



**REPUBLIC OF SOUTH SUDAN**  
**TRANSITIONAL NATIONAL LEGISLATIVE ASSEMBLY**  
**First Deputy Speaker**

Date: 6<sup>th</sup> June 2024

**SUMMARY REPORT OF THE MEETING OF THE TNLA LEADERSHIP WITH THE MINISTERS OF FINANCE AND PLANNING, JUSTICE AND CONSTITUTIONAL AFFAIRS, CABINET AFFAIRS AND THE GOVERNOR OF THE BANK OF SOUTH SUDAN ON THE PAYMENT OF USD 10,000,000 (SSP: 15,322,939,000) TO THE MINISTRY OF CABINET AFFAIRS TO FACILITATE THE IMPLEMENTATION OF PRIORITY PROVISION OF THE R-ARCSS AND THE ROADMAP SPECIAL PROJECTS**

**INTRODUCTION**

1. The TNLA received petition from the beneficiary institutions and Peace Implementation Mechanisms in late April 2024 regarding controversial payments of USD 10,000,000 allocated to NCRC, NCAC, NHRC, JRC etc.
2. The TNLA made consultations with relevant institutions including the Ministry of Cabinet Affairs, Ministry of Finance and Planning, the Ministry of Justice and Constitutional Affairs, Bank of South Sudan etc on the credibility of the petition and the report of payments.
3. The TNLA obtained a letter of the Ministry of Finance and Planning, Referenced: MF&P/RSS/J/20-D-1, dated April 2, 2024, addressed to Honorable Governor of the Bank of South Sudan, with the Subject; "Authorization to transfer USD 10,000,000 from Account Number 00269210001024 to Ministry of Cabinet Affairs Special Projects".
4. The letter from the Ministry of Finance and Planning indicated that the fund in question was to facilitate the implementation of the priority provisions of the R-ARCSS and the Special Projects of the Roadmap. Attached to the letter was a document of the Ministry of Cabinet Affairs outlining allocations to the following beneficiary institutions and Peace Implementation Mechanisms:



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S/No	Institutions	Total amount in USD	Total amount in SSP
1.	National Constitutional Amendment Committee	1,871,340	1,871,340,000
2.	Constitutional Making Process (10% the of budget)	3,583,887.73	3,583,887,725
3.	National Human Right Council	1,052,000	1,052,000,000
4.	Judicial Reform Committee	999,380	999,380,000
5.	2022/2023 Roadmap Arrears	1,000,000	1,000,000,000
6.	Popularization of the Agreement on the Roadmap (R-ARCSS)	945,871.57	945,871,575

#### AUTHORITY AND MANDATE

5. Pursuant to TCRSS, 2011 (as amended), Article 82 (1) (3), and the TNLA Conduct of Business Regulations, 2011 (Amended 2021), Regulations; 8(1)(c)(d), 133, 134 & 135, the TNLA leadership involving relevant Specialized Committees of Public Accounts (PAC), Finance and Economic Planning, Government Assurances, Monitoring and Evaluation (GAME) convened a meeting on 29<sup>th</sup> May 2024 and summoned the Ministers of Cabinet Affairs, Finance and Planning, Justice and Constitutional Affairs, and the Governor of the Bank of South Sudan to clarify and resolved the matter of payments to the relevant institutions and Peace Implementation Mechanism; NCRC, NCAC, NHRC, JRC etc. The representatives of these beneficiary Institutions and mechanisms were also invited.

#### FINDINGS

The outcome of the meeting of the First Summon which was attended by the Ministers of Finance and Planning, Justice and Constitutional Affairs, and the Governor of the Bank of South Sudan, representatives of the NCRC, NCAC, NHRC and JRC, and the Second Summon for the Minister of Cabinet affairs which was attended also by representatives of the aforementioned beneficiary institutions and the Minister of Cabinet Affairs were as follows:

