

CENTERING HUMAN RIGHTS IN US POLICY TOWARDS BRICS

A HUMAN RIGHTS & MULTILATERALISM POLICY PAPER

Leaders of the BRICS countries meet for the annual summit. During the 15th summit, which was held in Johannesburg, South Africa, leaders discussed the expansion of the BRICS group. Photo by Per-Anders Pettersson via Getty Images



**POLICY
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CONTENTS

1.	SUMMARY OF THE SERIES OF HUMAN RIGHTS AND MULTILATERALISM POLICY PAPERS:	2
2.	INTRODUCTION	3
3.	METHODOLOGY	4
4.	BACKGROUND	5
4.1	Structure and Activities of BRICS	5
4.2	New Development Bank	7
5.	BRICS HIGHLIGHTS ALTERNATIVE DISCOURSES AROUND HUMAN RIGHTS	9
5.1	Alternative Discourses in Multilateral Spaces	9
5.2	Domestic Human Rights Records Complicate these Human Rights Narratives.	10
5.3	The Right to Development	13
6.	ANALYSIS OF WHAT IS DRIVING INTEREST IN BRICS AND WHAT OPPORTUNITIES EXIST FOR US POLICYMAKERS TO RESPOND	13
6.1	Many Countries have recently expressed interest in Joining BRICS because it provides an appealing alternative.	13
6.2	BRICS may be seen, in part, as a way to challenge perceived US hegemony in other multilateral spaces and the existing rules-based international order led by the United States.	15
6.3	BRICS offers countries a response to the critique of the perceived double standards of the international system.	16
6.4	The BRICS countries are seen as more committed to economic development, poverty reduction, socioeconomic rights, and community rights (in comparison to the US's perceived rejection of these).	16
6.5	Experts expressed mixed opinions on whether civil society has had sufficient space and opportunity to engage with the BRICS group and to what extent these organizations should try to do advocacy on issues related to BRICS.	17
6.6	The United States needs a human rights-focused policy strategy on BRICS.	18
7.	RECOMMENDATIONS	19
8.	CONCLUSION	20

1. SUMMARY OF THE SERIES OF HUMAN RIGHTS AND MULTILATERALISM POLICY PAPERS:

This series of policy papers on multilateralism and human rights includes analysis and recommendations to reimagine what the United States' role could be in the multilateral system if it centers the advancement of human rights in its foreign policy.

The United States' long-standing mixed record on human rights has in recent years greatly diminished its power to advance human rights in multilateral spaces. Further, in the face of challenges related to public health, armed conflict, the climate crisis, and rising economic inequality, among others, the way states engage in multilateralism¹ is shifting, along with the role the United States plays in multilateral forums. Current geopolitical crises, such as the conflicts in Ukraine and the Occupied Palestinian Territory and Israel, have tested multilateralism—and the US role in it—and, in some aspects, highlighted its shortcomings.² Many countries in the Global South,³ for example, have

¹ In this context, "multilateralism" is understood as a form of cooperation between at least three states, based on shared norms and objectives. Multilateralism is thus important for advancing human rights because the system for the promotion and protection of human rights is grounded in an international legal framework. Moreover, threats to human rights are often global in nature and therefore require a concerted international response. See United Nations, "International day of multilateralism and diplomacy for peace, 24 April," undated <https://www.un.org/en/observances/multilateralism-for-peace-day>; Cornell Law School Legal Information Institute, "multilateral," July 2023 <https://www.law.cornell.edu/wex/multilateral>; International Justice Resource Center, "Overview of the Human Rights Framework," undated, <https://ijrcenter.org/ihr-reading-room/overview-of-the-human-rights-framework/>.

² See, e.g., Monica Herz and Giancarlo Summa, "The UN and the multilateral system are in crisis – what the Global South must do," September 28, 2023, The Conversation, <https://theconversation.com/the-un-and-the-multilateral-system-are-in-crisis-what-the-global-south-must-do-214515>; Oliver Stuenkel, "Why the Global South Is Accusing America of Hypocrisy," November 2, 2023, Foreign Policy, <https://foreignpolicy.com/2023/11/02/israel-palestine-hamas-gaza-war-russia-ukraine-occupation-west-hypocrisy/>.

³ The term "Global South" is an imprecise term, but it is often used to refer to low/lower middle-income countries and their social, economic, and political features, in comparison to higher-income countries. Many, but not all, countries that are considered part of the Global South are located in the southern hemisphere; the "Global North" likewise refers to higher-income countries that are generally, but not exclusively, located in the northern hemisphere. The terms are therefore not entirely tied to geography. See United Nations Department of Economic and Social Affairs, "What is south-south cooperation and why does it matter?," March 20, 2019, <https://www.un.org/development/desa/en/news/intergovernmental-coordination/south-south-cooperation-2019.html>.

criticized the United States and the West⁴ for a perceived double standard in how and when they have chosen to direct their resources and attention. In particular, the prominent position that the United States occupies in multilateral spaces due to its resources and power, including but not limited to the United Nations, has been increasingly called into question, as have its attempts to influence global affairs.

The US government's role and ability to advocate for human rights on the international stage is weakening. The United States has always had a complicated and inconsistent record on human rights, while it has failed to grapple with and transform political, social, economic, and criminal justice systems with roots in structural racism and its role in perpetuating harm and violence against Black, brown, and Indigenous communities, including outside its borders. At the same time, international human rights frameworks are also experiencing disruption. The ability of the United Nations to marshal authority and continue to guarantee and advance progress on human rights is very much in doubt.

Amnesty International USA recognizes that a meaningful power shift is needed to address systemic human rights failures in the current geopolitical environment, where the United States plays an outsized role. However, the United States should not isolate itself or withdraw from its international commitments. Rather, it has an obligation to continue to engage on human rights, bolster multilateral systems that advance human rights—even when not party to them—and guard against the degradation of existing international human rights mechanisms.

Multilateral systems are likely to face significant challenges in the coming months and years, and these difficulties must be met with solutions that are both creative and inclusive. The recent BRICS expansion has been seen by some as further indication of dissatisfaction with the current global political and economic systems and a call for a more inclusive approach to multilateralism that recognizes the value and leadership of countries in the Global South.⁵ At the same time, regional multilateral institutions have proven to be important power centers for brokering peace and stability. For example, the African Union is implementing “African solutions to African problems,”⁶ when so often the region's autonomy has been sidelined in the context of “great power” competition. The United States must find a way to adapt to this changing multilateral landscape.

2. INTRODUCTION

Brazil, Russia, India, China, and South Africa – collectively working together as the BRICS – have for over a decade presented an alternative to existing multilateral institutions. Clearly, it is an alternative that does not include the United States. Moreover, BRICS – unlike multilateral bodies like NATO and the G7, which exclude a large portion of the Global South – is perceived as a potential opportunity for those countries to play a prominent role in an influential group. It is growing in popularity, with at least 40 countries reportedly having expressed their desire to join.

⁴ In general, “the West” refers to countries in North America and Europe, especially those that have historically held greater amounts of wealth and influence in international affairs.

⁵ See, e.g., Council on Foreign Relations Council of Councils, “The BRICS summit 2023: Seeking an alternate world order?,” August 31, 2023, <https://www.cfr.org/councilofcouncils/global-memos/brics-summit-2023-seeking-alternate-world-order>; Leslie Vinjamuri, “Why multilateralism still matters: The right way to win over the Global South,” October 2, 2023, Foreign Affairs, https://www.foreignaffairs.com/world/why-multilateralism-still-matters?check_logged_in=1.

⁶ The phrase was originally coined by the political economist George Ayittey. See Institute for Security Studies, “African Solutions to African Problems,” September 18, 2008, <https://issafrica.org/iss-today/african-solutions-to-african-problems>.

In 2023, when BRICS decided to invite six new countries to join their alliance, the move raised a variety of questions about their motivations, the invitation criteria, and the potential geopolitical impact. The theme of the 2023 meeting where these countries were courted was called “BRICS and Africa: Partnership for Mutually Accelerated Growth, Sustainable Development and Inclusive Multilateralism.” Among other topics, the meeting discussed reform at the UN Security Council to ensure that African countries and other countries of the “Global South”⁷ are properly represented. Observers wondered whether the newly revitalized BRICS would present a threat to the United States’ ability to influence geopolitics in the way it had over the past decades, at the same moment that the country’s prominent position in the multilateral system has been increasingly questioned and criticized. Few questioned what human rights impact the rising alliance might have and what the US foreign policy approach should be to it.

It is therefore important to consider whether the United States needs a coordinated, strategic approach to BRICS that considers the current context of international cooperation on human rights challenges. This paper addresses why the United States should have a human rights strategy for BRICS and makes recommendations for advancing one. Based on desk research, consultations with experts, and human rights analysis, the paper begins by providing background on BRICS, including the structure and activities of BRICS, its New Development Bank (NDB), and the recent expansion of the group. The paper examines the alternative discourse around human rights advanced by many of the BRICS countries, in contrast with that of the United States, with both discourses replaying tired relics of Cold War instrumentalization of human rights. The paper further provides an overview of US engagement with multilateral institutions, analyzes why other countries might be motivated to align with BRICS over other multilateral groups, and then grapples with why the group is expanding its influence in this moment and what it might mean about and for US foreign policy.

