

## **CORRUPTION AND THE PROBLEM OF INSECURITY IN AFRICA: A CASE STUDY OF FINANCIAL MISMANAGEMENT IN SOUTH SUDAN**

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### **Abstract**

*Corruption is presently one of the major challenges facing the human societies in the world with particular reference to Africa. It is increasingly being seen as a threat to human existence. It involves a wide range of crimes and illicit acts committed by leaders, be it political, religious or private organizations. Corruption is multifaceted and complex that it requires a comprehensive approach that cuts across disciplines. Corruption paralyzes efforts for promotion of security, justice, sustainable peace, and development in African countries. It brings with it many forms of insecurity – conflicts, armed robbery, kidnapping, embezzlement and violence against women in conflict countries in Africa. This affects almost every aspect of daily life for ordinary citizens and no sector of the population is exempt from it. This paper creates a nexus between corruption and problems of insecurity and financial mismanagement in South Sudan. The concept of corruption and factors that contribute to it will be investigated.*

**Keywords:** Corruption, Problem, Insecurity, Financial Mismanagement.

### **Introduction**

Corruption as it is has become a pandemic in countries of Africa and the world at large. Corruption, according to Lumumba (2014) “is worse than prostitution”. According to him, “the latter might endanger the morals of an individual; the former invariably endangers the morals of an entire country”. Ekwueme (2014) says that corruption is associated with “the practice of using the power of office for making private gain in breach of laws and regulation nominally in force”. Etyang (2014) opines that “corruption is a cancerous phenomena that has permeated every facet of society. It is not a new development. It has been used from time immemorial to attain ‘illicit’ political and economic power”.

Corruption creates many forms of injustice which affects almost every aspect of daily life for ordinary citizens and no sector of the population is immured from it. In Sub-Sahara Africa, corruption impairs political, economic, and social

development. It retards development efforts, creates insecurity problems as well as administrative development in the bureaucracy and undermines political institutions by weakening the legitimacy of accountability of governments, (Tenamwenye, 2014).

In the words of Robinson (1998), "Corruption breeds wastage, aggravates budget deficit problems, reduces resources available for infrastructure, public services and anti-poverty programmes". It therefore impedes development and brings about poverty and insecurity problems.

### **The Concept of Corruption**

Corruption is a form of dishonesty or criminal offense undertaken by a person or organization entrusted with a position of authority, to acquire illicit benefit or abuse of power for one's private gain. Corruption may include many activities including bribery and embezzlement, though it may also involve practices that are legal in many countries (World Bank Report, 2015). Political corruption occurs when an office holder or other governmental employees act in an official capacity for personal gain. Corruption is most commonplace in kleptocracies, oligarchies, narco-states and mafia states.

Corruption occurs on different scales ranging from small favors between a small number of people to that which affects the government on a large scale and that which is prevalent that it is part of the everyday structure of society, including corruption as one of the symptoms of organized crime. Corruption and crime are endemic sociological occurrences which appear with regular frequency in virtually all countries on a global scale in varying degrees and proportion. Individual nations each allocate domestic resources for the control and regulation of corruption and crime. Strategies to counter corruption are often summarized under the umbrella term anti-corruption.

In Nigeria, corruption and abuse of public office is an offence and all matters connected with it are contained in section 98 of the Criminal Code Act of the Federation of Nigeria, 1990. Section 98 states that any person who:

- (a) Corruptly asks for, receives or obtains any property or benefit of any kind for himself or any other person; or
- (b) Corruptly agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person, on account of.

- (i) Anything already done or committed, or any favour or disfavour already shown to any person by himself in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of government department, public body or other organizations or institution in which he is serving as a public official; or
- (ii) Anything to be afterwards done or omitted or any favour, or disfavour to be afterwards shown to any person by himself in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of the felony of official corruption and is liable to imprisonment for seven years.

