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Affirming the Principle of Good Neighborliness in International Relations

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Abstract: The territory is the fundamental part of a state. It is the geographical space where a state exercises its full sovereignty, asserts its authority and possesses its national resources and wealth. A state territory is a land area under the sovereignty of a given state, in other words, an area in which the state exercises supreme power and which it controls, organizing itself in an administrative relationship and establishing its legal regime. One of the components of a state's sovereignty is its territorial supremacy. The nature of the territorial supremacy of state sovereignty and of the state as a whole cannot be derived from any legal category. The territory of a state includes the land, inland waters and the territorial sea, the airspace above the state. There are also international rivers, streams and canals, which may lie within the territory of one or more states. An international territory is an area of international law which is not subject to the sovereignty of any state and which is open to all states in accordance with international legal standards, the airspace above it as well as over an exclusive economic zone, the seabed and ocean floor outside the country, outer space including the Moon and other celestial bodies.

Keywords: *principle of good neighborliness, international relations, international law.*

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1. Introduction

The principles of international law are regarded as guiding principles with a general content, distinct from the rules of positive international law, which it transcends, but with a meaning distinct from that of the general principles of law identified in the legal order of States, expressly provided by Article 38 of the ICJ Statute. For these reasons, they can be analyzed in a different way, not only in the strict sense of a source or formal source of international law, but beyond this category, as an element belonging to the substratum of all international norms and the foundations of the international legal system.

Beyond the differences in the terms used to designate the category of principles of international law, their importance and particular role for international law as a whole cannot be disputed (Ciucă, 2019; Păvăleanu, 2018, Păvăleanu, 2019), as the influence of this category of rules is diffused throughout the international legal system, playing an essential role, first in the process of creating the rules of international law, and subsequently in the process of applying them. Principles have played an essential role for the international legal order in the construction of rules in new areas of international law, which required normative regulation and for which they provided a starting point. Reference is made in specialized literature to the creation of norms of space law, for example, whose principles proclaimed at the initial stage of crystallization of the normative framework are already applicable.

As basic pillars of the international legal system, we specify that these principles are the expression of the ideas of law and justice and make a special contribution to influencing the international legal order from the perspective of their superiority over other rules of positive international law. The content and application of these rules depend on the observance of the principles of international law, because, in this way, the balance of the normative framework is ensured, which cannot pursue goals or objectives contrary to the principles that constitute, moreover, the core of international law.

The inconsistency in the implementation of the principles continues to exist because states are economically and politically divided and, unfortunately, relations between some of them are strained. What is certain is that the fundamental principles of international law remain legal standards of the utmost importance and generality for all states in the world. These can be regarded as genuine constitutional principles of the international

community, which concern the interpretation and application of international law as a whole and are identified with the foundations of the international legal system (Moldovan, 2019, pp. 93-94).

2. Good neighborliness - a principle of international law

The terrestrial neighborhood is the land area of the territory, which occupies the soil and subsoil, respectively the state has absolute sovereignty over this area. By terrestrial neighborhood is meant the various forms of cooperation that may exist between neighboring countries in their land border areas, as well as the principle of settling disputes that may arise in the land sectors of the areas. „Human life poses, in the land border area, a large number of problems that need to be regulated by neighboring states. No state can exercise sovereignty over the territory of another state, but through international agreements, other states and their citizens are allowed access to another territory with rights, often with reciprocity" (Coman & Gal, 2018, p. 97). Thus states grant each other the right of transit of road, air or sea means of transport.

The terrestrial space of the state, from the point of view of its legal status, is divided into two categories: the space that constitutes the territory of the state and the space that is outside the borders of the state territory. Such spaces - state territory and international territory are separated from each other by borders. The boundaries are the lines indicated on the maps, and where possible on the ground and on the vertical surfaces that run along these lines to the limit of the Earth's space with the cosmos and theoretically to the center of the Earth. The boundaries of state territory as part of the earth's space are determined by its borders that divide the territories of neighboring states or that separate the state territory from non-state territory. Their crossing must be properly established and internationally recognized.

