

INDEX

1927 draft model convention, 117-61 1925 Report, 22-84 overview, 99, 164-6 overview, 22-4, 81-4 Economists' Report and, 31-4, 49, alternative drafts, 161-4 81, 170-1, 250, 263 business profits, 134-44, 291 experts, 24-7, 171, 263-6 diplomatic or consular agents, 151 directors' fees, 147-8, 293 final resolutions, 270-3 fiscal domicile, 72-81, 273 dividends, 133-4, 290 drafters of, 118 general income tax, 34, 58-65, 272 schedular taxes and, 65-72 earned income, 148-51, 293 'Great Powers' role in, 171-2 fiscal domicile, 161, 297 guiding principles, 27-30 general income tax, 153-61 ICC and, 39, 44, 46, 50, 65, 90-5, 253 'Great Powers' role in, 173-5 key individuals, 23, 83-4 immovable property, 123-8, 287 schedular taxes, 34-65 interest, 128-33, 174, 289 business profits, 37-41, 270 pensions and annuities, 151-3, 294 directors' fees, 56-7, 80, 271 persons covered, 118-21 dividends, 47-8 salaries of officials and public earned income, 56-7, 271 employees, 150 general income tax and, 65–72 shipping companies, 144–7, 164, 293 immovable property, 35-7, 270 taxes covered, 121-3 interest, 48-57, 271 text, 287 shipping, 40-7, 82, 171, 270 1928 Report, 182-242 tax evasion addressed in, 25, 30-1, overview, 182-3, 241-2 83, 91, 249 alternative drafts, 234-41 1927 Report, 98-166 Draft Convention Ia, 188–92, overview, 98-100, 105-7, 117, 164-6 303-5, 311-14 Draft Convention Ib, 176-8, 182, Commentary in, 99, 107, 123, 165, 174, 183 237-9, 315-17 experts, 100-4, 265-6 Draft Convention Ic, 177, 182, capacity of, 104 240-1, 243-8, 253, 320-2 leadership of, 104, 165 approval of, 192 new, 107-17, 165, 172 bilateral versus multilateral treaties, fiscal domicile, 114-16 191, 250-1general income tax, 111-14 details, 192-231 'Great Powers' role in, 172-6 business profits, 203, 210-15, 238, ICC and, 95, 100 directors' fees, 223, 238, 247 schedular taxes, 109-11, 114



INDEX 333

earned income, 223, 238, 247 fiscal domicile, 229-30, 237 immovable property, 198, 237, 245 - 6interest, 197-206, 248 pensions, 223-7, 238, 248 personal taxes, 227-9 persons covered, 192-4, 243-4 shipping, 216-23, 246 taxes covered, 194-7, 243-4 developing countries, 188-9, 251 experts, 175, 183-8, 190-1, 267-9 'Great Powers' role in, 176-7, 184 historical context of, 11-14 ICC and, 85-97 impact on current DTAs, 243-8, 253 - 6impact on treaty practice, 179-80 impersonal versus personal taxes, 176-8, 182, 190, 197, 237 'new' countries, 190-1 participation of non-members, 192 revision of, 231-4 role of, 189-90 ability-to-pay theory, 10 Adams, Thomas (US) as 1927 expert, 103-4, See also 1927 Report as 1928 expert, 187, See also 1928 Report draft convention, 234-41, 308-10 influence of, 173-6, 181, 252 agents business, 140-2, 213-14, 254, 292 diplomatic or consular, 151 agricultural profits, 36, 84, 245, 270 air transport, 41-7, 110, 146-7, 221-2, 246, 270 Albright (South Africa), 186, see also 1928 Report Amador (Spain), 186, see also 1928 Report annuities 1925 Report, 56-7, 271 1927 draft model, 151-3, 295

