

## **Meeting Minutes of the 6<sup>th</sup> Myanmar EITI Multi-Stakeholders Group held at Ballroom, Summit Parkview Hotel on 11<sup>th</sup> September 2017 from 9:00 A.M to 5:00 P.M**

### **Aim and Objectives**

This meeting was conducted in order to review ongoing activities decided during 5<sup>th</sup> MEITI-MSG meeting, to confirm the decision points of Technical and Reporting Sub-committee meeting conducted on 28<sup>th</sup> September of 2017, Selection Sub-committee meeting on 29<sup>th</sup> September of 2017, Work plan and Governance Sub-committee meeting on 30<sup>th</sup> September of 2017 and Communication and Outreach Sub-committee meeting on 31<sup>th</sup> September of 2017, to confirm MEITI Implementation Manual, Capacity Building Plan, Communication Plan and 3 years MEII work plan, to consult on submitted revised Annual Progress Report (APR) for confirmation, to confirm BO Consultant's revised REOI and TOR & to discuss about the schedules of MEITI-MSG meeting that is aiming to be held in October or December, Sub-committee meetings, Trainings and Workshops.

### **Participants**

The meeting attendants are as follows: a total of 57 participants consist of (6) representatives from government, (9) representatives from private sector, (8) representatives from CSOs, (2) representatives from the World Bank, (10) representative from NCS, (4) representatives from the Budget Department of MOPF, (1) from US Embassy, (2) from DFID, (2) from Pyoe Pin as observers attended the meeting. The list of attendants is described in Annex (1).

### **1. Opening Speech of U Maung Maung Win, Chairman of MEITI-MSG and Deputy Minister of Ministry of Planning and Finance (MOPF) during 6<sup>th</sup> MEITI-MSG meeting conducted at Summit Parkview Hotel in Yangon on 11<sup>th</sup> September 2017**

U Maung Maung Win, MEITI-MSG chairman, gave the following speech:

- ❖ Firstly, I would like to say “Mingalarpar” to U Soe win, National Coordinator of MEITI Implementation Body & Executive Director of Renaissance Institute, Deputy Chairman and MEITI-MSG members and to all participants.
- ❖ As I could not have a chance to join in previous 5<sup>th</sup> MEITI-MSG meeting till the end, I deeply would like to say, “thank you” to U Win Htein who has taken the role of leading that meeting.
- ❖ The 5<sup>th</sup> MEITI-MSG meeting was successfully held on 28<sup>th</sup> July 2017 and we have been implementing the ongoing activities in compliance with decision points of this meeting.
- ❖ Internal Assessment Committee of the Department's meeting was conducted on 25<sup>th</sup> August 2017 in order to buy the office supplies and equipment for NCS office from KMD Company Ltd., and

the camera from LINN Company because these two companies are in line with the requirement of RFQ (Request for quotation). We are currently doing to contract with these Companies.

- ❖ In accordance with the decisions of 3<sup>rd</sup> MEITI Leading Committee meeting which was held on 16<sup>th</sup> August, 2017, we have been requesting to the respective Departments & Organizations to provide the data that IA would like to get both in English and Myanmar versions, and we have already permitted for the remaining process such as hiring translation service fees for the data in Myanmar version because we got No Objection Letter from World Bank in order to spend these costs from Operating Cost Budget Line in MOBD Work plan as Incremental Operating Cost (IOC).
- ❖ IA will send Scoping Study (draft) on 25<sup>th</sup> September 2017 (a week will be later than that in the work plan) because of this translation process. According to IA's trip plan, IA will arrive in Myanmar on 2<sup>nd</sup> or 3<sup>rd</sup> of October 2017 and Reporting Entities Workshop dividing two or 3 sectors will be held on 4<sup>th</sup> or 5<sup>th</sup> of October 2017 in order to fill the data/information in the Templates. Therefore, we would like to inform all that MEITI Reconciliation report date has changed to 14<sup>th</sup> February of 2018 from 20<sup>th</sup> January 2018 in the Contract due to changes in schedule.
- ❖ As Recommendations of Selection Sub-committee for Technical and Financial Proposal submitted by Moore Stephens that was selected as IA for Forestry Sector has already negotiated with Moore Stephens, this MSG meeting needs to approve it.
- ❖ As MOBD office will explain about World Bank's MDTF funds and the expenditures, I would like to request MSG members for discussing unclear facts.
- ❖ This MEITI-MSG meeting have to confirm on the following important decision points and discuss about other issues:
  - To confirm the decision points of Technical and Reporting Sub-committee meeting conducted on 28<sup>th</sup> September of 2017, Selection Sub-committee meeting on 29<sup>th</sup> September of 2017, Work plan and Governance Sub-committee meeting on 30<sup>th</sup> September of 2017 and Communication and Outreach Sub-committee meeting on 31<sup>st</sup> September of 2017.
  - To confirm MEITI Implementation Manual, Capacity Building Plan, Communication Plan and 3 years MEII work plan
  - To consult on submitted revised Annual Progress Report (APR) for confirmation
  - To confirm BO Consultant's revised REOI and TOR
  - To discuss about the schedules of MEITI-MSG meeting that is aiming to be held in October or December, Sub-committee meetings, Trainings and Workshops

Thank you all!

