

INTOSAI-P 10

Mexico Declaration on SAI Independence



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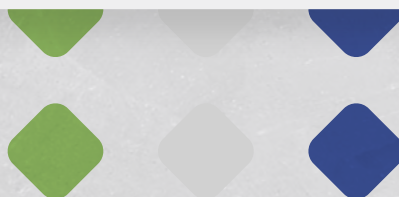
INTOSAI



INTOSAI, 2019

- 1) Formerly known as ISSAI 10: Mexico Declaration on SAI Independence
- 2) Declaration endorsed in 2007
- 3) Preamble amended in 2018
- 4) With the establishment of the Intosai Framework of Professional Pronouncements (IFPP), relabeled as INTOSAI-P 10 with editorial changes in 2019

INTOSAI-P 10 is available in all INTOSAI official languages: Arabic, English, French, German and Spanish



FOREWORD

The 1977 Lima Declaration was the first INTOSAI document to comprehensively set out the importance of Supreme Audit Institution (SAI) independence, by reminding INTOSAI members that SAIs can only be objective and effective if they are independent from the audited entity and are protected from outside influence. The course was set, and, in the years that followed, the subject of independence would come up at a variety of INTOSAI events.

At the 44th meeting of the INTOSAI Governing Board, in Montevideo, Uruguay, a task force was established and was originally headed by my predecessor. The mandate of the task force was to examine the independence of SAIs and recommend ways to bring about realistic improvements in this area.

The task force on SAI independence completed its work and issued its final report on 31 March 2001. In its report, the task force presented eight core principles for dealing with SAI independence. In the report's preamble, the chair reminded SAIs that they play an important role in holding governments to account for the use of public funds and that they can provide independent views on the quality of public sector management. As the current chair, I reiterate that this is still the case, even more so today given the increasing public demand for oversight and accountability.

One of the task force's recommendations was that a subcommittee be established to promote SAI independence and to develop guidance for SAIs. In 2001, I became chair of this subcommittee, which was made up of the SAIs that were members of the task force: Austria, Antigua and Barbuda, Cameroon, Egypt, Portugal, Saudi Arabia, Sweden, Tonga, and Uruguay. The first thing the subcommittee was asked to do was take stock of the parameters around independence, while considering the different regimes and legal frameworks.

From 2001 to 2004, the subcommittee worked on application provisions (examples) that would illustrate what was meant by SAI independence. A survey was conducted to assess the degree of compliance by SAIs with the eight core principles. At the UN/INTOSAI seminar in Vienna, Austria, in 2004, the many heads of SAIs who were present discussed the independence of SAIs in detail.

Since 2004, the subcommittee has worked on a charter on SAI independence and has developed guidelines for implementing the eight core principles, taking

into account the different types of SAIs. Extensive consultation with SAIs greatly contributed to the quality of the documents.

I have the honour of reporting that the subcommittee has completed its work. I wish to thank the members of the subcommittee, for their effort and dedication, as well as all SAIs that have contributed to our work.

Sheila Fraser, FCA

Chair

Subcommittee on Independence

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MEXICO DECLARATION ON SAI INDEPENDENCE

PREAMBLE

The United Nations General Assembly (UNGA) in its Resolutions 66/209 of 2011 and 69/228 of 2014 has recognized the important role of supreme audit institutions (SAIs) in promoting the efficiency, accountability, effectiveness and transparency of public administration, which is conducive to the achievement of national development objectives and priorities as well as the internationally agreed development goals.

In the Addis Ababa Action Agenda on Financing for Development, endorsed by UNGA Resolution 69/313 from 2015, Member States commit themselves to strengthening national control mechanisms, such as supreme audit institutions, and to fostering the mobilization and effective use of domestic public resources.

This pledge derives from the clear acknowledgement in Resolution 69/228 of the role SAIs have in fostering governmental accountability for the use of resources and their performance in achieving development goals. To ensure that SAIs are able to deliver on this aspiration, the document encourages Member States to give due consideration to the independence and capacity building of SAIs in a manner consistent with their national institutional structures.

Aware that independence should remain an overarching goal of all SAIs, the resolutions also take note and encourage Member States to apply in a manner consistent with their national institutional structures, the Lima Declaration of Guidelines on Auditing Precepts of 1977 and the Mexico Declaration on Supreme Audit Institutions Independence of 2007, which follows:

From the XIX Congress of the International Organization of Supreme Audit Institutions (INTOSAI) meeting in Mexico:

Whereas the orderly and efficient use of public funds and resources constitutes one of the essential prerequisites for the proper handling of public finances and the effectiveness of the decisions of the responsible authorities.

Whereas the INTOSAI-P 1 - The Lima Declaration (Guidelines on Auditing Precepts) states that Supreme Audit Institutions (SAIs) can accomplish their tasks only if they are independent of the audited entity and are protected against outside influence.

Whereas, to achieve this objective, it is indispensable for a healthy democracy that each country have a SAI whose independence is guaranteed by law.

Whereas the Lima Declaration recognizes that state institutions cannot be absolutely independent, it further recognizes that SAIs should have the functional and organizational independence required to carry out their mandate.

