
CHALLENGES AND DEVELOPMENT
PROSPECTS WITHIN

BRICS
C O U N T R I E S

Paulo Borba Casella
Elen de Paula Bueno
Willi Sebastian Künzli

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Introduction

GEBRICS/USP is one of the most influential think tanks in Brazil on BRICS studies and has been contributing to the educational cooperation among BRICS countries, as well as to the academic and literature production on BRICS. Founded in 2015, the Center for BRICS studies of the University of São Paulo (GEBRICS/USP), coordinated by Professor Doctor Paulo Borba Casella and registered in the Brazilian National Council for Scientific and Technological Development, aims to promote studies on BRICS countries, conduct research and organize conferences that address key issues related to BRICS. Annually, GEBRICS/USP organizes the BRICS Conference, an important event that traditionally brings together professors, scientists, diplomats, ministers of foreign affairs, and consular representatives from China, Russia, India, and South Africa in São Paulo, contributing to the expansion of the academic, scientific, and diplomatic discussions on BRICS. The fourth BRICS Conference held on October 26 and 27, 2020, organized a high-level continuing dialogue among professional and diplomatic representatives from all BRICS countries, keeping a fruitful dialogue on BRICS and multilateralism in a time of pandemic.

After the success of “*International Legal Aspects of BRICS*”, launched by Publisher D’Plácido in 2019, researchers and specialists brought together to develop a new project aiming to cater to the demand of a public that is increasingly interested in the theme of BRICS, contributing to a well-informed debate on the goals, the agenda, and the possibilities of BRICS countries. The book “*Challenges and Development Prospects within BRICS Countries*” organized by Paulo Borba Casella, Elen de Paula Bueno and Willi Sebastian Künzli seeks to meet the

demand for important themes from different perspectives, while supplying current and comprehensive perceptions on issues of cooperation, development and global governance.

Besides enlarging the cooperation among its members, BRICS group has been playing an important role in international relations, especially in supporting the strengthening of multilateralism and the reform of international institutions. According to CASELLA, BRICS perspective has not been only restricted to its members, but affecting the global order, and redesigning the meaning of cooperation in the postmodern world. In this sense, BRICS will continue to play an important role in the next decades, increasing the demand for studies that consider a range of different perspectives and approaches.

In the first chapter, *Commentary about BRICS' Recognition and Enforcement of Arbitral Awards*, Thomas Law and Alcindo Li analyze and comment on the recognition and enforcement of arbitral awards in the BRICS countries (Brazil, Russia, India, China and South Africa). According to the authors, the recognition and enforcement of arbitral awards is one of the most crucial issues regarding dispute resolution in international matters. When the parties involved are based in different countries, it is essential for the creditor to obtain decisions which are easily and efficiently enforceable in those jurisdictions where the debtor's assets are located, hence the importance of the theme.

In the second chapter *Dealing with the Sorcerer's Apprentice Dilemma in Polar International Public Authorities: BRICS' Interests and Brazilian Prospects for Mixed Governance Structures in the Arctic and in Antarctica* Paulo Borba Casella, Maria Lagutina and Arthur Roberto Capella Giannattasio investigate the international regulation over polar regions within the Antarctic Treaty System (ATS) and the Arctic Council (AC). Casella, Lagutina and Giannattasio point out that recent challenges posed by political disputes between consolidated and emerging powers to the legitimacy of different existing international public authorities might also reach the ATS and the AC. Based on a qualitative approach of primary sources (document analysis) and secondary sources (literature review), they examine Brazilian experience in the ATS and identify its agency as being paved by an idea of mixed Governance. The study concluded that Brazil legal know-how in international relations might be a useful tool to (i) prospectively enhance the legitimacy of international public authorities over both polar regions, and (ii) help developing reforms of other multilateral

institutions which are nowadays facing challenges in the pursuit of their legal mandate.

The third chapter *The UN Reform and BRICS Countries* aims to examine similarities and dissimilarities in the BRICS countries approaches to the UN reform. According to Alexander Sergunin, while they have almost full understanding on issues, such as the UN specialized bodies' and peacekeeping activities' reform, each BRICS country has its own opinion on the UN Security Council's reform. This chapter not only describes each BRICS country's views on the UN reform but also examines how this problem affects intra-BRICS relations and the forum's general effectiveness.

The *Cooperation among BRICS countries in public health* is the fourth contribution. In this chapter, Cássio Eduardo Zen and Carol Alves analyze the transmission of SARS-CoV-2, the principles of international health law, the legal and philosophical foundations for peoples' cooperation in health matters, as well as the initiatives related to public health among BRICS countries. The chapter examines the approximation and distancing policies that occurred in the midst of the COVID-19, being fully aware of the mutability of history, still in progress.

