

25 UN/INTOSAI SYMPOSIUM

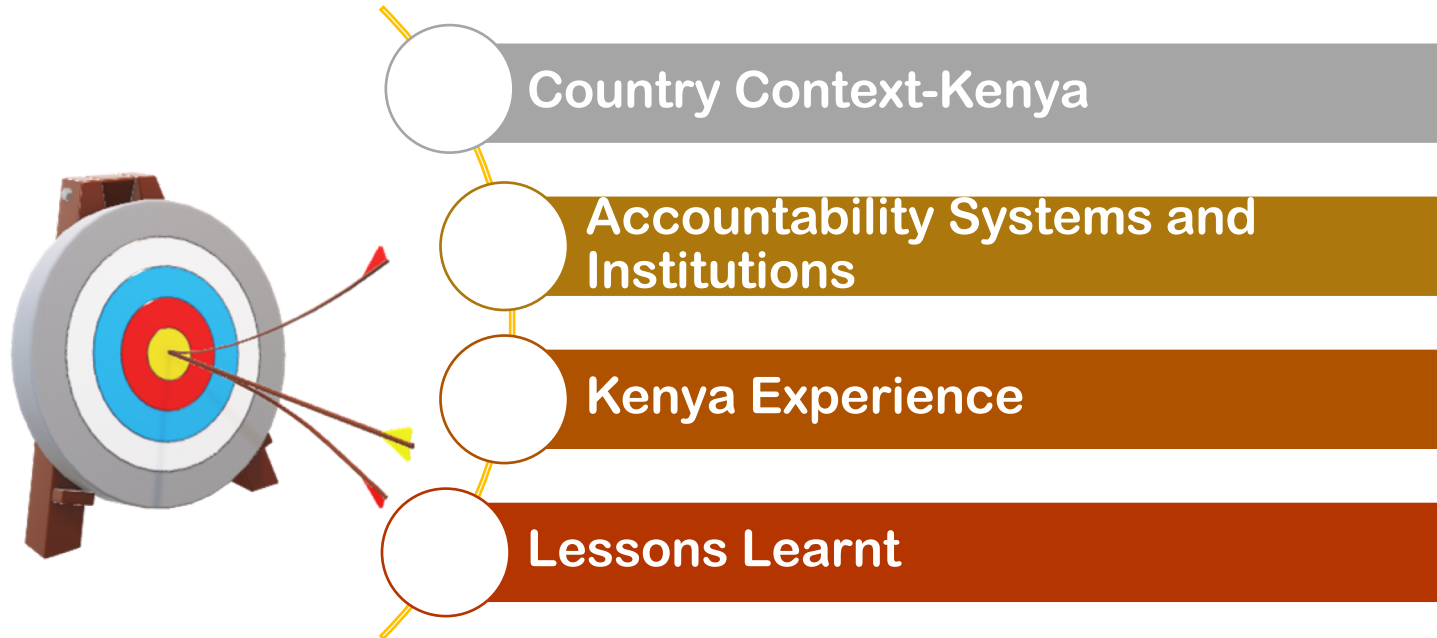


Resilient Accountability Systems and Institutions in the Aftermath of COVID-19

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Outline



Kenya Country Context



- Constitution of Kenya 2010 –
 - Provision of healthcare is one of the economic and social rights
 - States that every person has the right to the highest attainable standard of health
- Health is a devolved function in Kenya
 - Ministry of Health - Policy, National Referral Health Facilities, Disaster Management, Water Protection
 - 47 County Governments-Implementation of policy, County health facilities and pharmacies, primary health care, water and sanitation services

Mandate of the Office of the Auditor-General



- SAI-Kenya - Mandated by the Constitution and the Public Audit Act to audit;
 - the accounts of **all** public entities
 - confirm whether public funds have been used in a lawful and effective manner

Accountability Systems and Institutions



Legal Framework

- Globally it has been found that strong policy and legal frameworks and accountability institutions are critical for national COVID-19 responses
- Kenya has a strong policy and legal frameworks for promoting accountability and preventing and combating corruption

The Constitution-

- Principles of public finance
- Values and principals of public service

Laws and Regulations

- Public Finance Management Act and Regulations
- Public Procurement and Asset Disposal Act and Regulations
- Public Audit Act
- Controller of Budget Act