Whereas through the application of principles of independence, SAIs can achieve independence through different means using different safeguards.

Whereas application provisions included herein serve to illustrate the principles and are considered to be ideal for an independent SAI. It is recognized that no SAI currently meets all of these application provisions, and therefore, other good practices to achieve independence are presented in the accompanying guidelines.

» RESOLVES:

To adopt, publish, and distribute the document entitled "Mexico Declaration on Independence".

GENERAL

Supreme Audit Institutions generally recognize **eight core principles, which flow from the Lima Declaration and decisions made at the XVIIth Congress of INTOSAI (in Seoul, Korea), as essential requirements of proper public sector auditing.**

PRINCIPLE 1

The existence of an appropriate and effective constitutional/statutory/legal framework and of de facto application provisions of this framework

Legislation that spells out, in detail, the extent of SAI independence is required.

PRINCIPLE 2

The independence of SAI heads and members (of collegial institutions), including security of tenure and legal immunity in the normal discharge of their duties

The applicable legislation specifies the conditions for appointments, reappointments, employment, removal and retirement of the head of SAI and members of collegial institutions, who are:

- appointed, reappointed, or removed by a process that ensures their independence from the Executive (see GUID 9030: Good Practices Related to SAI Independence);
- given appointments with **sufficiently long and fixed terms**, to allow them to carry out their mandates without fear of retaliation; and
- **immune to any prosecution for any act, past or present, that results from the normal discharge of their duties** as the case may be.

PRINCIPLE 3

A sufficiently broad mandate and full discretion, in the discharge of SAI functions

SAIs should be empowered to audit the:

- use of public monies, resources, or assets, by a recipient or beneficiary regardless of its legal nature;
- collection of revenues owed to the government or public entities;
- legality and regularity of government or public entities accounts;
- quality of financial management and reporting; and
- economy, efficiency, and effectiveness of government or public entities operations.

Except when specifically required to do so by legislation, SAIs do not audit government or public entities policy but restrict themselves to the audit of policy implementation.

While respecting the laws enacted by the Legislature that apply to them, SAIs are free from direction or interference from the Legislature or the Executive in the

- selection of audit issues;
- planning, programming, conduct, reporting, and follow-up of their audits;
- organization and management of their office; and
- enforcement of their decisions where the application of sanctions is part of their mandate.

SAIs should not be involved or be seen to be involved, in any manner, whatsoever, in the management of the organizations that they audit.

SAIs should ensure that their personnel do not develop too close a relationship with the entities they audit, so they remain objective and appear objective.

SAI should have full discretion in the discharge of their responsibilities, they should cooperate with governments or public entities that strive to improve the use and

management of public funds.

SAI should use appropriate work and audit standards, and a code of ethics, based on official documents of INTOSAI, International Federation of Accountants, or other recognized standard-setting bodies.

SAIs should submit an annual activity report to the Legislature and to other state bodies - as required by the constitution, statutes, or legislation - which they should make available to the public.

PRINCIPLE 4

Unrestricted access to information

SAIs should have adequate powers to obtain timely, unfettered, direct, and free access to all the necessary documents and information, for the proper discharge of their statutory responsibilities.

PRINCIPLE 5

The right and obligation to report on their work

SAIs should not be restricted from reporting the results of their audit work. They should be required by law to report at least once a year on the results of their audit work.

PRINCIPLE 6

The freedom to decide the content and timing of audit reports and to publish and disseminate them

SAIs are free to decide the content of their audit reports.

SAIs are free to make observations and recommendations in their audit reports,

taking into consideration, as appropriate, the views of the audited entity.

Legislation specifies minimum audit reporting requirements of SAIs and, where appropriate, specific matters that should be subject to a formal audit opinion or certificate.

SAIs are free to decide on the timing of their audit reports except where specific reporting requirements are prescribed by law.

SAIs may accommodate specific requests for investigations or audits by the Legislature, as a whole, or one of its commissions, or the government.

SAIs are free to publish and disseminate their reports, once they have been formally tabled or delivered to the appropriate authority—as required by law.

PRINCIPLE 7

The existence of effective follow-up mechanisms on SAI recommendations

SAIs submit their reports to the Legislature, one of its commissions, or an auditee's governing board, as appropriate, for review and follow-up on specific recommendations for corrective action.

SAIs have their own internal follow-up system to ensure that the audited entities properly address their observations and recommendations as well as those made by the Legislature, one of its commissions, or the auditee's governing board, as appropriate.

SAIs submit their follow-up reports to the Legislature, one of its commissions, or the auditee's governing board, as appropriate, for consideration and action, even when SAIs have their own statutory power for follow-up and sanctions.

PRINCIPLE 8

Financial and managerial/administrative autonomy and the availability of appropriate human, material, and monetary resources

SAIs should have available necessary and reasonable human, material, and monetary resources - the Executive should not control or direct the access to these resources.

SAIs manage their own budget and allocate it appropriately.

The Legislature or one of its commissions is responsible for ensuring that SAIs have the proper resources to fulfill their mandate.

SAIs have the **right of direct appeal to the Legislature if the resources provided are insufficient to allow them to fulfill their mandate.**