**UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)**

**SOUTH SUDAN C OFFICE**

DEMOCRATIC GOVERNANCE UNIT

UNDP ACCOUNTABILITY PROGRAMME

1. **BACKGROUND**

The Transitional Constitution of South Sudan, 2011 (TCSS) affirms the commitment to anti-corruption, and under Articles 143(1) and 144 (1) (a), grants the Government of South Sudan the authority to establish a Commission to prevent, investigate and combat corruption and corrupt practices. Furthermore, the TCSS expands the competencies of the SSACC by granting powers to prosecute, signaling strengthened commitment to address the detrimental effects of the practice on the development agenda of South Sudan.

The SDDP also makes specific mention of the National Audit Chamber, stating that the Chamber will be strengthened and “*timely audit processes established, and reports will be forwarded to Parliament and released publicly…*”5 as part of the drive for accountability and transparency. Like the Anti-Corruption Commission, the National Audit Chamber is established by the TCSS under Chapter VII, Article 184. The NAC has the powers to “*set auditing standards for the whole country and supervise the financial performance of all levels of government, including revenue collection and expenditure, in accordance with the budgets approved by their respective legislatures*”, and the “*the National Auditor General shall be accountable to the President for the performance of the Chamber*”6 Article 183 (2) also states that “*All levels of government shall hold all income and revenue received in public accounts and subject to public scrutiny and accountability.*”

The South Sudan Audit Chamber (NAC) was launched in June 2006 and later disbanded in 2008 and a new Deputy Auditor General was appointed in an acting capacity, and audit operations resumed at this time for MDTF projects. A new Auditor General took office in June 2010. A provisional order was passed to enable audit functions until the passage of the substantive law. A revised South Sudan Audit Chamber Bill, 2011 has now been drafted and is under review7. Thus, the NAC currently functions under a provisional order issued by the President in January 20118.

Taken together, the Anti-Corruption Commission and the National Audit Chamber present two key constitutionally guaranteed government institutions tasked with ensuring transparency and accountability at all levels of government, and are more specifically tasked with preventing and combating corruption. UNDP South Sudan seeks to support the Republic of South Sudan instrengthening the capacity of the SSACC to implement the South Sudan Anti-Corruption Strategy in all 10 States, and to strengthen the technical capacities of the Auditor General’s department. This is in line with the United Nations Convention Against Corruption (UNCAC)9 whose purpose is:

*a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;*

*b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;*

*c) To promote integrity, accountability and proper management of public affairs and public property.*

1. **PROGRAMME APPROACH**

The South Sudan Anti-Corruption Commission launched the South Sudan Anti-Corruption Strategy 2010-2014 in December 2009. Developed through wide consultation, the plan continues to face implementation challenges due to lack of human and financial resources, insufficient understanding of the dynamics of corruption by both government and the citizenry, and ineffective rule of law institutions. As an independent institution, the South Sudan Anti-Corruption Commission will only be better able to achieve its obligations if development partners and the international community commit to supporting its human and institutional capacities to face the challenges.

Similarly, the South Sudan Audit Chamber has an important role in ensuring transparency and accountability by government institutions. The Chamber’s duties include the expression of an audit opinion as to whether the financial statements prepared by a given public sector entity fairly present its financial position, cash flows and results of operations for the year under audit. The NAC issues a report to the Office of the President and the Legislative Assembly or Council of States. Thus the National Audit Chamber is in need of considerable institutional and technical capacity to ensure the annual audit of all government entities; and provide accountability to the relevant institutions.

Both institutions are also required to develop a capacity to provide downward accountability to the citizens of South Sudan. As such there is need for external facing communication and dialogue with citizens and the organizations that represent them to provide assurances of government’s continued commitment to ensure prudence.

Through a process of short and medium-term capacity development interventions, focused on the core functions of the institutions, the programme aims to strengthen the capacity for investigation, prosecution and prevention of corruption. Furthermore the programme will provide specialized training to different categories of staff through mentoring; coaching and customized courses to improve technical capacity; whilst also supporting the process of organizational development through strategic planning, staff establishment and management support

1. **PROGRAMME OUTPUTS AND ACTIVITY RESULTS (2011-201)**

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| **Output** | **Activity Results** |
| Sufficient institutional and staffing capacity in the SSACC to investigate and prosecute corruption cases | * 1. SSACC personnel fully trained on their duties under the Anti Corruption Act   2. Use of Information Technology proactively introduced and implemented   3. The training and dissemination of Employee code of conduct   4. The RSS is fully supported through the SSACC to accede to the UNCAC |
| Strengthened capacity of the Chamber to prepare audits, and present audit reports in the national assembly | 2.1 Strengthened capacity of the Chamber to prepare audits, and present audit reports in the national assembly  2.2 Internal controls and code of ethics developed for audit staff, audit staff trained in code of ethics, and following internal controls Chamber becomes member of  2.3 International Organization of Supreme Audit Institutions (INTOSA)I and attends annual meeting |

