



At the **first meeting** of the Working Group, the prior consideration of this agenda item by the General Assembly since the adoption of the articles by the International Law Commission was recalled. As the plenary debate had revealed that a divergence of opinion on the fate of the articles continued to exist, delegations were asked to further elaborate on their positions and underlying concerns, so as to possibly identify areas of convergence and areas of divergence.

An increased number of delegations spoke in favour of moving towards the negotiation of a convention on the basis of the articles. Pointing to the extensive

law and that State practice itself should be allowed to develop. A fundamental concern in a negotiating exercise would be the risk of unravelling the work of the

proposed and, in this context, the Working Group discussed whether additional safeguards could be established so as to assuage concerns.

The non-paper also suggested that the Working Group further reflect on current State practice. Delegations generally considered that it could be helpful to count with a report of the Secretary-General listing, including through tabular format, the references made to the articles in the almost 400 decisions of international courts and tribunals and other bodies already compiled by the Secretary-General since 2001, as well as to the reference to the articles in the submissions of the parties to the relevant disputes. Delegations also exchanged views on the utility of counting with information on procedural options on possible action on the basis of the articles, without prejudice to the question of whether any action is appropriate.

The exchange of views in the Working Group formed the basis of informal consultations on a draft resolution, which then continued outside the framework of the Working Group. I will