International neighborhood is related to border areas. It is obvious that a state cannot be conceived without territory and physical borders. The land border separates the land territory of one state from the similar territory of another state and is usually established by agreement between neighboring states, taking into account the terrain. „A state border is the real or imaginary line drawn between different points on the surface of the earth which separates the territory of a state from the territory of another state or from adjoining areas not subject to the sovereignty of any state. It is essentially the legal limit of the area in which a state exercises its full and exclusive sovereignty. The state border is inviolable. International law knows two kinds of state borders: natural and conventional (geometric)' (Arhiliuc et

al., 2012, p. 102). There are two types of frontiers, the first being natural ones that separate the states by natural elements such as mountains, sea or river borders, forest borders, and the second type of borders, artificial ones, astronomical and geometric borders. There are also borders, taking into account that a state's sovereignty also extends to its airspace. It turns out that all states are surrounded by areas of border separation. The main purpose of borders is to protect the state by separation.

„Good neighborliness has manifested itself in relations between states and has gradually become a genuine principle of international law. Good neighborliness is not only a condition that requires the development of normal relations between neighboring states from a geographical point of view, but also a basic principle of international law. The need to maintain fair relations and to provide support, cooperation and assistance to neighboring states leads states to promote good neighborliness in their relations with each other. The first rules to be found in international law are those between neighboring countries" (Deaconu, 2005, p. 46).

The fundamental principles of international law have manifested themselves in the relationship of some neighboring countries in order to generalize the all-encompassing character they have today. The promotion of good unneighborly relations has always been a fundamental objective of states' policies, where they have been reflected in bilateral treaties - some of which are entitled good neighborly treaties. Over time, the neighboring states experienced more and more concrete connotations related to the way in which the problems between good neighbors had to be maintained and solved, primarily as a general principle of peaceful coexistence between neighboring states. From a legal point of view, good neighborliness has been proven to be a very important principle, as well as other principles of international law. Under such circumstances, relations between neighbors must be strengthened, in particular by legal means, recognized by international acts and based on general aspects of morality, tolerance and abstention from any action that would harm the interests of other parties. Any principle must form guiding ideas of the content of all legal norms contained in a given branch. In legal doctrine it is mentioned that a general concept has the advantage of being applicable to a large number of concrete and different situations - deduced from concrete rules. At the same time, these principles of law help to understand more easily the significance of the legal norms governing the interested relations that establish peace between neighboring states.

The legal nature of good neighborliness is the general legal concept applicable to social relations that take place between the states and that

govern the conduct of legal subjects, a principle recognized by legal doctrine and practice. The principle of neighborliness also has a universal character and is a necessary component of peaceful relations between states. *The imperative application of rules based on neighborliness relations helps to maintain a global balance of power and create an understanding based on mutual respect between states.* These rules as an essential principle imply the abstention from committing any action that could worsen the relations between states and the undertaking of measures for ensuring the normal development of the interstate relations.

Good neighborliness is a natural relationship that must exist and manifest in relations between states and between people. This state of affairs must be a permanent and continuous necessity, an imperative of international relations. The willingness of states to promote and respect the principle of good neighborliness is expressed not only in the promotion of general principles but also in concrete obligations. A series of obligations on the part of states are supposed to support the application of this principle of international law. Some of these obligations have become principles of international law, given their legal nature and importance.

Cooperation is first and foremost a major requirement for ensuring world peace. International cooperation is the main tool in solving the urgent global problems of mankind. It has become an objective necessity in various sectors. Cooperation is a form of international cooperation between the states of the world on the basis of agreements, the common use of financial, material and technological resources of all partners to achieve mutual benefits. The principle of cooperation between states is one of the basic principles of international law. In particular, the Organization pursues the objective of "implementing international cooperation in solving international problems of an economic, social, cultural and humanitarian nature" - According to Article 3(3) of the UN Charter (Năstase et al., 2007, p. 16). Since the adoption of the UN Charter it has been recorded on the maps of many international organizations, in international treaties, numerous resolutions and declarations.

