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# The Principles of Good-Neighborliness in International Law

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**GOLDEN GATE UNIVERSITY**

**SCHOOL OF LAW**

**THE PRINCIPLES OF GOOD-NEIGHBORLINESS  
IN INTERNATIONAL LAW**

**BY**

***SOMPONG SUCHARITKUL***

# THE PRINCIPLES OF GOOD-NEIGHBORLINESS IN INTERNATIONAL LAW\*

*Sompong SUCHARITKUL\*\**

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*"WE, THE PEOPLES OF THE UNITED NATIONS,*

*Determined*

*.....*

*to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.*

*And For These Ends*

*to practice tolerance and live together in peace with one another as good neighbors... " <sup>11</sup>*

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\* This essay is dedicated to Confrère Milan Sahovic, whose fatherland once provided a living testimony to the practice of tolerance and the principles underlying the determination of the peoples of the world to live together in peace with one another as good neighbors.

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<sup>11</sup> Preamble of the Charter of the United Nations.

## I. PRINCIPLES OF INTERNATIONAL LAW CONDUCTIVE TO GOOD-NEIGHBORLINESS AS DEVELOPED BY THE UNITED NATIONS

We, as peoples of the United Nations, including each of us as part and parcel of the world community have solemnly declared our determination to "*practice tolerance and live together in peace with one another as good neighbors*". Fifty years have elapsed since the proclamation of this clear and unequivocal determination.

The determination was resolute, but the practice is still short of its complete implementation. Tolerance is a habit that takes time to form and depends on wider appreciation and dissemination of international law. We, the nations of the world, have barely begun the learning process of how to live in peace with one another as good neighbors.

As we enter the second half of the Decade of International Law proclaimed by the United Nations in preparation for the new era of the twenty-first century, it has become more and more apparent that among the fundamental principles of international law currently ripening for codification, the principles of good-neighborliness deserve our utmost and urgent consideration, lest more of us will fall further victims to intolerance and succumb to the temptation of unneighborly conduct.

Under the United Nations Charter, "*The General Assembly shall initiate studies and make recommendations for the purpose of : a) Promoting international cooperation in the political field and encouraging the progressive development of international law and its codification*".<sup>21</sup>

In the past fifty years of the United Nations, significant progress has been made and far-reaching stride taken by member nations to secure for themselves and for the international community as a whole a durable peace and increasing prosperity for all peoples, based on the codification and progressive development of international law.

Among the more notable examples of legal principles which have been universally accepted in the course of progressive development of international law should be mentioned those contained and elaborated in the following resolutions of the General Assembly of the

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<sup>21</sup> See Articles 13, paragraph a (a) of the Charter.

United Nations which constitute indelible landmarks in the history of international and human relations and reconfirmed by the practice of the United Nations.

1) GENERAL ASSEMBLY RESOLUTION 1514 : DECOLONIZATION

First and foremost was resolution 1514 (XV) <sup>31</sup> adopted by unanimity in 1960, proclaiming as mandatory the decolonization of all non-self-governing territories and peoples, thereby setting in motion an irreversible trend in favor of freedom and independence for all peoples of the world, and at the same time declaring as unlawful and illegitimate all pretenses or pretexts to perpetuate, restore or re-establish any colonial, neo-colonial or imperial régime. Since 1960, newly independent nations and States have continually emerged while the right of self-determination of peoples has grown from strength to strength with fuller implementation. This is reflected in the size and membership of the United Nations itself which half a century has witnessed the organization triple the number of its full-fledged members, ready, willing and able to fulfil their international obligations.

