009), which was the only instrument it had to carry out its functions, the Commission defined corrupt practices and corruption as:

Corrupt Practices mean soliciting, accepting, obtaining, giving, promising, or offering gratification by bribe or other personal temptation or inducement, or the misuse of public institution/authority or office to achieve personal advantage or benefit to the person or others.
Corruption, on the other hand, means conduct comprising of an offence under sections 89 through 102 and sections 105 through 108 of the Penal Code, 2008 and includes conduct comprising a conspiracy or attempt to commit or engage in an activity that would constitute corrupt conduct under this section.

At independence, the new Transitional Constitution of South Sudan (TCSS, 2011), which was promulgated on the eve of independence, gave SSACC, in addition to protecting public property and corruption investigation as previously provided,⁴ the power to prosecute corruption cases. Sadly, a decade later, there is still no enabling law (s) for this. The above legal and official delineations are the underpinnings of how corruption is understood and provide the framework for the SSACC to derive, exercise, and carry out its functions to prevent and combat corruption in the country.

It is within this context that SSACC undertook to confront corruption. In the following sub-sections, I present six examples of grand corruption cases that involved some of the elites in power. However, more crucially, all show different mutations of

⁴ Interim Constitution of Southern Sudan (ICSS), 2005 Articles 145 and 146.

what is lumped together under the label of corruption—from simple bribery to price inflation, and to more sophisticated examples of kleptocratic elites abusing power for self-enrichment (Andreski, 1968). In each of these cases, there are clear demonstrations not only of the vulnerability of the system of governance and accountability but also often very active and personal involvement of the elites in making things work for their benefit. The first example in the next section 7.2 presents itself as a naïve and ignorant encounter in a bribery case involving the Ministry of Education staff that acknowledges and claims innocence of the implications. Subchapter 7.3 offers an example of price inflation in public procurement of goods, which in this case was the procurement of government vehicles that caused a massive loss to the government. Section 7.4 examines one of the scandals that became publicly known as the Dura case. In this case, the government contracted several companies (including ghost companies) to supply grain for food reserves for the population. The case displays a market-centred concept of corruption creating a demand and supply equation for private gain (Heidenheimer et al., 1989, pp. 3–13). Subchapter 7.5 discusses a case of impunity by the top official of the Customs Authority and his cohort. In another level of corruption which follows in the next section is where the outbreak of the new civil war in 2013 came with the launch of a 'crisis management committee in subchapter 7.6, which was expected to disburse funds from the public coffers initially meant to support victims of the civil war. The money was instead diverted and siphoned by individuals and committee members for personal use. The final example in section 7.7 takes issue with a botched contract to provide an aviation radar system to defend the autonomous region and nation in the making. Vast amounts of public funds were paid without the delivery of the intended goods and services. Compared to the others, the relevance of this case is that it shows the level of willingness of very high government officials to mingle in deals of corruption personally. Then, a semi-final subchapter 7.8 reviews the political support for efforts to address corruption, whether in action or just rhetoric, especially at the top, and lastly are the concluding remarks in section 7.9.

7.2 A Case involving the World Bank

Before delving into the more complex and entrenched cases of grand corruption, I offer a classic case of bribery. This case of basic corruption involved the reputable Macmillan Publishing Company and senior public officials in the GOSS Ministry of Education on a

US Dollars 6.09 million World Bank-funded project to support the publishing of school textbooks for the Ministry. According to SSACC report,⁵ the World Bank alleges that three officials in the GOSS ministry received bribes, including paid holidays, to travel with their families to a neighbouring country. In return, the company sought their endorsement to singly source them to print the government schools' textbooks for the Ministry of Education. Initially, the World Bank, who knew the case first, carried out their investigations on the supply side (bribe-giver) of corruption and later on informed the SSACC of the case, presumably to address the bribe recipient's (demand) side (Heidenheimer et al., 1989, pp. 3–13). The World Bank's investigations revealed that the Company committed a bribery offence and was fined about 18 million USA dollars in a UK court. The World Bank proceeded to blacklist the Company (Macmillan Publishing) and barred it from doing business with the global Bank.

For its part, in South Sudan, the SSACC took up the case, carried out their investigations, and established that the public officials acknowledged receiving various gifts from the Company. However, they claimed these were mere goodwill gifts and acts of generosity on a friendly business deal. They argued that they accepted the gifts in good faith in their submissions. The refutable Company was assumingly treating them as appreciation out of generosity, but not bribery to influence any contractual transaction. Investigating the case, was complicated by the limited co-ordination and exchange of information and support between the World Bank and SSACC, and coupled with SSACC's limited powers, it hit a dead end, except for what the World Bank achieved in the UK court. The other twist was that lawyers for Macmillan reached out and sought after SSACC, showing interest to aid in investigating the case further. However, it was realised later that this law firm was only keen on trying to clear their World Bank blacklisted clients, and not unwilling to divulge any information to further investigations.⁶ SSACC could not proceed with the case beyond initial investigations without other leads, support, and information.

This case happened at the time of GOSS establishment, and there was likely a naivety and ignorance on the part of inexperienced civil servants who could claim they did not know any wrongdoing; there were no codes of conduct, no policies or even awareness of what is, and what is not bribe, corruption, conflict of interest and so many other vices. These were new to them, and unsuspectingly, they accepted favours and gifts,

⁵SSACC investigation report on Macmillan – The World Bank case file, 2010.

⁶ Ibid.

assuming this was just another Sudanese hospitality, lest an inducement to influence them. The weak and deficient government systems and structures did not help the situation. It was easy to manipulate it, especially with experienced and knowledgeable companies and individuals from outside the country. Lack of control of public funds was the trend at the founding of GOSS, where cash was awash without proper banking and financial management systems. The country (city of Juba) was swarmed with companies, many of whom were ‘shell-companies, and individuals who were able eager to exploit the weak systems. They found weak systems and opportunities to manipulate and took advantage for private gains.

Therefore, this case shows a scenario of ignorance, lack of awareness and experience to distinguish between hospitality and gifts, and what is corrupt, which is where South Sudan started. This case shows naïve public officials claiming ignorance who found themselves in an unintentional corruption.

7.3 Al-Cardinal Vehicles Case

In March of 2006, at the early stages of the formation of GOSS, its Ministry of Finance and Economic Planning (MOFEP) contracted a company from Sudan (Khartoum) called Al-Cardinal to supply three hundred vehicles to the new autonomous government of Southern Sudan. In April 2006, the Company offered to supply GOSS (MOFEP) four hundred and fifty Toyota Double-Cabin Hilux and Land Cruisers GXR, 2006 models, at USD 50,438 and USD 96,491 per unit, respectively. This was against the known retail market prices from the manufacturers for the same 2006 models of the Toyota Hilux ranging from USD 13,980 to 25,815 (also less by USD 24,623) and the Toyota Land Cruiser GXR models at USD 56,215 (less by USD 40,276). This contract was finalised, as shown in a letter from MOFEP by the then Under-Secretary.⁷ The letter states: ‘I am glad to inform you that we accepted... with all your Conditions given’ at the “directives of H.E. our Minister.”⁸ The amount GOSS paid in excess was USD 40,276 per Land Cruisers and USD 24,623 per Double-Cabin Hilux. Moreover, 450 vehicles were fully paid (down payment), but only 153 got delivered. 297 fully paid vehicles went missing. GOSS thus lost about USD 75 million, including the 297 vehicles that disappeared and

⁷ Mr (Hon) Isaac Makur Maker was the Under-secretary of MOFEP then (2006).

⁸ (HE) Arthur Akuein was the MOFEP Minister then (2006); Investigation Report by a joint SSACC and SSAC, 2006.

were unaccounted.⁹ This deal prompted inquiries from civil society, law enforcement and government alike, but government obstruction emerged almost immediately. The two proprietors of Arop Investments and Al-Cardinal companies were arrested in Juba for defrauding the government in 2007 but only lasted for a short time in custody, they were released, and none of them has faced any criminal prosecution to date. Both continue to do business with the government without hindrance. The Under-secretary at the time and then the finance minister allegedly colluded and executed this deal, so they too were arrested for the loss they caused to the government. However, the Undersecretary was released because he claimed to have acted and followed the Minister's orders. The Minister, on the other hand, was forcibly set free from his detention by a group of armed men, allegedly from his home area in defence of their own, which defies the definition of corruption as the abuse of office for 'personal gain' (M. Johnston, 2005, p. 11), and in this case, a clan, tribe or community defends an alleged corrupt person for their group's interests (Beyerle, 2014, p. 24).

In the turn of events on the matter, the police officer who was the lead investigator handling this case was suddenly dismissed from service in the middle of the investigation and lost his job without any explanation, which prompted a heated debate in parliament over the illegal dismissal. A prominent South Sudanese journalist, the chief editor of Citizen newspaper who had taken up the issue and was reporting and following the case, was also detained. Two ministers, GOSS and GONU, allegedly sanctioned the journalist's arrest for publishing the case in his newspaper, and this journalist had since left the country, abandoned journalism, and went into exile, only to return later as political opponent through a peace pact. This situation seems handy with a verse in Bob Dylan's song – 'Sweetheart Like You,' which goes: 'steal a little, and they throw you in jail, steal a lot, and they make you a king.'¹⁰ Another journalist who too diligently reported and followed up on this case and other corruption issues, in addition to being arrested and harassed, was disabled after surviving a hit-and-run accident by unknown motorists and was later on murdered by unknown assailants. Years later, the former GOSS minister of finance who was implicated in this case, though not arraigned in court, held a special press conference, and issued a statement accusing some of his party (SPLM) top brass of grand corruption and also claimed his innocence and involvement in corruption instead.¹¹

⁹SSAC Audit Reports 2005 and 2006.

¹⁰ Bob Dylan's song in YouTube at: www.youtube.com/watch?v=n2OVDMAHfx0; accessed on August 30, 2022.

¹¹ Press Release from Hon. Arthur Akuen Chol, South Sudan Former Finance Minister fired over Corruption Allegations," Paanluel Wel Media Ltd, South Sudan, February 10, 2012, available at:

This case, which featured earlier on in at the formation of GOSS, was a high profile one, reported on widely in the press, which presumable forced the government into some very limited attempts to hold those responsible to account. But no further actions were taken to investigate and conclude it; instead, those alleged individuals are at large and freely engaging in politics and business. Threats and ultimately the murder of one of the reporting journalists were never formally established as linked to the case, and the corrupt deal ended in court but was dismissed for lack of evidence.¹² The case itself shows a deliberate and premeditated plan to embezzle public funds by inflating prices and fleece government resources, and also a very early cynical reminder of the extent to which impunity for the elites, threats to independent media and human rights abuses (and even killings) started and became part of the autonomous government of Southern Sudan.

This case now suggests the beginning and birth of grand corruption, planned, premeditated, and motivated by self-interest. The GOSS set up itself to favour a powerful elite within its system and their cronies at the expense of the public good right from this time of its establishment.

7.4 Dura Saga Case

The 'Dura Saga' was a case of another experience of elite corruption where a dubious project initiated by the MOFEP to purchase grains for food reserves and build storage facilities' comprising one hundred and thirty-two stores in the ten states was executed. The construction of stores and many grains supposedly supplied did not reach their destinations. Nevertheless, many of the contracted companies were fully paid without delivering goods, and still, a few others demanded payment. In this case, the 'Dura Saga' or 'grain scandal' has been a matter of unending investigations. The case file is still held at the Prosecutor General's office in the Ministry of Justice.¹³

This scandal began when the GOSS Minister of Finance in 2008 MOFEP claimed that in February 2008, the President instructed him to procure and store grains because the famine was looming in the Southern States that bordered Northern Sudan. This famine was partly due to tensions over Abyei between GONU and GOSS, resulting in restrictions on incoming supplies from the North and also crop failures due to other natural

www.paanluelwel.com/2012/02/10/press-release-from-hon-arthur-akuien-chol-south-sudan-former-finance-minister-fired-for-corruption; accessed on September 25, 2017.

¹² Ibid.

¹³ Citizen Newspaper, Juba-South Sudan dated February 20, 2014; Vol. 8. Issue No. 667.

calamities.¹⁴ These grains were to be supplied from East Africa. Initially, a quantity of one hundred thousand bags (100,000) each weighing one hundred kilograms of maize were approved for the 4 States of Greater Bahr Ghazal, namely, Northern Bahr Ghazal, Warrap, Western Bahr Ghazal and the Lakes States were to receive supplies. Hence, the Minister requested and sent a message to four Companies and later to a fifth one to deliver these 100,000 bags. However, another businesswoman was added 10,000 bags to the list of ten thousand bags so that a total of 110,000 bags of grains were to be delivered. Later in the year (2008) and 2009, this supply of grains, was extended to supply all the ten States of Southern in what became known as the 'Strategic Food Grains Reserves Supply.' Companies were invited to apply and eligibility to win contracts was on the following conditions:

- Companies must be duly registered in the Ministry of Legal Affairs and Constitutional Development (MOLACD), and the Ministry of Commerce and Industry.
- Should hold a valid registration Certificates, renewed for 2008.
- Should have bank accounts in commercial banks in Southern Sudan so that payment is made by cheque through the bank to the Company's account.
- Have the capacity to accomplish the terms and conditions of the contract.
- Contracts must be signed and authenticated at MOLACD through the Procurement Directorate of MOFEP.

The above guidelines were to be strictly followed in awarding contracts and later for processing payment after the execution of contracts; nevertheless, in the actualising the project, these guidelines were overlooked, as it will be revealed in the verification and investigations report.

When the scandal became a public concern and attraction, including questions raised by donors, the government had to address it and appointed a technical inter-ministerial committee to investigate the matter. The Committee under the chairmanship of MOFEP comprised of members from government agencies which were: MOFEP, SSACC, SSAC, Ministry of Agriculture and Forestry (MAF), Ministry of Internal Affairs (MIA), Ministry of Commerce, Trade, and Industry (MCTI), MOLACD, and the National Security (NS). It was tasked to investigate irregularities, verify companies' claims, and tease out those eligible for payment. The report this Committee produced, and for which I was the author was presented to the Ministry and later to Parliament.¹⁵

¹⁴ There was no written or formal confirmation of this claim by the Minister of instructions from the President, but this was stated by the second Undersecretary of MOFEP at that time, Mr. Aggrey Tisa Sabuni, to the Verification Committee on their first briefing.

¹⁵ Report of the Technical Inter-Ministerial Committee on the Verification Report on the Grain Reserves supplied to the Ten States, September 2009.

The report of this Committee established that the process has severe flaws and was riddled with irregularities and inconsistencies right from the start. First, the claim by the then Minister that he acted under instructions from the President was unsubstantiated and could neither be confirmed nor verified. The Minister also abused power and discretion to approve and allot quotas to companies without criteria and partially or entirely not following public procurement guidelines and procedures. Those below him, like the undersecretary and director generals, were instructed to implement and formalise the process to award, prepare contracts and get them endorsed by the MOLACD. There were some instances where a company was given approval or quota and awarded a contract before being registered with the MOLACD as stipulated in the guidelines and conditions. Such companies would then pursue legality and only formalise registration after securing contracts. While other companies colluded with officials at MOFEP who processed their payments with incomplete documentation, only showing letters of approval, award of quotas and signed contracts to execute the work but did not have delivery notes to the locations (states and counties) as proof for goods delivered. Situations of exaggerated or inflated quantities of delivered grains but less received were uncovered too. Only in a few instances are delivery notes for goods received consistent with store records, contracts, and other documentation.

For payments, those that were done, and other yet remaining claims, there were several inconsistencies, suspicious figures and even erroneous records of trucks purported to have delivered the grains. Customs manifestos, acknowledgements letters, store records and other documents were also disputable. At states' levels, the Committee found some contradictory reports to those in their respective counties. Some states' grains committees' exaggerated figures, whereas counties acknowledge receipt of fewer quantities. The reports of storekeepers whose records were more accurate in reporting than those from high-ranking officials within the state, were at times not shared, and they were prevented from meeting the Committee. This is the situation the investigations unveiled in Warrap and Western Equatoria. Another example from Central Equatoria and Upper Nile states were claims of grains distributions to the counties Kajo-Keji and Nasir. The Committee findings at the states' headquarters did not agree with the county commissioners (the recipients) reports from these counties (Kajo-Keji and Nassir) when they were contacted by phone to verify. Hence, states headquarters reported that more quantities of grains were delivered, and the payment is based on headquarters' report, verification, and approval.

On the construction of storage facilities, the project was marred by irregularities and losses incurred through falsifying reports and other vices. The verifications Committee confirmed that only 46 warehouses were constructed out of 132, but payment was made for all. There was no evidence of any action taken to recover the amount already paid to those companies that did not accomplish the work.

In total, GOSS loss and money paid out over this project (grains reserve and storage construction) amounted to over 2.3 billion US Dollars per the investigations committee's findings.¹⁶ The grains were freely distributed against the project's initial purpose, which had a component to recover all government costs and investments and generate through the sales of the grains to the public, revenues supposedly to be remitted into a GOSS block account.

The Committee also noted that many companies and individuals involved in this scandal are mostly owned or associated with high-profile individuals, many of whom are politically exposed persons (PEPs) and highly connected. There were political post holders, other relatives, or friends, and some who paid rent to obtain a contract. It was observed that this project was conceived and developed to enrich some persons out of the public treasury in a seemingly legalised process, but for self-gain.

It is a case of grand corruption where elites consciously manipulate a system, rules, and regulations to their benefit, which is a case of intentional growing and budding of corruption by top public officials.

7.5 Sudan Customs Case

During the interim period of 2005 to 2011, customs were under the competence of GONU under the CPA, and the responsibility in Southern Sudan lies in Juba under the supervision of Khartoum when South Sudan was still part of the one Sudan. It so happened in early June of 2010, when a whistle-blower reported to SSACC that funds were being mismanaged at the Southern Sudan Customs headquarters in Juba, and so a squad was put together and sent in for a search mission on June 3, 2010. The SSACC search squad sealed the customs headquarters off and carried out a search that uncovered a sum of SDG 3,110,109 (over USD 1.5 million) in cash that was found inside the chest

¹⁶ A Technical Committee comprised of 8 of us (I was the author of the report) was the first to conduct verifications and raised the alarm in its report that has remained a reference point for all other investigations.

in the office of the Director. Such enormous sums in cash in an office are contrary to GOSS financial regulations that require that any cash revenue be deposited into the bank within 48 hours.

The SSACC then initiated an investigation and requested a forensic audit from the internal audit unit of Customs to support its investigations. The team established that funds were mismanaged and embezzled, and other public officials who were complicit and implicated in this case were working in the office of the President and had taken a sum of SDG 12,726,353 (over USD 6 million: 1 USD = 2.00 SDG), claiming to have used it for elections campaign to support the SPLM candidates. After an investigation, SSACC requested and recommended the suspension and prosecution of the Customs Director. This period also experienced a transition in SSACC, and new leadership was to take up this case halfway through the investigations and prosecution process. As the communications and exchanges below show, the replacement of the chairperson of SSACC impacted the tone and direction this case took. It first started when the Legal Advisor of the President then, instructed through a letter, wrote a letter to the Minister (at that time) of the MOLACD on October 29, 2012, and requested for a stay of prosecution against the accused and to drop the case as per a letter below, which in part reads:

Hon, Minister it is imperative to note that since his (Major General X) suspension from the Directorate of Customs on June 13 2010, to date, as per the recommendation of the Chairperson of SSACC, Honourable Y¹⁷ to the President, his case has not commenced and as such it amounts to an infringement of his constitutional rights of a fair trial as provided for under Article 19(1) of the Transitional Constitution of South Sudan 2011, all alluding to the fact that justice delayed is justice denied.

The Minister at this time, Honourable Z, in his response to the President's legal advisor, insisted that there is a prima facie case for the accused to answer, in part stating that:

The case is a corruption case, is it lawful that any proceedings against the accused Major-General X are terminated, quashed, and acquitted, as I am being asked to do? Has the government abandoned the fight against corruption? And if any strong national interests would justify the application of section 25 of the criminal procedure Act 2008, should the accused be encouraged to defy the due process of law by refusing to submit to the investigation? Don't we have a duty to enforce our laws? I strongly feel that the President was not given correct legal advice in terms of the application of section 25 of the Criminal Procedure Act 2008 and Article 19(1) of the Transitional Constitution, as the prosecution authority at all levels of the government under Article 135(2), the last thing I expected was to be called in person so that I understand the reasons behind the President's directives. I say this because the legal reasons do not fit well into this corruption case, which involves a massive amount of public money.

¹⁷ Hon Y is the replacement of Dr Pauline Riak, the first and former Chair of SSACC, and the course of investigations changed direction, recommendations for prosecution overturned. Hon Y went solo without consensus with the other four Commissioners, an unusual practice of the modus operandi of SSACC.

Nothing ever happened on the matter, and on April 23, 2013, the top individual ('T') in his power ordered the 'stay' of the prosecution of Major General X and reinstated him back to the office. The top individual's letter to the Minister of MOLACD read in part: 'Therefore, in my capacity as the 'T' of the Republic of South Sudan, I have decided that there shall be no criminal proceedings against Major General X. This letter is only intended for you to take note.'

On the same date, April 23, 2013, the 'T' wrote to the then Minister of Interior, another Major General A, who supervises the Customs Authority; the letter partly reads:

Hon, Minister I write to you concerning the above-mentioned subject and to specifically give you strict orders as follows:
To lift the suspension of Major General X and to pay him his dues from the date of his suspension which was on June 13, 2010, and
To reinstate him to his original position. Please treat these orders with the utmost urgency and importance.

These letters and instructions, purportedly from the 'T', hint at differences of opinion within government on how to deal with corruption among elites and point to the existence of possible powerful groups or individuals who have access and influence on the top office. This case encompasses an element of political corruption where political parties and individuals are protective of their political interests and affiliations at the expense of the public interests (CETA, 2011).

Interestingly, during the period SSACC that intervened in the Department of Customs and the action it took, initiating an investigation and suspension of Major General X, there was a marked rise and increase in revenue collection and remittance to the public coffers.¹⁸ SAACC undertook regular monitoring of the Customs Department during the suspension of the Director, from July to December 2010. It compared remittances from January to June 2010, when he was in the office; the Department had collected only forty-seven per cent (47%) of its annual target in excise and customs duty revenue. However, from July to December 2010 (when Major General X was out of office), the Customs Authority collected and remitted to the block account of the Central Bank a hundred and twelve per cent (112%) above the same target.¹⁹ The SSACC findings indicate that previously, customs and excise duties collections went into private purses, and the institution (Customs) had not hit its predicted targets during the reign of this

¹⁸ SSACC Investigations Report on Southern Sudan Customs Case, 2011.

¹⁹ Ibid.

Director under investigation. Thus, the national treasury lost sixty-five per cent (112 - 47%) of its revenues to a small group of people.

One of the individuals cited and implicated in the report was Honourable B, who had first worked as the Executive Director in the office of the First Vice-President (also President of GOSS) in Khartoum. After the independence of South Sudan, he became the Chief Administrator in the office of the President in Juba. He later got involved in another issue where cash disappeared from the President's office, and investigations found him culpable. He was eventually sent to jail, but only for a short time, so he got pardoned and is now back in public life. This case, therefore, disregards the facts of an investigation with recommendations for prosecution from the Minister of Justice, and instead pardon, release and reinstate an individual accused or found to have abused office for private gain because he was an elite member of a certain group.

Thus, impunity, selective prosecution and flouting of the rules to favour and protect the elites are what this case depicts. There is failure to implement and sustain the rule of law for a certain category of persons, which is a novel feature of grand corruption, unlike the known definition of making laws to protect and favour the elites (Zyglidopoulos, 2016, pp. 1–10). This study thus unravels impunity for the elites as another mutant of grand corruption in the context of South Sudan and illustrates grand corruption settling and entrenching at the highest echelons of power.

7.6 Crisis Management Committee

The conflict that broke out in December 2013 created a crisis and brought suffering to many families and individuals with loss of lives, materials, and livelihoods. This prompted a humanitarian response, and the President acted by forming a Crisis Management Committee (CMC) on January 9, 2014, to address and relieve the situation.²⁰ The CMC comprised twenty-seven members at the highest level of government selected from various state institutions (see Appendix 15).