Corruption according to Brown (2014) “is Africa’s main problem”. Some writers say that corruption is endemic if not pandemic in all governments, and is not peculiar to any continent, region and ethnic group. Corruption cuts across all faiths and religious denominations, political systems, private enterprises, and it affects the vulnerable - the less privileged in the society both young and old, man and woman. It is found in democratic and dictatorial politics; feudal, capitalist and socialist economics. Christian, Muslim, Hindu and Buddhist cultures are equally bedeviled by corruption.

Corrupt practices did not begin in our time. Corruption is as old as human existence on earth. Ancient civilizations like Egypt, Mesopotamia, Greece, Rome, and Israel have traces of illicit practices of corruption. Thus, Corruption can be described as “human” in the sense that as long as humans exist, corruption also exists, but its magnitude differs from person to person and from country to country. Other persons or countries are more corrupt than others. In “Animal farm” George Orwell notes that: “All animals are equal, but some animals are more equal than others”. This is true of our situation in Africa. There is a common statement people in position of authority make: “This is our time, wait for your own time”. What could be the implication of this statement? What impact will it make for those told to wait for their own time?”

### **Types and Causes of Corruption**

The different types of corruption in the world make it easy to understand corruption in a broad way. The impact of corrupt activities depends on the type of corruption and its extent. Most people associate corruption with poor economic development. However, corruption can exist even in countries or

regions with excellent economic performance. The only constant factor is that corruption does not encourage growth regardless of the type, (Kwach 2015).

### **Types of Corruption:**

We can divide this into two categories: Bribery and other major types.

#### **1. Bribery types:**

Bribery is one of the most common corruption tools in the world. According Kwach (2015), bribery refers to the situation where one “buys” something that he/she does not rightfully deserve. It could be a job position or a way out of a criminal conviction or a way to pass his/her examination in high grades. The different types of bribery include:

##### **(a) Witness bribery**

This is where an interested party bribes a witness to keep him/her from testifying in court or to the police. Alternatively, the witnesses could ask for payment to keep their mouths shut.

##### **(b) Bribery of officials**

Here, someone either offers payment to a public, private, or foreign official demands a bribe for illegitimate favours using their position.

##### **(c) Bribery in Sports**

In most cases, the referee receives or demands payment to favour one side during a match. In other instances, match officials receive or demand bribes to fix games in favour of the paying team.

##### **(d) Bank Bribes**

Similar to the other types of bribery, bank bribery occurs when a bank employee accepts or demands a bribe in exchange for unlawful favours.

#### **2. Other major types of Corruption**

Corruption ranges from the illegitimate use of a powerful position to fraudulent activities that may involve bribery. The list of major types of corruption below further explains this unethical behavior.

**(a) Systemic Corruption**

In this case, corruption is embedded into the political, economic and social systems of a country. Most processes in public institutions involve people who are corrupt. Examples include many corruption incidences in Nigeria, Kenya, Zimbabwe and South Sudan that has recently entered the list of corrupt countries in Africa and the world at large according to Transparency international report of 2014.

**(b) Grand Corruption**

This is also referred to as political corruption which involves political figures and agents of the state. The transactions are typical between the public and private sectors with the aim of gaining personal wealth, power, and societal status.

**(c) Individual Corruption**

This is the opposite of systemic corruption as it involves a few people who are corrupt. This type of corruption is random and does not affect public programmes immediately.

**(d) Bureaucratic Corruption**

This type of corruption is also known as petty corruption and it refers to everyday corrupt activities. Examples include bribery in exchange for services in a hospital or schools/universities.

**1.3.2 Causes of Corruption**

There are various factors that facilitate or cause corruption. According to Kwach (2015) the leading causes of corruption include:

**(a) Selfish Interest**

Most people who engage in corrupt activities want to gain wealth, power, or status. The only thing that matters to these people is individual success, and they are willing to do whatever it takes to get it. Selfish interest also contributes to simple types of corruption. In the end, a corrupt person is motivated to beat the system and attain success in the process.

**(a) A limited supply of services**

In most countries, the demand for certain services exceeds the supply (low supply). Therefore, people are willing to pay more than is necessary in order to get preferential treatment. The shortcut of bribe becomes a habit that leads to other acts of corruption.