The paper shares key findings – consensus conclusions – from consultations with international experts in the academic, policy, and human rights fields regarding a human rights-grounded policy for the US on BRICS. These insights provide a deeper understanding of perceived dynamics and how the United States should advance a human rights strategy on BRICS, recognizing both the risks and opportunities for advancing human rights in relation to the BRICS group. The paper then presents a set of recommendations to the US government. These recommendations identify the opportunities for US policy changes and the elements of a US-BRICS strategy that includes a focus on human rights. The paper concludes that while there is space for the United States to develop a human rights strategy for BRICS, the United States must also urgently and meaningfully engage with criticisms of the existing international multilateral systems and act in a responsible way that promotes inclusivity and human rights in multilateralism.

3. METHODOLOGY

The analysis presented here is based on a combination of consultations with an international group of experts on foreign policy, global governance, and human rights, including from various BRICS

⁷ “Global South” is a term that is used in official BRICS documents, where it appears to generally refer to emerging markets and developing countries. These statements demonstrate that BRICS seeks to be a leader for the Global South. For example, the declaration following the 2023 summit in South Africa notes that “We reaffirm the importance of the G20 to continue playing the role of the premier multilateral forum in the field of international economic and financial cooperation that comprises both developed and emerging markets and developing countries where major economies jointly seek solutions to global challenges . . . Therefore, we are committed to a balanced approach by continuing to amplify and further integrate the voice of the global South in the G20 agenda as under the Indian Presidency in 2023 and the Brazilian and South African presidencies in 2024 and 2025.” Elsewhere in the statement the BRICS founding members explain that they “appreciate the considerable interest shown by countries of the global South in membership of BRICS. True to the BRICS Spirit and commitment to inclusive multilateralism, BRICS countries reached consensus on the guiding principles, standards, criteria and procedures of the BRICS expansion process.” References to the “Global South” in this paper will generally reflect the ways the term is used by BRICS. See BRICS, “Johannesburg II Declaration: BRICS and Africa: Partnership for mutually accelerated growth, sustainable development, and inclusive multilateralism,” August 23, 2023, <http://brics2023.gov.za/wp-content/uploads/2023/08/Jhb-II-Declaration-24-August-2023-1.pdf>, paras 30, 90.

countries and those considering membership, as well as analysis of civil society reports, BRICS documents, and media reports.

4. BACKGROUND

This section provides context on the structure and activities of BRICS, including the New Development Bank (NDB) and the recent expansion of the group.

4.1 STRUCTURE AND ACTIVITIES OF BRICS

The idea of “BRIC” dates back to 2001, when Goldman Sachs economist Jim O’Neill used the term to describe an increasingly important group of emerging economies.⁸ However, it was not until 2009 that Brazil, Russia, India, and China held the first “BRIC” summit in Russia.⁹ The following year, leaders invited South Africa to join, and the group became “BRICS” in 2011.¹⁰ The common feature among the founding members of BRICS was that, at the time, their economies were growing, and there appeared to be a desire to coordinate their economic policies and – to a certain extent – create a space for emerging economies to have a more significant role in global governance.¹¹ Over the years, the group’s meetings have gone beyond discussions of economic and financial policy, and BRICS meetings now encompass a range of issues, including security, development, and climate change, among others.¹² The three pillars of cooperation are: 1) political and security cooperation, 2) financial and economic cooperation, and 3) cultural and people-to-people cooperation.¹³

According to the New Development Bank, in 2020, the original BRICS countries made up 40% of the global population, represented 31.2% of the world’s GDP in terms of purchasing power parity, and were estimated to be responsible for about 40% of global infrastructure investment.¹⁴ In terms of the proportion of each BRICS country’s population below the international poverty line (extreme poverty) – Brazil¹⁵ was at 5.8% in 2021; Russia’s¹⁶ rate was reported at 0% in 2020; India¹⁷ was at 10% in 2019; China¹⁸ was at 0.1% in 2019; and South Africa was at 7%¹⁹ in 2022.

In 2023, the founding members of BRICS decided to extend invitations to six countries: Argentina, Egypt, Ethiopia, Iran, Saudi Arabia, and the United Arab Emirates. In late 2023, Argentina, under new leadership, decided to not move forward with the process.²⁰ At the time of writing, Saudi Arabia had

⁸ Jim O’Neill, “Is the emerging world still emerging?,” June 2021, International Monetary Fund, <https://www.imf.org/external/pubs/ft/fandd/2021/06/jim-oneill-revisits-brics-emerging-markets.htm>.

⁹ Alyssa Ayres, “How the BRICs got here,” August 31, 2017, Council on Foreign Relations, <https://www.cfr.org/expert-brief/how-brics-got-here>; University of Toronto, “About the BRICS,” January 1, 2022, <http://www.bricts.utoronto.ca/about.html>.

¹⁰ Alyssa Ayres, “How the BRICs got here,” August 31, 2017, Council on Foreign Relations, <https://www.cfr.org/expert-brief/how-brics-got-here>.

¹¹ Alyssa Ayres, “How the BRICs got here,” August 31, 2017, Council on Foreign Relations, <https://www.cfr.org/expert-brief/how-brics-got-here>.

¹² University of Toronto, “About the BRICS,” January 1, 2022, <http://www.bricts.utoronto.ca/about.html>.

¹³ See BRICS, “Johannesburg II Declaration: BRICS and Africa: Partnership for mutually accelerated growth, sustainable development, and inclusive multilateralism,” August 23, 2023, <http://brics2023.gov.za/wp-content/uploads/2023/08/Jhb-II-Declaration-24-August-2023-1.pdf>, para. 2.

¹⁴ See New Development Bank, *New Development Bank General Strategy for 2022-2026: Scaling Up Development Finance for a Sustainable Future*, undated, https://www.ndb.int/wp-content/uploads/2022/07/NDB_StrategyDocument_Eversion-1.pdf, p. 6.

¹⁵ United Nations Department of Economic and Social Affairs, “SDG country profile: Brazil,” undated, <https://unstats.un.org/sdgs/dataportal/countryprofiles/BRA>.

¹⁶ United Nations Department of Economic and Social Affairs, “SDG country profile: Russian Federation,” undated, <https://unstats.un.org/sdgs/dataportal/countryprofiles/RUS>.

¹⁷ United Nations Department of Economic and Social Affairs, “SDG country profile: India,” undated, <https://unstats.un.org/sdgs/dataportal/countryprofiles/ind>.

¹⁸ United Nations Department of Economic and Social Affairs, “SDG country profile: China,” undated, <https://unstats.un.org/sdgs/dataportal/countryprofiles/chn>.

¹⁹ United Nations Department of Economic and Social Affairs, “SDG country profile: South Africa,” undated, <https://unstats.un.org/sdgs/dataportal/countryprofiles/zaf>.

²⁰ Associated Press in Buenos Aires, “Milei says Argentina will not be joining Brics bloc in policy reversal”, December 29, 2023, The Guardian, <https://www.theguardian.com/world/2023/dec/29/milei-argentina-brics-bloc>.

not formally accepted or rejected the invitation.²¹ Still, the addition of countries to the group in 2024 will increase the percentage of global population and purchasing power parity represented by this bloc.

In general, as noted above, BRICS can be seen as a forum through which members coordinate on a range of issues. However, unlike a formal multilateral institution such as the United Nations, BRICS is informal in nature because it is not structured around a treaty and does not have a permanent secretariat.²² Rather, coordination among BRICS members occurs primarily through regular meetings of high-level representatives from member states in the form of yearly summits held in the country that holds the BRICS Chair, which rotates each year.²³ These summits provide an opportunity for high-level officials of BRICS countries to harmonize policy and generate outcome documents that reflect the group's priorities.²⁴ BRICS makes decisions by consensus, so all members are consulted.²⁵ The work conducted at the yearly summits is then reinforced by additional meetings throughout the year, sometimes on the margins of other multilateral gatherings.²⁶

The expansion appears motivated by a desire to assert greater geopolitical influence and provide opportunities for the Global South to play a more prominent role in global governance.²⁷ Whether the group achieves those objectives – and to what end – remains to be seen. Similar groupings may provide insight into this.

BRICS is not the first informal multilateral grouping of its kind, although its NDB sets it apart from these other groups. Already a number of informal multilateral groupings exist outside UN or regional systems. For example, CELAC – the Community of Latin American and Caribbean States – is an informal forum of countries in the Americas that deliberately does not include the United States or Canada.²⁸ As such, the group has been presented as an alternative to the Organization of American States (OAS), which is seen as being led by the United States.²⁹ CELAC was established to serve as a space for dialogue and cooperation among Latin American and Caribbean countries on a range of issues, including regional integration, sustainable development, and peaceful conflict resolution, among others.³⁰

²¹ Maha El Dahan and Kirsten Donovan, "Saudi Arabia has not yet joined BRICS – Saudi Official Source," February 1, 2024, Reuters, <https://www.reuters.com/world/saudi-arabia-has-not-yet-joined-brics-saudi-official-source-2024-02-01/>.

