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Economic Challenges & Rights to Access Adequate Services in South Sudan

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Introduction

The paper is produced and presented to stakeholders at the South Sudan Human Rights Forum (SSHRF) in Juba South Sudan. The South Sudan Human Rights Forum is an initiative of the South Sudan Human Rights Commission (SSHRC) in collaboration with the United Nations Mission in South Sudan, the Human Rights Division, and together with civil society organizations respectively. The purpose of the South Sudan Human Rights Forum is to provide a forum for enhancing a common understanding of the human rights situation and challenges in South Sudan and for constructive dialogue in the community, Non-governmental Organizations, Civil Society Organizations, Media, Religious and Traditional Leaders in addressing these challenges furtherance of the promotion and protection of human rights in South Sudan.

Since South Sudan became independent, the country experiences several outbreaks of civil war. The wars undermined the development gains the country had and the wars also made the humanitarian situation worse. Now, more than a decade after independence, South Sudan remains impacted by fragility, economic stagnation, and instability. Poverty is ubiquitous and is exacerbated by conflict, displacement, and external shocks. Currently, more than two-thirds of the country's population, 8.9 million people, will need humanitarian assistance, an increase of 600,000 since 2021. Severe flooding has also led to large-scale displacement. There are 2.2 million internally displaced persons (IDPs) in South Sudan, and more than 2.3 million South Sudanese who are refugees in the neighboring countries. The Country is also faced with formidable development challenges, with 51% of the population living below the poverty line.

The signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) in September 2018 and the formation of a Transitional Government of National Unity in February 2020 have contributed to recovery and peacebuilding. It is hoped that a two-year extension of the R-ARCSS to February 2025 will allow the government to meet key milestones in the peace agreement. It is also believed that the relative peace will support the proper resumption of oil production in oil fields, previously shut down due to conflict. As eluded by many South Sudanese Citizens the current window of peace in the Country raises the prospects of an economic recovery.

The objective of the paper

The aim of a policy paper is to present and discuss key economic challenges & rights to access adequate services in South Sudan. The paper highlights some of the issues that South Sudan and various stakeholders should consider addressing the current economic stagnation and overall transitioning to better and more participatory service delivery accessible by all. The paper also generates evidence for dialogue on improving the delivery of services as basic human rights.

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DISCUSSION AND PRESENTATION

As indicated in this paper, I would like to argue that South Sudan has faced the challenge of respecting, protecting, and fulfilling the full panoply of human rights that come with the responsibility of being a sovereign state. It has consistently ranked towards the bottom of global human development indexes.[1] Concurrently, the government has squandered opportunities to ensure human rights and improve the lives of South Sudanese by failing to prioritize public service provision and to stem widespread corruption and embezzlement of public funds by government officials, senior military, and political figures. This has impacted the maximum available public resources for the realization of the right. [2]

ECONOMIC CHALLENGES

The government has yet to deposit instruments of ratification and accede to the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and work towards the realization of rights to health, and education amongst others. Basic service delivery, every government's responsibility, is mostly run by non-governmental organizations and the United Nations. Humanitarian aid has been under constant attack.

High Incidence of Poverty: In South Sudan, despite the end of the war eight years ago, its negative impact continues to be felt in the lives and livelihoods of the people which will ultimately determine the country's future and ability to emerge from its history of armed conflict. According to a recent survey undertaken by the Government of South Sudan, 50.5% of the population lives below the national poverty line which was defined as a level of consumption of less than $31.60 per month, or about $1 a day. The problem of poverty in South Sudan extends well beyond concerns about income and expenditures.

Lack of Stable Macroeconomic Environment: Oil export income finances about 70-98% of the total public development and humanitarian programs of the country, with the international donor community funding most of the balance of the program. Government revenues from non-oil sources of revenues finance less than 2% of the programs. This heavy dependence on oil revenues and donor assistance raises several basic issues for macroeconomic management and for key development programs in the country. As noted in this paper, transparency is absent, despite statutory reporting requirements. The Ministry of Finance and Planning does not share foreign debt data at an institutional level and does not release it to the public.

Poor-Performing Economic Sectors

Agriculture, forestry, and fisheries	*Mining and quarrying*	*Electricity, gas, steam, and air-conditioning*
Manufacturing	*Water supply, sewerage, and waste management*	*Construction*
Wholesale and retail trade	*Transportation & storage*	*Accommodation and food services*
Information and communications	*Finance and insurance*	*Professional, scientific, and technical services*
Administrative and support services	*Education*	*Arts, entertainment, and recreation*
Health and social services		

[1] United Nations Development Programme (UNDP), Human Development Report 2020, 2020, hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SSD.pdf

[2] CHRSS, Human rights violations and related economic crimes in the Republic of South Sudan, 23 September 2021, UN Doc. A/HRC/48/CRP.3; AP, "UN watchdog: 'Staggering' $36M embezzled in South Sudan", 24 September 2020,

Issues Related to Public Expenditure Policies: The prevailing pattern of spending on public services by the Government and the donor community provides further insight into the challenges that must be addressed in the decade ahead if South Sudan is to have an extended period of sustained strong economic growth.