### **(b) Rules and Regulations**

Regulations aim to provide order for certain services meet demand. However, some people would instead bypass these regulations and get what they want. Several types of corruption like systemic and bureaucratic corruption depend on the existence of rules to thrive. No one would need favours where there were no rules, especially procedural laws. In Romans 2:8, Paul says: "But sin, seizing the opportunity afforded by the commandment, produced in me every kind of covetous desire. For apart from the law, sin is dead".

### **(c) Lack of Moral Obligation**

A corrupt person has little regard for moral responsibility. This individual violates all societal beliefs relating to what is right and wrong. The motivation, as mentioned above, is selfish gain.

### **(d) Existing Culture of Corruption**

This factor applies mostly where systemic type of corruption exists. Everyone who interacts with corrupt officials is bound to contribute to corruption at some point in time. In some countries, there is no other way of conducting activities besides corruption. This culture continues to cause and support the different types of corruption.

### **(e) Lack of sufficient income**

This is particularly relevant in organization settings. If someone offers an employee a bribe that is twice or more than his\her salary for a million-dollar deal, the employee is likely to accept the bribe. Employees who have satisfactory wages will be less tempted to take the bribe (Kwach 2015).

## **Corruption in South Sudan**

Corruption in South Sudan is being described as one of the "worst in the world". According to Bartlett (2014), the nation's elites have developed a kleptocratic system that controls every part of the South Sudanese economy. This system has taken quickly in a relatively short period. South Sudan won self-rule in 2005

while remaining part of Sudan. It was accorded full sovereignty in July 2011. The nation was ranked fifth on Transparency International's 2014 list of most corrupt nations, preceded, only by Somalia, North Korea, Sudan and Afghanistan.

Financial mismanagement in South Sudan has become the order of the day. According to Achien (2013), a member of parliament, says that the nation has lacked any and all regulations to "combat fraud and malfeasance among the senior government officials", especially among government procurement officials within the ministry of Finance and Economic Planning. Nguen, Ngol Gaar in Sudan Tribune of July 19, 2013 in his article: "*The 488 million pounds evidence of corruption in the Presidency*" writes "outright stealing and looting of public funds in a broad day light by the enforcer (*of the law*) or man in charge always reigns" in South Sudan.

The degree of corruption and financial mismanagement of public funds revealed in the Auditor General's report for 2005 and 2006 reportedly "brought some MPs in South Sudan National Legislative Assembly into tears". This report states that more than \$ 4 billion in government funds had been stolen since the advent of self-rule in 2005.

The major corruption scandal since the beginning of the self-rule has been the so called "Dura saga", although there have been dozens of other significant instances of similar wrong doing activities. These episodes have often been shrouded in confusion and have almost never resulted in anybody being prosecuted or punished.

The Africa Review (2013) notes that despite the efforts of South Sudanese government having ordered several investigations into scandals of public fund mismanagement, they are virtually always ignored or sabotaged altogether.

The president Salva Kiir Mayardit has repeatedly declared that his government is actively fighting corruption, but on April 12, 2013, he fired Elias Wako Nyamelle, Deputy Minister of Foreign Affairs and International Cooperation "for acknowledging that South Sudan is corrupt and rotten to the core" (Nguen 2013). The problem is compounded by the serious lack of transparency and accountability in South Sudan government records and business information. Requests for official data can be arbitrarily turned down with impunity, (Sentry 2020).

The Sentry is an investigative and policy team based in Washington, DC that follows the dirty money connected to African war profiteers and seeks to shut those benefiting from violence out of the international financial system.

The Sentry in one of its recent report identified four major vectors along which the country's wealth and revenue are directed towards the personal and institutional interests of elite:

**(i) The Extractive Sector**

The extractive sector which is the largest source of national revenue is seriously mismanaged and highly opaque with virtually no proper records of accountability.

**(ii) The Military State**

The military controls the economy; directly by taking the largest share of the budget and indirectly through closely held companies and contracts.

**(iii) State Spending**

The procurement system is prone to corruption, waste and lack of tangible results, and suppliers tied to elite interests are regularly awarded lucrative contracts, but supplied nothing to the public, for example in Dura Saga.