With the adoption of the UN Charter, it has taken its place among other principles that are mandatory for compliance with modern international law, meaning+, in principle, the obligation of states to use the method of cooperation, not confrontation, to solve problems. However, this principle alone does not oblige the state to initiate concrete negotiations or, in particular, in contractual relations with any other state at the latter's request. Cooperation as such is the duty of all states only in the maintenance of international peace and security - According to Article 11 of the UN

Charter (Năstase et al., 2007, p. 17), formulated in the Declaration on the Principles of International Law on Friendly Relations and Cooperation between States in accordance with the UN Charter adopted by the UN General Assembly on 24 October 1970, and in the Final Act of the Conference on Security and Cooperation in Europe of 1975. States are obliged to cooperate with each other in various fields of international relations in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of peoples and international cooperation without discrimination. One of the objectives of the United Nations is the implementation of international cooperation in solving international economic, cultural and humanitarian problems and in promoting and developing respect for human rights and fundamental freedoms for all, without distinction, without race, sex, language and Charter. Such cooperation should be carried out by regardless of the differences between their political, economic and social systems. It is an integral part of the wider principle of international law - the principle of peaceful coexistence. At the national level, collaboration between countries can support and strengthen national efforts to develop healthcare, as well as broaden the prospects for best practice and results achieved in other countries.

Good neighborliness between states develops primarily due to cooperation between them, relations are acts of cooperation necessary for all states. The task of cooperation between states is formed by the potential that each country has in relation to its population, either in the culture of acceptance of other people of different nationalities, or even in the obstacles created by the host society. Different countries interact with their constitutions, the planning of which creates mechanisms that enable states to introduce into their legal norms, the qualities of remaining independent, but at the same time guarantee the responsibility of interacting with other countries to cooperate with each other to find urgent solutions to solve problems, which mainly affect the humanitarian problems of their population.

At the level of bilateral relations, cooperation between states is concluded through numerous treaties, agreements or conventions. Cooperation also means collaboration. Thus, of all the bilateral treaties concluded so far between Romania and other states, half of them are referred to as cooperation treaties and the others as collaboration treaties.

The obligation of tolerance between neighboring states and mutual respect is „particularly derived from the way good neighborliness is governed. This presupposes an attitude of goodwill and concern for the

needs of the neighboring state or its population. It must persist and be based on mutual respect of states for each other's culture, history and traditions. Good neighborliness implies actions on the part of neighboring states that guarantee the normal development of relations between those countries and the development of cooperation and friendship between neighboring countries" (the idea of cooperation of states is also present in the Final Act of the Conference on Security and Cooperation in Europe).

3. Areas of application of the principle of good neighborliness in international relations

Good neighborly relations between states are achieved in a number of specific areas through legal acts concluded between them at bilateral or multilateral level, thus regulating internationally established social relations, which are based on cooperation, tolerance, mutual aid and respect for another nation. The areas of application of good neighborliness between states are different, ranging from the conclusion of good neighborliness treaties to cultural exchanges, economic cooperation and the fight against crime. The classification of areas is based on the content of the legal acts setting out the principle of good neighborliness. As a fundamental principle of the law of peace - good neighborliness requires refraining from committing any acts and actions of a negative nature in relations between the countries concerned.

Of major importance in international relations and in good neighborly relations are the treaties that set out the fundamental elements and relations between countries: „A treaty is a legal act concluded in writing which expresses the agreement of will between two or more states or international organizations and which includes rights and obligations of both parties" (Coman et al., 2019, p. 158). The earliest reference to neighborliness in Romanian law dates back to 1655, being the Treaty between Wallachia and Transylvania which laid the foundations of good neighborliness and respect for law between neighbors. The concept and idea of good neighborliness is expressly stated in almost all treaties concluded between neighboring countries. Good neighborliness is associated with the notion of friendship, understanding and collaboration. Such a treaty was signed between Romania and the Republic of Hungary in Timisoara on 16 September 1996, which states that respect, cooperation and good neighborliness between the two countries correspond to the fundamental interests of Romania and Hungary.