Humanitarian and development aid is a major source of employment: The difficulties humanitarian service providers face of arbitrary and conflicting regulations, multiple layers of taxation, airport and border obstructions, labor harassment, and looting of warehouses demonstrate what private investors can expect to encounter.

Limited Institutional and Human Capacities: As noted earlier, adult literacy rates in South Sudan are low. In fact, with a national average of 28%, South Sudan currently has the lowest adult literacy rate in all of Africa. This is particularly the case in rural areas where the average literacy rate is only 24%. In urban areas, it is currently about 52%. With current low enrollment rates for children of school age, the problem of illiteracy will very likely continue for an extended period. At the present time, for example, the literacy rate for 15–24-year-old people is only 35% in rural areas and 65% in urban areas. The implication is that a large portion of the existing workforce of the country lacks basic skills in reading and writing. Sustained strong economic growth is expected to generate large numbers of jobs within South Sudan, especially for skilled and unskilled workers in construction activities, transport, communications, and commercial agriculture.

Corruption and malfeasance extend beyond the oil sector: Transparency International ranked South Sudan the world's most corrupt country in its 2021 rankings. Additionally, a September 2021 UN Human Rights Commission report highlighted the link between South Sudan's human rights violations and economic crimes.

T**he legal system is underfunded, dysfunctional, and subject to corrupt practices and interference:** Government entities do not enforce laws equitably or consistently. Corrupt government officials operate with impunity. The legal framework governing investment and private enterprises remains underdeveloped. Contract dispute litigants are sometimes arrested and imprisoned until they agree to pay a financial settlement even when never charged with an offense or brought to court.

Weak Operating Environment for Private Business Activity: Sustained improvement in the provision of infrastructure services will require the development of private sector capacities for the provision of these services. Such capacities are at an early stage of development in South Sudan. A small domestic private sector has emerged in South Sudan the land, water, and mineral resource base of South Sudan are substantial in relation to the relatively small population of the country. Effective management and development of these resources offer the prospect of sustained strong economic growth for an extended period. A key example of the Cost of doing business in South Sudan.

Cost of Doing Business

Starting a business	*Dealing with construction permits*	*Registering property*
Getting credit	*Protecting investors*	*Paying taxes*
Trading across borders	*Enforcing contracts*	*Closing a business*
Overall ease of doing business		

Lack of comprehensive land reform: There was no progress in 2021 toward comprehensive land reform. There are no laws on mortgages, valuation, or the registration of titles. The 2009 Land Act and the 2009 Investment Promotion Act both state that non-citizens can lease land for investment purposes. However, foreign ownership of land is prohibited and there are no clear regulations governing how a business can access land for investment use.

Current Status of Infrastructure in South Sudan: Decades of civil war basically inhibited the provision of basic infrastructure, and this undermined much of its production capacity. As a result, most goods – such as food, construction materials, and basic inputs – are imported. And exports other than oil are minimal. Given that about 80% of the population lives in rural areas, the lack of basic infrastructure for many years now has been a serious impediment to the development of the large agricultural potential of the country.

RIGHTS TO ACCESS ADEQUATE SERVICES IN SOUTH SUDAN

The rights to food and to water: More than 7 million people in South Sudan lack reliable access to a sufficient quantity of affordable and nutritious food to satisfy their basic needs. [3]The latest food security assessment projected that 2.5 million people were severely food insecure. Food production has been crippled by the conflict and by the ongoing fighting in Equatoria and insecurity, including violence and cattle raids, in parts of the country.[4] Only 40% of the population has access to safe water and only 10% to adequate sanitation which, as well as being distinct rights themselves, are also interconnected to and constituent elements of the rights to an adequate standard of living and health and essential to the realization of all other rights.

Right to education: from my experience of talking to many South Sudanese across the country, access to education is painfully restricted and unequal. According to a report by the United Nations Children Fund (UNICEF), more than two million children are out of school due to COVID-19 and other challenges accessing education including financial barriers and flooding.[5] only 14.5% of the 2021-2022 national budget was allocated to education well below the Education 2030 Framework of Action target of at least 15-20%. The right to education has been recognized as a human right in a number of international conventions, including the International Covenant on Economic, Social and Cultural Rights which recognizes a right to free, compulsory primary education for all.[6]

Right to health: The government continues to fail in its obligation to respect, protect and fulfill the right to health for everybody in the country. South Sudanese continue to die in high numbers of preventable diseases, and other conditions, due to inadequate health facilities, exacerbated by attacks on healthcare facilities and medical practitioners by government forces, armed opposition groups, vigilante groups, and militias.[7] In July 2019, only 44% of the population had access to primary healthcare services.[8] Health

