

Beneficial Ownership in the Asia and Pacific Region

Regional Workshop

19-20 March 2019,

ADB, Manila

Multifunction Hall 2 and Auditorium Annex 1-2

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 countries in Asia and the Pacific (Armenia, Azerbaijan, Indonesia, Kazakhstan, Kyrgyz Republic, Mongolia, Myanmar, Papua New Guinea, Philippines, Tajikistan, Timor-Leste and Uzbekistan) 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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*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> <i>Venue: Multifunction Hall 2 and Auditorium Annex 1-2</i>	
09:00 – 9:30 Plenary	<p>Opening remarks: Beneficial Ownership Asia and Pacific Regional Workshop</p> <ul style="list-style-type: none"> • Bambang Susantono, Vice President Knowledge Management and Sustainable Development, Asian Development Bank • Eddie Rich, Deputy Head, EITI • Nella Sri Hendriyetty, Senior CBT Economist, Asian Development Bank Institute <p><i>Photo session</i></p>
09:30 – 12:00 Plenary	<p>Opening panel discussion: Emerging practices of beneficial ownership transparency in EITI countries</p> <p><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 52 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></p> <p><u>Facilitated by:</u> Eddie Rich, Deputy Head, EITI</p> <p><u>Speakers</u></p> <ul style="list-style-type: none"> • Bruno Carrasco, Director, Public Management, Financial Sector & Trade Division, Asian Development Bank • Diani Sadia Wati, Senior Adviser to the Minister, Ministry of Planning, Indonesia • Jose Aquino, Director, Securities and Exchange Commission, Philippines • Enkhbayar Nemekhbayar, Director of Investment and Research Division, Strategy Policy Planning Department, the Ministry of Mining and Heavy Industries of Mongolia • Ekmek Baipakpayev, Member of Parliament, Kyrgyz Republic • Eranki Venkata Bhaskar, Tax Policy Advisor, OECD Global Forum for Tax Transparency • Ivygail Ong, Consultant for Asia Pacific, Open Government Partnership

12:00 – 13:00	Lunch	
13:00 – 14:30 Parallel sessions	<p>Policy and legal support: Legal approaches to ownership transparency</p> <p><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></p> <p><u>Facilitated by:</u> Gay Ordenes, Regional Director for South-East Asia, EITI International Secretariat</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Emanuel Yosep Bria, Country Manager, Natural Resource Governance Institute, Indonesia • Ekmet Baipakpayev, Member of Parliament, Kyrgyz Republic • Eranki Venkata Bhaskar, Tax Policy Advisor, OECD Global Forum for Tax Transparency • Renata Fontana, International Tax Specialist/ ADB Consultant 	<p>Data collection: Reduce risks in extractives licensing</p> <p><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 have already started exploring how to use beneficial ownership data in licensing, such as Kazakhstan and Kyrgyz Republic.</i></p> <p><u>Facilitated by:</u> Oliana Valigura, Regional Director for Eurasia, EITI International Secretariat</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Batbayar Ochirbat, Executive Director Transparency International, Mongolia • Cari Votava, Senior Financial Sector Specialist, World Bank • Eldiyar Mukanov, Legal Department, the State Committee for Industry, Energy and Subsoil Use, Kyrgyz Republic • Zhanat Karibayev, General Director, LLP "Kazgeoinform", Kazakhstan
14:30 – 15:00	Coffee break	
15:00 – 17:00 Parallel sessions	<p>Policy and legal support: Legal approaches to ownership transparency</p> <p><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><u>Facilitated by:</u> Gay Ordenes, Regional Director for South-East Asia, EITI International Secretariat</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Diani Sadia Wati, Senior Adviser to the Minister, Ministry of Planning, Indonesia 	<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.</i></p> <p><u>Facilitated by:</u> Oliana Valigura, Regional Director for Eurasia, EITI International Secretariat</p>

