

**Azərbaycan Respublikasının
Cenevrədəki BMT Bölməsi
və digər beynəlxalq təşkilatlar yanında
Daimi Nümayəndəliyi**



**Permanent Mission
of the Republic of Azerbaijan
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International Organizations in Geneva**

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Third session 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, Third Secretary of the Permanent Mission of the Republic of Azerbaijan to the international organizations in Geneva
under Subject 3: General Obligations**

25 October 2017

Thank you Mr. Chairman,

We fully share your views of the human centered approach in the preparation of the legal instrument that you expressed yesterday.

TNCs and OBEs pose challenges in terms of accountability.

Although it has been claimed that TNCs are registered according to domestic laws of states and are held accountable by states on the territories of which they are registered, we have and can provide you with many cases where despite the obvious violations committed by TNCs the states preferred to resort to the non interference into business affairs of private sector and thus refrained from stopping such violations. Hence, it is important to explicitly list the obligations of states in regard to the TNCs registered on their territories to ensure the respect of human rights by TNCs and OBEs.

We believe that the TNCs and OBEs that are registered in accordance with the national legislation must respect territorial integrity and sovereignty of all other states. Thus, reaffirmation of the principle of sovereign equality and territorial integrity of States in the elements document is of great importance.

It is also important to clearly identify both online and offline dimensions of TNCs and OBEs in order to prevent any possible future challenges and confusion of the application of the legal instrument under discussion.

Accountability of TNCs and OBEs with respect to human rights shall be ensured by introducing appropriate monitoring mechanism and sanctions.

Effective due diligence measures shall be in place to prevent human rights abuses, including through respecting vulnerable groups such as IDPs.

The obligations of states should not be limited to ensuring the respect of human rights domestically. Those states that own TNCs and OBEs shall ensure their compliance with domestic laws of the states on the territories of which they operate along with universal human rights documents to which the states are parties.

Thus, it is important to elaborate the legal document that will guide both states and TNCs and OBEs in their current and future conduct.

International organizations with specific mandates shall adopt codes of conduct that will ensure primacy of human rights in the activities of companies operating under their guidance.

Thank you.