**(iv) Money Laundering Hub**

The emerging financial sector in South Sudan has been highly exploited by elites who use it as a laundering and revenue generating vehicle.

**Foreign Criticism and Action:**

Sudan Tribune (2012) reports that a list of 13 corrupt South Sudan officials, suspiciously with large accounts in foreign banks was handed to South Sudan authorities by the US government in 2011. The US government categorically pointed out that despite public statements about fighting corruption by the President, South Sudanese officials still continue to commit acts of corruption with impunity.

In June 2012, Tim Fischer, Australian special envoy of the Prime Minister, called on South Sudan to pass legislation to improve transparency, accountability and proper management in the country's mining industry (Uma, 2012).



Sudan Tribune of July 10, 2012, reports that a paper was presented in Oxford University in June 2012 by Mairi John Blackings which states that South Sudan's ruling party had failed to transit from a guerilla movement into a proper government. "The failure to separate the state from the party and the attendant failure to institute checks and balances within the various organs of the state lie at the Centre of the general air of Malaise suffocating and squeezing life out of the nascent nation of South Sudan, (just) a year on".

According to Tuombuk Joe in Sudan Tribune of July 16, 2013, says that "funds for peace based in Washington, DC, named countries it most considered failed states, rank South Sudan at number four"

In December 21, 2017, US President Donald Trump issued an executive order under the Magnistky Act that specifically named Benjamin Bol Mel among the persons whose US-based assets are to be blocked, (US Department of the Treasury order, 2017).

On the other hand the World Bank reported that \$22 billion of South Sudan oil revenue and development aid has been transferred to foreign banks by at least 45 top government officials. According to the World Bank, \$22 billion would be the national budget for Ghana, a country with a population of 22.5 million, for approximately 20 years.

South Sudan population is around 12 million, half of which now live in displaced or refugee camps in the country and in neighboring countries respectively.

The country has huge reserves of mineral resources more than Saudi Arabia and DRC, and one of the largest oil reserves in Africa (Nyamilepedia 2016).

South Sudan is nick-named by the international community as "**the most promising land**" although the country has never been peaceful for the last 60 years or more.

The wolves of the country have done a great and unforgettable historical damage that has stained the image of the nation by carrying the wealth of the nation into foreign banks leaving the people in great poverty and in need for medicine, food, shelter and security of their lives and families. South Sudan is in trouble. It has fallen into wrong hands. Where and when will the savior come? This remains a big question to be answered.

## **The link between corruption, insecurity and financial mismanagement**

Corruption and insecurity are closely linked in such a way that they are inseparable. They are two sides of the same coin. Corruption breeds insecurity and the insecurity promotes looting and mismanagement of public funds and other vices attached to it.

The United Nations Commission on Human Rights in South Sudan on its fourth report of February 20, 2020 states that: “millions of South Sudanese civilians have been deliberately deprived of assets to basic services and many are deliberately starved, while national revenue have been diverted by the country’s politicians”. The report adds that “corruption and political competition have fuelled human right abuses and are major drivers of ethnic conflict”.

The report points out areas of concern which include: food insecurity, deliberate starvation, ethnic violence, armed militias, sexual violence, entrenched impunity and lack of accountability and so on.

### **(i) Food insecurity**

The plundering of the public purse by the officials is having a catastrophic impact on the humanitarian situation in South Sudan, leaving ordinary people food insecure. More than 55 percent of the population mainly women and children, face acute food insecurity due to the deliberate policy of preventing humanitarian aid from reaching civilians by different parties to the conflict. This is exacerbated by climate-induced factors and large-scale displacement of women and children as a result of either draught or floods or cattle raids on civilian settlements conducted by armed groups.

### **(ii) Deliberate starvation**

“Deliberate starvation is clearly occurring along ethnic and political lines, in an effort to marginalize dissident communities as well as those too disenfranchised to challenge the status quo because their day-to-day lives revolve around basic survival,” (Andrew Clapham 2020). He notes that deliberate starvation can constitute a war crime or a crime against humanity.

