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REPORT OF THE COMMITTEE ON ACCOUNTS ON THE BENCHMARKING
MISSION ON THE MANDATE OF PUBLIC ACCOUNTS COMMITTEE OF THE
NATIONAL ASSEMBLIES AND IMPLEMENTATION OF RECOMMENDATIONS OF
PARLIAMENT ON ANNUAL AUDIT REPORTS

(24th – 26th January 2022,)

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DATE	06/06/2022
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June 2022

LIST OF ACRONYMS AND ABBREVIATIONS

AFROPAC	African Organization of Public Accounts Committees
BFP	Budget Framework Paper
CAPAC	Commonwealth Association of Public Accounts Committees
COSASE	Commissions Statutory Authorities and State Enterprises
EAAPAC	East African Association of Public Accounts Committees
EAC	East African Community
EADB	East African Development Bank
EALA	East African Legislative Assembly
IPSAS	International Public Sector Accounting Standards
MDAs	Ministries, Departments and Agencies
OAG	Office of the Auditor General
PAC	Public Accounts Committee
PFM	Public Finance Management
RIB	Rwanda Investigation Bureau



TABLE OF CONTENT

List of Acronyms and Abbreviations.....2

1.0 Introduction.....3

2.0 Objectives of the activity.....5

3.0 Methodology.....5

Observations and finding.....5

4.0 Republic of Kenya.....5

5.0 Republic of Uganda12

6.0 Republic of Rwanda.....14

7.0 General Observations and Recommendations18

8.0 Conclusion.....21

1.0 INTRODUCTION

The East African Legislative Assembly is the Legislative Organ of the East African Community responsible for; among others things; carrying out the Oversight function on all matters pertaining to the Community. *Article 49 (2) (c)* of the Treaty Establishing the East African Community empowers the Committee on Accounts to discharge the Oversight function on behalf of the Assembly on all financial matters of the Community especially scrutinizing annual audit report. According to *Annex 5A* of the Rules of Procedure of the Assembly, the Committee on Accounts is mandated to: -

- i) Carry out a post audit review and scrutiny of the expenditure incurred by the EAC Secretariat, Organs and Institutions of the Community and the sums appropriated in an annual budget approved by EALA upon presentation by the Chairperson of the Council of Ministers of EAC;
- ii) Carry out post audit review and scrutiny of the expenditure on the basis of an annual audit report of the Audit Commission, pursuant to provisions of *Article 49 (2)(c)* and *134* of the Treaty for the Establishment of the East African Community. This function involves scrutinizing and evaluating the performance of the budget;
- iii) Carry out the post audit function that encompasses the monitoring and implementation of the budget in a manner similar to internal audit, pursuant to *Rule 74 (1)* of the Rules of Procedure of the Assembly, and;
- iv) Present a report with recommendations to the House for consideration, approval and adoption after the post audit review and scrutiny.

Article 134 (3) of the Treaty requires the Audit Commission to submit its reports to the Council which shall cause the same to be laid on the floor of the Assembly within six months of receipt for debate, adoption and such other action as the Assembly may deem necessary.

It was against this background that the Committee of Accounts, undertook this benchmarking mission on the mandate of Public Accounts Committees of the National Assemblies and implementation of recommendations of Parliament on Annual Audit Reports

2.0 OBJECTIVES OF THE ACTIVITY

The Objectives of the activity were to;

- i) Understand the legal and institutional framework of accountability;
- ii) Appreciate the contribution made by the Public Accounts Committees;
- iii) Draw lessons and good practices in respect of parliamentary role in holding the Executive accountable;
- iv) Explore areas of cooperation between National Parliaments and EALA for enhanced accountability at the level of EAC.

3.0 METHODOLOGY

During the planning and consideration of this activity, it was agreed that the Committee divides itself into three (3) teams to first undertake this activity into the Republics of Rwanda, Kenya and Uganda. The Republics of Burundi, South Sudan, and United Republic of Tanzania will be covered during the subsequent Committee activity. The Committee had interactive sessions with the Public Accounts and Budget Committees during which discussions and sharing of experiences on how the oversight functions and examination of audited financial statements are undertaken.

