



CONSTRUCTION SECTOR TRANSPARENCY INITIATIVE-AFGHANISTAN

MSG Terms of Reference



MAY 1, 2017

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1.0 Background Information

The aim of CoST is to increase the transparency and accountability of publicly-funded construction projects. An essential section of CoST is the multi-stakeholder Group (MSG) which brings together government, private sector and civil society to pursue a common goal. The MSG is responsible for providing leadership and setting policy and standards for the CoST programme. The National Secretariat works closely with the MSG and is responsible for the day-to-day management of the CoST programme.

The aim of this chapter is to set rules governing the operation of the CoST Afghanistan MSG (hereinafter the MSG). The MSG received its mandate in October 2013 through Ministry of Economy.

2.0 MSG structure, roles and rights

CoST Afghanistan MSG consists of government, private sector and civil society organizations. Membership numbers can be equally increased or decreased as per MSG decision, but should not exceed 18 equal membership (6 seats from each sector). The CoST Afghanistan national secretariat, observers and donors will not take part in voting. Only the MSG members have the right to vote. Each member of the MSG will name an alternate who will attend the MSG meetings in case he/she are not able to attend. This Alternate must have delegated authority to voice opinions and vote on matters arising during meetings. Alternate members must have CoST Afghanistan required knowledge and capacity, defined below.

The CoST Afghanistan MSG is led by the elected MSG Chairman. Representatives of the Private Sector (PS), and the Civil Society Organizations (CSO) shall be based on a transparent and open selection process, conducted amongst each sector, bearing in mind the desirability of pluralistic and diverse representation. The election process can be documented to show openness and transparency, each sector take responsibility for the election process. CoST Afghanistan National secretariat would take part in the processes as observers.

2.1 Membership Criteria and removal process

1. Government representatives shall be high-ranking officials, and from the relevant Directorate, Directorate Generals, and if need be the relevant Deputy Ministers.
2. CSOs representatives shall have 3 years' experience of oversight/monitoring of infrastructure projects, 5 years of registration and above 10 program staff.
3. Private sector representatives shall have 5 years' experience and more than ten construction contracts with the government and donors with a minimum USD 5million turn over per year. In case of Private Sector union's membership, shall have 3 years' experience in infrastructure sector, 5 years of registration and above 10 program staff.
4. Applicants for MSG membership shall be through CoST secretariat and the MSG Committee evaluates the members as per the criteria set above.
5. Members must have the required capacity to carry out MSG duties, should have relevant background experiences and fulfil other requirements of the CoST Afghanistan MSG membership.
6. If any member of CoST Afghanistan MSG and his/her alternate fail to be present in two consecutive meetings or absence in more than 30 percent of all meetings annually without prior notification and legitimate reasons, the MSG will review their membership so that it can make decision about their membership. The decision will be announced in the next MSG meetings, which might be replacement by another member from the same group.

2.2 Good characteristics of MSG Members

1. The MSG members should undertake effective outreach activities through different channels such as media website and letters, informing stakeholders of the Government's commitment to implement the CoST principles. The MSG should also widely disseminate the public information that results from the CoST process such as CoST Assurance reports.
2. It is important that MSG members are committed to participate in and contribute effectively to MSG and Working Group meetings.
3. The member should have relevant background and working experience or run a relevant business. In addition, he/she should have interest in the infrastructure/construction sector or transparency and work in such field at national level.
4. should be able to learn and transfer/teach others on the CoST- Afghanistan requirements, standards, process and the reason why the country needs existence of the CoST- Afghanistan
5. The members should be able to liaise well within his/her constituency or sector
6. He/she should have transparent working background, Personal Integrity, and support the transparency at the country and in infrastructure/construction sector in particular
7. He/she be influential member of the sector he/she represents, and have the capability to disseminate CoST- Afghanistan reports and information among his/her constituency
8. He/she should be able to give time to assigned-tasks by the MSG.
9. Be open to the ideas of others and respect them as they are,

3.0 Responsibilities

3.1 MSG Chairman

1. Provide strong political support to CoST Afghanistan in implementation of CoST global principles.
2. Elected by MSG members through a transparent and open selection process in every tenure
3. Regular and full presence in the MSG meetings
4. Lead the advocacy of CoST- Afghanistan, and publicize its information to the Senior Government Officials, influential leaders, parliamentarians and other Government and Non-Government institutions and the media
5. Advise the CoST- Afghanistan and the MSG in order to fulfil the CoST standards, pursue recommendations of Assurance Reports and remove any obstacles to the implementation of CoST- Afghanistan at national level
6. Be a high-ranking Government official and guaranty the CoST- Afghanistan sustainability through fundraising process and donors involvement.

3.2 The Government

1. Provide strong back up to the secretariat, by participating in and contributing to the MSG meetings, and ensure the implementation of CoST Afghanistan action plan.
2. Ensure all documents and project information related to infrastructure/construction are available to CoST Afghanistan MSG and Assurance team upon request.

3. Take the lead and commit to work together with civil society and private sector in implementing CoST at national and sub-national level
4. Conduct assessment of obstacles in the regulatory framework relevant to the implementation of CoST, and propose or enact legal/regulatory amendments to bring about more transparency
5. Responsible for awareness raising and publicizing CoST Afghanistan standards within the relevant government institutions, and public through official government media,
6. Take responsibility and action for fulfilment of any recommendation made by the Assurance report team relevant to changes in the related Government entities and regularly, and share the progress with MSG.
7. Help the CoST Afghanistan secretariat in bringing other partners e.g. parliament members, International partners, donors etc. on-board to contribute to the process.
8. Representatives of the Government institutions should include CoST in their ToR
9. Ensure that government representatives are sustained and will not change until the end of MSG's period.

