

## VIII BRICS LEGAL FORUM JOHANNESBURG DECLARATION



Law Society of South Africa

On 8 and 9 December 2023, the General Council of the Bar was invited to attend the 8th BRICS Legal Summit. The Summit adopted the following declaration:

### PRELUDE

The BRICS Legal Forum is a permanent platform spearheaded by legal professional bodies within the BRICS countries, aimed at providing an environment that is conducive for legal cooperation and diplomacy that will support the planning, development, preparation and implementation of such policies, regulatory and legal instruments required by BRICS countries to give effect to the resolutions by the BRICS Heads of State to achieve the common goals and objectives of BRICS and to promote the interest of the legal profession by building capacities and creating opportunities, including through cooperation in legal education.

The Legal Forum is committed to fostering the Rule of Law in BRICS countries, while supporting the development and growth of our collective societies, which are built on the foundation of fairness, equality and an inclusive worldview.

Our vision and purpose are to enhance collaboration with the legal institutions in BRICS countries with a long-term view on developing the Global South.

We the members of the legal fraternity at this 8th BRICS Legal Forum held at Johannesburg, South Africa on the 8th and 9th December 2023 hereby make the following declarations:

### WE DECLARE THAT:

1. We, the constituents of the BRICS Legal Forum, are committed to enhance collaboration with the legal institutions in BRICS countries with a long-term view on developing the Global South through strengthening the framework to mutually benefit BRICS countries.
2. We affirm our support to the BRICS countries and endorse the BRICS declarations, in particular the realisation of the Johannesburg II Declaration on 23 August 2023 themed "BRICS and Africa: Partnership for Mutually Accelerated Growth, Sustainable Development and Inclusive Multilateralism".
3. We welcome the inclusion of new states as proposed by the BRICS Summit 2023 and look forward to expanding the BRICS Legal Forum to include the BRICS+ legal professionals.
4. We are committed to collaborate and support the BRICS Business Council to enhance intra-BRICS trade and investment in key economic sectors through



**“WE ARE COMMITTED TO SUPPORT INITIATIVES BY THE BRICS COUNTRIES TO ENABLE THE BRICS BUSINESSES TO WORK WITH AFRICA TO UNLOCK THE FULL POTENTIAL OF THE AFRICA CONTINENTAL FREE TRADE AREA.”**

the development of such policies and regulations to enhance market access for BRICS businesses in the respective BRICS countries.