## **2. Special Message (U Win Htein, vice-chairman of MEITI-MSG)**

U Win Htein said that he would like to greet to MEITI chairman, MEITI-MSG members and to all participants. He continued that sub-committee meetings being conducted in August, that he would like to say "thanks" to sub-committee that implemented the activities in compliance with 5<sup>th</sup> MEITI-MSG meeting decision points and on August 16, MEITI Leading Committee has been conducted discussion on hiring IA for forestry and including pearl sector and that private sector looked worried concerning with BO and they can overcome it by obeying current laws/regulation except armed group

back-up companies. He finalized that MSG members from three sectors with different interests put their inputs to be successful meetings and he would like to urge that MSG members to be continued active participation in this meeting.

### **3. Special Message (U Soe Win, National Coordinator of NCS)**

U Soe Win said that he would like to say “thanks” to all participants especially Chairman, Deputy Chairman and MSGs members for joining this meeting. He continued that when he came along with IA in order to hold meeting with some departments, he found out that some are welcome to share their information while others are not. He urged that everybody needs to change their mindsets to support the country’s reform process in order to lead sustainable development and that some departments should release their red tape system because some procedures block the road and rules of World Bank are difficult to follow to run the activities successfully. He continued that RI focused on economic development of Myanmar that is essential for developing country and that they are worried for national companies will be invested in other countries and so, private companies should frankly discuss on their consciousness for BO and help the government by giving the right data/information. Finally, he urged that everybody should hand the government in a constructive way.

### **4. Update on MEITI implementation (Recap on 5<sup>th</sup> MSG decision) – Daw Zin Mar Myaing, NCS Program Manager**

Daw Zin Mar Myaing told that decision points of 5<sup>th</sup> MSG Meeting should be confirmed this 6<sup>th</sup> meeting and the current activities of NCS office. Then, MSG members discussed about them and approved these decision points.

### **5. Update on coordination events and getting approval on Sub-Committee Meetings (Daw Taryar Maung- NCS Technical Advisor)**

Daw Taryar Maung presented about the decision points of sub-committee meetings in order to be confirmed & approved by MSG and she said that MSG members need to discuss and confirm BO definition, PEP definition and discuss on BO template & field visit especially concerning with purposes & criteria as described in Annex (2).

Then, MSG members chose 1<sup>st</sup> priorities related to Field Visit Criteria for ground check.

### **6. MEITI Reconciliation Process Update (Daw Taryar Maung)**

Firstly, Daw Taryar Maung explained about 2014-15 and 2015-16 EITI timeline and said that she has not got Audit report from Audit General Office (AGO) concerning with data collection and Minister has already sent the official letter to AGO for releasing Auditor report. Translation process is started with the approval of World Bank and data from MGE have not received yet. She continued that AGO requested to the departments to send request letter to AGO for their departments’ certification and NCS office will send official letter with report timeline and schedule. She continued that the understanding on EITI process & scoping study review workshops for the government sector are expected to be held with the help of the government task

force and urged the two other sectors to discuss whether they would like to conduct these kinds of workshop in their sectors.

Then, a representative from the government sector discussed that last year MEITI chairman sent official letter to AGO in order to certify the documents from the departments and they also did it and we do not need to submit any official letter anymore. And then, Daw Taryar Maung discussed that if OAG had this kind of experience before, they will do it.

#### **7. Sharing Review on the process and timeline delay on procurement and activity of MEITI**

Daw Zin Mar Myaing (Program Manager of NCS) explained that when NCS implemented the activities, they have to follow MOBD and World Bank procedures such as procurement policy and financial policy so the activities are delay. She continued that when workshops/trainings are conducted later in such manner, these activities will be much delay.

Then, MEITI chairman said that he will negotiate between MOBD, World Bank and NCS.

Daw Tayar Maung discussed that if budget line in work plan is approved by MSG, it is necessary that NCS do not need to submit the procurement process from the beginning such as translation case and should have limited amount that NCS can do without asking their permission.

U Sun Win discussed that after they get approval from MSG for something, they have to discuss it in selection sub-committee meeting, and they approve it soonest but they have to do it with the procurement policy and he continued that World Bank relieves this process as much as they can and they ask “No Objection Letter” only if the expenses are over \$ 3000.

Then, MSG decides the following point:

- *To invite MDTF and other donors to Work plan and Governance Sub-committee meeting in order to discuss on/ explain about current situation*
- *To revise Procurement Process and Implementation Manual in Work plan and Governance Sub-committee meeting*
- *MSGs allow to have NCS office both in Yangon & Nay Pyi Taw in MOU and in MOU annex three, to put NCS office staff not mentioned their names*

#### **8. Explanation about Implementation Manual by NCS (Daw Zin Mar Myaing)**

Then, Daw Zin Mar Myaing (NCS Program Manager) explained about 6 discussion points in implementation manual revised by Sub-committee meeting and filling facts by NCS team and she said that these are needed to be approved by MSG. Then, MSG approves sub-committee discussion points.