This Committee was formed to salvage and relieve the suffering of the many affected families and individuals and was tasked to provide relief assistance and assess and address the political, social, economic, security and diplomatic crises created by the

²⁰www.reliefweb.int/report/south-sudan-republic/south-sudan-president-appoints-crisis-management-committee; accessed on June 15, 2014.

conflict. One of the appointees on this list was the Auditor General, who voluntarily declined to take his place and participate in the Committee. He argued that it was against his professional ethics and values to partake in such a committee because, in his view, the Committee is to engage and encounter issues of integrity and accountability. Being a part of such a committee would compromise his oversight role.²¹

CMC, contrary to its mandate, became a 'looting machine' where a situation is fabricated to maximise rents and transfer public resources to personal accounts (Andreski, 1968). The scandals that emerged from the dealings within this Committee started hitting the news headlines of both print and electronic media in town around May and June of 2014.²² Committee members, who are all high-level government officials, appeared on cash beneficiary lists circulated in the media. Instead of reaching out to the intended beneficiaries identified for them, they were paying themselves hefty sums for personal use. In a leaked confidential document, it then emerged that over 60 individuals, including six ministers, other senior officials, lawmakers, politically exposed persons (PEPs) and companies, benefited from funds meant to facilitate the work of the CMC and respond to the humanitarian crisis. The report shows ministers, military generals, political and other government officials, and businesspeople who have received cash payments (H. Johnson, 2016) from the CMC secretariat and the Bank of South Sudan. The report shows that out of the SSP 447 million (the equivalent of USD 149 million) disbursed to the CMC account, only SSP 87 million (the equivalent of USD 29 million) could be accounted for, and the remaining SSP 360 million (USD 120 million) meant to support the affected persons disappeared.²³ A complete list of sixty-three notable individuals; including the chair of the Committee, and ministers for cabinet and security affairs, respectively, all received varying amounts for personal expenses that drew the attention of the public, such as costs for accommodations in hotels and personal armoured vehicles among others.

The deputy chairperson of this Committee, Lieutenant General DA²⁴, confessed later April 10, 2014,²⁵ some committee members were investigated for mismanagement of funds, while others were suspended for misconduct. He spoke after the President disbanded the CMC on April 30, 2014, admitting that 'what was being done by CMC is now being done by the office of the President which, according to him, has clear

²¹ Personal conversation with the Auditor General in Juba, on October 24, 2014.

²² Reports of CMC scandals are on the media at: www.sudantribune.com/article60041/; accessed on March 9, 2017.

²³ *Ibid.*

²⁴ DA refers to Lt Gen Daniel Awet.

²⁵ <https://eyeradio.org/salary-committees-stopped-mismanagement/>; accessed on May 1, 2014.

accountability.²⁶ No other actions were taken against those alleged to have received cash, except the Presidential decree of April 30, 2014, to disband the Committee and transfer the task to his office (Office of the President).

This case demonstrated a stage where elites (government rulers) seize and use power as an opportunity to manufacture a situation to defraud and embezzle public funds as means for personal enrichment. This case depicts the description of kleptocracy, characterised by autocratic power abuse to loot the state through deliberate means and manipulations to transfer public resources into personal accounts and use (Andreski, 1968). The political system is customised to innovating even noble project, in this case, responding to a humanitarian crisis affecting many lives, and turn it into an situation for personal gain money (de Waal, 2014, pp. 347–369).

This case, therefore, demonstrates a level of degeneration where elites use state institutions and systems for grand corruption, and has advanced over time and entangles the entire state and its institutions. This is level the South Sudanese elites have reached, which is to manufacture and fabricate opportunities for grand corruption from any project.

7.7 Aviation Case

This last case of grand corruption involves a well-fabricated plan using what appears to be a regular contract executed within the legal confines of the law to procure essential national goods and services for the country. However, on the contrary, it was the personal enrichment of highly placed individuals. This case was brought to the attention of SSACC through some information received that an amount of USD 30 million, which seemed to originate from GOSS, was temporarily frozen and was being held in another country.²⁷ SSACC initiated an investigation where initially it looked like a satisfactory contract, adequately signed by legal entities, and vast sums of money were disbursed. Investigations were then commenced, and I was tasked to chair a committee to carry out investigations. Findings show that total down payments of the contract were made, but the goods and services stipulated in the contract were never delivered. This deal was opaquely done in absolute secrecy and only known by those at the top of government and security organs, which is a characteristic of security-related deals that are usually

²⁶ Ibid, and also, physical reports were obtained from other sources.

²⁷ The information came from a prosecutor in Skopje, Macedonia, to the SSACC after he froze this amount because of its suspicious movements.

regarded as concerns 'national security interests, so they are not subject to questioning or scrutiny through the normal processes. Two senior Generals and public officials on behalf of the government's Defence Ministry (the Under-Secretary and Director of Logistics in the Defence Ministry and Veteran Affairs) were the actors at the fore. Both engaged in a contractual agreement and transactions across countries involving foreign companies and governments, but other elites were likely behind the scenes as well.

Investigation's findings started to show that the South Sudanese public officials (Generals in the army) first registered a shell company in Uganda (physically verified as non-existent on the said address, as seen on the papers and its static website). The duo, known and acknowledged South Sudanese citizens, were allowed to register their Company as Ugandan citizens.²⁸ There were three companies involved in fully implementing this contract, with the supposed recipient company for the goods and services and the funder (source of funds) owned by the duo (Southern Sudanese and Ugandans). The other companies were Ugandan and a United Kingdom and European companies, the latter two providing consultancy services and hardware (mobile radar system) respectively. Funds were moved from the government reserve account in Nairobi, Kenya, then wired into Uganda, where some amounts found their way into individuals' and private hands. The bulk commenced complex movements and transfers internationally, and into the global banking system.²⁹ Further details of the findings of the investigations undertaken by SSACC are here outlined below:

Two individuals, the Undersecretary of the Defence Ministry, a South Sudanese registered as principal owner of a company in Uganda, where he posed as a Ugandan, were partnered with another of his colleagues, an official in charge of Logistics in the same Ministry. Both men owned and registered this Company in Uganda as M/S Cascade Construction Ltd (Uganda), the Company that signed the contracts with the supplier Company Airservices MK Dooel, owned by a British citizen. The initial contract was first signed to supply 'specialised equipment and was later amended to supply delivery to South Sudan, Mobile Radar Systems. The contract initially was worth USD 124 million (One hundred and twenty-four million United States Dollars) but was later amended to USD 130 million.³⁰ Another Company registered in Uganda, M/S Gimmex, owned by three Ugandans, also signed a contract with Airservices MK Dooel to provide Consultancy Services and was located at the same address Cascade Ltd. in Kampala.³¹

SSACC further established that as of December 15, 2009, an amount of USD 65 million was already transferred (originating) from the GOSS reserve account in Stanbic Bank, Nairobi (Kenya) to execute this contract and monies were moving around from this

²⁸ Some elites in Uganda might have facilitated them to obtain Ugandan citizenship.

²⁹ USD 130 million Mobile Radar System Contract Case Report at SSACC.

³⁰ The contract document is available in SSACC's custody, and this case was handled (chaired) by this researcher.

³¹ SSACC Investigation Report on Radar-Aviation Case (Macedonia), 2010.

account in Nairobi (Kenya) to Kampala (Uganda) Cascade and Gimmex companies respectively; as well as to overseas (Europe) to various accounts owned by Airservices MK DOOEL. Below are the details of the companies involved:

Cascade Construction Limited and owned by two Directors: Mr B (South Sudanese, Ugandan, and Undersecretary) and Mr C director of logistics and supplies (both senior army officers in the Defence Ministry).

Gimmex Uganda Limited was located at the same address (Kampala, Bombo Road) as Cascade Construction and owned by Ugandans: Mr D, Ms E and Pastor F.

Airservices MK Dooel was a Company owned by Mr G, a British citizen based in Macedonia and Uganda. This Company was also registered in the UK, Hong Kong and Montenegro, Serbia.

The contracts between Cascade Construction Ltd and Airservices were for 'Radar System', whereas the contract between Gimmex and Airservices for consultancy services, but there were also contracts between Airservices MK Dooel and Airservices UK.

The documents also detailed that the sum of USD 65 million from the GOSS account in Nairobi was already remitted to Cascade Construction's account in the Stanbic Bank, Kampala. Moreover, much of it (the USD 65 million) in Cascade's account is already withdrawn, and only USD 3.024 million remains as of May 3, 2010. The mode of transfer included cheques and Telegraphic Transfers (TT). There was an initial amount of USD 8.25 million, which was moved from Airservices, Macedonia to Gimmex Kampala, and USD 30 million moved from Cascade Uganda to Airservices, UK via New York and then to Airservices MK Dooel, in Macedonia, which was then frozen and triggered the investigations due to its suspicious mobility. Funds continued to move suspiciously between Airservices UK, Macedonia, Hong Kong, Serbia and Gimmex Uganda, as shown in bank statements obtained by SSACC through an informal 'Mutual Legal Assistance' from its sisterly counterpart agency in Uganda. There was another USD 18 million that was again held (frozen) in Skopje, Macedonia, until February 13, 2011, which raised communications between South Sudan, Macedonia, and Uganda, but again got unfrozen as the Prosecutor without evidence and support from the South could not hold these funds indefinitely.

SSACC, with a sister agency in Uganda, the court and prosecution authority in Macedonia concurred and concluded that this was a corrupt deal. In contrast, the Attorney General of the Republic of Uganda gave a differing view on the same case when he was contacted. He dismissed any illegality on the matter and wrote a letter exonerating the companies, as seen here below:

Letter dated: February 8, 2011 (Ref: MJ/AG/39)

Attorney's General Chambers, Republic of Uganda

Sent to: Judge [REDACTED] Registrar (Stamp acknowledging receipt dated: 08 March 2011)

Basic Court of Skopje 1 (Crime Section)

Your Lordship,

RE: III KRIOK.BR.527/2010

I acknowledge receipt of your inquiry concerning the project of a Mobile System for Aviation Management and Monitoring Unit, complete with Radar and other equipment signed between the entity of Cascade Construction Uganda Limited and Air Services MK DOOEL, Skopje which represents a milestone of cooperation between the government of Uganda and Southern Sudan:

- I clarify that the implementing Company Cascade Construction has the full support and endorsement of the government of Uganda in the implementation of this project.
- I wish to state that the cooperation between Air Services MK DOOEL, Skopje, has to date been successful and professional and all activities, as well as financial transactions that have been undertaken therein, don't have any ingredients of illegal, corrupt, or fraudulent activity.
- This project is of particular national and security importance, and we advise that matters that have been raised with relevant authorities in the government of Southern Sudan concerning resolving the misunderstanding with the Southern Sudan Anti-Corruption Commission Initiative by the Committee of Southern Sudan with regard have been resolved and lead [led] to a closure of all investigations in the matter.

This matter is, therefore, [to] allay and put to rest all the concerns raised.

Signed

Hon XX, MP

Attorney General -Minister of Justice and Constitutional Affairs.

The contents of this letter above contradict the investigations; the anti-corruption agency in Uganda and the Inspectorate General of Government (IGG) co-operated with investigations and believed the project was illegal and fraudulent. The goods and services cited in the project have not been delivered as claimed (implemented successfully and professionally). SSACC, though cited in the contents of this letter as copied, was not copied in and was at the time still carrying on with investigations (not resolved); see the exchange of letter(s) and the contradictions therein in Appendices no: (12, 13, 14).

Domestically, SSACC pursued the case in its efforts to investigate and made several attempts to meet and solicit information and support from different officials and institutions of GOSS. In most of its attempts, there was reluctance and muted cooperation to aid investigations, and I now outline some of them. Firstly, an SSACC team of four commissioners led by its chairperson then, Honourable HP, met with Hon ID, who was the Minister of the MOFEP. SSACC introduced the issue, and when the Minister heard this, in a fury, he hit his table and then ordered all the SSACC team members to leave his office, except for the chairperson where the meeting ensued only between the two of them, and information of that discussion has never been divulged. The second office to seek an audience with was that of the Minister³² of MOLACD then, was more willing to discuss and cooperate but acknowledged that he had little information, so he referred SSACC to meet with the Minister of the Ministry of Defence and Veteran Affairs

³² Hon Z, the Minister of MOLAD at this time.

(MODVA) at that time. It took time to fix an appointment with the Minister, MODVA, and after several adjournments, a date was finally agreed upon, but this was cancelled at the very last minute. The Director³³ in the office of the Minister³⁴ (MODVA), who was helping arrange the meeting, apologised that the Minister declined to meet with SSACC, and he gave no explanation. This lack of information and cooperation led SSACC to arrange one more final meeting on the matter and, this time, another level to the FO³⁵ (office) and meet the FI³⁶ (individual), which took a few months to secure. This meeting was eventually held, and from the conversations, it was deducible that the individual and office had prior and complete knowledge of the case under investigation. SSACC was verbally assured and promised support on its work and this case, but a qualifying statement seemed to jeopardise the whole matter and stated: ‘beware of the big fish,’ which concluded the meeting.

This encounter at FO marked the end of the case; there was no support or mention of this case, so SSACC could not continue any further with investigations, and altogether opted to refer the case file to MOLACD who had more powers, and that is where it is currently shelved. Funds were disbursed from the public coffers (government reserve accounts), and this study established that the said goods or services were neither procured nor delivered to the nation. In this case alone, at least USD 130 Million is siphoned by top elites from the public coffers, and no one is held accountable for it.

This case thus, presents a sophisticated and complex level of grand corruption where the ‘sacred cows’, ‘big fish’ or ‘untouchables’ are securely protected within the highest political will. These elites are unreachable by any legal or executive power, except by personal change in heart or *thymos* (Allaby, 2013, p. 113).

7.8 Political Will against Corruption

A political will is a vital locus and forte in the discourses and debates on addressing grand corruption for practitioners, researchers, and all interested parties on the subject matter. Tackling grand corruption, therefore, requires unswerving ‘Political Will’ from the top

³³ Maj. Gen. Simon Anania Lako was the Director in the Office of the Minister and was friendly to SSACC but was cautioned to deny us audience with his Minister at that time.

³⁴ MODVA during this time turned down SSACC’s request for audience with him over the case under investigation and relates to his Ministry.

³⁵ First Office.

³⁶ First Individual.

political leadership, which is not merely words and political slogans and rhetoric, but a genuine commitment inspired by the public good and interests of all. Grand corruption only is effectively addressed in any nation-state when a political will is demonstrated through actions and commitment as a critical factor that 'makes or breaks the success of the tussle (Rose-Ackerman, 1978).

At the beginning of GOSS (interim period) in 2006, prominent leaders regularly made statements declaring that corruption in any form was intolerable in the country, and this was a boost at the time to the desire and efforts to curb the menace, which was already identified as detrimental to state building. For instance, on many occasions, the speeches of the President would contain the phrase: 'my government will have zero tolerance for corruption, and some of the other leaders, too, resound the same slogans at least in public. Another strong statement on combating corruption, which was always ascribed to the President, is: 'If you swallow something that does not belong to you, you will be forced to vomit it out.'³⁷ These were positive utterances and powerful statements from the President aimed at ridding the country of corruption in the early days of the GOSS. They were needed, should have been sustained, and followed by actions.

One other important statement citing as one contained in the speech of the President to the joint session of the Legislature, on the eve of independence on July 8, 2011, where he laid out the government plans for the first hundred days and on corruption, he affirmed:

For South Sudan to succeed, we need to abide by the principles of transparency and accountability. Only then can we build a strong foundation for our new nation. Another word for corruption is stealing and it is called 'stealing' because the money, which should have gone to build our country, is stolen by selfish persons. Those who engage in corruption are undermining our country and the sovereignty of the Republic of South Sudan. To borrow from our liberation laws, join me in defining corrupt persons as the enemies of the people. We must therefore fight corruption with dedication, rigour, and commitment. And that is why, on Independence Day, I pledged to the people, the nation and the heads of state and government present that I would do all that I could to remove this cancer. Most importantly, let me put a human face on what corruption does to our people and country. With the number of funds stolen over the past six years and a half; we could have saved thousands of our citizens from unnecessary deaths and suffering, building more than a dozen of schools and hospitals, and feeding many of our citizens.³⁸

A few months later, the President released another statement on September 21, 2011, addressing the issue of 'Transparency and Accountability, emphasising that his government was committed to fighting corruption and building a viable state. Addressing his fellow citizens, friends, and donors, he mentioned that it was a critical historical

³⁷ Quoted by Malith Kur in his article ' War on corruption in Southern Sudan' on August 24, 2007, at: www.sudantribune.com/article23640/; accessed on September 12, 2014.

³⁸ Speech of President Salva Kiir Mayardit on July 8, 2011, at the National Legislature, Juba.

moment of high expectations by the citizens for services and high standards of good governance and stewardship from the nation's friends, partners, and donors. The statement went on: 'I am committed to setting a new standard for transparency and accountability in public finances and public officials.' He listed five critical steps as visible signs of the government commitment:

First was on investigations and prosecutions of those involved in funds diversions and explicitly mentioning the Dura Saga and large infrastructure contracts, he noted that such investigations would be made public. The second and third steps were to review land sales and laws before independence and hasten the passing of five Bills on accountability by the parliament. Fourthly, the statement insisted that the government was to enforce compliance of public officials to declare and publish their incomes and financial assets. He also announced the provision of an anonymous account for the return of diverted or stolen funds. Lastly, the final step he listed was for the government to solicit external expertise to establish solid financial management and accountability systems. The statement concluded that this would entail recruiting from the region senior advisors for the Central Bank, Audit Chamber, and the Ministry of Finance while strengthening the Anti-corruption Commission.³⁹

These bold and noble declarations are but a few of several others that are documented and have been spoken and pronounced by the nation's top leadership (President) on different occasions, along with some of the other political leaders in the country. These anti-corruption slogans and political mottos have been more frequent at the establishment of GOSS and during the early years after independence. However, they have now gradually faded and grown faint these days.

Though these statements insinuate a recognition and acknowledgement of the willingness to combat corruption, they have never been reinforced by any concrete actions and support to actualise them. Several interpretations can be attributed to that, but weak structures or leadership, the lack of capacity, ability and commitment are some of the implosions that have proven to be a hindrance.

One of the very senior government officials responsible for holding public institutions to account on fiscal matters, the Auditor General, Mr Steven Wöndu, took to the media and had this to say in a local newspaper (Citizen Newspaper) published on August 8, 2012:

Mr Mapuor Malual Manguen announced in The Citizen newspaper that the Nimule-Juba 'paved highway is about to be inaugurated. It will be the first hard-surface road in South Sudan. The 192-kilometres road with eight bridges cost the citizens of the United States of America 220 million dollars (US\$ 220,000,000). The reporter was quoting the Deputy Minister of Roads and Bridges. It cannot get any more authoritative than that. South Sudan Oyee!

We have not been informed how long it took to construct this road, but we all know that it is a product of the CPA era. If during that period we invested 4 billion dollars out of our oil revenue in similar road works, South Sudan would be interconnected to an extent none of us can imagine. Let

³⁹ President Kiir's Statement on 'Transparency and Accountability on September 21, 2011, in Juba.

us crunch the numbers. Four billion dollars is four thousand million dollars (US\$4,000,000,000). Divide that by 220,000,000. The answer is 18 (to the nearest decimal point). We would by now or very soon be having 18 tarmac roads of 192 kilometres each with 144 (8x18) bridges in South Sudan. Let us say 100 bridges since some of them will be much longer than the one Kit. Moreover, since the roads cannot be equidistant, let us say that we would be having a total of 3,456 (18x192) more kilometres of tarmac in South Sudan. Given that construction costs increase as the roads get farther from materials supply points, we can discount our coverage to, say, 3000 kilometres of tarmac. Now we know that a tarmac road costs a little more than one million dollars per kilometre in this part of South Sudan (\$220,000,000 divided by 192 km). Recently, the African Union inaugurated its brand-new Headquarters in Addis Ababa. It cost the Chinese US\$ 200 million, about the same amount the Americans spent on the Nimule-Juba highway.

The African Union building has a 20-storey tower. So, if we chose to use our 4 billion on constructing high-rise structures, we would be having 20 African Union size skyscrapers in South Sudan today, other things like costs and engineering being equal. We could have donated one to the African Union, allocated one to each of our ten States and kept 9 for the capital city. No other city in Africa would compare to ours, not even Johannesburg. There are thousands of alternative usages to which money can be applied.

How many water wells, dams, tonnes of medicines, acres of crop farms, and schools would the country have created is mind-boggling. We could have saved the 4 billion in the Bank of South Sudan (BOSS). If we had it now, we would have afforded to finance our government for two years without oil revenue and borrowing. By the way, the number one million is no small thing. Professor Chinua Achebe teaches us in *The Trouble with Nigeria* that from the day Jesus Christ was born up to today is not yet one million days. It will be only 734, 803 days by December 25, the product of 2012 years times 365.25 days per year on average. In other words, a person who has a million dollars and lives on one dollar a day would not run out of money for 2,737 years. Inflation is set off against interest income.⁴⁰

The above article written by the top accounting public official, the Auditor General whose tasks included auditing all public books of accounts and is the comptroller of budgets and expenditure, could only find expression in the press is lamentable. It poses a serious reflection; whether this could be an outpouring of his office's frustrations and failure to deliver, a lack of political support and will, or just a sign of disharmony and discord within the same government on the issue of how corruption is viewed and tackled. However, these facts demonstrate that slogans and strong speeches against all forms of corruption, have not been backed up with concrete actions or steps to demonstrate a political will to combat corruption.

Hence, my submission is that a political will without the right attitude, motive and desire for a commonwealth and welfare of all citizenries and is lacking in the fear of God for the common good, translates to very little and a hollow political rhetoric.

7.9 Concluding Remarks

South Sudan's endeavours to combat grand corruption have become implosive, self-defeating, and destructive, and the state's institutions and infrastructures are failing to

⁴⁰ Steven Wundu in Citizen Newspaper of August 8, 2012 - The author is South Sudan Auditor General.

rescue itself from eminent demise. Grand corruption has evolved from a simple lack of awareness and naivety of innocent public officials on the phenomenon to complex, schematic manufacture, fabrication, and machination by elites to divert from public resources to personal private benefit and enrichment. This chapter revealed that grand corruption in South Sudan, at the elites' level, enjoys tolerance, protection, rewarding, and is sustained and perpetuated by and among the top leaders. Those found wanting for acts of corruption have instead been rewarded job appointments through executive decrees and pardons from mock and staged convictions. Clientelism, political alliances, nepotism and comradeships are more valued than considerations for due justice, meritocracy, or rule of law. Impunity for the untouchables or sacred cows is a norm; the law only applies to the weak without godfathers or backs (*dahr* – in Arabic) to lean on.

The lack of integrity and increasing abuse of public property seem to matter no more, and moral and ethical values in the public office are getting reneged, with no consequences to anyone who dares to abuse, misuse or reuse for private purposes so long as they have a link to the centres of power. The contest for power and its abuse in South Sudan, whether gotten through legitimate or not, democratic, militarily, or otherwise, is a means to access public wealth for private gain. My observations, experiences, findings and reflections further show that the strives and struggles through various means such as conflicts, political manipulations and betrayals, clan and nepotistic lobbies, and many other forms of access orders (North, 2009, pp. 148–189) are aimed at attaining elitist (elitism) status as defined in this thesis. As such, the power dynamics that have characterised the state and political landscape of South Sudan are about those who have power and, within its confines, embattle to protect and guard it vigorously, while those outside its confines are also in a scramble to ascend to power and enter elitism class by whatever means. Grand corruption, a species of elitism, is also an incentive that has become a critical despondent slumping state building. At the elites' level, the 'political will to combat grand corruption and salvage the state from collapse is compromised by many factors. Thus, the need to tame, reset, reorient, and shape elites' political will to focus on the public and common good for the ordinary citizens is a vital component in the combat against grand corruption. A way of dealing with this is the role of faith and religious beliefs in confronting moral decadence. The next chapter (chapter eight), therefore, interrogates the position of the ECSS in addressing grand corruption and its role in public affairs.

CHAPTER EIGHT

ECSS on Grand Corruption, State-Building and Common Good

‘So, we have been speaking out our voice and the voice of the voiceless... that is the biggest role that the Church has been embarking on... there are certain issues that the communities cannot say out.’¹ Archbishop Dr Justin Badi Arama, ECSS Primate.

8.1 Introduction

This chapter aims to show how ECSS plays its role as a non-state civil society actor as it relates to public affairs, specifically in addressing the issue of grand corruption and its impact on state-building. As demonstrated in Chapter seven, South Sudan is confronted with different variations of grand corruption, occurring at the highest echelons of power in the country. As we have seen, this undermines the process of state building, which here refers to the setting up and the strengthening of state institutions and structures that are functional and efficient for service delivery and good governance.