²² See Mihaela Papa and others, "The dynamics of informal institutions and counter-hegemony: introducing a BRICS convergence index," July 2023, *European Journal of International Relations*, https://www.researchgate.net/publication/373362978_The_dynamics_of_informal_institutions_and_counter-hegemony_introducing_a_BRICS_Convergence_Index#full-text, pp. 5-6.

²³ See European Parliament, *Expansion of BRICS: A quest for greater global influence?*, March 2024, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760368/EPRS_BRI\(2024\)760368_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760368/EPRS_BRI(2024)760368_EN.pdf), p. 2.

²⁴ See Mihaela Papa and others, "The dynamics of informal institutions and counter-hegemony: introducing a BRICS convergence index", July 2023, *European Journal of International Relations*, https://www.researchgate.net/publication/373362978_The_dynamics_of_informal_institutions_and_counter-hegemony_introducing_a_BRICS_Convergence_Index#full-text, p. 9.

²⁵ European Parliament, *Expansion of BRICS: A quest for greater global influence?*, March 2024, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760368/EPRS_BRI\(2024\)760368_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760368/EPRS_BRI(2024)760368_EN.pdf), p. 2.

²⁶ See, e.g., Ministério das Relações Exteriores, "Meeting of BRICS Ministers of Foreign Affairs/International Relations – Joint Statement – New York," September 20, 2023, <https://www.gov.br/mre/en/contact-us/press-area/press-releases/meeting-of-brics-ministers-of-foreign-affairs-international-relations-2013-joint-statement-2013-new-york-september-20-2023>.

²⁷ See European Parliament, *Expansion of BRICS: A Quest for Greater Global Influence?*, March 2024, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760368/EPRS_BRI\(2024\)760368_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760368/EPRS_BRI(2024)760368_EN.pdf).

²⁸ Community of Latin American and Caribbean States, Latin American and Caribbean Unity Summit Declaration, February 23, 2010, https://www.minrel.gob.cl/minrel_old/site/artic/20100426/asocfile/20100426124725/declaracion_cumbre_unidad_alc_en.pdf; see also Comunidad de Estados Latinoamericanos y Caribeños, "CELAC", <https://celacinternacional.org/celac-4/>.

²⁹ See The Brazilian Report, "Lula finds out that Latin America is not as he left it," January 26, 2023, Wilson Center, <https://www.wilsoncenter.org/article/lula-finds-out-latin-america-not-he-left-it>; Gian Luca Gardini, "Latin America's values and the viability of CELAC," April 18, 2023, *Georgetown Journal of International Affairs*, <https://gja.georgetown.edu/2023/04/18/latin-americas-values-and-the-viability-of-celac/>; CELAC is also seen as an alternative to the OAS in part because of the perceived weakening of the latter institution. See, e.g., CFR Editors, "The Organization of American States", October 19, 2022, Council on Foreign Relations, <https://www.cfr.org/background/organization-american-states#chapter-title-0-8>; Peter J. Meyer, "Organization of American States: In Brief", May 2, 2023, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/R/R47230>.

³⁰ Community of Latin American and Caribbean States, Latin American and Caribbean Unity Summit Declaration, February 23, 2010, https://www.minrel.gob.cl/minrel_old/site/artic/20100426/asocfile/20100426124725/declaracion_cumbre_unidad_alc_en.pdf; see also Comunidad de Estados Latinoamericanos y Caribeños, "CELAC", <https://celacinternacional.org/celac-4/>.

Another informal multilateral group is the G20, which brings together 19 of the world's largest economies, plus the European Union and African Union, to discuss international economic issues, as well as climate change, global health, and other matters.³¹ Unlike BRICS and CELAC, the United States is a member and engages extensively with the G20, seeing the forum as a valuable venue through which to engage with the rest of the world and advance US interests.³² Eight out of the ten countries in the expanded BRICS group are also part of the G20,³³ and several G20 summits have been hosted by BRICS members – India hosted in 2023, Brazil is hosting in 2024, and South Africa is hosting in 2025.³⁴ BRICS countries are therefore relevant actors not only in the multilateral space they created, but in other multilateral settings in which the United States engages. So, the recent expansion raises the question of whether that expansion will in fact amplify its geopolitical influence.

BRICS's decision to add members was largely pushed by China and Russia but was initially resisted by India and Brazil.³⁵ For China and Russia, expansion was a way to bolster their own influence and advance their own policy objectives.³⁶ For India and Brazil, however, expansion carried the risk of diluting their influence in the group³⁷ – and for India, this concern was heightened due to tensions with China.³⁸ The newly invited members are more likely to advance initiatives that benefit China and Russia,³⁹ which could make it more difficult for Brazil or South Africa, for example, to challenge steps with which they disagree if other members come together to pressure them to make concessions. On the other hand, the consensus-based model of BRICS may still provide a means for dissent, but the exact dynamics of that in light of an expanded group are not clear at this point.

In addition to some BRICS members' desire to expand the group, there is also significant interest among other countries in joining; one South African official stated that over 40 countries had expressed interest in joining BRICS, either formally or informally.⁴⁰ As blocs expand membership, seeking consensus becomes more of a challenge. It is not clear that expansion will inhibit BRICS from functioning effectively, due to challenges the group may face in deciding by consensus among twice as many members, among other issues.⁴¹

4.2 NEW DEVELOPMENT BANK

One of the features of BRICS that distinguishes it from other informal multilateral alliances is the New Development Bank (NDB), which focuses on funding infrastructure and sustainable development

³¹ James McBride and others, "What does the G20 do?," October 11, 2023, Council on Foreign Relations, <https://www.cfr.org/backgrounder/what-does-g20-do>.

³² U.S. Department of State Office of the Spokesperson, "United States engagement with the G20," February 21, 2024, <https://www.state.gov/united-states-engagement-with-the-g20-2/#:~:text=The%20G20%20provides%20a%20platform,gross%20domestic%20product%2C%20three%2Dquarters>.

³³ Egypt and Ethiopia are members via the AU membership. Iran and the UAE are not members of the G20. See G20, "About the G20," undated, <https://www.g20.org/en/about-the-g20>; James McBride and others, "What does the G20 do?," October 11, 2023, Council on Foreign Relations, <https://www.cfr.org/backgrounder/what-does-g20-do#chapter-title-0-2>.

³⁴ G20 Research Group, "G20 summits," August 15, 2024, University of Toronto, <http://www.g20.utoronto.ca/summits/index.html>.

³⁵ Heather Ashby and others, "What BRICS expansion means for the bloc's founding members," August 30, 2023, United States Institute of Peace, <https://www.usip.org/publications/2023/08/what-brics-expansion-means-blocs-founding-members>.

³⁶ Heather Ashby and others, "What BRICS expansion means for the bloc's founding members," August 30, 2023, United States Institute of Peace, <https://www.usip.org/publications/2023/08/what-brics-expansion-means-blocs-founding-members>.

³⁷ Heather Ashby and others, "What BRICS expansion means for the bloc's founding members," August 30, 2023, United States Institute of Peace, <https://www.usip.org/publications/2023/08/what-brics-expansion-means-blocs-founding-members>.

³⁸ Hung Tran, "China and India are at odds over BRICS expansion," August 8, 2023, Atlantic Council, <https://www.atlanticcouncil.org/blogs/new-atlanticist/china-and-india-are-at-odds-over-brics-expansion/>.

³⁹ See Heather Ashby and others, "What BRICS expansion means for the bloc's founding members," August 30, 2023, United States Institute of Peace, <https://www.usip.org/publications/2023/08/what-brics-expansion-means-blocs-founding-members>.

⁴⁰ Tim Cocks, "More than 40 nations interested in joining BRICS, South Africa says," July 20, 2023, Reuters, <https://www.reuters.com/world/more-than-40-nations-interested-joining-brics-south-africa-2023-07-20/>.

⁴¹ See European Parliament, *Expansion of BRICS: A Quest for Greater Global Influence?*, March 2024, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760368/EPRS_BRI\(2024\)760368_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760368/EPRS_BRI(2024)760368_EN.pdf), p. 3; Heather Ashby and others, "What BRICS expansion means for the bloc's founding members," August 30, 2023, United States Institute of Peace, <https://www.usip.org/publications/2023/08/what-brics-expansion-means-blocs-founding-members>.

projects.⁴² Currently, NDB projects are located in BRICS countries, as well as Bangladesh.⁴³ The president of the Bank comes from one of the founding members of BRICS on a rotational basis. In terms of the composition of the NDB, any UN country is eligible to join, but the founding BRICS members must hold 55% of the total voting power.⁴⁴ Regarding the relationship between the NDB and the members, the articles of agreement of the NDB provide basic language that suggests that as a minimum stated objective, the NDB is distinct from the political part of the BRICS institution.⁴⁵

Regarding the NDB and human rights, the bank has an environment and social framework, which contains a couple of references to human rights in relation to projects that may impact Indigenous Peoples.⁴⁶ However, an emphasized operating principle of the bank is that it defers to the project country's systems for environmental and social protections, meaning there is no normative baseline, such as human rights, for these protections.⁴⁷

While there may be some benefits to taking country systems into account in the process of executing a project, this approach may undermine the effectiveness of the NDB's own environmental and social framework if the country systems are ineffective or insufficient to begin with.

