

## CHIEF EDITOR'S NOTE

### COLLABORATION AND RESEARCH AS THE KEY CONTRIBUTION TO THE BRICS ENVIRONMENTAL AND SUSTAINABLE DEVELOPMENT AGENDA

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Human societies are facing enormous changes as the result of the combined effects of climate change, transboundary pollutants and increasing industrial development, and countries across the globe are struggling to cope under the influence of these changes. For example, increasing temperatures are already having many adverse effects on forests, lands and biodiversity by changing plant communities and their associated fauna and, as a consequence, escalating the emergence of new diseases. In recent decades, the rate of natural resources extraction, including non-renewables, has sharply and not always justifiably increased, and vitally important resources are becoming scarce.

These changes, their effects and the problems they generate are of essential concern for the BRICS countries – Brazil, Russia, India, China and South Africa. The problems in fact are aggravated by rapid demographic growth in particular countries of the BRICS bloc, alongside the reduction in food availability and the worsening of social conditions for a significant number of their people. The BRICS countries, mainly representing growing economies, face difficult environmental crises, uneven social development and decreasing material and spiritual-cultural well-being.

The concept of sustainable development recognized by the global community through the United Nations at its 1992 Earth Summit in Rio de Janeiro changed

the prior approach to development by calling for peace and security, economic development, human rights and protection of the environment. The Rio Declaration affirms the premise underlying development that every human being is “entitled to a healthy and productive life,” but it adds “in harmony with nature.”<sup>1</sup> Thus, environmental protection is to be incorporated into our understanding of what the future requires. The U.N.’s action plan Agenda 21 describes sustainable development as “socially responsible economic development” that protects “the resource base and the environment for the benefit of future generations.”<sup>2</sup>

That is the reason why the topic of environmental protection is becoming such an important issue discussed in various formats of BRICS interaction. Since its formal inception in 2006, BRICS have elaborated their agenda by incorporating environmental issues along with the issues of economic development, security, cooperation in energy, agriculture, science and innovation fields. Each of the BRICS countries actively develops national environmental legislation and policies, integrates elements of renewable energy in their planning and explores the use of environmentally friendly technologies in the development of national industries. Since 2015, a principal topic of attention has been the development of a “green economy” in the interest of ensuring the sustainability and competitiveness of development in each of the countries.

The idea of comprehensive coverage of environmental issues within the collaborative research of BRICS scientists and researchers is justified by the priority of this topic in the BRICS agenda. The ecological situation and environmental protection activities in the BRICS countries are important for sustainable development not only in individual states, but also in the world at large. On the one hand, the BRICS bloc accounts for 40% of global energy consumption<sup>3</sup> and 37% of total emissions from fuel combustion. For example, China’s share of global emissions of ozone-depleting substances is 26%.<sup>4</sup> On the other hand, the contribution of the ecological component of the countries to sustainability is enormous. For example, 40% of the world’s forests are concentrated in Russia and Brazil. Russia, Brazil and China occupy leading positions in the total volume of renewable water resources. Generally, the

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<sup>1</sup> U.N. General Assembly, Rio Declaration on Environment and Development 1992 (Mar. 1, 2021), available at [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf).

<sup>2</sup> U.N. Division for Sustainable Development, Agenda 21, United Nations Conference on Environment & Development, Rio de Janeiro, Brazil, 3 to 14 June 1992 (Mar. 1, 2021), available at <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>.

<sup>3</sup> Мантуров Д. БРИКС в цифре // Российская газета. 2019. 12 нояб. № 255(8013) [Denis Manturov, *BRICS in Numbers*, Rossiyskaya Gazeta, 12 November 2018, No. 255(8013)] (Mar. 1, 2021), available at <https://rg.ru/2019/11/12/v-brazilii-startuet-sammit-gosudarstv-briks.html>.

<sup>4</sup> BRICS Energy Research and Cooperation Platform, Обзор энергетики стран БРИКС [BRICS Energy Review] (2020) (Mar. 1, 2021), available at <https://brics-russia2020.ru/images/114/89/1148936.pdf>.