2) GENERAL ASSEMBLY RESOLUTION 2625 :  
FRIENDLY RELATIONS AND COOPERATION

The second instrument, no less meaningful, was General Assembly Resolution 2625 <sup>41</sup> (XXV) adopted by acclamation in 1970, entitled the Declaration of the Principles of International Law concerning Friendly Relations and Cooperation among States under the Charter of the United Nations. Seven basic principles were proclaimed as cornerstones of international law. These principles are today regarded as declaratory of the then existing fundamental principles

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<sup>31</sup> Adopted by 89 votes to 0 with 9 abstentions, December 14, 1960, Australia, Belgium Dominican Republic, France, Portugal, Spain, South Africa, United Kingdom, and the United States abstaining.

<sup>41</sup> 25 GAOR, Supp. (No. 28) 121; reprinted in 9 ILM 1292 (1970), adopted without a vote on October 24, 1970.

of international law, enshrined in the Charter of the United Nations and endorsed by the practice of States.

In its preambles, Resolution 2625 recalls, *inter alia*, that "*the peoples of the United Nations are determined to practice tolerance and live together in peace with one another as good neighbors...*"

The seven principles embodied in this resolution reflect the contemporary practice of States under study and examination by the working group set up by the General Assembly since 1962. The principles of friendly relations and cooperation may be stated in terms of the duties incumbent upon every State, as follows :

- 1) The duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;
- 2) The duty to settle international disputes by peaceful means in such a manner that international peace, security and justice are not endangered;
- 3) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;
- 4) The duty to respect the principle of equal rights and self-determination of peoples;
- 6) The duty to respect the principle of sovereign equality of States; and
- 7) The duty to fulfil in good faith the obligations assumed by it in accordance with the Charter.

3) GENERAL ASSEMBLY RESOLUTION 3314 :  
DEFINITION OF AGGRESSION

The third instrument that served to clarify an important notion in international law was the definition of aggression adopted by Resolution 3314 (XXIX), 1974, without a vote on

December 14, 1974.<sup>51</sup> The actual definition is contained in three separate operative paragraphs of the resolution embodying a non-exhaustive list of acts characterized as aggression as well as a general presumptive definition of an act of aggression.

Article 2 : *"The first use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity"*.

Article 3 : *"Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provision of Article 2, qualify as an act of aggression"*.

- (a) *The invasion or attack by the armed forces of a State against the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;*
- (b) *Bombardment by the armed force of a State against the territory of another State or the use of any weapons by a State against the territory of another State;*
- (c) *The blockade of the ports or coasts of a State by the armed forces of another State;*
- (d) *An attack by the armed forces of a State on the land, sea or air forces, or marine or air fleets of another States;*
- (e) *The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or*

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<sup>51</sup> General Assembly Resolution 3314 (XXIX) (1974), Annex.

*any extension of their presence in such territory beyond the termination of the agreement;*

- (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;*
- (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.*

*Article 4 : The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provision of the Charter.*

The definition as elaborated has helped clarify the notion of self-defence as contained in Article 51 of the Charter, and to provide further clarifications for delineating acts of aggression from other acts, Article 7 of the resolution provides :

*"Nothing in the Definition, and in particular Article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist régimes or other forms of alien domination; nor the rights of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration."*

## II. FURTHER DEVELOPMENT AND STRENGTHENING OF GOOD NEIGHBORLINESS BETWEEN STATES WITHIN THE FRAMEWORK OF THE UNITED NATIONS

Principles of international law concerning good-neighborliness and friendly cooperation among States in accordance with the Charter of the United Nations have not acquired the same advanced status as those of friendly relations and cooperation, although conceived in the same vintage of international instruments.

In the light of current developments in technology and ecological science, principles of good-neighborliness and friendly cooperation await further elaboration by the United Nations. The contents of good-neighborliness have not been fully explored. The task of identifying and clarifying basic elements of good neighborliness have only recently begun,<sup>6]</sup> thanks to the initiative taken by Romania in 1981.<sup>7]</sup> By December 1988, the General Assembly of the United Nations took note of the report of the Sub-Committee on Good-Neighborliness<sup>8]</sup> set up by the Sixth Committee during the forty-third session and decided to return to the item somewhat less than enthusiastically by the forty-fifth session.<sup>9]</sup>

On the other hand, part B. of Resolution 43/171 was better received with 124 votes for, 8 against and 22 abstentions.<sup>10]</sup> Part B. in fact contains more substance in its operative paragraphs, which reads :

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<sup>6]</sup> See, e.g., Documents A/36/376 and Add. 1 and A/38/448 submitted by Romania.

