
Treaty on Global Currency Transactions Tax

A Draft.

Finalised on 24 January 2002.

The very first draft of a consultative document for discussion prepared by:

- **Heikki Patomäki**, professor of World Politics and Economy, with his assistant Ms. Phoebe Moore, both from the Nottingham Trent University (UK), and
- **Lieven A. Denys**, professor International and European Tax Law from the Free University of Brussels (Belgium).

Contact: Heikki Patomäki at heikki@nigd.u-net.com; Lieven A. Denys at ldenys@vub.ac.be

SUMMARY MEMORANDUM ON THE CURRENCY EXCHANGE TAX TREATY

1 Tax Base

All international forex transactions shall be taxed, including over-the-counter spot and forward transaction and derivatives, at an equal rate. Both the seller and the buyer shall pay the tax, whether at wholesale level (in the inter-dealer markets) or at retail level (banks' customers). Most of the legal framework defining the tax base is based on the EC 6th VAT Directive, which has thus far provided also a model for Central and Eastern European states, Russia China and many other states.

In the case of substitutes for forex transactions, States shall extend the CTT to cover the substitute. Ultimately, however, the CTTO may opt, if necessary, for an exclusive list of forex-related transactions; and an exclusive system of registered actors.

States shall refrain from initiating or harbouring tax havens within and outside of financial centres and in the case of potential evasions, agree to close down loopholes and to behave as a regulator for such cases. They will exchange information about all problems to the CTTO in full and seek collective solutions to these problems.

2 Tax Rates in a Two-Tier System

The CTT will be applied according to a two-tier system as devised in the Spahn model, to shield currencies from speculative attacks. The CTTO will designate an admissible spread for fluctuation, within which the general low tax rate will be applied. Any trading price exceeding the threshold will automatically trigger an exchange surcharge at a much higher rate.

The basic tax rate will be fixed at 0.1% [or as will be agreed], which will be applied during normal currency transactions.

At which time the effective exchange rate transgresses the agreed band, the exchange rate will trigger a surcharge at a high proportional rate of 80% [or as will be agreed]. The threshold is determined by a crawling peg, based on a moving average of currency in relation to a weighed basket of four most relevant currencies for that country.

The Two-Tier System, will aim to confiscate windfall gains from over-speculation through the trigger of a higher tax during times of exchange rate turbulence.

3 Collection of the Basic CTT on a National Basis:

National taxation authorities will conduct the collection on a national basis in co-operation with central banks and with access to the information of institutions such as the Continuous Link Settlement Bank. CTT is to be paid by the professional intermediaries; if there is no such intermediary (e.g. in a group of companies) than the tax payer will become liable himself.

A Country will collect the CTT on all transactions by the banks and other financial actors based within that country, independently of where the transactions take place or are settled. This shall include all related companies e.g. based in off-shore tax havens. When they are dealing with actors from outside the CTT zone, they will have to pay the taxes in full. The responsibility to pay the tax shall this lay with the financial actors themselves, independently of how and where the deal is made and the transaction settled.

The tax will thus be collected on actors whose home countries are not taking part in this Treaty, but who make transactions in dealing sites located within the CTT zone or involving currencies of countries and monetary unions belonging to the CTT zone. The CTTO will assist the national authorities to enact changes in the relevant procedures of bookkeeping and rules and principles of forex transactions, including all OTC transactions, to ensure a comprehensive system of tax collection.

With a view to fulfilling the aims set out in this Treaty, States agree to allow sharing and transparency of information regarding their forex market activities and taxation.

4 Global Fund and National Freedom of Manoeuvre:

As develop countries will contribute 80 % and developing countries 30 % to the CTTO, the remaining 20% or 70% of revenue will be reserved for national use. The national governments are free to determine how they want to use their national share.

CTTO Member governments will thus reserve and develop freedoms of manoeuvre and national autonomy through collection of the tax, through the freedom to use their national share of the revenues and by gaining autonomy in economic policy. They will also gain autonomy through taking part in the democratic decision-making of the CTTO, which will allocate the funds to global common goods.

A part of the Global Fund (as shall be decided by the Council and the Assembly) will be allocated to the Global Intervention Fund, which may support a currency, which is not traded anymore or is depreciating at an accelerating rate, by buying that currency in sufficient volumes in market prices.

5 *The Structure of the CTTO.*

1 Council

The Council is the main decision making body of the CTTO. The Council, meeting in the composition of the CTTO States will act by majority vote – with voting power from one to three weighed in terms of population – and according to the guidelines put forward in the Treaty. Decisions on matters of substance shall be made by a two-thirds majority of the votes of the Contracting Parties; decisions on other matters shall be made by a simple majority of the votes of the Contracting States present and voting.