#### **9. Revised Implementation Manual by World Bank (U Sun Win, Deputy Director)**

After that, U Sun Win explained about the revised implementation manual by World Bank and said that in annex 6, it is written advanced financial has to be cleared within 15 days and it is necessary to be discussed by MSG and only if MSGs approve it, implementation manual will be produced.

#### **10. Forest Independent Administrator Schedule and Planning Activity to do – Negotiation with IA forestry, Update schedule for reporting (U Tun Paw Oo, Technical Specialist)**

U Tun Paw Oo (Technical Specialist) explained about Contract Negotiation Meeting discussion points between the Myanmar EITI Office and Moore Stephens. He said that when they reviewed Forest IA's technical proposal, they found that the ToR has precise requirements for the Scoping phase but not covered in IA proposal and there is no mentioned about SOE which is very important the role of MTE in Myanmar and they discussed these points with Moore Stephens and Moore Stephens replied that they will cover all requirements in the Terms of Reference during the assignment and the work programme will cover all aspects.

Then MSG decides forest sector translation cost \$ 4000 to be put together in financial proposal of IA and then approve all discussion points with IA forestry.

#### **11. Statement of Sources and Uses of Funds (U Sun Win)**

U Sun Win explained about the costs used for MEITI process and said that for NCS, \$ 3000 is advanced for petty cash and there is no petty cash for MOBD and they get the actual cost after they expense it. Then, MSG approves statement of sources and uses of funds.

#### **12. Revised BO consultant REOI and ToRs (from individual consultant to firm consultant)**

U Sun Win explained about revised BO consultant REOI and ToRs to MSG and MSG asked to delete the fact that *“the consultant must also send copies of all deliverables to the World Bank in administrative arrangement of BO consultant ToR”* and World Bank and MSG approve to delete this fact.

Then MSG approves BO consultant REOI and ToRs (from individual to firm consultant)

Then he said that “President Letter – CSOs have to submit how to elect CSOs representatives for sub-national units (SNU), which organization, state and regions they represent to Presidential office” have discussed in sub-committee meeting and MSG need to discuss & approve it.

Then, CSO MSG member discussed that they would like to get this letter in order to show to their respective states/regions and MSG decides that this case to be discussed in working committee meeting.

#### **13. Updates on Annual Progress Report for Year 2017 and Comments/Feedbacks from International Secretariat on draft report**

Daw Taryar Maung explained about the Annual Progress Report (APR) from July 2016 to June 2017 and she said that government sector except MGE gave all information for APR but private sector did not send anything. She continued that Private Sector needs to submit it on 15<sup>th</sup> September (final date) and if beyond this date, data will not be accepted.

She also said that companies can send the data that they would like to be involved in APR and why APR should be done is that we can show “how government, private sector and CSOs are trying for EITI”.

Then, MSG approves that APR recommendation will be discussed in Technical & Reporting Sub-committee meeting held on 22<sup>nd</sup> September 2017 and to get approval from MSG by mail.

#### **14. Generals**

Then MSG decides the following for the general session:

- To conduct workshop with government EITI Task force for reporting template, scoping study and EITI standards (Before conducting workshop with IA for filling reporting template) on 18<sup>th</sup> September 2017
- To conduct workshop with private sector EITI Task force for reporting template, scoping study and EITI standards (Before conducting workshop with IA for filling reporting template) on 20<sup>th</sup> September 2017
- Reporting Template Training for reporting entities, Government and Private sectors on 3<sup>rd</sup> October 2017
- MSGs approve revised work plan and budget (July 2017 to March 2018)
- MSG agree to discuss about EOA, Press conference and BO law in work plan & governance meeting
- Press conference to be held in 7<sup>th</sup> MSG meeting on 2<sup>nd</sup> October 2017
- To approve detailed 3 years work pan and budget in next Work plan and Governance meeting
- Forest Trends's Liberia experience and their experts offer will be accepted to meet in Technical and Reporting sub-committee meeting on 22<sup>nd</sup> September 2017
- A total of 6 MSGs members (2 participants in each sector) will participate in BO conference conducted at Jakarta, Indonesia with the Invitation of International Secretariat and NRGi will support all cost on 23<sup>rd</sup> and 24<sup>th</sup> October 2017.

