

From: The Youth for Tax Justice Network (YTJN)

For the Kind Attention Of: Mr. Ramy M. Youseff, Chair of the Intergovernmental Committee to draft a United Nations (UN) Framework Convention on International Tax Cooperation and Two Early Protocols (INC) and Marlene Nembhard-Parker and Michael Braun, Co-Leads of Workstream 3 on the Framework Convention

Monday, 24th August 2026

Subject: Written Submission by the Youth for Tax Justice Network (YTJN) on Workstream III – Protocol on Prevention and Resolution of Tax Disputes (CRP.34) Discussed during the 5th Intergovernmental Negotiations of the UNTC in New York, USA in August 2026.

Dear Chair and Distinguished Co-Leads,

The [Youth for Tax Justice Network](#) (YTJN) welcomes the opportunity to provide input on the Co-Leads' Draft Protocol on the Prevention and Resolution of Tax Disputes (A/AC.298/CRP.34).

This submission is presented on behalf of the children and youth of Africa and beyond. As we noted in our June 2025 submission, "secretive dispute resolutions deprive youth of public funds." We call for transparent and accountable dispute resolution mechanisms that protect the revenue needed for education, health, and climate action.

YTJN is a member of the African and Global Civil Society working groups on the UN Framework Convention. We are also part of the Financing for Development Children and Youth Constituency of the Major Group for Children and Youth (MGCY), which serves as the official and formal space for young people's engagement within the United Nations Financing for Development process, coordinating inputs that reflect the priorities, lived experiences and policy expertise of youth across regions.

This submission consolidates key reflections from a youth perspective and builds upon ongoing youth engagement in the global economic governance process, with a focus on strengthening the Draft Framework Convention on International Tax Cooperation under Workstream 3.

Abstract

The Youth for Tax Justice Network (YTJN) welcomes the Co-Leads' Draft Protocol on the Prevention and Resolution of Tax Disputes. As a global youth-led coalition, we base our submission on the Fifth Session discussions and our core principle that "secretive dispute resolutions deprive youth of public funds." We call on Member States to: (1) establish the Mutual Agreement Procedure as the core dispute resolution mechanism, not subject to reservations; (2) ensure mediation and conciliation remain voluntary and non-binding; (3) permit arbitration only with express consent; (4) ensure dispute prevention mechanisms like APAs are transparent and accompanied by capacity building; (5) include MAP as a mandatory core mechanism; (6) provide dedicated funding for developing countries' participation; and (7) ensure explicit youth participation in governance. We urge Member States to deliver transparent and accountable dispute resolution mechanisms that protect the revenue needed for education, health, and climate action.

1. ON THE MUTUAL AGREEMENT PROCEDURE (MAP): THE CORE MECHANISM

YTJN supports the Mutual Agreement Procedure as the core dispute resolution mechanism. MAP is a government-to-government process that preserves sovereignty while facilitating the resolution of cross-border disputes.

We call for:

- **Clear and accessible procedures** for taxpayers to initiate MAP.
- **Indicative rather than rigid timelines**, particularly for developing countries with limited capacity.
- **Transparency in the MAP process**, including notification to the taxpayer of the reasons for any decision to deny access or reject a case.

2. ON MEDIATION AND CONCILIATION: VOLUNTARY AND NON-BINDING

YTJN supports mediation and conciliation as voluntary, non-binding mechanisms that can complement MAP. However, we caution against making these procedures mandatory prerequisites for accessing other dispute resolution mechanisms

3. ON ARBITRATION: CONSENT-BASED, NOT MANDATORY

YTJN recognises that some countries have had positive experiences with arbitration. However, we also acknowledge the legitimate concerns of many developing countries that mandatory binding arbitration undermines tax sovereignty.

YTJN supports

- *Arbitration only where all parties expressly consent to its use, either through the Protocol or on a case-by-case basis.*
- *A **public roster of arbitrators** that reflects equitable geographical representation, different legal systems, and expertise from both developed and developing countries.*
- *Clear safeguards to ensure the independence and impartiality of arbitrators.*

4. ON DISPUTE PREVENTION MECHANISMS: APAS AND BEYOND

YTJN supports the inclusion of dispute prevention mechanisms, particularly Advanced Pricing Arrangements (APAs), which provide certainty before investment decisions are taken.

However, we are concerned that APAs have been "used as confidential arrangements, enabling multinational enterprises to significantly reduce their tax liabilities." We call for:

- Transparency in APA negotiations and outcomes.
- Capacity building for developing countries to participate effectively in APAs.
- Safeguards to ensure that APAs do not lock in questionable profit allocation methodologies.

5. ON THE LEVEL OF DETAIL: FIT FOR PURPOSE

YTJN recognises the tension between providing sufficient detail to make the Protocol operational and avoiding excessive prescriptiveness that may deter participation.

YTJN supports the Co-Leads' approach of providing a "sufficiently complete procedural pathway" for countries that lack existing mechanisms. However, we also agree that detailed procedural provisions should be moved to annexes or guidance notes where appropriate.

6. ON OPTIONALITY: CORE MECHANISMS MUST BE BINDING

YTJN supports optionality for dispute prevention mechanisms, which are largely domestic matters. However, we believe that MAP must be a core mechanism that is not subject to reservations.

YTJN supports optionality for dispute prevention mechanisms, which are largely domestic matters. However, we believe that MAP must be a core mechanism that is not subject to reservations

As India argued during the Fifth Session, "there should be some minimum commonality in the dispute prevention and resolution framework... so that the protocol remains effective and functional."

7. ON CAPACITY BUILDING AND UN SUPPORT

YTJN welcomes the provisions on capacity building and United Nations support. As Papua New Guinea stated, capacity building is "not a supplementary element of the protocol, but a prerequisite for its successful implementation."

We call for:

- **Dedicated funding mechanisms** to support developing countries' participation in dispute prevention and resolution mechanisms.
- **Practical support** from the United Nations, including technical assistance, training, and the maintenance of rosters of mediators, conciliators, and arbitrators.
- **Youth participation** in capacity building programmes and in the work of the Conference of Parties and its subsidiary bodies.

CROSS-CUTTING PRIORITIES

Youth Participation in Dispute Resolution

YTJN calls for explicit provisions for youth participation in the work of the Conference of Parties and its subsidiary bodies. We propose:

- *Youth seats in national delegations to the COP and subsidiary bodies.*
- *Structured consultation mechanisms with youth-led organisations.*
- *Funding for youth participation, including travel support and technical assistance.*

Intergenerational Equity

Dispute resolution mechanisms affect the fiscal space available for education, healthcare, and youth employment.

YTJN calls for the Protocol to:

- *Require impact assessments of dispute outcomes on young people and future generations.*
- *Promote transparency and accountability in dispute resolution proceedings.*

Conclusion

The Fifth Session demonstrated deep divisions over the direction of Protocol 2. YTJN urges Member States to deliver a Protocol that establishes fair, transparent, and effective dispute prevention and resolution mechanisms, one that serves the next generation, not the interests of multinational enterprises seeking to avoid accountability.

SIGNATORIES

No.	Organization/Individual Name	Country
1	Youth for Tax Justice Network (YTJN)	Uganda, Kenya & Botswana
2.	Initiative for Social and Economic Rights (ISER)	Uganda
3	African Youth Development Link	Uganda
4	POLIFA	Kenya and Finland
5	Policy Forum	Tanzania