

Declarative position of the BRICS on environmental and sustainable development issues

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Abstract. In recent years environmental and sustainable development issues have grown in urgency and importance to the public. Policy makers, legislators and researchers actively address these problems. This research examines the declarative position of the BRICS on environmental and sustainable development issues. The relevance of the research is explained by the fact that current studies focus only on some environmental aspects of international treaties and national laws of the BRICS countries. The study of the declarative position of the BRICS based on the BRICS Summits Declarations adopted from 2011 to 2023. The norms of the Declarations are analyzed for the environmental and sustainable development provisions. As a result, it is concluded that the declarative position of the BRICS on environmental and sustainable development issues is a set of environmental and sustainable development provisions of the BRICS Summits Declarations containing opinions, intentions and, calls of the BRICS Heads of States. This study can contribute to a better understanding of the nature of the BRICS norms.

1 Page layout

In today's world, the environmental and sustainable development issues have the attention of lawmakers. Normative regulation of these issues is actively pursued at both national and international levels.

For example, in Russia, the Concept of Sustainable Development, its goals, tasks, directions and stages of transition were enshrined in the Decree of the President of the Russian Federation of 1 April 1996 № 440 "On the Concept of Transition of the Russian Federation to Sustainable Development". Decree of the Government of the Russian Federation of 31 August 2002 N 1225-p approved the Environmental doctrine of the Russian Federation.

The main actors of international normative regulation are international organizations and interstate associations. Among the international organizations it is worth highlighting the United Nations (UN). For example, currently the relevant UN normative framework includes a wide range of normative acts, both legally binding (such as the 1991 Convention on Environmental Impact Assessment in a Transboundary Context, the 2015 Paris Climate

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Agreement,) and non-binding (such as the 1972 Declaration of the United Nations Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development, the 2015 UN General Assembly Resolution A/RES/70/1 "Transforming our world: the 2030 Agenda for Sustainable Development").

Environmental issues are also addressed in normative acts of organizations that are not generally specialized in environmental issues, such as the World Trade Organization. Thus, article XX of the General Agreement on Tariffs and Trade (GATT) provides that, in certain cases, trade in goods intended to protect human life and health, flora and fauna, as well as the conservation of non-renewable natural resources, exempt from normal restrictions. According to article 27 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), public authorities have the right to refuse to grant patents and licenses that are dangerous to the life and health of people, animals and plants or that pose a threat to the environment.

As for interstate associations, the experience of the European Union (EU) is interesting. The EU now has the environmental normative framework which consists of two parts. The first part includes strategic acts that set out general environmental trends (such as the 8th Environmental Action Program of the EU, the EU Green deal, the EU Action Plan "Towards Zero Air, Water and Soil Pollution"). The second part consists of the regulations addressing specific environmental problems (such as Directive 2003/87/EC of the European Parliament and of the EU Council on the establishment of a greenhouse gas emissions trading system in the Union and the amendment of Directive 96/61/EC, Regulation (EC) No 1005/2009 of the European Parliament and the EU Council on substances that deplete the ozone layer, EU Regulation 2018/1999 on the management of the Energy Union and actions in the field of climate change).

In 2006 a new interstate association emerged on the international scene. Its original name was the BRIC (Brasilia, Russia, India, China), which was transformed into the BRICS in 2009 in connection with the accession of the South Africa to the BRIC. The joining to the BRICS in 2024 new members (Egypt, Ethiopia, Iran, and the United Arab Emirates) did not affect the name of the interstate association.

