SOME CONSIDERATIONS REGARDING GOOD NEIGHBORLINESS IN INTERNATIONAL LAW

Lecturer Mihaela POP, Ph.D
"Titu Maiorescu" University, Faculty of Law and Economic Sciences Târgu-Jiu, Romania
mihaela.pop@prof.utm.ro

DOI: 10.51865/JOLAS.2025.23.14

Abstract:
Neighbourliness is based on Public International Law and Customary International Law. The concept of neighbourliness is an ancient term, both geographically and politically, as well as historically undeniable. History demonstrates that no nation or population exists without neighbours, with whom they may have experienced amicable relations or conflicts, misunderstandings, and battles that occasionally escalate into wars.
Good neighbourliness in public international law represents an ideal and a fundamental principle that emphasizes the importance of harmonious relations between states, as a basis for maintaining international peace and security. In an interdependent world, characterized by globalization and cultural diversity, the concept of good neighbourliness receives particular relevance, being anchored in the norms and values that govern international interactions. "Any serious foreign policy is based primarily on good relations with neighbouring countries." [1] Good neighbourliness requires not only respect for state sovereignty but also open dialogue, transparency in international dealings, and mutual commitments to safeguard each other's rights.
Keywords: *Public International Law, Good Neighbourliness, Legal Framework, Globalization, Peace and Security.*

Introduction

The principle of "good neighbourliness" is commonly referenced by States, case law, and doctrine, appearing in various international documents; however, it lacks a comprehensive legal analysis and explanation. Henry Clay [2] is the one who invented the term "good neighbour" in the 19th century. In doctrine, the term is attributed to US President Franklin Delano Roosevelt, who used it in his inaugural address in 1936 as the "Good Neighbour Policy" [3].

In International Law, Good Neighbourliness is a political-legal concept denoting the requisite relationship between two or more states, irrespective of shared borders, characterised by collaboration, mutual understanding, and consideration, grounded in the fundamental principles of International Law and mutual respect.

The concept of good neighbourliness derives from the principle of cooperation, which is found in numerous international instruments, including the Charter of the United Nations and various bilateral and multilateral treaties. It imposes a moral and legal responsibility on states to manage their external relations through dialogue, mutual respect and the peaceful settlement of disputes. Thus, the framework of good neighbourliness is expanded to include not only economic and trade interactions, but also environmental issues, migration and human rights. This approach emphasizes that good neighbourliness is not a simple foreign policy principle, but an essential criterion for the sustainable development of international relations.

Legal framework

Public International Law instruments related to good neighbourliness can be classified into treaties and customary rules, both accompanied by an identification of instances of relevance and a description of their content.

The Preamble to the UN Charter enshrines the commitment of member states: “to practice tolerance and live together in peace with one another as good neighbours” [4] and Resolution 1236/XII confirms the principles of Peaceful and neighbourly relations among States [5], and Resolution 1301/XIII the Measures aimed at the implementation and promotion of peaceful and neighbourly relations among States [6].

The rules that need to be followed regarding international affairs, which are binding on states and other entities, are established in treaties, customary practices or recognized principles of international law. Hence, states are restricted to certain behaviours and/or are prohibited from certain behaviours. In extreme cases of noncompliance, states/international organizations have a right to take action against a noncomplying entity due to legitimate interests which remain authoritative.

Particularly relevant to the concept of good neighbourliness are the Treaty on Principles of International Law concerning Friendly Relations and Cooperation among States, which was adopted by the United Nations in 1970 [7]. The United Nations treaty specifies principles such as sovereign equality of states, that states must refrain from threats and usage of force against the territorial integrity and political independence of other states, respect for human rights and self-determination, and that states must

cooperate in good faith to solve international problems. In combination with the United Nations Charter, it expresses the doctrine of good neighbourliness.

The development of good neighbourly relations, understanding and cooperation between the states of the world, regardless of social order, was promoted and adopted by consensus by the UN General Assembly in December 1979 and entitled “Development and strengthening of good neighbourliness between States” [8].

