A. Introduction

The academic writing of Rüdiger Wolfrum to whom this essay is dedicated is comprehensive and renders it difficult to keep a track of or even more to aspire a similar vigour of scholarship. His work is a constant source of inspiration, and despite its breadth it is based on a common ground which offers orientation. Pointing the way ahead with his treatise on the internationalization of global commons his concern has been for international law as a value-based order which goes beyond mere coexistence and involves the commonly shared interests of the international community.1 Accordingly in the conclusion to his recent edited collection entitled “Solidarity–A Structural Principle of International Law” he called upon scholars of international law further to “go through international law to see to what extent these international agreements or customary international law either explicitly refer to solidarity or where you can argue by looking into these agreements that they are structured or based upon the notion of solidarity.”2 Academia has focused mainly on such areas of international law as peace and security, international environmental law, international economic law and the law of the sea to demonstrate aspects of solidarity.3 International human rights law has also been identified as showing a common concern, but solidarity has been considered here primarily in the context of solidarity rights, social and economic rights.

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or humanitarian intervention.4 This, however, paints only part of the picture. In the following essay, taking up the honouree’s challenge, I will identify additional aspects of international human rights law which require more attention in the future as they offer new areas for solidarity, and thus for the effective protection of human rights more generally.

Considering Rüdiger Wolfrum’s view that solidarity involves three different, not necessarily cumulative aspects—“the achievement of common objectives through common action of States, the achievement of common objectives through differentiated obligations of States and actions to benefit particular States”5—this essay will mainly focus on the first notion and will apply it as a prism through which to analyse the International Covenant on Civil and Political Rights (ICCPR). The purpose is to show that not only do the so-called second and third generations of human rights counsel for solidarity by the larger community of states but also civil and political rights which are traditionally considered to rest exclusively within the responsibility of the jurisdictional state.

The central question of my analysis is whether and to what extent States parties are bound to protect civil and political rights beyond their jurisdictions in cases of gross abuse as a matter of solidarity with the people who are suffering. I will argue that with the evolving notion

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5 R. Wolfrum, Solidarity amongst States (note 3), at 1087.