

Beneficial Ownership in Asia and the Pacific Regional Workshop

19-20 March 2019,

ADB HQ, Manila

Improving beneficial ownership transparency in the Asia and Pacific region is key to addressing corruption risks in the extractive sector, improving business climate, avoiding conflicts of interests for politically exposed persons, and preventing the use of shell companies from perpetrating illicit financial flows, money laundering and bribery. According to the 2016 EITI Standard, EITI countries are required to ensure that by 1 January 2020, companies that have participating interests in extractive assets in their country should disclose beneficial ownership information. This includes the name, nationality, and country of residence of natural persons who ultimately own these companies.

The approaching deadline for these disclosures highlights the need for greater cross-sectoral, cross-jurisdictional collaboration between government agencies tasked to implement beneficial ownership reforms. The Beneficial Ownership regional learning program is intended to cater to demands from countries in the region and ADB staff for more skills development in furthering the work on company ownership transparency. It serves as a follow-up to the EITI Global Beneficial Ownership Conference organized by the EITI in Jakarta in 2017, the Beneficial Ownership Regional Asia Regional event in Tbilisi, Georgia in August 2018 and the South East Asia regional event in Jakarta in November 2018. This is likewise part of a series of regional workshops conducted by the EITI to build the capacity of beneficial ownership practitioners in implementing countries.

Countries in the Asia and Pacific region have made varying degrees of progress in beneficial ownership disclosures. Indonesia, Kazakhstan, the Kyrgyz Republic and Myanmar are in the preliminary stages of creating beneficial ownership registers, at the national or sectoral level. Other countries are collecting information either as part of the EITI process or on an ad hoc basis.

In view of the current status of these countries' implementation, stakeholders from those countries and ADB staff can benefit from peer learning and guidance from experts to understand considerations for an accurate definition of beneficial ownership, implementing data standards, verification procedures and meaningful use of data.

The objective of this workshop is to gather ADB staff, government officials, and investigative journalists from EITI countries in Asia and the Pacific (Afghanistan, Armenia, Indonesia, Kazakhstan, Kyrgyz Republic, Mongolia, Myanmar, Papua New Guinea, Philippines, Tajikistan and Timor-Leste)¹ and to showcase best practices so far, discuss challenges, provide peer learning and exchange of experiences. The workshop co-organized in partnership with the Governance Thematic Group of the Asian Development Bank, the ADB Institute and the EITI International Secretariat.

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¹ On an exceptional basis, stakeholders from other countries, such as Azerbaijan or Uzbekistan may be invited.

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*Colour indicators for parallel sessions:

	Policy and legal support
	Data collection
	Advocacy

Time	Session	
19 March 2019		
Day 1 <i>Beneficial Ownership Asia and Pacific Regional Workshop</i> Venue: TBC		
09:00 – 9:30 Plenary	Beneficial Ownership Asia and Pacific Regional Workshop Opening remarks <i>Vice President Knowledge Management and Sustainable Development Bambang Susantono (tbc), Asian Development Bank</i> <i>Eddie Rich, Deputy head of EITI Secretariat</i> <i>Nella Sri Hendriyetty, Senior CBT Economist, the Asian Development Bank Institute</i> <i>Photo session</i>	
09:30 – 12:00 Plenary	Opening panel discussion: Emerging practices of beneficial ownership transparency in EITI countries <i>Beneficial ownership information can help prevent illicit financial flows and reduce the risks of money laundering and corruption. EITI implementing countries have taken different approaches in disclosing the beneficial ownership data by 2020. Drawing on experiences so far in 51 EITI countries, the EITI International Secretariat will also provide a brief introduction to key issues to consider when designing a framework for beneficial ownership transparency.</i> <i>Facilitated by:</i> Eddie Rich, Deputy Head of EITI Secretariat <i>Speakers:</i> Diani Sadia Wati, Senior Adviser to the Minister, Ministry of Planning (BAPPENAS), Indonesia, Kyrgyzstan, Mongolia and Jose Aquino, Director, Securities and Exchange Commission, Philippines, speakers from Asia Pacific Group on Anti Money Laundering, Jeremiah Coder, Tax Policy Advisor at OECD Global Forum for Tax Transparency, Chiara Bronchi, Chief Thematic Officer at ADB	
12:00 – 13:00	Lunch	
13:00 – 14:30 Parallel sessions	Policy and legal support: Legal approaches to ownership transparency <i>The session will look at different legal frameworks for beneficial ownership disclosures and study international examples. It will seek to establish what a good legal framework for beneficial ownership transparency should look like.</i>	Data collection: Reduce risks in extractives licensing <i>The session will look at how licensing authorities use beneficial ownership information for their due diligence checks in licensing, to avoid that licenses or contracts are awarded to companies that are unqualified and to prevent potential for conflicts of interest. Some countries</i>

