

THE NEW DELHI DECLARATION, 2016

WE, the representatives of the legal communities of the BRICS having gathered here in New Delhi, on this 12th day of September, Two Thousand and Sixteen, at the Third BRICS Legal Forum, organized around the theme of Developing Legal Frameworks for Building Responsive, Inclusive and Collective Solutions, not only to benefit the peoples of BRICS but the countries of the entire emerging world.

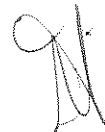
Committed to take further initiatives launched at Brasilia in December 2014 and Shanghai in October 2015, resolve to deepen our engagement to build further on such initiatives.

Recognizing the core elements of Brasilia and Shanghai declarations are at the heart of the initiatives of the BRICS Legal Forum and will remain so.

Recognizing Brasilia Declaration had inter alia, stipulated that the members of the Legal communities of the BRICS have constituted themselves in BRICS Legal Forum to

Assist in development of a conducive legal and policy framework for the growth of business and trade in the BRICS countries, thereby helping create greater investment, trade and employment opportunities, paving the way for the BRICS countries to realize the harmonious developmental goals to serve the needs, requirements and aspirations of their peoples.

Strive to promote excellence in legal profession and human resources in BRICS region and undertake and encourage legal research on issues of common importance and provide legal-intellectual support for development of policy and legislative frameworks.



Noting that the Shanghai Declaration, adopted on 13th October, 2015 at Shanghai, during the 2nd BRICS Legal Forum, besides recognizing the Brasilia Declaration, recognized the efforts to establish a Steering Committee of BRICS Legal Forum and resolved that the Steering Committee shall meet once a year alongside the BRICS Legal Forum.

Mindful that the Shanghai Declaration had noted that in the context of globalization, an open international environment with fair, reasonable and equitable rules is necessary for the economic transformation and development of emerging markets. We underline the importance of legal diplomacy in promoting greater democratic, more lawful and more balanced international relations, and in advancing reform in global governance. With a focused attention to the latest developments and implementation outcomes of global legal systems and policies, we are willing to coordinate international relations through legal approaches to seek shared interests and common ground while putting aside differences, and to promote communication and collaboration on legal issues in a proactive and practical way by holding regular international conferences for extensive exchange of information and ideas. In this regard, we aim to make contributions to the development of global legal systems and policies.

Conscious that the Shanghai Declaration further noted that “We recognize the fundamental legal, political and constitutional values, concepts, cultures and principles of all countries who are involved in the Forum, with a common aim to promote and protect the Rule of Law and universal human rights. We acknowledge and safeguard the independence and integrity of the legal profession.”

Aware that the Shanghai Declaration also supported the initiatives of alliance of BRICS Law Universities and with inauguration of Shanghai Centre for BRICS Dispute Resolution Settlement and its Expert Committee envisaged that concrete measures be taken to enhance the mechanism to set up centres in Russia, Brazil, India and South Africa respectively which will be structured in



a manner so as to secure more opportunities and to promote excellence within BRICS. The Shanghai Declaration and Expert Meeting at Ekaterinburgh also noted the importance of cooperation in intra-BRICS' construction of financial and legal framework.

Now at New Delhi, at the Third BRICS Legal Forum, on this 12th day of September, Two Thousand Sixteen, we, the members of the Legal Communities of BRICS

Recognize and applaud the establishment of International Dispute Resolution Centre for BRICS and Emerging Economies at New Delhi (New Delhi Centre), which will have its own expert committee on lines of the Shanghai Expert Committee and will co-opt members from other BRICS jurisdictions, which will also be establishing similar Centres for Dispute Resolution through arbitration as also Mediation on the lines of the Mediation Centre for BRICS and Developing Countries at Ekaterinburgh (Russia).

Propose to establish Professional Committees for BRICS Dispute Resolution and Mediation to furthering deepen the development of "diversified dispute resolution mechanism" created during the Second BRICS Legal Forum with the objectives to create a platform for experience sharing and to work together to finalize its membership and goals to achieve the objective of creating world class institutions which will emerge as a fora of choice for dispute resolution for not only BRICS countries but for the entire emerging world.

Resolve to develop and sign a Memorandum of Understanding to create BRICS Expert Committee for enhancing capacity building and promoting understanding of Financial and Tax Law in each of the BRICS countries by making suggestions to respective governments in order to take forward the intention of BRICS countries to strengthen financial cooperation and trade announced firstly in the third BRICS Summit in Sanya in 2011 where Sanya Declaration was signed.



Recognize the importance of establishment of BRICS New Development Bank that provides a powerful instrument for increasing BRICS financial cooperation, being mindful of a context where emerging market economies and developing countries continue to face financial constraints and legal barriers to address sustainable development needs and to help achieve those aims by assisting the governments by providing inputs, advice and suggestions for bringing transparency in governance and operational structures of BRICS NDB

Affirm that the Forum strives to retain and maintain its character as an independent and non-political platform for the legal communities in BRICS, the wider geo-political realities in seeking rebalancing of power in global trade and economic regime remains central to its objectives, which realities impact not just the trade but through subtle crafting of governing instruments, practices, currencies valuation, financial networks and institutions, and other such devices, impact the valuation of economic output of countries, which ultimately has impact on the capacity of these countries to service the basic requirements of their peoples, without which any attribution of basic human rights would remain empty vessels.

