



**37th session of the Human Rights Council
Report of the Intergovernmental Working Group on Transnational Corporations
and Other Business Enterprises with respect to human rights**

STATEMENT BY THE REPUBLIC OF AZERBAIJAN

delivered by Mrs. Kamala Huseynli-Abishova

8 March 2018

Thank you Mr. Chairman,

We would like to thank the delegation of Ecuador for the tremendous efforts undertaken throughout the sessions of the Working Group on TNCs and OBEs.

The Republic of Azerbaijan continues to support the process of elaborating international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.

The Republic of Azerbaijan is of the view that although non-binding, voluntary rules aimed at the protection of human rights have been valuable they have not been able to ensure access to effective remedy, particularly in conflict and post conflict situations.

Transnational Corporations and other business enterprises have a critical role to play in the areas of international trade, global labour and capital movements.

However, many of these commercial entities often consciously violate not only the major norms and principles of international law, but often also basic human rights. Some TNCs and OBEs continue to use conflict and post-conflict situations to generate revenue. Victims often do not have any legal means to appeal. This is particularly true in cases of forceful internal displacement caused by occupation, where a group of people called IDPs is being forcefully expelled from their native lands by the occupying force.

More alarming, in this regard, is that in most cases the states where such entities are registered in, deny their responsibility to take adequate measures under the pretext of non-interference in the affairs of private sector. Therefore, we see the outcome of this process to address such a dangerous trend.

The resolution 26/9 adopted by the HRC “decides to establish an open-ended intergovernmental working group with a clear mandate “to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises”.

The Republic of Azerbaijan is therefore expressing its commitment to the process until the fulfillment of the mandate that shall only end with the adoption of the international legally binding instrument.

We believe that all Members on an equal basis shall continue to constructively engage in the process until the fulfillment of the mandate.

We support the elements document drawn up by the Chairperson of the Working Group and we are of the view that they are quite comprehensive and encompass most of the principal components that need to be included into the future legally binding instrument.

Nevertheless, there are certain more elements that should definitely be reflected in the next revision of the document of elements with a view to ensure its inclusivity and comprehensiveness.

We have already submitted our contributions to the Secretariat and look forward to having them incorporated into the draft elements document.

We believe that the legally binding instrument shall cover a wide range of protected rights including inter alia the right to property declared in article 17 of the Universal Declaration of Human Rights and “the rights to the permanent sovereignty over natural resources” stressed in UNGA Resolution 1803 adopted in 1962.

The Republic of Azerbaijan strongly supports the reaffirmation of the principle of sovereign equality and territorial integrity of States in the elements document.

In the past several years we have seen a rise of electronic trade. Some e-retailers and marketplaces have become more popular and powerful than many known TNCs. The e-commerce is already global in nature and has no borders. It is often that the providers of e-services are virtual and have no physical presence. We believe that physical

existence of the company is not the only prerequisite for evaluation of their human rights violations.

We are of the view that the elaboration of international legally binding document under discussion is very timely. Moreover, we believe that the soonest adoption of such legal document is crucial.

The Republic of Azerbaijan reiterates its readiness to engage in constructive deliberations on the content, scope, nature and form of a future international legal instrument with the Chair-Rapporteur and interested Parties.

Thank you!