The Council will meet on a regular basis. The Chair may invite an emergency meeting at any time, should exceptional circumstances require drastic actions.

2 The permanent secretariat:

A CTTO permanent secretariat will be established in the first phase of the CTT implementation. The secretariat will at first be paid by the participating states in accordance with their UN assessment based share in the budget [or as will be agreed].

Responsibilities shall include:

- a) Planning and co-ordination of the International proceedings and necessary conventions.
- b) Arranging the subsequent meetings of the CTTO.
- c) Managing and keeping accounts of the global fund.
- d) Implementing the decisions of the Council and the Assembly.
- e) Following market developments and state practices of surveillance and taking all relevant developments to the immediate knowledge of the Council and the Assembly.
- f) Conducting studies, in consultation with the states concerned, on alternative ways of organising the economies of developing or small countries such as off-shore tax havens.
- g) Any other task that arises from the implementation of this Treaty.

The Secretariat is accountable to the Council. Its Bi-Annual Report will have to be approved in Assembly. Failure to do so could e.g. lead to the replacement of the three highest Directors of the Secretariat.

3 The Democratic Assembly

The Assembly, which has autonomous powers, holds the Council accountable. It is fully empowered to set motions on any topic related to the CTT or the use of global funds. It determines the budget of the CTTO, as prepared by the Council. If accepted by the Assembly, the Council is obliged to make a decision on that issue, as framed by the Assembly.

The Assembly will be comprised of representatives from governments, democratically elected national parliaments and a sample of civil society actors chosen through a screening procedure and lottery. Each government has one representative. Democratically elected national parliaments get from one to five seats depending on the size of population. Civil society actors will get a number of seats, which equals to three quarters of the combined number of seats of the representatives of governments and national parliaments.

The Assembly will meet e.g. twice a year, immediately before and at the time of the Council meeting.

6 *Phases of Implementation.*

The Currency Transaction Tax implementation can proceed along a multiple-phased regime.

The nature of the phases allows for a grouping of states to establish a collective organisation with capabilities for management of the tax and that could take further actions against tax havens and participate likewise in other initiatives.

Transitional Phase

During the transitional phase towards the first phase, the CTTO will be discussed, organised and formulated by a Preparatory Group (of Signatory States).

Entry into force

Any Minister of Government can represent their countries at the first International Conference. They should be accompanied e.g. with parliamentary representatives. The first International Conference will be open to the participation of global civil society representatives.

This Treaty will enter into force at such time as at least 30 states will have signed and ratified the Treaty and measured by an aggregation of nationally based activities, this grouping of countries will account for at least 20% of global currency markets. Nothing in the Treaty will prevent any state from joining the Organisation providing they are in consent to be bound by Treaty Obligations. To the contrary, all states of the world are invited to join.

First Phase.

The activities of the organisation in this first phase will be to accomplish the following activities.

- i. The CTTO will be established with a permanent secretariat, at first paid by the participating states in accordance with their UN shares [or as will be agreed].
- ii. The location of the headquarters of the CTTO will be decided. If no consensus can be reached in a reasonable time, the location will be decided in an appropriate procedure as may be necessary.
- iii. The CTTO will assist the national authorities to set a uniform system of tax collection and payment to the global fund the CTTO will establish a crawling peg system between participating currencies, forming the basis for a two-tier system of forex taxation.
- iv. A global fund will be established within the CTTO, to which the agreed share of tax revenues will be paid by national authorities.
- v. The CTTO will undertake initial monitoring and auditing tasks.
- vi. As of the first phase, the CTTO will be independent of any existing regional or international organisation.

Second Phase.

The Organisation shall move into the Second Phase when countries covering at least 90% of transactions within forex markets are actively applying the CTT, and all major financial centres and most other countries have joined the First Phase system.

In this phase, the CTTO will examine its identity in deep reflection in order to understand the future of the regime.

During this phase, States will collectively decide further action for structural design and affiliation. Representative States will consider whether to pursue more intensive partnerships with pre-existing International Organisations such as the United Nations or the World Bank, and whether it will utilise those forums for discussion of appropriations of international revenues. States may decide otherwise whether the Organisation shall seek Stateship of the UN, say, in the form of, or with the governance of, a would-be Economic Security Council, as proposed by the Commission of Global Governance.

