Introduction

Christian Aid and Action Aid have been working on issues of tax justice and development with our partners around the world for nearly 10 years, and so while we understand that this questionnaire is targeted at countries, we hope that the UN Tax Committee will appreciate this civil society input in its valuable work in the BEPS project.

Overall our concern is that while some of the main issues being faced by developing countries are in the BEPS action plan, others, notably tax incentives, harmful tax practices and the balance between source and residence taxation remains outside. Furthermore on the issues that are in the action plan we have concerns that the approach currently being taken by the OECD BEPS project is not paying sufficient attention to the needs of developing countries.

For example in the proposals on Country by Country reporting, for which several developing countries have recently expressed support[i] discussions appear to have paid scant attention to the need to ensure that the CbC report is actually available to developing countries. Similarly the consultation on Treaty Abuse did not seek to meaningfully engage in the challenges developing countries face as regards treaty negotiation and renegotiation (i.e. source-residence split, withholding taxes, ease of implementation, power imbalances)[ii].

Overall the lack of full and equal inclusion of developing countries in the BEPS process, and the lack of a clear commitment to assessing the impact of proposed BEPS project actions on developing countries, as recommended by the OECD, UN, IMF and World Bank in their report to the 2011 G20[iii], appears to be leading to a BEPS process that will not provide the adequate consideration of and solutions to developing countries' challenges in developing and enforcing effective international taxation rules[iv]. We hope that the UN Tax Committee will be able to help rectify this imbalance and Christian Aid and ActionAid are willing to support in ensuring that the BEPS project delivers for developing countries.

Detailed responses to Questions:

Q 1 and 2

1. *How does base erosion and profit shifting affect your country?*
2. *If you are affected by base erosion and profit shifting, what are the most common practices or structures used in your country or region, and the responses to them?*

The launch of the OECD's BEPS report in February 2013 was a welcome step forward in fulfilling the mandate the OECD received in 2012 from the G20 leaders, who showed deep concern about the problem of tax-base erosion and profit shifting by transnational corporations (TNCs). Such issues have represented a long-standing challenge for developing countries. There is increasing evidence of the significant scale of potential BEPS issues for developing countries. For example:

- The OECD Secretary General has said that developing countries lose up to three times the global aid budget to tax havens[v]
- A number of estimates that developing countries are losing significant revenues due to e.g. transfer mispricing and false invoicing
    - Estimates in 2008 that the cost to all developing counties was \$160bn[vi]
    - Estimates by PWC that developing countries can stand to increase corporate tax revenues from TNCs by over 40% by tackling transfer mispricing[vii]
    - Zambia believes it is losing \$2bn a year in lost revenues[viii]

- Illicit financial flows from developing counties are reported to have reached $950bn in 2011, increasing by around 10% year, with corporate tax avoidance the main source of illicit flows[ix]
- Companies making use of a range of legal avoidance techniques to significantly reduce tax liabilities in developing countries – in one case Zambia is estimated to have lost revenues of US$17.7m in three years from just one company[x]

BEPS often takes place when corporations and individuals are able to reduce their tax contributions by avoiding paying tax in those places where income is generated. This means that there is a disconnection between economic activities on the one hand; where they are reported for tax purposes on the other hand; and therefore ultimately how much tax revenue states are able to collect. This system is underpinned by international tax rules which are not fit for purpose and by the existence of secrecy jurisdictions that enable profit shifting.

The following are some of the main ways in which the current system allows for tax liabilities to be significantly reduced:

- TNCs that seek to reduce their tax liabilities often use cross-border payments cross to shift profits to those jurisdictions where tax rates are minimal or non-existent. These payments can include royalties, interest, payments for goods purchased for resale, fees for technical, managerial and other services and payments.

  In recent research Christian Aid has found that TNCs operating in India with links to tax havens could have paid as much as 30 per cent less tax compared to TNCs without those links[xi].

