

The Chair
Ad Hoc Committee
United Nations Framework Convention on International Tax Cooperation
By email only

Dear Sir,

Work of the Ad Hoc Committee to Draft Terms of Reference for a United Nations Framework Convention on International Tax Cooperation

Jersey welcomes the opportunity to provide substantive input to the work of the Ad Hoc Committee.

By way of background, Jersey is a self-governing jurisdiction whose head of state is the British monarch¹. It elects its own parliament, enacts its own laws, and has had full fiscal autonomy since the late 1100s. While the United Kingdom is responsible for the international affairs of Jersey, the island negotiates and enters into double tax agreements and tax cooperation agreements in its own name, under entrustment from the UK². At present, Jersey has double tax agreements with 29 other jurisdictions³. In recognition of Jersey's autonomy over its own tax matters, including in relation to international cooperation in tax matters, Jersey has represented itself at the OECD for the last twenty years in forums charged with developing, discussing and assessing global tax policy and cooperation. Jersey approaches this role constructively and actively: the island currently provides a member of the Steering Group of the Inclusive Framework on BEPS, and also the Chair of the Country-by-Country Reporting Working Group; and it actively participates in working groups and fora developing policy including in relation to the development of the Two Pillars solution to the digitalisation of the global economy.

Jersey has long considered that global initiatives on tax work best when developed in the most inclusive way possible to ensure both their legitimacy and that solutions developed are capable of being adopted by every relevant jurisdiction which chooses to do so, regardless of their constitutional status. Experience has shown that policies developed without involving all jurisdictions which might be called upon to implement them may be unworkable in practice.

Jersey appreciates that the United Nations has long-standing processes and approaches in relation to the development of international conventions, including in relation to the position of non-state jurisdictions. Nevertheless, it invites the Committee to consider that multinational conventions on tax which are intended to create a framework to impose obligations on jurisdictions at the level of a taxing authority raise questions about sovereignty, constitutionality and taxpayer protections which are best addressed at the level of taxing jurisdictions, rather than solely at a state level.

Jersey therefore:

- Calls on the Committee to ensure that the work on the convention is truly inclusive, by ensuring that autonomous tax jurisdictions have a role in its proceedings.

¹ [Constitution, Citizenship, Legal System | Island Identity](#)

² [Crown Dependencies: Jersey, Guernsey and the Isle of Man - GOV.UK \(www.gov.uk\)](#)

³ [International tax agreements \(gov.je\)](#)

- Invites the Committee to consider what adjustments may be appropriate to the usual procedures and practices in developing United Nations Conventions to reflect the unique nature of multinational tax conventions; and
- Proposes that the terms of reference make explicit reference to ensuring that the Convention respects the legal and constitutional position of all tax jurisdictions which might wish to adopt it.

Yours sincerely,



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Minister for External Relations

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