#### **15. Annexes**

- ❖ Annex 1 – Participants list
- ❖ Annex 2 - BO & PEP definitions and IA Field Viist's criteria

### First MSG Meeting Decision

Sr. No.	Description	Action taken by	Status
1	To use the old version of the ToR of MSG in this meeting and amend in the next meeting as necessary		On going
2	To fix/stipulate B.O. Template		On going
3	To include forestry and gems in the Oil and Gas sector		Done
4	To simultaneously perform hiring of IA and inclusion of forestry sector		Done

### Second MSG Meeting Decision

Sr. No.	Description	Action taken by	Status
1	For hiring IA for the forestry, to perform after two weeks interval from the timeline of hiring original IA.	MEITI Office and National Coordination Secretariat	On going
2	To continuing perform the necessities as the Beneficial Ownership Roadmap (Final) produced from the Beneficial Ownership Workshop held on 23.3.2017 and 24.3.2017 which was already approved by the representatives from MEITI-MSG.	MEITI Office and National Coordination Secretariat	On going

### Third MSG Meeting Decision

Sr. No.	Description	Action taken by	Status
1	To distribute the acknowledgement letter regarding the granting of the formation of Sub-National Coordination Unit not only to the State and Region Chief Minister but also to the heads of the respective departments. To make provision in the workplan for holding of direct meetings with the in-charges of the States and Regions and members of MSG and to continuing discuss such matter at the respective sub-committees.	MOPF-BD, NCS	On going

### Fourth MSG Meeting Decision

Sr. No.	Description	Action Taken By	Time	Status
1	To meet and discuss separately with other interested donors for the fund needed additionally for the workplan.	The Workplan and Governance Sub-Committee of MSG and other interested donors	As soon as possible	Not yet but add in Workplan

2	<p>To send the following representatives to the International Board Meeting and proposed training</p> <ol style="list-style-type: none"> <li>1. U Win Htein (the Government)</li> <li>2. U Zaw Bo Khant (Entrepreneur)</li> <li>3. U Saw Mi Bwe Doh Htun (Civil Society Organization)</li> <li>4. U Soe Win (NCS)</li> <li>5. Daw Khin Khin Lwin (The Budget Department of MOPF)</li> </ol>	Representatives from the Multi-Stakeholders Group	25-27 October 2017	On going
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**Meeting Resolutions of the Fifth MEITI-MSG Meeting (28<sup>th</sup> July 2017)**

<b>Sr. No.</b>	<b>Resolutions</b>	<b>Period</b>	<b>Person to perform</b>	<b>Remarks</b>	<b>Status</b>
1	To review and redraw the general definition of the Beneficial Ownership (BO) and draft roadmap presented for the inclusion in the Myanmar EITI-2 years report.	29 <sup>th</sup> August 2017 (MEITI Coordination Office, Yangon)	Technical and Reporting Sub-Committee ( the Budget Department of MOPF and NCS Technical Team)	To describe Beneficial Ownership (BO) as initial trial attached in Annex in the present report. To disclose and perform only appropriate for Myanmar after conducting a study after appointing the BO international consultant	Done
2	To meet, discuss and write for the selection of sector, location and company with the clear standard for the field site visit to be conducted in preparing the Myanmar EITI-2 years report.	29 <sup>th</sup> August 2017 (MEITI Coordination Office, Yangon)	Technical and R Reporting Sub-Committee (the Budget Department of MOPF and NCS Technical Team)		Done

**Meeting Resolutions of the Fifth MEITI-MSG Meeting (28<sup>th</sup> July 2017)**

<b>Sr. No.</b>	<b>Resolutions</b>	<b>Period</b>	<b>Person to perform</b>	<b>Remarks</b>	<b>Status</b>
3	To coordinate and discuss the pearl sector for the inclusion only as initial study in Annex in the scoping study not to affect the original report for the preparation of Myanmar EITI-2 years report and to send official letter to the Ministry by the National Coordination Secretariat Office.	31 <sup>st</sup> July 2017 (Office No. 19, Nay Pyi Taw)	MEITI NCS Team)	To include Myanmar Pearl as Pilot/Annex	Done

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4	To collect with official letter the information resent back from all the departments on the follow up letter on the recommendations of the first MEITI report to the Ministries and respective departments.	14 <sup>th</sup> August 2017	MEITI-the Budget Department and NCS Team	To receive back the replies on the recommendations not later than 14-8-2017 by the Ministry of Planning and Finance.	Done
5	To receive the remaining data in collecting required data in the scoping study for the preparation of Myanmar EITI-(2) years report, to meet again for the detail coordination for the data submitted and to perform continuing meeting and discussion with required departments.	1 <sup>st</sup> Week (1 to 7) August 2017 Nay Pyi Taw	NCS- Technical Team 1. Union Auditor General Office 2. Myanmar Pearl Enterprise 3. The Departments under the Ministry of Planning and Finance. 4. The Departments and State-owned Enterprises under the Ministry of Natural Resources and Environmental Conservation. 5. The Ministry of Electricity and Energy and State-owned Enterprises.	To cooperate with relevant departments and organizations.	Done