4.0 OBSERVATIONS AND FINDING

4.1 REPUBLIC OF KENYA:

INTERACTION WITH THE PUBLIC ACCOUNTS COMMITTEE AT THE KENYA NATIONAL ASSEMBLY

The following pertinent issues form the cornerstone of the accountability framework of the Kenya national assembly.

- (a) The oversight and scrutiny of the accountability function on the usage of public funds are undertaken by the following Committees;
- **The Public Accounts Committee** (examines the accounts of Ministries, Departments and Agencies (MDAs) or any other entity;
 - **Public Accounts and Investment Committee** (examines the accounts of Public Authorities such as Kenya Roads Authority, Kenya Airports Authority etc); and
 - **Special Funds Accounts** (examines the accounts of the National Government Constituency development fund, The Equalization fund, the judiciary fund the political parties fund and any other fund that is established by law as the Speaker may direct)

- (b) The leadership of these accountability Committees is drawn from the coalition/party not forming the government

4.2 Mandate and Establishment of the Public Accounts Committee

The Committee (PAC) is a select Committee of the House and derives its mandate from Standing Order 205(1) which inter alia states that;

‘There shall be a Select Committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit’.

The Committee was informed that according to the definition of the Kenya National Assembly Standing orders, all House Committees are Select Committees. They offer a mechanism for enabling public engagement and legitimization of the operations of Parliament.

The primary mandate of the Committee is to carry out an oversight on expenditure of public funds by Ministries, Departments and Agencies (MDAs) or any other entity. To this end, the mandate of PAC is far reaching and wide touching. The Committee is adequately facilitated to promote the realization of the mandate in which the Government, Parliament and the entire public has an interest. It ensures that value for money and government financial regulations and procedures are adhered to. It executes its mandate based on annual and special audit reports prepared by the Office of the Auditor General which are submitted to it for scrutiny and review. Article 229 of the Kenya Constitution obligates the Committee to report back to the House within three (3) months on its findings. However, the Committee was informed that due to the sheer volume of work involved, this timeline is rarely complied with. Arrangements and considerations are currently underway to review the Standing Orders to split the Committee such that the mandate is shared with two Committees which are going to be created. This will enhance efficiency and effectiveness.

4.3 Guiding Principles

The Committee was informed that in the execution of its mandate afore-stated, PAC is guided by core constitutional and statutory principles on public finance management, as well as established customs, traditions, practices and usages. These principles include the following:

1) Constitutional Principles on Public Finance

Drawn from article 201 of the Constitution of the Republic of Kenya, the article provides a wide latitude and mandate on public finance governance by spelling out the key fundamental principles that guide all aspects of public finance in the Republic Kenya.

The same article provides the core principles that are obligatory in the management of public funds. These include;

- openness and accountability, including public participation in financial matters; and
- prudent and responsible use of public funds including timely fiscal reporting;

Thus, the Committee places a high premium on these principles which have been a cornerstone in the entire process that has culminated in the production and processing of its reports in a timely manner.

The Committee was informed that the Ministry of Finance is required to report back to the parliament through a treasury memorandum on the status of implementation of the Committees recommendations to Government.

2) Direct Personal Liability

In order to comply with Article 226(5) of the Constitution, the Committee ensures that individual liability and personal responsibility are enforced. This is in consonance with the above article which empathizes that *"If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not"*.

Thus, in a bid to actualize and render effect to this constitutional provision as panacea for holding each individual accounting officer and other public officers directly and personally liable for any loss of public funds under their watch, the Committee regularly invokes this provision in its recommendations to hold those responsible personally accountable.

The resultant effect of this provision is to serve as a deterrent measure for accounting officers who might have a high affinity and appetite for misuse of public funds.

3) Obligations of Accounting Officers

The Committee was informed that Section 68 (1) of the Public Finance Management Act, 2012 provides, inter alia, that: *"An Accounting Officer for a national Government entity, Parliamentary Service Commission (the Senate and National Assembly) and the Judiciary shall be accountable to the National Assembly for ensuring that the resources of the respective entity for which he or she is the Accounting Officer are used in a way that is lawful and authorized, and effective, efficient, economical and transparent."*

This provision obligates all Accounting Officers to appear before the Public Accounts Committee of the National Assembly to respond to audit queries in their respective Ministries/Departments/Agencies.

