**Intervention by India on Article 2 and 8 of the draft text made by Mr. Animesh Choudhury, First Secretary**

Thank You Mr. Chair,

First of all, India would like to thank you for introducing the two articles of the text namely Article 2 and Article 8 under discussion. We also thank the experts for their valuable comments.

2. As regards Article 2, we would like to reserve our comments on this article until we have discussions on Article 4 on ‘Definitions’ as we need more clarity on the phrase “business activities of a transnational character” used in this article. Besides, India believes that this instrument should not cover national enterprises as we already have domestic laws in place for their regulation.

3. On Article 8, we believe the text needs considerable revision as there are number of elements which need more clarity and balance. This article needs to be flexible so as to avoid any conflict between a state’s domestic laws and its international obligations. The list of remedies should be an exhaustive list and we should not leave the options open-ended. We have encountered words like ‘satisfaction’ in the text. Now ‘satisfaction’ in the legal sense is difficult to define and has a relative connotation. What we should try to do is to make this article more flexible. It can list out the minimum standards while leaving it the states to work out the model of implementation as per their domestic legal framework.

Thank You