Disputes

Any dispute between two or more Contracting States relating to the interpretation or application of this Treaty which is not settled through negotiations within three months of their commencement shall be referred to the Council. The Council may itself seek to settle the dispute or may take recommendations on further means of settlement of the dispute, including referral to the Democratic Assembly or to the International Court of Justice in conformity with the Statute of that Court.

Amendments

After the expiry of seven years from the entry into force of this Treaty, any Contracting State may propose amendments thereto. No sooner than three months from the date of notification, the Democratic Assembly, at its next meeting, shall, by a majority of those presents and voting, decide whether to take up the proposal. The Democratic Assembly may deal with the proposal directly or convene a Review Conference if the issue involved so warrants. The adoption of an amendment at a meeting of the Democratic Assembly or at a Review Conference on which consensus cannot be reached shall require a two-third majority of Contracting States.

Withdrawal

A Contracting State may, by written notification addressed to the Secretary-General of the United Nations, withdraw from this Treaty. The withdrawal shall take effect two years after the date of receipt of the notification, unless the notification specifies a later date.

Treaty on Global Currency Transactions Tax

PREAMBLE

THE HIGH CONTRACTING PARTIES ...

RECALLING the far-reaching adverse effects of currency and other financial crises

DESIRING to curb the excessive power of short-term transnational capital flows

BEARING in mind the differences in national economic situations and the consequent need to have some autonomy in conducting economic policies, without undermining multilateral economic arrangements

DESIRING to create revenues that can be used for developmental and other socio-economic purposes that must be determined globally

DETERMINED therefore to implement a global currency transactions tax

DETERMINED to tackle the emerging problems of tax evasion, including gaining relevant control over and regulating various off-shore tax havens

RESOLVED to mark a new, more democratic stage in the process of developing multilateral systems of global economic governance

CONFIRMING their attachment to the principles of democracy and the rule of law, which must be applied also to inter- and transnational relations

HAVE DECIDED to establish a Currency Transaction Tax and to introduce a Currency Transaction Tax Organisation:

HAVE DECIDED to conclude this Convention, and to this end have designated a their Plenipotentiaries:

WHO: having exchanged their Full Powers, found in good and due form.

HAVE AGREED AS FOLLOWS

PART I GENERAL PROVISIONS

ARTICLE 1

By this Treaty, the Contracting Parties establish among themselves a

CURRENCY TRANSACTION TAX ORGANISATION hereinafter called “the CTTO”

and agree to introduce a

CURRENCY EXCHANGE TRANSACTION TAX, hereinafter called “the CTT”

PURPOSE OF THE TREATY

ARTICLE 2

This Treaty shall aim at the following objectives:

1. To curb financial instabilities in the global economy.
2. To generate revenues to be utilised for the global common good.
3. To monitor and to give guidance on the application of a global Currency Transaction Tax
4. To stimulate the development of new forms of democratic participation and accountability in global economic governance, by virtue of its exemplary structure and initiatives.
5. To build on the Treaty with a view to considering, through discussion and decision-making within the CTTO, to what extent the policies and forms of co-operation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms of the CTTO.

PART II CURRENCY [EXCHANGE] TRANSACTION TAX

ARTICLE 3

- §1 Contracting States shall introduce a Currency Exchange Transaction Tax according to principles as determined in art 4 to 16 of this Treaty.
- §2 Revenues of the CTT:
1. Contracting States, members of OECD, excluding however Mexico and South Korea, shall, on a regular basis, pay 80% of revenue from the CTT [or as will be agreed] to the Global Intervention Fund established under article 17.
 2. The other States including Mexico and South Korea, shall pay 30% of revenues [or as will be agreed] to the Global Intervention Fund.
- §3 For the period until the Review Conference is convened as meant in art. 24§1 there shall be an additional tax on domestic currency lending to the non-Members as will be determined by the Council established under art 18. The tax rate will be 2% [or as will be agreed]. The tax collection shall follow the principles laid out in articles 4 to 16.
- §4 The Council, on a motion of the Democratic Assembly, established under art 19 shall set a tax of 25% on any capital outflows or inflows to and from non-co-operative tax havens, which threaten, in any possible way, the prospects of success of this Treaty. Failure to do so in six months, on the request of the Democratic Assembly, will result in the Democratic Assembly having the full capacity to act on this matter autonomously.

TITLE I INTRODUCTORY PROVISIONS

ARTICLE 4

Contracting States shall adopt the necessary laws, regulations and administrative provisions so that the Currency Exchange Transaction Tax system enters into force at the earliest opportunity and in accordance with article 27.