These so-called general rules treaties have been sanctioned by the international community and have been successively applied and interpreted. In addition, among the special treaties, it is important to mention those treaties prohibiting actions that are threatening or forceful towards a neighbouring state, such as the treaties on good neighbourhood or border treaties. Any interference can be sanctioned or the states can be called responsible for violations. Regarding responsibility, there is a category of actions that definitively have a character of obligations.

Principles of Good Neighbourhood

The concept of good neighbourliness in public international law refers to a set of principles and norms that regulate relations between sovereign states, aiming to promote a climate of cooperation and prevent conflicts. Good neighbourliness implies not only respect for the sovereignty of states, but also open communication, transparency in international relations, as well as mutual commitments to respect each other's rights. The principles of good neighbourhood in international law have developed through judicial decisions, resolution of international organizations, treaties, and customary law states.

1. Sovereignty and Territorial Integrity: The territorial state has the exclusive power to legislate and regulate activities and conduct within its territory, as well as the right to control its natural resources. Sovereignty also requires a state to refrain from making or permitting to be made any action in its territory which is contrary to the freedoms, rights, or legitimate interests of other states. In the legal relations between states, there is an ethical approach whereby every state is regarded as a subject of this ethical order. Only states that respect the internationally recognized sovereignty of other states may play a role in this international legal order.

2. Mutual Respect and Cooperation: Riverine states must mutually respect the equal rights of all states to benefit from the use and exploitation of shared resources in areas of common interest. In fulfilling the comprehensive nature of every duty, proper regard must be given to the legitimate interests of others. A state's activities must be performed with that level of care and diligence which is expected, taking into account local conditions. For co-operative watercourse management, it is important that state parties meet periodically to discuss shared watercourse problems, activities, or developments and that co-operative activities are institutionalized through joint or river basin commissions.

3. Non-Interference in Domestic Affairs: By accepting these principles, governments guarantee that the social or political system existing within their territory will be respected. No economic or political assistance, nor the influence of international organizations, may be used to change a state's political system without that state's consent. Similarly, a state is prohibited from employing economic or political sanctions with the aim of disrupting or changing the social or political system of another sovereign state.

Case study - European Union

The European Union (EU) is a political and economic association of 27 member states, which is willing to put the law and economy at the service of peace, security, stability, and human rights. The EU nations practice a policy of good neighbourhood both abroad and within the Union itself regarding European citizens. The EU is an area without internal frontiers where the free movement of goods, persons, services and capital is ensured. The EU internal market entails an EU citizenship which grants the right of free movement within its territory to any citizen of the EU. The area of free movement within the EU is complemented by the free movement of goods, persons, and services with Switzerland, Norway, Iceland and Liechtenstein that came about through bilateral agreements. The EU aims to establish a sustained cooperation with other neighbouring states enabling justified cross-border and temporary accommodation of EU citizens. In the first regard, we will examine and assess two EU agreements, namely the Euro-Mediterranean Partnership [9] and the European Neighbourhood Policy [10]. To limit the

scope of the study, the focus will be more on the latter. Moreover, it is shown that the early optimism regarding the ENP has now turned into disappointment and scepticism due to the underperformance and failure of the policy.

The European Neighbourhood Policy (ENP) underpins a new approach to the relations

between the European Union and its neighbouring countries, which goes beyond the traditional cooperation approach [11]. The ENP was proclaimed by the EU in 2004 in response to changing regional circumstances, particularly the perspective of enlargement, and was motivated also by internal security concerns. It was claimed to be a celebration of the vision of an area of stability, security, and prosperity, providing an opportunity to improve cooperation with neighbouring countries on an array of common challenges, such as justice, freedom, and security. The ENP provides potential neighbours with the prospect of closer economic integration through free-trade accords, convergence with EU rules, and the possibility of trading in regards to mobility, like student exchanges and visa facilitation. However, on the political side, the conditionality principle was weakened considerably in the ENP compared with enlargement, only poor nations with alarming levels of cross-border crime, terrorism, and drugs trafficking risk being deprived of benefits.