Antoniade (Romania), 186, see also 1928 Report Aoiki (Japan), 103, see also 1927 Report apportionment. See division of taxes Argentina, 1927 experts, 102, 107-8, 172 assignment of source, 21, 33-4 Austria, 1928 experts, 185, 190-1 Austria-France Commercial Agreement, 215 Austria-Hungary treaty, 193 Austro-Hungarian Empire treaties, 1-2 Avenol, Joseph (France), 100, see also 1927 Report Baden, 2 Bainoff (Bulgaria), 185, see also 1928 Report banks, 40, 110, 117, 271 base erosion and profit shifting (BEPS), 2, 84, 203, 255 Baudouin-Bugnet (France), 26, see also 1925 Report Bavaria, 2 Belgium 1925 experts, 26 1927 experts, 102 1928 experts, 185 Belgium-Netherlands treaty, 67 benefit theory of taxation, 10, 82 BEPS (base erosion and profit shifting), 2, 84, 203, 255 Bianchini (Italy), 24 Blau (Switzerland), 26, 29, 103-4, 187, see also 1925 Report; 1927 Report; 1928 Report Bolaffi (Italy), 102, 186, see also 1927 Report; 1928 Report bonds, 49-52, 131, 271, 289-90 Borduge (France) as 1925 expert, 26, 29, see also 1925 Report as 1927 expert, 102, see also 1927 Report as 1928 expert, 185, 187, see also 1928 Report draft convention, 234-41, 303-5 Bruins, Gijsbert, 18

1928 draft model, 227, 248

OECD model, 248



334 INDEX

Commission on International Credits, 17 buildings, 35-6, see also immovable property Committee for the Advancement of International Law, 85 Bulgaria, 1928 experts, 185 business profits Committee of Experts for the Progressive Codification of 1925 Report, 37-41, 71, 270 International Law, 151 1927 draft model, 134-44, 291 1927 Report, 109-10, 113, 116 Committee on Double Taxation (ICC), 1928 draft model, 203, 210-15, 238, 88-90, 96 Committee on Double Taxation and distributed. See dividends Fiscal Evasion, 101 OECD model, 246 Committee of Technical Experts on turnover taxes, 194, 230 Double Taxation and Tax Evasion, 98 Canada-US treaty, 179 Communications and Transit Canny (Great Britain), 26-7, 29, Committee, 100 see also 1925 Report companies Canton of Basle-Town, 2 fiscal domicile, 79-81, 114-16, 161, 273 capital flows, 13, 20, 50, 82, 176, 188, limited, 138-9 profit. See business profits 216 Carey (Irish Free State), 185, see also shares. See dividends 1928 Report company tax. See business profits Carroll, Mitchell (United States), 173, compromise, spirit of, 22, 27-8 187, see also 1928 Report consular agents, 151 Cecil, Lord Robert, 29 control theory of taxation, 9 'centre of exploitation', 115 Corbett (South Africa), 186, see also Chile, 190 1928 Report China, 1928 experts, 185, 190-1 corporate bonds, 52, 271, 289-90 classification of sources, 21, 34-5, 162, corporate groups, 206, 211 see also specific source corporate income tax. See business profits schedular taxes corporate profits, distributed. See Clavier (Belgium) dividends as 1925 expert, 26, see also 1925 cost theory, 10 Report credit system, 20 as 1927 expert, 102, 104, 118, see also 1925 Report, 32, 58 1927 Report 1928 draft models, 238 as 1928 expert, 187, see also 1928 Economists' Report, 32, 170 Report ICC preference for, 87, 89 influence of, 252 US, 59, 87, 170, 228 Cleminson (ISC), 44, 184, 216, 218-20, current accounts, 54-5, 271, 289-90 223 Czechoslovakia Commentary 1925 experts, 26 1927 Report, 99, 107, 123, 165, 174, 1927 experts, 102 183 1928 experts, 185 1928 Draft Convention Ib, 239, Czechoslovakia-Poland treaty, 162 1928 Draft Convention Ic, 241, 323-4 Damste (Netherlands), 26, 103, 186-7, OECD model, 165, 251-2 see also 1925 Report; 1927 role of, 251-2 Report; 1928 Report