### **(iii) Ethnic violence**

The fragile peace process in South Sudan has shifted to an intensification of ethnic violence at a localized level. Of grave concern according to the report, is the number of brutal attacks involving cattle raiding by members of both the

state apparatus and the opposition resulting in alarming rates of displacement along ethnic lines, particularly in Western Bahr el Ghazal, Unity and Jonglei States.

#### **(iv) Armed Militias**

Credible information had been received by the commission that members of government forces armed local militias with light and heavy weapons, including AK-47 assault rifles and rocket-propelled grenades, so they could carry out brutal attacks against neighboring communities, often during periods of cattle migration.

#### **(v) Forcible Recruitment of Child-Soldiers**

Both government and the opposition forces continue to forcibly recruit child soldiers in violation of International Humanitarian Law. The UN Commission documented incidents implicating eight separate units of both, armed forces and armed groups recruiting, training and using children as young as 12 years old. The recruitment of children is contrary to South Sudanese Domestic Law and Treaty Law, including the optional protocol to the convention on the right of the child on the involvement of children in arm conflict, of which South Sudan acceded in September, 2018.

#### **(vi) Sexual Violence**

Sexual and gender-based violence, including conflict-related sexual violence, continued to be widespread and pervasive, characterized by a recognizable pattern of terror and subjugation used as a tactics of war. Stigmatization of survivors, compounded by lack of accountability for sexual and gender-based violations, remained a grave challenge.

#### **(vii) Entrenched Impurity**

“Entrenched impurity and lack of accountability characterized by the persistent failure to address past and ongoing violations has been a key driver of violence in South Sudan”, according to Yasmin Sooka, (2020). Accountability, according to ordinary South Sudanese is essential for perpetrators to truly understand that what they are doing is wrong. Everybody understands that continued impurity will perpetuate violence.

#### **Mechanisms to redress corruption in South Sudan**

Corrupt activities of top government officials have become the order of the day. Checks and balances remain ineffective without being enforced probably because the leadership may have been involved. The Anti-Corruption Commission appointed by the government of South Sudan was in some way effective in doing its work, but whenever they submit their reports and findings of corrupt officials, the government could not take action, and so effort wasted and corruption continues.

What could be other mechanisms to redress corruption in South Sudan? The international communities both within the country and without have tried their best for the government to desist from corruption, but this has fallen to deaf ears.

### **The role of Civil Society groups in the Country**

The government of South Sudan is democratically elected government by the people and we believe that the civil society in the country has a role to play to bring about a change. Civil societies in Africa and elsewhere have been involved in fighting corruption. Few cases deserve to be mention here, for example, in Sudan, the government of Omar Al Bashier has recently been brought down by the power of civil society that was determined and well organized. Al Bashier has been a dictator and corrupt president. He took power in 1989 and instituted himself as a man of terror. He has killed many government officials and local civilians in South Sudan and in Western Sudan - Darfur region. He was accused of genocide and crimes against humanity by the International Criminal Court of Justice in The Hague. He has been given a two-year jail sentence by Sudan Supreme Court for corruption. He awaits trial for other charges or he would be handed over to the ICC for further prosecution.

Hoseni Muburak of Egypt was likewise forced to resign through the power of civil society. Mugabe of Zimbabwe was forced out of office by civil society with the help of army who were even tired of Mugabe's policies and corrupt activities.

What became to be known as the Arab Spring started in Tunisia. This was occasioned by the death of one, Mohamed Bouazizi, a 26-years old Tunisian street vendor, who set himself on fire on the 17<sup>th</sup> December, 2010 in protest at the confiscation of his wares and humiliation inflicted on him by a municipal official, Faida Hamdy. Anger and violence intensified following his death and on January, 4, 2011, ultimately the leading longtime President Zine El Abidine Ben Ali resigned and fled the country on January 14, 2011, after twenty three years in power (Wikipedia 2011).

South Sudan need a strong and well organized civil society that could come out to the streets to voice its grievances insistently to force out the corrupt government and to install in place a government that is being represented by at least all the political parties in the country not only one dominated by Dinka and Nuer tribes, the warlords of the previous conflict between north and south. If this strategy has worked for other countries, it will also work for South Sudan but it needs a good will and strong determination because of the challenge and cost of human lives it will meet as a result of facing the lion with an empty hands.

