

Letter dated 20 June 1995 from the Permanent Representative of Lesotho
to the United Nations



THE PERMANENT MISSION OF THE KINGDOM
TO THE UNITED NATIONS

REF LM/ICJ/1

CABLE ADDRESS

MACHADA June 20th, 1995

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Mr. Mohammed Bedjaoui
President of the International Court of Justice
Peace Palace
2517 KJ, The Hague
Netherlands

Your Excellency,

The Kingdom of Lesotho has the pleasure to submit the following in response to the invitation of the International Court of Justice to make statements on the question requested by the United Nations General Assembly:

"Is the threat of nuclear weapons in any circumstance permitted under international law?"

The Kingdom of Lesotho is concerned about the continuing threat of nuclear weapons and therefore supported the United Nations General Assembly Resolution requesting the advisory opinion on this issue.

The Kingdom of Lesotho is resolutely opposed to the threat or use of nuclear weapons, and will support the various international and regional initiatives for prohibiting nuclear weapons. These include the establishment of a nuclear weapons free Africa and United Nations resolutions calling for a convention on the threat or use of nuclear weapons.

The Kingdom of Lesotho believes that any threat or use of nuclear weapons violates Article 2(4) of the United Nations Charter, which prohibits the threat or use of force except in self defense as provided in Article 51.


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- 2 -

Any use of nuclear weapons, even in self defense, would violate international humanitarian law, including the Hague and Geneva Conventions, which prohibit as practices of war, indiscriminate killing; the use of poisonous gases, liquids and analogous substances; the violation of neutral territory; causing longterm or severe damage to the environment; causing unnecessary or aggravated suffering or responding to provocation with a disproportionate response.

Moreover, there is a general principle that the threat to commit a particularly serious crime is itself an offense. Since the use of nuclear weapons is illegal, the threat of use of nuclear weapons is also illegal.

The Kingdom of Lesotho reserves the right to submit further argument in the response phase of proceedings or at the oral hearings.


Percy M. Mangoaela
AMBASSADOR, PERMANENT
REPRESENTATIVE