Accountability Institutions



- **Three arms of government**
 - Parliament
 - Executive
 - Judiciary
- **Other Institutions**
 - Office of the Auditor-General (SAI)
 - Office of the Controller of Budget
 - Public Procurement Regulatory Authority
 - Ethics and Anti-Corruption Commission
- **Civil Society Organizations**
 - Transparency International
 - Global Compact Network-Kenya
 - International Commission of Jurists-Kenya
 - National Taxpayers Association
 - Others

The Kenyan Experience



National Level

- The COVID-19 pandemic increased the urgency for policy formulation and legislative action
- Institutions established and existing frameworks activated

Executive

- ✓ National Co-ordination Committee on Response to Coronavirus Pandemic National Emergency Response Committee on Coronavirus
- ✓ National Economic and Business Response Working Group
- ✓ Security Preparedness and Response Working Group
- ✓ County Government Co-ordination and Food Supply Working Group
- ✓ ICT Advisory Committee on Covid-19

The Kenyan Experience



Parliament

- ✓ Amendment of laws and regulations
- ✓ Approval of supplementary budgets
- ✓ National Assembly Departmental Committee on Health
- ✓ Senate Adhoc Committee on Covid 19 Situation in Kenya established
- ✓ Requests to the Auditor-General for special audits on the management of covid funds
- ✓ Committee hearings on oversight reports
- ✓ Verifications on preparedness and response

The Kenyan Experience



Judiciary

- National Council on the Administration of Justice (NCAJ)
 - High level policy making
- Guidance on justice sector operations
- Handling of criminal and civil matters
- Decongestion of prisons
- Electronic Case management guidelines

The Kenyan Experience



- The Government put in place a number of response measures including amendments to laws and regulations;
 - ✓ Framework to coordinate national response
 - ✓ Health Systems and Programmes
 - ✓ Fiscal and monetary measures
 - ✓ Social protection measures
 - ✓ Guidelines on reporting
 - ✓ Advisories on emergency procurement
 - ✓ Resolutions on publicizing tenders and awards
 - ✓ Other measures - curfews, cessation of movement, working from home

Weaknesses/Challenges



Accountability systems and institutions were severely tested

1. Response Framework established at national level not replicated at sub-national level
2. Parliament/Committee hearings suspended
3. Courts shut down - affecting the justice system
4. Inadequate citizen education and stakeholder engagement
5. Lack of;
 - comprehensive plans for testing, social protection measures and vaccine rollout
 - adequate transparency and accountability measures in safeguarding public resources
 - non compliance with laws, regulations and policy guidelines
6. Failure in balancing speed of response with accountability, transparency and integrity in management of resources
7. Slow investigations and prosecutions

SAI Kenya Achievements



1. Four special audit reports issued and hearings ongoing
2. Financial and Compliance Audits - expenditure related activities on Covid-19 as a subject matter - National Government Report issued
3. Pending Bills Audit –ongoing as part of socio-economic measures to ensure sustainability of businesses(especially SMEs)
4. **Planned**
 - i. Performance Audit - comprehensive study
 - ii. Audit of socio-economic relief packages (part of TAI compliance audit)

Managing Audits During Covid-19



Challenges

- Balancing timelines for regularity audit cycle with special audits
 - Numerous request for special audit on the use and management of Covid-19 funds
- Funding for the audits
- Mobilization of teams
- Lack or delay in submission of documents
- Performance management-working off premises

Responses

- ✓ Early requests for submission of documents and follow ups
- ✓ Communication and collaboration with clients
- ✓ Leveraging on ICT-AMS
- ✓ Data analytics
- ✓ Multidisciplinary teams
- ✓ Reallocation of funds
- ✓ Prioritization

Lessons Learnt



To ensure optimal response to crises the following needs to be in place.

- strong policy, legal and regulatory framework
- building the capacity of sub-national levels in policy formulation and establishment of institutional frameworks
- public participation and stakeholder engagement in decisions
- openness speed and clarity in dissemination of information
- enforcement
- coordinated multi-agency, multi-sectoral and tiered approach
- oversight - SAI engaging in real-time (or near real-time) audits of critical operations (planning, budgeting, procurement, roll out)

Conclusion



- Information and knowledge sharing amongst accountability institutions is critical
- It is important for SAIs;
 - have a broad mandate
 - be Independent
 - have flexibility
- SAIs need assess what is more value adding for decision making in times of crises
 - Focused/targeted audits?
 - Comprehensive audits?
 - Combined compliance, financial and value for money audits?
 - Transversal audits?
 - TAI audits?