While the ECSS's emphasis on the emerging South Sudanese state initially laid on achieving independence and, subsequently, trying to keep peace and ensure reconciliation between communities, the concern about corruption has slowly increased. Furthermore, the extent to which grand corruption has evolved in the country not only threatens the government's legitimacy and heightens the risks of state failure, some of the dynamics can also be observed within ECSS, while trying to hold the government to account. ECSS tries to assume its role of being a counterweight and watchdog, while playing their part in state-building through many of its followers who occupy various roles in the public domains and deal with issues affecting the state and society. On the day of independence (9 July 2011), for instance, ECSS bishops released a pastoral letter, which urged the newly independent government and its citizens to, among other things, build the country and combat corruption. On its part, ECSS pledged to contribute and participate in nation

¹ Interview with the Most Rev Dr Justin Badi Arama, ECSS Archbishop and Primate, from Juba (South Sudan), conducted on November 25, 2021.

and state building and confront all forms of corruption.² As a non-state actor, the role of an institution like ECSS is different when combatting corruption. While SSACC operates from within the realm of the state, as shown in the previous two chapters, the ECSS brings another dimension in the combat against grand corruption, which is non-threatening, including announcing different types of consequences and risks for both now and eternity.

As one of the largest churches, and a credible non-state organisation, ECSS resolves to carry out its dual mandate: calling the state and wider society to each engage in state-building, combat corruption, and pursue and defend the common good. The centre of this chapter draws from a series of twenty-six key interviews of ECSS leaders and lay members to source the primary data that are analysed and used as the substance for the main discourses. The other materials are obtained from reflections gathered in a focus group discussion with Christian students' leaders of the University of Juba, who provided part of the primary data for this chapter. The chapter offers a perspective and reflections on the role of ECSS from its lenses, whether actual, perceived, or aspired; and contributes to building a virtuous, harmonious, peaceful, and prosperous society and state where the pursuit of the common or public good and the commonwealth of all people is commonplace. In this perusal, the views expressed fall into two categories according to whether respondents are in leadership roles in the Church or ordinary members of the congregations. The general output from my data shows that leaders mostly try to display a positive outlook on what they have achieved and continue to do so, whether in the past, present or what they hope to do in the future. While most ordinary members acknowledge that ECSS has played significant and essential role(s) in society and made progress in state matters and development, however, they are as well apprehensive, dissatisfied, and critical in some of the things the Church and its leaders are doing. Congregation members expect more from their leaders to still do more, given the unique position of the Church which is an institution with a large following that is spread across every tier of society. And in the context of South Sudan, the Church is listened to and respected by most people as the institution bequeathed with a message or instructions for the present life and that of eternity. Both leaders and ordinary members acquiesce and converge on what the future role(s) and potential ECSS and other churches possess to play and contribute to society's common and public good if they faithfully fulfil their call and divine mandates. In what follows, I unpack ECSS's perspectives on its role concerning the issue of grand corruption and its implications on society and state-building, as expressed through key interviews.

² A Pastoral letter was issued by the ECS House of Bishops on Saturday, July 9, 2011, advising the sons and daughters of South Sudan on Independence Day (see Appendix 8).

First, I examine perspectives on perceptions, meanings, understanding of corruption and grand corruption, and occurrences, and prevalence in subsection 8.2. In the next subchapter 8.3, I explore what ECSS members perceive as root causes, asking the why and the how of grand corruption. The following section examines the envisaged role of the ECSS in addressing grand within its denomination and through an ecumenical body in subchapter 8.4. Then, a section on challenges and debacles ECSS grapples with follows in 8.5, and finally, the concluding remarks on section 8.6 end the chapter.

8.2 ECSS Perspectives: Perceptions, Meanings, Understanding and Prevalence

The perceptions, meanings and the prevalence of corruption form the conversations in this section. Despite the various views, understandings, perceptions and even misperceptions of the term corruption and grand corruption, most people I interacted with through these interviews agree that corruption is bad, evil, and destructive to the country. Another important consistency throughout the interviews was that the majority blamed the elites in power, who are reproached for their attitude and involvement in it and refusing to act and enact strong laws to combat it due to their greed for power and wealth, and selfish interests in disregard for the wishes of ordinary people.

Grand Corruption and Corruption: Perceptions and Misperceptions

The understanding of grand corruption varies among members of ECSS, but the common view which cuts across is that it is the highest level of corruption involving the top elites. Some go further by referring to it as sin, a moral aberration from that which is right and good, unethical behaviour of leaders, and unfit to be called Christians. An internal Archbishop emphasised what scripture refers to for sin in his comparison with corruption and stated: ‘corruption like any other sin mentioned in the Bible, for which the wage is eternal death – “For the wages of sin is death, but the gift of God is eternal life in Christ Jesus our Lord (Roman 6:23),” (Bp04, 2016).’ Christian students’ leaders too expressed this view in the focus groups, and they analysed and defined the term (corruption) in both Arabic and their local languages. In classical Arabic and ‘Juba Arabic’ (a colloquial form

of Arabic spoken widely in South Sudan), the term for corruption is *fasad*.³ Though most languages spoken in South Sudan do not have specific words to denote the term corruption, the phenomenon is usually described in a phrase or sentence. In their analyses and reflections, the focus group described corruption in some of the South Sudanese local languages and gave a variety of meanings, but most of which refer to corruption as a bad thing, theft, robbery, or an evil act (FGD, 2016).⁴ These understandings point to both modern (theft and robbery) and older versions and meanings describing it as a moral aberration, decay, and lack of integrity (Mulgan, 2006, pp. 25–36). Moreover, this resonates with the aspect of corruption as sin which is conceptualised as *mysterium iniquitatis* or the reality of sin (Schenone & Gregg, 2012, pp. 7–14), from a Christian perspective.

Grand corruption, on the other hand, is described as the corruption of the top public officials who hold high-level and powerful positions in government and involves the diversion of vast sums of public resources for the personal benefit of the elites and cronies. It is viewed as greed, inferior way, moral decay, and lack of integrity. In a sense, this demarcation of grand corruption, the 'moral decay' and lacking integrity is a missing gap in Stelios Zyglidopoulos conceptual framework (Zyglidopoulos, 2016, pp. 1–10).

Prevalence and Occurrence

The general view acknowledges that corruption exists in various forms, is widespread corruption across the country in public offices, and of which, grand corruption is the gravest and most devastating to society. The Auditor General (AG) of government heading the SSAC, which is one of the lead public oversight institutions, is also a prominent member of the ECSS. He professed that corruption in South Sudan has become rampant and intractable, which he recounts in these (his) words:

When my friends from Europe or other parts of Africa ask me about corruption [in South Sudan], I say [to them] the president says so, right, then who am I? My head of state acknowledged that there is a lot of corruption going on in this government, and who has more information than him? So, the reports of the Anti-corruption Commission and the Audit Chamber are only supplementing the president's observation and findings, because he has more institutions that provide information. So, the existence of corruption in South Sudan is not a subject for discussion, [because] the president said and supplemented by his institutions of oversight including parliamentary Public Accounts Committee (PAC) reports. The grand corruption in South Sudan has deteriorated from corruption to burglary and is beyond description, it is deep and widespread.

³ *Fasad* is the noun, and its verb '*fasid*' (in Arabic) is the word for corruption, which also means rotten, lost form or value.

⁴ The meanings of the term corruption in some South Sudanese languages as expressed in the FGD.

Several examples of corrupt practices can be cited in addition to those already examined in chapter seven. I here share one story by a bishop, describing a scenario in one of the states involving the governor, who is the top public official in that setting. The governor got involved in disbursing cash salary payments in his state, where he sat by the cashier who was calling out the names of the workers and paying their salaries from boxes filled with money. The exercise continued until the boxes were half-empty, then the governor declared the operation over and ordered the remaining cash in the boxes (half full) to be carried to his residence. The governor knew that there would be cash remaining because he maintained names of non-existing workers; it is alleged that six hundred and fifty-seven (657) were *Asma al wahamia*, (meaning ghost names, or ghost workers in Arabic) on their payroll in this state alone (Bp02, 2016). This example is prevalent among governors, commanders of the military and security organs, heads of units and other sectors; to maintain in payrolls, fictitious names and part with the salaries attached to them. Again, on the occurrence and prototypes, these are varied in form and manifestation, which, the AG again observes as follows:

Other aspects of corruption are not apparent, like nepotism, which amounts to conversion, misuse of your office for personal gain, personal gain in the broader context, and the gain of your relatives. Corruption is internal within us; maybe some sections of society are more clandestine than others in doing the same thing; some are more careful and discrete, while others are reckless. The people in uniform are visible; theirs are visible, while others are less visible and more harmful. The discrete ones have greater political power and therefore do more harm. You know, there is petty corruption and grand corruption where there is a positive correlation between political power and the size of corruption. People with the grandest titles, people who control more assets, and those who control power levers are more likely to divert more resources.

The AG suggests that corruption in South Sudan defies the common definition, which refers more often to 'abuse of public office for private or personal interest or gain (Rose-Ackerman & Lagunes, 2015; Iyanda, 2012), and extends to include the interests or gains for the extended family – relatives, clans and kin, and community. In its grand form, it is observed that corruption is protected, more devastating, clout in power and grandeur titles, and out of reach of law and order, which is another aspect of grand corruption only typical in South Sudan and supersedes Zylglidopoulos concept of the second-order (Zyglidopoulos, 2016). In acts of grand corruption case involving the elites, these are not prosecuted (selective prosecution), if convicted (usually sham trials and convictions), they go free (impunity), and edicts, decrees, or higher legal entities intervene and issue annulments to cancel convictions (protection from existing laws). Thus, powerful elites' corrupt acts are not brought to the book, they face no consequences, and there are collusions among law enforcement networks.

The key institutions for combatting grand corruption, SSACC and the Audit Chamber, are faced with the reality that corruption at the top is untouchable and a waste of time to pursue; the state accountability institutions in such situations demonstrate weaknesses and helplessness to confront grand corruption (Ly10, 2017). This shows the level of frustrations key state agencies face in tackling grand corruption, where available tools and instruments, including the 'political will' rendered irrelevant with no value when it concerns specific individuals (elites). A 'moral will' to do good, justice, and impartiality for the good of all, accompanied by virtue, integrity, and reverence beyond laws, has become illusive, and even with laws; these laws are made to suit narrow private interests that are usually amoral and contrary to the public good.

8.3 ECSS Perspective on the Why and How surrounding the Issue of Corruption

Several issues emerged from many of the interview partners, indicating that possible root causes and factors for the cyclic and progressive nature of corruption in South Sudan are linked with the government's failure in building strong institutions and lack of commitment from the leadership to combat corruption. These, I submit, are not exhaustive of causes and factors associated with the issue of corruption but are some pieces in the grand jigsaw of grand corruption studies, highlighting some of the why and how of grand corruption. I, here group them into three sets of themes: institutional and political environment, cultural and environment of society, and personal and moral environment.

Institutional and Political Environment

Many interviewees stated that the weak state institutions and structures allow corruption to penetrate and persist in the varied observable forms and mutations in the country. These views reflect what Heather Marquette stated regarding crucial roles strong institutions play for good governments. According to her, an institutionally focused state-building approach promotes good governance and best practices, integrity (anti-corruption) and efficiency (Marquette, 2011, pp. 1871–1890). To realise this kind of state-building, leadership of integrity is required, and those in power should have the right focus, public philosophy (public good at heart) and set the right national priorities. In South Sudan,

interviewees see the downsides where the elites in power only regard state-building in terms of territorial sovereignty and are obsessed with insistence on non-interference and independence when confronted by outsiders on the contentious issue of grand corruption. This has become a pretext to guard against criticism and cover up for misrule, poor governance, and lack of commitment to developing solid institutions that protect against corruption. One ECSS leader argues that the issue of sovereignty is insignificant when half of the population is displaced and hungry, and the security and welfare of the ordinary are at stake. People do not eat sovereignty; instead, peace and prosperity are more important than the rhetoric of sovereignty you often hear from our leaders' (Bp05, 2018). This kind of rhetoric often emphasised by the elites is: 'we are a sovereign nation,' while the same continue to engage in grand corruption with utter disregard for ordinary citizens. According to one of the bishops I interviewed, excellent and robust structures and infrastructures are essential in the government systems to aid public institutions to help prevent the abuse of power to render public services and should be respected and honoured by all. Respondents consider public institutions such as SSACC, SSAC and the Judiciary as vital organs in combatting corruption and should be strengthened, supported, and adequately funded by the state. However, in their current state, there are doubts about the effectiveness of these institutions and their systems, and they are viewed as merely being there by name and not functioning in reality. So having functional systems, structures and institutions are critical to good government that prevents corruption.

Many lay members of the ECSS blame leaders, and claim grand corruption thrives too because these leaders lack a political will and commitment to fight corruption and fully executing and implementing existing laws on financial management (Ly10, 2017; Ly01, 2016). They observe that the governance systems, and everything to do with best practices are collapsing because of waste and looting, and without the right calibre of people, structures, and rules to take care of state resources. Another bishop argues that 'the government system has demotivated good and qualified South Sudanese with the right qualifications and experiences, who have since then taken on other roles elsewhere, while those who still remained are frustrated.' He further states that 'the state will lose the best calibre of people, and then the country will suffer more and fail in providing services to its citizenry. In situations like this, efficiency and meritocracy of the public service are compromised, and recruitment takes a leap into nepotism and becomes whom you know, and no longer about the right person in the right place.' The bishop continues and gives this caution regarding the civil service and its failure to meet peoples' aspirations:

I have said in the past that people are recruited on 'akwuanacracy' or 'akwana-akwana' [Arabic: Ikhwan – brotherhood]. So, if people recruit because he is my 'brother', my sister's son or something like that, it means that you end up with the wrong people and in the wrong places. I have seen that in many parts of South Sudan where I have lived, many people are recruited not on what they know but whom they know, and that is not good for the country, therefore whoever is doing a particular role is not doing it for the best of their ability, and as a result, services suffer [and] people do not move forward. And it means you are not doing the best of your ability because you do not have that ability (Bp05, 2018).

The need for good governance institutions, which are supposed to instil a culture of integrity since GOSS was established, is inadequate, and the system was unprepared to handle vast sums of money and lacked the infrastructure to withstand the temptation to engage in corruption. On the issue of corruption, the same bishop decried:

We did not have the structures to cater for or to prevent some of the grand corruption deals, which have contributed to where we are now, for instance, where you have a person in a very senior position who is a former fighter. During the time of 21 years of struggle, [he] knew only fighting and war and was not used to taking care of such enormous resources, but suddenly, you are given this responsibility to take care of such massive amounts. You do not have in place a mechanism to prevent any temptation. He will be tempted, especially when you have brokers, who come from some of the experienced countries in the region, to tempt some of these leaders, which has contributed to the grand corruption in the nation. We hear that one is to be offered a ten per cent commission if they give a special deal for a contract, which is tempting and enticing. So, the way out would have been if we had mechanisms to prevent such a thing (Bp05, 2018).

Another Bishop narrated that in one parliament session, a Member of Parliament wept after hearing the report of the Auditor General told the august house that vast sums of money went missing and were not accounted for by the leaders who were responsible for these amounts. This member wept because of the grand theft he heard about and how leaders refused to institute an excellent system to tackle grand corruption to serve the suffering population whom the same corrupt leaders claim to have fought for and liberated (Bp03, 2016).

Ordinary people yearn to see tangible development, basic service delivery and peace dividends as a result of the hard-won independence. But seeing grand corruption so widespread across the country is a pointer to failing the state; one bishop gave this assessment about state failure:

I would not use the term 'failed state', but I think I would use the word failing state [the process of failing, not completely failed yet], but we are on a cliff that's heading to a failed state. So, of course, there is a peace process unless it is returned to the country; we will be in a big problem as it is. Of course, right now, having visited recently, I could see the suffering of the people, the lack of resources, the lack of money and finances, there is very high inflation, and I am surprised at how people survive in Juba and then of course when you have over half your population either displaced or outside the country [as refugees] again, is an indication that yes, we are failing as a nation. So, the lack of vision for the nation right from top to bottom has been a critical issue.

This statement, I think, is muted and an understatement, but I submit the bishop wanted to give the benefit of the doubt with the hope that the situation would get better. This was in 2018, and now writing up this script three years (2021) after his initial interview the current situation depicts a further deterioration instead of improvement and recovery. This same bishop, in a second interview (2022), now confesses that the state is inevitably skidding towards failure unless it fully (in letter and spirit) embraces and implements the Revitalised Agreement for the Resolution of the Conflict in South Sudan (R-ARCSS) to avert calamity. In the R-ARCSS, there are provisions for reforms and restructuring of public institutions to address several governance issues, including corruption and accountability (Bp05-b, 2022).

Many ECSS members consider a failing state due to rampant grand corruption but still have hope and faith for things to change and that there is a role for the ECSS to play and contribute to making a difference. They recognise that fighting corruption takes a long time; it is costly and life-risking, especially when dealing with and confronting mighty and corrupt government officials who have chosen a self-gain-interests path and are unwilling to change (Ly07, 2017).

Cultural and Social Environment

The South Sudanese society is diverse and comprises many cultures and practices; and some of these cultural practices are helpful while others are distressing to nation-state building and the attempts to combat corruption. Nevertheless, it is worth mentioning that societies have also changed, and many practices and values of the past have, and are changing too. Hence, the views expressed by some interviewees may no longer represent the reality in any particular society but are rather arguable historical annals. Churches, too, have not successfully dealt with some of the detrimental practices in the society and have sometimes become accommodative and tolerant to unhelpful behaviours. One senior public official and a member of ECSS (Ly10, 2017) recollects and reflects on what he considers both helpful and harmful practices in a statement here below:

We have diverse cultures from one extreme to the other and those in between. In one culture, we do have that where a child cannot even help themselves to food in the house when hungry unless it is given to them by their parents or caretakers. [They] D[d]o not even think about reaching somebody's maize garden in the neighbourhood to pick a crop, this is unheard of. In this culture and ethnic group, taking somebody's goat, or chickens, let alone big things like stealing cows, but just plucking somebody's groundnuts from a farm is an abomination and disgrace, and if you are caught, the punishment is severe. And then we have communities built in between, but let us talk about the other end, which is a culture where boys at the age of seven are detached from the family

and taken into a camp where they are taught how to rob, grab, steal and kill in the process to prove manhood and strength otherwise, you will not be able to procreate... The more of that you do, the more of a leader you are, which is happening in South Sudan. People from all these extremes and those in-between are brought together in a national government. So, it becomes a situation where others do not understand why anybody should make noise because of corruption or if somebody has stolen from the public coffers. Because what am I supposed to do? According to the way this person was brought up, there is no issue with robbing, grabbing, or getting away with anything that does not belong to you, and if anything, it shows how strong you are and pride yourself in such acts. This cultural thing is connected to a social issue and is perpetuating what I call grand theft by having all these people in positions of power who often override the financial management regulations because they consider these regulations foolish.

The above view is problematic, but the important point that it reveals is that across the nation of South Sudan, one can observe mistrust across ethnic groups, including by the elite members in society. As much as the churches may offer bridges across these cultural divides, this is not always successful and hence the mistrust and incomprehension may hinder the common fight against grand-corruption. After all, these views above are also disputable and rapidly changing even in some of the societies whose practices were said to promote and maintain integrity. Many behaviours have aberrated and can no longer claim to be clean regardless of the background. As such, though diverse, every cultural practice and behaviour in South Sudan have both good and bad aspects in relation to corruption. Hence, there are both risks and opportunities in every culture and practice to shun and exploit in the entire country. Churches, therefore, have the onus on them to seize the opportunity to provide antidotes by teaching, creating awareness and discouraging harmful cultural practices. The churches have remained the most important institutions to advance peace, cohesiveness, and harmonious society in the nation, and forge a common national identity, which presently seems too difficult to achieve by the government (Ly10, 2017). ECSS sees itself as an institution that is listened to and respected by all societies, and its message has a far-reaching effect on bringing positive change. This claim accurately resonates with what James Jeffrey and others affirm as the achievements of churches in the society and population of South Sudan over the years (Hosle et al., 2020).

Another socio-cultural and ethnic vice that is crippling South Sudanese society is parasitism. A large section of the population has been conditioned to parasitic life:

Many people are dependent on the international community, NGOs, and churches for relief assistance, which is what they talk about whenever there is a problem. This all goes back to the years of war where there were IDP camps and refugee settlements where that is the attitude and the environment of dependence in which some people grew up, and we have not managed to get rid of. We are going deeper and deeper into it, and where legitimate Aid is not provided, they resort to theft because people's work ethic has not developed (Ly10, 2017).

Despite the potential (unexploited natural resources – except for oil) the country population has embraced a dependency syndrome which is fast spreading across societies.

Many humanitarians emphasise this and blame it on the successive civil wars and displacements the nation has experienced over many years that has bred laziness. This has made the population much dependent on aid, and international observers frequently decry how humanitarian and donor funds appear to underpin the entire South Sudan economy (Rolandsen & Kindersley, 2017, pp. 3–4). To sustain this mischief, the elites immortalise economic mismanagement, corruption or state capture and failures of economic planning. With the oil wealth, the only exploited resource, the elites failed to create a social welfare system for the public good.

There is also this social phenomenon where people move from their villages into cities in big numbers and settle in the homes of their relatives or those who represent their political constituencies, and will want to be looked after (food, shelter, medication) yet contributing nothing. This situation has developed a dependency culture among ethnic groups, but the elites are silent about condemning such behaviour for fear of losing their communities' support (votes) and respect. This consequently creates situations of financial overburdening for some of the elites to the extent that sustaining such a dependent crowd has led some (the elites) to either dip their hands into public coffers or enlist these unskilled and idle dependents into payrolls of institutions they run. The issue of ghost workers explained earlier on, in this chapter is common and is harboured by the elites to ease the financial burdens imposed upon them by hosting large numbers of members of their communities (Bp02, 2016).

Contrary to some of the cultural vices already mentioned above, some cultures talk about *kido nio* (Bari: meaning my chest – my labour or what I earned), or *ngingiret* (Bari: my sweat – the pride of achievements due to hard work). This was the culture, but to a large extent, this is now fast diminishing from our cultural radar and society. People are no longer ashamed to be given food or anything, including *gurusutot* (money) (Ly10, 2017). According to my interview partners, values like hard work, honesty, and integrity, which churches taught and emphasised in the past, are evaporating in most societies of South Sudan, and again churches are considered to have the capacity and offer avenues to address and challenge such odd (parasitism and dependency) behaviours and to correct society by replacing it with positive and productive values.

Personal and Moral Environment

The state and churches are not separate on the corruption issue, but both have the same challenges, and corruption is found within and inside them (Church and state). These are

the words of a lay member of the ECSS and is also a top public official of the government. He describes corruption and argues that corruption is equally prevalent in the Church and the government, many perpetrators are Church members, and this is his assertion:

So, there is no divide between the Christians and the corrupt rulers; they are the same people. This corruption in South Sudan is internal within the Church of Christ. Therefore, we need moral rearmament as a society, moral rearmament in terms of the Christian faith and moral rearmament in terms of human values.

The above statement is an indictment of ECSS and calls for repentance, self-reflection, and a critical look at how it is seen, conducts and presents itself in its role on combat against grand corruption, as well as with the other churches. There ought to be an objective and critical self-appraisal (ECSS) before claiming to be a moral authority and prophetic voice to challenge the government. Such hindrances and shortcomings ECSS have encountered have diminished its effective and prophetic role in recent times. The shortcomings and debacles confronting ECSS are becoming pronounced and are negatively impacting its credibility as a divine institution and moral authority in the state and society. As stated by some of the members who were interviewed, they confess that on the issue of corruption in South Sudan, there is no demarcation, whether in the Church or government, because the corrupt elites are members of both institutions (Church and State). Therefore, the moral and personal piety in dealing with corruption is anecdotal to the institution you serve, whether sacred (church) or secular (state), the change must happen from within the heart.

8.4 Envisaging the Role of ECSS

ECSS is both an institution and individual members who form the body of the organisation, and both organs have an impact on the fulfilment and performance of the Church. As an institution – like other churches – it has a dual mandate, firstly for the individual and personal salvation of souls for eternal life. Secondly, to serve humanity and advance society's welfare and common good in the present life here on earth.

ECSS claims it is a prophetic voice, speaking and acting for the voiceless in society, emboldening peace, harmony, unity, and prosperity for the people of South Sudan. Head of ECSS⁵ who is also the Archbishop and Primate, and Metropolitan Bishop of Juba states that:

⁵ Interview with the Most Rev. Dr Justin Badi Arama, the primate and archbishop and head of ECSS.