- 1) **Confirmation** by the Ministry of Finance and Planning of the letter of the Ministry of Finance referenced NF&P/RSS/J/20-D-1, dated April 2, 2024 addressed to Honorable Governor of the Bank of South Sudan, Subject; "Authorization to Transfer USD 10,000,000 from Account No 00269210001024 to Ministry of Cabinet Affairs Special Projects"
- 2) **Confirmation** by the Bank of South Sudan of receipt of the letter from the Ministry of Finance referenced NF&P/RSS/J/20-D-1, dated April 2, 2024 addressed to the Honorable Governor of the Bank of South Sudan, Subject; "Authorization to Transfer USD 10,000,000 from Account No 00269210001024 to Ministry of Cabinet Affairs Special Projects' SSP Account (General Secretariat) 00269122001036.
- 3) **Confirmation** that, on the 8<sup>th</sup> April 2024, an equivalent of SSP 15,322,939,000 was deposited in SSP Account No. 00269122001036 of the Ministry of Cabinet Affairs (General Secretariat) using the bank buying rate of SSP/USD 1532.2939
- 4) **Confirmation that** on 16<sup>th</sup> April 2024, the Bank of South Sudan received payment request from the Ministry of Cabinet Affairs (General Secretariat) Account-



- 00269122001036 for foreign exchange of USD 1,050,000- Equivalent of SSP: 1,657,154,415, as cash withdrawal using bank official selling of SSP/USD 1578.2423
- 5) **Confirmation that** on 23<sup>rd</sup> April 2024 , the Bank of South Sudan received another payment request from the Ministry of Cabinet Affairs (General Secretariat) Account-00269122001036 for foreign exchange of USD 2,000,000- Equivalent of SSP: 3,157,071,600 as cash withdrawal using bank official selling of SSP/USD 1578.5358
  - 6) **Confirmation that** on 13<sup>th</sup> May 2024 , the Bank of South Sudan received authorization from the Ministry of Cabinet Affairs (General Secretariat) Account- 00269122001036 to transfer the amount of SSP: 10,460,570,724.85 to the Ministry of Cabinet Affairs Special Project SSP Account No. 00269121269233
  - 7) **Confirmation that** from date 13<sup>th</sup> – 31<sup>st</sup> May 2024, several transactions (Withdrawals) occurred on the Ministry of Cabinet Affairs- Special Project Account totaling to SSP: 1,580,719,803.83
  - 8) **Confirmation that** as of 31<sup>st</sup> May 2024, the remaining balance in the Special Project Account-00269121269233 of the Ministry of Cabinet Affairs, is SSP: 8,879,850,921.02, roughly equivalent to USD 5,627,281.95
  - 9) **The Minister of Cabinet Affairs stated that:**
    - a. An equivalent of SSP: 15,322,939,000 was paid to Ministry of Cabinet Affairs' Accounts on 8<sup>th</sup> April 2024.
    - b. The purpose of the fund was for the facilitation of the activities of NCRC, NCAC, NHRC, JRC etc. outlined in the document attached to the payment request Referenced: MF&P/RSS/J/20-D-1, dated April 2, 2024, addressed to Honorable Governor of the Bank of South Sudan, with the Subject; "Authorization to transfer USD 10,000,000 from Account Number 00269210001024 to Ministry of Cabinet Affairs Special Projects"
    - c. Payments (withdrawals) from the Account Number 00269122001036, done on dates 16<sup>th</sup> and 23<sup>rd</sup> April 2024 were made for the following additional projects that **were not** included in the attached documents in (b) above;
      - a) NAS peace implementation (USD 1,050,000- Equivalent of SSP: 1,657,154,415, using bank official selling rate of SSP/USD 1578.2423)
      - b) Phase II of Security Arrangement under the office of the Senior Presidential Advisor on Security, Hon. Tut Gatluak Manime (USD 2,000,000- Equivalent of SSP: 3,157,071,600 using bank official selling rate of SSP/USD 1578.5358)
      - c) The unspecified amount of payment for the **9BR** Special projects
      - d) The Minister of Cabinet Affairs denied knowledge of the several transactions (withdrawals) that occurred on the Account 00269121269233, between dates 13<sup>th</sup> - 31<sup>st</sup> May 2024, totaling to SSP: 1,580,719,803.83.
    - d. The attached document to the payment request of 2<sup>nd</sup> April 2024 was reviewed by the Ministry of Cabinet Affairs to ensure reduction of payments to the NCRC, NCAC, NHRC, JRC etc. which the Ministry of Cabinet communicated to the Ministry of Finance.
    - e. Finally, the Minister confirmed the remaining balance in the Special Project Account of the Ministry of Cabinet Affairs, Account No. 00269121269233 was SSP 8,879,850,921.02