1. **ACTIVITIES IMPLEMENTED:**

4.1 **UNDP Support to the SSACC**

4.1.1 **Financial Support to the SSACC**

During the past year the SSACC staff have undergone many training programmes in administration, finance, and preventing and investigating corruption. UNDP has supported the commission to place six investigators who have dramatically increased the SSACC’s capacity to investigate corruption cases. As a result, the SSACC has now handed over a number of well-investigated and well-documented cases to the Ministry of Legal Affairs which has the prosecutorial powers pending passage of the Act. With the new prosecutorial powers envisaged under the SSAC Bill, and the imperative to establish fully-fledged offices at State level, further support is required for the SSAC. In order to enable the SSACC to implement these activities UNDP transferred $100,000 (SSP 290,000) to the SSACC in two installments of SSP 174,000 and SSP 116,000. The SSACC used the fund for the payment of 6 Consultants working in the Commission. The first installment is fully liquidated and the second installment has been transferred recently and will be used to the institutionally strengthen the SSACC.

* + 1. **SSACC Mission to Uganda**

SSSAC is in the process of drafting enabling legislation. The current Transitional Constitution of South Sudan provides the powers to prosecute and detain to the SSAC. For the purposes of learning and experience sharing, UNDP provided support and facilitated SSACC’s mission to Uganda from the 18th October to 22 October 2011. The purpose of the mission was to help SSACC Officials better understand:

* How anti-corruption prosecutorial powers may be coordinated with the DPP or equivalent
* How anti-corruption cases are prosecuted – challenges and successes
* Consider whether South Sudan should establish an anti-corruption court as a division of the High Court – as in Uganda
* Receive a brief on the enabling Ugandan legislation to combat corruption
* Visit the court
* Any other relevant information

**The Delegation of South Sudan Anti-Corruption Commission**

1. Dr. Pauline Riak, Chairperson, South Sudan Anti-Corruption Commission
2. Hon. Johnny Saverio, Deputy Chairperson
3. Hon. Elisama Wani Daniel, Commissioner
4. Hon. Akuei Mayuen Deng Dut, Director General Investigation  and Legal Services
5. Justice John Gatwich Lul, (Judiciary of South Sudan

**UNDP Support:**

* 1. Amanda Serumaga, Team Leader, Democratic Governance UNDP
  2. James Arike, Programme Analysts, Democratic Governance, UNDP

The SSAC delegation met and discussed with:

* Ugandan Anti-Corruption Court
* The Directorate of Public Prosecutions
* Inspector General of Government
* Other relevant institutions

4.2. **Support to the National Audit Chamber**

UNDP supported NAC to organize a Round Table meeting on the new NAC Act on October 12, 2011. The meeting was attended by 23 participants (6 female and 17 male) from donor, government and UN agencies. Meeting participants thoroughly debated the draft Act and forwarded comments and recommendations for the amendment of the draft Act in the following areas:

* + 1. Tabling of audit reports and recommendations in State legislatures
    2. Security of Tenure for the Auditor General

1. Emoluments, allowances, privileges of the Auditor General
2. Preparation and approval of the budget of the Audit Chamber
3. Independence of the Audit Chamber in determining cases to be audited
4. Enforcement of summons for individuals to appear before audit investigations
5. Immunity from arrest and prosecution while carrying out official duties

The South Sudan Auditor General promised to organize another Round Table meeting on the revised draft of the NAC which UNDP will support.

1. **UNDP FUTURE SUPPORT ACTIVITIES**

5.1 **South Sudan Anti-Corruption Commission (SSACC)**

* Support the development training modules for all levels of staff
* Indentify staff for specialized training and arrange in same country or oversea
* Place international/National experts within SSACC to work with the national staff and provide on the job training as well as Anti-corruption specialists to be placed in 10 states
* Arrange secondments for SSACC staff in other countries
* Recruit and place experienced IT specialist, legal officers and prosecutors in the SSACC
* Support the development of SSACC Web-page
* Support the training of SSACC staff in code of conduct and ethics
* Conduct awareness-raising through the engagement of civil society organizations
* Support and facilitate the establishment and functioning of a committed that works towards South Sudan acceding to the convention

5.2 **South Sudan National Audit Chamber (NAC)**

* Support the identification of training needs
* Develop training modules, materials and conduct training
* Print and disseminate operational guideline
* Conduct training through technical specialists
* Facilitate the submissions of application to INTOSAI