- BEPS can also take place when TNCs and wealthy individuals make use of tax incentives and tax treaties. In some cases these incentives and treaties are poorly designed, providing simple and significant risks of BEPS, including loopholes that facilitate the use of treaty shopping and round tripping. The cost of poor treaties/treaty shopping is significant, recent research looking at the impact of the Netherlands' treaties alone estimate a cost to 28 developing countries of €771million a year on dividend and interest income alone[xii]. Round tripping where domestic companies shift profits out of a country via an offshore company which hides their identity, then reinvest in the same country where it originated, this time as 'foreign direct investment' (FDI) which is granted substantial tax exemptions appear to be a significant problem. The amount of FDI which is actually round tripped is difficult to estimate, but it could amount to between 25 and 50 per cent of FDI into China and 10 per cent of FDI into India, the latter often routed via Mauritius[xiii].

As these practices cover everything from the technically legal through to the illegal, there are many challenges for revenue authorities in trying to counter BEPS. Even when an illicit transaction or set of transactions are identified, it is often extremely difficult and expensive to enforce tax law, especially for developing countries.

The current method for pricing transaction between related parties, based on the arm's length principle, has in fact become part of the problem, much due to weak corporate transparency. This has been further compounded by an unwillingness by many developed countries to seek to work with developing countries to find improved mechanisms for taxation. Meanwhile some of the larger emerging economies have been able to take new approaches unilaterally.

Discussions with revenue authorities in developing countries suggest to us that there would be benefits for all countries, including developing countries, to apply simpler benchmarks, fixed margins or ceilings in transfer pricing. These include both the kinds of fixed-margin methods developed by Brazil and others; and also benchmarks and deductibility limits already applied by some developing countries to royalty payments, management and marketing fees to limit foreign exchange loss and incentivise technology transfer.

Overall developing countries have been largely unsuccessfully in stemming the consequences of BEPS although in some cases they have been able to pursue a legal route to enforce provisions in their tax law to counteract BEPS[xiv].

Q4

What main obstacles have you encountered in assessing whether the appropriate amount of profit is reported in your jurisdiction and in ensuring that tax is paid on such profit?

In our discussions with officials in developing countries we have heard of several obstacles in assessing tax liabilities in developing countries, these include:

- Lack of information, and lack of willingness by companies to provide information when requested
- Capacity constraints in tax administration, exacerbated by:
    - Staff being poached by the private sector:
        - After being trained
        - Lead auditors being poached shortly after an audit begins
    - Taxpayers seeking to/threatening to consume as much of the authorities' capacity as possible when being investigated to encourage the revenue authority to drop the investigation to free up capacity for use elsewhere
- Lack of relevant comparables data when using the Arm's Length Principle
- Deficiencies in legal environment preventing enforcement
    - The difficulties of changing laws in many developing countries exacerbates this
- Taxpayers' abilities to utilise political influence to affect enforcement efforts

Q5 *Commenting on actions 4, 6, 8, 9, 10, 11, 12, 13*

As mentioned in the introduction we think that some of the proposed BEPS actions could, if executed in a way that addressed developing countries' concerns and capacities, be beneficial for them. However, we are concerned that the approach currently taken does not do that. Regarding the specific actions we have been asked to comment on, our concerns include:

- Action 4 – This is a potential area of concern for developing countries where thin capitalisation is often a problem. Solutions need to be sufficiently practicable for implementation by developing countries and must not provide loopholes that could be exploited by TNCs in developing countries.
- Action 6 – There are significant challenges as regards treaty abuse in developing countries, but they go beyond the scope of the discussion paper put forward by the OECD. For this action to be sufficiently meaningful for developing countries it should also seek to address not just abuse but also source and residence issues and the power imbalance in negotiations[xv]
- Actions 8-10 – Transfer (mis-)pricing is a significant challenge to developing countries, and improvements to current rules need to take place to ensure developing countries can

seek appropriate tax contributions from TNCs. The best solution may be outside of the arm's length principle however, something that the OECD appears to not want to consider. We believe that there should be more comprehensive research done into alternatives to the ALP and how effective they may be for developing countries.

Even within the ALP there may be ways to make the system more useful for developing countries, but it seems from the discussions so far that ensuring new approaches to transfer pricing are effective in developing countries does not appear to be part of the criteria for assessing potential actions.