Related challenges with the NDB are transparency and accountability. Research has highlighted a significant lack of transparency surrounding the NDB's projects.⁴⁸ Improvements are needed, for example, in providing project information and consulting affected communities.⁴⁹ Additionally, unlike other multilateral development banks,⁵⁰ the NDB does not have an independent accountability mechanism, which would ensure that the NDB is abiding by its own policies and that there is a complaint process for affected communities.⁵¹ Improvements in transparency and accountability are critical for understanding and addressing potential and real harms to the communities whose enjoyment of their human rights may be directly impacted by NDB-funded projects.

⁴² See, e.g., New Development Bank, *New Development Bank General Strategy for 2022-2026: Scaling Up Development Finance for a Sustainable Future*, undated, https://www.ndb.int/wp-content/uploads/2022/07/NDB_StrategyDocument_Eversion-1.pdf.

⁴³ See New Development Bank, "All projects," undated, <https://www.ndb.int/projects/all-projects/>.

⁴⁴ See New Development Bank, *Agreement on the New Development Bank – Fortaleza July 15*, <https://www.ndb.int/wp-content/uploads/2022/11/Agreement-on-the-New-Development-Bank.pdf>, Article 8.

⁴⁵ New Development Bank, *Agreement on the New Development Bank – Fortaleza July 15*, <https://www.ndb.int/wp-content/uploads/2022/11/Agreement-on-the-New-Development-Bank.pdf>, Article 13(e)-(f).

"The Bank, its officers and employees shall not interfere in the political affairs of any member, nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purpose and functions stated in Articles 2 and 3.

The President, Vice-Presidents, officers and staff of the Bank, in the discharge of their offices, owe their duty entirely to the Bank and to no other authority. Each member of the Bank shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties."

⁴⁶ See New Development Bank, *Environment and Social Framework*, March 11, 2016, <https://www.ndb.int/wp-content/uploads/2017/02/ndb-environment-social-framework-20160330.pdf>, p. 23.

⁴⁷ The NDB's environmental and social framework document states:

NDB promotes the use of strong country and corporate systems in the management of environment and social risks and impacts. NDB also assists in further strengthening the country systems through a variety of mechanisms in both the public and private sector, including by (i) favoring use of country systems, with adequate support, at the operational level as it also fosters greater accountability and ownership; (ii) coordinating closely with other multilateral development banks, international financial institutions and relevant centers of expertise; and (iii) maintaining a risk based and outcome focused approach through measures aligned with the core principles. New Development Bank, *Environment and Social Framework*, March 11, 2016, <https://www.ndb.int/wp-content/uploads/2017/02/ndb-environment-social-framework-20160330.pdf>, p. 4.

⁴⁸ Oxfam South Africa, University of Pretoria, and New Development Bank Civil Society Forum, *Discussion Paper: Enhancing the New Development Bank's Practice of Information Disclosure*, June 2022, <https://www.oxfam.org.za/wp-content/uploads/2022/06/oxfam-ndb-accountability-discussion-paper-1-web.pdf>.

⁴⁹ See Oxfam South Africa, University of Pretoria, and New Development Bank Civil Society Forum, *Discussion Paper: Enhancing the New Development Bank's Practice of Information Disclosure*, June 2022, <https://www.oxfam.org.za/wp-content/uploads/2022/06/oxfam-ndb-accountability-discussion-paper-1-web.pdf>, pp. 24-27.

⁵⁰ See, e.g., World Bank, "The World Bank accountability mechanism," undated, <https://accountability.worldbank.org/en/home#:~:text=The%20World%20Bank%20Accountability%20Mechanism%20is%20an%20independent%20complaints%20mechanism,a%20World%20Bank%20funded%20project>.

⁵¹ Oxfam South Africa, University of Pretoria, and New Development Bank Civil Society Forum, *Discussion Paper: Why the Need for an Independent Accountability Mechanism at the New Development Bank*, June 2022, <https://www.oxfam.org.za/wp-content/uploads/2022/06/oxfam-ndb-accountability-discussion-paper-2-web.pdf>, pp. 9-10; see also Magalie Masamba, "How BRICS' New Development Bank can improve transparency and accountability," July 13, 2022, <https://theconversation.com/how-brics-new-development-bank-can-improve-transparency-and-accountability-186265>; Accountability Counsel, "New Development Bank," <https://www.accountabilitycounsel.org/institution/new-development-bank-ndb/#our-advocacy>.

5. BRICS HIGHLIGHTS ALTERNATIVE DISCOURSES AROUND HUMAN RIGHTS

An expanded BRICS, its NDB, and increased development investments by members of the group suggest that countries have a choice in where they get financial and development support. That perceived choice is partially grounded in a tired relic of Cold War ideological divisions on human rights.

Although the Universal Declaration of Human Rights provided for a comprehensive set of rights when it was adopted in 1948, when the core international human rights treaties were opened for signature and ratification in 1966, the covenants were separated out into civil and political rights, on one hand, and economic, social, and cultural rights on the other.⁵² The separation of the two sets of rights was largely a result of Cold War ideological divisions – the United States and the West advocated primarily for the former and the Soviet Union-led bloc for the latter.⁵³ Thus, the perceived split between rights is misleading; it is not grounded in a fundamental difference in the rights, but rather occurred due to political and ideological divides during the historical context in which the treaties were drafted.⁵⁴ Human rights are “universal, indivisible and interdependent and interrelated.”⁵⁵ Narratives advancing one set of rights over the other create a false dichotomy, incorrectly suggesting that one set of rights has primacy over the other, or that the promotion of one set of rights must come at the expense of the other.

5.1 ALTERNATIVE DISCOURSES IN MULTILATERAL SPACES

The United States’ primary foreign policy and multilateral engagement on human rights continues to focus mostly on civil and political rights, for example ensuring there are civil and political rights protections in place alongside development assistance. However, the US has persistently championed these rights while stubbornly rejecting any assertion that it has obligations related to economic, social, and cultural rights (ESCR).⁵⁶ The US has often attempted to stymie the normative development of ESCR in multilateral spaces through legally dense explanations of reservations or concerns, even when voting in favor of UN resolutions recognizing these rights.⁵⁷

The inadequate US recognition of the principles of universality, indivisibility, interdependence, and interrelatedness of human rights and resistance to ESCR-related initiatives by other countries in

⁵² Joana Apap, “Indivisibility of human rights: Unifying the two Human Rights Covenants,” November 2018, European Parliament, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/628296/EPRS_ATA\(2018\)628296_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/628296/EPRS_ATA(2018)628296_EN.pdf).

⁵³ Joana Apap, “Indivisibility of human rights: Unifying the two Human Rights Covenants”, November 2018, European Parliament, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/628296/EPRS_ATA\(2018\)628296_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/628296/EPRS_ATA(2018)628296_EN.pdf).

⁵⁴ United Nations Office of the High Commissioner for Human Rights, “Key concepts on ESCRs – Are economic, social and cultural rights fundamentally different from civil and political rights?,” undated, <https://www.ohchr.org/en/human-rights/economic-social-cultural-rights/escr-vs-civil-political-rights>.

⁵⁵ Vienna Declaration and Programme of Action, June 25, 1993, <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>, Article 5.

⁵⁶ Following a visit to the United States in 2017, the UN Special Rapporteur on Extreme Poverty and Human Rights issued a statement that noted:

Successive administrations, including the present one, have determinedly rejected the idea that economic and social rights are full-fledged human rights, despite their clear recognition not only in key treaties that the US has ratified (such as the Convention on the Elimination of All Forms of Racial Discrimination), and in the Universal Declaration of Human Rights which the US has long insisted other countries must respect. But denial does not eliminate responsibility, nor does it negate obligations. International human rights law recognizes a right to education, a right to healthcare, a right to social protection for those in need, and a right to an adequate standard of living. In practice, the United States is alone among developed countries in insisting that while human rights are of fundamental importance, they do not include rights that guard against dying of hunger, dying from a lack of access to affordable healthcare, or growing up in a context of total deprivation.

Philip Alston, “Statement on visit to the USA, by professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights,” December 15, 2017, United Nations Office of the High Commissioner, <https://www.ohchr.org/en/statements/2017/12/statement-visit-usa-professor-philip-alston-united-nations-special-rapporteur>, para. 8.

⁵⁷ See United States Mission to the United Nations, “Explanation of position on the right to a clean, healthy, and sustainable environment resolution,” July 28, 2022, <https://usun.usmission.gov/explanation-of-position-on-the-right-to-a-clean-healthy-and-sustainable-environment-resolution/>.

multilateral spaces (in addition to its failure to ratify⁵⁸ the ICESCR)⁵⁹ – has not gone unnoticed by other states. This can then lead to points of tension in bilateral relationships, when US foreign assistance often comes with requirements to meet certain human rights standards, whereas aid from other countries, such as China, tends to not come with such conditions.⁶⁰ This feeds the narrative that the US supports one set of rights over another. Recently, US officials have noted that they are aware of other countries’ perceptions of the United States’ emphasis on civil and political rights,⁶¹ but have reaffirmed its commitment to upholding ESCR,⁶² without accepting that it has obligations.

