

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



**Permanent Mission
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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 Mr. Yalchin Rafiyev, First Secretary of the Permanent Mission of the Republic of Azerbaijan to the international organizations in Geneva

23 October 2017

Thank you Mr. Chair,

At the outset we would like congratulate Ambassador Guillaume Long upon his election as the chairperson-Rapporteur of the Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with respect to human rights and wish him every success in exercising his new functions.

We avail ourselves of this opportunity to express our gratitude for the tremendous efforts undertaken by minister Espinoza and the delegation of Ecuador throughout the first 2 sessions of the Working Group.

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

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

However, in certain cases these commercial entities violate the major norms and principles of international law, including at the conflict and post-conflict settings just for making more profit. 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 ensuring the independence of private sector. Therefore, we see the outcome of this process to address such dangerous trend.

We support the elements 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 worked out a written contribution that includes all the elements that we wish to be included into the future instrument. It has been submitted to the Secretariat of the Working Group on Thursday and we expect the Secretariat to publish it on the webpage of the Working Group.

The only proposed element that we would like to highlight at this point is the dimensional aspect of the activities of the business enterprises. Due to the dynamic advancement in the field of technology during the recent years, the number of companies operating online and offering their services beyond the national borders of their home country on an online basis has drastically increased. They include, *inter alia*, entities offering travel, consultancy and financial services. Such companies also violate international law and they should also be held accountable. Therefore, Mr. Chair, we will proceed with the understanding that the physical existence of the company is not the only prerequisite for evaluation of their human rights violations. We hope that our deliberations here will also entail TNCs and OBEs operating online.

In conclusion, Mr. Chair, we express our 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 Mr. Chairperson.