TITLE II SCOPE

ARTICLE 5

Shall be subject to CTT any currency exchange transaction within the territory of the country by a taxable person whether direct or indirect, on cash or forward, and whether or not by giro.

TITLE III TERRITORIAL APPLICATION

ARTICLE 6

For the purposes of this Convention the “territory of the country” shall be the territory of the Contracting State as stipulated in annex I and for the Contracting States of the European Economic and Monetary Union created by the Treaty establishing the European Economic Community, the area of application of that Union.

TITLE IV TAXABLE PERSONS

ARTICLE 7

- §1 “Taxable person” shall mean any person who carries out, even on an occasional basis, a taxable transaction.
- §2 For the purpose of preventing evasion, avoidance or abuse, a Contracting State may treat as a single taxable person established in the territory of the country, persons, whether established in the country or not, who, while legally independent, are closely bound to the taxable person by financial, economic and organisational links.

TITLE V TAXABLE TRANSACTIONS

ARTICLE 8

- §1 “Currency Exchange Transaction” shall mean the exchange as owner of currency of a State for currency of another State.

A Contracting State may consider the transactions from the perspective of both taxable persons in an exchange transaction to constitute one single transaction.

- §2 For the application of this article the Contracting States of the European Economic and Monetary Union or the States who have a single currency are considered to be a State.
- §3 “Currency of a State” shall mean the currency, bank notes and coins used as legal tender in a State with the exception of collection items; “collection items” shall be taken to mean gold, silver or other metal coins or bank notes which are not normally used as legal tender or coins of numismatic interest;
- §4 "Currency Exchange Transaction" shall also be taken to mean the exchange of currency pursuant to a contract under which commission is payable on the exchange. Where a person acting in his own name but on behalf of another takes part in a currency exchange transaction, he shall be considered to have received and supplied those currencies.
- §5 "Currency exchange Transactions" shall also be taken to mean transactions in financial instruments, or derivatives thereof, that have equivalent effect as exchange of currency, including exchange transactions of instruments that imply risks proper to the fluctuation in value of currency and including agreed mutual exchanges of assets, substituting for exchanges of legal tender.

TITLE VI PLACE OF TAXABLE TRANSACTIONS

ARTICLE 9

- §1 The place of a taxable transaction shall be deemed to be
- (1) the place where the transferor of the currency has established his business or has a fixed establishment to which the transaction can be allocated or, in the absence of such a place of business or fixed establishment, the place where he has his permanent address or usually resides;
 - (2) the place where the transferee has established his business or has a fixed establishment to which the transaction can be allocated or, in the absence of such a place, the place where he has his permanent address or usually resides, when the transferor is established outside the territory of one of the Contracting States and the transferee is established in the territory of a Contracting State;
 - (3) the place where the intermediary has established his business or has a fixed establishment to which the transaction can be allocated when the transferor and the transferee are not established nor have a fixed establishment in the territory of one of the Contracting States and the intermediary has;

(4) the place of the payment or settlement, or the place of the dealing or trading, or the place of booking, in that successive order, if such place is situated within the territory of one of the Contracting States, when the place of the transaction is not according to art 9§1(1) to (3) situated within the territory of one of the contracting States

(5) within the Contracting State of which the currency, as meant in art. 8§3, is the currency of the transaction.

§2 In order to avoid double taxation a Contracting State shall exempt transactions that are effectively taxed in another State under a CTT or a tax similar to the CTT when the place of the taxable transaction is situated outside the territory of that State according to art 9§1,1.

TITLE VII CHARGEABLE EVENT AND CHARGEABILITY OF TAX

ARTICLE 10

§1 “Chargeable event” shall mean the occurrence by virtue of which legal conditions necessary for tax to become chargeable are fulfilled.

§2 The tax becomes “chargeable” when the tax authority becomes entitled under the law at a given moment to claim the tax from the person liable to pay notwithstanding that the time of the exchange or the settlement may be deferred.

§3 The chargeable event shall occur and the tax shall become chargeable when the payment is received or the settlement of the transaction takes place.

TITLE VIII TAXABLE AMOUNT

ARTICLE 11

§1 The taxable amount shall be everything which constitutes the consideration which has been or is to be obtained by the transferor from the transferee or a third party.

§2 The taxable amount shall include the gross amount and the incidental expenses. Expenses covered by a separate agreement shall be considered to be incidental expenses.

§3 In the case of cancellation, refusal of total or partial non-payment, or where the price is reduced after the transaction takes place, the taxable amount shall be reduced accordingly under conditions which shall be determined by the Contracting States. However, in the case of total or partial non-payment, Contracting States may derogate from this rule.