<sup>7]</sup> See also Resolution 39/78 of December 13, 1984.

<sup>8]</sup> See, e.g., Document A/C.6/43/L.11 of the Sixth Committee.

<sup>9]</sup> The votes on Resolution 43/171, part A. as recorded were 67 for, 9 against and 65 abstentions. Cape Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe originally voted for the Resolution, later advised the Secretariat that they had intended not to participate in the vote.

<sup>10]</sup> See General Assembly Resolution 43/171 B; Report A/43/887, Meeting : 76; and Resolution 36/101 of December 9, 1981, 37/117 of December 16, 1982; 38/126 of December 19, 1983; 39/79 of December 13, 1984; 41/84 of December 3, 1986; and 42/158 of December 7, 1987; as well as its decision 40/419 of December 11, 1985.

- "1. Reaffirms that good-neighborliness fully conforms with the purposes of the United Nations and shall be founded upon the strict observance of the principles of the United Nations as embodied in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and so presupposes the rejection of any acts seeking to establish zones of influence or domination;
- "2. Calls once again upon States, in the interest of the maintenance of international peace and security, to develop good-neighborliness, acting on the basis of these principles;
- "3. Reaffirms that the generalization of the long practice of good-neighborliness and of principles and rules pertaining to it is likely to strengthen friendly relations and cooperation among States in accordance with the Charter."

Although the General Assembly decided to continue and to complete the task of identifying and clarifying the elements of good-neighborliness within the framework of a sub-committee on good-neighborliness by 1990,<sup>111</sup> the United Nations were so overshadowed by other more pressing matters such as the annexation of Kuwait by Iraq and its aftermath and subsequently the armed conflicts and political upheaval in former Yugoslavia, that nothing concrete resulted from the Romanian initiative as earlier actively supported by Yugoslavia. One principle clearly survived the discussions that took place in the Sixth Committee, and that is the clear and unequivocal rejection by States of any acts seeking to *establish zones of influence or domination*, or what has been previously proposed as the principle of anti-hegemony or anti-hegemonism.

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<sup>111</sup> See paragraph 5 of the Resolution 43/171 B.

### III. ANTI-HEGEMONISM AS A PRINCIPLE OF GOOD-NEIGHBORLINESS IN CONTEMPORARY STATE PRACTICE

Any attempt to identify and clarify elements of good-neighborliness will of necessity entail an examination of State practice as an indication of the current trend in the progressive development of principles of international law rather than pure codification. It will include a study of a series of soft-law principles as there are as yet no hard and fast rules of international law requiring a certain standard of conduct on the part of a State in every given set of circumstances involving its relations with another State as its neighbor.

Two salient facts deserve special mention, viz., the growing importance of good-neighborliness as guidance for State conduct and the widening concept of "neighborhood" inherent in any notion of "neighborliness".

First, the political necessity and correctness of good-neighborly relations require closer attention, especially when the neighboring States share common resources, such as minerals, water-courses and the resources of the sea, seabed and subsoil thereof. Neighbors may share common destinies and common dangers, including windfalls and natural calamities. Thus, closer cooperation is imperative for the survival of all States in the neighborhood.

Secondly, the concept of neighborhood is no longer confined to geographical proximity. Hence, the principles of good-neighborliness apply also to countries that may be geographically separated by a vast expanse of water such as what used to be the open sea and ocean. The application of a principle of good-neighborliness is not restricted to frontier regions. The practice of good-neighborliness should extend far beyond border areas.

