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**House Foreign Affairs Committee**  
**Subcommittee on Africa, Global Health, Global Human Rights, and International**  
**Organizations**  
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**“The Growing Crisis in South Sudan”**

Chairman Smith, Ranking Member Bass, and members of the Subcommittee, thank you very much for inviting me here today. I also want to thank this committee for its continued support and focus on helping to address the crisis in South Sudan.

Countering the violent kleptocracy in South Sudan that rewards top leaders for their horrific ongoing abuses of people and public resources requires your continued leadership and support for a combination of actions that can have immediate and long-term impact. To briefly summarize what I will describe in more detail shortly in the context of my own recent field research on institutional corruption in South Sudan, I recommend the following steps:

For immediate impact on the crisis in South Sudan, Congress should:

1. Ensure that the Treasury Department has the human and financial resources it needs to expand and escalate the use of anti-money laundering measures targeting politically exposed persons who use the international financial system, including U.S. financial institutions, to accumulate, move, and store assets believed to be the proceeds of corruption in South Sudan.
2. Work to impose or support the imposition by others of sanctions and asset freezes that target the high-level South Sudanese officials who orchestrate violence and divert public resources to private accounts.
3. Directly and robustly support efforts to strengthen the enforcement in the United States and elsewhere of existing sanctions and asset freezes on South Sudanese individuals and entities—and their international enablers.
4. Pass the Global Magnitsky Human Rights Accountability Act that authorizes the president to impose sanctions on government officials who misappropriate state assets and who attack the journalists and human rights defenders who expose corruption in government and seek to counter it.

For long-term impact on South Sudan's institutional and systemic challenges, Congress should:

1. Elevate and amplify independent civil society voices from South Sudan that fight for transparency and accountability. Continue as it has done to provide strong and steadfast oversight in the use of U.S. public funding for governance support and technical capacity-building in South Sudan.
2. Support efforts to tie further assistance for South Sudan to strict budget oversight to ensure that those who orchestrate atrocities and seek personal enrichment do not misappropriate these funds.
3. Support institutions of good governance in South Sudan that are critical to the existence of an open and accountable government.

The system of rule in South Sudan is what the Enough Project calls a violent kleptocracy. It is a system in which the state and its institutions have been coerced to work for the interests of elite politicians. In April this year, I traveled to Juba and spent about a month trying to better understand this system and researching the challenges faced by three of South Sudan's key governance institutions: the Anti-Corruption Commission, the National Audit Chamber, and the Public Accounts Committee in the National Legislative Assembly. These three institutions are designed to provide oversight and accountability on government spending and to prevent the abuse and overreach of power, particularly by the executive branch of government.

In researching these three institutions, I found that accountability mechanisms that lacked real leverage were built into the governance structure in South Sudan. Institutions of governance were in several intentional ways limited by elite politicians and the ability of these institutions to operate effectively was severely undercut. First, top-level politicians deprive these institutions of the money needed for their functions. Secondly, their legislative mandates to implement accountability are undermined through the legal system through the creation of conflicting legislation that prevents the prosecution of officials. Thirdly, elite politicians appoint cronies to lead these institutions in order to enforce control on their activities, and ultimately to undermine and counter the fight against graft.

In hijacking institutions like these, South Sudan's violent kleptocracy promotes, rewards, and enriches those who ruthlessly commit atrocities and those who abuse public resources with impunity.

There is much that we can do together, however, to change the motivations of the elite politicians at the helm of this violent kleptocracy and to ensure that peace prevails in South Sudan.

Congress can help make an immediate impact by supporting, encouraging, and enabling the use of policy tools that combine anti-money laundering measures with a robust enforcement of asset freezes on a wide set of South Sudan's leaders and their international

collaborators. The long-term course of action should focus on strengthening the governance and judicial institutions that provide oversight and accountability, including the three that were the focus of my research and also the Hybrid Court for South Sudan that was created with the August 2015 peace agreement. Providing the technical expertise and partnership needed for the hybrid court to support local actors in investigating and prosecuting human rights abuses and economic crimes can serve a critical need.

During my time in Juba, April 2016 was a month full of hope. After several false starts, the armed opposition, led by Riek Machar, arrived in town to form—together with the government—a transitional government of national unity as stipulated in the August 2015 peace agreement. Finally, it seemed, South Sudanese leaders were willing to stop fighting each other and work together to address the country's most urgent problems.

Unfortunately, this hope dissipated on July 10 when troops loyal to both sides began to fight each other once again and kill civilians on the streets of South Sudan's capital city. First Vice President and opposition leader Riek Machar fled Juba following an attack on his residence, and with his exit, the security arrangements of the peace deal collapsed entirely. Hundreds of people, most of them civilians, were killed in this fighting. Government troops went on a rampage in Juba, looting and brazenly committing horrific attacks, like those at the Terrain hotel, with a sense of utter impunity.

As we speak, fighting rages in various parts of the country and humanitarian needs grow increasingly urgent. Serious fighting has been reported in the states of Eastern Equatoria and Central Equatoria, where clinics, hospitals, and schools have been looted and destroyed. Nation-wide, more than 2.3 million people have been displaced—nearly one in every five South Sudanese is currently homeless. Horrific atrocities against civilians continue unabated. As these atrocities unfold, the need to protect civilians has never been so urgent. That is why the proposed peacekeeping force authorized by the UN Security Council is a welcome idea because it not only holds the potential to protect innocent civilians but also to put the peace process back on track. Left to their own devices, the protagonists in South Sudan's conflict are reluctant to implement the August 2015 peace agreement and establish rule of law and good governance.

Meanwhile, the government has placed restrictions on the movement of aid workers. It has also clamped down on free expression. Journalists are arrested and detained without trial and newspapers have been forced to close. The orchestrators and perpetrators assume their acts will go unpunished and they will be able to maintain and gain more power and evade accountability with the leverage of their force and financial strength.

Countering these issues in the long term requires much greater support for the South Sudanese actors fighting for good governance and transparency. Countering these issues in the short term requires a concerted effort across the U.S. government and with international partners to create leverage through heavy financial pressure that targets the individuals and entities who benefit from the current system in South Sudan and shifts their incentives toward prioritizing peace and the needs of the South Sudanese public.

Next week, on September 12, The Sentry, an initiative of the Enough Project, will publicly present the result of a two-year investigation into the corrupt practices of elite politicians in South Sudan and their networks of collaborators to encourage U.S policymakers to join together in taking action. Your support is critical.

The stakes are very high. If South Sudan's leaders fail to change their calculations, and if international actors—including the U.S. government and Congress—fail to help bring that pressure—South Sudan will disintegrate.

With your help, damaging incentives can shift for the good of South Sudanese people, American people, and everyone else.

Thank you again for your tireless efforts on South Sudan and for your commitment to the South Sudanese people.