

Legal Framework and Operationalization

Financial Autonomy not Operational

The amended Cross River State Audit Law No 8 2021⁴⁶ signed by Governor Ben Ayade in November 2021 provides for financial autonomy for the Office of the Auditor-General. S.25(1) (b) and (c) that “the State Auditor-General shall prepare and submit to the State House of Assembly at least 90 days before the beginning of each year the estimate of revenue and expenditure for inclusion in the State budget; the operational and administrative expenses of the Office including salaries, allowances, gratuities and pension payable to staff”.

Also, S. 25(3) states further that “any sum appropriated to the Office by the House of Assembly of the State in each financial year shall be charged upon the Consolidated Revenue Fund of the State and paid as first line charge”.

Response⁴⁷ received indicates that the financial autonomy clauses contained in the Cross River State Audit Law to ensure fiscal independence of the Office of the Auditor-General is not being implemented. The Office of the Auditor-General for Cross River State which is supposed to be an independent institution is still routinely dependent on its auditee (the Executive arm) for its finances. This hinders performance of the foremost accountability institution in Cross River State as it is unable to implement freely and without interference its audit plans and programs.

Administrative Autonomy Activated

Evidence⁴⁸ gathered showed the Audit Service Commission for Cross River State was inaugurated on 16th March 2022. This is in fulfillment of S.82(1 & 2) of the Cross River State Audit Law No 8 2021 (as amended) which established the Commission. The Commission has since been performing its statutory responsibilities of handling all matters of recruitment, promotion, and discipline of

members of staff the Office of the Auditor-General and the Commission as well as other staff matters including pensions and retirement issues.

The inauguration of the Commission being one of the positive impacts of the newly enacted audit law has contributed to strengthening the Office of the Auditor-General in Cross River State administratively especially by ensuring that human resource issues are coordinated through the Audit Service Commission rather than through the Civil Service Commission as it was previously done prior to the audit law.

Appointment Procedure for the State Auditor-General is Transparent

The process for appointing the Auditor-General in Cross River State as provided for in the Audit Law is transparent and competitive. S.5 provides that “in the selection of a suitable candidate as stated in Section (3) of this Law, the following additional procedure shall be executed by the Civil Service Commission: (a) the vacancy for the position of the Auditor-General shall be advertised in at least 2 national dailies and 1 local newspaper; (b) all applicants are to be subjected to subjected to the same interview and/or written test”.

Tenure of Office for the Auditor-General is Secured

The legal provisions governing the tenure of the Auditor-General in Cross River State provides for a secured tenure and clarifies the maximum number of years an Auditor-General can spend. S.11(1) of the Cross River State Audit Law No 8 2021 (as amended) provides that “the State Auditor-General shall remain in Office until he has attained the retirement age of sixty (60) years in accordance with S.127(2) of the Constitution, except where he is removed from office under the provisions of section 10 of this law”.

46-<https://www.criis.ng/2021/11/12/crs-audit-law-2021-amended/>

47-SAE Index 2022 Research Survey

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Furthermore, S.11(2) provides that “for the purpose of sections 3(2) of this Law, a person to be appointed Auditor-General shall not be more than 56 years of age at the time of appointment to the Office and shall retire on attaining the age of 60.

While best practice requires that the term of office for AuGs must be well defined, consistent, and predictable to guarantee their independence, the Audit Law of Cross River State sets the age limit for appointment and retirement which allows for a minimum term of four years for an Auditor-General.

Legal Mandate to Publish Audit Reports Online is Available

S.14(7) mandates the Auditor-General to publish his/her report electronically and manually by specifying that “the State Auditor-General in the exercise of his responsibility shall publish the annual statutory report of the State Government electronically and manually”,

It is important that the legal framework for audit functions at subnational level provide legal basis for audit reports to be published online to enable citizens freely access such information and use it to demand accountability when and where required.

Annual Activity Report for 2021 not Submitted to HoA

There is not evidence⁴⁹ to show that the Office of the Auditor-General for Cross River State submitted the annual activity report for the 2021 to the House of Assembly. The activity report is also not available to the public. However, S.32(1) of the Audit Law No 8 2021 (as amended) provides that “the Auditor-General shall submit an annual activity report to the House of Assembly

and make it available to the public”.

An activity report for the Audit Office/Institution should include the specific initiatives and activities undertaken during the previous calendar year to strengthen the office and improve its performance as well as any impacts (financial and non-financial) that were achieved through audit.

Full Audit Report for 2021 Published Online

The Office of the Auditor-General for Cross River State produced and published the full audit report for 2021⁵⁰ financial year electronically on a dedicated website. Making the full audit report

freely available to citizens enhances civic advocacy and investigative journalism using audit information.

Implementation of Audit Recommendations for 2020 Ongoing

The recommendations made by the Office of the Auditor-General for the 2020 fiscal year went to the Public Accounts Committee (PAC) of Cross River State House of Assembly. However, the PAC

is yet to complete consideration of the report as such, no resolution has been adopted by the State House of Assembly on the recommendations of the Auditor-General.

No Evidence of Performance Audit for 2021

The Office of the Auditor-General for Cross River State did not produce a performance audit report on programs/projects/policies of the Government in 2021 that is separate from the annual audit report. Best practice however requires that a

performance audit be conducted on projects, programs or policies implemented by the Executive and a report produced, submitted to Parliament and published online for members of the public.

49-SAE Index 2022 Research Survey

50-<http://mof.cr.gov.ng/2021-crs-audited-financial-statements/>

Performance audit refers to an independent examination of a program, function, operation or the management systems and procedures of a

governmental entity to assess whether the entity is achieving economy, efficiency, and effectiveness in the employment of available resources.

Citizens' Accountability Report for 2021 Published Online

The 2021 Citizens' Accountability Report for Cross River State was published online⁵¹.

A Citizens' Accountability Report (CAR) is a series of graphic and tabular illustrations of the contents of the Audited Financial Statements prepared by a government agency on behalf of the government

to the citizens to ensure accountability of public funds. This report details the government's performance in carrying out the duties assigned to it and the utilization of funds in the coffers of the government.

CS/Media Actors Less Involved in the Audit Process

Although one of the responses received indicated that civil society and media actors are invited annually to participate in the annual audit forum organized by the Office of the Auditor-General in collaboration with development partners, another feedback submitted showed that civic

stakeholders are not engaging the audit process as much especially during consideration of audit reports by the Public Accounts Committee. The audit process of Cross River State needs to be more inclusive and engaging to allow civil society and media actors participate fully in the process.

PAC Review of 2021 Audit Report not Started

The Public Accounts Committee of Borno State House of Assembly has not reviewed the 2021 report of the Auditor-General. The PAC just completed review of 2018 and 2019 audit reports and is now ready to present its recommendation to the House of Assembly. The Committee has not started review of the 2021 report of the Auditor-General. The non-effectiveness of the Public Accounts Committee is as a result of "manpower and technical constraints". The PAC of Cross River

State House of Assembly is able to monitor implementation of House resolutions through the different House Committees' oversight functions.

Feedback mentioned that the PAC sends notification to stakeholders including civil society actors through announcements in the media when about to commence review sessions on reports of the Auditor-General.

51-<https://www.crirs.ng/2022/09/30/crs-2021-citizens-accountability-report/>