According to Elen de Paula Bueno and Victor Arruda Pereira de Oliveira, the degree of women's political participation is a key indicator of gender equality, human rights, and social development. In the economic area, evidence also shows that gender equality, particularly in education and employment, contributes to economic growth. Women in decision-making positions play a crucial role in mainstreaming gender in all policy areas. However, in most societies around the world, women hold only a minority of decision-making positions in both public and private institutions. Even though women in all BRICS countries enjoy formal equality in terms of political right, they remain woefully under-represented in decision-making bodies. Based on a review of sources on women's participation in political and public decision-making, the fifth chapter *Women's Participation in Decision-Making Process and Gender Equality: a BRICS Perspective* aims to analyze the BRICS agenda for gender equality and the women's participation in decision-making process in Brazil, Russia, India China, and South Africa.

In the sixth chapter *Blue Economy: New Point of Growth for BRICS?* Sergei Kirillov points out BRICS' already existing points of growth, claiming that blue economy can become one of them. Giving the definition for this sector of economy, the author describes the cur-

rent level of ocean economy development in all five countries of the group focusing on infrastructure, oil and gas extraction, marine sector, and resource exploitation. The study also demonstrates the possible contribution of each member state to conjoint actions, pointing out necessary steps to make blue economy the new point of growth.

The seventh chapter analyses *Competition Law within BRICS: Compared Systems and Cooperation*. According to Emílio Mendonça Dias da Silva and Ana Carolina Ferrari, analyzing the prospects of domestic competition law of each BRICS' country and the evolution of the group's interaction in this area could enable tools to improve the domestic competition law and policy of each one of the parties and to promote a better relation among the group over competition law. Therefore, they first present major issues relating to each competition legal system and move toward the dimension of cooperation, focusing on what the countries have jointly declared on the matter, as well as possible ways to foster competition policies' cooperation.

The Agriculture and Global Food Security Cooperation in the BRICS Agenda by Bruce Roberto Scheidl Campos and Leonardo Hidalgo Racy analyzes the intra-BRICS cooperation in agriculture by stressing their converging points as well as challenges due to the differences among these countries. Furthermore, this chapter seeks to analyze the efforts and goals established by the group to address the challenging issue of food security; not only as a matter of national security for some of these countries, but also as a key point in building the group's internal confidence and commercial cooperation.

In the chapter ninth *Divisions within BRICS on Security Council Reform: Rising Aspirations versus Status-Quo Concerns* Valdir da Silva Bezerra discusses the political divisions within BRICS concerning the United Nations Security Council reform, contrasting, on the one hand, the Brazilian and Indian aspirations for permanent membership manifested through declarations by the Dialogue Forum IBSA and G4 with Russia's and China's concerns over the maintenance of the status-quo at that mechanism. The chapter presents the current debate over the state of the United Nations system after the end of the Cold War, comprising the lack of legitimacy and representativeness embedded within the Security Council's configuration, further exploring Brazil and India's initiatives to promote their candidacy as permanent members of an expanded Council. Afterwards, Russia's and China's positions and concerns over the maintenance of their status-quo are contrasted

with the BRICS declarations on the Security Council reform, which, as our study seeks to illuminate, are quite demonstrative of the lack of consensus within the group in regard to Brazil and India's specific aspirations for a permanent seat at the 'highest table' of world politics.

In the chapter tenth *Cyber Security Issues in the Fuel and Energy Industries of Russia and Brazil: Challenges and Development Prospects within BRICS* Alexander Kormishin; Arsenii Kirgizov-Barskii and Arina Lutskaya address the main challenges and development prospects of cybersecurity in the energy sector in Brazil and Russia, as well as the cooperation opportunities in the sphere bilaterally and within BRICS. The review provided in the chapter represents an insightful picture of the information technologies related to the energy industry, the state of countries preparedness to contemporary threats, their strategies in tackling the emerging cybersecurity problems. The authors give their analysis of the most pressing risks concerning the energy sector's cybersecurity and the ways of mitigating them. The chapter also examines the prospects of IT-cooperation between Russia and Brazil, as well as both countries within the BRICS platform. Finally, the authors provide their perspective on the possible future of the discussed issue.