The emergence of a new actor inevitably generates interest in various aspects of its activities, including the BRICS intentions regarding the environment and sustainable development. The study of the existing research shows that the indicated aspects covered only through the prism of the national and international environmental normative acts of the BRICS countries. For example, the paper of Liu [1] focuses on the impact of national environmental laws on the sustainable development of the BRICS members. A study of Gladun and Ahsan [2] reveals the participation of the BRICS members in international legal regulations on climate change. Another study [3] examines the role of the rule of the national law of the BRICS members as a means of reducing CO₂ emissions. Researchers have also studied the trends and prospects for legislative regulation of legal responsibility for environmental offenses in BRICS countries [4], peculiarities of legal regulation of use of renewable energy in the BRICS member states [5], the participation of the BRICS members in international legal regulations on climate change [6], the BRICS countries' progress in achieving climate and environmental objectives of Agenda 2030 [7]. Thus, in the context of the BRICS acts the identified problem has not been covered in published studies.

2 Materials and methods

The empirical basis of this study was presented by the BRICS Summits Declarations, which were adopted in the period from 2011 to 2023. These declarations were examined for provisions reflecting the positions of the Heads of State of the BRICS members on

environmental and sustainable development issues. As research methods we used method of critical analysis of the normative provisions, the normative provisions comparison method. Also, methods of induction and deduction were used, that are essential for systematization, obtained during the research of issues, results.

3 Results and discussion

One of the first official documents of the BRIC - The Joint Statement of the BRIC Countries' Leaders (BRIC 2009) declared that implementation of the concept of sustainable development, comprising the multilateral environmental agreements, should be a major vector in the change of paradigm of economic development. Against the background of such a statement the following questions arise: Do BRICS normative acts reflect environmental issues? If so, what is the nature and content of the BRICS norms which are regarding these issues? Attempts to find answers to these questions in existing research field has shown the following. The search for the answers to the raised questions seems possible above all through the definition of the essence of the BRICS norm-setting.

As practice shows, since its inception and until now BRICS continues to function in the format of periodic meetings of the official (heads of states, heads of governments, ministers) and unofficial (representatives of corporate sector, science and community) actors. The results of the BRICS meetings usually are fixed in different formal acts such as joint statements, declarations, memorandums and so on. The subject of this research is such type of the BRICS acts as the BRICS Summit Declarations.

Since 2011, the BRICS Summits as a kind of meetings at the top level have been held annually. The normative results of the BRICS Summits are the BRICS Summits Declarations (Table 1).

Table 1. The BRICS Summits Declarations.

The place and date of the Declaration	The title of the Declaration
Sanya, Hainan, China, April 14, 2011	Sanya Declaration
New Delhi, India, March 29, 2012	Fourth BRICS Summit: Delhi Declaration
Durban, South Africa, 27 March 2013	<i>BRICS and Africa: Partnership for Development, Integration and Industrialisation – eThekweni Declaration</i>
Fortaleza, Brazil, 15 July 2014	<i>Sixth BRICS Summit: Fortaleza Declaration</i>
Ufa, Russian Federation, 9 July 2015	VII BRICS Summit: 2015 Ufa Declaration
Goa, India, 16 October 2016	8th BRICS Summit: Goa Declaration
Xiamen, China, 4 September 2017	BRICS Leaders Xiamen Declaration
Johannesburg, South Africa, 26 July 2018	X BRICS Summit Johannesburg Declaration
Brasilia, Brazil, 14 November 2019	Brasilia Declaration
Moscow, Russia, 17 November 2020	XII BRICS Summit Moscow Declaration
New Delhi, India, 9 September 2021	XIII BRICS Summit: New Delhi Declaration
Beijing, China, 23 June 2022	XIV BRICS Summit Beijing Declaration
Sandton, Gauteng, South Africa, 23 August 2023	XV BRICS Summit Johannesburg II Declaration

All the BRICS Summits Declarations are characterized as follows. As the outcomes of the meetings these acts express the common position the leaders of the BRICS countries on issues of a general nature which are relevant to States parties. These issues include the common vision and global governance, international economics and finance, international trade development, agricultural and energy policies, fight against poverty, environment situation, cooperation between the BRICS members. By its nature, the norms of the BRICS Summits Declarations contain three types of provisions: opinions, calls and intentions. The opinions reflect the subjective views on certain issues. The calls are the invitations for some actions. The intentions express the plans to take actions.