Geographical proximity has offered a convenient start. But the world is so closely integrated today that an event or occurrence in one country may well affect conditions on the other side of the globe. It is a unified world in which existing resources have to be equitably shared and the delicate balance of ecology meticulously maintained. Pollution needs to be abated and problems of ozone depletion contained if not resolved in a timely manner.

Principles of international law have not yet concretized as legal developments seem to be lagging behind current occurrences requiring immediate attention and urgent cautionary measures. States have become neighbors by virtue of the new law of the sea, having discovered

one fine day that their continental shelves and exclusive economic zones have to be mutually delimited and possibly demarcated with their adjacent or opposite coastal neighbors, and for purposes beyond the barest political, economic and administrative necessities. Good-neighborliness then assumes increasing significance as the concept of neighborhood has grown to cover a larger segment of territories in all dimensions : the sea, the ocean-floor, the water column and the superjacent airspace. Indeed peaceful use of outer-space has to be carefully measured and shared by all nations. The earth is exposed to pollution from various fixtures and moving objects, such as space débris, sea-going vessels, transcontinental pipelines, multi-modal transportation and air and space craft as well as petrochemicals and nuclear fall-outs from various experiments not to mention exploration activities in remote polar sectors. The greenhouse effect may cause untold damage to mankind if no effective means are employed to arrest the rising temperature.

A sane and balanced approach must be adopted to resolve existing global problems of ecology. Advanced countries which had long acquired the habit of polluting the atmosphere should halt further emissions of acid rains while developing countries should learn from the costly lessons of their more developed neighbors, particularly when the cost is being borne evenly by all earth dwellers, whether or not at all actively responsible for the cause of such harmful emissions.

Legal principles are to be formulated which will fairly regulate human activities not only on the surface of the earth or in the air space but also in the outer-space, on the moon and other celestial bodies as well as in the depth of the ocean floor. Technologically advanced States should strive to set better examples for other less fortunate countries to follow, considering that every nation will be on the receiving end of the hazardous and harmful activities of industrial enterprises, regardless of the whereabouts of the sources of the injurious consequences.

These principles of good-neighborliness, however ill-defined and evolutionary, could be expressed in terms that are not unfamiliar. A closer look may be taken at some of the more crystallized formulations of such principles, beginning with the principle of total rejection of hegemony.

## ANTI-HEGEMONISM :

In 1960, the General Assembly of the United Nations declared the abolition of colonialism in all its forms and manifestations in Resolution 1514, which was unanimously adopted with 89 votes and none against,<sup>12]</sup> and notwithstanding the abstentions of some former colonies and colonial powers, namely, Australia, Belgium, France, Dominican Republic, Portugal, Spain, South Africa, United Kingdom and the United States. Yet, the tidal waves of neo-colonialism died a slow and painful death, painful and slow indeed for those suffering for centuries the cruel and inhuman treatment associated with colonialism of the traditional and post-classical types.

Curiously enough, it was China on the Eastern front and Romania and Yugoslavia on the Western flank that signalled to the rest of the outside world the existence and the threat of continuing existence of a new form of colonialism which was labelled "hegemonism". Chinese scholars have identified "hegemonism" with "Sovietism" and thereby treating anti-hegemonism as anti-Sovietism.<sup>13]</sup>

On the economic front, the European Union seems to have preferred a different nomenclature : the enjoyment of a dominant position is to be discouraged. There appears to have evolved a sense of brotherhood among the underdog that the end of the colonial era should not be prolonged or delayed by the replacement of a new form of alien domination or hegemony, at any level, global, regional or otherwise, and in all dimensions, political, economic or cultural.

The principle of non-hegemony or prohibition of any type of domination or imposition of any zone of influence is a logical deduction and extension of a combination of several principles of international law firmly established in the practice of States and repeatedly reaffirmed in several international instruments such as the United Nations Charter and General Assembly Resolution 2625. Anti-hegemonism is founded on the application of the following time-honored principles :

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<sup>12]</sup> See note 3 *supra*.