The Church has been there, as a voice to the voiceless and also speaking, and showing or guiding where we think best; we can move the direction. So, we have constantly been speaking out our voice and the voice of the voiceless. To all those concerned, that is one of the most prominent roles the Church has been embarking on... There are certain issues that the communities cannot say out. So as a church, we think best we can say out, for example, recently, the civil population have not been receiving their salaries. So, as a church, we have to speak on behalf of the civil population and let their rights be given. And secondly, we see that money, the oil, money, and other revenues; we do not know what they are doing and where it is going. So, the Church has actually to speak out. And then challenge so that there is transparency in what is where.

He argues that the role of the Church is to act and speak for the people and society for them to live in peace, unity, harmony, prosperity and the common good for all people.

On the issue of grand corruption, ECSS members believe that the Church, in its pulpit ministry, preaches and teaches against corruption, by emphasising honesty, integrity, and good behaviour in society and public office, and at the same time urges leaders to serve rather than lord and loot society. The teaching ministry ought to create awareness against corruption; counsel, disciple, mentor and encourage members through visits, training, and social engagements on Christian values because these values (Christian) are all against corruption. Respondents also expect the Church to speak truthfully and warn corrupt leaders of the consequences of disobedience, especially on eternal condemnation which awaits the corrupt and disobedient on judgement day. That the Church should announce without fear or favour that all people will give an account of their lives and responsibilities entrusted to them while here on earth (Ly07, 2017; Cy01, 2017; Bp01, 2016; Bp02, 2016; Bp04, 2016).

An ECSS bishop who spoke on the important role ECSS, and other churches play in combating grand corruption, insists that:

The Church is ...to take the lead ... as instructed by our Lord Jesus Christ who said, 'you are the light of the world and the salt of the earth. The importance of light and salt in life and society is [are] known. Salt can make your food tasty, can preserve your food; [and] light can make you see at night, [and give direction] ... and if we start addressing the issue of corruption [from the pulpit] in the Church, then there is hope for our nation (Bp02, 2016).

This statement implies that ECSS claims to shine (light) and make its presence (salt) felt, by impacting society with positive change. Thus, addressing and combatting all forms of corruption through its preaching, teaching but more importantly by acting out as its members interact with the people around them. Most of the members interviewed concur, that ECSS is advantaged for being present, both in the cities and upcountry across the nation, and is thus, a custodian and an agent of transformation through the power of God's Holy Spirit. With its dual mandate, they assert that, the Church's message has the ability to convict people's inner hearts and change people's behaviour. These (people) include

elites who are corrupt, but they can still repent and reject corruption because the Church according to them, has the power of God (Holy Spirit) which is able to change hearts that are obsessed with power, selfish interests, and even greed – (grand corruption).

ECSS Institutional Role and Leadership

ECSS leaders contend that their Church is among the churches with the most coverage and influence across the country and, therefore, has a significant role and responsibility, and is bestowed with a ‘prophetic voice’ none other institution has (except churches). These ECSS leaders (Bishops), see the Church as a truthful voice for society and ordinary people, especially in times of fear and intimidation from rogue and corrupt governments. Like most churches, the ECSS considers itself as one of the custodians of the people's public good, not only for its members but also for the whole society. For instance, in serving communities, it does so indiscriminately and impartially, advocating for the rights and demands of those who are weakest in society (Bp08, 2021). The current mood towards the elite’s corruption is muted. There is less talk and emphasis on confronting the elites over the issue, and at the same time initiatives and concerted efforts to challenge grand corruption are lessening. Yet, there are a few lone and sporadic voices who speak out in sermons, teachings, and preaching, although these are not enough. Albeit ECSS avers that her role is vital because, with other churches, they represent people at all levels of society, especially when other bodies are afraid of the repercussions and for speaking out. For instance, most NGOs and CBOs in the country are harassed, intimidated, and restricted; others shut down for speaking out against corruption and human rights abuses by the powerful elites. These political leaders (elites), who are usually the main perpetrators of abuses are often intolerant to critique and are uneasy when confronted on the blunders they commit. These elites are often in haste and chauvinistic to any criticisms and can use state apparatus to dispel critics who challenge and infringe on their interests. But elites bear along for churches speaking out and raising the issues affecting society, especially when these criticisms attach strong pronouncements and Biblical references for eternal punishments in the after world. ECSS members, therefore, believe that the Church's role is vital in addressing grand corruption because the other non-state actors have ceased to fight and advocate against the vice in the country. This is because of the fact that many CSOs, CBOs and NGOs that advocate against corruption are flushed out by state repression, intimidation, suppression, and persecution. The churches are though, still functional and do retain a position of respect and credibility within the state and

society. This credibility of ECSS (and other churches), their moral authority and prophetic voice has on the other hand kept declining due to compromises and mistakes committed by some church leaders, resulting in weakening and loss of its moral authority. Church leaders and members cede moral authority if they fail to show exemplary leadership, especially in dealing with corruption. A lay member and public official acknowledge that combat corruption: ‘the mightiest tool is an example; you live a life which others can emulate, you live a corruption-free life, and people will know it, it is easily understood [seen], it is the maker of credibility, it empowers Christians, and it helps you convince others because there [are] no double standards about it....’ (Ly10, 2017). At the same token, a bishop adds:

I think the Church should also set an example in the way it deals with its issues; being a member of the house of bishops and attending our general synod, I think I attend two general synods so that even within our general synod, several dioceses were not even giving any financial reports. I remember in one particular synod, only three dioceses had audited reports which again is worrying and means that if the Church is not leading by example, the church leaders cannot speak and challenge the government to put its house in order. I think the Church could show by example...; it also means that apart from the audit, it should put in place mechanisms to make sure that our committees are put in place when we are tendering for any contracts, and there should be open bidding so that it is transparently undertaken and by doing that and show by example what it is doing. The Church [thus] needs to be strong itself by having the resources in place, and once it has, it does not then rely on the state... then it will mean that we can speak without fear or favour, and we can have a prophetic role to speak our minds... And I am a believer in what late archbishop Gitari said. The relationship between the Church and state should be like that of fire and a human being; when you are too close, it is hot; when you are far, it is too cold, and so we need to maintain that critical distance and be able to speak, but it does not necessarily mean that playing a prophetic role means criticism from the pulpit, it would mean going quietly to these state officials, whether the governor or to the president to say, 'this is what we are hearing, please look into this, and that is playing a prophetic role (Bp05, 2018).

These above submissions are consistent with the teachings of Jesus in the Bible, who taught and showed his disciples then, and to Christians of today, to be his witnesses and follow his exemplary life during his earthly life.

Churches and ECSS are, therefore, called to demonstrate by example to society how to deal with grand corruption, where laws are manipulatable and sometimes tailored for self-gain and privilege the elites. They do this instead by offering divine and moral authority, guidance, and reprimand the elites to act for the public good. Only churches know and can teach society that earthly power is temporal, limited and should be used for the good of all, while recognising that another supreme power and being also exists where everyone, including the elites, will face judgement and accountability.

ECSS believes it is a strategic partner for the public good and welfare of the South Sudanese society and state. In the recent past, when the country was at war, it focused on advocating for peacebuilding, conflicts resolution and harmony, as well as responding to

the humanitarian and social needs of the society. The present-day challenges facing South Sudan are the building of a viable nation-state that withstands grand corruption and pursues public good, and the Word of God (Bible) has a contribution to offer. A Christian student leader affirms that: ‘one of the biggest elements in transforming people’s lives is the Word of God. When people receive the Word of God, they become transformed, and when their lives are transformed, they will definitely consider corruption as a sin, and not carry on with it farther (Ly07, 2017).’ This study also reveals that the power of God’s Word to reform and transform lives and society is a view, which reverberates with all respondents who believe in churches as the means and avenues for moral rearmament. Thus, a moral will to combat grand corruption along the state building trajectory to realise a common and public good for South Sudan is doable.

ECSS Acting as a Lone Denomination

This section recounts how the ECSS has acted as a lone denomination player and confronted several issues in society and state, including those of public concern. State-building and common good is at the heart of the Church’s ministry, as claimed by the leaders. According to them, the Pastoral Letter⁶ by the House of Bishops issued on the day of independence was one of a lone act of the ECSS in addressing grand corruption headlong. Another lone voice against corruption to cite is that of Bishop Peter J. Mayom of the ECSS diocese of Malek (South Sudan), who wrote an open letter to challenge the vice both in government and within church institutions.⁷ Bishop Mayom took a lone action to condemn corruption, both in churches and state, whether out of conviction or mere publicity show, but it is an obvious reality. Some members did narrate several other instances where ECS acted as a denomination to tackle issues that I will not delve further into, but I now elaborate the merits of acting as a lone-player on certain public issues in the next paragraph.

With its widespread membership spanning across all sectors of society, the ECSS has access to a large population, and is able to act faster and directly without facing any bureaucratic hurdles in dealing with public issues. Within the ECSS, trust and rapport exist between and among members and their leaders, so that when public issues are raised

⁶ ECSS House of Bishops Pastoral letter issued in Juba, on July 9, 2011 (Appendix 8).

⁷ Open Letter challenging corruption and corrupt leaders in society and church, August 2018.

a plan is agreed upon, and actions are taken immediately. Whereas some members claim that in other churches, no action(s) like organising peaceful protests, or addressing urgent public matters, unless a bishop or a higher authority gives approval, and in some instances, this takes long to endorse. As such, ECSS members, especially from the laity feel that within their denominations or congregations, issues are easily and quickly addressed. Afterall every Church is firstly responsible for its members and the society in which they live in where it is expected to serve and exercise a standalone role on its calling and God-given mandate. Then joining other church denominations in fellowship is also important, just as individuals Christians are first invited to a personal relationship with God but are also called into communion with other believers in the body of Christ.

On tackling grand corruption, some members specifically regard Sunday sermons in churches as important vehicles and should address the issue. The churches too should use media individually and responsibly to address grand corruption. Some individual members serving in various sectors say they are called to play their part as faithful Christians in society and impact the marketplace in the offices where they serve, whether in the private or public sectors. One lay member working in the Central Bank recounts several attempts to bribe her, and sometimes a mild language is used to entice her like ‘appreciation for your good work’, but she has persistently rejected every move (Ly04, 2017). She too is able to influence her immediate colleagues through her actions and raising their awareness against being enticed and to refuse gifts intended coerce or influence them. Because of her testimony, she sees changes among her peers and juniors who now reject appreciations (bribes) and refuse kickbacks from customers. She has become an infectious for good behaviour among staff in her department. Individual members can confront corruption by speaking the truth as taught by Christ, says a Christian student leader, who quotes the Bible, stating that: ‘then you will know [speak] the truth, and the truth shall set you free (John 8:32).’ He asserts that anytime the truth is present, a lie cannot exist. Since corruption is part of lies, it will not exist whenever there is truth. Darkness too cannot live together with the light because darkness will flee wherever there is light.⁸

Most of the interviewees who work in public offices, in both public and private sectors, attest that the rest of the people watch how they (Christians) live at their workplaces. Many of them claim that they have been faced with cases and confronted

⁸ The above is a paraphrase of the Gospel of John 1: 4-5 from the Bible contrasts light and darkness by one youth.

corruption in their workplaces, but they have stood against it. A member of laity who heads the environmental protection department in one of the oil companies, affirms that his work puts him on the frontline in the combat against corruption. But he testifies that God has been glorified through his work and concurs that individual Christians working in secular settings are at the forefront of combatting corruption. These are testaments from lay members in the marketplace, confirming their individual contributions to combat corruption.

The final mention of the importance of ECSS as a lone actor is by John who served in various roles in the Church for over thirty-five years, with the last ten as the top administrator. He argues that each church can best handle its members' disciplinary and sensitive matters on its own with individual members. He stresses that ECSS is better off alone in handling public issues like corrupt members and the like because it has its own provisions, instruments such as constitution, canons, and the Bible. It has a robust mechanisms and policies such as canonical obedience and others for handling disciplinary matters. This is lacking and not easily managed in an ecumenical forum, where governance and discipline are usually loosely handled, and capacities for handling individual members' matters are ineffectual (Ly03, 2016).

Notwithstanding, ECSS acting within an ecumenical forum adds value and credibility than lone individual efforts, especially on serious public issues such as grand corruption and defending the common good. I now examine its (ECSS) role within an ecumenical forum in the following section.

ECSS within the Ecumenical Body of Churches

ECSS recognises the importance of belonging to an ecumenical body that unites churches for a common goal. According to one bishop, the SSCC is particularly useful on issues pertaining to the state, especially in communicating one clear message on behalf of the common people and society. Other members also cite several other advantages that favour ecumenical response and collective actions because the elites in power are also spread across the denominations. So, in a forum like the SSCC, the elites can identify and recognise authority of churches acting together because they see their leaders are represented, and this seems to attract more attention and respect than from a single church.

Another bishop observes that within an ecumenical body, churches speak louder, are more substantial and with a stronger voice; but this does not necessarily mean

confrontations on every issue. There are times to moderate and mediate according to the situation and issues at hand. It also means that churches ought to be factual with credible information on corruption or misrule when engaging with the elites in power, and this can sometimes be done diplomatically instead of confrontational. Having the churches from various denominations also forges unity to advocate and lobby for society's common and public good. Cognizant to this, is the fact that churches are spread all over the country, even to the grassroots and uniqueness that no other institution possesses (Bp05, 2018). Thus, for matters affecting society and the public welfare, especially when a state is irresponsible towards its citizens, when churches unite, they are suited to play public and prophetic roles.

Also, another bishop argues that when churches are together in a group, individual member churches are more secure and protected within the umbrella body and are safe from being isolated and targeted for whatsoever reasons, mainly when matters being addressed are serious, sensitive, and concerns abuse of rights and power by elites. Ecumenical fora for addressing the state on public issues has, thus, been the mode of addressing issues facing churches and society in the history of church-state relations, even in times of hostilities and persecutions (Bp07, 2021).

On the issue of grand corruption, one example of joint actions was a year after South Sudan's independence, on the 9th of July 2012 when the two Archbishops of the Roman Catholic Church (RCC) and the ECSS issued a joint statement. Archbishop Paulino L. Loro of the RCC and Archbishop Daniel D. Bul of the ECSS who lead the two biggest churches (RCC and ECSS) challenged the government leaders to, among other things, end corruption and pursue the common good and welfare of the citizenry.⁹

8.5 Challenges and Debacles confronting ECSS

ECSS efforts and endeavours are undermined and threatened by undeniable and endemic corruption that stands in the way of the people and society's well-being and public good, even within the Church. Both leaders and individual members of ECSS acknowledge that corruption and the corrupt people are in the society and are part of the churches, so ECSS is not exempt from the same vice.

⁹ Archbishop Paulino L. Loro and Primate Daniel D. Bul stated the leaders (elites), urging and challenging them to end corruption on July 9, 2012.

Three main drawbacks that have emerged from the interviews and are discussed here which relate to the issue of corruption and the Church (ECSS), in which leaders tussle amongst themselves and where instances of power abuses and resources' (financial) mismanagements are evident. The first of these hindrances is where state or public officials (elites) use public resources (both money and assets) as gifts donated to churches and religious leaders, including ECSS, to entice and keep them from criticising state failures. Members believe these donations and hand-outs have become tools to silence or weaken the voices of churches to speak out on behalf of society against the state concerning state abuse of power and corruption. The second problem is internal wrangles, conflicts, and power struggles within and among ECSS leaders (and I will only focus on bishops in this instance), which has seriously dented the image and credibility of the Church. The final (third) issue on some negative cultural and ethnic anomalies that are detrimental to the good of all people and are perpetuating corruption. These, I will elaborate more in the following subsections: the resources curse, the power struggle, and ethno-cultural improprieties, respectively.

Resources and Financial Enticements

Like other churches in the country, ECSS has many struggles, including the lack of financial resources that often renders the institution vulnerable and dependent on hand-outs from donors and partners, including the state. The government occasionally gives material support to churches, and the ECSS is not exempt, though it acknowledges that it ought to be strong and rely on its own resources and material sustainability rather than depend on the state and other external donors. One of its (ECSS) bishops acknowledges that resources and dependence on the government is a weakness that has shut the mouth of ECSS from speaking out against injustices that they observe in society and are perpetuated by the government. Another bishop confessed that the government is good at giving churches a bone, and if there is a bone in your mouth, you are silent because you cannot speak or bark with that bone in your mouth. And that poverty is one of the hindrances for the Church to undertake its role (Bp05, 2018). An example of this is the provision of brand new four-by-four (4X4) vehicles¹⁰ (V8 Toyota GXR Land cruisers) to the previous primate and archbishop, and the current one also. This too is happening with the leaders of the other main churches and other religious faiths, so, it is not just limited

¹⁰ The previous (retired) and current primates and archbishops have vehicles donated to them by the state – registration: SSD 167P and SSD 733AW respectively.

to the ECSS. Another example revealed by an ECSS officials is the distribution of cash to churches by the government during Christmas (Ly03, 2016). This has become a routine, which in itself may be a good thing as it is also done to mosques during Islamic festivals, but it appears to be a motivation to stifle impartiality. Just in its recent synod¹¹ held on November 8 – 13, 2021, ECSS requested financial support from the government, and it was given to them to the tune of fifty thousand United States Dollars by the office of the president. Meanwhile, other government offices were also reported to have made contributions in smaller amounts by both individual public officials and from public coffers for the same occasion (Ly03_2, 2022).

These examples I cite have tended to weaken the ability of the Church and diminish its role to address public issues and grand corruption committed by government leaders. The government does this through providing financial assistance and gifts to bishops, to mute voices from speaking out against elites' misdeeds. A story is told of a certain opposition leader who was vocal and always spoke out against the system, but suddenly went silent and stopped attacking the government after receiving promises and offers from the government. And when asked what had happened and why he went silent, he replied that when one is eating you could not talk at the same time because the mouth is busy eating (Bp05, 2018). This situation too is compounded by power abuses and struggles for positions within ECSS where some of its leaders drag each other to the government courts and organs to seek support to consolidate their positions, instead of resolving their matters from within. This is the subtopic; I now discuss in the next section.

ECSS Power Dynamics, Abuse and Conflicts

There are contests for power, whether in the Church or in the government, usually associated with access to resources, opportunity, and discretion, that have become a norm dominant in the body politic of the country and have crept into ECSS of recent, many members acknowledge. According to the respondents, it risks ruining the great and strong legacy this Church has earned over the years, especially during the years of struggle. For instance, it is not uncommon these days for ECSS leaders to be seen lobbying and canvassing for votes during elections for higher positions, unlike historical times wherein such situations, time is spent in prayer and fasting for God to reveal the right leader(s) to

¹¹ The General Assembly of the ECSS which is conducted every four years and where major decisions are made and is the highest authority of the Church.

be elected. The current ECSS has experienced further aberrations in the struggle for power where some Bishops have refused to retire or step aside when they are legally due to do so by their laws and canons. The breaking of your own constitution and canons has resulted in internal rifts and wrangles that have become obvious and discredited the position and authority of ECSS (Ly03-2, 2022).

I will cite an example of a scenario in one of the regions where the internal archbishop heading the denominations in his area disregarded Church law, defied caution, and went his way to create new dioceses, and consecrate and install bishops. This procedure of creating and establishing dioceses by himself is against set rules and procedures. Instead, the process is usually executed by the office of the primate and the overall archbishop of the whole ECSS province as per the ECSS Constitution after the synod approves. In this particular case, this internal archbishop refused to adhere to directives and decisions from headquarters (from the primate), in direct confrontation and insubordination with his leadership, and has led to his defrocking. This situation is another dent to the credibility of ECSS as a church with a voice for the voiceless; for if you cannot put your house in order, then how can you think of fixing the entire country. This defrocked Archbishop is still mobilising supporters from his clan and region including some powerful politicians to harass and threaten to harm whoever intends to evict him from office in his defiance of the ECSS institution.

This is another demonstration that seeking power and access to resources have become synonymous in characterising grand corruption in the context of South Sudan. The AG believes that with power and discretion at the disposal of leaders, more often than not, it is usually abused for private or personal gain, than for the common good (Ly10, 2017). So, churches and state have both become scenes for grand corruption, but the difference between the two is that the institutions of the churches have the tools and instruments to institute integrity, even if some individual church leaders abuse them, whereas, in the state, it is both the institutions and individuals who are found wanting. ECSS in its prophetic role can pronounce itself as a better alternative to address this vice because it has all it takes, such as the biblical holistic mission and dual mandate for both now and eternity.

8.6 Concluding Remarks

The findings of this chapter illustrate the classic definition of grand corruption – the abuse of authority, power and office through enacting and manipulating laws to protect the private or personal interests of the elites in power. In doing so, they (the elites) place privileges and advantages that favour them above those they are supposed to serve, the ordinary people. It also acknowledges that beyond the classic definition, grand corruption in the context of South Sudan embraces an element of impunity. This is where the ruling and powerful elites are elevated above, and are untouched by the existing laws, and at other times, the use of selective justice is common practice.

Grand corruption is a vice suffocating the building of a state where virtue, a commonwealth for all where shared goods and services, and shared responsibilities and obligations, are the norms. The two concepts (grand corruption and state-building) show a divergent confluence. The creeds of grand corruption are self and private interests, whereas the tenets of the common good are the welfare and public interests for all in society. ECSS desires peaceful coexistence, harmony, and prosperity for all in society, which is in tandem with the common good, which is also the aspiration and reality of an ideal-type nation-state.

ECSS and other churches have a pivotal role as a non-state institution that is endowed with a dual mandate: to advance and pursue the good of all people here on earth, as well as an oracle to caution and inform society of eternal life: reward for obedience and condemnation for misdeeds. According to the interlocutors referred to in this chapter, the ECSS and the other churches have a crucial role to play in addressing grand corruption, which is detrimental and undermining to state building. Because of the dual nature of their calling, churches have the influence and power to penetrate the elites' consciences to shun them from manipulating laws, and tendencies to act with impunity. Churches thus provide another level of advocacy on accountability and restraining power beyond and above legislations. The central message, ECSS and other churches offer, is therefore, for the present and eternal future. Now and then, to live a life of integrity which is brought about by obedience to the teaching, leading and guidance through the churches, and in the future an eternal punishment for disobedience. When the leaders (elites) heed these messages, they are then able to lead the society and nations in a moral, ethical, and a perfect superior (*orthos*) way for the common good of all people in the society and absolution from condemnation and retribution in the world to come.

This locus of ECSS and churches as oracles for the present as well as eternity are not without flaws. Several shortcomings have marred the credibility churches and compromised their message because they too have fallen prey to manipulations, by failing to uphold their ethos and indulge in similar abuses of power and authority like the state. However, they (churches) still have the potential and opportunities to undertake critical self-reflection, reform themselves, restore their credibility and then undertake the role(s) they are meant and called to play, if they are willing to do so.

I thus, summarise the perspectives of the ECSS and its role in the state and society as follows:

1. Church is the voice of the voiceless, with a prophetic voice to speak into all situations, and seek peace, unity, harmony, and the prosperity of the society, which is consistent with the common good.
2. The Church ought to live and demonstrate an example of integrity; its actions both for the institution and the leaders ought to depict a life of integrity.
3. Moral decadence and deterioration are among the root causes of grand corruption; the Church is armed with the responsibility and is duty-bound to lead and guide itself and the society towards moral rearmament.
4. The Church ought to work itself out from being influenced and controlled by the state; it should strive for financial independence and sustainability and become less dependent on government hand-outs and support otherwise this will compromise its autonomy.

ECSS and indeed other churches are not made of angels, but fallen human beings, yet they are redeemed and redeemable. Churches including ECSS already have the tools, systems, and infrastructure in place to institute a moral rearmament of society in tandem with the dual call they embody. In this chapter, I submit that ECSS can rise to the occasion, challenge corruption at the top (grand corruption), and build a 'moral will' for society. It (ECSS) ought to immerse and undertake for itself moral rearmament, be faithful in prayer and discernment especially in appointing and recruiting members who are called, and not jobseekers into their divine and good institutions and systems.

CHAPTER NINE

Conclusion

9.1 Introduction

This study analysed the impact the combat against grand corruption has on South Sudan's state-building, and the roles state and non-state actors play. For this purpose, I drew on data collected in two critical institutions that each play a vital role in keeping grand corruption in check from within the state institutional setup and the perspective in society through non-state actors. The research on SSACC offered, on one hand, insights into the relationship and interaction of grand corruption in the state and institutions from a political economy lens; on the other hand, ECSS (Church) is studied to unpack what roles its followers expect the Church to play in keeping the government in check.