BRICS countries contribute not only with regard to economic growth, social inclusion and the fight against poverty, but also with regard to environmental protection and environmental rights.

A primary objective of all five BRICS countries is to maintain the long-term productivity of ecosystem functions for the environment and biodiversity and, at the same time, to increase productivity in goods and services, and particularly clean water, safe energy and food. Well-structured and resourced governmental programs, efficient governmental action and effective partnerships between governments and the private sector have the potential to provide global environmental benefits through their contribution to combating land and water degradation, and to arresting and reversing the decline in biodiversity and ecosystem services.

Considering all of this, the *BRICS Law Journal* aims to contribute to the scientific and scholarly debate on particular issues of sustainable development. To that purpose, we proudly initiate this *Special Issue* which covers relevant themes on the environmental dimension of sustainable development both at the national level of the BRICS countries and at the level of their cooperation. This *Special Issue* attempts to systematize and describe trends, measures and tools that the researchers from the BRICS nations suggest in order to protect the environment, ensure food safety, guarantee citizens' rights to health, clean water and sanitation, and develop harmonized environmental and health standards.

The objectives of this *Special Issue* are:

- (a) To better conceptualize biodiversity and show how it can be legally regulated;
- (b) To develop knowledge around the concept of environmental rights and their interdependence with other human rights;
- (c) To engage lawyers, economists and social researchers from a variety of sectors to both learn from and share with diverse groups of stakeholders the knowledge about environmental trends and perspectives in the BRICS countries;
- (d) To provide scientifically based knowledge for policy-makers and relevant stakeholders so that they are informed of the threats to various environmental elements in the BRICS countries and the possible measures to successfully meet them or prevent them from developing.

This *Special Issue* is published at an important juncture. Reforms of the institutional framework for environmental governance at the global level are subject to renewed deliberations at the U.N. General Assembly, where reforms leading to system-wide coherence across the U.N. family of institutions involved in humanitarian, development and environment operations at the country-level are being proposed by a distinguished panel of heads of state and government, ministers and other eminent persons.

BRICS forums and special events have repeatedly raised the issues of water rights, energy and biosecurity, environmental rights, food safety and clean energy. In 2018, the BRICS countries signed a Memorandum of Understanding on cooperation in the

field of environmental protection in Johannesburg, South Africa at the 10<sup>th</sup> BRICS Summit.<sup>5</sup> The signing of the Memorandum was an important step in strengthening environmental cooperation between the BRICS countries in a number of areas, including: air quality, water resources, biodiversity, climate change and adaptation, and implementation of the goals and agenda for sustainable development of territories for the period up to 2030.

These topics are continually discussed at Tyumen State University, Tyumen, Russia, which since 2016 has been sponsoring a platform for international dialogue on the most important issues confronting BRICS. In November 2018, the III Siberian Legal Forum were successfully held at the University, within the framework of which the conference “Globalization and Cooperation of the BRICS Countries: Legal Aspects” was organized, bringing together more than 40 scientists from Russia, Brazil, China, India and South Africa. The conference discussed issues of climate change, energy policy and the participation of universities in the environmental agenda of the BRICS countries. In 2019, the BRICS Writing Retreat held in Tyumen aimed at broad discussion and information-sharing on the relevant issues of sustainable development and environmental protection.

Generally accepted effectiveness of environmental protection is closely interconnected with governmental action and national environmental regulation. At the same time, it is becoming more obvious that existing environmental problems cannot be solved by national law alone. The systemic nature of modern environmental problems requires an interdisciplinary and international approach. In this *Special Issue*, we share cases and models from each of the BRICS countries to discuss knowledge, values, attitudes, capabilities and successes as well as failures of the BRICS countries in the face of global and national environmental problems and in their efforts to find solutions. The protection of the natural environment requires joint efforts across the natural and socio-humanitarian sciences. Comparative legal studies of the environmental legislation of the BRICS countries have not been adequately developed in the literature; publications dealing with economic processes in this area are very few in number. The originality of this *Special Issue* is its expansion of the publication scope of the *BRICS Law Journal* – for it includes not only legal papers, but also multidisciplinary papers related to political studies, sociology and economics. This *Special Issue* focuses on historical and present-day approaches to the interaction of society and nature, and it presents comparative collaborative studies of environmental perspectives in Brazil, Russia, India, China and South Africa.