- Action 11 – This would clearly be useful for developing countries to have a better understanding of the scale of BEPS
- Action 12 – While developing countries could certainly benefit from disclosure of aggressive tax planning arrangements many developing countries suffer from the problem that the tax planning arrangements are devised and implemented to a large degree from central offices, with more limited details being available in subsidiaries. This can create a challenge in disclosure. A potential way to alleviate this somewhat would be for there to be a requirement for disclosure by the parent of tax planning arrangements that have an impact on developing countries. This was proposed by a number of NGOs in UK to be part of the DOTAS regime in the UK[xvi], it also follows the recommendation made by the OECD as far back as 1998[xvii].
- Action 13 – Again there are potential benefits here, though we reiterate the points around Actions 8-10. We are also concerned that it us under this action that Country by Country reporting is being discussed. We are pleased that Country by Country reporting is to be adopted to some degree; we have been advocating for some time CbC has the potential to substantially assist developing countries is assessing tax returns. We do have a significant concern on how developing countries are to be able to access the report that is being proposed by the OECD. The discussions appear to be heading towards requiring the CbC report to be filed with the parent country authority and then shared under treaty provisions. This poses significant challenges for developing countries many of which do not have extensive treaty exchange networks. It is also unclear just how exchange under treaty provisions will take place. It would not appear to be liable for spontaneous exchange, and on request usually requires a reason on which to base the request. This creates a paradoxical situation where a country would need to justify a request for information, but will need the information itself before knowing whether there is a risk on which to justify the information request[xviii].

Q 8

> *8. Having considered the issues outlined in the Action Plan and the proposed approaches to addressing them (including domestic legislation, bilateral treaties and a possible multilateral treaty) do you believe there are other approaches to addressing the practices that might be more effective at the policy or practical levels instead of, or alongside such actions, for your country?*

Christian Aid, Action Aid and many other NGOs from both developed and developing countries are concerned that the whole approach of the BEPS project, being led by the OECD/G20, is likely to be ineffective for developing countries as they are not an integral part of the process. We believe that an approach that fully includes developing countries in a process of reform of international tax and includes an assessment of the impact of proposed reforms on developing countries is vital if reforms are to work effectively for all countries, not just the

OECD/G20. The UN for example would be a much more legitimate and representative forum in which to have discussions on the reform of global tax rules.

Notwithstanding that proviso, within the BEPS process there are concerns that many of the approaches may not be effective/appropriate for developing countries. For example the discussion draft on Treaty Abuse proposes more technical anti-abuse clauses that are likely to be complicated to apply, and so unlikely to be effective in many developing countries. Similarly the challenges that many developing countries have in both reforming domestic legislation and in avoiding being taken advantage of in unequal international negotiations mean there are challenges where solutions proposed as part of the BEPS project relies significantly on bilateral treaties and extensive new domestic legislation. While there is much talk of capacity building to develop and support revenue authorities in developing countries there is not the matching funding committed (the UK for example averages around £20m a year on capacity building[xix] in a total UK ODA budget of around £11bn). This also neglects the fact that developing countries cannot afford to wait many years for their capacity to be built to that of a developed country, there is a need for solutions that accommodate their existing capacities. If such capacity accommodating / capacity appropriate solutions were sought this would hopefully reduce the need for capacity building to a level that would be more aligned to the funding that is actually available, and allow support to be more targeted and ultimately more effective. We encourage the BEPS project to adopt such an approach.

Q9

> *9. Having considered the issues outlined in the Action Plan, are there other base erosion and profit shifting issues in the broad sense that you consider may deserve consideration by international organisations such as the UN and OECD?*

Our discussions with developing countries (both governments and revenue authorities) over the years and the regional consultations on BEPS have highlighted a few main areas of concern for developing countries that do not feature in the Action Plan. These include the source vs residence taxation issue and harmful tax regimes. Within harmful tax regimes we consider not only the effect of secrecy jurisdictions on BEPS but also the loss of revenue due to the granting of inappropriate and wasteful tax incentives[xx].