3.3 The Civil Society

1. Commitment to engage in successful implementation of the CoST in full collaboration with the MSG and the CoST Afghanistan secretariat
2. Advocacy for effective implementation of CoST Afghanistan disclosure manual and assurance reports findings
3. Awareness raising and dissemination of CoST Afghanistan information to the wider CSOs and public.
4. Conducting trainings and capacity building sessions for citizens and media on monitoring of infrastructure projects
5. Fully engage together with CoST Afghanistan secretariat in outreach activities and programmes focused on wider civil society groups and informing them of the government's commitment to the implementation of CoST and civil society role.
6. Provide the required support to the secretariat in properly re-assigning of the MSG members.
7. promote CoST Afghanistan standards while communicating in any public forums and via media
8. Active participation in the MSG and Working Group meetings and any meeting called by MSG's members or CoST Afghanistan secretariat,
9. Take responsibility for fulfilment of the recommendations received from Assurance Reports relevant to CSOs and report the progress to MSG.
10. Help the CoST Afghanistan secretariat in bringing other qualified and relevant collaborators e.g. parliamentarians, International partners, donors etc. on-board to participate in the process.

3.4 Private Sector

1. Express their support to the CoST principles and commit to CoST Afghanistan Disclosure manual.
2. Timely cooperating with Assurance team where they have queries over infrastructure projects
3. Commitment to perform in line with CoST Afghanistan requirements and Country Work Plan
4. promote CoST Afghanistan standards while communicating in the public forums and via media
5. Provide the required support to the secretariat in order to re-assign the MSG members, through open voting and transparent selection process.
6. Awareness raising and dissemination of CoST Afghanistan information and reports to other related stakeholders

7. Through full participation in the MSG and the Working Group meetings, support the secretariat and MSG efforts in fulfilment of the CoST requirements
8. Responsible for fulfilment of the recommendations received from Assurance team relevant to the infrastructure sector and share the progress with MSG.

4.0 Tenure

Each member of the MSG (including the MSG chairman) are appointed for a three years term. Each respective sector of the MSG will nominate candidates for the term mentioned above in due course; the MSG member from the sectors shall be introduced based on a transparent election process conducted within each sector i.e. CSO and PS. The MSG has the right to extend the members tenure (including of MSG chairman) for another next three years term considering experience, contribution and commitment of the members to CoST principles. In cases, a member resigns or the MSG terminates his/her membership for any reason the same sector shall re-elect a qualified new member who could fulfil the CoST requirements and will introduce him/her in next MSG meeting through an official note.

5.0 CoST Afghanistan Committees

The MSG will create a number of Committees among the sectors and each sector shall have a lead member; the Committees will frequently meet and discuss on up-coming issues at least once in a month. The MSG has the authority to establish four Committees;

1. **Government**-Disclosure and Assurance process Committee,
2. **Civil Society**-Communications and Advocacy Committee, and
3. **Private sector**- Oversight from the disclosure process, advocacy, raising and sharing challenges and opportunities of the private sector, technical cooperation with the Assurance Report
4. **Selection Committee**- One from each sector: assisting in developing ToRs and hiring of experts and consultants, and providing advices on disclosure and Assurance process.

Each Committee shall be led by an elected member and responsible for management of meetings including preparing agenda and minutes of the meeting, and sharing with MSG and national secretariat. The committee is also responsible to circulate the minutes of CoST meeting with a good list of the sectors to create awareness and interest in CoST. The Committee will not have the delegated authority to make decisions; and are reporting the progress on each assignment back to the MSG.

6.0 Meetings

The MSG will meet a minimum of, but not limited to once in a two months or as and if required. Agenda for the MSG meeting shall be fostered through each WG 10 days before the MSG meeting. Agenda and materials of the meeting will be distributed by national secretariat 4 days before each MSG meeting.

6.1 Meeting Reporting

Full minutes for MSG meetings (attendance, absents, summarised statements and action points) will be prepared, shared with MSG members within 4 working days, and make it available on the CoST Afghanistan website once approved by MSG.

6.2 Decision making

Decisions would be made in collaboration and coordination with a view to reach general agreement among all MSG members. Consensual decision-making therefore is a core element in multi-stakeholder processes and it is recommended that MSG make every effort to take decisions by consensus; and resolutions are adopted by a qualified majority and include support from all the sectors. In cases decision making was difficult and the Chair agrees, members would vote for some technical and important decisions. Quorum at the MSG decision making is 50% plus one - with a minimum of one member from each sector.

6.3 Observers

- The MSG will agree on who is permitted to attend MSG (and Working Group) meetings as observers.
- MSG observers has the right to raise issues and provide comments in matters related to CoST but they would not have voting right, and their contributions are limited to the needs of the MSG and per the decision of the Chairman.

7.0 Reporting

- a. The MSG is responsible for commissioning and publishing Assurance Reports in good time to promote transparency and accountability
- b. The MSG will submit an annual Assurance Report to its stakeholders and CoST international
- c. The MSG will submit an Annual CoST Afghanistan Progress Report to its stakeholders and a summary will be presented to the President when called to do so.
- d. The CoST National secretariat and the host organization will submit quarterly progress and financial report to CoST international
- e. The chairman will report to the appropriate committee in Parliament when called to do so
- f. The chairman will also report to the Inter Ministerial Commission on construction/infrastructure sector when called to do so.