However, the BRICS countries tend to emphasize ESCR, rather than civil and political rights, and do so in a way that stands in contrast to the US approach. For example, when engaging with multilateral institutions, China prioritizes the right to development – which is a collective right that if not upheld within a broader human rights framework can obfuscate the rights of individuals – and emphasizes the importance of “national conditions” in its alternative discourse around human rights.⁶³ China’s strategy has been characterized by a refusal to acknowledge domestic human rights abuses and an effort to use Western governments’ failures as a justification for advancing an alternative view of human rights.⁶⁴

The expansion of the BRICS group comes at a geopolitical moment where Russia has publicly flouted international laws and norms. While many of the domestic human rights concerns within Russia were present prior to the full-scale invasion of Ukraine, the invasion represents a clear violation of international law, and the associated war crimes have led to the Russian president, Vladimir Putin, being the subject of an arrest warrant from the International Criminal Court (ICC).⁶⁵ Putin’s invasion of Ukraine has generated concern among many in the international community because of how dramatically he has disregarded international law. Legitimate concerns exist, therefore, that the recent rise of BRICS may partially stem from the group being led and built by leaders like Putin, who are emboldened to transgress international law and disrupt multilateral institutions, and who can find some protection from rebuke or accountability within this alternative multilateral space.

5.2 DOMESTIC HUMAN RIGHTS RECORDS COMPLICATE THESE HUMAN RIGHTS NARRATIVES.

The United States and BRICS countries alike have domestic human rights records that complicate their geopolitical stance on human rights. The types and gravity of human rights violations and the

⁵⁸ However, even if the United States has not ratified a particular treaty, it is still bound by *jus cogens* obligations. See International Law Commission, Draft Conclusions on Identification and Legal Consequences of Peremptory Norms of General International Law (*jus cogens*), 2022, United Nations, https://legal.un.org/ilc/texts/instruments/english/draft_articles/1_14_2022.pdf; Cornell Law School Legal Information Institute, “*jus cogens*,” undated https://www.law.cornell.edu/wex/jus_cogens.

⁵⁹ The United States has signed and ratified the International Covenant on Civil and Political Rights (ICCPR) and has signed but not ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR). United Nations Human Rights Treaty Bodies, “Ratification status for CCPR – International Covenant on Civil and Political Rights,” undated, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en; United Nations Human Rights Treaty Bodies, “Ratification status for CESCR – International Covenant on Economic, Social, and Cultural Rights,” undated, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx?treaty=cescr&lang=en. Indeed, the United States has obligations from not only international, but also regional human rights instruments. See Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights, “REDESCA’s visit to Los Angeles, USA: It is urgent to address the situation of unhoused people,” July 12, 2023, Inter-American Commission on Human Rights, https://www.oas.org/en/IACHR/jsForm/?File=en/iachr/media_center/PRelases/2023/153.asp.

⁶⁰ See, e.g., Patrick Quirk and Caitlin Dearing Scott, “Maximizing US foreign aid for strategic competition,” June 29, 2023, Atlantic Council, <https://www.atlanticcouncil.org/in-depth-research-reports/report/maximizing-us-foreign-aid-for-strategic-competition/>.

⁶¹ U.S. Mission Geneva, “Secretary of State Blinken: Remarks at the Human Rights Council 49th Session,” March 1, 2022, U.S. Mission to International Organizations in Geneva, <https://geneva.usmission.gov/2022/03/01/remarks-at-the-un-human-rights-council-49th-session/>.

⁶² See U.S. Mission Geneva, “Secretary of State Anthony J. Blinken at the 52nd Session of the UN Human Rights Council,” March 2, 2023, U.S. Mission to International Organizations in Geneva, <https://geneva.usmission.gov/2023/03/02/secretary-blinken-statement-at-hrc-52/>.

⁶³ Tanner Larkin, “China’s normfare and the threat to human rights,” 2022, Columbia Law Review, https://columbialawreview.org/wp-content/uploads/2022/12/Larkin-Chinas_normfare_and_the_threat_to_human_rights.pdf; Charlotte Gao, “China promotes human rights ‘with Chinese characteristics’: Ahead of Human Rights Day, China hosted a human rights forum for developing countries,” December 12, 2017, The Diplomat, <https://thediplomat.com/2017/12/china-promotes-human-rights-with-chinese-characteristics/>.

⁶⁴ See David Griffiths, Human Rights Diplomacy: Navigating an Era of Polarization, April 2023, Chatham House International Law Programme, <https://www.chathamhouse.org/sites/default/files/2023-04/2023-04-19-human-rights-diplomacy-era-polarization-griffiths.pdf>, p. 25-31; Tanner Larkin, “China’s normfare and the threat to human rights,” Columbia Law Review, .

⁶⁵ International Criminal Court, “Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova,” March 17, 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>.

extent to which such violations are systemic vary, but what is the same is what a government does at home related to human rights affects its ability to advance its particular vision of human rights abroad.

For example, the United States, despite its tendency to focus on civil and political rights in foreign policy, faces challenges in meeting its obligations domestically. The treaty body tasked with monitoring ICCPR implementation—the UN Human Rights Committee—has pointed out significant shortcomings with regard to the United States’ human rights record on a range of issues that touch on civil and political rights, including racial disparities in the criminal justice system, access to sexual and reproductive health services, and the death penalty, to name a few.⁶⁶ BRICS countries, such as China, point to this human rights record to criticize the US’s shortcomings, including on racial discrimination and gun violence, among other issues.⁶⁷

On the other hand, there are grave human rights violations by founding BRICS members that undermine their human rights discourse. For example, according to the Chinese government, it has eradicated extreme poverty over the last 40 years, lifting 800 million people out of poverty.⁶⁸ While this achievement likely has a significant positive impact on people’s ability to enjoy their human rights, there are serious concerns about how China arrived at this milestone and the extent to which other human rights may have been sacrificed or deprioritized in the process. While commending China for the progress made in reducing poverty, for example, members of the UN Committee on Economic, Social, and Cultural Rights raised concerns about repression of dissent, reproductive coercion, forced labor, and the exploitation of minorities, among other issues.⁶⁹ More specifically, the United Nations also found that the Chinese government’s abuses against the Uyghurs and other predominantly Muslim groups in the Xinjiang region may constitute crimes against humanity.⁷⁰ US officials have repeatedly expressed concerns and taken legislative and administrative action regarding the human rights violations committed against the Uyghurs, Kazakhs, and other predominantly Muslim ethnic minority groups in Xinjiang – arbitrary detention, forced labor, and torture, among others – and have stated that the Chinese government’s actions constitute genocide and crimes against humanity.⁷¹

There are also significant restrictions on civic space in BRICS countries, which highlight a lack of commitment to human rights norms.⁷² In Russia, for example, there has been a dramatic crackdown

⁶⁶ See Human Rights Committee, “Concluding observations on the fifth periodic report of the United State of America,” December 7, 2023, United Nations, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsijKy20sgGcLSyqccX0g1nmPktAvQAVvIMyUsPeDoeyafIDzMsRP6yowg2baDSI601SRDez4EGyfcT8dtZm4ncYL5vhsRnyt5WLSRw4GxHpV>, paras 14-15, 26-29, 30-31.

⁶⁷ See, e.g., Reuters, “China hits back at US ‘prejudice’ in human rights tit-for-tat row”, March 14, 2019, The Guardian, <https://www.theguardian.com/world/2019/mar/14/china-hits-back-at-us-prejudice-in-human-rights-tit-for-tat-row>; Reuters, “China issues report attacking US human rights record”, June 26, 2015, The Guardian, <https://www.theguardian.com/world/2015/jun/26/china-report-attacks-us-human-rights-record>.

⁶⁸ World Bank Group, “Lifting 800 million people out of poverty – New report looks at lessons from China’s experience,” April 1, 2022, <https://www.worldbank.org/en/news/press-release/2022/04/01/lifting-800-million-people-out-of-poverty-new-report-looks-at-lessons-from-china-s-experience>; In 2021, the Chinese government announced that it had eradicated extreme poverty in the country and had lifted nearly 100 million people out of poverty in an eight-year period. BBC, “China’s Xi declares victory in ending extreme poverty,” February 25, 2021, <https://www.bbc.com/news/world-asia-china-56194622>.

⁶⁹ United Nations Office of the High Commissioner for Human Rights, “Committee on economic, social and cultural rights commends China for efforts to reduce poverty, asks about measures to protect ethnic minorities from reported forced labour and the coverage of the social welfare system,” February 17, 2023, <https://www.ohchr.org/en/news/2023/02/committee-economic-social-and-cultural-rights-commends-china-efforts-reduce-poverty#:~:text=News%20Treaty%20bodies,Committee%20on%20Economic%2C%20Social%20and%20Cultural%20Rights%20Commends%20China%20for,of%20the%20Social%20Welfare%20System>.