**Meeting Resolutions of the Fifth MEITI-MSG Meeting (28<sup>th</sup> July 2017)**

<b>Sr. No.</b>	<b>Resolutions</b>	<b>Period</b>	<b>Person to perform</b>	<b>Remarks</b>	<b>Status</b>
6	1. Approve the design of MEITI flyer by amending a few words. 2. Approve to produce white colour T-Shirt and Sport-Shirt and to continue to perform the design. 3. To approve by sending the letter to respective relevant organizations by the		MEITI-NCS-Communication Team	(To use continually the word natural resource instead of the word extractive resource used in the design of MEITI-Flyer).	Done

	NCS-Communication Team whether the website and webpage link are correct or not and launching and implementation of MEITI website. 4. Approve the works done for the official Email set up.				
7	To get approval by sending official letter to members of Multi-Stakeholders Group, alternative representatives of the members of MSG, representatives for respective working committees and their representatives by the NCS-Communication Team to check whether the contact address, contact phone number are correct or not.	August	MEITI-NCS-Communication Team		Done

**Meeting Resolutions of the Fifth MEITI-MSG Meeting (28<sup>th</sup> July 2017)**

<b>Sr. No.</b>	<b>Resolutions</b>	<b>Period</b>	<b>Person to perform</b>	<b>Remarks</b>	<b>Status</b>
8	Agreed to amend, include and write the words presented by the Budget Department regarding the right to ride airplane by government officials in the Implementation Manual.	August	MEITI-the Budget Department	Please see the detail in Annex.	Done
9	Approve to include, amend and write the proposed price by the representatives of MSG regarding the taxi ride in the Implementation Manual.	August	MEITI- the Budget Department and NCS Team and relevant representatives	Please see detail in Annex.	Done

	Approve accepting receipt vouchers written and approved by the passenger/taxi rider himself/herself in clearing the travelling allowance if original voucher is not available.				
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**Meeting Resolutions of the Fifth MEITI-MSG Meeting (28<sup>th</sup> July 2017)**

<b>r. No.</b>	<b>Resolutions</b>	<b>Period</b>	<b>Person to perform</b>	<b>Remarks</b>	<b>Status</b>
10	To approve and clear the travelling expenses by sending Viber, Messenger and Email to the Budget Department before the original vouchers could not be sent. To attach and send by collecting original vouchers within one month by the MEITI-NCS Finance Team. Decide and approve to resend back the original vouchers within two weeks by the respective persons and to repay the money back if the original vouchers could not be resent.		MEITI- the Budget Department and NCS-Finance Team	To commence practicing from this month by sending the resolution together with meeting minutes to decision makers by the Budget Department.	Done
11	To present again and get approval regarding per diem rate during travelling after discussing details in working committee meeting.	31 <sup>st</sup> August 2017 (MEITI Coordination Office, Yangon)	MEITI-the Budget Department and NCS Finance Team, Workplan and Governance Sub-Committee.		Done

**Meeting Resolutions of the Fifth MEITI-MSG Meeting (28<sup>th</sup> July 2017)**

<b>Sr. No.</b>	<b>Resolutions</b>	<b>Period</b>	<b>Person to perform</b>	<b>Remarks</b>	<b>Status</b>
12	<p>Approve the Mongolia Study Visit sponsored by NRG I within 24<sup>th</sup> and 30<sup>th</sup> September. The representatives to participate in the study visit were approved as follows:</p> <ol style="list-style-type: none"> <li>1.. H.E. U Maung Maung Win (Chairman)</li> <li>2.. U Win Htein (Vice Chairman)</li> <li>3.. U Aung Kyaw Moe (CSO)</li> <li>4.. U Naing Lin Htut (CSO)</li> <li>5.. U Khin Maung Han (Entrepreneur)</li> <li>6.. Dr. Sein Win (Entrepreneur)</li> <li>7.. U Kyaw Thet (Government)</li> <li>8.. U Than Htay Aung (Government)</li> <li>9.. U Soe Win (NCS)</li> <li>10. To send the name of in-charge from the Budget Department of MOPF-EITI Branch on 4<sup>th</sup> August.</li> </ol>	August	MEITI-the Budget Department and NCS Team		On going
13	To send official letter to government representatives regarding the acknowledgement letter for the Mongolia Study Visit sponsored by NRG I and passport application.	31 <sup>st</sup> August 2017 (MEITI Coordination Office, Yangon)	MEITI-the Budget Department and NCS Team		Done

**Meeting Resolutions of the Fifth MEITI-MSG Meeting (28<sup>th</sup> July 2017)**

<b>Sr. No.</b>	<b>Resolutions</b>	<b>Period</b>	<b>Person to perform</b>	<b>Remarks</b>	<b>Status</b>
14	Agreed and decide to hire translator for the translation of Implementation Manual and EITI Standard 2016.	August	MEITI-NCS Team	Calling three quotations and select and hire the translator.	On going
15	The General Administration Department (Headquarters) shall send official acknowledgement letter of the list of representatives who are going to attend the respective meetings organized by the MEITI				Done
16	The dates of meetings to be held during August: 1. Selection Committee Meeting- 28 August 2. Technical & Reporting Sub-Committee Meeting- 29 August 3. Workplan and Governance Sub-Committee Meeting- 30 August 4. Communication and Outreach Sub-Committee Meeting- 31 August 5. Mining Cadastre Committee Meeting- 1 September 6. 6 <sup>th</sup> MSG Meeting- 8 September		MEITI-the Budget Department and NCS Team	All working committees Meetings shall be held at the MEITI Coordination Office, Yangon	Done

