

Journal of International Political Studies (RSPI)
Special issue dedicated to the BRICS, Vol 1,2016 Rome (Italy)
Round Table, Embassy of India, Rome, 2016

Introductory remarks

THE BRICS ACCORDING THE INTERNATIONAL LAW

GIORGIO BOSCO
Italian Plenipotentiary Minister (R)

I am very pleased to take the floor in this event, organized, among others, by the “Rivista di Studi Politici Internazionali”. The “Rivista” founded in 1934, has practically accompanied all my life of study and of diplomatic work. Apart from the publication itself, the magazine has some side activities; the editing of specialized books and the organization of events like the one for which we are here. Normally these events take place after one issue of the “Rivista” was focused on a particular subject. In recent times one of these events was dedicated to the Russian Federation, another to the migration problems, and today to the BRICS.

It is always interesting to note how the same subject is considered differently by various authors. This is inevitable: the historian, the economist, the sociologist, each of them is conditioned by his or her profession. From my point of view, if I had to study the BRICS phenomenon, I would examine it under the angle of international law, and I would begin by trying to establish the legal nature of the BRICS. Is this an international organization or not?

The scholar knows that there are some fundamental requisites that an international organization must fulfil to be called as such. The first of them is an international agreement concluded by three or more States, aiming at the creation of the new entity; in Italian we call it “accordo istitutivo” (institutional agreement). No such agreement exists among the BRICS. But international law is continuously changing and evolving, and so the lack of an institutional agreement could be compensated by the existence of important “joint declarations” that have been approved and signed by the five States each year, at the summits of the group.

Another element normally considered in connection with the international organization is the existence of a structure: a plenary meeting, an executive council, a permanent Secretariat. What have we in the case of the BRICS? We have only a “virtual Secretariat”: a joint website. This website is the product of a “Memorandum of Understanding” (MoU) signed by the Five in July 2015 (Enrico Molinaro’s article in the RSPI illustrates very well the MoU’s provisions in this respect) . In this

document we can already witness a first attempt at an organized structure because its modular texture is devoted to, inter alia, “the incumbent BRICS chair, the BRICS Official Documents Archive and national modules of the BRICS Member States”. Here we find the expression “Member States”, which is typical of an organization, and leads the way to the institutionalization. (It is useful to remember here that the C.S.C.E., Conference on the Security and Cooperation in Europe, was born as a group of “participating States”, and only many years later became O.S.C.E., O for Organization).

Finally the scope. The specialized organizations have each a scope: UNESCO the culture, WHO the health, etc. The scope of the BRICS is wide, and we can deduce it from the document entitled “Concept of the Russian Federation’s Presidency of BRICS in 2015-2016”: “Developing cooperation among the BRICS countries in the socio-political, economic, scientific, cultural and youth sphere”.

Of course, all I have said until now is just to give an idea of the complexity of the problem. But if we have in mind this concept, that the BRICS is an organization “sui generis” which cannot easily be placed in the well-known patterns, we can have a very useful key of reading for a better understanding of the essays contained in this issue of the “Rivista”.

I will endeavour to find a common element in these essays: do the authors try to foresee what the future of the BRICS will be? After all, this seems a natural question. The other organizations have existed for many years, and it does not seem that they would give us some shocking surprise. But the BRICS are very young, they have some peculiar characteristics, we cannot call them neither a regional organization nor a universal one. Where will they be heading to?

The crystal ball is not advisable in politics. But there are methods: given and ascertained some circumstances, a certain result can reasonably be expected. I found recently an interesting demonstration of this methodological approach. I was reviewing for the “Rivista” a book by Zoltan Barany, entitled “How armies respond to revolutions and why”. The author has tested a method that in every case has proved successful: by examining carefully the armies in question, the State to which they belong, the society in which they move, their internal cohesion, how the regime treats its armed forces, the nature and dimensions of the revolutionary movement, he has been able to foresee the outcomes of some revolutions, and the “Barany method” has been used by the U.S. Department of State.

The human endeavors depend on so many factors that success is as likely as failure. For this reason it is hard to say if a method of the Barany type should be helpful in the case of BRICS. This uncertainty is reflected in the conclusive considerations of most of the articles contained here. De Robertis gives a political warning: something unpleasant might happen if the West goes on ignoring the political aspects of the

collaboration among the BRICS. Raimondi underlines that the international political and economic stability is in serious danger and would require a joint action of all the world actors, in particular the BRICS and the European Union. Molinaro makes a clear prediction in his cyclical Glocalist/Statalist geopolitical trends' analysis, highlighting the upcoming success of the Statalist BRICS' challenge vis-à-vis Glocalist financial instability, at least in the short-middle term.

Each of the following articles is focused on one of the five Member States. For Russia, China and Brazil the conclusions are cautious: Ricceri notes that the Russian international strategic action will be conditioned by the validity of its specific model of economic and social development. According to Zucca, the evolution of the scenario for China will depend also from the growth in the rest of the world. Boni pinpoints the political crisis that in this moment hits Brazil and makes it divided on the choices to select. The other two members, India and South Africa, inspire a little more optimism: Scridel quotes President Obama's assertions that India is no more an emerging power, but a full-titled power, and Martino praises the South African choice to put the stress on study and research by the BRICS Think Tank Council, which can elaborate long term plans.

Is there any common conclusion to draw after having read the last page of the magazine? I think there is not, but this must not make us feel discouraged. We live in a difficult world, in which the situations are continuously changing, and we can say no more, as Rudyard Kipling did, "East is East and West is West".