

INDEX

agenda-setting, 177-180 capital import neutrality (CIN), 55–58 allocation of jurisdiction to tax, 44-50 capital ownership neutrality (CON), antitrust agency, for states, 242-244 56 - 57arbitrage (tax), 128, 198–199, 216–217, cartelization of states policies, 143, 234 - 242173-174, 242-244 authority allocation, 44-50 coercive power of state Avi-Yonah, R., 36, 46-47, 121-122, 130, and legitimacy, 199-202 147 - 148as rationale in cooperation, 144 avoidance (tax), 127-128 in distributive justice, 191-195, 201, 206-211 Baistrocchi, E., 167-168 Cohen, J., 191-195 benefit taxation, 39 collection, from foreign residents, 106, BEPS initiative, 157-165, 234-235 bilateral cooperation. See also tax Commodification Critique of the treaties Market, 216 distributive ramifications of, 49-50 and identity, 22-23 effect on foreign direct investment, Common Reporting Standard 108-109 (Standard for Automatic Exchange game theory application to, 4 of Financial Account Information in double taxation prevention, in Tax Matters), 155–157, 232–233 73 - 74competition/tax competition. See also in information sharing, 152–155 bilateral cooperation; multilateral in tax treaties, 81, 86-87, 143-144, cooperation 146-149, 152-154, 166-168, alteration of state's role by, 6 177-178, 183, 237 and arbitrage, 128, 198-199, instruments of, 152–155 216-217, 234-242 interests served by, 7 as solution, 223-225 Tax Information Exchange attempts to curtail, 149–152 Agreements (TIEAs), 152–154 costs, benefits of, 121–128 tax treaties history, 146–149 distributive justice effects of, 35–37, Blake, M., 190 121-125, 227-228 Brauner, Y., 181 efficiency effects of, 31-35, 125-128 BRICS countries, 181 foreign investment taxation, 31-32 for residents, 33-34 Caney, S., 190 fragmentation, 26-30, 33-34 capital export neutrality (CEN), 54-55, harmful, 75, 146-154, 165-166, 58-59 180-183, 213-214



INDEX 247

location-specific rents, 36-37 personal, collective identities, 38-41 political participation and, 40, 48-49 public services provision, 125–127 state as recruiter of investors and businesses, 24-26, 31, 33, 122-124, 197-198 state-citizen relationship and, 12-14, 23, 124-125 state power inequality in, 228-229 tax avoidance and, 127-128 tax incentives, 39 vs. cooperation as solution, 4-5, 10, 120-121 wealth/mobility connection, 36, wealth redistribution and, 122-124, 227 - 228competitive neutrality, 56-57 Convention on Mutual Administrative Assistance in Tax Matters, 155-156 cooperation. See also bilateral cooperation; multilateral cooperation inequality, distributive disparity among states/individuals, 206-211 vs. competition as solution, 4-5, 10, 120 - 121credits. See also double taxation prevention deductions. See also double taxation prevention developing countries. See also BEPS initiative; multilateral cooperation; tax treaties asymmetrical tax treaties, 111-113 barriers to competition, removal of, 224-225, 229-230 benefit-maximizing strategies, 113-118 biases against labor in, 143 cartelization against, 143, 173-174, 242-244 desirability of tax treaties, 100

distributive justice as duty to, 192, 204-205, 207 foreign direct investment in, 115-116, 134, 210 information sharing, transparency, 152, 165, 230-234 lock-in effect and, 174-176 multilateral coordination disadvantages to, 137, 183-184 relative bargaining power of, 132-137, 168-170, 181-183 revenue disparity in tax treaties, 7, 73 strategies regarding tax treaties, 113-114 tax revenue allocation, 44-50, 135 tax treaties, cooperation, motivations for involvement in, 8-9, 102, 110, 113, 144, 167-168 tax treaties, effects on, 77-78, 100 - 104tax treaties rejection by, 116-118 UN model, 101, 114-115, 148 distributive justice competition, effects on, 35-37 cooperation as solution, 203-206 critique, 221-222 inequality, distributive disparity states within, 206-211 multilateral cooperation in, 130, 132-137, 140-141, 188-189 political justice, 191 redistribution as duty, 185-187, 191, state legitimacy, sovereignty and, 10, 187-188, 196-199, 206-211 state's roles, coercive powers in, 193-196, 225-227 taxation goals, 17–19 distributive justice critique, 221-222 double taxation. See international taxation double taxation prevention. See also tax treaties bilateral cooperation in, 73-74 credits, 53-54, 65-66, 91-93, 98-99, 105-106 deductions, 53-54, 65-66, 86-91 deferral, 66