TITLE IX RATES

ARTICLE 12

§1 The standard rate of tax shall be fixed as a percentage of the taxable amount and shall be [0,025% or 0.1% or as may be agreed].
When a Contracting State has made use of the option of art 8§1,second sentence, the rate is doubled.

§2 An increased rate of tax of maximum 80% will be applied to transactions that take place at an exchange rate that transgresses the predetermined band of fluctuation, determined according to §3.

§3 The [Council] will establish a band of fluctuation on the basis of a crawling peg system based on the moving average of currency in relation to a weighed basket of the four most relevant currencies for each Contracting State.

§4 The rate applicable to taxable transactions shall be that in force at the time of the chargeable event.

§5 In the event of changes in the rates, Contracting States may:

- effect adjustments in the case provided for in paragraph 1 in order to take account of the rate applicable at the time of the exchange,
- adopt all appropriate transitional measures.

§6 Where the taxable person transfers from being taxed in the normal way to a special rate or vice versa, Contracting States may take all necessary measures to ensure that the taxable person neither benefits nor is prejudiced unjustifiably.

TITLE X PERSONS LIABLE FOR PAYMENT

ARTICLE 13

- §1 Taxable persons who carry out taxable transactions shall be liable to pay tax to the authorities of the Contracting State.
The Contracting States may also provide that someone other than the taxable person shall be held jointly and severally liable for payment of the tax when the relevant transaction involves a currency of a Contracting Party.
- §2 When the taxable transaction is effected by a taxable person resident abroad Contracting States may adopt arrangements whereby tax is payable by someone other than the taxable person residing abroad. Inter alia a tax representative or other person for whom the taxable transaction is carried out may be designated as such other person.
- §3 Paragraphs 1 and 2 are not applicable and as than the tax shall be payable by the financial intermediary if at least one of the taxable persons called upon a financial intermediary for the exchange transaction and provided the financial intermediary has been recognised as such by the competent authority of a Contracting State. This authority may subject the recognition to financial guaranties.

TITLE VI SPECIAL SCHEMES FOR TAXATION AT THE WHOLESALE MARKET LEVEL.

ARTICLE 14

Contracting States which might encounter difficulties in applying the normal tax scheme to taxable persons by reason of their activities or structure shall have the option, under such conditions and within such limits as they may set but subject to the approval of the Council, of applying simplified procedures such as flat-rate schemes for charging and collecting the tax at the whole sale market level, provided they do not lead to a reduction thereof.

TITLE VII MEASURES TO ENSURE THE CORRECT APPLICATION OF THE TAX AND THE PREVENTION OF FRAUD

ARTICLE 15

- §1 Without prejudice to the provisions to be adopted pursuant to article 13 and this article, Contracting States introduce all measures and impose all obligations which they deem necessary for the correct levying and collection of the tax and for the prevention of the tax avoidance and fraud, including the imposition of administrative fines and penal prosecution.
- §2 Contracting States shall fully co-operate with other Contracting States, the CTTO and other institutions or persons for the proper application and enforcement of the tax.
- The Contracting States agree to consider as an integral part of this Treaty, the rules contained in the Treaty on Administrative Co-operation in Tax Matters, concluded in Strassbourg on 25 January 1988 so as to apply these rules mutatis mutandis limited to the CTT.
- The Contracting States agree to co-operate with the bodies established by the Democratic Assembly upon proposal of the Council for inspection, evaluation and investigation of the application of the CTT
- §3 The CTTO can enter into any arrangements with institutions and other persons for the co-operation on compliance, control and enforcement of the tax.
- §4 Every person liable for payment of the tax shall submit a return within an interval to be determined by each Contracting State. Contracting States may fix different periods provided that these do not exceed a year.
The return must set out all the information needed to calculate the tax that has become chargeable and in so far as it seems necessary for the establishment of the tax basis, the total amount of the transactions.
- §5 Every person liable for payment shall pay the tax when submitting the return. The Contracting States may, however, fix a different date for the payment of the amount or may demand an interim payment.
- §6 Contracting States shall take the necessary measures to ensure that those persons who are considered to be liable to pay the tax instead of a taxable person established in another country or who are jointly and severally liable for the payment, shall comply with the above obligations relating to declaration and payment.

§7 Contracting States may release taxable persons:

- from certain obligations,
- from the payment of the tax due where the amount is insignificant;

Contracting States shall grant an exemption from tax to taxable persons whose annual taxable amount is at the maximum equal to the equivalent in national currency of 10.000 euro at the conversion rate of the day on which this convention enters into force.