In addition, section 74 (2) of the same Public Finance Management (PFM) Act stipulates that: *"If a Cabinet Secretary reasonably believes that an Accounting Officer is engaging in or has engaged in improper conduct within the meaning of subsection (4), the Cabinet Secretary shall: Take such measures as may be provided in regulations; or refer the matter to the relevant office or body in terms of the statutory and other conditions of appointment or employment applicable to that Accounting Officer."*

The Committee was informed that this provision sealed a long-standing loophole that saw previously Accounting Officers who continuously commit or preside over fiscal indiscipline and malpractice in their Ministries with impunity without sanction.

Using these Constitutional provisions stated herein above and ensuring that prudent and responsible use of public funds remains the cornerstone of public finance governance to which the Committee derives its core mandate; The Committee accordingly, has variously and severally applied these provisions to recommend diverse disciplinary actions, investigations and surcharging of various persons found to bear responsibility for breaches of the law or responsible for the loss or wastage of public funds.

4.4 Membership

The Committee is comprised of Eighteen (18) members and the membership has changed three times during the first, fourth and fifth session, in October 2018, July 2020 and March 2021 following the normal political party reshuffle of House Committees Membership.

4.5 Committee Membership to Regional Bodies

PAC has taken active paid-up membership and participation in regional bodies that seek to synergize the work of Public Accounts Committees. These are the East African Association of Public Accounts Committees (EAAPAC), African Organization of Public Accounts Committees (AFROPAC) and the Commonwealth Association of Public Accounts Committees (CAPAC). Membership to these bodies provide a unique yet amazing platform for peer review and exchanges across the continent and beyond.

The Committee currently holds the position of Secretary General in both EAAPAC and AFROPAC. It also hosts the secretariats of both organizations. The Committee was further informed that respective Committee Clerks have continued to go beyond their normal duties by offering their services in these Organizations as the Secretariat.

4.6 Achievements

The following achievements were attained;

1. Cleared the backlog of the Auditor General's reports which are now up to date.
2. Tabled various reports on the examination of the report of the Auditor General for the Financial Year 2016/2017/2018/2019/2020 and/2021.
3. Actualized the implementation of the very important provisions of Article 226 (5) of the Constitution by directly apportioning culpability to various public officers.
4. The Committee also through the Chairman as the Secretary General of the African Organization of Public Accounts Committees – AFROPAC negotiated and agreed on a draft Memorandum of Understanding to be signed between the Parliamentary Service Commission and AFROPAC with regard to the hosting and support given to AFROPAC Secretariat.

4.6 Challenges faced by the Committee

The following challenges hinder the Committee from further executing its mandate;

1. Time constraints:

The Committee faced major time constraints in the execution of its mandate which included strict timelines in the examination of annual audit reports. Members are often compelled to struggle and make huge sacrifices in a bid to adhere to the reporting timelines.

2. Undue influence:

The Committee has faced numerous and various influences that derail its work through unsubstantiated and unwarranted claims, most of which seem to be driven more by political expediency and malice made against Members of the Committee. This was experienced during the adoption of the report of the Accounts of the IEBC for the year 2016/2017. The Committee Members however remained unbowed and true to their calling.

3. Interference with the Independence of the Office of the Auditor General:

This has been done to weaken the accountability framework and the prudent use of public funds.

4. Auditing of Confidential Expenditure:

The Committee faced major challenges in the examination of reports of confidential expenditure/classified security expenditures since it touches on one of the most critical Government operations. However, the Committee was guided by the fact that all public funds should be subjected to review by the representatives of the people.

5. Flippancy by Accounting Officers:

Most Accounting Officers were found not to take seriously the mandate of the Committee and indeed the institution of Parliament. This included the Accounting Officers who deliberately provide unsatisfactory/incomplete and sometimes misleading responses to audit queries, incessant requests for rescheduling of appearance before the Committee and in some instances outright lack of familiarity

with operations in their respective Ministries, Departments and Agencies (MDS) and International Public Sector Accounting Standards (IPSAS) as well as the Public Finance Management procedures and regulations.