distributive consequences of tax treaties to, 102–104, 119



248 INDEX

double taxation prevention (cont.) economic allegiance, 45-49 exemptions, 53-54, 65-66, 96-98, 105 - 106foreign tax credit limitation, 66-67 efficiency as taxation goal, 15-17 competition, effects on, 31-35, 125 - 128multilateral cooperation costs to, 137 - 140emerging countries. See BRICS countries; developing countries equal distribution, 18-19 equal sacrifice, 18-19 exemptions. See double taxation prevention FATCA, 155 foreign direct investment bilateral cooperation and, 108-109 in developing countries, 115-116, 134, 210 labor and, 62-65

bilateral cooperation and, 108–10 in developing countries, 115–116 134, 210 labor and, 62–65 multilateral cooperation and, 135–136 tax treaties and, 82–83, 106–110, 115–116, 169 taxation of, 31–32 formulary apportionment, 176, 235–236 fragmentation and tax planning, 27–30 competition/tax competition, 33 of sovereignty, 198–199 of taxing and spending regimes, 26–30 free riding, 219, 239

game theory, 4, 7, 60–62, 80–81 analysis of tax treaties, 82–98 Global Forum, 152–154 global justice coercion, 191–195, 201, 206–211 coercion and legitimacy, 199–202 cosmopolitan, conception of, 190, left institutionalism, 191–193, 195–196, 211 political justice, conceptions of, 188–189, 191, 214 statist conception of, 9–10, 185–189, 191–196, 199–211 global-normative approach applicability, 6–7

havens (tax), 27–30, 131–132, 150–151, 198–199, 240–241 Hirschman, A., 228–229

identity
community as tax policy
consideration, 20–23
personal, collective identities,
38–41
IMF, 78–79, 116–118
incorporation, taxation and, 24–26
individual relocation, taxation and,
24–26
information
asymmetry, 218–219
automatic exchange of 156–159

automatic exchange of, 156–159 sharing, transparency, 152, 165, 230–234 Instrument to Modify Bilateral Tax Treaties, 170–171

international taxation
allocation of jurisdiction to tax,
44–50
anticompetitive collusion in, 220
as decentralized competitive market,

cooperation as strategy, 68–70 current regime, 4, 6–7, 159–165, 168–170, 236–237 deferral, 66

domestic tax policy and, 2 foreign investment, 62–65 free riding in, 219, 239 information asymmetry in, 218–219 market failures in, 216–217, 239

national interests as focus of, 44, 65–68 national preferences in, 62–65



INDEX 249

strategic taxation, 60–62 taxation authority allocation, 44–50 undermining political sphere critique, 222–223 Kingson, C., 67–68 Knoll, M., 56–57

League of Nations report, 44–50 lock-in effect, 174–176

market failures critique of international taxation, 216–220 marketization and tax planning, 27–30 capital markets as leverage, 31–33 and competition for residents, 33 international taxation and, 24–26 market valuation in coercive legitimacy, 196–199

Mason, R., 56–57 mobility

of capital, 2–3, 8, 31–32, 64–65, 124–127, 130, 135–136, 139–140, 177–178, 242–244 of residents, 5–6, 14, 24–26, 33, 122–124, 139–140, 196–202, 213, 218–219, 225–227, 242–244

Moellendorf, D., 191–193

multilateral cooperation. See also competition/tax competition achievement, sustainability of.

achievement, sustainability of, 130–132, 215–216 agenda-setting, 177–180

asymmetric capabilities, 168–170 cartelization, 143, 173–174, 242–244

challenges in, 214–215 collective good as rationale, 144–145

competition, attempts to curtail, 149–152

Convention on Mutual Administrative Assistance in Tax Matters, 155–156 costs, outcomes of generally, 7–8