The study set out to examine the relationship and interaction of grand corruption alongside the process of state-building by drawing on political economy and ethics. It demonstrated a retrogressive relationship between grand corruption and state-building in which the former outgrew the latter in the first years of South Sudan's independence and the vital six years prior to 2011. It theoretically framed grand corruption in a 'second-order' framework so that legislation, rules, and laws permeate into institutions, structures, and systems to protect elites in power. As the cases presented have shown, elites' lack of integrity and their moral values are questionable, which always result in advancing their private interests at the expense of the public good. Impunity is the first and commonly known layer of grand corruption privy to the elites; when power indwells, it creates those viewed as 'a sacred cow', 'big fish' or untouchables who can undermine the rule of law and think it is for others, not them to abide by the law. Secondly, and more interestingly for the case of South Sudan because of its unique process of state-building, grand corruption is partly 'legalised' because of the power and influence elites have on legislative and executive processes. Therefore, some of the legalisation and exonerations in grand corruption cases are actual moral and ethical wrongs if viewed from a holistic stance of integrity and moral standards. This entrenches a concept of 'I have not broken any law, or I have done nothing illegal,' but this does not exonerate the wrong, amoral,

or unethical nature of grand corruption. The role of a state institution responsible for fighting corruption turned out inherently limited if the legal framework is still very much in flux, undermining its capacity to investigate and prosecute (in collaboration with other oversight institutions like the Audit Chamber). It leaves space for an exploration of a moral/ethical dimension in combating grand corruption.

The Church offers such an alternative to address the scope of grand corruption, which the law cannot. The role of ECSS is viewed epistemologically via the sociology of religion and bares its restraining capability on grand corruption to defend the common and public good. It tackles the elites and elitism concept by confronting those in power with fear and reverences a supreme and divine power, which supersedes any other, and is above all natural laws, with eternal consequences that is just, impartial and respects no positions. Reflecting on what I regard as a contribution to the discourses on grand corruption studies is my modest submission that this thesis observes: grand corruption by the powerful elites is committed at will without remorse, guilt, or fear of prosecution. Most of the elites' view dipping into the public coffers and getting away with it as rightful compensation or reward for sacrifices made to liberate the country. Sadly, some those who now comprise this elitist's class are not even necessarily those who were in the liberation struggle but have infiltrated their way in through other means.

9.2 Central Argument

The central argument conceived for this research is that intractable grand corruption is impeding state-building in South Sudan and has consequently impinged on the common and public good. Thus, grand corruption could only be confronted and inhibited, in order to build the imagined prosperous state that serves and defends the common good of its citizens. Two institutions, one state-owned (SSACC), and the other non-state, ECSS, both are collectively endowed with mandates to combat corruption and hold the government to account. The interrogations carried out for this thesis demonstrate that in South Sudan, of the twin issues of grand corruption and state-building that were almost birthed together, grand corruption has outgrown and matured faster than the state solidified its institutions through state building and is tilting the nation away from its ideal-type purposes, but towards failure and an extractive one instead. The investigations undertaken, thus inform the findings, outcomes, and contributions as outlined here below.

9.3 Findings, Outcomes and Contributions

I considered grand corruption as the elite type of corruption, which rationally and literally means corruption involving huge sums and at high levels of power (Allaby, 2013; Rose-Ackerman, 1999) and political (theoretical conceptualisation) as ‘second order’ of corruption (Zyglidopoulos, 2016). The ‘second order’ of corruption sets grand corruption apart from everyday petty corruption, as an elite-power-enterprise benefitting the narrow private gain and interests of elites, by manipulating and creating laws to favour them. My analyses show that defining and conceptualising grand corruption ought to be holistic and include ethical and moral dimensions, and this emanates from the motives, value system, and convictions dictating decisions and choices by elites to abuse power (legislative or executive) within their ambit to create added advantage for themselves. I argue that ‘grand corruption’ should be approached holistically with an add-on of a moral and ethical layer, which calls for integrity as an antidote for elites, and a moral rearmament in South Sudan. This is in tandem with the concept of *mysterium iniquitatis* (Schenone & Gregg, 2012, pp. 7–14), as described in chapter two.

Institutional-building and development in South Sudan suffered due to the manipulation of laws and the setting up of systems at the founding stages of state-building. The elites interrupted, hindered, and weakened SSACC to protect their interests and, in so doing, created a breeding ground for grand corruption to flourish and get rooted in the country (chapter six). The state, while taking the lead in state building, is overwhelmed and incapable of combatting grand corruption. Grand corruption is the enemy of the common good, which has deprived society of growth, development, sustainability, and prosperity.

Institutional and State Building

The history and evolution of South Sudan’s journey into statehood is dotted with upheavals and several unhelpful episodes, as described in chapter four. The decades of war have partly contributed to the current grand corruption predicaments and the grapples with state-building. The early period under successive regimes and systems in a united Sudan was marred by external domination, exploitation, extraction, and socio-economic and political neglect, among many other injustices. There were no clear policies or efforts to build and develop the region into a nation-state entity. Instead, Southern Sudanese’ political development and unity were undermined and weakened by successive occupying

regimes. Northern Sudanese who have ruled the region after independence in 1956, successfully planted deep suspicions and corruption to control and constantly shift allegiances and loyalties between different groups of Southern Sudanese, usually pitting them against each other, at different stages to maintain a grip on the region in a divide-and-rule tactic; see chapter four. There was also no mantra for statehood Southern Sudanese could rally on; the *hakuma* to most of them was an alien exploitative entity, and the important thing that kept them united, and somehow forged a Southern identity was the fight for freedom against the Northern Sudanese common enemy.

The common 'Southern identity' was what characterised the two civil wars; first the Anyanya and later the SPLM/A to counter the exploitation and domination by the North, to pursue a separate independent state or self-rule. 'Confronting the North' was thus the slogan that united and inspired the South Sudan nation-state, and it became the main preoccupation in the years prior to independence. Consequently, investments in state infrastructures and institution building and development for a viable and sustainable state slipped from notice and attention, coupled with the lack of human and material resources for such a daunting task and undertaking; all these could be attributed to contribute to this degradation of the current state.

This research found that the SPLM/A era both at war and in government was a lost opportunity on laying the foundations for a viable state, given that human resources and capacities were relatively better enhanced than before. After ridding itself of the common enemy, when the CPA was signed, Southerners did not forge a common Southern identity. Instead, the CPA period from 2005 onward began to witness power struggle, growth of corruption, rivalry, inter- and intra- ethnic conflicts, and abuse of power became a new norm. There was an unannounced mood in the SPLM/A especially during the GOSS when resources were available, to 'first let us become independent as a country, and then we can build it later', which became an excuse for not taking the state building opportunity seriously. The GOSS period was characterised by some of the efforts to form administrative structures and reforms in the liberated areas that were helpful but inadequate; it was state building without a morally upright political will, commitment, and pursuit for public interest. The period witnessed unpreparedness and incoherence, while accountability and state-building faded away, and was replaced by an upsurge of grand corruption, which took hold of government, and became deeply entrenched and systemic. According to Hilde Johnson, who was the UN Secretary General Special Representative to South Sudan at independence, the birth of the South Sudan nation-state

was lacking in prenatal preparation and did not have adequate postnatal care (H. Johnson, 2016). This has contributed to the current South Sudan state-building trajectory, which deviates from achieving a viable, ideal state. The nation's elites are instead crafting a kleptocratic and an extractive state (Fukuyama, 2015, p. 26), which is characterised by a widening margin of inequality between the 'few-rich' or elites and the 'majority-poor' who comprise the bulk of the populace.

Notwithstanding, initial steps, intentions, and slogans (including speeches), suggesting the top leadership of the country was keen on building institutions, systems, and good governance; these became apparent and turned out to be lip service, and soon overtaken by an elite who are intransigent, devoid of public interest for the common good to combat grand corruption. SSACC, which is the state agency tasked to lead the fight against corruption, was starved of the tools, means and mechanisms to confront all forms of corruption. However, legislation important as it is, cannot alone make a nation open and healthy, as it is the character of the elites who make these laws which matters most, how they run them, and participate in them, who should not be associated with a culture of collusion, but of candour (Bennis et al., 2008). And indeed, the elites who occupy power lack the candour and integrity to combat grand corruption and build a viable state.

My findings show that the state of South Sudan at this stage is challenged and incapable of reforming itself without external help unless there is a moral transformation of its elites and a rearmament of their moral character and transformation into that of candour. These elites disregarded and hindered right from the start the importance of strengthening and developing institutions like SSACC, which is the lead government institution to combat corruption (chapter six). My observations and experiences both as an insider in the system until a few years ago and now as an external researcher suggest that the country will, and does need other external actors to aid, pressurise, support, and oversee any efforts to combat grand corruption and undertake the task of state-building. The state as it is, is complicit, and a partner in self-destruction and implosion. I concur with a Ugandan anti-corruption activist and Catholic Priest, Fr. Gaetano Batanyenda, who, on speaking about corruption and the role of leaders and their political will to fight it, stated that: political will is just anecdotal; it is not words, but action that matters. He asserted that one thief could not chase and catch another thief, referring to the government's claims to combat corruption (chapter six).

Therefore, the role of SSACC to combat grand corruption and build the state is stripped and made difficult by those who have more powers (elites) within the state. I

observe two key steps on this: first, it (SSACC or state) needs to have a pure and upright moral and political will to enable it to create robust and excellent laws and systems. But this also requires the elites to be endowed with moral integrity, which seeks and defends the public good to hold the reins of power. The second stage is to embark on the actual task of combating grand corruption and build the state using the right tools (laws, systems, and structures) put in place in the earlier or first stage to actualise the process. In my findings and analyses, I conclude that elites and elitism are rooted and motivated by selfish interests and private benefits, which instead of uniting are causing disunity and tearing the nation-state apart. These elites have not done much to rally the people behind the country to establish a spirit of nationalism and patriotism, which are evidently invisible or absent, and the bulk of the population is left to scavenge without state support and care. Although some of these elites are aware of their failure and inability to salvage the country and do know that they have dragged the state into a quandary, they still are not prepared to let go, for fear of losing control and retributions that might follow; they have kept on hanging as the nation sinks into abyss and retrogresses into a failed state. ECSS and other churches are enabling partners that have much to offer as solicitous counterweights in combatting grand corruption and the state-building project.

Experiential Grand Corruption

This research has revealed that grand corruption in South Sudan evolved and progressed from simple unintentional form to much more complex, sophisticated, and compound ones that are premeditated, manufactured to divert, and seize any opportunity that now predominate the political scene. Grand corruption in South Sudan has become an enterprise, the elites use any situation or seize opportunity including well-intended for-public-good projects, to gather and divert public resources into a private benefit and personal accounts (de Waal, 2014, pp. 347–369).

This study also shows that grand corruption in South Sudan is tolerated, protected, rewarded, and sustained by and among the top leaders themselves, and only a small part of the population who may benefit from this loot are tolerant too. Those found wanting for acts of corruption have instead been given job appointments through executive decrees and received pardons from convictions issued on the bases of comradeship without due consideration for justice or merits in the rule of law. Impunity for the untouchables or

sacred cows has vastly become a norm; the law only applies to the weak that have no godfathers.

The lack of integrity and moral decadence in dealing with public property does not matter anymore among the elites; many of them have become apathetic about morality and honour. There are no consequences to bear for abusing and misusing public offices and resources for private purposes so long as they have or are linked to the centres of power. The contest for power and its abuse in South Sudan, whether gotten through legitimate means or not, democratic, militarily, or otherwise, is a means to access public wealth for private gain. An analysis of my findings further shows that the struggles between and among leaders for power is all about access to control and protecting elitisms because along with it comes enjoyment (acquisition of public funds) through discretion and power abuse within the system. Grand corruption which is a species of elitism has become the main focus and source for persistence of conflicts; for those who inside the system and have power (elites) will defend, protect, and guard resolutely, while those outside of the corridors of power will struggle to get in or grab it by whatever means.

The experiences of combatting grand corruption in South Sudan, now exhibit destitution by the state and its incapability to save itself. A foreseeable way to salvage South Sudan is to confront the moral depravity of the elites, to exhort them to embrace a better way such as faith or religious beliefs in order to reorient and reverse the moral decadence path, to that of integrity. The saying from the corporate world that: ‘a fish rots from the head down,’ has characterised the leaders and elites of the country, and the populace from this research see them as the main players on grand corruption. ECSS is one such non-state actor with the capability to effect a moral reform and revitalise state building, combat grand corruption and defend the common good, which is one of its core callings and mandates for the society. In the next section, the ECSS role is perused.

9.4 ECSS on Grand Corruption, State Building and Common Good

ECSS and other churches have a pivotal role as a non-state institution that is endowed with a dual mandate: to advance and pursue the good of all people here on earth, as well as an oracle to caution and inform society of eternal life: where the obedient are privileged with reward, while the disobedient are condemned to eternal death for their misdeeds. This section draws conclusions from findings from an ECSS perspective of how most of

the interview partners view their Church's efforts to combat grand corruption, participate in state-building, and defend the public good.

From their ECSS viewpoint, grand corruption is regarded as a contrast and a phenomenon that opposes the common good, and many refer to it as a sin, which in chapter two, was cited as a Christian theory of corruption (Schenone & Gregg, 2012, pp. 7–14). Grand corruption hinders the realisation of an ideal-type state where virtue, commonwealth for all, shared goods and services, and shared responsibilities and obligations, are commonplace. ECSS desires peaceful coexistence, harmony, and prosperity for all in society, which is in tandem with the common good and can only be realised in an ideal state. The positioning of ECSS and churches is crucial in addressing grand corruption. Because of the dual nature of their calling, the influence of churches has the power to penetrate beyond manipulations of laws and tackle those who act with impunity and to remind them that there exists another level of accountability and power above them. The central message that ECSS and other churches are offering is in the present to live a life of integrity, which is brought about by obedience to the teaching, leading and guidance through churches and their instruments and mechanisms such as the Bible, study guides, other books, and materials. When leaders are God-fearing and people of integrity, they heed God's message which is always upright, moral, and ethical, they can therefore lead the society and nations in a moral, ethical, upright, and honourable way for them and the common good of all people. This is an honourable and pleasing act both here on earth and in eternity and resonates with a Biblical verse which says: 'Blessed is the nation whose God is the Lord, ... (Psalms 33:12).' This verse endorses leaders who serve in reverence and recognise that power they have is given and they are just stewards.

ECSS and other churches thus have a mandate that other non-state actors do not have; they are armed with a prophetic voice to address current affairs and issues facing society and citizens to advance and pursue the good for all people. These include injustices, corruption, conflicts, economic deprivation, political marginalisation, and many other issues facing society. The churches are God's oracles to caution and inform society of things that are yet to come and concern eternity. ECSS leaders claim to speak the truth without fear or favour on behalf of the people who are fearful and unable to speak for them. ECSS also claims audience and loyalty from a wide range of members across all tiers of society so that their influence, scope, and impact are widespread and far-reaching across the nation.

Regarding grand corruption, where leaders covertly manipulate systems (laws) and exercise power and immunity, the churches are empowered to speak to their consciences and can impose their self-convictions. The message and call comprise of cautions, warnings, and reminders that all, including the most potent individuals here on earth, will someday meet and face the most powerful One who, without discrimination and favouritism, demands equal accountability from all. The churches have the restraining and moderating powers to penetrate the metaphysical and immortal world of mighty individuals who otherwise elevate themselves and their private interests above the rest in society.

ECSS, together with other churches in South Sudan, called out on grand corruption as a sin and evil that is corrosive to the state and society of South Sudan, affecting its mission to see peaceful, harmonious, and prosperous communities. It also acknowledges the impunity that is the nature of grand corruption.

This locus of ECSS and churches as oracles for the present as well as eternity requires that they play their role with diligence, commitment, and faithfulness. Its role was interrogated on acting institutionally and through its leaders as a formidable force to speak to leadership on public issues like grand corruption and the defence of the public good, as a lone actor through its many members in both public and private sectors, and within the ecumenical SSCC forum. The following paragraph summarises some of the perspectives the Church's members affirm as the role they envisage for the ECSS in the state and society (see chapter eight):

1. Church is a prophetic voice of the voiceless, to speak into all situations, and seek peace, unity, harmony, and the prosperity of the society. To the elites, the Church should condemn and declare grand corruption a menace and sin; exhort leaders and demand of the pursuit and defence of the common good.
2. To itself, the Church ought to examine and undertake self-reflection, moral rearmament and demonstrate an example of integrity, as institution, its leaders, and members.
3. Moral decadence and deterioration are among root causes of grand corruption in society; the Church is armed with the responsibility and is duty-bound to lead and guide itself and the society towards moral rearmament and play a lead role to unite and forge a South Sudanese identity for the common good.

4. The Church ought to work itself out from being influenced and controlled by the state; it should strive for financial independence and sustainability and become less dependent on government hand-outs and support and avoid compromises to its autonomy.

This study however, also revealed ECSS, and indeed other churches are not made of angels, but are fallen human beings. They too have flaws, imperfections and several shortcomings that have marred their testimony, credibility and compromised their message, and this happens through the failings of ordinary members, and church leaders as well, where they too have fallen prey to manipulations, temptations, breaking some of their codes and indulging in similar abuses of power and authority like the state. However, ECSS and churches still have the potential and opportunity to undertake a critical self-reflection, self-reformation, and restoration of its credibility and the role(s) they are meant and called to play. The unique position of ECSS and churches is that they are redeemed and redeemable. Churches, including ECSS, already have the tools, systems, and infrastructure in place, such as Scripture, canons, and other guidelines to institute a moral rearmament of society in tandem with the dual call they embody. In this chapter, I submit that ECSS can rise to the occasion, challenge corruption at the top, and build a 'moral will' for society. It ought to immerse and undertake for itself moral rearmament, be faithful in prayer and discernment especially in appointing and recruiting a cadre of members who are called, and not jobseekers into their divine and good institutions and systems. ECSS and other churches still remain custodians of a morally good political will and an agent for integrity and moral rearmament for itself, the state and society as a whole.

9.5 Limitations and Further Research

Much as this study contributes to the body of knowledge on the understanding of grand corruption and its interactions with state-building, and the perspectives of both state (SSACC) and church (ECSS) to defend the common good, its conclusions and claims are neither exhaustive nor comprehensive. As a human being, limited by various factors, some prominent while others are inherent, I recognise my limits and suggest further research and investigation, especially in the following areas: first on (grand) corruption within churches and church institutions and how this impacts the role churches play in the society and state. Secondly, followers and adherents of churches have expectations for their churches; I thus suggest research on the role and integrity of church leadership. Building an ideal-type state could be another topic for further research, especially for a new country like South Sudan, where whose leaders and the ordinary people subscribe to a social contract to live in a harmonious, peaceful, and prosperous nation-state. I also picked interest particularly on grand corruption as a tool or contributor to sustain or contain conflict in South Sudan as another area of suggested research. Lastly, I might have overlooked or created gaps for further investigations; I stand to receive a critique and have objective conversations in the furtherance, growth, and development of knowledge.

On limitations, this study was mired in renewed conflict and increasing insecurity, including a shrinking space for dialogue and academic conversations, particularly on sensitive issues, such as grand corruption in the country. I also acknowledge that data on the role of the ECSS in state-building and combatting grand corruption was only limited to members and those who are sympathetic to churches and Christian views. The wider public opinion to validate the claims presented by ECSS members and sympathisers are not solicited, hence, there could be unintended biases. Due to the above and more personal challenges, I might have thus made omissions and commissions in different ways and forms during the course and in the process of undertaking this study. I do hereby recognise and accept full responsibility for any such error, omission, or commission, but also acknowledge that none of it if any is ever intentional.

9.6 Conclusion

This section concludes both the concluding chapter and the whole thesis, bringing a logical end to the initial and intended purposes for undertaking this research. SSACC as the main government agency to combat corruption and ECSS were interrogated as co-combatants against grand corruption, co-partners in state-building, and co-defenders of the common good. For grand corruption, in the context of South Sudan, features as a species of the elites and is characterised by impunity, remorselessness, fearlessness, protected and combative at times, without any punitive action taken against it in the history of the nascent state. This situation has overwhelmed the state, and many people have a growing apathy — the lack of political will to change things in terms of laws and prosecutions. Many churches, too, are losing the moral high ground they used to have, so moral rearmament for the Church, state, and society, which is within the jurisdiction of churches, is an essential element in bringing hope and sanity to the deteriorating near-collapse of the nation-state. Moral rearmament can be led and initiated by the churches as the principal agent equipped with the tools and potential for the task. This moral revival could thwart grand corruption, re-ignite state-building and move the nation's people towards the common good.

The reality for South Sudan, as unveiled by my findings, could also apply to other similar contexts, and regions elsewhere; and the role of churches is here shown to be an essential interlocutor in the discourses and studies on grand corruption, and how to address and combat it. This influence extends across practitioners, researchers, and academicians alike because they (churches) possess an irreplaceable authority ensuring morality and integrity in the debate.

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SUMMARY LIST OF APPENDICIES

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Appendix 1 **List of Participants in the Key Informant In-depth Interviews**

Interviews were conducted face to face with Bishops (including Archbishops)- (Bp), Clergy or Ordained Priests (Cy) and Lay Christians members or Laity (Ly) who are as follows:

1. Prof [REDACTED] [Ly01, 2016]: An Anglican Member, University Professor, former government Minister; March 2, 2016 (Juba). From Central Equatoria, Greater Equatoria, region.
2. Bishop and Archbishop [REDACTED] [Bp01, 2016]: An Anglican diocesan Bishop of Rumbek and Archbishop of Eastern Bahr el Ghazal Internal Province; March 11, 2016. (Rumbek). From Lakes State, Greater Bahr el Ghazal region.
3. Bishop [REDACTED], Bishop of Cuibet diocese [Bp02, 2016]: an Anglican diocesan bishop of Cuibet; March 11, 2016. (Rumbek). From Cuibet, Lakes' state, Greater Bahr el Ghazal region.
4. Bishop Eng. [REDACTED] [Bp03, 2016]: Anglican diocesan bishop of Rajaf (now retired); May 15, 2016. (Juba). From Central Equatoria state, Greater Equatoria region.
5. Bishop and Archbishop [REDACTED], [Bp04, 2016]. Anglican diocesan bishop of Yambio and now Archbishop of Western Equatoria Internal Province; June 15, 2016. (Juba). From Western Equatoria, Greater Equatoria region.
6. Elder [REDACTED] [Ly02, 2016]: A Presbyterian Church Elder; July 21, 2016. (Juba). From Upper Nile state, Greater Upper Nile region.
7. Can. [REDACTED] [Ly03, 2016]: The ECSS Chief Administrator/Provincial Secretary and Accounting Officer; July 23, 2016, and March 13, 2022. (Face-to-face, Juba). From Central Equatoria, Greater Equatoria region – Interviewed twice.
8. Ms [REDACTED] [Ly04, 2017]. A layperson, Senior Central Bank Manager, a Presbyterian member, active member of FOCUS; April 8, 2017. (Juba). From Upper Nile, Greater Upper Nile region.
9. Engineer [REDACTED] [Ly05, 2017]: An – Engineer with an Oil Company, a Presbyterian lay member, active FOCUS member; April 8, 2017. (Juba). From Unity State, Greater Upper Nile region.
10. Mr [REDACTED] [Ly06, 2017]: An Environmental scientist and Executive in an Oil company, lay member of ECSS, active FOCUS member; April 9, 2017. (Juba). From Eastern Equatoria, Greater Equatoria region.
11. Rev [REDACTED] [Cy01, 2017]: General Secretary of a Christian Organisation (IFES affiliate), later ordained as a Pastor; April 10, 2017; (Juba). From Central Equatoria State, Greater Equatoria region.
12. Mr [REDACTED] [Ly07, 2017]: A Students' Christian Leader from Juba University and lay member at ECSS; April 11, 2017; (Juba). From Southern Kordofan region (Nuba – Sudan).
13. Mr [REDACTED] [Ly08, 2017]: A Lawyer and official with an UN Agency, formerly a govt. attorney, a laity and active member of FOCUS; April 21, 2017. (Nairobi). From Unity, Greater Upper Nile region.
14. Ms [REDACTED] [Ly09, 2017]: An official with an UN Agency, member of National Constitutional Review Commission, formerly deputy head of a govt. Authority and Undersecretary of a govt. Ministry, lay-member of the Presbyterian Church; April 21, 2017 (Nairobi). From Unity State, Greater Upper Nile region.
15. Hon Amb. [REDACTED] [Ly10, 2017]: Head of the govt Audit Chamber (Auditor General), former ambassador, a senior SPLM Member and committed lay member of the ECSS, November 30, 2017 (Juba). From Central Equatoria, Greater Equatoria region.
16. Bishop [REDACTED] [Bp05, 2018]. Former ECSS diocesan bishop of Kajo-Keji diocese, now Advisor to the Anglican Archbishop of Canterbury, was formerly director of an NGO prior to becoming bishop; May 16, 2018, Kampala (Uganda). From Central Equatoria, Greater Equatoria region.