6. Delayed Special Audits:

Delayed execution of special audits by The Office of the Auditor General at times delimits the Committee from carrying out its oversight mandate. This is at times due to lack of capacity, staffing gaps and inadequate funding on the part of the Auditor General.

7. Misuse/Abuse of legal process:

The Committee was informed that certain officials in government found culpable deliberately delay, frustrate or even block implementation of its recommendations using the court system. The Committee considers this an affront on its role and the mandate of Parliament as the supreme oversight institution of the Nation.

8. Encroachment on the mandate of PAC:

It was reported that other arms of government have of recent increasingly encroached on the mandate of the Committee. For instance, the Committee notes that there is a conflict between the functions of Public Accounts Committee and Public Investments Committee. Any money voted by Parliament for Government Ministries, Judiciary and the Legislature should fall within the purview of the PAC. The Standing Orders are clear on the mandate of PAC as cited earlier.

5.0 REPUBLIC OF UGANDA

Findings

In the Parliament of Uganda, the oversight accountability function and usage of public funds are carried out by the following Committees;

- Public Accounts Committee (PAC);
- Local Government Public Accounts Committee; and
- The Commissions Statutory Authorities and State Enterprises (COSASE).

5.1 Meeting with the Public Accounts Committee and Commissions Statutory Authorities and State Enterprises (COSASE)

It was reported that the Standing Committees of the Parliament of Uganda are established under article 90 of the Constitution of the Republic of Uganda.

The Public Accounts Committee (Central) and Commissions Statutory Authorities and State Enterprises (COSASE) hold government accountable and are chaired by the opposition as a way of upholding the spirit of togetherness but also as a measure for checks and balances.

Its main functions are to; examine audited accounts as presented by the Auditor General and referred to the PAC; examine the appropriation of funds to ascertain if the expenditure incurred was in accordance with the priorities approved by the parliament; oversee missions abroad for due diligence and submit a report to the floor of the House for debate within a period of six months of referral of the Auditor General's report.

The PAC also conducts meetings in form of public hearings and has the power to summon witnesses or cause the submission of evidence before the committee. This Committee has the powers of the High Court.

Respective Ministries are forced to implement Public Accounts Committee recommendations before their budget's lines are approved by the Parliament.

5.2 Meeting with the Budget Committee:

During the interaction, it was observed that the budgeting process at the Parliament of Uganda is unique in that after studying the main budget document, the Budget Committee invites the respective Committees of Parliament to assist in scrutinizing the budgeted items that fall within respective Committee mandates; for example the Parliamentary Committee on Defence was called to assist in vetting the items in the defence budget, while the Committee on health was also called to share their views on

the items presented in the budget for the ministry of health, before the final budget is presented to the House for approval.

5.3 Recommendations

1. Comply with the Audit Act of 2008 to enact a legal framework to enforce checks and balances so as to ensure timely accountability, as is with the case with Parliament of Uganda. It was noted that the legal framework that governs the Committee on Accounts is still lacking.
2. Ensure that a 'due process' is at all times followed when cross examining audit suspects, and a fair hearing on either side is granted before any measure is taken;
3. EALA should move together if they want to achieve the Assembly objectives instead of focusing on country politics. EALA should not only be objective but must strive to be seen to be objective and in so doing, it will obviously excel;
4. To continue urging for improvement on matters of accountability by doing evidence-based investigations. Even if the Committee recommendations are not acted upon, there are at least short gains by exposing the culprits.
5. Referring to the procurement gaps and fake academic documents, as raised by the Audit Commission report, EALA should consider establishing a committee on ethics and integrity to consider such impropriety.
6. The Secretary General and Council of Ministers should at all times ensure timely contributions by Partner States to avoid instances of poor budget performance.
7. Members to scratch their respective Partner States and compel them to pay, otherwise, the paying partner states may also relax.
8. The Speaker of EALA should frequently liaise with the Heads of State to address matters of delayed country remittances of funds to the Community.
9. EALA, like Parliament of Uganda, should adopt a 'treasury memorandum' format for tracking the status of implementation of all recommendations made by the Committee on Accounts as opposed to the current framework, where

the Council of Ministers determines what should be forwarded to the Heads of State;