At the political level, the Contracting Parties must act with the aim of meeting European peace and security to reduce armed forces and refrain

from the threat or use of force. The practice of international treaties is as old as the existence of state communities, since ancient times agreements and understandings were concluded. This principle of observance of international treaties has emerged since those times. As international society has grown and diversified and relations between states have deepened, treaties have gained in importance, regulating virtually all areas of cooperation between states, regardless of their differences and social structure. Over time, the technique of treaties has been perfected and the role of lawyers has become increasingly important. From the simple treaties of peace and alliance known from earlier times, it has expanded to a very wide range of agreements that states are perfecting in different fields. Treaties have become very varied, from solemn treaties, sacramental formulas to agreements in simplified form, allowing the expression of the consent of the parties trough a simple signature of the negotiator. Any treaty concluded by the Romanian state requires certain specific stages and procedures applicable at international level, after which the Romanian state must take measures to implement this treaty by its own legislative, executive and judicial bodies. International cooperation can also be found not only in the form of a treaty.

Diplomatic and consular field. Maintaining relations based on good neighborliness between states is achieved by establishing diplomatic and consular relations between them, this being the first step that states take in establishing cooperative relations.

"Diplomacy as an activity relating to relations between states is carried out through the use of such means as permanent representation of states, diplomatic correspondence, the conduct of attempts, participation in international conferences. The establishment of a diplomatic mission on the territory of another state presupposes as a prerequisite, the existence of diplomatic relations between the 2 states" (Moldovan, 2018, p. 228). The establishment of such a mission also requires the consent of the receiving state - an agreement between the two states. The function of the diplomatic mission of the states is to develop relations with the receiving state, the embassy makes proposals for this purpose and according to the instructions received, acts for the development of relations in all economic, cultural and last but not least political fields.

„Consular relations are relations established between states in the exercise of consular functions by their bodies. As a rule, states establish diplomatic relations and have consular relations, because diplomatic relations require a minimum of relations that also make the exercise of consular functions necessary. In addition to the fact that consulates develop

friendly relations between the two states, they develop trade and economic relations between the states in question and involve information, reporting, monitoring the implementation of bilateral agreements, proposals and representing the citizens of the state" (Moldovan, 2019, p. 198).

In both the diplomatic and consular fields, good neighborliness as a principle of international law plays an important role, because the whole range of relations between states must be based on friendly and respectful relations, but good neighborliness encompasses these duties in its meaning. Romania carries out a wide range of activities with neighboring countries and not only in the diplomatic and consular field, establishing peaceful relations, cooperation and mutual understanding with them.

4. Conclusions

Every state has a territory over which it exercises full sovereignty. No state can exercise sovereignty over the territory of another state, only through international agreements is access to another territory allowed with rights, often reciprocally. Neighborliness means various forms of cooperation between neighboring countries in their border areas and their regulatory principles and the disagreements that may arise. Neighborliness is closely linked to border areas, and it is obvious that a state cannot be conceived without territory and borders. The concept of neighborliness is the political and legal relations between states, their organization and cooperation. The principle of good neighborliness is an instrument that is continuously developed through rules to promote peace and international relations, which embodies the obligation and development of peaceful relations in the structure of all areas. Good neighborliness has manifested itself in relations between states and has gradually become a genuine principle of international law. The generally applicable legal concept of the principle of good-neighborliness is the social relations which may arise between states and which govern the conduct of the subjects of international law. For the system of international relations between states with the principle of good neighborliness, it is emphasized in the specific relationship of the moment of accomplishing of international interstate relations, and these relations are the matters, in most cases in acts with legal value.

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