	<ul style="list-style-type: none"> • Eranki Venkata Bhaskar, Tax Policy Advisor, OECD Global Forum for Tax Transparency • Ivygail Ong, Consultant for Asia Pacific, Open Government Partnership • Jose Aquino, Director, Securities and Exchange Commission, Philippines • Renata Fontana, International Tax Specialist/ ADB Consultant 	<p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Altynai Sydykova, Head of the EITI national secretariat, Kyrgyz Republic • Myo Min, Director, Directorate of Investment and Company Administration, Myanmar • Stephen Webster, UK Department for Business, Energy and Industrial Strategy
17:00 – 17:30	<p>Beneficial Ownership Disclosure Roadmap in Azerbaijan <i>The session will highlight progress and challenges of introducing beneficial ownership disclosure through an ADB-supported technical assistance project</i></p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Roland Pladet, Principal Finance Specialist, ADB 	
17:30 – 19:00	<p>Reception (Executive Dining Room) Welcome remarks from ADBI <i>Hosted by ADBI</i></p>	

20 March 2019		
Day 2 Beneficial Ownership Asia and Pacific Regional Workshop Venue: Multifunction Hall 2 and Auditorium Annex 1-2		
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><u>Facilitated by:</u> Gulnura Toraliyeva, Journalist, Kyrgyz Republic</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Malou Mangahas, Centre for Investigate Journalists, Philippines • Maria Aurora Teresita Tabada, Board Representative from Publish What You Pay, Philippines • Maw Htun, Country Manager, Natural Resource Governance Institute, Myanmar 	<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><u>Facilitated by:</u> Gay Ordenes, EITI International Secretariat</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Arpine Sargsyan, Ministry of Justice, Republic of Armenia • Aye Myat Mon, Director, Anti-Corruption Commission, Myanmar • Batbayar Ochirbat, Executive Director, Transparency International, Mongolia

	<ul style="list-style-type: none"> Nyein Nyein Senior Reporter, The Irrawaddy, Myanmar 	<ul style="list-style-type: none"> Emanuel Yosep Bria, Country Manager, Natural Resource Governance Institute, Indonesia Oliana Valigura, Regional Director for Eurasia, EITI International Secretariat
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><u>Facilitated by:</u> Eddie Rich, Deputy Head of EITI</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> Cielo Magno, CSO representative, EITI Board Diani Sadia Wati, Senior Adviser to the Minister, Ministry of Planning, Indonesia Ivygail Ong, Consultant for Asia Pacific, Open Government Partnership 	<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><u>Facilitated by:</u> Oliana Valigura, Country Manager for Eurasia, EITI International Secretariat</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> Cari Votava, Senior Financial Sector Specialist, World Bank David Binns, Director, Office of Anticorruption and Integrity, ADB Eldiyar Mukanov, Legal Department, the State Committee for Industry, Energy and Subsoil Use, Kyrgyz Republic Stephen Webster, UK Department for Business, Energy and Industrial Strategy
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. 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><u>Experts:</u></p> <ul style="list-style-type: none"> • Cari Votava, Senior Financial Sector Specialist, World Bank • Claudia Buentjen, Principal Country Specialist, ADB • David Binns, Director, Office of Anticorruption and Integrity, ADB • Eddie Rich, Deputy Head, EITI • Emanuel Yosep Bria, Country Manager, Natural Resource Governance Institute, Indonesia • Gay Ordenes, Regional Director for South-East Asia, EITI International Secretariat • Gulnura Toraliyeva, Journalist, Kyrgyz Republic • Maw Htun, Country Manager, Natural Resource Governance Institute, Myanmar • Oliana Valigura, Regional Director for Eurasia, EITI International Secretariat • Roland Pladet, Principal Finance Specialist, ADB • Stephen Webster, UK Department for Business, Energy and Industrial Strategy
15:30 – 16:00	Break
16:00 – 16:30 Plenary	<p>Closing plenary – Road to 2020 <i>Concluding remarks</i></p> <ul style="list-style-type: none"> • Eddie Rich, Deputy Head, EITI • Maria Teresa S. Habitan, Assistant Secretary of Finance, Philippines and EITI Board member
16:30-17:00	<p>Closing Session</p> <ul style="list-style-type: none"> • Claudia Buentjen, Principal Country Specialist • Nella Sri Hendriyetty, Senior CBT Economist, ADBI <p><i>Participants will receive training certificates and provide feedback.</i></p>