	<p><i>Facilitated by:</i> Gay Ordenes, Regional Director for South-East Asia, EITI International Secretariat</p> <p><i>Speakers:</i> <i>Emmanuel Bria, Natural Resource Governance Institute, Heriyanto Haikal, Head of Law Division, Ministry of Energy and Mineral Resources (Indonesia) Ronald Recidoro, Executive Director, Chamber of Mines (Philippines), State Committee on Energy, Industry and Subsoil Use (Kyrgyz Republic), Jeremiah Coder, Tax Policy Advisor, OECD Global Forum</i></p>	<p><i>have already started exploring how to use beneficial ownership data in licensing, such as Kazakhstan and Kyrgyz Republic.</i></p> <p><i>Facilitated by:</i> <i>Oliana Valigura, Country Manager for Eurasia, EITI International Secretariat</i></p> <p><i>Speakers:</i> <i>representative from Kyrgyzstan; Cari Votava, Senior Financial Sector Specialist, World Bank; representative from Kazakhstan, Lhagva, investigative journalist TVMongol, Mongolia.</i></p>
14:30 – 15:00	Coffee break	
15:00 – 17:00 Parallel sessions	<p>Policy and legal support: Legal approaches to ownership transparency <i>The session continues to look at different legal frameworks for beneficial ownership disclosures and study international examples. It will focus on addressing legal impediments and appropriate sanctions for non-disclosure</i></p> <p><i>Facilitated by:</i> Gay Ordenes, Regional Director for South-East Asia, EITI International Secretariat</p> <p><i>Speakers:</i> <i>David Lewis, FATF;); representative from Kazakhstan; Diani Sadia Wati, Ministry of National Development Planning (Indonesia); Jose Aquino, Director, Securities and Exchange Commission (Philippines), Global Forum</i></p>	<p>Data collection: Publish high-quality beneficial ownership data, including through building beneficial ownership registers and other existing platforms</p> <p><i>This session will enable participants to compare different approaches to disclosure of beneficial ownership information through registers to identify the best mechanism for their own disclosures.</i></p> <p><i>The session will look at different approaches to collecting data on beneficial ownership, the level of detail that needs to be disclosed and data standard. It will provide recommendations on company guidance.</i></p> <p><i>Facilitated by:</i> Jack Lord, Open Ownership (TBC)</p> <p><i>Speakers:</i> <i>Matthew Ray, UK Department for Business, Energy and Industrial Strategy; Jeremiah Coder, Tax Policy Advisor at OECD; representative from Kyrgyz Republic; Oliana Valigura, EITI Secretariat; Myo Min, Director, Directorate of Investment and Company Administration (Myanmar).</i></p>
17:00 – 17:30	<p>Beneficial Ownership Disclosure Roadmap in Azerbaijan The session will highlight progress and challenges of introducing beneficial ownership disclosure through an ADB-supported technical assistance project</p> <p><i>Speakers:</i> Roland Pladet, Principal Finance Specialist, ADB Claudia Buentjen, Principal Public Management Specialist, ADB</p>	
17:30 – 19:00	<p>Reception (Executive Dining Room) Welcome remarks from ADBI <i>Hosted by ADBI</i></p>	