### **Declaration of Corruption a National Disaster**

According to Lumumba (2014), one of the mechanism to redress corruption “is to declare it a national disaster that has undermined and will continue to undermine development efforts to alleviate poverty and suffering among the people”. Borrowing Lumumba’s words, the government in South Sudan “must provide leadership in engaging a national, regional and international response to corruption through effective administration, prevention, education and enforcement”. This could help to end the dangerous defensiveness and in some cases denialism in some governments and political circles, over the levels of corruption.

### **Generating and Demonstrating Sufficient Political will to tackle Corruption**

Political will is the “determination of the political leaders of a nation to do and say things that will produce a desired outcome”. Therefore, the ability to spell out clear anti-corruption policies and interventions by these leaders and to effectively implement them without fear and favor regardless who is involved, will at least bring sanity to the system. This is also to be seen in the ability, will and resolve of the political leaders to deal with the corruption personalities decisively whether allies, friends, families and colleagues. They must be able to set up a special public enquiry to probe corruption scandals and out on the recommendations of the inquiry. This will have a bearing to show how determine and serious the government is when it comes to the issues of fighting corruption. Public confidence will only be restored when there is a proper investigation, prosecution and adjudication over corruption cases, (Lumumba, 2014).

### **The Church, the voice of the voiceless**

Churches play a greater role in fostering of peace and sustainable developments in any country in Africa or in the world due to its global networking and inter-connectedness.

In any attempt to organize a structured dialogue regarding corruption as a threat to justice and sustainable peace among institutions and civil society, there is still a significant part of society which is usually not represented in any part of the “stakeholder’s dialogue”. The churches in South Sudan must seek to give a voice to those who are not usually heard or, where this is possible, to be their advocates. The voiceless are those who are often marginal to main stream society- most of the seriously hurt by corruption. This include: the unemployed, the homeless, the outcast and the uprooted, victims of violence and those who are excluded by various political systems. Churches must also seek to speak for those whose human rights, including the right to religious freedom, are rejected. Starting from an ethical view of society as inclusive, churches in South Sudan must seek to stand up for that part of society, which is not able to take part in the so-called “stakeholders” dialogue.

### **Involvement of International bodies/Countries**

International bodies/countries are also to be required to undertake measures which will support the tracing, freezing, seizure and confiscation of the proceeds of crime. This is particularly an important issue for many developing countries where high level of corruption has plundered the national wealth and government resources are badly needed for reconstruction and the rehabilitation of societies under new governments.

Countries are to be encouraged to agree to cooperate with one another in every aspect of fight against corruption, including prevention, investigation and prosecution of offenders. Countries should be bound by the international convention on corruption and to render specific forms of mutual legal assistance in gathering and transferring evidence for the use of the court, to extradite offenders.

### **Conclusion**

Corruption as we see it is an intractable problem. It can only be minimally controlled, not totally eliminated. It may not be possible to root out corruption completely at all levels but it is possible to contain it within tolerable limits. Corruption is dangerous and has a corrosive impact on economy. It worsens and

stains the national and international image of a country and leads to the loss of overseas opportunities. Corruption is global problem just as Covid 19. It needs the cooperation of all countries of the world to confront it. However, solutions can only be home grown. Corruption and financial mismanagement in South Sudan is a serious problem that has weakened communities, ruined lives, created conflicts and impeded peace and development.

As ever, it is the poor and the marginalized that suffer most from corruption and conflict related issues, but as a threat to the development and service delivery, fighting corruption becomes the shared responsibility of every citizen. In addition to anti-corruption measures and policies being made an integral part of all development strategies at the national, state and local levels, the private sector and civil society groups must assist government in fighting the scourge. As a complement to those broader reforms, the careful and transparent implementation of enforcement measures, such as prosecuting some prominent corrupt figures, will serve as deterrent measure to others. This can only be achieved through a government that is willing to fight corruption otherwise.

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