**Meeting Resolutions of the Fifth MEITI-MSG Meeting (28<sup>th</sup> July 2017)**

<b>Sr. No.</b>	<b>Resolutions</b>	<b>Period</b>	<b>Person to perform</b>	<b>Remarks</b>	<b>Status</b>
17	Approve the payment of US\$ 27,800 for the staff salary of NCS (for July and August 2017)	31 July 2017	The Budget Department of MOPF	To separately present the operation cost (NCS)	Done
18	Approve Mr. Michael Barron and Mr. Tim Law presented with the evaluation report by the Beneficial Ownership (BO) Consultant Selection Committee.		The Budget Department of MOPF	To continue to perform the matters to be carried out.	Done
19	Approve Enrique Ortega Girones presented with the evaluation report by the Mining Cadastre Consultant Selection Committee.		The Budget Department of MOPF	To continue to perform the matters to be carried out.	Done
20	To review, add and amend the draft to be prepared by the National Coordination Secretariat Office for sending recommendations of first EITI report to the entrepreneurs back up by the Tatmadaw (Myanmar Armed Forces)		NCS		Done

### The decision points of 6<sup>th</sup> MEITI-MSG meeting

No.	Decision Points	Duration	Responsible person/ organization	Remarks
1	MSGs approve on BO definition discussed by sub-committee meeting MSGs agree to add 5 percent share in every facts means within the time period of 2014-15 and 2015-16 and to send it to IA See attached one	12 <sup>th</sup> September 2017 (Tuesday)	Taryar Maung, NCS office	
2	Approve on definition of Politically Exposed Persons (PEPs) See attached one	12 <sup>th</sup> September 2017 (Tuesday)	Taryar Maung, NCS office	
3	For field visit for ground check, MSGs agree first priorities such as Jade & Gem stone, PhaKhant and Sharing To decide the name when material threshold is developed See attached two	12 <sup>th</sup> September 2017 (Tuesday)	Taryar Maung, NCS office	
4	To invite MDTF and other donors to Work plan and Governance Sub-committee meeting in order to discuss on/ explain about current situation To revise Procurement Process and Implementation Manual in Workplan and Governance Sub-committee meeting	12 <sup>th</sup> September 2017 (Tuesday)	NCS , Work plan and Governance Sub-committee	
5	To send official letter including reporting timeline to Audit General Office by NCS	13 <sup>th</sup> September 2017 (Wednesday)		
6	To send official letter to Myanmar Pearl Enterprise by NCS	13 <sup>th</sup> September 2017 (Wednesday)		
7	To send meeting minutes concerning with discussion points between the one who queries about MEITI process and Daw Tayar Maung	14 <sup>th</sup> September 2017 (Thursday)	Taryar Maung, NCS office	
8	MSGs approve for sending matters that causes delay to NCS activities to government working committee held on 14 September 2017 to negotiate with World Bank	14 <sup>th</sup> September 2017 (Thursday)	MOBD and NCS & Government Working Committee	If necessary, Leading Committee



	and to invite government representative from AGO			meeting will be held and their decisions are final
9	To submit on sending official letter to companies backed up by Tatmattaw (Army) to Government working committee To send official letter to companies by Working Committee According to International Secretariat's Recommendation (7.6)	14 <sup>th</sup> September 2017 (Thursday)	MOBD and Government Working Committee	
10	To conduct workshop with government EITI Task force for reporting template, scoping study and EITI standards (Before conducting workshop with IA for filling reporting template)	18 <sup>th</sup> September 2017	MOBD, NCS and Government Working Committee	
11	To conduct workshop with private sector EITI Task force for reporting template, scoping study and EITI standards ( Before conducting workshop with IA for filling reporting template)	20 <sup>th</sup> September 2017	MOBD and NCS	
12	To invite MDTF and other donors through World Bank in Workplan and Governance Sub-committee meeting in order to solve rumors about NCS	13 <sup>th</sup> September 2017	NCS & World Bank	
13	To send official letter to Audit General Office (AGO) for verification of data/information filled in reporting template by Ministry		U Maung Maung Win (Deputy Chairman)	
14	Reporting Template Training for reporting entities, Government and Private sectors	3 <sup>rd</sup> October 2017	NCS and IA – Moore Stephens	
15	MSGs approve 6 discussion points of Sub-committee meeting concerning with rate for local travel in Implementation Manual		NCS and MOPF	
16	MSGs allow to have NCS office both in Yangon & Naypyitaw in MOU and in MOU annex three, to put NCS office staff not mentioned their names	13 <sup>th</sup> September 2017	NCS and MOPF	
17	MSGs allow translation cost to put in Forest IA's financial proposal and agree the negotiated facts with IA	13 <sup>th</sup> September 2017	NCS and MOPF	
18	Sub-committee meetings to be held in NCS office,		All MSG members	