INDEX 335

Danzig, 1928 experts, 185, 190-1	domicile. See fiscal domicile
d'Aroma (Italy)	Dominion Tax Relief system, 33, 94,
as 1925 expert, 26-9, see also 1925	120, 144, 170, 176
Report	Dorn, Herbert (Germany)
as 1927 expert, 102, 104, see also	as 1927 expert, 102, 118, see also
1927 Report	1927 Report
influence of, 252	as 1928 expert, 185, <i>see also</i> 1928
de Bordes, Jan van Walr (Secretary),	Report
101, 173, see also 1927 Report	draft convention, 234–41, 303–5
de Kuylenstierna (Sweden), 186,	double tax agreements (DTAs). See also
see also 1928 Report	specific agreements
de Leeuw (Netherlands), 186, see also	bilateral versus multilateral, 191, 250–1
1928 Report	future of, 253–6
de Lemus (Spain), 186, see also 1928	impact of draft models on, 179–80,
	243–8, 253–6
Report	
de Pilisy (Hungary), 185, see also 1928	prior to Great War, 1–3
Report	double taxation
deductions, 238, <i>see also</i> credit system	avoidance methods, 20
del Rio (ICC), 184	1925 Report, 32–4, 71
Dendramis (Greece), 185, see also 1928	1927 Report, 114, 117
Report	1928 draft models, 238
Denmark, 1928 experts, 185, 190–1	definition of, 7
deposits, 54–5, 128, 271, 289–90	economic consequences of, 20
developing countries, 251, see also	examples of, 7
specific countries	ICC and, 87–90
1927 Report, 107–8, 112–13, 117,	versus tax evasion, 25, 30–1, 83, 91,
156, 165, 251	171, 249
1928 Report, 188–9, 251	Drummond, Sir Eric, 169
digital economy, 255-6	DTAs. See double tax agreements
diplomatic agents, 151	dual domicile, 229-30
directors' fees	Duchenois (ICC), 184, see also 1928
1925 Report, 56-7, 80, 271	Report; International Chamber
1927 draft model, 147-8, 293	of Commerce
1927 Report, 111	
1928 draft models, 223, 238, 247	earned income
OECD model, 247	1925 Report, 56-7, 271
disclosure obligations, 92	1927 draft model, 148-51, 293
dividends	1927 Report, 111
1925 Report, 47-8	1928 draft model, 223, 238, 247
1927 draft model, 133-4, 290	OECD model, 247
1927 Report, 110-11, 113	economic allegiance, 11, 20
1928 draft model, 205-10, 248	Economic and Financial Section (EFS),
OECD model, 248	96, 173
division of taxes, 21, 33, 117, 143, 292	economic nationalism, 12
corporate groups, 214–15	Economists' Report, 18-20, 31-4, 49,
Dominion Tax Relief system, 33, 94,	81, 170–1, 250, 263
120, 144, 170, 176	Egger (Austria), 185, see also 1928
OECD model, 254	Report
	- N-F 02-1



> INDEX 336 Einaudi, Luigi 18 France-Austria Commercial Ekenberg (Sweden), 187, see also 1928 Agreement, 215 Report France-US treaty, 179 electrical power stations, 41-7, 110, 270 Frolicher (Switzerland), 187, see also employment income. See earned 1928 Report income Encisco (Argentina), 102, see also 1927 general income tax (GIT) Report 1925 Report, 34, 58-65, 271 1927 draft model, 153-61 Eritrea, 10 Estonia, 1928 experts, 185, 190-1 1927 Report, 111-14 exchange theory of taxation, 10 General Meeting of Government exemption method, 21, 30, 32, 71 Experts on Double experts Taxation and Tax Evasion, 1925 Report, 24-7, 171, 263-6 184, 267 1927 Report, 100-4, 265-6 'Geneva atmosphere', 22, 28 capacity of, 104 Genoa Conference on Global Economic leadership of, 104, 165 Problems, 24, 261 new, 107-17, 165, 172 Germany 1928 Report, 175, 183-8, 190-1, 267-9 1927 experts, 102, 172 as technicians, 28-30, 83, 253 1928 experts, 185 influential, 252-3 Germany-Hungary treaty, 124 Germany-Italy treaty, 124, 154, 212 faculty theory, 10 Germany-Netherlands treaty, 193 fairness, 22, 24, 37, 40, 44, 82, 84, 253 GIT. See general income tax farm profits, 36, 84, 245, 270 goods, sale of, 41 female enfranchisement, 12 government bonds, 49-52, 271, Feo (Venezuela), 103, see also 1927 289 - 90Great Britain Report 1925 experts, 26-7, 171 Finance Act (UK) (1925), 298 Financial Committee (League of 1927 experts, 102 Nations), 18-20, 88, 98, 100, 1928 experts, 176, 185 183, 257-66 Dominion Tax Relief system, 33, 94, First World War. See Great War 120, 144, 170, 176 Firth, Sir Algernon, 93-4 double tax agreements, 179-80 fiscal domicile Finance Act (1925), 298 1925 Report, 72-81, 273 role of, 167-81, 252 1927 draft model, 161, 297 1925 Report, 171-2 1927 Report, 114-16 1927 Report, 172-6 1928 draft models, 229-30, 237 1928 Report, 176-7 dual, 229-30 draft models, 175-6 versus residence, 73, 273 versus United States, 177-9, 252 taxation at, income categories, 20 Great War Four Economists' Report, 18-20, 31-4, DTAs prior to, 1-3 49, 81, 170-1, 250, 263 economic and political consequences France of, 11-14 1925 experts, 26 Paris Peace Conference, 14, 16, 168, 1927 experts, 102 257 Greece, 1928 experts, 185, 190-1 1928 experts, 185



