

**The Chairman**  
**Intergovernmental Negotiating Committee to Draft United Nations Framework Convention on International Tax Cooperation**  
**And Two Early Protocols**

**The Co-Lead**  
**Workstream I: UN Framework Convention.**

**Re: Written inputs from Nigeria for Workstream I Issues Note on the UN Framework Convention**

Nigeria appreciates the opportunity to submit comments to the INC Workstream I Issues Note of 27<sup>th</sup> June 2025. Nigeria also aligns with the submissions of the Africa Group (AG).

**Abstract**

This submission affirms Nigeria's support for the Africa Group's comments on the INC Workstream I Issues Note of 27<sup>th</sup> June 2025. Nigeria emphasises that the commitments outlined in the Terms of Reference (ToR) are not exhaustive and should be interpreted in light of relevant UN resolutions. While recognising the prioritisation of early protocols, Nigeria advocates for flexibility to address additional commitments as agreed by parties. The use of broad and inclusive language is recommended to enable effective international cooperation throughout the negotiation process.

**1. General Comments**

- a) Nigeria notes that the commitments in paragraph 10 of the ToR were not intended to be exhaustive as indicated by the use of the phrase "inter alia".
- b) Nigeria notes that priority may be given to the commitments regarding the two early protocols. However, the commitments contained in paragraph 10 of the ToR and others that may be agreed by parties should also be addressed.
- c) Nigeria calls for the development of the structural and governance elements of the Convention such as the Conference of the Parties, the Secretariat, and Subsidiary Bodies to be prioritised alongside the elaboration of substantive commitments.
- d) Nigeria endorses the language of sustainable development in paragraph 17.

- e) Paragraph 6 seems to suggest that the framework convention should address dispute resolution only, as it relates to tax disputes prevention and resolution. Nigeria is of the view that the Convention should provide the foundation for the 2<sup>nd</sup> early protocol on prevention and resolution of tax disputes in addition to the processes for the settlement of disputes arising from the operation/implementation of the framework convention.
- f) In relation to paragraph 9, Nigeria is of the view that it is necessary to avoid being limited by the prescriptive nature of the relevant commitment. As such, the language of the commitments should be broad and general enough to accommodate any agreed technical issues that may arise during the negotiation of the relevant protocols on each subject. This will remove restrictions on the freedom of parties to discuss and agree specific issues during the negotiation of the protocols and will allow for the achievement of inclusive and efficient international cooperation as envisaged by resolution 78/230.

## **2. Specific Comments**

### **a) Effective Prevention and Resolution of Tax Disputes**

**Issue:** Whether the commitments described in paragraph 9 would effectively address the concerns that have been expressed in the workstream with respect to effective prevention and resolution of tax disputes.

**Comment:** Nigeria is of the view that the commitment described in paragraph 9 does not effectively address the concerns that were expressed in the workstream with respect to effective prevention and resolution of tax disputes. This is because it appears that the paragraph suggested a “*rationale*” and an “*ultimate goal*” for the commitment. The paragraph also appears to suggest the drafting of the commitment with guardrails, scope and definition, thereby negating flexibility and adaptability to future circumstances and other related contexts. The commitment on effective prevention and resolution of tax disputes will benefit from a broad and unrestricted wording and provide an unrestricted foundation for the protocol to specifically provide necessary details on how to achieve an effective prevention and settlement of tax disputes in an inclusive and effective manner and as envisaged by resolution 78/230.

**Issue:** Whether the commitments described in paragraph 9 would provide sufficient support for the early protocol being developed in Workstream III.

**Comment:** Consistent with our earlier position, Nigeria is of the view that a broad and unrestrictedly worded commitment will be beneficial to the protocol being developed in Workstream III. It is vital for the commitment to be unrestrictive to allow parties commit to

specific details in the protocol which will achieve the effective prevention and resolution of tax disputes in line with the intentions of resolution 78/230.

**Issue:** Whether there are additional concerns regarding effective prevention and resolution of tax disputes that should be addressed in additional paragraphs of that article of the Framework Convention.

**Comment:** No additional concerns.

#### **b) Fair Allocation of Taxing Rights, Including Equitable Taxation of Multinational Enterprises**

**Issue:** Whether the elements included in paragraph 14 provide a useful outline of a commitment on this topic.

**Comment:** Consistent with our earlier position on how the commitments should be worded, Nigeria does not think that the elements included in paragraph 14 provide a useful outline of a commitment on fair allocation of taxing rights. They are more suited to providing a roadmap in the protocol on issues to consider while negotiating agreeable terms on the subject. We maintain that the commitment on this subject should be worded in broad and general terms to avoid restricting the freedom of parties to negotiate an efficient protocol in line with the intentions of resolution 78/230.

**Issue:** Whether there are additional concerns regarding the fair allocation of taxing rights that should be addressed by drafting additional paragraphs of that article of the framework convention.

**Suggestion:** It is advisable that the framework convention provides a general commitment on the subject while the protocol from Workstream II and any other relevant protocol originating from that commitment can provide further details on how to achieve fair allocation of taxing rights.