Private Antitrust Enforcement in the BRICS Countries, by Willi Sebastian Künzli, reviews the framework and development of private competition enforcement in Brazil, Russia, India, China and South Africa. It is based on the assumption that the deterrence effect of competition laws is much stronger when private competition enforcement is effective and allows consumers to recover the damages resulting from competition violations. Respect to different legal and economic systems that is a characteristic of the BRICS countries are not an obstacle to the analysis on how consumers and private parties are protected and allowed to recover damages they incur as a result of competition violations. Private competition enforcement is often overshadowed by public enforcement, which by itself may not have the desired deterrence effect to protect consumers from future violations. The objective is to identify the similarities and differences in recent developments, and what role the current framework plays in the effectiveness of private competition enforcement within the BRICS countries.

In the last chapter, *BRICS as a Promoter of Human Rights*, Ramon Barbosa Baptistella analyzes the main challenges and improvements in terms of human rights in BRICS countries. In order to identify the main aspects related to civil, political, economic, social and cultural

rights of each member, the research focused on the recent reports of the United Nations Human Rights Council. In the last section, the research sought to identify how the emergence of BRICS in 2009 affects a positive agenda in terms of promoting human rights. The study revealed that, together, the group has great potential for the promotion of human rights. For achieving the Sustainable Development Goals, as reiterated by the members in all BRICS Declarations, it is crucial for the group formed by Brazil, Russia, India, China and South Africa to include human rights in its agenda.

Maintain vitality of the BRICS

I am honored to be invited by the Center for BRICS studies of the University of São Paulo to write a preface for this book. The Consulate General of China in São Paulo has maintained close communication and cooperation with the University of São Paulo for years. I have been invited several times to share my views with experts and academics from the University of São Paulo on the BRICS theme and to discuss the BRICS development prospects. Now that the University of São Paulo has compiled the relevant articles into a book, I congratulate this important and significant editing work! It is my belief that this will contribute with important academic strength to the advancement of BRICS cooperation.

After 12 years of development, the BRICS has become a cooperative mechanism with global influence for emerging markets and developing countries, as well as a positive and constructive force in international affairs. In 2020, facing the pandemic unseen in a century, a severe recession in the global economy and an accelerated evolution of the international scenario, the BRICS countries continue to deepen cooperation. Last month, the 12th BRICS Summit was held, in which the five leaders discussed the anti-pandemic cooperation plan and provided new ideas and new directions for BRICS cooperation and global governance in the new era.

BRICS countries must join hands to fight the pandemic. COVID-19 is still prevalent around the world, prevention and control has become a new normal while solidarity and cooperation are the most powerful weapons to fight the pandemic. China actively participates in international anti-pandemic cooperation. Within the BRICS mecha-

nism, Chinese companies are cooperating with partners from Russia and Brazil to carry out phase III vaccine tests and are also willing to cooperate with South Africa and India. We will actively consider providing vaccines to BRICS countries where needed, and we have designated our own national center to support the development of the BRICS Vaccine R&D Center. We will work with other BRICS countries to advance collective vaccine research and tests, setting up plants, authorization of production and mutual standards recognition.

BRICS countries must defend multilateralism. The BRICS countries, as representatives of emerging economies and developing countries, are important forces in promoting the development of the international order in a more just and reasonable direction. Currently, unilateralism and protectionism are emerging against the current. We must hold high the banner of multilateralism, safeguard the international system with the United Nations at its core, oppose unilateral sanctions and “long arm jurisdiction”, and firmly safeguard international fairness and justice to foster a peaceful and stable environment for development.

BRICS countries must promote growth at post pandemic. The BRICS mechanism was designed during the global financial crisis and has made important contribution to promoting global economic recovery and global economic governance. Faced with a new round of global economic recession caused by the pandemic, the BRICS countries must once again work together to tackle this challenge. It is important that we actively promote “three-pillar-driven” cooperation, unswervingly build an open world economy and help countries to resume production and to restore the economy in order to achieve more resilient development with better quality.

President Xi Jinping pointed out that when the wind is strong and the tides are high, it is even more important that we maintain the right direction. Despite the profound changes in the international situation, China will continue to work with the BRICS countries in the spirit of openness, inclusiveness and win-win cooperation, to help the international combat against COVID-19 and boost economic recovery, and maintain the vitality of BRICS.

Chen Peijie
Consul General of China in Sao Paulo

After the success of “International Legal Aspects of BRICS”, launched by Publisher D’Plácido in 2019, researchers and specialists have developed a new project aiming at catering to the demand of a public that is increasingly interested in the theme of BRICS, contributing to a well-informed debate on the goals, the agenda, and the possibilities of BRICS countries. The book “Challenges and Development Prospects within BRICS Countries”, edited by Paulo Borba Casella, Elen de Paula Bueno and Willi Sebastian Künzli, seeks to meet the demand for important themes from different perspectives, while supplying current and comprehensive perceptions on issues of cooperation, development, and global governance.



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