

Statement by Lithuania on Cluster I of the ILC Report

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Mr. Chair, distinguished delegates of the 6th committee,

Lithuania underscores the vital role of the International Law Commission in the codification and progressive development of international law, which is fundamental to a international law based international order. We regret that budgetary constraints have limited the Commission's work during the 76th session and stress the importance of ensuring sufficient time and resources for the ILC to fulfill its mandate. We therefore urge the Secretariat to explore ways to secure adequate funding for future sessions. Despite current challenges, we welcome the completion of the topic on sea-level rise and commend the continued progress on immunity of state officials, dispute settlement involving international organizations, and general principles of law—contributions that are essential for legal clarity, justice, and international cooperation.

On sea-level rise

Lithuania welcomes the completion of the topic “Sea-level rise in relation to international law” and commends the ILC and its Study Group for their thorough work. Lithuania aligns with the statement delivered by the European Union and its Member States, particularly regarding the recognition of the United Nations Convention on the Law of the Sea (UNCLOS) as the main legal framework governing almost all ocean-related activities. Its integrity must be upheld, and any legal response to climate-induced sea-level rise must remain consistent with UNCLOS.

We support the identification of key principles—legal stability, predictability, and certainty—as vital to protecting coastal States and ensuring continuity of statehood. The final report outlines legal questions related to the law of the sea, statehood, and protection of persons affected by sea-level rise. It highlights cross-cutting issues and interlinkages among these areas, offering possible paths forward. Its release is timely, coinciding with advisory proceedings before international courts on states' climate-related obligations, including sea-level rise—an issue also referenced in the ICJ's Advisory Opinion on climate change.

We further welcome the Commission's decision to include the topics “Compensation for the damage caused by internationally wrongful acts” and “Due diligence in international law” in its programme of work, and the appointment of Mr. Paparinskis and Ms. Ridings, respectively, as Special Rapporteurs.

On compensation for the damage

Lithuania affirms its belief that relevant Articles on the Responsibility of States for Internationally Wrongful Acts reflect customary international law. However, without effective mechanisms to assess damage and disburse relevant compensation, the right to reparation risks being unenforceable. It is therefore essential to develop such mechanisms on a case-by-case basis, ranging from quasi-judicial bodies to administrative commissions, all in full compliance with international law.

Lithuania places particular importance on establishing an international compensation mechanism for Ukraine, following the ongoing Russian Federation's war of aggression. Following UN General Assembly Resolution ES-11/5 this process was significantly advanced with Register of Damages already established and the Claims Commission to be set up in the very near future, by the Convention establishing the Commission to be signed this December..

The Register of Damage, which reference we welcome, is the first of three steps toward a comprehensive compensation mechanism. The second is the Claims Commission, the work on its establishment is now finalized, which will assess and determine compensation for damage caused within Ukraine's internationally recognized borders. The third step will be the establishment of a compensation fund. Importantly, only state that bears responsibility will have to take the financial burden of any awarded compensation.

Lithuania appreciates the proposal to address this topic and looks forward to contributing further to discussions in the 6th Committee.

We welcome the inclusion of topics/themes "The principle of non-intervention in international law" and "Identification and legal consequences of obligations *erga omnes*" in the Commission's long-term programme of work. By taking up these topics ILC reflect its responsiveness to evolving legal challenges and its commitment to strengthening international law. We consider both discussions essential. On non-intervention, we recommend streamlining the topic and incorporating relevant practice and *opinio juris*.

Obligations *erga omnes*—such as prohibitions against genocide, slavery, and aggression—are duties owed to the international community as a whole. They raise important questions about the legal permissibility of neutrality when such obligations are violated. While traditional neutrality allows states to abstain from conflicts, serious breaches may require action in response or at least a condemnation. The ICJ and other bodies have recognized that non-injured states may have standing to act in defence of *erga omnes* obligations. Lithuania therefore proposes that the ILC also examine the legal implications of neutrality, clarify the duties of non-injured states, and explore thresholds where neutrality may conflict with need to act collectively. Addressing this issue would enhance the Commission's work and offer valuable guidance to states navigating their global legal responsibilities.

Having already commended the ILC's responsiveness to evolving legal challenges, Lithuania supports Poland's proposal to include new topics for future consideration—namely, the protection of undersea infrastructure under international law and the status of ships without nationality or

operating under false flags. These are timely and relevant issues that merit further legal exploration.

Finally, we express our sincere appreciation to the International Law Commission for its significant work and comprehensive report. Lithuania reaffirms its unwavering support for the ILC and looks forward to continued engagement.

Thank you.