

Norway – General Statement

Ad Hoc Committee to Draft Terms of Reference for a UN Framework Convention on International Tax Cooperation Second Session, 29 July – 16 August 2024

Distinguished Chair, Dear Colleagues,

Norway would like to thank the Chair, the Bureau, and the Secretariat for their hard work.

The current draft ToR provides a good basis for discussion.

The ToR should form the basis for negotiations that will result in outputs that have the broadest possible agreement and that will be widely adopted. Only by securing broad legitimacy will our efforts achieve the intended impact.

To achieve broad agreement, we should now focus on high-level issues and allow for flexibility in a future negotiating committee. The content and structure of the Convention should be our main focus, as well as the procedural elements of the negotiations. Future work should be indicated at a high-level if necessary.

The current draft ToR has a high level of detail on issues like commitments, early protocols and timelines while other issues are vaguely addressed or not at all. Let us highlight some issues that we believe should be better reflected:

1. Tax issues are complex, and the negotiations should be based on a thorough analysis identifying the relevant principles, commitments and in due course, protocols. Analysis is needed to place our work into the wider framework for international tax cooperation, avoid duplication and ensure that the capacity of Member States is put to the best and most effective use. Basing the negotiations on a broadly accepted analysis is fundamental to finding agreement.
2. We believe in a staged approach; first negotiating and agreeing on a Convention, and then, in a subsequent phase, negotiating protocols. Possible protocols can of course still be discussed as the negotiations of the Convention are ongoing. This will take into account capacity constraints of Member States and promote inclusiveness.
3. We recognise the urgency expressed by many Member States but believe that the negotiations should be based on realistic timelines. Norway is invested in this process and committed to achieving an ambitious outcome. However, given the novel and complex nature of this process, we should allow for sufficient time to explore and analyse different options, in particular when deciding on possible protocols. Many Member States are also concerned with their capacity to participate in the negotiations. More flexibility is needed on timelines and that the ToR should only require updating the General Assembly at set times of the progress made.

4. We continue to believe that consensus-based approaches give the best way forward. This ensures stability and predictability in international tax cooperation, and inclusiveness while respecting the sovereignty of Member State. There are several examples in the UN context of negotiations that are based on consensus. The UN Vienna Convention on the Law of Treaties in Article 9 also stipulates consensus as the default rule in negotiations of multilateral treaties.

Chair,

The discussions and written input have indicated that there are a wide range of views. Reflection on different points of view and compromises will be necessary if we are to succeed. However, we also see a broad willingness to achieve agreement on an ambitious joint outcome. Norway remains committed to the same and will engage constructively in the second session.