Political willingness to change legislation has also been mentioned as a major issue by developing countries, together with the administrative capacity needed to implement changes. Participants in the Asian BEPS consultation in Seoul remarked the challenges faced in policy implementation due to current constraints on capacity and access to information. They stressed that the Action Plan's proposal to counteract BEPS should take this into account and that interventions should be accompanied by capacity building for developing countries. To address the issue of feasibility of implementation we would recommend that the Action Plan explores options such as deduction limitation as a possible intervention to reduce BEPS. This is discussed in more detail below.

Source and residence issue

Many developing countries face challenges with high value functions being offshored, for example intellectual property and intra-company services. The challenge can come both through mispricing of transactions and through the limited source taxation of such functions[xxi]. Tax treaties often reduce further, and more permanently, developing countries' abilities to impose taxes on these functions – e.g. through the reduction of withholding taxes on royalties, interests and dividends[xxii].

However, low-income countries' revenues are often harmed not only by treaty abuse/shopping, but by normal treaty 'use' where capital and income flows between treaty partners are predominantly in one direction. Given the absence of conclusive evidence that such revenue sacrifices do indeed deliver investment, jobs or growth for low-income countries, initiatives to tackle treaty abuse should not just update inadequate anti-abuse protections of old treaties, but address the balance between source and residence taxing rights.

Capital gains tax appears to be a further area of concern. Some treaties[xxiii] contain articles reserving all capital gains taxation to the residence state of the investor. These can sometimes then combine with rules in a residence state exempting capital gains tax payments all together for the TNC.

Greater source taxation, for example through withholding taxes and retaining rights to tax capital gains, would appear to be a relatively simple and effective way forward for many developing countries seeking to tackle base-erosion and profit shifting.

Harmful tax regimes

By harmful tax regimes we mean the 'traditional' tax havens who through low or no taxation on certain streams of income and capital as well as high levels of secrecy in their jurisdictions attract passive capital and erode the tax base in countries where the economic activity takes place; as well as jurisdictions which otherwise lacks tax haven features but does however contain some harmful tax provisions such as e.g. patent boxes. Tax exemptions and incentives that effectively create a race to the bottom and erode of the tax bases of all states involved could also be considered to be part of a harmful tax regime. These are particularly harmful to developing countries and should be addressed as part of a global tax deal, but are not in the BEPS action plan.

Effective measures to align the tax base with economic activity in low-income countries must encompass (i) source-based measures, including greater ability for both developed and developing countries to impose higher taxes on/limit the tax-deductibility of/set pricing ceilings on cross-border transactions enjoying harmful tax regimes in the other state; (ii) residence-based measures in developed capital-exporting economies, including CFC regimes that apply 'headquarter' taxes to low-taxed income irrespective of where that income has been shifted from; and limits to foreign income exemptions in instances where the income has been subject to low- or no-tax in the country of source; (iii) collective measures to directly address harmful tax regimes, including emerging efforts by developing country groupings against harmful tax competition, like the standards proposed within the East African Community and the West African Economic and Monetary Union. These deserve greater international support, and should not be undermined by G20-headquartered multinational firms seeking discretionary tax incentives.

In fact, revenue loss due to tax incentives has been mentioned as a major issue for developing countries, including at the regional consultations held on the Action Plan. Notably this issue does not feature in BEPS and is eminently political. This means that, rather than being improved by technical solutions, harmful tax incentives are an expression of the unequal negotiating power of developing countries. Not only do tax incentives cause significant revenue loss, they also perpetuate a poor business environment as they are often used to rewards specific investors regardless of their business performance, thus skewing the market.

In an effort to attract FDI, many countries are engaging in a race to the bottom through the granting of tax incentives without a proper cost/benefit analysis and in a non-transparent manner. The OECD has found that for six African countries tax incentives (i.e. potential tax revenue foregone) represented 33 per cent of their total tax collection. For India in 2011 revenue lost due to tax incentives to attract FDI amounted to 5.7 per cent of GDP in the financial year 2012-13[xxiv]. In Colombia, the government lowered mining royalties from 6 to 1 per cent in 2006. The cost of this exemption awarded to one single extractive company exceeded Colombia's total spending on health infrastructure[xxv]. Action Aid have estimated that tax incentives may be costing developing countries $138bn a year[xxvi]