10. On the continued resistance by the East African Development Bank (EADB) to be audited by the EAC Audit Commission, it was noted that the Parliament of Uganda annually approves funds for the EADB, as an entity of the Community. EALA should therefore seek the political intervention (Council and Heads of State) to resolve the audit matters of the EADB.

6.0 REPUBLIC OF RWANDA

During the interaction session with the Committee on Public Accounts of the National Assembly of Rwanda, EALA Accounts committee was informed on the following: As provided for by the Constitution of the Republic of Rwanda of 2003 revised in 2015, the current Parliament of Rwanda is **bicameral**, composed of the Chamber of **Deputies** and the **Senate**.

The mission of the Parliament of Rwanda is to: Legislate; Exercise oversight of Government activities; Represents the population; and Promotes Parliamentary Diplomacy.

Each Chamber is structured as follows:

- a. The Plenary Assembly;
- b. The Conference of Chairpersons;
- c. The Bureau (Each bureau is comprised of a Speaker/President and two deputies respectively);
- d. Standing Committees.

Each Chamber has in addition, the Committee in charge of the conduct of Members and assessment of the activities of respective chambers. Adhoc Committees and Commissions of Inquiry may be established for specific purpose.

6.1 Public Accounts Committee legal framework it draws its mandate from the following constitutional provisions;

1. Article 166 of the Constitution of the Republic of Rwanda of 2003 revised in 2015
2. Article 38,9 of the Organic Law establishing Internal Rules of Procedure of the Chamber of Deputies in the Parliament as modified and complimented to date
3. Law on State Finances and Property
4. Law on Public Procurement

5. Financial Procedure Manual, Vol I, II and III

6.2 Public Accounts Committee responsibilities

1. Analysis of the report of the Auditor General of State Finances with respect to the use of national budget and patrimony and preparation of draft recommendations within six (6) months of the date of submission of such reports to the Assembly;
2. Follow-up on the implementation of resolutions adopted by the Plenary Assembly during the analysis of the report of the Auditor General of State Finances;
3. Consideration, study and submission of report on general accounts of institutions which use national budget and patrimony;
4. Preparation of reports on the use of national budget;
5. Consideration, study and submission to Plenary sitting of report on accounts of institutions which use national budget and patrimony;
6. Performance of such other duties related to the use of national budget and patrimony within public institutions and governmental organizations.

6.3 Parliament's control over public spending

The Parliament's control over public spending is aligned to the Public Financial Management (PFM) cycle as follows:

1. The Minister of finance and economic planning submits the Budget Framework Paper (BFP) to both Chambers of the Parliament not later than 30th April of each year
2. The Parliament analyzes the BFP and submits comments not later than 30th May of the current fiscal year
3. The Minister submits Finance Bill to the Parliament not later than 15th June of each year
4. The Chamber of Deputies adopts the Finance Law before 30th June, of each year
5. Office of the Auditor General submits a complete report to both Chambers of Parliament in a joint session prior to the commencement of the session devoted to the examination of budget of the following year
6. The Parliament examines the report and takes appropriate decisions within a period not exceeding six (6) months
7. The Speaker of the Chamber of Deputies forwards the report to PAC for further scrutiny
8. The Committee report with proposals of resolutions is elaborated and submitted to Plenary for approval before submitting the Resolutions to Executive through the Prime Minister;

9. Sometimes the Plenary may recommend to exercise an oversight on Minister by:
 - i. Oral questions;
 - ii. Written questions;
 - iii. Hearing before committees;
 - iv. Commissions of inquiry;
 - v. Interpellation (this normally leads to a vote of no confidence).