⁷⁰ United Nations Office of the High Commissioner for Human Rights, “OHCHR assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China,” August 31, 2022, <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>.

⁷¹ U.S. Mission Geneva, “UN Office of the High Commissioner for Human Rights report on the human rights situation in Xinjiang,” September 1, 2022, U.S. Mission to International Organizations in Geneva, <https://geneva.usmission.gov/2022/09/01/statement-on-un-human-rights-office-report-on-xinjiang/>; Michael R. Pompeo, Secretary of State, “Determination of the Secretary of State on Atrocities in Xinjiang,” January 19, 2021, U.S. Department of State, <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/>.

⁷² See CIVICUS, “Extremely poor civic space records of BRICS countries undermine its legitimacy: CIVICUS,” August 24, 2023 <https://www.civicus.org/index.php/media-resources/news/6532-extremely-poor-civic-space-records-of-brics-countries-undermine-its-legitimacy-civicus>. NB: The examples that follow are not a comprehensive account of the human rights challenges in all of these countries, but rather a few examples of some of the concerns and improvements highlighted by the international community.

on civil society⁷³ and severe repression of dissent.⁷⁴ The “foreign agents” laws – in place since 2012 and recently expanded in 2022 – have been used to attack and shut down human rights groups, media organizations, and others.⁷⁵ Opposition politicians, including Vladimir Kara-Murza⁷⁶ and the late Aleksei Navalny,⁷⁷ have faced lengthy prison sentences on unfounded charges of “high treason” and “extremism” – and in the case of Navalny, death in custody – for criticizing Vladimir Putin and his government. Indeed, reports indicate that there are somewhere between 680 and 1,000 political prisoners in Russia.⁷⁸ In India, a range of tax, foreign contribution, and anti-terror laws have been used to crack down on civil society, human rights defenders, and journalists.⁷⁹ Religious minorities in India, particularly Muslims, have been subjected to hate crimes and violence – ranging from demolitions of their homes and places of worship to lynchings – which are committed with impunity.⁸⁰

BRICS countries, for their part, would likely highlight their progress on other issues, such as poverty alleviation, as evidence that they are committed to advancing human rights. Even on issues related to economic, social, and cultural rights, BRICS countries face challenges. South Africa, for example, has the highest income inequality in the world, with a Gini coefficient of about 0.67 (values closer to 1 indicate high inequality); Brazil’s Gini coefficient is similarly high, at 0.53.⁸¹ Wealth inequality in South Africa is also high – the top 0.1% of the population owns 25% of the wealth in the country.⁸² Such significant disparities adversely impact people’s ability to enjoy their human rights. Many of these human rights concerns persist with the expansion of the BRICS group.⁸³

Brazil and South Africa do also reflect encouraging developments on the ESCR front.⁸⁴ The UN Committee on Economic, Social, and Cultural rights noted “significant progress” in South Africa’s efforts to enhance access to education, for example.⁸⁵ The CESCR highlighted Brazil’s various measures to protect and progressively realize economic, social, and cultural rights, including the

⁷³ United Nations Office of the High Commissioner for Human Rights, “Russia: UN experts condemn civil society shutdown,” July 13, 2022, <https://www.ohchr.org/en/press-releases/2022/07/russia-un-experts-condemn-civil-society-shutdown>.

⁷⁴ Robert Coalsom, “How the Russian state ramped up the suppression of dissent in 2023: ‘It worked in the Soviet Union, and it works now,’” December 31, 2023, Radio Free Europe, <https://www.rferl.org/a/russia-suppression-dissent-putin-fear-ukraine-war/32754222.html>.

⁷⁵ Human Rights Watch, “Russia: New restrictions for ‘Foreign Agents’: Foreign influence would now suffice for toxic designation,” December 1, 2022, <https://www.hrw.org/news/2022/12/01/russia-new-restrictions-foreign-agents>.

⁷⁶ U.S. 118th Congress, 1st Session, “S. Con. Res. 7,” <https://www.congress.gov/118/bills/sconres/7/BILLS-118sconres7es.pdf>; Amnesty International, “Russia: Anti-war political activist and prisoner of conscience Vladimir Kara-Murza sentenced to 25 years in jail,” April 17, 2023, <https://www.amnesty.org/en/latest/news/2023/04/anti-war-political-activist-and-prisoner-of-conscience-vladimir-kara-murza-sentenced-to-25-in-jail/>; Kara-Murza was released in August 2024 following a multilateral prisoner swap involving Germany, Norway, Poland, Slovenia, the United States, Belarus, and Russia. Amnesty International, “Russia: Release of imprisoned activists must mark beginning of turn towards human rights,” August 1, 2024, <https://www.amnesty.org/en/latest/news/2024/08/russia-release-of-imprisoned-activists-must-mark-beginning-of-turn-towards-human-rights/>; White House, “Background Press Call on Today’s Multilateral Prisoner Exchange,” August 1, 2024, <https://www.whitehouse.gov/briefing-room/press-briefings/2024/08/01/background-press-call-on-todays-multilateral-prisoner-exchange/>.

⁷⁷ White House, “Remarks by President Biden on the reported death of Aleksey Navalny,” February 16, 2024, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/02/16/remarks-by-president-biden-on-the-reported-death-of-aleksey-navalny/>; Amnesty International, “Russia: Prisoner of conscience Aleksei Navalny, Kremlin’s most vocal opponent, dies in custody,” February 16, 2024, <https://www.amnesty.org/en/latest/news/2024/02/russia-prisoner-of-conscience-aleksei-navalny-kremlins-most-vocal-opponent-dies-in-custody/>.

⁷⁸ Dasha Litvinova, “What’s life like for Russia’s political prisoners? Isolation, poor food and arbitrary punishment,” February 27, 2024, AP News, <https://apnews.com/article/russia-crackdown-prison-navalny-karamurza-putin-3e5b9f5d3cfd3256819fbde5e405067>; Briar Stewart, “Navalny was Russia’s highest-profile political prisoner. But there are more than 1,000 others,” CBC News, <https://www.cbc.ca/news/world/navalny-death-russia-putin-political-prisoners-1.7119945>.

⁷⁹ Amnesty International, “India 2023,” undated, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>.

⁸⁰ Amnesty International, “India 2023,” undated, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>.

⁸¹ Imraan Valodia, “South Africa can’t crack the inequality curse. Why, and what can be done,” September 15, 2023, University of the Witwatersrand, Johannesburg, <https://www.wits.ac.za/news/latest-news/opinion/2023/2023-09/south-africa-cant-crack-the-inequality-curse-why-and-what-can-be-done.html#:~:text=According%20to%20the%20most%20recent,value%20between%200%20and%201.>

⁸² Imraan Valodia, “South Africa can’t crack the inequality curse. Why, and what can be done,” September 15, 2023, University of the Witwatersrand, Johannesburg, <https://www.wits.ac.za/news/latest-news/opinion/2023/2023-09/south-africa-cant-crack-the-inequality-curse-why-and-what-can-be-done.html#:~:text=According%20to%20the%20most%20recent,value%20between%200%20and%201.>

⁸³ See CIVICUS Staff, “BRICS: The Burgeoning of an international repressive alliance?,” September 1, 2023, <https://ens.civicus.org/brics-the-burgeoning-of-an-international-repressive-alliance/>.

⁸⁴ Although the ICESCR provides for the “progressive realization” of the rights recognized in the Covenant, it also establishes immediate obligations. Committee on Economic, Social, and Cultural Rights, General comment No. 3: The nature of States parties’ obligations (art. 2, para. 1, of the Covenant), 1990, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FICESCR%2FGECC%2F4758&Lang=en; International Covenant on Economic, Social and Cultural Rights, December 16, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>, Article 2(1).

⁸⁵ See Committee on Economic, Social and Cultural Rights, “Concluding observations on the initial report of South Africa,” November 29, 2018, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW4b1%2F0yvDxdY793DPzPhW1eQyWAQHUGxGUSEwW5PpFu5gemJWNSQSD8fGzepU%2BbhFg3jQA%2Bt0mhFvzImZTnRcslb3bg%2BPK%2BMo0nuRvnX0EES>, para. 70.

establishment of the right to food as a fundamental social right in the Constitution and the establishment of the Ministry of Indigenous Peoples, the Ministry of Racial Equality, and the Ministry of Women, among other steps.⁸⁶ However, in both cases, concerns about the countries' progress on these issues persist.⁸⁷

5.3 THE RIGHT TO DEVELOPMENT

Perhaps nowhere is the long-standing gulf between human rights discourse starker than the debate on the right to development. While the right to development and ESCR are not the same legal concepts, many states see them as closely linked. BRICS countries – among other states – maintain that human rights include the “right to development.”⁸⁸ The United States, on the other hand, was the only country to vote “no” on the UN General Assembly resolution adopting the Declaration on the Right to Development (1986).⁸⁹ Indeed, despite its support for development assistance and initiatives like the Sustainable Development Goals, the US has a longstanding opposition to the concept of a right to development,⁹⁰ asserting that the term does not have an agreed international meaning, does not explicitly appear in the human rights legal framework, and focuses on the rights of states rather than individuals. Under this framing, the right to development is a concept that would support the notion that civil and political rights can be suppressed if a country is pursuing rapid development—such as the model ostensibly pursued by China. Again, while the debate over the right to development is not the same as the perceived tension between civil and political rights and ESCR, the US's opposition to the right to development further contributes to the perception that the United States takes a different approach to ESCR than other countries, if not deprioritizes such rights.