17. Rev Can. [REDACTED] [Cy02, 2021]: ECSS Priest in Renk diocese and Principal of Theological College, November 11, 2021 (Zoom). From Jonglei State, Greater Upper Nile region.
18. Bishop [REDACTED] [Bp06, 2021]: ECSS bishop of Terekeka Diocese, November 11, 2021 (Zoom). From Central Equatoria state, Greater Equatoria region.
19. Rev [REDACTED] [Cy03,2021]: ECSS Provincial Secretary for the Internal Province of Eastern Equatoria, Torit; November 11, 2021 (Zoom). Eastern Equatoria state, Greater Equatoria region.
20. Rev [REDACTED] [Cy04, 2021]: ECSS priest in the diocese of Juba; November 12, 2021 (Zoom). From Western Equatoria, Greater Equatoria region.
21. Bishop [REDACTED] [Bp07, 2021]: ECSS Diocesan bishop of Rajaf; November 12, 2021 (Zoom). From Central Equatoria, Greater Equatoria region.
22. Ms [REDACTED] [Ly11, 2021]: ECSS Leader of Mothers' Union Juba in diocese; November 12, 2021 (Zoom). From Central Equatoria, Greater Equatoria region.
23. Mr [REDACTED] [Ly12, 2021]: ECSS Member of Laity (Youth) from Yeri diocese; November 12, 2021 (Zoom). From Western Equatoria state, Greater Equatoria region.
24. Ms [REDACTED] [Ly13, 2021]: An ECSS Evangelist, laity and Women Leader, diocese of Rajaf; November 12, 2021 (Zoom). Central Equatoria state, Greater Equatoria region.
25. Archbishop Dr [REDACTED] [Bp08, 2021]: ECSS Internal Archbishop of Central Equatoria; November 13, 2021 (Zoom). From Central Equatoria state, Greater Equatoria region.
26. Mr [REDACTED] [Ly14, 2021]: A Youth Leader in Juba diocese; November 13, 2021 (Zoom). From Central Equatoria, Greater Equatoria region.
27. Archbishop Dr [REDACTED] [Bp09, 2021]: The Primate and Archbishop of the ECSS and Bishop of Juba (the overall head of the ECSS in the country); November 25, 2021 (Zoom). From Western Equatoria State, Greater Equatoria region.
28. Eng. Hon [REDACTED] [Ly15, 2022]: Head of Laity until November 2021, March 11, 2022 (Face-to-face). A senior citizen and committed member of ECSS; Central Equatoria State, Greater Equatoria region.
29. Mr [REDACTED] [Ly03_2, 2022]: Lay Canon, former Provincial Secretary of the ECSS until November 2021 (face-to-face).; March 13, 2022 (Juba, S. Sudan).
30. Bishop [REDACTED] [Bp05_2, 2022]: Former bishop of Kajo-Keji Diocese, and currently Special Advisor to the Archbishop of Canterbury on Anglican Affairs; May 5, 2022 (Zoom), CES.

Appendix 2 List of Participants of the Focus Group Discussion (FGD)

Members ‘students’ (Christian Union Leaders) from the University of Juba, the Juba University Bible Study Association (JUBSA); Meetings: 1st June 13, 2017; 2nd: June 20; 3rd June 27; 4th July 4 (2017)

1. [REDACTED] (FGD-01, 2017) – Deputy Bible Study Coordinator
2. [REDACTED] (FGD-02) – Member
3. [REDACTED] (Ms) (FGD-03) – Deputy Choir Mistress
4. [REDACTED] (Ms) (FGD-04) – Deputy Secretary General
5. [REDACTED] (FGD-05) – Chairperson
6. [REDACTED] (Ms) (FGD-06) – Member
7. [REDACTED] (Ms) (FGD-07) – Deputy Chairperson
8. [REDACTED] (Ms) (FGD-08) – Secretary General
9. [REDACTED] (Ms) (FGD-09) – Member
10. [REDACTED] (FGD-10) – Choir Master
11. [REDACTED] (FGD-11) – Secretary for Finance
12. [REDACTED] (Ms) (FGD-12) – Deputy Secretary of Finance
13. [REDACTED] (Ms) (FGD-13) – Secretary of Social Affairs
14. [REDACTED] (Ms) (FGD-14) – Deputy Secretary for Social Affairs
15. [REDACTED] (FGD-15) – Member
16. [REDACTED] (FGD-16) – Secretary for Information
17. [REDACTED] (Ms) (FGD-17) – Member
18. [REDACTED] (FGD-18) – Bible Study Coordinator.

Appendix 3 Interviews Transcript (otter.ai – Transcription) – Sample One

Interview with Bishop [REDACTED].

Place: Namirembe, Kampala (Uganda), Church of Uganda Guesthouse

Date: May 16, 2018

Elisama: Bishop, it's an honour and privilege to have you in Kampala and have this conversation.

Bishop: Thank you!

Elisama: I am at the stage of, you know, having discussions over my research question. The broad aim of my research is to investigate or argue about the role of the church, the Episcopal Church of South Sudan in the common good or the building of the state of South Sudan and one of the issues that are of great concern is the issue of abuse of power and authority at the top level. So, I would want before we proceed, this is part of my work in the oxford centre for mission studies and so I would want you to introduce yourself and tell me exactly what position you occupy in the Episcopal Church of Sudan and then we will proceed from there.

Bishop: My name is Anthony Pogo, and I was Bishop of the diocese of Kajo-Keji from 2007-2016. In addition to being the Bishop of the Diocese, I also chaired the commission for communication and also for a very short time I was chair of the Episcopal Church in the Kampala office which was the liaison Link of the province, so that kind of gave me an idea of various aspects of the episcopal church at the provincial level, and yeah at the moment am advisor to the Archbishop on Anglican community affairs based in London.

Elisama: But your position, you've still remained a Bishop?

Bishop: Yes, I am still the Bishop of the Episcopal Church. So, I do attend the bishop's meeting and you notice even at the enthronement of the new Archbishop, I had to stand up to pay obedience which is a normal thing when you are Bishop and especially now as I have not yet retired, it means that I am still part of the house of Bishops. On this special assignment now when I come back, I will join and will be given another assignment.

Elisama: Okay, yeah, South Sudan is a new nation, and I think all the concerns are about building a state and building a nation. What would you consider as fundamental in building of a new state like South Sudan?

Bishop: I think that there are structures that are crucial that you need to have, structures that would help prevent abuse of power and authority, I think those are really important but not only should you have such structures but they should also be honoured and respected and by structures I would mean, you know, we have the audit chamber, we also have for the courts, so such structures are really crucial. My view is that many of these structures may only be there in name but reality they do not actually function. So having functional structures is crucial prerequisite for the governance and avoidance of corruption and any other thing that would be dealt with in the country.

Elisama: In the context of South Sudan, what you consider as the challenges to the process of state building, and you've already talked about the structures and how important they are!

Bishop: Yeah well, I think the lack of these structures actually contributes to people doing things in a half hazard way so for instance, when you do not have structures in place for recruitment of staff or personnel on merit, it is adamant to be abused and the lack of recruiting people on merit means that people are recruited either on nepotism and in fact I have said in the past that people are recruited on “akuanacracy” which is an Arabic word for brotherhood. So, if people recruit people because he is my “brothers”, the son of my sister or something like that, it really means that you end up with the wrong people and in the wrong places. I have seen that many parts of South Sudan having lived there, many people are recruited not on what they know, but who they know, and that really is not good for the country therefore whoever is doing a particular role is not really doing it to the best of their ability and as a result, services suffer as a result people don't really move forward and it means that you are not doing the best of your ability because you don't have that ability.

Elisama: So, what does this then do to a state that still coming up like South Sudan?

Bishop: It means therefore that everything collapses, because if you don't have the right calibre of people and if they have to take care of huge financial resources, they will not have that ability and especially what I was talking about earlier, if you don't have the structures that means your resources are wasted, not only financial resources, but human resources is also wasted. There is demotivation, so that people who have the right qualification will either not even want to be involved in working for the government or the state, they would either take on other roles elsewhere. So, you lose the best calibre of people and then of course suffers is in the provision of services you do not get the right type of services and the resources are wasted. So, both human resource and financial are wasted because of that. And the country continues to suffer. You know one of the things that South Sudanese have been wanting to see something tangible, things that they can see as a result of the peace process, but they haven't and that is missing, and that has been part of that really is due to lack of provision of good services.

Elisama: So how would South Sudan be described as in terms of a state, nation state currently?

Bishop: I wouldn't use the term “failed state”, but I think I would use the word failing state because we are in a cliff that's heading to a failed state. So of course, there is a peace process unless it is returned to the country we will really be in a big problem as it is. Of course, right now, having visited recently, I could see the suffering of the people, the lack of resources, the lack of money and finances, there is very high inflation, and I am surprised on how people survive in Juba and then of course when you have over half your population either displaced or outside the country again, is an indication that yes, we are really failing as a nation.

Elisama: So, it looks like because many outside, would consider South Sudan as noted a “state” is still at the stage of state building, so are you saying that, even before we became a state we are already failing?

Bishop: Yes indeed, we are already failing. We have not really become a nation state where we can confidently say we have deepened our roots, because of the things that we already have seen but also if indeed some of the things we hear are true in terms of the

misallocation of resources, then it's very alarming and worrying, some of the reports we hear on the number of government officials owning houses at very many countries of the world yet the government itself does not have houses or offices for their own embassies its worrying which means that there are people in a particular country where at this stage an embassy is almost being evicted due to lack of paying their own rents and yet in that particular town you may find out that the civil servant or government official is owning a house in that area, that is a very worrying state.

Elisama: You mean that there are examples of situations like that.

Bishop: We have examples of that in some of the reports that we have read of south Sudanese who own houses in various capitals. Not only within the region but even in other developed countries.

Elisama: And where are they are being evicted from?

Bishop: For example, I will say examples of embassies whose rents have not been paid now and if a country is not able to pay its own embassy abroad then that's not a very good image. In fact the Embassy in London has been closed due to non-payment of its rent, again, it comes to all what I said earlier, you know, a number of South Sudan created in my view.....embassies not based on what the needs are for the country, some of it is really based on appointment of ambassadors maybe children of some of the government people, people who are well connected, they put them there. I was reading a book recently by Lawrence Korbandi, where he was talking of, you know, some of them who actually went and were trained as the very first batch of foreign service diplomats, many of this people are not actually engaged in foreign service instead, recruitment to foreign service based on who you know, again the same thing we talked of earlier so the result therefore is that, because one of the key things for us is the lack of vision, and of course in the Bible, where there is no vision, people perish. So, the lack of vision for the nation right from the top to bottom has been a key problem.

Elisama: Yeah, there are a number of theories about state building and most of them focus mainly about the sovereignty, but also security and provide protection to the people. Do you think South Sudan has followed that trend somehow with thinking about security, at the expense of other main factors?

Bishop: I know many South Sudanese have often or many South Sudanese leaders have spoken of sovereignty especially when the UN or when they were talking of deployment of the regional protection forces to some parts of the country. The issue of sovereignty became high but you see, where is sovereignty when half of the population is displaced? the security is paramount rather than sovereignty, we don't eat sovereignty, you know, peace is actually is of more importance to the rhetoric of sovereign, so I think security is paramount and the fact that people have been forced out, if you are now out of your own country, you really can't claim to be a sovereign state when your population is displaced.

Elisama: I want to draw us closer to one of the core factors in my discussion, and that's abuse at the top, you know, I can be open with you because you are knowledgeable, but some people may not understand it, but I am focusing on grand corruption that is the elite kind of corruption. Do you think this issue has adequately been addressed from the beginning of the country?

Bishop: I don't think so, and again it really comes to what I said earlier, the fact that we didn't have the structures to cater for, or to prevent in some of these grand corruption deals which have contributed to where we are now, for instance, where you have a person

in a very senior position. This person had during the time of 21 years of war, you know he is really not used to taking care of such huge resources, and all of sudden, you are given this role and you give him to take care of such huge amounts and you don't have in place a mechanism just to prevent any temptation, you actually find that he will be tempted especially when you have brokers, who come from some of the experienced countries in the region coming to tempt some of these leaders that contributes to grand corruption if one is to offer 10%, and they say okay, you give me this particular deal of \$1,000,000 and I will give you 10% of that. That's tempting, so they way out would have been if we have in place mechanisms to prevent such a thing, then I think that will help prevent some of these things.

Elisama: So, the mechanisms of preventing corruption should have been part and partial of the process?

Bishop: Right from the beginning.

Elisama: So, that would be a recommendation for any state?

Bishop: Exactly! And institutions like the world bank and many others, in my view, they would have seconded staff to crucial ministries where they kind of mentor many of these leaders right from the ministers to the directors under, they need to be mentored and then strengthening of the anti-corruption bodies within the country. We've heard of a number of things and report submitted by the auditor general in parliament, and I remember one of the members of parliament actually weeping in parliament because of the grand corruption of what he was hearing. Now what has happened to such, you see so we didn't actually have the mechanisms to cater for some of these issues?

Elisama: Okay, so that kind of corruption at that level, what are the words that you could use to simplify it or to make people understand because sometimes, we are preoccupied with the petty things which are happening that we don't see what is up there because many of the things up there, people don't talk about it!

Bishop: I think, to me, it's corruption in all levels, really need to be talked about and condemned and sometimes we focus on a traffic policeman who is asking for a bribe and we forget this person who has taken 10% of you know, a multimillion contract and he has bought a house in the western capital for example and I think we need the support of the neighbouring countries by western countries. The way forward in my view is that where a person is proven to have acquired wealth through fraud and this needs to be either confiscated, the house sold, and the money returned to the state and that will send a very strong message that any ill-gotten wealth should not be tolerated.

Elisama: Okay, now, what do you, as a key member of the church in the Episcopal Church of South Sudan, what part of society do you think we are placed in the ECSS in terms of promoting the common good and nation state building?

Bishop: I think the Church should also set an example in the way it deals with its issues, being a member of the house of bishops and attending our general cenote I think I attend two general cenotes so that even within our own general cenote, a number of dioceses were not even giving any financial reports and I remember in one particular cenote, only three dioceses that had audited reports and that again is worrying, which means that if the church is not leading by example, the church leaders cannot speak and challenge the government to put its house in order and I think the church could show by example. Well I think the recent elections is an indication of what could happen, where things were done in a transparent way so that's an example, a good example of what could be done,

the same thing when it comes to the use of resources, it also means that apart from the audit, it also means that we should put in place mechanisms to make sure that our own committees are put in place when we are tendering for any contracts, there should be an open bit so that its transparently undertaken and by doing that, the church can show by example what it's doing.

Elisama: So, there are things specifically the church can do in terms of helping build a state in the context of prevalence of grand corruption?

Bishop: Exactly, and I think the church should speak also, it doesn't necessarily mean that every time it has to shout, it might mean that the church really needs to render its evidence whether it comes by one church, but I'm not talking particularly about one church, I'm talking about the South Sudan council of churches that should happen. I think apart from that, there are also some of the institutions that needs to be strengthened would be the media, where we can actually encourage investigative journalists to be able to expose things that are happening and so that they are prevented from being mishandled, that is one way, and those are the institutions that am talking about.

Elisama: Is there a way the church condones or promotes abuse?

Bishop: I think as I said earlier, one of the things is the lack of an audit which is an example of either it's a deliberate thing or someone does not want to have some of these in place and so that's an example. But also, there are leaders who become too powerful in their own dioceses that you can't challenge, you can't ask them questions and so yes, by having an audit that means that it should not end at the diocese level but should also be brought at provincial level. This way if there are things that don't go right. And I think the archbishop has a right to ask for management letters to be read of a particular diocese this is the check and balance that we need in the church, and I think that way then they can play their roles, just like I have emphasized the issue of an audit on national level.

Elisama: How about the church, or let's come to the ECSS and how it relates to the elite in terms of nation building or state building, our leaders if like we have said, it's that obvious power is abused, how should the church play its role in addressing that kind of abuse in that level of state authorities, the ruling elite and so forth. What kind of approach or the contribution the ECSS can bring to better the common good?

Bishop: The church needs to be strong itself by having the resources in place and once it has, it does not then rely on the state, and a number of people have said in the past, and I think some bishops have said it too, the government should pay the salary of Bishops. I for one have said no, cause if we were to accept that because it now means that we would be reliant on the government but also it means that our mouths will be shut it means that we cannot speak now, even, I know that the government has given cars to some of the church leaders in some countries in the region. I would not be opposed to that but if we are able to afford to do that ourselves, let's not rely on the government, because then it will mean that we can speak without fear or favour, and we can have a prophetic role to speak our minds. And I think this is one of the things that you see the church governments are good at doing that, they give you a bone, and if there is a bone in your mouth, you are silent because you can't speak so you or you can't bark when there is a bone in your mouth. And I am a believer in what archbishop Gitari said. The relationship between the church and state should be like that of fire and a human being, when you are too close, it is hot, when you are far, it is too cold and so we need to maintain that critical distance

and to be able to speak, but it does not necessarily mean that playing a prophetic role means criticism from the pulpit, it would mean going quietly to the state, to the governor or to the president to say, “this is what we are hearing, please look into this”, and that is playing a prophetic role.

Elisama: So, the church can still play a role in advancing the common good through being a prophetic voice in different ways?

Bishop: Yes, an actually speaking, where services are not being provided, you have to say, “Yes! Services are not provided to our people!”

Elisama: So, in that context, what would be the real challenges to the church if you could narrow it to that?

Bishop: I think the poverty in this church can be a hindrance to the church undertaking its role, it means that church leaders are the danger of relying on the few individuals and even relying on the top government officials you know for handouts, that can be a danger, it also means that the church cannot play its role effectively so that can be a big concern in my view, and so having the church strengthened. For the ECS, I think the mushrooming of the many diocese in my view is not healthy, meaning that the church is not strong enough to strengthen itself to play a role of a diocese, so we are very busy, you know.

Elisama: so, I thought that was described as church growth?

Bishop: well, I don’t think its church growth, I think it’s actually growth, increase in numbers and it’s possible that the motives are not really based on church growth. Because church growth really should come from the grass root, you see we have a criteria where again it comes to what we said earlier, when we have a mechanism in place for creation of diocese, like in the local government act, there is a mechanism for creation of counties and states, if you don’t follow that, and you create states and counties just for the sake of it, first of all its not healthy, because you cannot afford to keep many of these staff. We at the moment in South Sudan we in the region have the highest number of constitution post holders and members of parliament, because of the number of states, and bishops now. Four, five years ago I had a bishop who could not be paid by his diocese and is no taking on the role of teaching in school, which means that he cannot do his role as a bishop. In fact, now he is a civil servant, that’s not healthy.

Elisama: So, in terms of grand corruption, the state of South Sudan being at state of failure and ECSS, what other comments can you share from your heart, if anything should happen?

Bishop: it’s really sad to see where we are as a country, where we have come from, and especially when we became an independent country or after the signing of comprehensive peace agreement, south Sudan had a lot of money, a lot of this money was wasted, and I wished that the money was taken good care of through some of these other things that I have already outlined, but I think the other thing is we are also reliant on oil, and I think this is really not healthy, we need to use the oil to encourage agricultural production. And it’s sad that now that our people are being fed by the united health organisations and it’s really sad but of course once we get peace we should we should really get back to the land, and we should not jump from the hoe to tractors, perhaps we should be considering ox ploughing and that means we can move on, and then working on our infrastructure, you see the money that was wasted, if we were to build roads to places like Kajo-Keji, Yei and others, it means that areas where they grow these crops would be taken to juba,

and we would not have limited foreign reserves for importing food, so those are some of the things where we said that lack of vision is really crucial.

Elisama: how can the church contribute?

Bishop: I think it's best when speaking about these things when we have visionary church leaders and I think we need to be strategic in the use of some of the countries that support us as development partners. If we had a vision our government would go to these development partners and say the USAID helped us with the road from Nimule to Juba, how about looking at the road from Yambio to Juba? from Yei to Juba? how about agriculture? I understand the Japanese came with the master plan for agriculture, where is that master plan? How can that be shared by all stake holders, and the churches are important stake holders, you see thing is that the church is all over, in fact I don't think there is any other institution that is widely spread at the grass root more than the church, which means therefore if there are issues to do with agriculture, issues to do with health services, the church can play a role in encouraging people in doing that. You know very well that in Kajo-Keji, when the church got in to encourage people to dig pit latrines, the whole of Kajo-Keji now, very few families do not have pit latrines. That's an example of the power of the church in bringing transformation in that area.

Elisama: and ECS is the dominant church?

Bishop: exactly, it's all over now, in fact it's all over the country both in north and South Sudan.

Elisama: is there anything you want to add?

Bishop: I think that's all for now, it's very good to have this conversation.

Elisama: this is just the beginning, even in London we have more conversations as the work progresses. Thank you very much for your time, I have taken your very precious time from your busy schedule in really appreciate it.

Bishop: thank you.

Appendix 4 Interviews Transcript (otter.ai – Transcription) – Sample Two

Interviews Transcript with Hon Amb. [REDACTED]; Auditor General,

Place: Juba (South Sudan)

Date: November 30, 2017

Interviewee: There are two words to define, these are the words that form the substance of your inquiry.

Defining church as an institution or body of Christ, and when you say the role of the church who are you talking about? Are we talking about the clergy or bishops? What do you mean by church? Yeah, there's the classical dictionary meaning the Church being the body of Christ. And well, you can narrow it to a congregation, or even further the leadership. So, what do we mean by church?

(Actually, I misplaced the word church. My word that I use my research question is Christians, and Christians institutionally and individually. So, my sample is going to be individual Christians. And some Christians who represent a like leadership of churches, organizations, Christian. Okay).

Yeah, So that's my point. My point is that the word church has to be clarified. It's not about that building that you see with a crucifix on it. So, when you go to church, you talk about building, the Cathedral, or the house of God; so, are you talking about a house of worship? So, you need to dispel those concepts, those misconception about what a church is and what it is not.

Then your will thesis finds the right footing on the rail. On the second leg of your thing is the middle your corruption in terms of my work, means conversion of public property, personal benefit, expropriation, usually of financial assets, or other public properties for personal gain, it means abuse of office. It means conversion of stewardship for personal objectives, to personal objectives. A public official is supposed to be a servant, a steward, a guardian to achieve the objectives of broader society. But when in the exercise of his duties, the official converts and takes advantage of that position for personal benefits or personal interests other than the public interest, that is called corruption. That's the classical perception of corruption that is more commonly talked about. But there are other aspects of corruption that are not obvious, like nepotism, which amounts to conversion, misuse of your office for personal gain, personal gain in the broader context, the gain of your relatives. So, you can look into nepotism, have a paragraph on that, define it and put it into the corruption jar. There are many other manipulations, that may fall within the individual's responsibility. What I'm saying is that corruption has to be looked into it and define it more broadly. We'll find even other aspects which the public normally [ignores], even injustice you're a police officer, you arrest somebody, because you want to take the land or you want to intimidate, so intimidation is also corruption, use your office, use your power to rob people of their rights. And in most governments, most law laws exist don't define these things as crime. Intimidation can even lead to homicides where the individual is resisting, it is that bad? Leads to murder and it is not uncommon. Murders, not dissimilar to the ones we see in

movies and in storybooks. And if we accept that intimidation and blackmail is corruption. So, is inappropriate sexual abuse. Modern economics textbooks define basic human needs as food, clothing, shelter; that is old books, but modern books define it as food, clothing, shelter, and sex.

(If you are taken to prison you will be deprived of these basic needs).