6.4 Strategies for scrutinizing the Auditor General's report

After receiving the Auditor General's report from Right Honorable Speaker of the Chamber of Deputies, Public Account Committee (PAC) uses the following strategies:

1. The committee subdivide into working sub-committees to make a detailed analysis on report of each and every institution;
2. Sub-committees supported by technical staff conduct the analysis of the report;
3. In-depth consultation with OAG who conducted the audit for further insights;
4. Writing to institutions that have not obtained clean audit reports;
5. Conduct field visits for collecting the additional information on the ground;
6. Preparation of Public hearing: Elaborating questions to be asked to every specific institution;
7. Conduct Public hearing.

The hearing is conducted in public with the presence of media so that the general public is informed on the expenditure of public funds.

1. Summoned are: Chief Budget Managers/Accounting Officers, Board Chairs and Council Chairs accompanied by senior technical staff in positions of public finance management.
2. Invited are representatives from: OAG, Prosecution, Ministry of Finance, Public Procurement Authority, Ministry of Justice and Rwanda Investigation Bureau (RIB).
3. Writing to institutions which did not satisfy PAC with their answers.
4. Important issues raised are subject to requesting OAG to conduct performance audit.
5. Full report with proposals of Resolutions is elaborated and submitted to Plenary for approval before submitting the Resolutions to Executive through the Prime Minister.

6.5 Evaluation of the implementation of Plenary's resolutions on PAC reports

1. The Prime Minister submits to Parliament the report on the implementation of recommendations
2. The Committee analyzes the report of implementation of recommendations and

- conducts field visits to get more information and the reality from the ground
3. The committee produces a comprehensive report and submits it to the Bureau of the Chamber of Deputies before presenting it to the Plenary.

6.6 Observations

The Chairperson of PAC informed the EALA Accounts Committee that since the establishment of PAC in 2010, there has been improvement in the public finance management. Government institutions are getting unqualified audit report unlike before. He said that PAC controls the public spending through public finance management cycle.

The committee made the following observations:

1. Since it started, Public Accounts Committee and Parliament in general has contributed to the improvement of the Public Finance Management. This is evidenced by the increase in percentage of institutions that obtain unqualified audit reports.
2. The collaboration and coordination of anti-corruption institutions has been strengthened which resulted into successful prosecution and recovery of public funds.
3. PAC functions are guided by a clear legal framework
4. The committee is supported by a team of technical staff
5. The Parliament examines the report and takes appropriate decisions within a period not exceeding six (6) months
6. The hearing is conducted in public with the presence of media so that the general public is informed on the expenditure of public funds.
 - i. Summoned are: Chief Budget Managers/Accounting Officers, Board Chairs and Council Chairs accompanied by senior technical staff in positions of public finance management.
 - ii. Invited are representatives from: OAG, Prosecution, Ministry of Finance, Public Procurement Authority, Ministry of Justice and Rwanda Investigation Bureau (RIB).

6.7 Recommendations

The Committee recommends to the Assembly the following:

1. To organise periodical visits between committees for experience sharing
2. Initiate a regional forum/ conference on Accountability.
3. To plan for Committee clerk's joint sessions on experience sharing eg. Audit report

analysis, report writing, monitoring of implementation of recommendations and capacity building.

4. Accounts Committee should be given enough time to scrutinize the Audit report
5. To urge Council of Ministers to provide technical support staff for Audit report scrutiny.
6. To establish a follow up mechanism for the implementation of Assembly's Audit recommendations.
7. To urge the Council of Ministers to report back to the Assembly on the implementation of the Assembly's Audit recommendations.
8. To urge Council of Ministers to introduce performance and value for money Audit.

7.0 GENERAL OBSERVATIONS AND RECOMMENDATIONS

1) Membership to regional and international public accountability Committees

The House may recall that of recent EALA just like other regional Parliaments was a member of East African Association of Public Accounts Committees (EAAPAC), African Organization of Public Accounts Committees (AFROPAC) and the Commonwealth Association of Public Accounts Committees (CAPAC) just to mention but a few. However, membership to these bodies was terminated in 2017 due to financial constraints in EAC. This affected the Committees participation thus curtailing the benefits and synergies accruing from being a member of such organizations.