The analysis of the BRICS Summits Declarations demonstrates that almost all of them contain the provisions which express the positions of the BRICS Heads of States regarding the environmental and sustainable development issues. For example, about the environmental issues, the situation is as follows (Table 2).

Table 2. The environmental provisions of the BRICS Summits Declarations.

The BRICS Summits Declaration	Environmental provisions
VII BRICS Summit: 2015 Ufa Declaration	<p>paragraph 68: "We welcome the first meeting of environment ministers of our countries in Moscow on 22 April 2015 that marked the beginning of a new format of cooperation in the environmental area. We support the establishment of a platform for sharing environmentally sound technologies as a new international mechanism for public-private partnerships that can assist in addressing environmental challenges in our countries"</p>
Brasilia Declaration	<p>paragraph 56: "We acknowledge the crucial role of energy in promoting social and economic development, as well as environmental protection"</p> <p>paragraph 65: "...We underline the importance of BRICS environmental cooperation initiatives that contribute to the quality of life in our cities, through the sharing of knowledge and experience on important issues such as waste management, circular economy, in the context of sustainable consumption and production, sanitation and water quality, urban air quality and urban green areas"</p>
XV BRICS Summit Johannesburg II Declaration	<p>paragraph 56: "We reemphasize the importance of implementing the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement and the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) enhancing low-cost climate technology transfer, capacity building as well as mobilizing affordable, adequate and timely delivered new additional financial resources for environmentally sustainable projects"</p>
XIII BRICS Summit: New Delhi Declaration	<p>paragraph 47: "We reaffirm our commitment to the full implementation of the United Nations Framework Convention on Climate Change (UNFCCC), its Kyoto Protocol and Paris Agreement, and to the principles of UNFCCC including 'Common but Differentiated Responsibilities and Respective Capabilities' in the light of different national circumstances"</p>
Fourth BRICS Summit: Delhi Declaration	<p>paragraph 45: "Given our growing needs for renewable energy resources as well as on energy efficient and environmentally friendly technologies, and our complementary strengths in these areas, we agree to exchange knowledge, know-how, technology and best practices in these areas"</p>
XII BRICS Summit Moscow Declaration	<p>paragraph 82: "We look forward to further strengthening cooperation on environmental issues, combating marine plastic litter as a key focus of the BRICS Clean Rivers Program"</p>

In terms of the nature of the above provisions they are opinions and intentions. Among opinions are approval of some environmentally significant actions ("We welcome the first meeting of environment ministers..."; "We support the establishment of a platform for sharing environmentally sound technologies"), recognition of the importance of certain environmental facts ("We underline the importance of BRICS environmental cooperation

initiatives..."; "We reemphasize the importance of implementing the United Nations Framework Convention on Climate Change"). The intentions are related to the implementation of international environmental agreements ("We reaffirm our commitment to the full implementation of the United Nations Framework Convention on Climate Change") and the performance of environmentally significant actions ("... we agree to exchange knowledge, know-how, technology and best practices"; "We look forward to further strengthening cooperation on environmental issues...").

As for the sustainable development issues they are reflected as follows (Table 3).

Table 3. The sustainable development provisions of the BRICS Summits Declarations.