	Yangon and MSGs meeting to be convened in Yangon and Naypyitaw alternatively.			
19	MSGs approve BO consultant's TOR & REOI		MOBD	
20	MSGs approve Statement of Sources and Uses of Funds		MOBD	
21	MSGs approve to delete " <i>the consultant must also send copies of all deliverables to the World Bank</i> " in Administrative arrangement of BO consultant ToRs		MEITI-MSGs	
22	To discuss about President office letter asking to submit CSOs election, background information of CSOs representatives in Sub-national Units (SNUs) to be circulated in MSGs during Working Committee meeting	14 <sup>th</sup> September 2017	NCS, MOBD and Working Committee	
23	APR recommendation will be discussed in Technical & Reporting sub-committee meeting held on 22 September 2017 and take approval of MSGs via email	25 <sup>th</sup> September 2017	MEITI-NCS	
24	MSGs approve revised work plan and budget (July 2017 to March 2018)		MEITI-NCS and MOBD	
25	MSG agree to discuss about EOA, Press conference and BO law in work plan & governance meeting		MEITI-NCS and MOBD	
26	<ol style="list-style-type: none"> <li>1. Government Working Committee meeting (14<sup>th</sup> September 2017, Nay Pyi Taw)</li> <li>2. Government Task Force Workshop (18<sup>th</sup> September 2017, Nay Pyi Taw)</li> <li>3. Private Sector Task Force Workshop (20<sup>th</sup> September 2017, Yangon)</li> <li>4. Technical and Reporting Sub-committee meeting (22<sup>nd</sup> and 26<sup>th</sup> September 2017, Yangon)</li> <li>5. Work plan and Governance Sub-committee meeting (12<sup>th</sup> September 2017, Yangon)</li> <li>6. Press Conference and 7<sup>th</sup> MEITI-MSG meeting (2<sup>nd</sup> October 2017, Yangon)</li> <li>7. Reporting Entities Template training (3<sup>rd</sup> October 2017, Yangon)</li> </ol>		MEITI-NCS and MOBD	

27	To send Official Letters (13 September 2017) <ol style="list-style-type: none"> <li>1. To send official letter to Myanmar Pearl Enterprise</li> <li>2. To send official letter with reporting timeline to General Audit Office</li> <li>3. To send request letter to the Department to produce official letter of asking companies to send information for APR</li> <li>4. To send invitation letters for government working committee meeting</li> <li>5. To send invitation letter to MOBD to conduct government EITI Task Force workshop</li> <li>6. To send request letter to government task force in order to ask information from Companies backed up by Tattmadaw (Army)- 14<sup>th</sup> September 2017</li> <li>7. To send official letter to World Bank in order to discuss about EITI process current situation &amp; ongoing activities with MDTF and other donors –12<sup>th</sup> September 2017</li> </ol>		MEITI-NCS and MOBD	
28	Press conference to be held in 7 <sup>th</sup> MSG meeting	2 <sup>nd</sup> October 2017	MSGs	
29	To approve detailed 3 years' work plan and budget	Next meeting	Work plan and Governance Sub-committee meeting	
30	Forest Trends's Liberia experience and their experts offer will be accepted to meet in sub-committee meeting	22 <sup>nd</sup> September 2017	Technical and Reporting Sub-committee, MOBD and NCS	
31	A total of 6 MSGs members (2 participants in each sector) will participate in BO conference conducted at Jakarta, Indonesia with the Invitation of International Secretariat and NRGi will support all cost.	23 <sup>th</sup> and 24 <sup>th</sup> October 2017	NRGI	

### Annex (1) – MSG Meeting Participants list

MSG				
No.	Name	Organizations	Position	Email Addresses
1	U Maung Maung Win	MOPF	Deputy Minister	maungmaungwin58@gmail.com
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22	U Soe Lwin	MGJEA	Alternative	-
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24	Dr. Thandar Aung	Alternate	MFMA	tda.aks@gmail.com
25	Dr. Aung Kyaw Hlaing	Alternate	MFMA	-

<b>NCS</b>				
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55	Hosana	NRGI	MA	
56	Kirsty Madden	DFAT	PM	Kirsty.Madden@dfat.gov.au

## Annex (2) – BO & PEP definitions and IA Field Visit’s Criteria

### *BO ownership definition*

#### *EITI requirements*

The EITI Standard sets a baseline for definitions of beneficial ownership. A “beneficial owner” must mean “*the natural person(s) who directly or indirectly ultimately owns or controls the corporate entity*”.<sup>1</sup> This means that the beneficial owner of a company can’t be another company: it has to be real people at the top of the corporate chain.