- 10) **The TNLA observes** that, the fund in question meant to facilitate the implementation of the priority provisions of the R-ARCSS and the Roadmap special projects was first deposited in the Ministry of Cabinet Affairs (General Secretariat) Account-00269122001036 instead of the Ministry's Account 00269212279231 as per the letter of the Ministry of Finance and Planning dated 2<sup>nd</sup> April 2024. However TNLA cannot fault the Ministry of Cabinet Affairs since currency was changed from USD to SSP.
- 11) **The TNLA also observes** that, two transactions (withdrawals) were carried out by the Ministry of Cabinet Affairs on the fund, under the Account- 00269122001036 on date 16<sup>th</sup> April 2024 and 23<sup>rd</sup> April 2024.
- 12) **The TNLA further observes** that, the balance of the fund SSP 10,460,570,724.85 was then moved from the Ministry of Cabinet Affairs Account (General Secretariat)-00269122001036 to the Ministry's Account for Special Projects SSP Account 00269121269233. The fund was already less by at least SSP 4,862,368,276.
- 13) **The TNLA is concerned** of the following:
- Despite the fund amounting to **USD 10,000,000** in its equivalent in **SSP 15,322,939,000** was transferred to the Ministry of Cabinet Affairs' Account on 8<sup>th</sup> April 2024 and was to be paid to the NCRC, NCAC, NHRC, JRC etc, some of these institutions and mechanisms were either partially paid their money or not at all.
  - The Ministry of Cabinet Affairs introduced payments for additional projects namely; NAS, High Level Committee (Office of the Senior Presidential Advisor on Security) and the **9BR** Special Projects against the funds meant for NCRC, NCAC, NHRC, JRC, Popularization of the R-ARCSS Roadmap and payment of 2022/2023 Roadmap Arrears and these payments were done in full and as a matter of priority.
  - The Payments in (b) above has deviated from the purpose for which the fund was requested and paid by the Ministry of Finance and Planning in their letter dated 2<sup>nd</sup> April 2024, Referenced: MF&P/RSS/J/20-D-1 contravening the Public Finance Management and Accountability Act, 2011
  - The attached document to the payment request of 2<sup>nd</sup> April 2024 was reviewed by the Ministry of Cabinet Affairs to ensure reduction of payments to the NCRC, NCAC, NHRC, JRC etc. which the Ministry of Cabinet Affairs communicated to the Ministry of Finance has total amount approximated USD 17,000,000 of which payments approximated USD 8,000,000 was expected from the Ministry of Finance and Planning. In light of this discrepancies of total amounts on documents not consistent with total amount of SSP: 15,322,939,000 requested and paid, therefore, the new claims of the Ministry of Cabinet Affairs could not have been approved and authorized for payment by the Ministry of Finance and Planning.
  - The changes claimed by the Minister of Cabinet Affairs on the attached document to the payment request of 2<sup>nd</sup> April 2024 which reduced payments to the NCRC, NCAC, NHRC, JRC etc. was done without the resolution of the Council of Ministers hence this was unilateral and personal discretion of the Minister of Cabinet Affairs.



- f) In light of the above transactions (withdrawals), there is prima facie case of misappropriation of funds SSP: 15,322,939,000 (USD 10,000,000, @ bank buying rate of SSP/USD 1532.2939)

#### RECOMMENDATION AND CONCLUSION

In light of the above facts, the TNLA hereby directs the Ministry of Cabinet Affairs as follows:

1. To pay in full, all allocations due to the beneficiary institutions and peace implementation mechanisms as requested by the Ministry of Cabinet Affairs and paid by the Ministry of Finance.
2. To pay without further delay allocations due to the beneficiary institutions; NCRC, NCAC, NHRC and JRC etc.
3. Adhere to the principles of Public Finance Management and Accountability Act, 2011 including ensuring no diversion/misappropriation of funds once approved and paid to the spending agencies by the Ministry of Finance and Planning.
4. The Ministry of Cabinet Affairs has no authority to unilaterally divert funds meant for the aforementioned institutions and Peace Implementation Mechanisms as this contravenes Financial Regulations and the Public Financial Management and Accountability Act, 2011
5. Decisions to allocate and pay funds to the beneficiary institutions and Peace Implementation Mechanisms was taken in the Council of Ministers meeting, the TNLA expects any change in the payment affecting the amount due the institutions and Mechanisms should be by a resolution of the Council of Ministers' meeting.
6. The Ministry of Finance and Planning to pay directly every spending agency through official Account rather than through a third party Institution. This shall ensure proper auditing and accountability by spending agencies as per the Constitution and the relevant laws.

Sign.....

Rt. Hon Oyet Nathaniel Pierre  
First Deputy Speaker  
TNLA/RSS/Juba

