

## **V BRICS LEGAL FORUM**

### **CAPE TOWN SOUTH AFRICA DECLARATIONS**

- 1 We, the representatives of the legal communities of BRICS member states, steeped in the values and principles encapsulated in the concept of the Rule of Law and giving highest value to the fundamental guarantees of human dignity, liberty and equality, having met in Cape Town from 23 to 24 August 2018 and deliberated on various legal issues that impact on socio-economic activities, trade and dispute resolution.
- 2 Acknowledging and supporting the objectives in the declarations signed by the BRICS heads of states, including the 10<sup>th</sup> BRICS Summit Johannesburg Declaration under the theme BRICS in Africa: Collaboration for Inclusive Growth and Shared Prosperity in the Fourth Industrial Revolution, we reaffirm our commitment to work towards realisation of these objectives by helping to create legal and policy frameworks having their basis in fairness, equality, inclusion, respect for social and human rights and the rule of law.
- 3 We acknowledge Law Society of South Africa for hosting the 5<sup>th</sup> BRICS Legal Forum in which implementation of our declarations, creation of BRICS Legal Forum institutions and setting up of networks of emerging nations took a center stage.
- 4 We considered and reaffirmed our commitment for helping create a rule based, fair, just and equitable democratic international trade and economic order based on principles of multilateralism and the rule of law that

provides for sustainable development and inclusive growth and in order to achieve that, help create commercial and investment disputes resolution mechanisms and institutions which are fair, efficient, representative and inclusive in their character and cater to the needs and requirements of BRICS and emerging markets and developing economies.

- 5 We will endeavour, wherever possible, to leverage existing dispute resolution institutions in member states and between member states to quickly establish BRICS dispute resolution centres within the shortest reasonable time in order to have institutions ready to handle disputes that may arise, provided such institutions adhere to the Rules and Procedures set by the relevant expert committee of BRICS Legal Forum.
- 6 We, endorse in principle the approach paper presented by the Bar Association of India which builds upon the resolution adopted in the Moscow declaration of the Legal Forum to create a network of commercial dispute resolution institutions in the BRICS and emerging markets and developing economies and to build professional capacity and required expertise in the BRICS countries and emerging markets and developing economies by collaborating with existing institutions and dispute resolution centres in the emerging world and to collaborate with new multilateral institutions created by BRICS, i.e. the New Development Bank and those anchored and supported by BRICS member states like the Asia Infrastructure Investment Bank, decided to take further steps to refine and

to prepare a road map to implement the initiative through active and collaborative participation of all member states. We resolve to develop and promote effective mechanisms of dispute resolution through the process of commercial mediation.

- 7 We recognise the need to setup an ecosystem and networks to advance our objective of developing a just and fair world order in socio-economic activities of emerging economies.
- 8 Considering that the BRICS Legal Forum in Cape Town has been included in the official and sectoral meetings mentioned in the X BRICS summit Johannesburg declaration 2018, we will approach the Governments of our countries with the purpose to seek representation and participation of the BRICS Legal Forum representatives of the BRICS summit meetings.
- 9 We recognise the importance of enhancing high level professional exchange for further development of the BRICS Legal Forum effectiveness. This will be achieved through discussions and making decision on consensus. Further, we will conduct BRICS Legal Forum activities through various established committees of the BRICS Legal Forum based on rules and procedures adopted.
- 10 We are aware of the need to establish institutions and capacitating them in order to be able to implement our declarations and promoting annual legal talents program for young lawyers and exchange of students and experts

among BRICS member states. We acknowledge the contribution of the Moscow State Institute of International Relations of the Ministry of Foreign Affairs of the Russian Federation and the Association of Lawyers of Russia; for hosting the BRICS Legal Talent program as part of the IV BRICS Legal Forum.

11. Having agreed to set up BRICS Legal Forum institutions and their operating principles and mechanisms, we are poised to build upon and implement more effectively the resolutions passed in each declaration in member state, do hereby resolve to establish the Evaluation and Coordination Committee of the BRICS Legal Forum. A Committee that will promote that the adopted declarations are implemented by all member states. For this purpose, a terms of reference will be developed by a working group to be appointed and later approved by the heads of delegations.
12. We recognise the imperative of sustainable development, conducive trade environment including commercial environment free from corrupt tendencies in carrying out our mandate. Accordingly, we support initiatives aimed at dealing with crimes such as corruption, tax evasion, money laundering and drug trafficking.
13. We resolve to constitute a working group to help develop a mechanism within BRICS to cooperate in anti-corruption and money laundering law enforcement, extradition of fugitives, economic and corruption offenders

and repatriation in matters relating to assets recovery and other related criminal and non-criminal matters involving corruption to ensure a robust implementation of the United Nation Convention against Corruption in the BRICS countries.

14. We resolve to constitute working groups: -

14.1 to help develop a mechanism within BRICS for effective

implementation and enforcement of laws relating to drugs trafficking and drug induced violence and crime.

14.2 to develop legal cooperation and approaches in relation to custody and welfare of children in cross border family disputes and crimes against women and children.

15. We resolve to further strengthen our collaboration to help implementation aspects of Johannesburg declaration having a bearing to our role as lawyers in society and trade, particularly in relation to

(i) Artificial Intelligence and Information and Communication Technology which are integral to the fourth industrial revolution but require constant legal cooperation and development of legal frameworks to prevent cybercrimes and to address security related implications and threats that arise from misuse of ICT and

(ii) For implementation of the UN 2030 Agenda of Sustainable Development and Sustainable Development Goals (SDGs) by

helping strengthen the institutions and legal and policy mechanisms that promote and sustain the rule of law in order to pave the way for equitable, inclusive, open, all round innovation driven development, encapsulating concerns of environmental and ecologically balanced economic growth to achieve the ultimate goal of eradication of poverty.

16. We will take steps to achieve better coordination and integration in the BRICS activities framework and to ensure collaboration and interaction with other stakeholders and participation in meetings and events organised by them each year, such as BRICS Business Forum etc.
17. Participants of the V BRICS Legal Forum (South Africa) express gratitude to the host party, the Law Society of South Africa, and highly appreciate its efforts in organising a very high quality Forum both in terms of content and hospitality.
18. We unanimously accept and endorse the proposal of OAB to host the VI Legal Forum in Brazil in 2019 to take forward the spirit and objectives of the BRICS Legal Forum to structure a new world order based on the principles of fairness, justice, equality and inclusiveness and thank them for this gesture.

Signed at Cape Town, South Africa on the 24 August 2018 by the following representatives



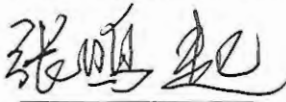
Mr Marcus Vinicius F Coêlho

Brazil Bar Association



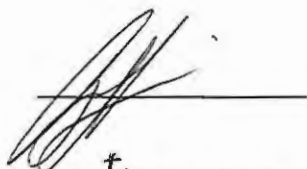
Mr Prashant Kumar

Bar Association of India



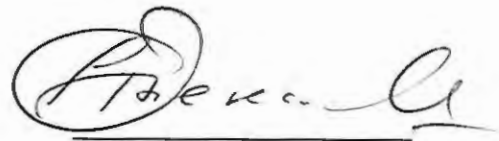
Mr Zhang Mingqi

China Law Society



Mr. Etienne Barnard

Law Society of South Africa



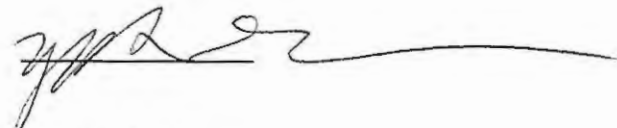
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