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Associate Professor in Comparative Public Law
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** Federalismi è particolarmente lieta di dedicare questo numero monografico alla pubblicazione dei papers che saranno presentati il 6 e 7 novembre p.v. a Parma in occasione del Convegno “The BRICS group in the spotlight. An interdisciplinary approach”. Al tema dei BRICS Countries, già in precedenza affrontato dalla rivista, viene così dato l'ampio risalto che merita con approfondimenti interdisciplinari di elevato livello scientifico. Lucia Scaffardi, motore di questa iniziativa, nel tratteggiare il quadro in cui si inserisce questa tematica, introduce i contributi che saranno presentati nei quattro panel della conferenza.*

Beniamino Caravita

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1. Why we cannot wait to study the BRICS countries anymore

More than 40% of the inhabitants of this planet live in the BRICS countries, and one fifth of the world's wealth is generated from Brazil, Russia, India, China and South Africa (O' Neill 2011). If we add that one fourth of the dry land waves the flag of a BRICS country, the picture becomes really significant, both numerically and geographically. The BRICS countries are much more than a mere concept (Chun 2013), they are a tangible reality. What is also important to consider, when talking about the BRICS, is how fast these emerging countries are becoming main actors, and often real protagonists, in fields such as world economics, geopolitics and global opportunities (Cooper & Farooq 2013).

It was the year 2009 when, for the first time, the BRIC countries (which would have added the “S” a few years later) decided to formally regroup under a Summit. Five years have now passed by from that day of June in Yekaterinburg (Joint Statement of the BRIC Countries' Leaders, Yekaterinburg, 2009) but what this young “creature” has already achieved is astonishing. In 2010 the second Summit took place in Brasilia (Das 2010), followed by the one in Sanya (China) in



April of 2011. And it was in 2011 that South Africa decided to join the group. This moment is the beginning of a new era: the name changes from BRICs into BRICS, but, more relevantly, the international network is complete. Other African countries could have been admitted in the group if the sole criterion would have been the economic dimension (for example Nigeria), but what grounds the BRIC enlargement is the political dimension (Scaffardi 2014), as the democratic South African nation represents at best the whole African continent (Orrù 2012).

Despite the change in the name, the main goal remains unchanged: representing the growing voice of the emerging economies, in contrast with the traditional economic, financial and political institution¹. The Summits keep on alternating Country after Country (in New Delhi in 2012, Durban in 2013 and, lastly, in Fortaleza), widening the range of discussions and debate. Along with economy and commerce, the Summits' focus move to transport, healthcare, security, food safety, environmental protection, and each Final Declaration is the demonstration of how the five countries want to play as protagonists. The creation of the New Development Bank (2014 in the Fortaleza Summit) also named “the BRICS’ bank”, with an initial capital of 100 billions of dollars, together with a provision fund, the BRICS contingent Reserve Arrangement, provided with an identical plafond that will safeguard the needs of the five subscribing countries, is a clear sign of the group presence and force in the international arena.

The BRICS tight relations and common projects are not confined to the monetary and economic level, and the decision-making processes have been differentiated. They involve the “coordination” between heads of State or Government within the Summits themselves; the second operates at inter-ministerial level, regarding aspects more distant from the economic side, creating numerous and permanent groups of discussion (Stuenkel 2013). And it is therefore this “political” action that makes collaboration possible between these five countries on intra-BRICS projects.

These are the main reasons why refraining ourselves from studying this system would be an unbridgeable error.

2. The road map of the Parma Conference

¹ “We are committed to advance the reform of international financial institutions, so as to reflect changes in the global economy. The emerging and developing economies must have greater voice and representation in international financial institutions, whose heads and executives should be appointed through an open, transparent, and merit-based selection process. We also believe that there is a strong need for a stable, predictable and more diversified international monetary system”. *Joint Statement of the BRIC Countries’ Leaders* , point 5, Yekaterinburg, June 16, 2009, available at <http://archive.kremlin.ru/eng/text/docs/2009/06/217963.shtml>.



Against this background the BRICS Parma research group (www.brics.unipr.it) has decided to approach the BRICS countries with an innovative perspective, the legal one. Since 2011 we have started observing the BRICS history in the making, through a series of Conferences and Seminars that have opened the way to the Conference “BRICS in the spotlight”.

What has been clear from the early days is that to truly understand the intra-BRICS dynamics, we must study their “conditioned convergences” (Bruno & Carducci 2014), that is common approaches to specific policies. Obviously, we are studying an unfinished process of great economic, legal and social interest. The analysis, therefore, cannot be made only from the Euro-Atlantic point of view, but it has to gain an international, large scale and interdisciplinary vision, and it should be mainly carried out by BRICS countries scholars.

For all these reasons, at the heart of the “BRICS in the spotlight” Conference lies a very pragmatic question: what and where are the BRICS now, leaving aside more abstract and theoretical issues concerning the “*raison d'être*” of the BRICS?

The BRICS Parma research group decided to undertake the challenge of organising the Conference opening the call for papers to all possible interested scholars, with the purpose of encouraging systematic, interdisciplinary analysis about the importance of BRICS vis-à-vis contemporary debates in the socio-political, economic, geopolitical and legal studies realms. Nearly sixty scholars have submitted abstracts for the Conference from all around the world. Together with the panel chairs - Niu Haibin (Shanghai Institute for International Studies), Paulo Esteves (BRICS Policy Center, Rio de Janeiro), Augusto Ninni (University of Parma), Patrick O’Sullivan (Director Grenoble Ecole de Management GGSB) and Danny Pieters (University of Leuven) - we selected the papers that are presented in this special issue. More than three hundred pages have been published to testify the laboriousness of the panellists and an in depth reading will demonstrate the quality of the works that they are presenting, and will provide the reader a clear insight on the “conditioned convergences” that BRICS are constructing.

