



**GLOBAL  
ALLIANCE  
FOR TAX  
JUSTICE**



**CIVIL SOCIETY  
FINANCING FOR  
DEVELOPMENT**  
Mechanism

**Third Session, UN Tax Convention Negotiations**

**November 17, 2025**

**Protocol 2**

**Intervention by Jennifer Lipenga, from Action Aid**

**Excellencies, Distinguished Delegates, Colleagues,**

Thank you for the opportunity to take the floor. My name is Jennifer Lipenga, I speak on behalf of the African Civil Society Working Group on the UN Tax Convention and the Tax and Gender Working Group hosted by the Global Alliance for Tax Justice.

Allow me to begin by reminding you that we cannot build a new global tax order on the shaky ground of existing inequalities. Article 10 of the Framework Convention and Protocol 2 as they are right now, seek to do exactly that by aiming to fix the dispute resolution mechanisms in existing agreements particularly DTAs rather than fixing the international tax system as a whole. We strongly caution against proposals that maintain the centrality of bilateral tax treaties, or that promote systems where countries can simply choose to opt out. This further fragments the global tax architecture and allows powerful states to continue shaping outcomes in their favour. These approaches mirror the system we are here to change. We want to stress that existing mechanisms, including BEPS Action 14, the Mutual Agreement Procedure and arbitration cannot be remedied by greater transparency or better arbitrator selection. They rest on unfair legal ground, on power-imbalanced arbitration structures, and on guidelines that do not reflect the realities, interests or development needs of most countries, particularly those in the Global South.

Distinguished delegates, we must remember why we are here. We are here because the existing global tax rules have been ineffective and have largely deprived global south countries of the much needed revenue to fund their development priorities. The tax rules governing our world today were built on colonial, neoliberal and patriarchal foundations. They were designed to preserve the dominance of global north countries and to reproduce the structural conditions that continue to exploit our labour, our natural resources, and the unpaid and underpaid care work disproportionately carried by women. We are here to rewrite those rules. And for that to happen, we insist that the new rules must be grounded in feminist principles, they must centre human rights, reparative justice, ecological justice and substantive gender equality.

With this context in mind, we would like to emphasize that a dispute resolution protocol cannot ensure fairness unless the Convention tackles the structural inequalities embedded in the international tax system. This begins with addressing the legal fiction of multinational enterprises operating as separate legal entities. The arm's length principle which props this position, continues to be the greatest source of disputes. Indeed, a significant amount of international tax disputes arise from transfer pricing. This assumption cannot be fixed by dispute resolution mechanisms, no matter how well designed!

For this reason, our efforts must focus on strengthening Articles 4 and 6 of the UN Tax Framework Convention on the fair allocation of taxing rights, but also shift from the transfer pricing system to unitary taxation with formulary apportionment. This must be supported by an ambitious minimum effective corporate tax rate as well as effective and inclusive public country by country reporting and automatic exchange of information. This will be a transformative step to prevent disputes that currently strain administrations, deepen asymmetries, enable illicit financial flows, and drain resources urgently needed for gender-responsive public services, including health, education, and transformative care systems. These services are also under intense pressure due to austerity measures imposed on Global South governments.

As we move forward, we must remember to center on justice, human rights, substantive gender equality and the redistribution of taxing rights toward countries that have been historically marginalised.

Thank you.