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[3] World Food Program (WFP), South Sudan Situation Report, 21 November 2021, www.wfp.org/publications/South-Sudan.
[4]Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), Report on the status of implementation of the revitalized agreement on the resolution of the conflict in the Republic of South Sudan for the period 1st January to 31st March 2020, 20 April 2020, www.jmecsouthsudan.com/index.php/reports/rjmec-quarterly-reports/166-rjmec-quarterly-report-to-igad-on-the-status-of-implementation-of-the-r-arcss-from-rjmec-quarterly-report-to-igad-on-the-status-of-implementation-of-the-r-arcss-from-1st-january-to-31st-march-2020/file
[5] UNICEF, "Education in South Sudan – Briefing Note", Quarter 3 2021, www.unicef.org/southsudan/media/7946/file/Education%20Briefing%20Note_2021%20Q3.pdf
[6] United Nations Treaty Collections (2021). "International Covenant on Economic, Social and Cultural Rights".
[7] Médecins Sans Frontières (MSF), "South Sudan at 10: an MSF record of the consequences of violence", 16 July 2021, www.msf.org/10-years-independence-south-sudan-record-consequences-violence; Sam Mednick, "Attacks on South Sudan health facilities, workers increasing", 23 April
[8] WHO, Health Service Functionality Survey, July 2019 (unpublished) in OCHA, Humanitarian Response Plan South Sudan 2020, December 2019,

expenditure as a percentage of general government expenditure has been unacceptably low at about 23% over recent years. In the 2019-2020 national budget, only 2.8% (around US$14 million) was allocated to public health.[9] The right to health is the economic, social, and cultural right to a universal minimum standard of health to which all individuals are entitled.[10]

CONCLUSION AND RECOMMENDATIONS

I would like to conclude that, going forward, upholding, and implementing the peace agreement, strengthening service delivery institutions, governance, and economic and public financial management systems will prove critical as South Sudan seeks to build resilience against future shocks and lay down the building blocks for a diversified, inclusive, and sustainable growth path.

The fundamental issue that I see confronts the South Sudan government is how it invests and expands in key labor programs. that will accelerate the pace at which the skills of the labor force are expanded. Failure to consider building skills to add to address the economic challenge of South Sudanese workers may result in some combination of large inflows of foreign workers, and domestic pressures on wage rates for skilled and semi-skilled workers that, in turn, undermines international competitiveness.

As I noted, South Sudan does not have a formal mechanism to promote or incentivize outward investment nor does it restrict domestic investors from investing abroad. Addressing the high incidence of poverty, Stabilizing the macroeconomic environment, engaging in comprehensive land reform, and developing Infrastructure. South Sudan also needs to begin investing in institutional and human capacities and address corruption and malfeasance extend beyond the oil sector.

Recommendations

- It is recommended that the government and stakeholders should be engaged in designing and implementing programs that will address the current institutional and human capacity constraints that confront South Sudan.

- The poor dealing of government in governance issues should be discussed and the government should work with stakeholders in addressing a range of issues related to the gradual adjustments in public expenditure policies that contribute to investment in public service delivery.

- To address the economic challenge, promoting broad-based economic growth to reduce the current heavy dependence on the oil economy will be the best way to go.

- It is also recommended that, developing targeted programs that will result in a sustained reduction in the current very high levels of poverty in South Sudan.

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www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20191210_hrp_2020_south_sudan_final.pdf

[9] Republic of South Sudan's Ministry of Finance and Economic Planning, 2019 – 2020 South Sudan National Budget Brief, September 2019, www.mofep-grss.org/docs/fy2019-2020-south-sudan-national-budget-brief/; UNMISS and OHCHR, Access to health for survivors of conflict-related sexual violence in South Sudan, May 2020, unmiss.unmissions.org/sites/default/files/access_to_health_for_survivors_of_conflict-related_sexual_violence_in_south_sudan.pdf

[10] General comment No. 20: Non-discrimination in economic, social and cultural rights.Committee on Economic, Social and Cultural Rights. 2009.

- As is currently not the case, crafting a program of infrastructure development to overcome the current major bottlenecks to business activity and cost-effective delivery of basic services throughout the country.

- It is also recommended that government and stakeholders take urgent measures to address the malnutrition and overall health situation of children, including by investing in infrastructure to facilitate access to adequate and nutritious food; water treatment; the availability of potable water; and adopting adequate measures.

- The government and stakeholders are urged to ratify the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and work towards the realization of the rights to health and, education amongst others.

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About the Author

Boboya James Edimond: is a Scholar of the Practice in International Development Management, Governance, and Social Policy. James gained his experiences from South Sudan, Somalia, Somaliland, Nairobi, and United States where he engaged in extensive organizational development, governance, human rights, and sustainable development work. James has also worked for more than 18 years in program development and project management where he spearheaded several projects ranging from 1 to 3 years in duration. He continues to have an interest in connecting with individuals and organizations committed to advancing human rights, social policy, and poverty reduction.