Committee recommendations

The Committee recommends to the Assembly to urge the Council of Ministers to ensure that a new budget line is created to facilitate the Committee on accounts to rejoin these accountability organizations.

2) Legal framework to strengthen the Accountability framework in EAC

From the Committee findings, its apparent that all the three (3) Partner States the Committee visited have put in place a legislative framework to regulate and ensure that good governance and accountability practices are put in place to ensure proper use and management of public resources. **The Republic of Uganda** enacted the Public Finance Management Act, the Budget Act the and Inspectorate of Government Act, the Anti- Corruption Act among others; **the Republic of**

Rwanda enacted the Tax law and the Public Finance Management Act. **The Republic of Kenya** enacted the Public Expenditure and Financial Accountability Management Act 2012, The Finance Act 2021 and the Ethics and Anti-Corruption Commission Act Respectively.

The above legislative framework notwithstanding, the Committee observes that the financial legislative framework of EAC is being governed by the EAC financial rules and regulation, the EAC procurement rules and regulations among others. The Committee observes that there is need for a sound and progressive financial mechanism to be put in place and this should be in form of a parent law to guide the financial management in the Community.

Committee recommendations

The Committee recommends to the Assembly to urge the Council of Ministers to ensure that as a matter of urgency and priority it expedites the enactment of the Public Finance Management Act so as to streamline the financial framework in the EAC.

3) Committee on implementation and follow-up

As observed, within the main report, most of the Partner States have put in place Committees of implementation and follow up. For instance, the Kenya National Assembly established the Committee solely responsible for scrutinizing the resolutions of the House (including adopted Committee reports) petitions and undertakings given by the National Executive. The Uganda Parliament established the Committee on Government assurances. This is charged with scrutinizing the assurances, promises, undertakings, etc., made by the Government from time to time. The Committee also follows up on its previous recommendations.

As reported in the past and present Committee reports, the Assembly, Accounts Committee and Audit Commission recommendations have largely remained unimplemented.

According to the Audit Commission report for the Financial Year ended 30th June 2019 it details the status of implementation of the previous recommendations as follows

STATUS OF IMPLEMENTATION OF PRIOR AUDIT RECOMMENDATIONS

The assessment of the status on the implementation of previous audit recommendations revealed that only 16% of the audit recommendations made in the financial 2017/2018 were fully implemented while the rest were either partially implemented or not implemented as at the time of audit in June 2021. The details below.

Status of implementation	No. of recommendations	Percentage
Implemented	5	16%
Partially implemented	24	75%
Not implemented	3	9%
Total	32	100%

In addition, the status of implementation of our audit recommendations for the financial year ended 30 June 2019 as of June 2021 is as presented below:

Status of implementation	No. of recommendations	Percentage
Implemented	5	8%
Partially implemented	8	13%
Not implemented	43	72%
Overtaken by events	4	7%
Total	60	100%

The Committee observes that non-implementation of the previous recommendations implies that anomalies noted might have continued to recur hence affecting the operational efficiency of the EAC Secretariat and its Projects.

Committee recommendation

The Committee recommends to the Assembly to urge the Council of Ministers to ensure that;

- I. It takes appropriate action to ensure that audit recommendations are followed up and implemented promptly.*
- II. Just like the EAC National Parliaments, puts in place a committee specifically to follow up the implementation of the recommendations of the Audit Commission, the Assembly and Council directives.*

4) Time allocated to Committees constraints

The biggest constraints the Committee has encountered in undertaking its oversight activities have largely hinged on the time allocated to it. In most cases the time is limited yet the volume of work is voluminous to be completed in the specific time. The Audit Commission reports require careful scrutiny and in-depth analysis.

As severally reported, the Committee recommends to the Assembly to urge the Council of Ministers to ensure that Council allocates additional time and resources such that it can be enabled to undertake deep and thorough scrutiny of the reports that are forwarded to it by Council.

5) Independence of the Accounts Committee

The National Parliaments are independent and carry out the audit function without external influence. However, it was observed that since EALA is not autonomous, it has always had backlash from other EAC Organs and Institutions when individuals are named due to misconduct.

