One of the main tasks envisaged by Rüdiger Wolfrum for himself and for other scholars is to “fathom where we stand in respect to this principle referred to as solidarity, in so far it is mentioned in statements of international organizations, regional system and very much in literature”. In view of this precise commitment, the distinguished author has clarified his purpose in an article in which after an introduction (Chapter A), he envisages solidarity as a structural principle in the international system either on the protection of peace (Chapter B) and international environmental law (Chapter C), or in Part XI of the Convention on the Law of the Sea (Chapter D). By “principles” is meant those originating directly from international legal relations. Later, the following was raised and discussed: “humanitarian assistance (intervention) as a form of solidarity?” (Chapter E). In the concluding remarks (Chapter F), the author notes that “some modern parts of international law are being based upon common values of the international community or have an objective to ameliorate disputes among States”, although “the corresponding procedural rules necessary to fully implement the ensuing obligations and responsibilities are still to be developed”.

In a section of the same article, dealing with “some historical reminiscence”, Wolfrum notes that “the principle of solidarity as a structural principle is actually not a new one”, since it “was discussed in the 17th to the 19th century, significantly influenced by the perception of a universitas christiana based upon Christian values”. Mention was made, in this respect, of Samuel von Pufendorf, Christian Wolff and Emery de Vattel and their respective books: De Officio Hominis et Civis (1673), Gentium Methodo Scientifica Pertractatum (1794) and Le Droit des Gens ou Principes de la Loi Naturelle (1.758).

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3 Id., at 10–11.
In order to elucidate this historical background on the solidarity principle, may I refer specifically to another author, even a precursor to those already mentioned. I mean Francisco de Vitoria, included, of course, in the previous and general allusion to “the perception of a universitas christiana based upon Christian values”, and not there specifically named, for the simple reason that he lived before the seventeenth century, just in the formative period the modern State. Now, certainly, the principle of solidarity, after the passing of many years, “has become a catalyst, triggering both a normative and an operational dynamic, although the degree of its penetration varies between the branches”, and has also concretely been the origin of, in recent times, the so-called “solidarity rights” encompassing those relating to development, peace, the environment, humanitarian assistance, often labelled human rights of the third generation.

Mention of Francisco de Vitoria is made by Wolfrum in another essay, dealing with indigenous peoples in international law, that is to say peoples who “have lost rights concerning the land they traditionally occupied, and the possibility to develop and sustain a community reflecting their particular values”. “Apart from that”, Wolfrum adds, “these people face the danger of losing their identity or, at least, they face difficulties adjusting their traditional values or customs to new conditions of life”, just for saying further that attempts “to provide an adequate protection of indigenous peoples date back to the 16th century when Francisco de Vitoria suggested the legal principles of indigenous peoples had to be respected”. It is, of course, an example of the solidarity principle recognized and proclaimed at the beginning of the Modern Age.

A. Francisco de Vitoria: Life and Impact

Recent criticism has been addressed to these ancient and illustrious authors, as reported by Georg Cavallar, in order to suggest that their

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4 K. Wellens, Revisiting solidarity as a (re-) emerging constitutional principle: some further reflections, in: Wolfrum / Kojima (note 1), at 36.