INDEX 337

Harding, Warren, 169	International Chamber of Commerce
Hesse, 2	(ICC)
Hobbes, Thomas, 10	1920 resolutions, 87
holding companies, 47	1921 resolutions, 88, 274-5
Hungary, 1928 experts, 185, 190-1	1922 resolutions, 276-7
Hungary-Austria treaty, 193	1923 resolutions, 89, 278-9
Hungary-Germany treaty, 124	1924 resolutions, 280-2
Hungary-Poland treaty, 194	1925 Report and, 39, 44, 46, 50, 65, 90–5, 253
immovable property	1925 resolutions, 283-5
1925 Report, 35-7, 71, 84, 270	1927 Report and, 95, 100
1927 draft model, 123-8, 287-9	1927 resolutions, 286
1927 Report, 109	1928 models and, 85-97
1928 draft models, 198, 237, 245-6	double taxation and, 87-90
OECD model, 245-6	establishment of, 86-7
impersonal taxes	influence of, 253
1925 Report, 34-65, 91-5	International Congress of Chambers of
1927 draft model, 121-3, 162, 164,	Commerce and Commercial
174–6, 287–8	and Industrial Associations, 86
1927 Report, 99, 166	International Financial Conference,
1928 draft model, 176-8, 182, 190,	16–17, 87, 257
197, 237	International Intermediary Institute, 85
definition of, 35	international manufacturing, 41
impôt reels. See schedular taxes	International Shipping Conference
income	(ISC), 42, 44, 46, 82, 171, 216,
categories of, 20	218
source of. See specific category	Irish Free State, (IFS), 1928 experts,
income tax	185, 190–1
company. See business profits	Ishiwata (Japan), 186, see also 1928
general. See general income tax 'normal', 88	Report Italy
indirect taxes, 194	1925 experts, 26
individuals	1927 experts, 102
fiscal domicile, 73–9, 159–61, 273	1928 experts, 186
taxation. See personal taxes	Italy-Germany treaty, 124, 154, 212
industrialisation, 13	7 77 77
inland waterways, 41-7, 110, 145, 222,	Japan
246	1927 experts, 103
Instone (IATA), 184, 221	1928 experts, 186, 190-1
insurance companies, 40, 110, 117, 270	Julliard (ICC), 184, see also 1928
interest	Report; International Chamber
1925 Report, 48-57, 271	of Commerce
1927 draft model, 128–33, 174, 289–90	jurisdiction, 10–11
1927 Report, 110-11	
1928 draft model, 198, 248	Kempels (Latvia), 186, see also 1928
OECD model, 248	Report
International Air Traffic Association,	Kent (Norway), 186, see also 1928
221	Report



> 338 INDEX

Kneppo (Hungary), 185, see also 1928

Report

Koppe, 184 Lademann (Danzig), 185, see also 1928 Report lake shipping, 41-7, 110, 145-6, 222, 246 land, 35-6, see also immovable property Lange (Norway), 186, see also 1928 Report Lashkevitch (USSR), 187, see also 1928 Report Latvia, 1928 experts, 186, 190-1 League of Nations Committee on Double Taxation and Fiscal Evasion, 101 Committee of Technical Experts on Double Taxation and Tax Evasion, 98 Economic and Financial Section, 96, 173 Economic Committee, 17 Economists' Report, 18-20, 31-4, 49, 81, 170-1, 250, 263 Financial Committee, 18-20, 88, 98, 100, 183, 257-66 formation of, 14, 168 General Meeting of Government