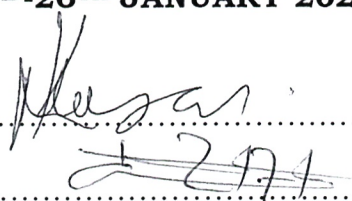
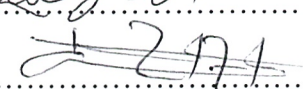
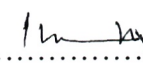
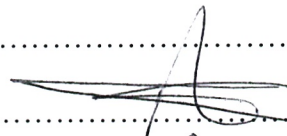



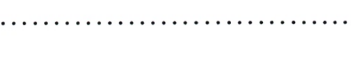
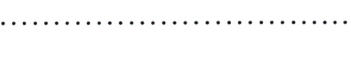
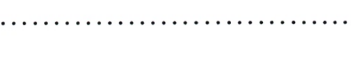
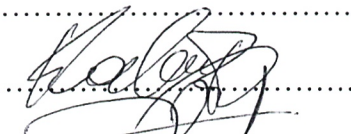
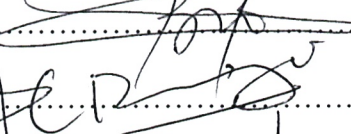
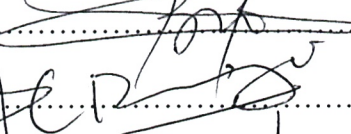
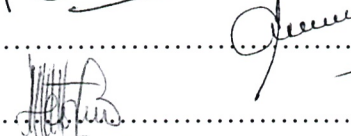
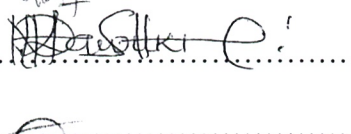
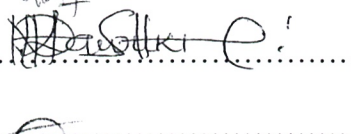
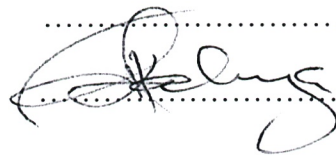
Committee recommendation

The Committee recommends to the Assembly to urge the Council of Ministers and EAC secretariat to ensure that directives made on the 33rd meeting of the Council of ministers granting EALA and EACJ financial and administration autonomy be effected.

8.0 CONCLUSION

The Committee on Accounts wishes to thank the Rt Hon. Speaker, Members, the Clerk and the entire administration of the Assembly for supporting it to carry out its benchmarking mission. The Committee further appreciates the valuable time and information accorded to it by the National Assemblies of Kenya, Rwanda and Uganda. The Committee hopes that the findings and recommendations contained in this report will greatly improve the performance of Accounts Committee and EALA at large.

REPORT OF THE COMMITTEE ON ACCOUNTS FOR THE BENCHMARKING MISSION ON THE MANDATE OF PUBLIC ACCOUNTS COMMITTEE OF NATIONAL ASSEMBLIES AND IMPLEMENTATION OF RECOMMENDATIONS OF PARLIAMENT ON ANNUAL AUDIT REPORTS (23RD-26TH JANUARY 2022)

1. Hon. Kennedy Kalonzo Muskyoka 
2. Hon. Aden Abdikadir 
3. Hon. Simon Mbugua 
4. Hon. Thomas Dut Gatkek 
5. Hon. Dr. Woda Jeremiah Odok 
6. Hon. Dr. Gabriel Garang Aher 
7. Hon. Eng. Mohammed Mnyaa 
8. Hon. Happiness Lugiko 
9. Hon. Alhaj. Adam Kimbisa 
10. Hon. Oda Gasinzigwa 
11. Hon. Dr. Francois Xavier Kalinda 
12. Hon. Jean Claude Barimuyabo 
13. Hon. Pierre – Claver Rurakamvye 
14. Hon. Marie – Claire Burikukiye 
15. Hon. Leontine Nzeyimana 
16. Hon. Susan Nakawuki 
17. Hon. Mukasa Fred Mbidde 
18. Hon. James Kakooza 