TITLE VIII ADVISORY COMMITTEE ON CTT

ARTICLE 16

1. An advisory Committee on CTT, hereinafter called “the Committee”, is hereby set up.
2. The Committee shall consist of, 18 experts appointed by the Bureau of the CTTO of which 12 designated by the representatives of the Contracting States and 6 designated by the representatives of the Civil Society.
The chairman of the Committee shall be a representative of the CTTO Secretarial services for the Committee shall be provided by the CTTO.
3. The Committee shall adopt its own rules of procedure.
4. The committee shall examine questions raised by its chairman, on his own initiative or at the request of one Contracting Stator or one fifth of the members of the Committee, which concern the application of the Treaty provisions on CTT.

PART III THE GLOBAL FUND AND THE GLOBAL INTERVENTION FUND

ARTICLE 17

- §1 To pursue the objectives of this Treaty, Contracting Parties establish the Global Fund under the management of the Council.
- §2 The funds of the Global Fund shall be used to finance the provision of global common goods as decided by the Democratic Assembly upon proposals of the Council.
- §3 The Global Fund shall accumulate part of the global revenues of the CTTO into a GLOBAL INTERVENTION FUND as decided by the Council to support exchange rates against speculative pressures. Intervention will be triggered automatically when the reserves of a Contracting State country reach a level as will be decided by the Council or if trading is otherwise stopped or if the currency depreciates in an accelerating rate to be decided by the Council.

PART IV STRUCTURE OF THE CTTO

TITLE I COUNCIL OF STATES

ARTICLE 18

- §1 There shall be a Council of States comprised of the representatives of the Contracting States.
- §2 The Council shall facilitate the purpose and the operation of this Treaty. To this end, it shall:
- (a) carry out the functions assigned to it under this Treaty
 - (b) at the request of a Contracting State, clarify the interpretation or application of this Treaty
 - (c) consider any matter that may affect the operation of this Treaty; and
 - (d) take such other actions as it deems necessary to fulfil its mandate;
 - (e) prepare the budget of the CTTO

- §3 In carrying out the functions specified in paragraph 2 the Council may consult governmental and non-governmental organisations or persons.
- §4 The Council shall elect a Chair, who shall serve in a personal capacity. Meetings shall be held at intervals to be determined by the Council. Council shall establish its rules and procedures.
- §5 Subject to paragraph 6, the Council shall make decisions by consensus. Such decisions may include a decision to adopt a different voting rule for a particular question or category of questions. A Contracting State may abstain and express a differing view without barring consensus. Each Contracting State shall have one vote if their population amounts to less than 10 million people, two votes if more than 10 million but less than 100 million people and 3 votes if more than 100 million people.
- §6 However, where a decision cannot be reached by consensus:
- (a) decisions on matters of substance shall be made by a two-thirds majority of the votes of the Contracting Parties;
 - (b) decisions on other matters shall be made by a simple majority of the votes of the Contracting States present and voting.
- §7 The Council shall be assisted by a Secretariat.

TITLE II GENERAL DEMOCRATIC ASSEMBLY

ARTICLE 19

- §1 A General Democratic Assembly to this Treaty is hereby established.
- §2 Each State shall have one State representative and a number of representatives appointed by the States' parliament, composed on the basis of democratic elections [as the Council may determine]. This number of representatives from national parliament shall be one if the population of the State amounts to less than 10 million people, three if more than 10 million people but less than 100 million people and 5 if more than 100 million people.
- The representatives may be accompanied by alternates and advisers.
- Other States which have signed this conventions but not ratified may be observers in the Democratic Assembly;
- §3 The Democratic Assembly shall elect from a list presented by the chairman and vice chairman of the **“Coalition of Non-Governmental Organisations’s at the CTTO”** a number of representatives from the civil society that equals [75 % or

as will be agreed] of the representatives as meant in §2.

“A Coalition of Non-governmental organisations at the CTTO” is hereby established and represents the civil society.

The chairman and the two vice chairman of the Coalition are appointed by the Bureau established under paragraph 5 on the basis of elections organised by the Bureau.

§4 The Democratic Assembly shall:

- (a) Determine the allocations of the global revenues of the CTTO for global common goods
- (b) Consider and determine the budget for the CTTO.
- (c) Consider and adopt, as appropriate, recommendations of the Preparatory Group established under art 26;
- (d) Consider the reports and activities of the Council and the Bureau and take appropriate action in regard thereto;
- (e) Consider pursuant to article 15 and 21, any questions relating to co-operation and disputes;
- (f) Perform any other function consistent with this Treaty.