From that baseline, the MSG should agree a definition of beneficial owner which is appropriate to the Myanmar context. This should take account of international norms and national laws and should include ownership thresholds. It should also specify the reporting obligations for politically exposed persons, which means agreeing a definition of politically exposed person as well.<sup>2</sup>

#### *International norms*

I have located some international definitions of “beneficial owner” and “politically exposed person” to this paper. These are copied as Annexes. (including Analysis by NRGI)

<sup>1</sup> EITI Standard a.2.5.f.i. For further detail, see the EITI guide to Beneficial ownership: <https://eiti.org/document/guidance-on-beneficial-ownership#definition>

<sup>2</sup> EITI Standard a.2.5.f.ii. Note the disclosure requirement only applies to private companies: companies listed on stock exchanges will already publish

<sup>2</sup> EITI Standard a.2.5.f.ii. Note the disclosure requirement only applies to private companies: companies listed on stock exchanges will already publish ownership information, so are allowed simply to give a link to where that information can be found online (a.2.5.f.iii).

## *Proposal for MSG*

That, having reviewed (a) existing law in Myanmar and (b) the definitions attached in the annexes to this paper, which includes definitions drawn from international norms, the MSG agrees to approve the general definitions (working definition) of “beneficial owner” and “politically exposed person” attached at Annex as the basis of beneficial ownership disclosure in MEITI. The international consultant will review Myanmar context including laws and regulations to be aligned with international norms and this working definition will be refined and submitted to MSG for approval.

### **MEITI - Beneficial Ownership Definition (Drafted for Reporting Template)**

*A beneficial owner is a natural person(s) who, directly or indirectly, ultimately owns or controls a public or private company or corporate entity. A person is automatically considered to be a beneficial owner if they own or control 5% or more of the public or private company or corporate entity.*

- *The individual holds, directly or indirectly, 5% and above of the shares within reporting period which is 2014-2015 & 2015-2016 in the public or private company or corporate entity.*
- *The individual holds, directly or indirectly, 5% and above within reporting period which is 2014-2015 & 2015-2016 of the voting rights in the public or private company or corporate entity. Voting rights held by the public or private company or corporate entity, itself are disregarded for this purpose.*
- *The individual holds, directly or indirectly, the voting rights in the public or private company or corporate entity. Voting rights held by the public or private company or corporate entity, itself are disregarded for this purpose.*
- *The individual holds the right, directly or indirectly, to appoint or remove a majority of the board of directors of the public or private company or corporate entity.*
- *The individual has the right to exercise, or actually exercises, significant influence or control over the public or private company or corporate entity.*

*Reference to “ultimately owns or controls” refer to situations in which ownership/control is exercised through a chain of ownership or by means of control other than direct control. This definition should also apply to a beneficiary under a life or other investment.”*

*Politically Exposed Persons (PEPs):*

*PEPs are defined as individuals belong to one of the following categories:*

- ***Domestic PEPs:*** individuals who are or have been entrusted domestically with prominent public functions, for example, Cabinet Members at Union level & State and regional level, Members of Parliament both Union level and state and regional level, senior government (Deputy Ministers, Permanent secretaries, DGs, DDGs, Directors, Auditor General, Central Bank, etc..) , judicial or military officials **including Ethnic Armed Organizations' senior leaders and officials**, senior executives of state owned corporations, important political party central committee members and key influencers.
- ***Foreign PEPs:*** individuals who are or have been entrusted with prominent public functions by a foreign country, for example Heads of State or of government, senior politicians, senior government Officials, judicial or military officials, senior executives of state owned corporations, important political party officials and diplomats.
- ***International organization PEPs:*** persons who are or have been entrusted with a prominent function by an international organization, refers to members of senior management or individuals who have been entrusted with equivalent functions, i.e. directors, deputy directors and members of the board or equivalent functions, International Financial institution's leaders and senior staffs.

**PEPs shall also be defined to include:**

- ***Family members*** who are related to a PEP in one of the categories above either directly (consanguinity) or through marriage or similar (civil) forms of partnership, to the second degree of relation.
- ***Close associates*** who are closely connected to a PEP in one of the categories above, either socially or professionally.

### **Field Visit Criteria for ground check (Final)**

#### **Purpose**

Cross checking for data flow including Production and financial data as well as making sure for Quality Control  
Cross check Corporate Social Responsibility (CSR) based on paper documents provided by different stakeholders

**No. of Days :** two (or) three days ????? (it will depend on the Material Threshold by IA and their plans for field sites)

**Proposed Sector:** Jade & Gem Stone

**Geographical Area:** PharKant

**Preferred Scale :** Sharing



**Why?:** To verify all the data and on site checking in one place and can reduce time

**Criteria**

- Available to see the Data flow (production and financial)
- Must be active mining or operating area
- Easy to observe CSR activities and Environmental, Social Issue
- Must be in the list of the materiality threshold
- Availability of essential data prior to the visit
- Significant sector to identify and address
- Agreed by MSG members