I got this shock at Reading University. So, the prison services are a punishment is at the human rights. So, you're in the position of power. Like I am, like I was when I was a teacher. The future of these students is in my hand, whether they go to a university depends on me, whether or not depends on me, and is a serious moral matter. In my book I've discussed it the responsibilities of a teacher okay. The weight of the responsibility of a teacher is very very heavy, you have to be morally [Adowa] upright as a good teacher especially those of us who became examiners. There is a big moral dilemma, and we don't want to pass somebody who will hurt society, and you don't want to fail somebody who has tried very hard. And many teachers abuse this and solicit sexual favours, it has become rampant now even in Makerere now I hear [University]. Yeah, it's also on the news. If you are doing an academic thesis, you are allowed to explore beyond the sky, beyond the normal mindset of people and you can argue very strongly that this is corruption, you are converting public responsibility for personal satisfaction (...**Pause**). Your main question is how, or what, and the most mighty tool is example; you live a life which others can emulate, you live a corruption free life and people will know it, it is easily understood, maker of credibility and it helps you convince others, it is the mightiest tool Christians have. I was speaking in the funeral of late Mataale, and one of the things I was telling the congregation, the young people is the question, the matter of self-discipline. Don't allow yourself to be disciplined by the law. You see these people with whips and prisons, they will not come to you if you had this self-discipline; you whip yourself. You keep this process of coercion away from you.

And I was telling them that Moses was not a very good speaker, and he told God so, but God insisted. So, we are now stuck with laws which don't give any exceptions because Moses doesn't want to write long sentences. Because he was not very good speaker, so he says *'kuke kuk ko munyi kase nguti anyen perok kulok gwon jore i ngilo jur logon Yehowa Ngun ilot a tin do. Do ti tatuja. Do ti lubo. 'do ti koko 'ya.* (Honour your father and mother so you may live long in the land that I am giving you. Don't steal. Don't commit adultery. Don't commit murder.). No exceptions, full stop. It does not say you are excused if somebody kills my brother I may kill or if somebody steals my cows, then I can also steal his...No! The Bible doesn't give you excuses, like I can steal even if I am starving and about to die, no stealing! It is very specific. **(You and you need to preach on these 10 commandments even brought it to me a new dimension)**. The laws are very specific and gives that the especially the laws that command on our person-to-person relationship and should intersect our ourselves Yes.

I made a speech like this in college when I was an S 2 student in Mukono Uganda), Bishop Tucker College. It was organised by Bishop Jeremiah Dairo for Southern Sudanese students in Uganda. I was told to provide an answer to a question: 'Does God teach us easy things?' They were shocked; I gave them a list of impossible expectations and requirements; like, love your neighbour as yourself even if he abuses you; who didn't sleep with my daughter. So exemplary living is the biggest tool is the biggest tool and it is easily understood. It is easily understood. And it is a maker of credibility. It empowers

the Christian. It gives you the power to convince others because there is no double standard on your credibility. What do you say would have more weight if you, if there are no four fingers pointing back at you as point to others. Your sermons have greater meaning.

So, that is the next point, apart from example, is outreach and that is what Christians need do all the time. Talking about it. The preaching of the gospel, preaching is a very tricky business. For it to make sense, it must be within the context of the environment and in some cases, within the context even of the culture of that particular society without reinterpreting the scriptures, without bending the scriptures, because the scriptures are absolute. But societies and situations different. **(Yeah, it's just right)**. And it is for us to change our cultures to agree with the scriptures and not the other way around that is why I say preaching is a very tricky business for us to do.

And the other thing is preaching should not be seen as arrogance by your listeners. Oh, they should not see you are pretending to be a God or the deputy God. This is the problem I have with the like of T.B Joshua. I personally have problems with them. Those are playing on the fears of society. Exploiting people's emotions and needs, ignorance and threats of the unknown. We live in the dark. We don't know about tomorrow. And because we as humans we don't know tomorrow, we are scared of it.

Karen Blixen is the owner of that place called Karen in Nairobi in Kenya, named after her. She invested in the coffee business. If you remember the book and movie 'out of Africa', of all that story. I was teaching in Nakuru high school in Kenya at the time. And I remember one sentence; and that one sentence became a lesson to me. When she was saying farewell to the governor in Mombasa when she was saying farewell to catch the ship back to Germany, she was British but married to a German. Okay. Some European especially she left that marriage level and came to Kenya. And the sentence is this: '.....that is why God made the world around so no one can see too far down the road'. Say when she left Germany came to Africa, began work, prospered, had a big plantation, and built a factory, the factory got burnt during the war, so she has to go back to Germany. Meaning if she too had known then what she knows now, she wouldn't have come to Africa, to Kenya to Africa and been Afterall. And that is why God made the world round so that no one can see too far down the road. God doesn't want us to know tomorrow. He has kept that for (himself). Even this clever man, Adam after eating the Apple he cannot see tomorrow. That's why there is a saying in Kikuyu that so and so is so tall, he can see tomorrow; that is a just as a joke.

I'm saying that I have problems with these people because they are preying on people's fears about tomorrow. James Wani [Igga] wants to be president, instead of going to the villages to talk to the people, he goes to Bushiri to come and bend history in his favour. So that is another thing, but I would go, I would risk in the case of South Sudan. In the case of South Sudan.

Maybe in a bigger picture, how do you see corruptions after that? And, you know, I have particular interest on grand corruption daily.

The grand corruption in South Sudan has deteriorated from corruption to burglary and is beyond description. What you may need to do is, use the reports that have been issued by the Anticorruption Commission, and the National Audit Chambers. These are government reports by government agencies that is why they are credible. It is like the

government is reporting on itself, and it will give you figures and information of incidences that happened in South Sudan. In other words, is to show you that corruption is widespread and deep. And when my friends from Europe or from other parts of Africa ask me about corruption; I say the president says so, right, then who am I? My head of state acknowledged that there is a lot of corruption going on in this government and who has more information than him? So, really the reports of the Anti-corruption Commission and the Audit Chamber are only supplementing the President's observation [and] findings, because he is more institutions that provide information. So, the existence of corruption in South Sudan is not a subject for discussion, [because] the president said and supplemented by his own institutions of oversight including parliamentary (PAC) reports on the reports. So, those are three [four] oversight institutions; four: The president, his parliament, his Anti-corruption Commission, and his Audit Chamber, they are all in agreement [that corruption is rampant]. So, these four will institutions are in agreement on the matter, so it is for you to pick one or two examples.

Once you have established that, there is this statement by Joseph Bilal (Rev). He was saying to us how he was embarrassed in England as a result of his own pomposity. He was asked 'how many Christians are there in South Sudan? And he said almost three quarters of the people in South Sudan are Christian. And they said why is there so much corruption? This is the dangerous statement. Corruption in South Sudan is perpetuated by so-called Christians; *do a met (you see)*. So, there is no divide between the Christians and the corrupt rulers, they are the same people. So, forget about that thing we said earlier about preaching. This corruption in South Sudan is internal within the church of Christ. And therefore, what we really need is a moral rearmament as a society, moral rearmament in terms of the Christian faith and moral rearmament in terms of human values. **(Okay. Hmm. That's the way to go)**. Yes. So, I'm not going to tell you that the corruption is in the Methodist church or the archbishop, it is beyond bounds. So that's what I'm saying that we don't have such a thing as the church or the Christian body on the one end or the government on the other, there is no divide and therefore, our corruption is internal within us. Maybe some sections of society a more clandestine than others in doing the same thing; there are those who are more careful and others reckless. The people in uniform are seen visibly, theirs is visible, while others are less visible and maybe more harmful or more discrete, that is the word I will use. And the discrete ones are the ones with greater political power and therefore do more harm. You know there is petty corruption and grand corruption. So, there is a correlation, a positive correlation if you know statistics. There is a positive correlation between political power and the size of corruption.

So, the people with the grandest titles, people who controls more assets, people who control levers of power are more likely to divert more resources. Therefore, talking about targeting corrupt practices and reduce corruption in this country, begin with the big ones. The target must be those who are in a position to divert more resources. Other than the moral rearmament I am talking about, and I don't know how the bishops are going to do that because we are all inside in the same thing.

There are secular solutions which are in the laws, if we implement the laws that are in the books, if there are consequences from corruption, if there is no impunity, so because our main problem in this country is impunity. Because it is collusion in the law enforcement network system that's what I have found out. Remember that I had already put the Christians inside even within the law enforcement system. So, if we implement

the laws, the enforcement system, there is no practice of selective justice; justice has to be uniform and applicable to all regardless of status. But where there is selective justice and there is discrimination, the laws fail to achieve your objective for which they were promulgated. That is at the formal governance level.

Maybe Can I interrupt you then, when we talk about laws, and especially in the context of South Sudan, where we have situations where we talked about power, and people use their power for, you know, [override], could there be a danger of even laws that are existing or laws that are being promoted could be made in such a way that they protect someone you know or those at the top, could the process of legislation of laws be in any danger of making some laws to protect certain individuals?

Interviewee: For example, you have oversight institutions like the AC Commission without prosecutorial powers deliberately made, so that the process is long, and outside the mandate and ineffective, many loopholes exist. The AG Chamber Act gives it only powers to audit and report and therefore, the implementation of the recommendations is given to this same person, the same institutions on which the report is made on. Put it in short, the Auditor General reports burglary to the burglar. There is an internal manipulation of the law, it is not made tight. The Financial Management Accountability Act's implementation is the responsibility of the Minister of Finance. The budget of Anticorruption Commission and the Audit Chamber is under the same auditee, the Minister of Finance. I'm trying to change the law through the Law Review, but I don't know how far I will succeed. But these are loopholes which we have identified that undermine the independence envisioned by the Constitution [for the Accountability Institutions]. So independent institutions are not independent in practice. Okay, so that answers your question. Yes. So, beyond the government as social norms.

Now, in South Sudan we have a problem. We are multicultural, we have communities where even petty theft is an abomination. And this is inculcated into the minds of children at a very early stage. I was telling the congregation at funeral of Mataale in that preaching of mine.

For me I was liberated from stealing at a very early age. I was telling you about speaking at the funeral of Mataale; I was talking to the people about Mataale's grandmother – Kojo Na Lopia (my aunty who raised me up). I was talking about this preaching of mine of 'Thou shalt not steal'. I said for me I was liberated from stealing by this aunt, Ms. Kojo Na-Lopia – [Transcribed and translated from Bari (the following section)]: one day she came back home from the field to prepare me porridge, knowing that I was hungry. She set up the fire and put the pan on fire, but when she got the tin for the peanut butter (to be used with flour for the porridge), she found the tin half empty. Then she called me, saying Wondu, come here and show me your fingers. Looking at the fingers, it was showing off that I had tempered with the peanut butter, so I was guilty. She then pronounced a penalty which she did not carry out. She said if I did it again, then she will grind my fingers on the grinding stone, and I knew her grinding stone. So, from that day, I never repeated it for the whole of my life, and I was liberated from this one sin of stealing forever. Kojo Na-Lopia took this thing away from my mind.

So, we have a culture where a child cannot even never help himself to food in the house when hungry, unless it is given. Don't even think about reaching to somebody's maize garden in the neighbourhood is unheard of. In our place, taking somebody's goat

is unheard, taking somebody's chickens, don't talk about big things like stealing cows, just plucking somebody's groundnuts from the farm is an abomination, and if you're caught, you're finished. And then we have communities built in between, but let's talk about others at the end, is a culture where boys at the age of seven detached from the family take into a camp where they are taught how to rob, grab, steal and kill in the process to prove that they are men and that strong otherwise, they will not be able to procreate. If you are a Murle boy and you did not kill, you can't have a wife, you cannot procreate. And we have elements from such upbringing in positions of leadership. It is, where robbery is worshipped, you are praised the more you do it, much less corruption, robbery, raiding, arson. The more of that you do the more of a leader you are [that is South Sudan]. We have communities like you don't mention it, it is clear, but it is a reality. We have in Equatoria here too. So, you have other cultures in between, between these two extremes. And all these people find themselves brought together in the national government. So, it becomes a situation where [in] corrupt practices, others don't understand why anybody should make noise [because of corruption – somebody has stolen]. Because what am I supposed to? Connected to that social issue is a what I call grand theft as a cultural thing. There are people in positions [of power] who override the financial management regulations because they consider these regulations foolish, and these cultural practices reinforced by parasitism. We have a large section of our population which has been conditioned to parasitic life. There are those who are dependent on the international community, they always [talk] when there is a problem about where the NGOs, where is relief, going back to the years of war where there is the IDP camp and refugees; that attitude, some people grew [up] in that environment of dependence. And we have not been able to get rid of it. In fact, we're going in deeper and deeper into it and where legitimate Aid is not provided, they resort to theft because the work ethic has not been developed in people.

In my culture, we talk about *kido nio* (my chest – my labour or what I earned), or *ngingiret* (my sweat – pride in achieving due to hard work) to large extent this is lost from our radar. People are not ashamed to be given food or anything including *gurusutot* (money).

(Translated from Bari- Kuku: There was a woman called Uwo who had a son called Modi, who we were playing with under a mango tree. She called her son Modi home for food and left me there alone. And now I have to go to our home, but our home was on the other side from theirs, so, I had to pass through their compound. As I passed and saw them (including my agemate Modi), Ms Uwo got embarrassed and so she called saying come and eat or you don't want because in your home you are told not to eat at other peoples' houses. That sentence sounds bad, but it is true. At our home, I was instructed that we should not eat at people's houses and shouldn't eat anyhow. So, for me to given something is against the rules of my mother (aunty who raised me up). So, stories of those years I can still remember, because that is what that made up, this was in the early 60s. the other one is from my mother and Jimmy Wongo likes to exploit it, and it is about the neighbours. The neighbours like sending us for errands even if we were not relatives, so sometimes I show displeasure and my worst enemy was my mother. If I don't want to be sent for errands by the neighbours, my mother would sit me down and tell me – if you do not want to be sent then, why were you born? Simple question, I couldn't answer, so I then I understood that I was born to serve others. You will find here in Juba, somebody

coming to me and saying help me with some money, my child is sick, and I cannot lie that I don't have money, it's impossible for me to say no. So I'm being impoverished because I must give to so many who come to me.

There was a girl in Kenya working with my MSF, she got the shock of her life. She was coming to me in a hotel Silver Spring. Then a man called Abbas came, he was walking on one leg, the other one was amputated and had not been opened for one year and was at the verge of rotting and nobody could help him. He needed assistance and so was this friend of mine, girl she also wanted help. I pulled out the all the money I had (\$300) and gave to him (Abbas). This girl was shocked and objected to me giving out all this money, but I told her, this man had only one leg, but you have two legs, so he is more deserving than you and we cannot have more drinks. She got the shock of her life to see that I could give out all that amount of money which was all I had in my wallet to a stranger. So that's my problem; 'why were you born (Doru).

So that, these cultural issues built contribute to our behaviour even in public office. So, I want to end there, and I don't want you to be narrow in your conversation. Do not pick the church versus the government. Because they are the same personalities. This is a very, very powerful observation. Those people called the church, and the same people call government are one and the same personalities [and they are the same people who are doing the real corruption]. So, there is nothing that the church is holier people and those in government are sinners, no, I don't agree with that.

Do you see any role Christians (individuals or institutions) can play in reducing corruption in this country?

You know yes, I do; they have a big role in what because civil society settings. The civil society setting especially those that give themselves a Christian name can do more in terms of public discussion, you have a magazine, have radio programs that focus on these issues. Yes, without dealing with individual personalities, this is part of the rearmament I was talking about. So, Civil Society Organization which are faith-based are a good vehicle to supplement the gaps law enforcement. One good weakness about human beings is that they don't want to be exposed especially if you're a head of a family, you don't want information to go out there that you are a thief. So [discipline] faith-based institutions (CSOs) should have outreach programmes not just yelling at roundabouts but use media; print media and the broadcasting media would be very important to export some of these things that happen in our neighbourhoods. One of the tools if we were having good literacy level, we would have a transparency, like in Uganda now we have the budgets online. There is a websites of budget execution.

Appendix 5: Letter of Support from SSACC for Admission to OCMS



Republic of South Sudan Anti-Corruption Commission Office of The Chairperson



Our Ref:

March 20, 2013
Date:

Admissions Office
OCMS
St Philip and St James Church
Woodstock Road
Oxford OX2 6HR
UK

Re: Recommendation letter for Hon. Elisama Daniel Wani's application for MPhil/PhD studies

Dear Sirs,

This is to confirm that Hon Elisama Daniel Wani is one of our Commissioners. He joined the South Sudan Anti-Corruption Commission (SSACC) as a Director General since 2007, a year after its inception in 2006. Two years later the President appointed him as Commissioner.

As the Chairperson of the Commission, I have had the pleasure of knowing Hon. Elisama Daniel Wani as a punctual and hard working colleague. He has been a tremendous asset to the Commission.

I would like to take this opportunity to recommend him for your post-graduate programme. I have great pleasure in recommending Hon Elisama Daniel Wani in his application to pursue his MPhil/doctoral studies at your university.

However, if you have any questions regarding this recommendation, please do not hesitate to contact me.

Yours Sincerely

**Justice John Gatwech Lul
Chairperson**



CC: Hon Elisama Daniel Wani
CC: File

Tel: +211 956 269 269

+211 912 131 515

Email: johngatlui@yahoo.com

Statement of Ethics¹³⁷

Candidates for registration should complete and sign this form and send it with their Research Proposal when they submit their Proposal to the Research Ethics Committee (REC).

When the REC has signed off this statement, it should be added to the candidate's Registration Portfolio for the OCMS Assessment Board.

Researcher's Name: Elisama W Daniel

Main Supervisor: Lotje de Vries

Second Supervisor: Prof. Douglas Johnson

Mentor (Third Supervisor): Dr. Martin Allaby

Research topic: Combatting Grand Corruption Alongside State-Building: The Role of the South Sudan Anti-Corruption Commission (SSACC) and the Episcopal Church of South Sudan (ECSS)

Description of Research (100 words):

My proposal is in corruption studies, located in the fields of political science and political economy, also touching ethics and governance. It seeks to explore the role of ECSS to combat grand corruption in the new state in the making, the republic of South Sudan.

The ECSS Church in South Sudan had played a great role in the past in several areas of society, however, after the Comprehensive Peace Agreement (CPA) period (after 2005), it seemed to have its prophetic role diminished especially on the issue of corruption and governance which is now a concern to the majority of the population.

The purpose of this research is therefore to identify the challenges that hinder the Church and Christians from effectively playing their roles in fighting grand corruption, and then explore ways to enhance the role of the Church in this.

Research Population (maximum 200 words): The research population will include: Respondents selected from ECSS – bishops, clergy and laity, and Juba University Bible Study Association (JUBSA) leaders for Focus Group Discussions (FGD).

South Sudan is a country of 619,745 square kilometres with a population of about 12 million is the newest country which engrossed in grand corruption and at the verge of failing as a state. This research is thus relevant and urgent as a contribution to bring to the fore the issue of grand corruption and its implications on state building, and hopefully advance discourses and participants may come up with solutions to remedy the situation.

The participant population is mostly a learned one conversant in the English or Colloquial Arabic languages that are spoken by the majority of the people.

¹³⁷ The model for the guidelines is within the document prepared by the Economic and Social Research Council (ESRC).

Research Methods/Approach (maximum 200 words):

The research will use qualitative methods and the tools for collecting data will include In-depth Interviews of Key Informants (KIIs), Focus Group Discussions (FGDs) and Observations. The in-depth interviews will be conducted throughout the three greater regions of the country, namely, Equatoria, Bahr el Ghazal and Upper Nile. There will be a focused groups' discussions to be conducted as well. The data collected in the English and colloquial Arabic (I am fluent in both) will be audio recorded; data recorded in Arabic will be translated and then transcribed verbatim and the data will then be coded and processed.

Research Guidelines

The following guidelines, though an extraction, are seen as overall principles that directly apply to this research shall be followed. These have been extracted from the ESRC Guidelines for Research Ethics and considered applicable to this research:

- The specific identity of any participant in this research will be protected, unless informed consent has been granted by a participant.
- Research will involve people from a vulnerable group as defined by the ESRC Framework for Research Ethics
- Research will involve anyone lacking capacity as defined by the ESRC Framework for Research Ethics.
- Approval will be requested from the Main Supervisor of this research and from the Oxford Centre for Mission Studies on research to which responses maybe needed through the internet.
- Approval will be requested from the Main Supervisor of this research and from the Oxford Centre for Mission Studies on any matters that maybe considered sensitive or in which the identity of informants is required or in any matters in which clarification is needed.

Statement of Agreement

The researcher shall abide by The Six Key Principles as extracted from the ESRC document, pages 3 and 4):

7. Research will be designed, reviewed, and undertaken to ensure integrity, quality, and transparency.
8. Research staff and participants will normally be informed fully about purpose, methods and intended possible uses of the research, what their participation in the research entails and what risks, if any, are involved. Some variation is allowed in very specific research contexts for which detailed guidance is provided in Section 2 (*of the ERSC Framework for Research Ethics*):
9. The confidentiality of information supplied by research participants and the anonymity of respondents will be respected.
10. Research participants will take part voluntarily free from any coercion.
11. Harm to research participants will be avoided in all instances.
12. The independence of research will be clear, and any conflicts of interest or partiality will be explicit.

To implement these principles:

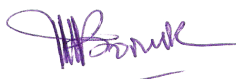
- The responsibility for conduct of the research in line with relevant principles

rests with the principal investigator and the research / employing organisation.

- The responsibility for ensuring that research is subject to appropriate ethics review, approval and monitoring lies with the research organisation seeking or holding an award with the ESRC and which employs the researchers performing it, or some of the researchers when it is acting as the co-ordinator for collaborative research involving more than one organisation.
- Research organisations should have clear, transparent, appropriate, and effective procedures in place for ethics review, approval, and governance whenever it is necessary.
- Risks should be minimised.
- Research should be designed in a way that the dignity and autonomy of research participants are protected and respected at all times.
- Ethics review should always be proportionate to the potential risk, whether this involves primary or secondary data.
- Whilst the secondary use of some datasets may be relatively uncontroversial, and require only light touch ethics review, novel use of existing data and especially data linkage, as well as some uses of administrative and secure data will raise issues of ethics.
- Research involving primary data collection will always raise issues of ethics that must be addressed.
- As the research involves more than minimal risk (as defined by the document entitled 'Research Ethics at OCMS'), I will submit to REC proposed questionnaires or interview questions for approval before data collection.¹³⁸

Declaration

I (Elisama W Daniel), the researcher, shall conduct and follow the ethical guidelines as established by the Economic and Social Research Council (ESRC) of the United Kingdom. The specific reference used for this statement is located at the ESRC website: http://www.esrc.ac.uk/_images/Framework_for_Research_Ethics_tcm8-4586.pdf



Student's Signature:

Date: January 30, 2015.

¹³⁸ Please attach your questionnaires, or sample of these, if these are available now.

WHAT IS THE GOVERNMENT?

The Government is the few people who are very clever and dedicated with the Principles, ruling and cheating so many people who are blinded who do not know what to do. This is the Government.



JOHN CHUOL RUEA

COMMISSIONER OF

SSACC-Juba

23/October/2014

9, 2011

*The Episcopal Church of the Sudan
House of Bishops*



**Pastoral Letter Advising the Sons and Daughters of the
Republic of South Sudan**

Saturday 9 July 2011

The Episcopal Church of the Sudan Independence Prayer

Heavenly Father,

We give you all the honour and the praise as we celebrate the wonderful independence you have given us.

You have led your children across the river, bringing an end to our slavery and abuse.

We have left behind the pain and suffering of so many years of oppression.

Greater love has no one than this, that he lay down his life for his friends. May those who surrendered their lives for the freedom we now enjoy, rest in perfect and everlasting peace in your kingdom.

Let your Holy Spirit guide and protect us as we strive for the peace, freedom and stability we have longed for in this land.

Show us how to love one another as you have so commanded us to do

Unite us to each other and to yourself.

Cancel any plans of tribalism, corruption, injustice, division and greed that may linger in the hearts of your children causing us to live in darkness and confusion.

And grant us your grace and blessings in abundance as we build this new nation of South Sudan for your glory in accordance with your holy will.

We ask this in the name of your Son, our Saviour and Friend, Jesus Christ.
Amen.

Caring for God's Gift of Independence

A call for practical action

Preamble

The House of Bishops, comprising the 31 dioceses of the Province of the Episcopal Church of the Sudan, under the leadership of the Most Rev Dr Daniel Deng Bul Yak, have issued the following joint pastoral letter to the children of South Sudan to be a guide and framework for them as citizens of the new Republic of South Sudan.

i. The challenging context for independence

Achieving a successful referendum

We congratulate the Government of South Sudan which has brought the Referendum to the people of South Sudan, the result of which has brought the independence of our country. The Comprehensive Peace Agreement framework made possible an extended period of peace which enabled the establishment of the institutions of government: army, police, legislature and executive in South Sudan. We now have a real government and can now be identified as a nation, which has attracted international support. These are great achievements which must be recognized, celebrated and guarded carefully.