<sup>13]</sup> See, e.g., Sammuell S. Kim : "The Development of International Law in Post-Mao China : Change and Continuity of Chinese Law", Fall 1987.

- 1) *Non-aggression and non-use of force against the political independence or territorial integrity of another State;*
- 2) *Non-interference or non-intervention in the internal or external affairs of another States;*
- 3) *Respect for the sovereign equality of all States; and*
- 5) *Friendly cooperation among States.*

Without a clear endorsement of the principle of anti-hegemonism which presupposes an outright rejection of any acts seeking to establish zones of influence or domination, stronger States could continue to wield undue influence over weaker nations, suppressing the right of their peoples to self-determination, and subduing their aspirations for peace, progress and prosperity within their national boundaries. Those seeking domination of other nations have come to suffer the fate of political disintegration<sup>14]</sup> or economic sanctions and restraints,<sup>15]</sup> and have been dissuaded from persisting with the implementation of their hegemonistic designs on neighboring States. Divided and disintegrating communities do not welcome the imposition of hegemony by any factions or ethnic groups over the rest of the disorganized societies.<sup>16]</sup>

By way of illustration, recent State practice in the application of the Vienna Convention on the Law of Treaties 1969<sup>17]</sup> appears to adhere to the principle that peremptory norms of

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<sup>14]</sup> The Soviet Constitution recognizes the right of secession of its political sub-divisions such as the Ukrainian Republic. The Russian Federation is the successor to the Soviet Union.

<sup>15]</sup> See, e.g., UNSG Resolution 687 (1991) of April 3, 1991, 30 ILM 847 (1990); and UNSG Resolution 688 (1991) of April 18, 1991, 30 ILM 860-862 (1991).

<sup>16]</sup> See the General Framework Agreement for Peace in Bosnia and Herzegovina (GFA) initialled at Dayton on November 21, 1995, 35 ILM 75 (1996); and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (A/50/757-S/1995/951, Annex) 35 ILM 184 (1996).

<sup>17]</sup> UN Doc. A/CONF.39/27 (1969), 63 AJIL 875 (1969), 8 ILM 679 (1969), done at Vienna on May 23, 1969, entered into force on January 27, 1980, USA is a party.

general international law do not admit of any derogation even by agreement of States.<sup>18]</sup> Treaties which were valid when concluded a century ago have become void and terminate when a new peremptory norm of general international law emerges.<sup>19]</sup> Thus, titles to territories acquired by the use of force, even though sanctioned by unequal treaties, are to be modified by the newly emerged peremptory norms of general of general international law. An unequal treaty, though unquestioningly valid when made, can no longer be enforced if its enforcement would entail the effect of perpetuating or establishing a colonial régime or a zone of influence. The Chinese Constitution of 1975, opposing the hegemonism of the super-powers, has led China to seek a peaceful resolution of a colonial, territorial and political dispute over Hong Kong through the application of the "one country, two systems formula".<sup>20]</sup>

It goes without saying that the London Declaration towards the end of the nineteenth century, proclaiming the Maenam Chao Phraya as the delimitation of the zones of influence between France and Great Britain over the Kingdom of Siam would today be regarded as terminated by the principle of good-neighborliness rejecting any acts purporting to establish their respective zones of influence over another sovereign nation.<sup>21]</sup>

#### IV. BANDUNG PRINCIPLES OF GOOD-NEIGHBORLINESS

A survey of principles of good-neighborliness is likely to be incomplete without a brief examination of the proclamation of the ten principles of good-neighborliness adopted by the

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<sup>18]</sup> See Article 53 of the Convention, Treaties Conflicting with a Peremptory Norm of International Law (*jus cogens*), *ibid.*

<sup>19]</sup> Article 64 : Emergence of a new Peremptory Norm of General International Law (*jus cogens*).

<sup>20]</sup> IJ Chinese L.117, 152.