Cognizant of the fact that the global regimes being pushed for acceptance and recognition as preconditions for investment in the form of labour standards, environment and intellectual property regimes, may have restrictive propensity, and tend to become discriminatory in operation and can work as devices to pare down cost advantage and render manufacturing uncompetitive, while at the same time pushing demands to open markets, thereby seeking to inhibit the engines of economic growth and reducing the capacity of governments to invest in human capital, skill development and for bringing and enabling more and more people in economic value generation pool.

Resolve to create within BRICS the standards and principles regarding labour standards, environmental standards, intellectual property regimes which are in harmony with the needs and requirements of BRICS countries to serve their vast populations



Recognize that all these endeavours are rooted in the concept of the Rule of Law which attains its fruition only through substantive equality and economic empowerment and upliftment of standards of life of the entirety of populations by building inclusive systems in contradistinction to the systems that create privileges mainly for those who already are well endowed economically.

Resolve to adhere to and respect the principle of the Rule of Law in order to facilitate certainty in promoting relationships and trade within and amongst BRICS countries

Deem it an article of faith that any investor entity, foreign or domestic, which makes investment, as a business proposition, to profit from exploitation of natural resources or access to local markets, is solely responsible for being diligent to safeguard its commercial interests, and cannot claim reparation of losses through treaty arbitration or other such devices, from sovereign governments, at the cost of local populations, to serve whom such investment proposals brought in the first place. In this regard the Forum will seek expansion of Universal Declaration of Human Rights, to include a right of local populations and communities against economic exploitation and exclusion from their traditional source of livelihood and way of life, without consent and advance provision for fair compensation and rehabilitation.

Underline our support for a fair, just, inclusive and orderly international financial order and creation of laws and legal frameworks that equally benefit developed and emerging world.

Resolve to create and facilitate networks of lawyers and alliance of law firms in BRICS countries to enable them to grow and compete with the global law firms. To achieve this objective the Forum will canvass with the respective Governments to promote mutual preferential access for BRICS countries legal professionals.

Undertake to appoint and designate a nodal person for each country to facilitate coordination and communication for ongoing deliberations in order to fine tune

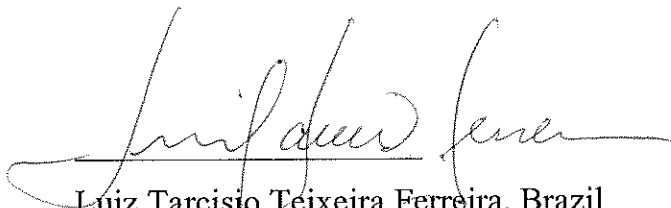


and establish operational structures for implementation of the Forum agenda and constitute working groups to finalize the cooperation and working frameworks and finalization of MoUs and terms of reference of Committees etc. envisaged in this declaration and share this with other member organizations at the conclusion of the Third Forum.

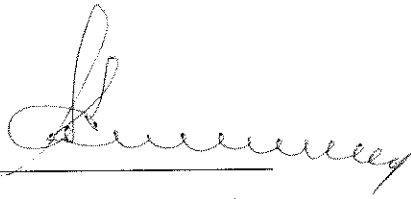
Authorize and Mandate the Bar Association of India to develop and host bricslegalforum.com website by firstly putting the agreed content in terms of Brasilia, Shanghai and New Delhi Declarations in English, Chinese, Portuguese and Russian, with translated texts to be provided by respective national organizations, and to upload further material on the basis of consensus arrived by communicating through nodal contact for each country.

Resolve that wherever possible and required cooperate with respective Governments and other organizations, will hold meetings and deliberations of legal experts of BRICS in order to present cohesive stand and formulations to international bodies to ensure that global legal and policy frameworks that are being developed are inclusive and amenable to the needs and aspirations of the emerging world and BRICS countries.

Signed in the August presence of the Hon'ble Chief Justice of India Shri T.S Thakur and Shri P.P Choudhary, Hon'ble Minister of State of Law & Justice, ^{Electronics} and Information & Technology.



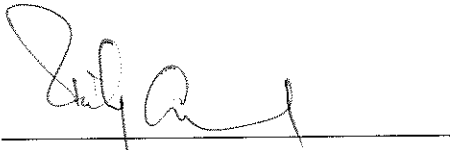
Luiz Tarcisio Teixeira Ferreira, Brazil
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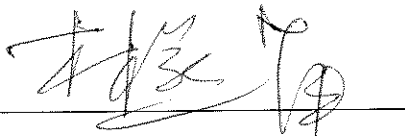
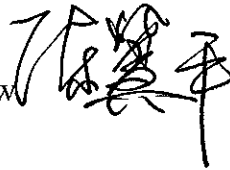


K.K. Venugopal, India
[Co-Chair, Third BRICS Legal Forum]

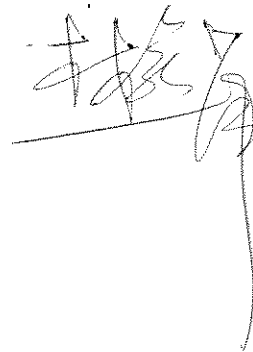


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