defections, 131–132, 152

distributive justice in, 130, 132–137, 140, 203–206

efficiency costs, benefits of, 137–140

FATCA and, 155

foreign investment effects, 135–136

Global Forum, 152-154

governmental waste, incentives to reduce, 138–139

harmonization of rates, policies, 128–130

inequality, distributive disparity among states/individuals, 206–211

information, automatic exchange of, 156–159

information sharing, transparency, 152, 165, 230–234

lock-in effect, 174-176

network effects, 170–173, 176, 235–239

OECD's role in power structure remodeling, 180–183

participation, rationales for, 142–143, 166

participation, strategic rationales for, 166–168

revenue allocation, 135

revenue vs. financial market orientations in, 132–133

special interests, effects on, 139

state sovereignty as rationale, 144 strategic consideration, 7–8, 58–59,

70–71, 146–149, 166–168

tax evasion, 150–151

tax havens, 27–30, 131–132, 150–151, 198–199, 240–241

150–151, 198–199, 240–24. Tax Information Exchange

Agreements (TIEAs), 152–154

vs. competition as solution, 4–5, 10, 120–121

multilateral instrument, 159–165, 170–171, 224–225

Nagel, T., 191–196, 199–202, 208 network effects, 170–173, 176, 235–239 lock-in effect, 174–176



250

neutrality
capital export neutrality (CEN),
54–55, 58–59
capital import neutrality (CIN),
55–58
capital ownership neutrality (CON),
56–57
competitive neutrality, 56–57
efficiency and, 15–17
flaws of, 57–60, 68–69
in promotion of welfare, 50–53
national neutrality, 56
partial, 53–57, 69

OECD Model Tax Convention, 78–79, 101, 113–114, 147–148, 232–233 OECD's role in regime design, 180–183

optimal taxation, 16-17

partial neutrality, 53–57, 69 personal, collective identities, 38–41 planning (tax), 26–30, 198–199 political participation, political sphere, 40, 48–49, 191, 222–223

Race to the Bottom, 7–8, 35–36, 120–121, 123–124, 128–130, 143, 224–225

redistribution as duty, 185–187, 191, 211

Report on Harmful Tax Competition (OECD), 149–154

residency

competition/tax competition for, 33–34

state as recruiter, 24–26, 31, 33, 122–124, 197–198

state-citizen relationship and, 12–14, 23, 124–125

Richman-Musgrave, P., 50–51 Roin, J., 137–138

Sabel, C., 191–195 Sangiovanni, A., 191–193 Shaviro, D., 59, 70

Ronzoni, M., 203-204

INDEX

Smith, P., 190
source (basis of taxation)
transaction classification, 27–30
source rules, 105–106, 198–199
withholding taxes, 175–176
Standard for Automatic Exchange of
Financial Account Information in
Tax Matters (Common Reporting
Standard), 155–157, 232–233
state as recruiter of investors and
businesses, 24–26, 31, 33,
122–124, 197–198
strategic taxation, 60–62

tax arbitrage, 128, 198–199, 216–217, 234–242
taxation
allocation of jurisdiction to tax, 44–50
collection, from foreign residents, 106, 113
distributive justice goals of, 17–19
efficiency goals of, 15–17
fragmentation, 26–30
identity, community and, 20–23
labor, foreign investment and, 62–65
marketization and, 24–26
ring fenced activities, 31–32

tax avoidance, 127–128. See also tax planning tax havens, 27–30, 131–132, 150–151, 198–199, 240–241 Tax Information Exchange Agreements (TIEAs), 152–154

tax planning, 26–30, 198–199 tax rules, streamlining, 234–242 tax treaties. *See also* double taxation prevention advantages, benefits of, 105–107

agenda-setting, 177–180 as regressive redistribution mechanism, 7, 77–78, 102–104 asymmetrical, 111–113 bilateral cooperation in, 81, 86–87, 143–144, 146–149, 152–154, 166–168, 177–178, 183, 237 credits, 91–93, 98–99, 105–106



INDEX 251

deductions, 86-91 developing/emerging countries, benefit maximizing strategies, 113-118 developing/emerging countries, effects on, 77-78, 100-104 double, 27-30 double taxation alleviation by, 72-80, 100-102 exemptions, 96–98, 105–106 foreign direct investment and, 82-83, 106-110, 115-116, 169 game theory analysis of, 82-98 history of, 146-149 host country national interests, 82 - 84host country policy preferences, 84 jurisdiction, revenue allocation, 99-100, 102-104 lock-in effect, 174-176

network effects, 170-173, 176, 235-239 OECD Model Tax Convention, 78-79, 101, 113-114, 147-148, 232-233 participation, strategic rationales for, 166-168 relief granted by, 76-77 residence country national interests, residence-host country interactions, 74-76, 80-82, 100 revenue allocation disparity, 73 single tax ideal, 101 subsidies, 82-84 symmetrical, 111 tax-sparing arrangements, 115-116 UN model, 101, 114-115, 148 Tiebout, C. M., 122-123 transaction costs, 216-217, 239