<sup>21]</sup> The Anglo-French Agreement of 1896 dividing their spheres of influence, had served to keep France and Great Britain from violating Thai sovereignty. See Rong Sayamanonda : A History of Thailand, 1976, at pp. 140-141.

Conference of Asian and African Nations at Bandung, Indonesia, on April 24, 1955. Failure to pay due attention to the Asian-African Bandung Conference would constitute a grave omission for any serious study of the components of the principles of good-neighborliness.

In the first place, the Asian-African Conference in 1955 was attended by independent nations of Asia and Africa.<sup>221</sup> Many among them were outside the United Nations, either because they were not yet admitted for some political reasons or because of high political motivation they were not properly represented in the World Organization. In this sense, the Bandung Conference was beyond the United Nations and was clearly more global and more universal. It was attended, *inter alios*, by The People's Republic of China (without representation in the United Nations including the Security General), Cambodia, Ceylon (Sri Lanka), Japan, Jordan, Libya, Nepal and a United Vietnam. Except for Vietnam, these Asian-African countries were admitted to the United Nations in 1955, a few months after the joint communiqué of Bandung calling for their admission and recognition of their rightful places in that World Organization.<sup>231</sup>

As a precursor to the 1960 United Nations General Assembly Resolution 1514, the Granting of Independence to Non-Self-Governing Territories, the Asian-African Conference discussed the problems of dependent peoples and colonialism and the evil arising from the subjection of peoples to alien subjugation, domination and exploitation.<sup>241</sup>

The Conference also reached the following agreement :

- (a) *in declaring that colonialism in all its manifestations is an evil which should be speedily brought to the end;*

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<sup>221</sup> In addition to the Sponsoring Countries, i.e., the Colombo Powers were composed of Burma, Ceylon, India, Indonesia and Pakistan.

<sup>231</sup> Twenty-four countries from Asia and Africa participated in the Conference. See Paragraph 1 of Part F. of the Joint Communiqué : Promotion of World Peace and Cooperation.

<sup>241</sup> See Part D. of the Joint Communiqué : Problems of Dependent Peoples.

- (b) *in affirming that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation;*
- (c) *in declaring its support for the cause of freedom and independence for all such peoples; and*
- (d) *in calling upon the powers concerned to grant freedom and independence to such peoples.*<sup>251</sup>

Although the Second Asian African Conference which was to take place in Algiers in 1965 to celebrate the Tenth Anniversary of Bandung, never materialized at the summit level, despite elaborate preparations by the Ministerial Conference at the Club des Pins, Bandung has served as the source of inspiration for another movement which later was to be known as the "Non-Aligned" Group of States.

While a fuller discussion of the non-aligned movement lies outside the scope of the present enquiry, its spirit is encapsulated in Part G. of the Bandung Joint Communiqué : Declaration on the Promotion of World Peace and Cooperation.<sup>261</sup> More particularly, the gist of the body of principles which support the practice of good-neighborliness has been stated in this formula.<sup>271</sup>

*"Free from mistrust and fear, and with confidence and good-will towards each other, nations should practise tolerance and live together in peace with one another as good neighbors and develop friendly cooperation on the basis of the following principles :*

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<sup>251</sup> *Ibid.*, Paragraph 1 of Part D. of the Joint Communiqué.

<sup>261</sup> Part G. of the Bandung Joint Communiqué.

<sup>271</sup> *Ibid.*, second unnumbered paragraph of Part G.