This huge amount of work is divided in a sequence of four panels, each focusing on specific macro themes. The first panel, with the papers of Mihael Papa, Silvia Bruno and Michele Carducci, deals with the theme of the BRICS and global politics, the starting point and the core of any legal question, which is further analysed by Cooper and Farooq, who have tried to test the “Club Culture of BRICS” using the lens of the new-born BRICS’ bank, and by Michael Kahn from the Stellenbosch University of South Africa, who centres his study on the BRICS cooperation in the fields of science, technology and innovation, which indeed was a topical



interest during the meeting of the respective ministers (Cape Town Declaration, Ministers of Science and Technology, February 2014).

The second panel focuses on socio-economic rights and social inequalities, a central theme for the development of these countries that still face relevant problems, as the Report on social security by Danny Pieters, the panel chair, has already underlined ([Pieters & Schoukens 2012](#)).

From the analysis of the Brazilian Corporate law (J. Armour and C. Schmidt) to the right to health, studied by Marina Larionova, Mark Rakhmangulov, Andrei Sakharov, Andrey Shelepov, Sandra Regina Martini Vial and Diana Cerini and the South African Constitutional Court case-law on socio-economic rights (Sara Cocchi), this panel provides interesting insights on the most critical and crucial issues. The global Community welcomed the inclusion of health issues in the BRICS Agenda. “From 2005 to 2010, Brazil’s assistance spending grew each year by around 20.4%, India’s by around 10.8%, China’s by around 23.9%, and South Africa’s by around 8%. Russia’s assistance increased substantially early in the same period, before stabilizing at around US dollars 450 million per year” (GHsi 2012). Despite the BRICS investments in the sector, the challenges remain tough: the risk of pandemics, intensified by migrations and global travels, the access to public services, including medical technology and drugs (Yu 2008), the cutting of rising healthcare costs, particularly with reference to communicable and non-communicable diseases. Tackling these challenges in a more convenient, fair and sustainable way will promote economic development in BRICS, as well as better healthcare and a stronger social cohesion. This is also a new idea for our democracy that perceives health as a cost to be kept under control, and not as a source of further development and research (Harmer Xiao Missoni Tediosi 2013). And this is why any analysis of the BRICS group should not underestimate these themes.

The third panel is focused on the economic dimension, a “classic” topic of BRICS studies. The collaboration with the colleagues of the Department of Economics of the University of Parma has allowed addressing the topic from an interdisciplinary, and competent, perspective. Professor Patrick ‘O Sullivan from Grenoble École de Management will chair the panel, with Helmut Reisen discussing the BRICS’ bank and its role in reforming the global financial architecture; Wei Zhao analysing the Chinese capitalist model, and Natalia Mrockova critically presenting the importance of the legal framework for China's economic development.

Finally, the fourth panel is about sustainable development and energy. The relevance of the theme is discussed by Amirante, Gramkrow, Fabbri and Ninni, who engage in the analysis of the



protection of environment, competitiveness and innovation towards green growth or the renewable energy policies. .

The panel's discussion will start in the early afternoon of Thursday 6th and will end in the late afternoon of Friday 7th. Therefore, in an adjacent hall to the Conference, there will be a projection of nine videos from young contributors who were likewise selected from the scientific committee of the Conference. The related papers have also been included in this special issue.

For two days, Parma will host a dense discussion on the BRICS, with BRICS and international scholars. We hope that it will be an important occasion to examine in depth the range of actions of a gigantic challenge, not only economic. A world that is living a silent revolution, while in the Western world, where much is discussed about change, everything seems to remember the Gattopardo's motto: "*Tutto cambia affinché nulla cambi?*", change everything so that nothing changes. Beyond the financial-economic sector, the most interesting, and delicate challenges lie in the fields of social politics, common security, environment, education, welfare, energy and health. It is in these fields that the BRICS are looking for common positions, a path of knowledge and dialogue that could increase their role in front of the other superpowers.

In the era of information and communication, networks represent the most stimulating and effective form to grant flows of knowledge and opportunity of enhancement. And it is with this innovative and winning logic that Brazil, Russia, India, China and South Africa are moving today. In only five years they managed to create a form of continuous connection that overcomes the common models of intergovernmental partnership.

3. BRICS, something new?

Is it all perfect then? Clearly it would be wrong to bask in triumphalism without having analysed the many contradictions that characterize the five countries under examination.

Quite often, for example, the enforcement and respect for fundamental rights, even when recognised in the Constitutions, is blatantly inconsistent in several of these countries.

But going over the first, although important, consideration we can spot how the BRICS presents a pragmatic approach even in the field of fundamental rights, as they decide to debate in view of a possible implementation of themes like the right of subsistence, development and health. The studies that will be presented in the following pages are the examples of this working process.



What becomes evident is the willingness to give priority to actuation of plans linked to economic and social rights while civil and political rights, especially in some of these countries (Groppi 2015), continue being concealed. And basic victories, in a Western perspective, are a long way off from being fully implemented. And yet, there are other domains, as it is the case for world health, where the BRICS are proposing innovative and progressive solutions.

The following pages will provide the reader a comprehensive, and multi-faced, analysis of the phenomena. Studying the BRICS is unavoidable if we want to understand our contemporary world. At present this group is a legal framework bound to become more and more interconnected and maybe able to create, in the future, even a new model of “being together” (Armijo, 2007), a kind of a multi-centre inter-State order, as a result of different experiences flowing into a new entity, that has an impressive socio-economic power at global level. Brazil, Russia India, China and South Africa can have an immense impact on the world, and it could increase in the near future. What we aim at the University of Parma is to better understand and define it.

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