The ENP as the main instrument for good neighbourhood did not strengthen bilateral ties substantially. There was always potential for diverging perceptions of the neighbourhood. Several ENP partners, like Ukraine and Moldova, situated in Central and Eastern Europe, harboured hopes of greater EU integration, while the Arab countries viewed the ENP largely as a corrective to their bilateral agreements with some member states. The topicality of the neighbourhood Europeanization through ENP is undoubtful, particularly due to the fact that the Republic of Moldova has taken a claimable European integration direction and is striving to fulfil the requirements stipulated in the EU-Moldova Association Agreement [12]. The Arab Spring further complicated the situation, as the EU strategy of promoting regional stability through insisting on reform on the wire was met with a fundamental and immediate challenge. For a moment, in 2011, the ENP stood on the verge of radical overhaul, with member states clashing on the issue between welcoming the change and taking a cautious wait-and-see stance. With regard to the

good neighbourhood in the law on international level, convergence on rights in agreements under the auspices of the UN, the World Bank, or the GATT/WTO is the most relevant alternative to good neighbourhood.

Challenges in applying the good neighborly principle

The principle of good neighbourliness in public international law, although essential for maintaining harmonious relations between states, faces numerous challenges that affect its implementation and functionality. In the context of globalization, diverse national and cultural interests can generate tensions, difficulties in negotiating and respecting international commitments. This diversity sometimes results in frictions in the application of the principle, especially in areas with territorial disputes or limited natural resources.

Territorial integrity means the right of a state to have boundaries that are relatively secure against external attempts at acquisition of territory or attempts by revolutionary groups to detach territory. Territorial integrity means that a state should not come under aggressor attacks, plots or mischief aimed at destabilization.

Resource management transcends the simple allocation of resources and enters the realm of values. In many cases, the quality of good neighbourly relations is closely associated with adequate representation in resource management. Through representation, neighbours learn something from this realm of values, and if good neighbourly relations are to govern, the neighbourly relationship will be determined and sustained by shared values.

Cultural conflicts, whether intergroup or intragroup in nature, are rendering themselves more and more visible in the present-day scenario. A grievance or grievance group may be said to be asserting an ongoing cultural claim against the state if it wishes for the state to take some steps to. A claim for recognition is the most basic form of a cultural claim since it merely appeals to the state to notice the grievance.

International conflicts have a profound and often lasting impact on neighbouring relations, influencing both bilateral interactions and regional stability. In the context of public international law, these confrontations can create not only temporary ruptures in diplomatic relations, but also long-term effects through changes in mutual perceptions and security. For example, following armed conflicts, neighbouring countries can develop

resentment and distrust, which can lead to a spiral of tensions and adverse reactions, beyond the simple military side. Russia's aggression against Ukraine has triggered one of the largest humanitarian crises in Europe. [13]

In this context, to overcome the challenges in the application of the principle of good neighbourliness, it is essential to promote diplomatic dialogue and inter-state collaboration. International organizations, such as the UN and the European Union, play a crucial role in mediating disputes and facilitating cooperation between states. Conflict resolution mechanisms and bilateral negotiations can be effective in building trust and creating a framework in which the principle of good neighbourliness can be properly applied. Addressing these challenges requires an approach based on respect and co-responsibility, given that regional prosperity and stability are closely linked to compliance with international obligations.

Future of Good Neighbourhood in International Law

While the general principles of good neighbourhood are ancient and hence now considered part of customary international law, the prescriptive good neighbourhood norms are comparatively recent, with an epoch-making impact on international relations, regional integration, and globalisation. The original meanings of the term “good neighbours” – respect for human dignity, tangible assistance for development, and a hospitable environment for peaceful co-existence – are also relevant to international law. The concept of “good neighbours” is gradually being recognised as benefitting not only the immediate neighbourhoods of a state but also the entire humanity and the natural environment. With the concurrent emergence of various definitions of “good neighbours”, however, future scholars and practitioners of international law need to discern between provenance-based and normative definitions; between a set of legal norms that are invoked by initiating states but do not receive specific responses from the rest; or a “social fact”, said to exist independently of the law, which, in actuality, hopeful states invoke and do not receive. The prescriptive norms in the 1970s, despite initial scepticism regarding their legitimacy and value, have since been welcomed as based on the realities and aspirations of inter-State relations and as capable of inducing fraternal and co-operative behaviour. Perhaps for this reason, a few post-colonial and developing countries have