ICC and, 90-5 International Financial Conference, 16-17, 87, 257

Experts on Double Taxation

and Tax Evasion, 184, 267

organisational structure, 15-16 Provisional Economic and Financial Committee, 17-18, 257-62

purpose of, 16 Secretary General's letter, 267

tax and, 16-21

tax evasion treaty, 31

US participation in, 167

Legal Section, 73

Liechtenstein, 2

Léon-Dufour (Secretary), 28-9, see also

1925 Report licences tax, 203

limited companies, 138-9

Liubimov (USSR), 187, see also 1928 Report loans, tax-free, 131 local government taxes, 196

Lodge, Henry Cabot, 169 Luxembourg, 2, 190, 206

majority approval, 107 manufacturing, 41 maritime navigation. See shipping companies

Matthews (United States), 187, see also 1928 Report

McCulloch, 93-4

Mexico Draft (1943), 251

Mill, John Stuart, 11

mines, 37

Monreal (Spain), 186, see also 1928 Report

Mori (Japan), 103, see also 1927

Report mortgages, 36, 56-7, 64, 246, 271, 289

movable property, 240-1

movable securities, 53, 248, see also dividends; interest

multiple residences, 75-9

municipal taxes, 196

Mutual Assistance Pact of 1923, 29

nationalism, 12 nationality, principle of, 75, 119 Nemery (Belgium), 185, see also 1928

Report

Netherlands

1925 experts, 26

1927 experts, 103

1928 experts, 186

Netherlands-Belgium treaty, 67

Netherlands-Germany treaty, 193 'normal' income taxes, 88

Norway, 1928 experts, 186, 190-1

OECD Model Tax Convention on Income and on Capital, 1 banks, 41 Commentary on, 165, 251-2

future of, 253-6

immovable property, 35-6, 245-6



> INDEX 339

impact of draft models on, 243-8 power stations, 41-7, 110, 270 on tax evasion, 31 power to tax, 9 OECD/G20 BEPS project, 84, 255 profit shifting (BEPS), 2, 84, 203, 255 officials, salaries of, 150 property oil companies, 37, 109 immovable. See immovable property organschaft (consolidated groups), 211 movable, 240-1 Oria (Argentina), 102, 107-8, see also protection theory of taxation, 9 1927 Report protectionism, 12 origin. See source Provisional Economic and Financial Committee, 17-18, 257-62 Paasche (Germany), 185, see also 1928 Prussia, 1-2 Report public employees, salaries of, 150 Palanca, 44-5 public service enterprises, 135-7 Paris Peace Conference, 14, 16, 168, 257 patents tax, 203 railways, 41-7, 110, 147, 270 rates, 196 pensions 1927 draft model, 151-3, 294 'real centre of management', 115-17, 1928 draft model, 223-7, 238, 248 OECD model, 248 permanent establishment (PE) status, 2 1927 draft model, 139-40, 291 residence 1928 draft model, 203-5, 246 OECD model, 246, 254 conflict of, 7 permanent international organisation (PIO), establishment of, 99, 101, multiple, 75-9 165 personal taxes. See also general income tax 1925 Report, 34-65, 91-5, 272 1928 Report 1927 draft model, 121-3, 153-62, 164, 174-6, 287-8, 295 1927 Report, 99, 166 246 1928 draft model, 227-9 Robinson, 93-4 versus impersonal taxes, 176-8, 182, 190, 197, 237 Rome Convention definition of, 34 annuities, 56 'persons covered' provisions 1927 draft, 118-21 170 1928 draft, 192-4, 243-4 banks, 40 OECD model, 243-4 'place of effective management', 247 Poland 1927 experts, 103 1928 experts, 186 3, 24 Poland-Czechoslovakia treaty, 162 Poland-Hungary treaty, 194 political allegiance, 10 political influences, 254



340

Cambridge University Press 978-1-108-42144-7 — Double Taxation and the League of Nations Sunita Jogarajan Index More Information