For this *Special Issue* we also expand the authorship of the papers, allowing larger research groups to be involved in the discussion and to present their results.

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<sup>5</sup> Environmental Affairs signs Memorandum of Understanding on Environmental Cooperation at BRICS summit, South African Government, 26 July 2018 (Mar. 1, 2021), available at <https://www.gov.za/speeches/environmental-affairs-signs-memorandum-understanding-environmental-cooperation-brics-summit>.

A team of leading researchers with expertise in philosophy, law, economics and interest in public relations for environmental protection in the BRICS countries have contributed to this *Special Issue* to describe environmental protection from a variety of perspectives.

The paper "*Biodiversity and the Indian Judiciary: Tracing the Trajectory*" underlines the necessity of conserving biological diversity, including ecosystems and wildlife. It analyzes the judicial mechanisms that are targeted to conserve and support the sustainable use of biodiversity. The authors show that in India the proactive, creative judiciary has provided for a major shift in the environmental landscape. "*Water Dimension of BRICS Cooperation: National Challenges and Joint Opportunities*", co-written by a group of esteemed Russian academicians, examines the evolution and perspective of the water agenda in the BRICS countries. Water resources are important worldwide, and the recent trend is to manage them through the activities of a major development institution – the New Development Bank of BRICS. The authors demonstrate a gap between the current and potential water agenda and propose initiatives assisting the BRICS as well as developing countries across the globe to successfully deal with water use and protection challenges. The paper "*The 2020 Reform of the Water and Sanitation Sector in Brazil*" explains that access to water is one of the most difficult of the country's problems: currently there are 3 million people without access to safe water and 24 million without access to improved sanitation.<sup>6</sup> Brazil is taking serious steps to find solutions: in July 2020, Brazil's New Sanitation Legal Framework was approved. This act aims at the universalization of sanitation and water supply in Brazil by 2033 through measures aimed at attracting investment in the sector. The new regulatory framework is expected to transform the nation's water and sanitation sector and to serve as an example for other countries with similar problems. "*Renewable Energy in Russia: Systemic Analysis of Barriers*" considers the current situation in Russia with the energy supply, the environmental impact and the social dimension of renewable energy systems. The paper demonstrates and exemplifies the specifics of Russia's renewable energy system, the barriers to its utilization and the potential of its development from the Russian perspective. The authors of "*The Interdependence of Labour and Environmental Rights in South Africa*" suggest a very interesting approach to study the legal system of environmental rights by contrasting them with labor rights in South Africa because both originated in reaction to particular and important societal problems. The authors find that the two rights do have a dependence, and that the environmental arena has provided the basis for the continuation of the fight to ensure social justice for both the traditional and the extended reconceptualized approach to labor law. Chinese and Russian researchers co-author "*Sustainable Development in China and Russia: Comparative*

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<sup>6</sup> Brazil's water and sanitation crisis, Water.org (Mar. 1, 2021), available at <https://water.org/our-impact/where-we-work/brazil/>.

*Legal Research*" in which they examine the specifics of legal regulation of sustainable development in the two countries. For both BRICS member states the topic is very relevant, since legal regulation of this area should create effective frameworks for the relationship between people and nature. The authors draw attention to the fact that sustainable development is better implemented when it is supported both by international standards and, necessarily, by national laws.

This *Special Issue* is the result of joint discussions and long-term collaboration and networking between researchers from BRICS countries' universities, research institutions and state agencies. It is extremely important to continue research on environmental issues and to create effective legal, economic and social mechanisms on the national and international levels that will contribute to the prosperity and sustainability of the BRICS countries and our planet.