courted resistance to climate change policies and initiatives, regarding such as violating States' rights to self-determination. The espousal of "good neighbour" conduct in general and each prescriptive norm in particular pose a challenge to the addressees of disputes, on the one hand, and to the initiators proposing general frameworks and measurable criteria, on the other.

Conclusion

Within the field of international public law, the idea of good neighbourliness becomes rather important for promoting peaceful relations between countries. This analysis makes clear that following good neighbourliness is not only a moral or ethical goal but also a need for preserving world peace and security. As nations negotiate the complexity of globalization, the interdependence moulded by social, environmental, and economic aspects emphasizes the need of group action. The general conclusion is that international treaties and agreements should include strong legal frameworks more actively incorporated under the influence of good neighbourliness to help to prevent and resolve conflict.

This study leads one important recommendation: the improvement of bilateral and multilateral systems meant to foster openness and communication between surrounding governments. These kinds of systems should be made to solve not only current conflicts but also promote long-term cooperative relationships emphasizing mutual interests. Additionally, international bodies such as the United Nations could take a more proactive role in mediating conflicts grounded in neighbourly disputes, establishing platforms for dialogue that leverage existing treaties and agreements. Moreover, states are encouraged to adopt best practices in conflict resolution that prioritize negotiation and mediation, drawing on case studies of successful cooperation that exemplify the benefits of adhering to good neighbourliness.

It is crucial to recognize the role of education and capacity building within states, as these form the bedrock upon which sustainable relationships can be built. Developing a culture of good neighbourliness within the framework of public international law will require concerted efforts towards legal literacy and diplomatic training. States must invest in developing skilled negotiators who can navigate the intricacies of international relations

while prioritizing mutual respect and understanding. By fostering a commitment to good neighbourliness through legal mechanisms and educational initiatives, the international community can achieve not only a reduction in conflicts but also an environment conducive to economic cooperation and societal growth, thereby reinforcing the foundations of sustainable peace.

References:

[7] N. Titulescu, https://biblioteca-digitala.ro/reviste/carte/nicolae-titulescu-discursuri_1967.pdf , p. 19
[8] https://www.britannica.com/biography/Henry-Clay
[9] https://www.gilderlehrman.org/history-resources/spotlight-primary-source/franklin-roosevelts-good-neighbor-policy-1936
[10] https://www.un.org/en/about-us/un-charter/preamble
[11] http://digitallibrary.un.org/record/207248?v=pdf
[12] https://digitallibrary.un.org/record/206891?v=pdf
[13] https://digitallibrary.un.org/record/202170?v=pdf
[14] https://docs.un.org/en/A/RES/34/99
[15] https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/euro-mediterranean-partnership-euromed_en
[16] https://www.eeas.europa.eu/eeas/european-neighbourhood-policy_en
[17] Floriana Anca Păunescu, Ileana Mihaela Chirițescu, The New European Neighbourhood Policy, Revista de Științe Politice. Revue des Sciences Politiques, no. 77, p. 62
[18] Crudu, Rodica, Zubenschi, Mariana, Năstase, Carmen, THE ROLE OF EUROPEAN INTEGRATION AND EUROPEAN NEIGHBORHOOD POLICY IN THE EUROPEANISATION OF MOLDOVA, ASSESSING THE EU'S ACTORNESS IN THE EASTERN NEIGHBOURHOOD • EURINT 2021, p. 56
[19] Aldea, Cezar-Cristian, NEW THREATS AND VULNERABILITIES REGARDING NATIONAL SECURITY IN THE CONTEXT OF THE CONFLICT IN UKRAINE, Buletinul Universităţii Naţionale de Apărare „Carol I", 10.53477/2065-8281-22-85, p. 35