

**BENEFICIAL OWNERSHIP DISCLOSURE (BOD)
ROADMAP IMPLEMENTATION SUB-COMMITTEE
TERMS OF REFERENCE (ToRs)**

Malawi EITI National Secrétariat
Revenue Policy Division
Ministry of Finance, Economic Planning and Development.
P.O. Box 30049,
Capital Hill,
Lilongwe 3.



Table of Contents

1.0 Introduction	3
2.0 Appointment and Composition of the BOD Roadmap Implementation Sub-Committee	3
3.0 Responsibilities, Duties and Tasks of the BOD Roadmap Implementation Sub-Committee....	4
4.0 Tenure of Office	4
5.0 Accountability, Responsibility and Reporting	4

1.0 Background

The Malawi Government made a resolve to join the Extractive Industries Transparency Initiative (EITI) on 17th June, 2014 when His Excellency the State President Prof. Arthur Peter Mutharika made a declaration during the State of the Nation Address. Following this expressed commitment, in keeping with the EITI standard, the Minister responsible for Finance was appointed to champion EITI in Malawi and the Malawi Extractive Industries Transparency Initiative (MWEITI) Multi-Stakeholder Group (MSG) was formed in 2015.

Since its formation, the MSG has developed an number policy documents aimed at institutionalising transparency. One such document is the Beneficial Ownership Disclosure (BOD) Roadmap which aims at institutionalising the disclosure of beneficial owners of extractive assets. The Roadmap was published on 1st January, 2017.

According to the EITI Standard (provision 2.5), all EITI member countries are required to implement (institutionalise) the Roadmap by January 2020 and ensure that all companies that bid for, operate or invest in extractive assets disclose the identity of their beneficial owners, including any politically exposed persons (PEPs) who are beneficial owners.

In order to meet the aforementioned EITI Requirement, during a session held on 1st December, 2017 to review terms of reference (ToRs) of all MSG sub-committees, an MSG Task Team assigned to manage the review decided that the BOD Roadmap Development Committee, whose mandate expired in January 2017, should be replaced by a Sub-Committee on BOD Roadmap implementation.

2.0 Appointment and Composition of the Beneficial Ownership Disclosure (BOD) Roadmap Implementation Sub-Committee

- 2.1 The Sub-Committee shall be called the Beneficial Ownership Disclosure (BOD) Roadmap implementation Sub-Committee.
- 2.2 The Sub-Committee shall consist of five (5) members. Three members shall come from each of the three constituencies of the MSG.
- 2.3 The Communications and Engagement Specialist shall serve as its secretary and the National Technical Manager shall serve as an ex-official member of the Sub-Committee.
- 2.4 Notwithstanding provision 2.2, the Sub-Committee shall have powers to co-opt any expert as it deems fit for the proper transaction of a particular task or tasks.

2.5 At its first meeting, the Sub-Committee shall elect its Chairperson and Vice Chairperson. The Chairperson shall preside over all meetings of the Sub-Committee. Where the Chairperson is not available for the meeting, an apology should be duly communicated, and the Vice Chairperson will preside over a particular meeting.

3.0 Responsibilities, Duties and Tasks of the Sub-Committee

Subject to the MSG, the Sub-Committee shall be responsible for performing the following responsibilities, duties and tasks:

- i. Create awareness among corporate entities dealing in extractive industries, Government Ministries, Departments and Agencies (MDAs) and Civil Society Organisations (CSOs) on the EITI Beneficial Ownership Standard and their responsibilities in order to secure their buy-in and optimum cooperation;
- ii. Undertake necessary consultations with relevant Government MDAs and Natural Resource Companies in order to secure their input to inform the implementation of the road map;
- iii. Facilitate and coordinate the implementation of the 2017 - 2020 Work Plan contained in the BOD Roadmap Document as well as the monitoring and evaluation of the same.

4.0 Tenure of Office

The Sub-Committee shall stand dissolved upon delivery of the foregoing responsibilities, duties and tasks. This notwithstanding, the MSG may, at its sole discretion, extend the mandate of the Sub-Committee with new responsibilities, duties and tasks.

5.0 Accountability, Responsibility and Reporting

- 5.1 The Sub-Committee shall be responsible to the MSG, as the appointing authority, and shall in that regard be accountable and answerable to it through the Chairperson of the MSG.
- 5.2 The Sub-Committee Chairperson shall submit to the MSG quarterly reports on the progress being made by the Sub-Committee. The Committee may also hold extraordinary meetings when need arises.
- 5.3 The MSG may decide to demand progress reports of the Sub-Committee.
- 5.4 Reports of the Sub-Committee shall include a list of all companies, MDAs and CSOs consulted and type of input solicited.

- 5.5 The Sub-Committee shall deliver its responsibilities, duties and tasks assigned to it not later than January 2020.
- 5.6 Annual review of budgets and work plans