6. ANALYSIS OF WHAT IS DRIVING INTEREST IN BRICS AND WHAT OPPORTUNITIES EXIST FOR US POLICYMAKERS TO RESPOND

Consultations with experts, desk research, and human rights analysis indicate that there is a need for the United States to develop a strategy to engage BRICS that is grounded in human rights. However, the United States must also urgently and meaningfully engage with criticisms of its role in the existing international system and act in a way that promotes inclusivity in multilateralism and human rights, or more countries may be driven away from the post-World War II human rights infrastructures within existing multilateral institutions. As the United States develops its strategy for engaging with BRICS, it must also recognize that there are tensions and differing opinions within the group, and the BRICS countries are varied in their approaches to human rights issues. A US strategy on BRICS must therefore not rely on a one-size-fits-all approach. The findings in this section elaborate on these themes and provide a more nuanced picture of what may be driving the interest in joining BRICS, further underscoring the need for a US-BRICS strategy grounded in human rights.

6.1 MANY COUNTRIES HAVE RECENTLY EXPRESSED INTEREST IN JOINING BRICS BECAUSE IT PROVIDES AN APPEALING ALTERNATIVE.

Sources indicate that there has recently been an increase in countries interested in joining BRICS. As noted above, five countries recently joined, and 40 had expressed interest in joining. One basic reason

⁸⁶ See Committee on Economic, Social and Cultural Rights, “Concluding observations on the third periodic report of Brazil,” November 15, 2023, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW%2FtFdKDKhtvol%2BRelV2x8DYXGPN%2BTpt7WzDevBOKBGIXxZK2TNCyubbXUr%2FFXOUuPJmsT1z3xB%2BYZIFLnxyrghxQwTYq0LLqzI0DAeRWncKp>, para. 3.

⁸⁷ See Amnesty International, “Brazil 2023,” undated, <https://www.amnesty.org/en/location/americas/south-america/brazil/report-brazil/>; Amnesty International, “South Africa 2023,” undated, <https://www.amnesty.org/en/location/africa/southern-africa/south-africa/report-south-africa/>.

⁸⁸ See United Nations General Assembly, Declaration on the Right to Development, December 4, 1986, <https://www.ohchr.org/sites/default/files/rtd.pdf>.

⁸⁹ See Voting Data, United Nations General Assembly, Declaration on the Right to Development, December 4, 1986, <https://digitallibrary.un.org/record/280782?ln=en>.

⁹⁰ See, e.g., United States Mission to the United Nations, “Explanation of vote on a third committee resolution on the right to development,” November 7, 2023, <https://usun.usmission.gov/explanation-of-vote-on-a-third-committee-resolution-on-the-right-to-development-2/>.

is that for some, it is an alternative at a time of high dissatisfaction among many countries with existing multilateral systems and the lack of equal application of international norms. Additionally, the NDB and BRICS bilateral investments offer new sources of funding that require fewer human rights protections.

First, interest in joining BRICS appears to be partly motivated by dissatisfaction with the existing multilateral systems, including lack of consistency in application of international laws and norms to all countries. Asymmetries and inequalities of power – and how this is reflected in international institutions – are a significant source of discontent among many Global South countries that have historically been left out of those positions of influence.⁹¹ Indeed, BRICS statements explicitly call “for greater representation of emerging markets and developing countries in international organizations and multilateral fora in which they play an important role.”⁹² Moreover, the ability of multilateral institutions to address critical global challenges has been increasingly called into question. Current geopolitical crises – such as the conflicts in Ukraine and the Occupied Palestinian Territory and Israel – as well as the challenges presented by the climate crisis, among other issues, have exacerbated concerns with the effectiveness of the system.⁹³ The result has been that some countries without much geopolitical power are seeking out alternative fora through which they participate in crafting solutions, and increasingly where they may be shielded from criticism they see as steeped in double standards. It is important to note, however, that the viewpoints of BRICS members – and those interested in joining the group – are diverse. Not all of them necessarily see BRICS as an alternative, but rather see the group as a supplement to the existing multilateral system that has proved deficient on various matters.

For example, in June 2024, Malaysia expressed interest in joining BRICS.⁹⁴ While it is unclear at the time of writing whether the country will actually join the group, it is worth considering its motivations. Conversations with Malaysian think tanks and civil society organizations indicate that interest in BRICS could be a way for Malaysia to both assert its leadership on the international stage and diversify its multilateral involvement. Some of the individuals consulted argued that Malaysia’s pursuit of BRICS membership may not necessarily be a statement of alignment with certain countries – and against others, like the United States – but they also noted that this is not happening in a vacuum. There appears to be some frustration in Malaysia with not only the US role in the conflict in the Occupied Palestinian Territory and Israel, but also the US approach to “countering China” and its growing influence in the region. While Malaysia’s bid for BRICS membership is in the early stages, the potential reasons behind it – especially those related to its desire to be more influential on the international stage and the US role in the world – are worth taking seriously.

The second factor that may present a challenge to the United States’ ability to engage with BRICS and the countries interested in joining the group is that BRICS is distinct from typical informal institutions. BRICS is arguably more robust than other informal institutions because it has a bank – the New Development Bank (NDB). This feature is significant in the present discussion because the NDB may impact human rights around the world via the infrastructure and sustainable development projects it funds. Given, as outlined above, some of the concerns regarding transparency in the NDB’s projects, it may be more difficult to address the potential human rights risks from these projects. Such human rights risks could have wide-ranging impacts, and the United States should seek to understand the role that countries interested in joining BRICS see the NDB playing in their sustainable development

⁹¹ See Council of Councils, “The BRICS summit 2023: Seeking an alternate world order?,” August 31, 2023, Council on Foreign Relations, <https://www.cfr.org/councilofcouncils/global-memos/brics-summit-2023-seeking-alternate-world-order>; Monica Herz and Giancarlo Summa, “The UN and the multilateral system are in crisis – what the Global South must do,” September 28, 2023, The Conversation, <https://theconversation.com/the-un-and-the-multilateral-system-are-in-crisis-what-the-global-south-must-do-214515>.

⁹² XV BRICS Summit Johannesburg II Declaration, August 23, 2023, <https://brics2023.gov.za/wp-content/uploads/2023/08/Jhb-II-Declaration-24-August-2023-1.pdf>, para. 5.

⁹³ See Monica Herz and Giancarlo Summa, “The UN and the multilateral system are in crisis – what the Global South must do,” September 28, 2023, The Conversation, <https://theconversation.com/the-un-and-the-multilateral-system-are-in-crisis-what-the-global-south-must-do-214515>; Oliver Stuenkel, “Why the Global South Is Accusing America of Hypocrisy,” November 2, 2023, <https://foreignpolicy.com/2023/11/02/israel-palestine-hamas-gaza-war-russia-ukraine-occupation-west-hypocrisy/>.

⁹⁴ Norman Goh, “Malaysia asks China to support its bid to join BRICS,” June 19, 2024, Nikkei Asia, <https://asia.nikkei.com/Politics/International-relations/Malaysia-asks-China-to-support-its-bid-to-join-BRICS>; Norman Goh, “Malaysia and Thailand keen to join BRICS: 5 things to know,” June 24, 2024, Nikkei Asia, <https://asia.nikkei.com/Politics/International-relations/Malaysia-and-Thailand-keen-to-join-BRICS-5-things-to-know>.

plans, including as a source of funding that permits governments to evade international human rights norms and expectations.

Further, the presence of countries whose governments are known both to flout international norms and as US adversaries, like Iran, should make understanding why additional countries are interested in joining BRICS a priority for the US government—both from a geopolitical and human rights perspective.

6.2 BRICS MAY BE SEEN, IN PART, AS A WAY TO CHALLENGE PERCEIVED US HEGEMONY IN OTHER MULTILATERAL SPACES AND THE EXISTING RULES-BASED INTERNATIONAL ORDER LED BY THE UNITED STATES.

While it is necessary to recognize that interest in joining BRICS is driven by a range of factors – including economic development objectives – there do appear to be indications that the movement to join BRICS is in part a challenge to perceived US hegemony in other multilateral spaces and the failures of the existing rules-based international order led by the United States. While frustration with the multilateral system and the US's lack of consistency in applying international norms is understandable to some human rights experts, they indicate there is a real risk that if the US does not actively work to counter polarization in existing multilateral spaces – including by shifting its own policies – an ascendent BRICS could severely limit opportunities for international cooperation on human rights.

BRICS expansion is worth examining through a human rights lens because – in addition to the deeper dissatisfaction with the multilateral system that it may reveal – the group's increasing size may facilitate China and Russia's use of BRICS to further policy preferences that undermine human rights and evade accountability and global sanctions for serious violations of international law. For example, in the face of Western sanctions following its full-scale invasion of Ukraine, Russia has increasingly turned to trade with BRICS members to relieve some of the adverse impacts of those measures,⁹⁵ and a larger BRICS group could potentially provide further opportunities.