> Romein, 42 Spain Rueff (Secretary), 187, 236 1928 experts, 186 personal tax in, 230 salaries of officials and public 'stable establishments', 139-40 employees, 150 stable representation, 39 sale of goods, 41 Stamp, Sir Josiah, 18-20, 32, 49, 131, Salter, Arthur, 96 170 Saxony, 2 Sub-Committee on Double Taxation, schedular taxes. See also specific source 132, 260 Subcommittee on Ports and Maritime 1925 Report, 34-72 1927 draft model, 123-54 Navigation, 42 1927 Report, 109-11, 114 subsidiary companies, 211 1928 draft models, 194-231, Sugimura (Secretary), 187-8 Suija (Estonia), 185, see also 1928 237 - 8Scie-Ton-Fa (China), 185, see also 1928 Report super-tax, 88 Report securities, 52, 71, 131, 248, 271, see also Sweden, 1928 experts, 186, 190-1 dividends; interest Sweden-US treaty, 179 Seligman, Edwin, 18-20, 27, 32, 49, Switzerland 131, 170-1 1925 experts, 26 shares. See dividends 1927 experts, 103 shipping companies 1928 experts, 187 1925 Report, 40-7, 82, 171, 270 1927 draft model, 144-7, 293 tax evasion, 25, 30-1, 83, 91, 171, 1927 Report, 109-10, 164 249 1928 draft model, 216-23, 246 tax information exchange agreements OECD model, 246 (TIEAs), 31 practice versus theory, 250 taxation, theories of, 8-11, see also Smith, Adam, 10 specific theories social contract theory, 10 versus practice, 250 source. See also specific source 'taxes covered' provisions assignment of, 21, 33-4 1927 draft, 121-3 classification of, 21, 34-5, 162, 1928 draft, 194-7, 243-4 see also schedular taxes OECD model, 243-4 concept of, 10 tax-free bonds, 131 conflict of, 7 tax-free loans, 131 exemption at, 20, 30, 32 taxpayers, categories of, 118 versus residence, 249 technicians, experts as, 28-30, 83, 253 taxation based on, 7 telegraphs. See transatlantic cables South Africa telephones. See transatlantic cables 1928 experts, 186, 190-1 theories of taxation, 8-11, see also specific theory special taxes in, 196, 230 versus practice, 250 South American countries. See also specific countries Thompson, Percy (Great Britain) 1927 draft model, 138-9, 156 as 1925 expert, 26-7, see also 1925 1927 Report, 107-8, 112-13, 117, Report 165, 251 as 1927 expert, 102, see also 1927 sovereignty (power to tax), 9 Report

INDEX



INDEX 341

as 1928 expert, 185, 187, 234, see also 1928 Report Art 10 proposal, 299 draft convention, 234-41, 306-7 influence of, 171, 175-7, 252 tiebreaker rules, 8 timeline, 257-69 transatlantic bridge rules, 177-9 transatlantic cables, 41-7, 110, 147, 270 Transit Commission, 23, 44, 46, 82, 171, 246, 250 Transit Committee, 144 Treaty of Versailles, 12 Tsi-Tche (China), 185, see also 1928 Report turnover taxes, 194, 230

1928 experts, 187, 190–1
Articles 10 and 11 proposals, 302
Article 5 proposal, 300–1
United Kingdom. See Great Britain
United States (US)
1927 experts, 103, 173
1928 experts, 175, 187
credit system, 59, 87, 170, 228
double tax agreements, 179–80
versus Great Britain, 177–9, 252
in League of Nations, 167
political allegiance doctrine, 10

Union of Soviet Socialist Republics

(USSR)

role of, 167–81, 252 1925 Report, 171–2 1927 Report, 172–6 1928 Report, 176–7, 184 draft models, 106, 173–5 United States-Canada treaty, 179 United States-France treaty, 179 United States-Sweden treaty, 179 universal acceptance, 107

Valnicek (Czechoslovakia), 26, 28, 102, see also 1925 Report; 1927
Report
van der Waals (Netherlands), 103, 186, see also 1927 Report; 1928
Report
Venezuela, 1927 experts, 103
Vlasak (Czechoslovakia), 102, 185, see also 1928 Report
von der Hude (Denmark), 185, see also 1928 Report

Werner (Poland), 186, see also 1928 Report Wilson, Woodrow, 16, 168–9 Würtemberg, 2

Yamaji (Japan), 186, see also 1928 Report

Zaleski (Poland), 103, 186, see also 1927 Report; 1928 Report