5. We are committed to support initiatives by the BRICS countries to enable the BRICS businesses to work with Africa to unlock the full potential of the Africa Continental Free Trade Area.
6. We acknowledge the BRICS countries’ support for inclusive multilateralism and make it the foundational philosophy and the endeavours of the BRICS Legal Forum.
7. We support and call on the international communities to cultivate a corruption-free business environment that encourages tax compliance and combats money laundering, terrorist financing, proliferation of weapons of mass destruction and drug and human trafficking while maintaining the ease of doing business.
8. We encourage the development of cooperation of BRICS countries legal communities in the field of legal education, links between the corresponding universities, law schools and all forms and formats of scientific and educational exchange within the BRICS process.
9. We will take steps to involve respective institutions of the newly admitted BRICS countries in the educational exchange and all forms of educational cooperation.
10. We acknowledge that technology can be used for the education of our societies and enhancing our education programmes so that the developing world is a market for skilled labour and we are committed to embrace technology, including in the field of the legal education.
11. We note that the right to accessible and affordable technology for developing nations is critical for a fair and just world. We support the use of technology to promote access to justice, whilst taking into consideration the barriers resulting from the digital divide prevalent in many BRICS member countries.
12. We stress the need of an up-to-date analysis of IP legislation and annual assessment of its changes in the BRICS countries with public discussion of the results thereof. For this purpose, we support the initiative to create a working group on IP within the BRICS Legal Forum.
13. BRICS Legal Forum is committed to collaborate internationally with the appropriate international institutions such as the UN, to facilitate the development of the legal frameworks for the universal, ethical and appropriate use of technology, and to deal collectively with the scourge of cybercrime.
14. We affirm our commitment to climate justice, especially in developing communities where commitments were made to mitigate the impact of climate change. We recognise that we have a shared responsibility to ensure the protection of the world.
15. We will help develop appropriate legal frameworks that ensure that the technologies required to sustain a green economy is shared with the developing world to enhance global capacity and equity in environmental protection.
16. We will endeavour to help develop appropriate legal frameworks to support the sustainable development of the Global South.
17. We recognise that fair and equitable distribution of the economic benefits is fundamental for our communities, especially for rural development and food security.
18. We envision BRICS Legal Forum that is inclusive in its content and form and makes it a priority to ensure that women play a meaningful role in all BRICS activities.
19. We support the development of appropriate institutional arrangements and protocols that will enable collaboration between the BRICS countries following the example of the African Continental Free Trade Area and call upon BRICS governments to facilitate the free movement of persons, capital, goods and services that will deepen economic integration, promote agricultural development, food security and economic transformation.
20. We echo the commitment to promote employment for sustainable development, including the commitment to transformative employment that is representative of South Africa’s demographics, paying particular attention to gender.
21. We have decided to prioritise the setting up of network of Dispute Resolution institutions under the BRICS framework as envisioned in the previous BRICS Legal Forum declarations and the concept note which was adopted as a blue print by resolving to create a Board of Governors and common rules of the BRICS Disputes Resolution Network. In order to help achieve this, as a first step we decided to adopt with suitable modifications and adaptations the rules of Arbitration Foundation of Southern Africa which are already serving as the basis for resolving Africa-China commercial disputes.
22. We propose to establish a specialised wing of BRICS Dispute Resolution Network or a separate institution dedicated to resolution of investment disputes arising within the BRICS, which ultimately would evolve into an institution of choice for the countries of the Global South, being sensitive and cognisant of their developmental and welfarist needs, requirements and aspirations while providing a conducive environment to attract foreign investments.
23. We resolve to take urgent steps to establish cooperation with the New Development Bank and become one of its

partners to create synergies helpful to develop BRICS Disputes Resolution Network and at the same time assist the NDB to implement its objectives of sustainable development by helping create/validate suitable legal-policy frameworks, solutions and instruments and by helping train local legal and professional communities.

24. In order to implement the foregoing initiatives, we resolve to create a “working group” or a “task force” for each of the areas with set timelines and milestones to be achieved, with a resolve to have the BRICS Dispute Resolution Network along with the finalised rules ready for adoption and ratification at the next BRICS Legal Forum to be held in Russia.
25. We also resolve to promote the BRICS Legal Forum and the BRICS Dispute Resolution Network and to create awareness about it at various international and regional forums as representatives of BRICS Legal Forum or while representing any of our member organisations.
26. In order to integrate the new members of BRICS in the BRICS Legal Forum initiatives, we accept the proposal of Russia, the host of the next BRICS Legal Forum, to invite legal and arbitration bodies in BRICS+ countries to an event in Dubai not later than March/April 2024, as Dubai is geographically convenient and the UAE being a part of the BRICS+.
27. We also unanimously accept and endorse the proposal of Association of Lawyers of Russia to host the IX BRICS Legal Forum in 2024 in Moscow, Russia, during the time which will be additionally advised, given Russian chairmanship in BRICS in 2024.
28. We thank the Law Society of South Africa for hosting the VIII BRICS Legal Forum in Johannesburg.

Signed at Johannesburg on this 9th day of December 2023.

**BRUNO BARATA**

Federal Council of the Brazilian Bar Association

**SERGEY STEPASHIN**

Association of Lawyers of Russia

**PRASHANT KUMAR**

Bar Association of India

**ZHANG MINGQI**

China Law Society

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Law Society of South Africa

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