20 March 2019		
Day 2 <i>Beneficial Ownership Asia and Pacific Regional Workshop</i> Venue: TBC		
09:00 – 10:30 Parallel sessions	<p>Advocacy: Investigative Journalism</p> <p><i>The session will look at the verification process through investigative journalism and how media could use beneficial ownership data. Practical exercises on creating stories out of BO information will be conducted</i></p> <p><i>Facilitated by:</i> International Consortium of Investigative Journalists (ICIJ) or the Center for Investigate Journalists in the Philippines. (TBC)</p> <p><i>Speakers:</i> Lhagva, TVMongol (International Consortium of Investigative Journalists), Nyein Nyein (Myanmar) Malou Mangahas-Center for IJ, Philippines; Gulnura Toraliyeva, Kyrgyz Republic, Maw Htun, NRG Myanmar, PWYP Philippines</p>	<p>Policy and legal support: Disclosure of Politically Exposed Persons (PEPs) in extractive projects</p> <p><i>This session will compare asset disclosure mechanisms in EITI member countries and identify opportunities for preventing potential conflicts of interest in licensing.</i></p> <p><i>Facilitated by:</i> Gay Ordenes, EITI International Secretariat <i>Speakers:</i> Emanuel Bria, NRG, FATF, Representative from Mongolia</p>
10:30 – 11:00	Break	
11:00 – 12:30 Parallel sessions	<p>Advocacy: Stakeholder engagement</p> <p><i>This session will explain the status of the global movement towards beneficial ownership transparency, and key areas where civil society can help. The participants will look at how to secure buy in from stakeholders.</i></p> <p><i>Facilitated by:</i> Eddie Rich, Deputy Head of EITI International Secretariat <i>Speakers:</i> Cielo Magno, CSO representative, EITI Board; representative from OGP; Diani Sadia Wati, BAPPENAS, government representative from Indonesia</p>	<p>Data collection: Verification of quality ownership data</p> <p><i>The session will look at the challenges to ensure adequate verification of the beneficial ownership data provided by companies, as well as effective sanctions for non-reporting and/or inaccurate reporting.</i></p> <p><i>Facilitated by:</i> Jack Lord, Open Ownership (TBC) <i>Speakers:</i> Cholpon Mambetova, ADB; Matthew Ray; Cary Votava; FATF and/or OECD (tbc)</p>
12:30 – 13:30	Lunch	
13:30 – 15:30 Drop in session	<p>Beneficial ownership technical advice</p> <p><i>Participants who would like to discuss any of the themes of the sessions from the workshop are invited to approach the speakers and contributors from the sessions.</i></p>	

	<p><i>Experts and practitioners will be available to answer questions related to beneficial ownership transparency on topics including:</i></p> <ul style="list-style-type: none"> • <i>How to draft legislation and develop a regulatory framework for beneficial ownership disclosure</i> • <i>Due diligence in licensing and collecting ownership data through the licensing process</i> • <i>Linking beneficial ownership transparency to anti-money laundering efforts</i> • <i>How to go about establishing an open beneficial ownership company register</i> • <i>How to verify beneficial ownership data</i> • <i>How investigative journalists use beneficial ownership data</i> <p>Experts: Cari Votava, FATF, APG, Lhagva (International Consortium of Investigative Journalists), Malou Mangahas (Philippine Center for Investigative Journalism), Matthew Ray, Jack Lord, NRGJ, ADB, EITI Secretariat.</p>
15:30 – 16:00	<p>Break</p>
16:00 – 16:30 Plenary	<p>Closing plenary – Road to 2020</p> <p><i>Concluding remarks Maria Teresa S. Habitan, Assistant Secretary of Finance, Philippines and EITI Board member)</i> Eddie Rich, Deputy Head of EITI Secretariat</p>
16:30-17:00	<p>Closing Session</p> <p>Claudia Buentjen, Principal Country Specialist Nella Sri Hendriyetty, Senior CBT Economist, ADBI <i>Participants will receive training certificates and provide feedback.</i></p>