§5. (a) The Democratic Assembly shall have a Bureau consisting of a President, two Vice-Presidents and [---] members elected by the Democratic Assembly for three-year terms.

- (b) The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the States and components of the civil society.
- (c) The Bureau shall meet as often as necessary, but at least once a year. It shall assist the Democratic Assembly in the discharge of its responsibilities.

§6 The Democratic Assembly may establish such subsidiary bodies as may be necessary, including an independent oversight mechanism for inspection, evaluation and investigation of the CTTO and the application of the CTT introduced by the Contracting States, in order to enhance its efficiency and economy.

§7 The President of the Council or his representatives may participate, as appropriate, in meetings of the Democratic Assembly and of the Bureau.

- §8 The Democratic Assembly shall meet at the seat of the CTTO or at the United Nations in Geneva once a year and, when circumstances so require, hold special sessions. Except as otherwise specified in this Convention, special sessions shall be convened by the Bureau on its own initiative or at the request of the third of the Contracting States.
- §9 Each representative shall have one vote. Every effort shall be made to reach decisions by consensus in the Democratic Assembly and in the Bureau. If consensus cannot be reached, decisions shall be taken by a simple majority of representatives present and voting.
- §10 A Contracting State which is in arrears in the payment of its financial contributions toward the costs of the CTTO shall have no vote in the Democratic Assembly and in the Bureau if the amount of the contributions due from it for the preceding two full years. The Democratic Assembly may, nevertheless, permit such a Contracting State to vote in the Democratic Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the Contracting State.
- §11 The Democratic Assembly shall adopt its own rules of procedure.
- §12 The official and working languages of the Democratic Assembly shall be those of the General Democratic Assembly of the United Nations.

TITLE III FINANCIAL REGULATIONS

ARTICLE 20

- §1 Except as otherwise specifically provided, all financial matters related to the Council, including subsidiary bodies, and the meetings of the Democratic Assembly including its Bureau shall be governed by this Treaty and the Financial Regulations and Rules adopted by the Democratic Assembly.
- §2 Expenses of the Council, including subsidiary bodies, and the Democratic Assembly including its Bureau shall be paid from the funds of the CTTO.
- §3 The expenses of the CTTO, including the Council and subsidiary bodies and the Democratic Assembly including its Bureau, as provided for in the budget decided by the Democratic Assembly, shall be provided by the following sources
- (a) Assessed contributions made by Contracting States for the period until the Review Conference is convened as meant in art. 24§1;
 - (b) Contributions from the Global Fund;

- §4 The contribution of Contracting States shall be assessed in accordance with agreed scale of assessment, based on the scale adopted by the United Nations for its regular budget and adjusted in accordance with the principles on which that scale is based.
- §5 Without prejudice to paragraph 3, the CTTO may receive and utilise, as additional funds, voluntary contributions from Governments, international organisations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Democratic Assembly.

PART V FINAL CLAUSES

ARTICLE 21 SETTLEMENT OF DISPUTES

Any dispute between two or more Contracting States relating to the interpretation or application of this Treaty which is not settled through negotiations within three months of their commencement shall be referred to the Council. The Council may itself seek to settle the dispute or may take recommendations on further means of settlement of the dispute, including referral to the Democratic Assembly or to the International Court of Justice in conformity with the Statute of that Court.

ARTICLE 22 RESERVATIONS

No reservations may be made on this Treaty.

[Nothing in this Treaty shall be construed to restrict an obligation of a Contracting State Party under the Treaty establishing the European Community, concluded on 25 March 1957 in Rome, as amended from time to time]

ARTICLE 23 AMENDMENTS

- §1 After the expiry of seven years from the entry into force of this Treaty, any Contracting State may propose amendments thereto. The text of any proposed amendment shall be submitted to the Secretary-General of the United Nations, who shall promptly circulate it to all Contracting States.
- §2 No sooner than three months from the date of notification, the Democratic Assembly, at its next meeting, shall, by a majority of those presents and voting, decide whether to take up the proposal. The Democratic Assembly may deal with the proposal directly or convene a Review Conference if the issue involved so warrants.
- §3 The adoption of an amendment at a meeting of the Democratic Assembly or at a Review Conference on which consensus cannot be reached shall require a two-third majority of Contracting States.
- §4 Except as provided in paragraph 5, an amendment shall enter into force for all Contracting States one year after instruments of ratification or acceptance have been deposited with the Secretary-General of the United Nations by seven-eighths of them.
- §5 Any amendment to articles of this Treaty shall enter into force for those Contracting States, which have accepted the amendment one year after the deposit of their instruments of ratification or acceptance.
- §6 If an amendment has been accepted by seven-eighths of Contracting States in accordance with paragraph 4, any Contracting State which has not accepted the amendment may withdraw from this Treaty with immediate effect, notwithstanding article 28 §1 but subject to article 28 §2, by giving notice to the Secretary General of the United Nations of a two years period of re-consideration.
- §7 The Secretary-General of the United Nations shall circulate to all Contracting States any amendment adopted at a meeting of the Democratic Assembly or at a Review Conference.
- §8 Amendments to provisions of this Statute, which are of an exclusively institutional nature, may be proposed at any time, notwithstanding article by any Contracting State. The text of any proposed amendment shall be submitted to the Secretary-General of the United Nations or such other person designated by the Democratic Assembly who shall promptly circulate in to all Contracting States and to others participating Democratic Assembly.