As a recent briefing from African Tax Administration Forum (ATAF) points out, tax incentives are biased, as they are not granted based on a company's performance but rather to reward business and political affiliates. In addition, it is questionable whether tax incentives are successful in attracting FDI or whether those resources could be better spent on improving those factors which investors cite as the most significant for their investment decisions such as infrastructure, macroeconomic stability and unskilled workforce amongst others[xxvii]. Overall, many developing countries feel that issues of tax incentives are not being tackled by the Action Plan and that there needs to be more meaningful action on tax incentives.

It is notable that the recommendations on tax incentives made by the OECD, UN, IMF and World Bank to the G20 in 2011 do not appear to have been followed up on; the recommendations included encouraging G20 companies to ensure that developing country tax authorities are included in negotiations on tax incentives, as well as for G20 countries to lead on best practice on costing and reviewing tax expenditure. Neither of these recommendations were publicly endorsed by the G20 at the time.

There clearly needs to be action by all countries to improve the regimes around tax incentives. As highlighted in the regional BEPS consultation in Seoul there is a need to attract investment, but this needs to be investment that provides sustainable development, not poor quality, transitory investment that provides much greater returns to companies than to the societies they are operating in.

Harmful tax treaties and treaty networks

The BEPS process could have also have dealt with negative spillovers from large treaty networks on the revenue bases of developing countries. These are not confined to the artificial engineering of entitlement to treaty benefits by an entity in a third country (treaty shopping). They may also be generated by the straightforward application of a nonetheless unbalanced tax treaty involving treaty partners between whom capital, services, expertise or payments for intellectual property primarily flow in one direction – as is frequently the case in treaties between developed and developing countries, and between high- and low-tax jurisdictions. A straightforward, common example is the relocation of intellectual property such as African- specific brands from African countries to 'IP-friendly' jurisdictions with large treaty networks, including some European countries, to which substantial intra-group royalty charges can then be made[xxviii]. For example, the Netherlands' generous amortization rules for IP, and other low-tax measures such as the 'Innovation Boxes' or 'Patent Boxes' becoming increasingly common within the European Union, allow the returns to such intangible assets to be taxed at a very low (or even nil) effective rate; and as long as an exit charge can be avoided when the intellectual property is first moved, then other efforts to prevent such base erosion, such as the application of domestic withholding taxes on the royalty payments at source, will generally be restricted by treaties.

The combination of treaty limitations and low-tax domestic environments for mobile income in 'treaty havens', including within the EU, may thus be an invitation to base-eroding payments from lower- income countries; an incentive for manipulating returns to intangible assets; and also a wider disincentive to multinational businesses locating higher-value functions like management and research/development in developing countries themselves, denying them the economic development benefits that such functions can bring.

Negative spillovers caused by imbalanced tax treaties are not just confined to older or outdated treaties. Many newly-signed treaties signed by low- and lower-middle-income countries are often equally imbalanced. Several treaties recently signed between Mauritius and other African countries, for example, contain a capital gains article reserving all capital gains taxation to the state of the investor's residence, while Mauritian tax rules effectively exempt Mauritian investment companies from capital gains tax[xxix]. These recent treaties seem likely to invite 'round-tripping' of domestic investment in the African countries concerned, and are in any case likely to deny these countries the ability to levy tax on the gains from the sale of domestic businesses, mines, oil extraction rights and much else, if owned by investors via a Mauritian holding company. This is potentially a serious handicap to these governments' ability to benefit from the value of their natural resources, productive sectors and burgeoning consumer markets in the future.

The BEPS project could have usefully addressed the problems of harmful tax treaties and tax treaty networks, and their omission from this process is highly regrettable from a developing country point of view.

Deduction Limitations

Limiting deductions on payments made across borders could represent a feasible way of countering BEPS which has the advantage of being implemented unilaterally. Deduction limitations operate by disallowing deductions of particular payments in situations where the payments are likely to lead to base erosion.