1. *Respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations;*
2. *Respect for the sovereignty and territorial integrity of all nations;*
3. *Recognition of the equality of all races and of the equality of all nations large and small;*
4. *Abstention from intervention or interference in the internal affairs of another country;*
5. *Respect for the right of each nation to defend itself singly or collectively, in conformity with the Charter of the United Nations;*
6. (a) *Abstention from the use of arrangements of collective defence to serve the particular interests of any of the big powers;*  
(b) *Abstention by any country from exerting pressures on other country;*
7. *Refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any countries;*
8. *Settlement of all international disputes by peaceful means, such as negotiation, conciliation, arbitration or judicial settlement as well as other peaceful means of the parties' own choice, in conformity with the Charter of the United Nations;*
9. *Promotion of mutual interests and cooperation; and*
10. *Respect for justice and international obligations.*

The Asian African Nations declared their conviction that friendly cooperation in accordance with these ten principles (the *DASA SILA*) of good-neighborliness would effectively contribute to the maintenance and promotion of international peace and security, while cooperation in the economic, social and cultural fields would help bring about the common prosperity and well-being of all.

Sharing, as we do, the Asian African conviction which is reinforced by four decades of

consistent practice and adherence by the overwhelming majority of nations, large and small, we have been encouraged to move further forward.

These *Dasa Sila* or the Ten Principles of good-neighborliness and friendly cooperation derived some of the driving forces from the *Pancha Sila* or the Five Principles of peaceful coexistence as advocated by China and forming the basis of long-term agreement between China and India. Seven of the Ten Principles have found expression in the seven principles embodied in the 1970 United Nations General Assembly Resolution 2625 on the Principles of Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.<sup>281</sup>

The Bandung Principles of good-neighborliness and friendly cooperation appear to have withstood the test of time. Their application in the current practice of States appears to be more wide-spread and with greater consistency. Absent from the friendly relations resolution are principles numbers 3, 5 and 6 :

3. *Recognition of the equality of all races and of the equality of all nations, large and small;*
5. *Respect for the right of self-defence, individual and collective; and*
6. (a) *Abstention from the use of collective defence arrangements to serve the particular interests of the big powers; and*  
(b) *Abstention from exerting pressures on other countries.*

These principles are clearly conducive to the enhancement of the practice of good-neighborliness, especially as and when they continue to be followed by an increasing number of States in their mutual relations. Other principles enshrined in Resolution 2625 are capable of further expansion in the direction indicated in the Bandung Declaration.

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<sup>281</sup> See Note 3 *supra* and the principles elaborated in that resolution.

## V. IMPLEMENTATION OF PRINCIPLES OF GOOD NEIGHBORLINESS FOLLOWING THE RIO EARTH SUMMIT

In another closely related context of the concept of shared resources, the principles of good-neighborliness as propounded herein have been countenanced and embraced in recent endeavors on the part of the world community to make this earth a better place for all human beings to share not only among themselves but also with all other living things, including the living and non-living resources of the sea, the soil and the atmosphere.

Without entering more deeply into the field of international environmental law, it is appropriate to add that in all future attempts and undertakings to improve the environment still further on the basis of sustainable development, good-neighborliness will have an active and useful role to play.

### CONCLUSION

In this cursory essay, a brief survey has been conducted of the practice of States in the application of a variety of principles that tend to support the implementation of good-neighborliness and friendly cooperation among nations. There has been a keen awareness felt by Asian African nations and shared by their Latin-American neighbors that the principles embodied in the 1955 Bandung Declaration initially began to respond to the need to provide a firm basis on which to generate and formulate norms of international law to give effect to the ever pressing necessity for principles to guide the conduct of States in their existence together as good and friendly neighbors.

While Bandung has given us an excellent start in 1955 and while subsequent endeavors within the United Nations have added further substance and clarifications to existing principles as endorsed by the contemporary practice of States, much remains to be done by way of further and deeper investigation into the theory and practice of what we perceive to be an acceptable international standard for the conduct befitting the concept of GOOD NEIGHBORS in the widest sense of the term.

This presentation is intended to provide an interlude for readers to begin exercising their critical analysis with the view to formulating and generating new norms for the practice of good-neighborliness and expanding as well as consolidating existing customary rules of international law to inspire a set of international standards for the conduct of nations to live together as good neighbors.

*San Francisco*  
April 27, 1996