



**PERMANENT MISSION OF JAMAICA
TO THE UNITED NATIONS**

**Comments on the Ad Hoc Committee on International
Tax Cooperation- Bureau's proposal for a Zero Draft Terms
of
Reference for a United Nations Framework Convention on
International Tax Cooperation**

Thank you for the opportunity to provide comments on the Zero Draft of the Terms of Reference (ToRs). Jamaica remains committed to working in partnership with other jurisdictions and stakeholders to promote an inclusive, fair, transparent, equitable and effective international tax system.

Our comments are as follows:

1. Objectives

Item 7(c) makes reference to “... with a view to enhancing the legitimacy etc..”

Jamaica is of the view that the word “*enhancing*” clarifies that there are existing principles which guide international tax standards and cooperation, and that this process at the United Nations aims to build on those rules which have shortcomings, which now need improvements so that more countries, particularly developing countries can benefit. Nevertheless we would not be opposed to additional wording in para 7(c) to read: *..” with a view to enhancing EXISTING work as it relates to legitimacy, certainty, resilience, and fairness of international tax rules, while addressing challenges to strengthening domestic resource mobilization “*

2. Principles

Item 9 (viii) on Human Rights

We propose that given the fact that this document is intended to guide the General Assembly, made up primarily of non-tax people, who will be voting based on this document, the link between human rights and an inclusive and transparent tax system could be clearer.

3. Early Protocol

Item 14 on Early Protocols

We propose that the selection of early protocols should be guided by not only high priority concerns but also the availability of resources both from the countries and the assistance from the Secretariat to negotiating these protocols. We propose that the Committee submits a list of topics in an Annex to the TOR and the negotiators of the Framework Committee decide on which areas should be selected.

We propose a short statement be included possibly above Item 14, to clarify the relationship between the Framework Convention and protocols.

Jamaica’s understanding is that the TOR may suggest early protocols as well as future protocols. Ultimately, the Framework Convention negotiations will determine early and future protocols. Questions may be raised, however, regarding whether once a country signs on to the Framework Convention does it automatically mean they have agreed to any future protocols? This aspect should be clarified.

4. Capacity Building

Item 11 on capacity building

We propose that the heading be changed to read “Capacity Building to engage in Negotiations of the Framework Convention”. Capacity building in the international tax context has come to connote the building of technical skills in carrying out various functions in tax administration. That includes treaty negotiations, but that is not what is being dealt with in Item 11.

The matter of the timeframe to initiate capacity building needs to be addressed. The Committee has already commenced the process of carrying out consultations related to the overall objective of Resolution 78/230. The development of the TOR is very much akin to a negotiation process.

We are concerned about the availability of resources and other capacity constraints that will inhibit following the work of the Committee and the widest participation of all Member States.

General Observations

a. The Committee needs to ensure that key concepts such as DRM are agreed on given that this acronym has been used to mean “*Domestic Revenue Mobilization*” and “*Domestic Resource Mobilization*”

b. The zero draft could benefit from some restructuring. Understandably, the various versions tried to respond to the comments and requests of Member States and stakeholders. However, in trying to accommodate all the contending ideas, the document lost some of its structure - for example, the subject matter of Items 10, 14, and 15 needs more clarity. Currently, there is no clear distinction between commitments in item 10, topics for early protocol in Item 14 and additional topics in 15.

Finally, the readership of this document will include persons not involved/have minimal involvement in the process or just joining, an elaboration and expansion of the distinctions will assist in bringing greater clarity to the process.