Because of their relative simplicity, and because they operate with respect to payments made to affiliates of any country's TNC - and not only a country's home-based TNCs - deduction limitations could be particularly well-suited to be used by developing countries to protect their tax bases from erosion.

To illustrate how deduction limitations would be applied, TJN Africa have used the following examples taken from Action Aid's report *Calling Time: Why SABMiller should stop dodging taxes in Africa*[xxx] which describes the BEPS practices of the multinational brewery SABMiller to reduce its tax payments in Ghana.

No more going Dutch: This expression refers to the practice of attributing ownership of brand and other intangible assets to low-tax rate Netherlands, with the African subsidiaries of the group having to pay royalties for the use of brand. The suggested deduction limitations would have disallowed reductions for royalties paid to holding company registered in the Netherlands, thus countering base erosion.

No role for Switzerland: The Swiss role refers to the practice of paying management fees to subsidiaries located in Switzerland, thus shifting profits out of the country and reducing tax contributions locally. In this case, the suggested statute would counter base erosion by disallowing the deduction of fees paid to the Swiss registered company. The proposed deduction limitation would be triggered by the lower tax rate enjoyed by the subsidiary company, thus stopping profits from being moved.

No need to detour to Mauritius: Action Aid explains how SABMiller has been routing the inventory destined to its Ghana subsidiary via Mauritius, a zero tax intermediary. The subsidiary based in Mauritius would then claim profit from the purchase and resale of the inventory before delivery to the African seller. Under the suggested statute, deductions for the cost of goods sold would be disallowed to the reseller, except to the extent the taxpayer can demonstrate that the charges do not represent profits that will be earned by a company which is subject to a low, or zero, tax rate, and which earns an excessive return on its expenses. Presumably, the Mauritius Company mentioned in this example is in fact subject to a zero tax rate, and performs no real business activity, so any profits accruing to that company would result in the disallowance of deductions in Ghana.

Nothing too thin on top: Thinning on top refers to the practice of Accra Brewery, a SABMiller subsidiary in Ghana, to borrow capital from Mauritian subsidiary MUBEX. The offsetting of interest payments against tax meant that less tax was paid to Ghana. Changes to these rules would mean that deduction of the interest payments made to the Mauritius Company would be disallowed by the Ghana.

Deduction limitations present the advantage of being implementable even within the current international tax rules and could represent a valuable tool to counteract BEPS. However, the ability of a developing country to implement such a policy is clearly dependent on political will and the capacity to negotiate and enforce effective measure to counteract BEPS. The issue of power imbalances in the designing and application of international tax rules is something that the BEPS process is not successful in addressing and the fact that the issue of tax incentives is not part of the plan is a clear demonstration of this. The regional dialogues have been a good starting place for the inclusion of developing countries' voices in the BEPS project. However, more needs to be done to ensure that those concerns are efficiently addressed within the BEPS project and beyond.

Recommendations in response to Q9:

- Enable reviews of the balance of source and residence taxation
    - This could be integrated with, but not limited to, discussions elsewhere on how to implement transfer pricing and/or alternatives in developing countries
    - This should take into account how moves towards territorial taxation may have changed previous assumptions on source/residence allocations and the incidence of double taxation
    - This could include for example provisions for developing countries to increase withholding taxes
- Create guidelines for OECD countries to follow when negotiating tax treaties with developing countries, especially low income countries, that seek to accommodate the differing powers and capacities of developing countries. These should include:
    - Requirements for independent analysis of the impact on the tax base and revenues of the developing country
    - Requirement that developing countries requests for renegotiation on development grounds be accepted promptly

- A process that reduces the opportunity for power imbalances to influence outcomes
- Explore the feasibility of deduction limitations as a policy measure to counteract BEPS based on feasibility of enforcement for developing countries.
- Include developing countries in negotiations such as the BEPS project as equal partners already from the outset of the project to ensure that their interests are accommodated within any final agreements.