- §9 Amendments under this article §8 on which consensus cannot be reached shall be adopted by the Democratic Assembly or by a Review Conference, by a two-third majority of Contracting States. Such amendments shall enter into force for all Contracting States six months after their adoption by the Democratic Assembly or, as the case may be, by the Conference.

ARTICLE 24 REVIEW OF THE TREATY

- §1 When the Contracting States account for at least [90%] of the Global Currency Exchange Markets as established by the Council, Bureau shall convene a Review Conference to consider any amendments to this Statute. The Conference shall be open to those participating in the Democratic Assembly and on the same conditions.
- §2 At any time thereafter, at the request of a Contracting State and for the purposes set out in paragraph1, the Secretary-General of the United Nations shall, upon approval by a majority of Contracting States, convene a Review Conference.
- §3 The provisions of article 23, shall apply to the adoption and entry into force of any amendment to the Statute considered at a Review Conference.

ARTICLE 25 SIGNATURE,RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

This Treaty shall be open for signature by all States in New York, at the United Nations Headquarters.

- §1 This Treaty is subject to ratification, acceptance or approval by signatory States. Instruments of ratification, acceptance or approval shall be deposit with the Secretary-General of the United Nations.
- §2 This Treaty shall be open to accession by all States. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 26 THE PREPARATORY GROUP

- §1 Until the entry into force of the Treaty there shall be a Preparatory Group comprised of the Signatories to the Treaty.
- §2 The preparatory Group shall:
- (a) prepare for entry into force of the Treaty
 - (b) Prepare for the establishment of the CTTO and the establishment of the Council and the secretariat, the Democratic Assembly and the Coalition of NGO's at the CTTO.
 - (c) The Preparatory Group shall elect a chair, who shall serve in a personal capacity.
- §3 The Preparatory Group shall establish its rules and procedures. Meetings shall be held at intervals to be determined by the Preparatory Group.
- §4 The Preparatory Group may receive and utilise volunteer contributions from governments, international organisations, individuals, corporation and other entities. It shall make public in annual accounts the reception and utilisation of the funds.

ARTICLE 27 ENTRY INTO FORCE

- §1 This Treaty shall enter into force on the first day of the month after the 60th day following the date of the deposit of the 30th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations, or on the date on which the Preparatory Group has [established] that the Contracting States who have ratified the Treaty account for at least 20% of the global currency markets, whichever is later.
- §2 For each State ratifying, accepting, approving or acceding to this Treaty after the deposit of the 30th instrument of ratification, acceptance, approval or accession, the Statute shall enter into force on the first day of the month after the 60th day following the deposit by such State of its instrument of ratification, acceptance, approval or accession.

ARTICLE 28 WITHDRAWAL

- §1 A Contracting State may, by written notification addressed to the Secretary-General of the United Nations, withdraw from this Treaty. The withdrawal shall take effect two years after the date of receipt of the notification, unless the notification specifies a later date.
- §2 A Contracting State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Treaty while it was a Party to the Treaty, including any financial obligations, which may have accrued. Its withdrawal shall not affect any co-operation with the CTTO in connection with investigations and proceedings in relation to which the withdrawing State had a duty to co-operate and which have commenced prior to the date on which the withdrawal became effective, nor shall it prejudice in any way the continued consideration on any matter which was already under consideration by the CTTO prior to the date on which the withdrawal became effective.

ARTICLE 29 AUTHENTIC TEXTS

The original of this Statute, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposit with the Secretary-General of the United Nations, who shall send certified copies thereof to all States

IN WITNESS WHEREOF, the undersigned, being duly authorised there to by their respective Governments, have signed this Statute.

DONE at [----], this [---]day of [----]