The BRICS Summits Declaration	Sustainable development provisions
Fourth BRICS Summit: Delhi Declaration	paragraph 32: "We consider that sustainable development should be the main paradigm in environmental issues, as well as for economic and social strategies"
BRICS Leaders Xiamen Declaration	paragraph 14: "We reaffirm our commitment to fully implementing the 2030 Agenda for Sustainable Development. We will also advocate equitable, open, all-round, innovation-driven and inclusive development, to achieve sustainable development in its three dimensions - economic, social and environmental- in a balanced and integrated manner" paragraph 17: "Stressing the importance of environmental cooperation to sustainable development of our countries and the well-being of our peoples, we agree to take concrete actions to advance result-oriented cooperation in such areas as prevention of air and water pollution, waste management and biodiversity conservation"
Fourth BRICS Summit: Delhi Declaration	paragraph 30: "We are fully committed to playing our part in the global fight against climate change and will contribute to the global effort in dealing with climate change issues through sustainable and inclusive growth and not by capping development"
X BRICS Summit Johannesburg Declaration	paragraph 22: "We undertake to strengthen BRICS cooperation in energy, especially in transitioning to more environmentally sustainable energy systems supportive of the global sustainable development agenda, balanced economic growth and the collective socio-economic wellbeing of our citizens" paragraph 30: "We reaffirm the intention to enhance cooperation and collaboration amongst BRICS countries in the field of biodiversity conservation, sustainable use and equitable access and benefit sharing of biological resources, and also undertake to promote our cooperation in biodiversity-related international conventions and fora including on endangered species and amongst our National Parks authorities" paragraph 52: "We reaffirm the call for the implementation of the 2030 Agenda for Sustainable Development in its three dimensions: economic, social and environmental, in a balanced and integrated manner by mobilizing the means required to implement the 2030 Agenda"

In terms of the nature of the above provisions they are opinions, intentions and, calls. Among opinions are the assessment of importance the sustainable development ("We consider that sustainable development should be the main paradigm in environmental issues") and environmental cooperation ("Stressing the importance of environmental cooperation to sustainable development of our countries..."). The intentions are related to the implementation of international environmental acts ("We reaffirm our commitment to fully implementing the 2030 Agenda for Sustainable Development..."), to the performance of certain actions ("...we agree to take concrete actions to advance result-oriented cooperation in such areas as prevention of air and water pollution..."; "We are fully

committed to playing our part in the global fight against climate change..."; "...to enhance cooperation and collaboration amongst BRICS countries in the field of biodiversity conservation, sustainable use and equitable access and benefit sharing of biological resources"; "...to strengthen BRICS cooperation in energy, especially in transitioning to more environmentally sustainable energy systems supportive of the global sustainable development agenda"). The call is related to the implementation of the 2030 Agenda for Sustainable Development ("We reaffirm the call for the implementation of the 2030 Agenda for Sustainable Development in its three dimensions: economic, social and environmental...).

4 Conclusion

The study led to the following conclusions. As a kind of interstate associations the BRICS functions in the format of periodic meetings of the official (heads of states, heads of governments, ministers) and unofficial (representatives of corporate sector, science and community) actors. The results of the BRICS meetings usually are fixed in different formal acts such as joint statements, declarations, memorandums and so on. Since 2011 the meetings of the BRICS Heads of States are held in the form of annual Summits.

The normative outcomes of the Summits are the BRICS Summits Declarations. To date thirteen of such Declarations have been adopted. By its nature these Declarations are international non-legal acts because the BRICS has no ability to make legally valid actions. The norms of the BRICS Summits Declarations have no legal force, do not directly regulate the relationships, there is no legal liability for failure to comply with these norms. In its essence, the norms of the BRICS formal acts reflect the common views on the reality and desired development of relations. In the context of international law, the norms of the BRICS acts are a type of soft law norms.

The BRICS Summits Declarations do not include any separate environmental or sustainable development sections. Therefore, environmental and sustainable development issues are covered only in some paragraphs. In its content, the provisions relating to identified issues, may be classified as opinions, intentions and, calls. The scope of environmental and sustainable development issues covered by the Declarations is very wide. These issues include implementation of international environmental agreements, performance of environmentally significant actions, recognition of the importance of certain environmental facts.

Thus, the declarative position of the BRICS on environmental and sustainable development issues is a set of environmental and sustainable development provisions of the BRICS Summits Declarations containing opinions, intentions and, calls of the BRICS Heads of States.

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