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[i] Comments made at the Tax and Development Taskforce in Paris March 2014

[ii] See submissions by Christian Aid to Treaty Abuse consultation http://www.oecd.org/tax/treaties/comments-action-6-prevent-treaty-abuse.pdf (pp 119-123)

[iii] See Supporting the Development of More Effective Tax Systems: A Report to the G20 Development Working Group by the IMF, OECD, UN and World Bank - http://www.oecd.org/ctp/48993634.pdf pp27-28

[iv] See http://www.christianaid.org.uk/images/policy-brief-g20-fixing-the-cracks-in-tax.pdf

[v] http://www.theguardian.com/commentisfree/2008/nov/27/comment-aid-development-tax-havens

[vi] http://www.christianaid.org.uk/images/deathandtaxes.pdf

[vii] http://ec.europa.eu/taxation_customs/resources/documents/common/publications/studies/transfer_pricing_dev_countries.pdf - this report prepared for the EC by pwc in its high impact scenario shows how the potential gains to developing countries can be over 40% of revenues from TNCs.

[viii] http://www.bloomberg.com/news/2012-11-25/zambia-says-tax-avoidance-led-by-miners-costs-2-billion-a-year.html

[ix] http://iff.gfintegrity.org/iff2013/2013report.html

[x] http://www.actionaid.org/sites/files/actionaid/sweet_nothings.pdf

[xi] Alex Prats and Petr Jansky, Multinational Corporations and the Profit-shifting Lure of Tax Havens, Christian Aid Occasional Paper 9, www.christianaid.org.uk/images/ca-op-9-multinational-corporations-tax-havens-march-2013.pdf

[xii] See Should the Netherlands sign tax treaties with developing countries (SOMO, 2013) http://somo.nl/publications-en/Publication_3958

[xiii] http://www.christianaid.org.uk/Images/Invested-Interests-Christian-Aid-tax-report.pdf., page 7

[xiv] For a response to the BEPS report by an alliance of Northern and Southern tax justice organizations please see http://www.christianaid.org.uk/images/policy-brief-g20-fixing-the-cracks-in-tax.pdf

[xv] See endnote ii

[xvi] See http://www.actionaid.org.uk/sites/default/files/doc_lib/dotas_submission_aa_ca_ogb_stcuk.pdf

[xvii] See recommendation 106 and 107 in Harmful Tax Competition: An Emerging Global Issue (OECD, 1998) http://www.oecd.org/tax/transparency/44430243.pdf

[xviii] See Christian Aid submission on Country by Country reporting at http://www.oecd.org/ctp/transfer-pricing/volume1.pdf (pp257-262)

[xix] See http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130904/text/130904w0001.htm#1309053000983 (Developing Countries – Taxation question) and

http://www.publications.parliament.uk/pa/cm201213/cmselect/cmintdev/130/130.pdf (para 72 summarising spending since 2006-7).

[xx] http://media.wix.com/ugd/14d550_0fe83ef504fc465d8ccf6711842e960a.pdf

[xxi] See for example the discussion in http://www.un.org/ga/search/view_doc.asp?symbol=E/2013/45&Lang=E

[xxii] See for example Alliance Sud's research on Switzerland's double tax treaties and their increasing focus on reducing withholding taxes.

[xxiii] For example Mauritus-Kenya and Mauritius-Nigeria treaties signed in 2012

[xxiv] See the data reported in the Centre for Budget Governance and Accountability's discussion paper on tax exemptions in India, http://www.cbgaindia.org/files/recent_publications/Tax%20Exemptions%20in%20India.pdf

[xxv] Christian Aid, *Undermining the Poor: Mineral Taxation Reform in Latin America*, 2009 http://www.christianaid.org.uk/images/undermining-the-poor.pdf

[xxvi] http://www.actionaid.org/sites/files/actionaid/give_us_a_break_-_how_big_companies_are_getting_tax-free_deals_21_aug.pdf

[xxvii] http://media.wix.com/ugd/14d550_0fe83ef504fc465d8ccf6711842e960a.pdf

[xxviii] An example is detailed in M. Hearson & R. Brooks, Calling Time: Why SABMiller should stop dodging taxes in Africa (October 2010), pp. 23-24.

[xxix] For example, the Mauritius-Kenya and Mauritius-Nigeria treaties signed in 2012.

[xxx] http://www.actionaid.org.uk/tax-justice/calling-time-the-research