The challenge of securing peace and stability

The Episcopal Church of Sudan understands that the Government of South Sudan now faces numerous challenges in securing the sustained peace, stability, growth and development which should be the fruits of Independence on July 9th. These include the unresolved issues which have followed the peaceful referendum, notably Abyei, the North-South border and the mounting insecurity caused by militia activities in different parts of the new country as well as Lords Resistance Army activities in the west. We are especially concerned about the escalation of hostilities around Abyei.

ECS recognizes that resolving these internal and external causes of insecurity must be a priority for the Government as it seeks to sustain the absence of conflict, which was made possible by the Comprehensive Peace Agreement. Political solutions will be easier to identify and implement if there is an absence of conflict. A renewal of war between the two countries of South Sudan and North Sudan will bring untold suffering to our people and delay the point at which we can begin to heal the trauma of the war years, and recover the lost decades of development.

We stand willing to play our part in sharing the burden of responsibility which rests on the shoulders of the Government of South Sudan. We are mobilizing our own international networks to encourage the international donor community to give the

same attention to this critical period in the history of South Sudan as they gave in the period leading up to the Referendum. An ecumenical international advocacy visit is scheduled for October this year similar to that launched in advance of the referendum.

At home, in our churches and communities across the country, we will continue to preach an holistic gospel to meet the spiritual and physical needs of our people, promoting the values of peace and reconciliation, and the behaviours of non-violence and negotiation. The prayer at the head of this paper will inspire and inform the messages which we promote.

The Transitional Constitution

The Transitional Constitution process is almost complete. While we had argued for a more inclusive process in the development of the Constitution, we remain committed to help the promotion of principles of the Transitional Constitution Document which establish a responsible covenant between those charged with the responsibility of governance and the governed.

We welcome the statement that all religions shall be treated equally and religion or religious beliefs shall not be used for divisive purposes. We also welcome the rights afforded to religious institutions and individuals enshrined in the document.

We will take time to study the finally approved document in depth and, with our fellow religious institutions, engage constructively with the Government in clarifying the provisions included which relate to the roles, rights and responsibilities of religious organisations and their leaders. This includes discussion of the representation of faith-based organizations on the National Constitutional Conference.

We trust that we can also secure other regular meeting points between the leadership of religious institutions and the Government as there is much that our people can gain from effective collaboration between the Government and the representatives of the faith communities.

ii. *Three priorities for action*

At the same time as encouraging and supporting the Government of South Sudan to take critical steps to control insecurity and resolve pending issues, we call attention to three key opportunities which we believe must be seized firmly in order to build a new and healthy nation for the Republic of South Sudan. In so doing, we recognise the achievements of the Government to date and identify urgent, practical steps for the coming 12 months. We offer this in a spirit of complementary partnership with the Government, other faith communities and their institutions and with the people of South Sudan.

It is our conviction that progress in these three areas will contribute significantly to reduce the vulnerability of our new country to unwelcome and unhelpful interference from outside.

THREE PRIORITY AREAS

1. Achieving Peace and Non-Violence
2. Promoting Unity by reducing tribalism
3. Promoting equitable development through effective decentralisation.

1. Achieving Peace and Non-Violence by Promoting the Rule of Law (customary and modern)

The peace that followed the Comprehensive Peace Agreement was achieved through prolonged violence. The violence of the war, leading to the deaths and displacement of millions of our people, has been the price paid for independence. The legacy of this is high levels of trauma across the people of the new country, including those who are choosing to return. We would like to see peace prevail all over the two new sovereign nations. For those who have taken up arms, we call on them to return home and join in the building of the newborn nation. We do not wish for our people to go through further suffering; we have suffered enough.

What has been achieved to date?

- We give credit to the Government for successfully maintaining peace until the Referendum. We also welcome the commitment of the Transitional Constitution to create 'an all-embracing homeland for its people', where 'diversities peacefully co-exist'. This is a powerful vision to inspire our people.

- The Government has managed to keep the tribes together in the lead up to the Referendum through the South-South Dialogue process. Without this, there would not have been such a large majority in favour of independence.
- The Government has also passed a number of important laws which will, over time, shape the development of South Sudan's security organs, especially the police and judiciary, as well as guiding citizens in respect to their responsibilities to uphold the peace, respect human security and property and move away from a culture of impunity.

What is being asked of the Government?

- To work harder to ensure that all citizens understand the new laws of the Republic of South Sudan and how these relate to customary laws.
- To minimise the increasing land disputes and quarrels by undertaking objective surveys of new areas and through mechanisms by which land is equitably distributed.
- To strengthen the judiciary, in order that the laws – modern and customary – are properly executed across the land.
- To work towards greater discipline and cooperation in the armed forces and the police service through correct government and adherence to the constitution in order to minimise instability in South Sudan caused by factionalism and/or personal grievances.
- To renew efforts to address the internal instability caused by the Lords Resistance Army by developing an action plan together with the religious leaders of LRA-affected areas and sustaining dialogue with the UPDF and international community.

What is the Church offering?

- Its strong internal and external network of organizations and people working towards greater justice, peace and reconciliation in South Sudan, in collaboration with other churches through the Sudan Council of Churches interchurch committees, to play an active role in helping to promote among the people the new laws of the land.
- Skilled leaders to assist in mediation processes, which may contribute to political solutions in the armed conflicts currently breaking between militias in South Sudan.
- The Church will do more to promote non-violence and peace at community level through its pastoral role in trauma counselling, local level mediation and the promotion of the Ten Commandments to discourage factionalism and the formation of civil mercenary groups.

2. Achieving unity by promoting the Transitional Constitution and reducing tribalism, nepotism and corruption

We call on our people to be united. The unity that was shown during the referendum should continue to be seen all over the Republic of South Sudan. This is one way of proving wrong those who prophesy that South Sudan is likely to be a failed state. Unity is more likely to be achieved if people understand and respect the new Transitional Constitution whose purpose is to provide a common vision for the development of our new country.

Corruption and nepotism give birth to tribalism. Corruption is more than bribery or embezzlement of funds; it includes abuse of power or authority for private gain. The appointment of people to positions based on family or clan or other ties is also corruption. These trends work against unity and undermine the tenets of the Constitution. We believe that appointments to all positions should be based on merit. Similarly, the misuse or theft of public or church money is also corruption. Fraud, that is the illegal acquisition of money, goods or services, is also considered as corruption. We call on Sudanese people to reject tribalism, nepotism and corruption.

What has been achieved to date?

- We welcome the Transitional Constitution with its clear vision for the new country, as well as the strong stance taken against tribalism, nepotism and corruption in the Constitution.
- We welcome the setting up of the Anti-Corruption Commission and those parts of the Transitional Constitution which make clear the Government's commitments to public accountability and transparency.

What is being asked of the Government?

- To ensure that there is comprehensive consultation about the implementation of the Transitional Constitution. This could be included in the continuation and expansion of the South-South Dialogue process which was so effective before the referendum.
- To ensure that the Transitional Constitution is translated into policies and laws and institutions which can achieve the vision articulated in the Constitution. We believe that this is more likely to happen if due consideration is given to the perspectives of different communities and sectors in the drafting of these laws.
- In view of the pressing concerns about nepotism, to establish a Board of Selection and Appointment charged with the recruitment of all government positions in South Sudan, based on merit and work ethic.
- To improve the training of the South Sudan Police Service so that they know their jobs and become a friend to citizens.

- To orient the Chiefs so that they understand the modern system (for example, by seeing courts in action) and can help to apply the right blend of modern and customary laws.

What is the Church offering?

- We will study carefully the Transitional Constitution document and engage constructively with the Government on the best way of implementing its provisions. We will use our Justice, Peace and Reconciliation capacities to ensure that our communities have also understood their rights and responsibilities under this important founding document.
- The Church will remain united across the two sovereign countries during this transition period to offer solidarity with all the people of the old country and to assist the separation process. This includes our membership to the Sudan Council of Churches, which will also remain one entity in this transition period, modelling ecumenical collaboration from the national to the local level.
- We recognize that nepotism and corruption may exist in our own structures. We are challenging this from the top and have taken steps to reduce transactions in cash, as well as bring in external oversight. We plan to take this accountability down to the dioceses and parishes over the next period.

3. Promoting equitable development through effective decentralisation

We need to fight against poverty, ignorance and disease. We will work with the Government in the provision of services that contribute to fighting and eradicating the above vices. We exhort the Government to set up an economic system that is based on equity which means a fair system that provides equal opportunity for all and protects the poor from being manipulated or exploited by the rich. Enabling the full, equitable and integral development of all our people will be the final proof of value of independence.

What has been achieved to date?

- The Government has brought roads, growing urban development and infrastructure over the last five years.
- The maintenance of peace has enabled commerce to thrive, especially in urban areas.
- A National Development Plan has been developed in recent weeks and this has been achieved through a genuinely consultative process. This lays strong foundations on

which to build collaboration between Government, Public and Private Sector and Civil Society.

- Decentralisation has been established as the model of political and economic development in South Sudan, which should ensure equitable development across the country.

What is being asked of the Government?

- To strengthen the existing systems of service delivery and expand them to reach more remote areas of the country.
- To ensure that in the decentralization of power and authority, the States also remain accountable to the citizens and to the National Parliament.

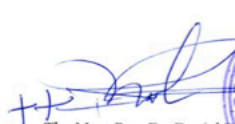
What is the Church offering?

- We will align our development efforts with the Government's National Development Plan, contributing towards the delivery of basic services where we have most to offer.
- Our structure of dioceses lends itself to the decentralization model of development; each diocese will be able to support development activities at State level as well as remain part of a national structure.
- In most of our dioceses, the Church has clinics and schools with which to support access to education and health during this period where Government services are still in their infancy. We plan to expand these services, working hand-in-hand with Government services providers.
- We are planning to intensify cultivation across the Church so as to increase food security for communities and make the most of precious land resources.

* * * * *

Realising a greater sense of peace, unity and development has been the core message of this letter. Its advice has largely been directed to the Government of South Sudan, the elected officials whose mandate is to represent the people of South Sudan and operate within the letter and the spirit of the transitional constitution. However, it would be an error to conclude that the transformation of our nation from weakness to strength, from poor to rich, and from volatile to stable is the sole responsibility of the Government. In the Holy Bible, 1 Corinthians 12-27 teaches us the importance of different members of the body working with one another. 'There are many parts yet one body'; we must realize that the members must have the same regard for one another because, 'if one member suffers, all suffer together. If one member is honoured, all honour together.'

St Paul clearly states that we have been commissioned to work in unison, using our diversity and the various talents we each have, to help ourselves and one another. We must look at our differences from a new perspective, not continue to believe that it is because we are different that we are divided. These differences that we assume are dividing us are actually the key to our development and pivotal to harmonious coexistence. We are all responsible for ensuring that the new Republic of South Sudan is built on a strong foundation. Therefore, let us begin working together from this point onwards to ensure that we can achieve peace and non-violence, reduce tribalism and its devastating effects on our communities, and promote equality of opportunities, human rights and access to justice. If we strive in earnest to adhere to the principle of the Body of Christ, no one and no thing can hold back or hinder the people of the Republic of South Sudan again. **Amen**



The Most Rev. Dr. Daniel Deng Bul Yak
Archbishop, Primate and Metropolitan of the
Province of the Episcopal Church of the Sudan and
Bishop of the Diocese of Juba

Dollars by Public Officials

Republic of South Sudan

*The President**Ref:**Date:*

May 3, 2012

Dear:

Over the past several months, the Government of the Republic of South Sudan has taken a number of measures to put in place a mechanism to battle corruption and also to recover stolen government funds by current and former South Sudanese officials.

The Anti-Corruption Commission has received more than 1,600 declarations of assets responses and is now reviewing these documents. The Government has also issued a number of Presidential Decrees to help prevent corruption.

The people of South Sudan and the international community are alarmed by the level of corruption in South Sudan. In a number of speeches I gave over the past several years, including my speech during the celebration of our independence, I made it clear that corruption has no place in my government. Many people in South Sudan are suffering, and yet some government officials simply care about themselves. The credibility of our government is on the line.

An estimated \$4 billion are unaccounted for or, simply put, stolen by current and former officials, as well as corrupt individuals with close ties to government officials. Most of these funds have been taken out of the country and deposited in foreign accounts. Some have purchased properties, often paid in cash.

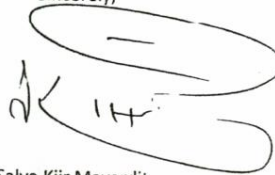
In January 2012, I sent letters to eight governments seeking their assistance in the recovery of these stolen assets. We have received some positive responses. In February 2012, the Government of the Republic of South Sudan opened a bank account in Kenya.

I am writing to encourage you to return these stolen funds (full or partial) to this account. If funds are returned, the Government of the Republic of South Sudan will grant amnesty and will keep your name confidential. I and only one other official will have access to this information.

On the other hand, the Government will continue its investigation of stolen funds and will hold accountable those officials and individuals who have stolen government funds and refused to return these funds. There is still time to take critical decisions of saving our country from the crisis we currently face and to help the millions who are in desperate need of assistance in healthcare and education.

We fought for freedom, justice, and equality. Many of our friends died to achieve these objectives. Yet, once we got to power, we forgot what we fought for and began to enrich ourselves at the expense of our people.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by 'K' and 'M'.

Salva Kiir Mayardit

President of the Republic of South Sudan

Appendix 10 Presidential Letter on Accountability in September 2011

**STATEMENT OF H.E. GEN. SALVA KIIR MAYARDIT
THE PRESIDENT OF THE REPUBLIC OF SOUTH SUDAN
TO THE SOUTH SUDANESE PEOPLE ON ACCOUNTABILITY AND
TRANSPARENCY.**

Dear Citizens, friends and Donors,

This is a critical moment in our history, a moment of high expectations from our people for services and high standards of good governance and stewardship from our friends, partners and donors.

Since our independence, I have reiterated on several occasions my commitment to ensure that South Sudan enters a new era of good governance, democracy, accountability and transparency. In my speeches on the occasion of our independence and during the opening of the national legislature I outlined several areas of priority.

I am committed to setting a new standard for transparency and accountability in our public finances and in setting a new standard for public officials. Beyond the 100 days actions already launched, I will take five critical steps as a visible sign of the new government's commitment:

1. Cases of diversion of funds will be investigated including those on the Dura saga. Those involved will be prosecuted. The results of this investigation will be made public. Other government contracts particularly those on large infrastructure will be investigated too.
2. There are concerns about sales of Land during the transitional period. These will be reviewed and Law will regulate any future Land sales.
3. As I instructed through my speech at the opening of the National Legislature for the five bills to be presented to the Assembly on accountability, all government contracts as of now on wards will follow the new procurement legislation.
4. We will enforce the obligation of all public official to publish their income and financial assets. We will provide an opportunity of an anonymous 'return account' for civil servants and public officials to return any diverted funds, obligating them to publish their assets from the date of independence. The government will seek the assistance of the governments of Switzerland, the US, the UK, and Australia to recover and repatriate any diverted funds.

5. We will make use of external expertise to establish solid financial management and anti-corruption systems. I am appointing high level senior advisors from the African Region with strong executive competence to the Governor of the Central Bank, the Auditor General and the Minister of Finance and Economic Planning. We will also strengthen the Anti-corruption Commission.

Dear Fellow citizens, friends and donors, these are my first five steps that will be undertaken as a way of strengthening our accountability and transparency system. I ask for cooperation and patience as we implement them.

God bless you all.

Appendix 11 Cover-Letter (Sample) for Complete
Corruption Investigation Report



**H.E. Dr Pauline Riak Chairperson,
SSACC – GOSS, Juba**

Dear Your Excellency,

**SOUTHERN SUDAN ANTI- CORRUPTION COMMISSION
(SSACC), JUBA – SUDAN**

RE: Cover Letter for Case File No. SSACC/HQT/17/02/2010

Please find enclosed is the report of the Investigation Committee you formed and headed by myself.

The report contains the following:

1. The Introduction, Diary, and Findings (pp 1-5).
2. Conclusions (pp 6 & 7).
3. Recommendations (pp 8 & 9).

The Committee, therefore, wishes to submit this report to your office for your perusal and consequent action with the Board as mandated by Law.

This Committee avails itself of the opportunity to renew to you the assurances of its highest regards.

Commissioner Elisama W Daniel Chair of the Committee

CC: Deputy Chairperson, SSACC

CC: Commissioners

PS. Please find enclosed the folder for the accompanying documents.

Date: July 13, 2010

A handwritten signature in blue ink, likely belonging to Commissioner Elisama W Daniel, the Chair of the Committee.

Southern Sudan, a Corruption Free Country

Appendix 12 Aviation Case – Sample One



The Southern Sudan Anti-Corruption Commission (SSACC), Juba – GOSS



Ref: GOSS/SSACC/OCH/34.A.1/2

Date: June 10, 2010

**Hon. Baku Raphael Obudra
Ag. Inspector General of Government,
Kampala – Uganda**

Dear Sir,

Subject: IGG Support to SSACC

This letter acknowledges, with thanks, the report we received from your office in response to questions. We are most grateful and look forward to meet with you to continue our collaboration as corruption hunters.

One more query: the sums of (i) **USD 25,000,000 withdrawn on 19/02/2010**; and (ii) **USD 6,490,000 withdrawn on 13/03/2010** – where did it move to?

The Southern Sudan Anti-Corruption Commission avails itself of the opportunity to renew to you the assurances of our highest consideration.

Sincerely Yours

**Dr. Pauline Riak
Chairperson,
SSACC – GOSS, Juba**

CC: Suan Bisharira – Director, Leadership Code of Conduct, IGG
CC: Deputy Chairperson, SSACC
CC: Commissioner Elisama W Daniel – Head of Investigation Committee

Southern Sudan, a Corruption Free Country

Appendix 13 Aviation Case – Sample Two



Southern Sudan Anti-Corruption Commission Office of The Chairperson



Our Ref :

Date :

February 14, 2011

Hon. Bodan Lazarevski
*Basic Public Prosecutor,
Organized Crime and Corruption,
Skopje, Macedonia*

Dear Hon. Bodan,

Re: MUTUAL LEGAL ASSISTANCE

It is with great honour and privilege that I write to you regarding the above subject that we have been working on together for some time now.

The mandate of the Southern Sudan Anti-Corruption Commission (SSACC) among others includes:

- a. To protect public property;
- b. To investigate cases of corruption involving public property as well as the private sector; such investigation shall be submitted to the Ministry of Legal Affairs and Constitutional Development (Attorney General) for appropriate action (including prosecution).

Regarding the case at hand, the Commission has established the following:

- i. That the main suspect in the allegations is a Southern Sudanese who is a senior official in the Government of Southern Sudan (GOSS);
- ii. That the sum of Sixty Five Million United States Dollars (USD 65 million) originated from the Government of Southern Sudan, hence public funds for Southern Sudan;
- iii. The flow of money from the account is unusual and suspicious;

Tel: +249 904 689 670 / +249 957 185 451 / +256 477 185 451 E-mail: chairssacc@ssacc.gov.ss

- iv. The goods that should have been procured since December 2009 have not yet reached Southern Sudan.

We are still working to gather more facts that will help in strengthening the case. We therefore request that you extend the freeze over any amount in that account or in the name of that Company until we can work out the process of repatriation.

The Southern Sudan Anti-Corruption Commission avails itself of this opportunity to renew to you the assurance of its highest consideration.

Yours Faithfully



Dr. Pauline Riak
Chairperson,
SSACC- GOSS, Juba



Appendix 14 Aviation Case – Sample Three

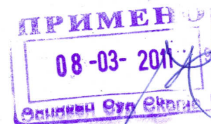
Telegrams : "Administer"
Telephone : 0414 - 230537/9 (GENERAL)
 : 0414 - 343841 (DIRECT)



THE REPUBLIC OF UGANDA

ATTORNEY GENERAL'S CHAMBERS
P.O.Box 7183,
Kampala, Uganda

In any correspondence on
this subject please quote No.MI/AG/39



8th February 2011

Judge Vladimir Tufegjic/The Registrar
Basic Court Skopje 1 Skopje
Crime Section
Skopje, 1000
Republic of Macedonia

Your Lordship,

RE: CASE REF: III KRIOK .BR. 527/2010
INVESTIGATIVE INQUIRY BY THE BASIC COURT OF SKOPJE 1

I acknowledge receipt of your inquiry concerning the Project for Delivery of a Mobile System for Aviation Management and monitoring Central Unit, complete with Radar and other equipment signed between the entity of Cascade Construction Uganda Limited, and Air Services MK DOOEL, Skopje which represents a milestone of cooperation between the Government of Uganda and Southern Sudan.

- 1.0 I clarify that the implementing company Cascade Construction has the full support and endorsement of the Government of Uganda in the implementation of this Project.
- 2.0 I wish to state that the co-operation with Air Services MK DOOEL, Skopje, has to date been successful and professional and all activities as well as financial transactions that have been undertaken herein don't have any ingredients of illegal, corrupt and or fraudulent activity.
- 3.0 This project is of particular national and security importance and we advise that matters that have been raised with the relevant Authorities in the

Government of Southern Sudan with respect of resolving the misunderstanding with the Anti Corruption Initiative by the Committee of South Sudan with regard to this Project have been resolved and have lead to a closure of all investigations in this matter.

This is therefore ~~allayed~~ and put to rest all the concerns raised.



Hon. (Dr.) E Khiddu Makubuya, M.P.
**ATTORNEY GENERAL-MINISTER OF JUSTICE
AND CONSTITUTIONAL AFFAIRS**

c.c Cascade Construction Uganda Limited

Appendix 15 List of Members of the Crisis Management Committee (CMC)

1. Hon-01, H.E, Lt. Gen [REDACTED], South Sudan Vice President, Chairman of CMC
2. Hon-02, Lt. Gen [REDACTED] – Deputy Chairman of CMC, Member of Parliament, and Senior Party Leader
3. Hon-03 [REDACTED] – Presidential Advisor on Legal Affairs
4. Hon-04, Gen [REDACTED] – Security Advisor, Office of the President
5. Hon-05, Dr [REDACTED] – Minister of Cabinet Affairs
6. Hon-06, Gen [REDACTED] – Minister of Defence and Veteran Affairs
7. Hon-07 [REDACTED] – Minister of Justice
8. Hon-08, Dr [REDACTED] – Minister of Foreign Affairs and International Cooperation
9. Hon-09 [REDACTED] – Minister, Office of the President
10. Hon-10, Gen [REDACTED] – Minister in the Office of the President for National Security Services
11. Hon-11 [REDACTED] – Minister of Interior and Wildlife Conservation
12. Hon-12 [REDACTED] – Minister of Finance and Economic Planning
13. Hon-13, Dr [REDACTED] – Minister of Health
14. Hon-14, [REDACTED] – Minister of Information and Broadcasting
15. Hon-15 [REDACTED] – Minister of Gender, Child, Social Welfare and Humanitarian Affairs
16. Hon-16 [REDACTED] – Minister of Petroleum and mining
17. Hon-17, Prof. [REDACTED] – Lecturer, Juba University
18. Hon-18, Maj-Gen [REDACTED] – Director General, External Security Bureau
19. Hon-19, Maj-Gen [REDACTED] – Director General, Internal Security Bureau
20. Hon-20, Dr. [REDACTED] – Member of Parliament
21. Hon-21, Prof. [REDACTED] – Member of the SPLM Liberation Council
22. Hon-22, Amb. [REDACTED], Auditor General, RSS¹³⁹
23. Hon-23 [REDACTED], Government Chief Whip Parliament
24. Hon-24 [REDACTED] – SPLM secretariat official
25. Hon-25 [REDACTED] – Member of Party and Parliament
26. Hon-26 [REDACTED] – Member of the ruling Party and Parliament
27. Hon-27 [REDACTED] – Member of the ruling Party and Parliament.

¹³⁹ This member who is the Auditor General declined to take up his place in this committee.

Appendix 16 Sample of Key Informant In-depth Open-ended Interviews Questions

1. Introduction of Researcher (myself), the topic of research, and the nature and where the study is undertaken.
2. Asks the Interviewee to introduce self:
 - a. Ethics of research,
 - b. Whether they wish their identity to be kept anonymous or identifiable.
3. What do you understand about corruption and grand corruption in the context of South Sudan?
4. How does grand corruption impact on state-building; common good in South Sudan?
5. What and how can ECSS play a role in combatting grand corruption; state-building; realising the common good?
 - a. Individual members
 - b. Its leaders
 - c. Institutionally – lone actor and ecumenically
6. Describe challenges facing and hampering ECSS from actively playing its role: combatting grand corruption, state-building and defending the common good.