The recent push to expand BRICS – especially with the addition of Iran, for example – reinforces the notion that the group is positioning itself as a counter to the United Nations system, with its perceived close association with the United States. Admittedly, the objective of disrupting perceived US hegemony may be deeper than the UN system and extend to monetary systems and policies. As some analysis highlights, the BRICS group has long been taking steps that could undermine the United States' global influence by indicating that it wanted to move away from reliance on the US dollar and work more in local currencies, with a view to eventually launching a BRICS currency.⁹⁶ The group began taking these steps over a decade ago, but the increased pressure to move from a reliance on the dollar may be linked to multilateral (and bilateral) efforts at accountability for international law violations. Russia has increasingly sought to use BRICS to circumvent Western sanctions on it following its invasion of Ukraine, and these measures appear to have accelerated the push to de-dollarize.⁹⁷ Even if BRICS does not succeed in completely moving away from the dollar, the conflation of important global critiques about the US's geopolitical and economic power and the policies it chooses to advance with that power, with circumvention of multilateral accountability mechanisms, is a worrying trend for human rights generally. The US has an interest in understanding what is driving

⁹⁵ See, e.g., Hippolyte Fofack, "Piece by piece, the BRICS really are building a multipolar world," August 23, 2023, Atlantic Council, https://www.atlanticcouncil.org/blogs/new-atlanticist/piece-by-piece-the-brics-really-are-building-a-multipolar-world/?mkt_tok=NjU5LVdaWC0wNzUAAAGNyM5yFLUZvMo8LvrqDVdoelcghNPPCJM_Q0a-MMnHVtmsNG7NC-JpfVR9UUm3i_WRL7VaeCkrlJqXuYmlyY9r9sPHYDVvkBS-gOGQJwZEb5AAyA.

⁹⁶ See Mihaela Papa, "A BRICS currency is unlikely to dislodge dollar any time soon – but it signifies growing challenge to established economic order," June 22, 2023, The Conversation, <https://theconversation.com/a-brics-currency-is-unlikely-to-dislodge-dollar-any-time-soon-but-it-signifies-growing-challenge-to-established-economic-order-206565>; Mihaela Papa and others, "As BRICS cooperation accelerates, is it time for the US to develop a BRICS policy?," August 18, 2023, Tufts University, <https://fletcher.tufts.edu/news-events/news/brics-cooperation-accelerates-it-time-us-develop-brics-policy>.

⁹⁷ Mihaela Papa, "A BRICS currency is unlikely to dislodge dollar any time soon – but it signifies growing challenge to established economic order," June 22, 2023, The Conversation, <https://theconversation.com/a-brics-currency-is-unlikely-to-dislodge-dollar-any-time-soon-but-it-signifies-growing-challenge-to-established-economic-order-206565>.

the critique and how to adjust its policies within multilateral spaces to ensure it and existing multilateral institutions can assert influence on human rights.

6.3 BRICS OFFERS COUNTRIES A RESPONSE TO THE CRITIQUE OF THE PERCEIVED DOUBLE STANDARDS OF THE INTERNATIONAL SYSTEM.

The interest in BRICS by dozens of countries should also be seen as a broader critique of the perceived double standards of the international system. Overall, there is a dissatisfaction with the current global political and economic systems and the extent to which countries of the Global South have been excluded from positions of power and are more often the subject of accountability efforts that are not equally applied. For example, BRICS statements call for “inclusive multilateralism”⁹⁸ and “a more agile, effective, efficient, representative, democratic and accountable international and multilateral system.”⁹⁹ Reform of multilateral institutions is a key objective because the BRICS countries maintain that greater representation of developing countries would enable bodies like the United Nations Security Council to “adequately respond to prevailing global challenges.”¹⁰⁰ The focus on “inclusive multilateralism,” paired with these calls for reform, suggests that BRICS countries are appealing to the view that the current system is unfair and archaic, such that its effectiveness and legitimacy are impaired. Reform of the Security Council is certainly not a new discussion and not only an initiative of BRICS countries.¹⁰¹ BRICS, however, is capitalizing on the significant frustration with the international system’s ability and willingness to respond to some crises versus others to grow influence and members.

BRICS countries have made the issue – and other matters related to representation of emerging markets and developing countries in international institutions – a central objective for the group. Indeed, support for “comprehensive reform of the United Nations” is listed as one of the criteria for considering new BRICS member states.¹⁰² The group’s stated commitment to “inclusive multilateralism” should therefore be taken as evidence of a serious – and growing – discontentment with the status quo. The US should take this as an opportunity to work within the existing multilateral system for meaningful, human rights-centered reforms.

6.4 THE BRICS COUNTRIES ARE SEEN AS MORE COMMITTED TO ECONOMIC DEVELOPMENT, POVERTY REDUCTION, SOCIOECONOMIC RIGHTS, AND COMMUNITY RIGHTS (IN COMPARISON TO THE US’S PERCEIVED REJECTION OF THESE).

Our consultations with experts indicate that on human rights issues, the perception that BRICS countries tend to focus on economic development, poverty reduction, socioeconomic rights, and community rights – rather than civil and political rights or individual rights – continues to hold sway. Of course, the BRICS group was initially created to allow emerging economies to coordinate their economic policies – and they have international legal obligations related to ESCR – so the focus on development is perhaps not surprising. However, for countries discontented with the existing multilateral order, the focus on this theme and related matters such as poverty reduction provides a

⁹⁸ See XV BRICS Summit Johannesburg II Declaration, August 23, 2023, <http://brics2023.gov.za/wp-content/uploads/2023/08/Jhb-II-Declaration-24-August-2023-1.pdf>, para. 3. “Inclusive multilateralism” is also a phrase that appears in the UN context, where it generally refers to engaging in international cooperation in a way that includes a range of countries in decision making, rather than only the historically most powerful or wealthy countries driving the institution’s responses. See, e.g., United Nations, “Today’s challenges require more effective and inclusive global cooperation, Secretary-General tells Security Council debate on multilateralism,” December 14, 2022, <https://press.un.org/en/2022/sc15140.doc.htm>; United Nations, “Multilateral cooperation ‘beating heart’ of United Nations, Secretary-General tells Security Council, urging all member states to recommit to charter,” April 24, 2023, <https://press.un.org/en/2023/sgsm21773.doc.htm>.

⁹⁹ See XV BRICS Summit Johannesburg II Declaration, August 23, 2023, <http://brics2023.gov.za/wp-content/uploads/2023/08/Jhb-II-Declaration-24-August-2023-1.pdf>, para. 4.

¹⁰⁰ See XV BRICS Summit Johannesburg II Declaration, August 23, 2023, <http://brics2023.gov.za/wp-content/uploads/2023/08/Jhb-II-Declaration-24-August-2023-1.pdf>, para. 7.

¹⁰¹ See, e.g., Stewart Patrick and others, *UN Security Council Reform: What the World Thinks*, 2023, Carnegie Endowment for International Peace, https://carnegie-production-assets.s3.amazonaws.com/static/files/Patrick_et_al_UNSC_Reform_v2_1.pdf, pp. 1-9.

¹⁰² BRICS, “BRICS membership expansion: Guiding principles, standards, criteria and procedures,” August 2023, <http://www.brics.utoronto.ca/docs/BRICS-Membership-expansion-guiding-principles-criteria-and-standards-2023.pdf>.

response to the existing global economic order in the extent to which BRICS countries seek to reduce inequalities between countries.

BRICS statements and declarations highlight the perceived double standards by committing to promoting and protecting all human rights¹⁰³ and indicating that the BRICS countries would like human rights to be advanced “without double standards.” In practice, as noted above, the focus on “all” human rights may be different, with civil and political rights as a lower priority, if acknowledged at all. Some sources indicate that this may reflect a belief among BRICS countries that there is a tradeoff between individual freedom and economic development; the idea proposed by this line of thinking is that in order to achieve the larger objectives of prosperity and higher levels of economic development, some sacrifices to individual rights may be necessary. As interest in joining BRICS increases, there is a risk that this misapplication of human rights may continue.

6.5 EXPERTS EXPRESSED MIXED OPINIONS ON WHETHER CIVIL SOCIETY HAS HAD SUFFICIENT SPACE AND OPPORTUNITY TO ENGAGE WITH THE BRICS GROUP AND TO WHAT EXTENT THESE ORGANIZATIONS SHOULD TRY TO DO ADVOCACY ON ISSUES RELATED TO BRICS.

Sources highlighted the importance of civil society engagement, but views were mixed on whether civil society has had sufficient space and opportunity to engage with the BRICS group and to what extent these organizations should try to do advocacy on issues related to BRICS. On one hand, there are several spaces in which non-governmental actors can meet on the sidelines of BRICS summits – there are business, academic, youth, and civil society forums.¹⁰⁴ However, even spaces such as the BRICS Civil Forum are questioned because they tend to be controlled by the summit host government, making conversations around issues like human rights unlikely.

Moreover, none of the BRICS countries – considering the founding members as well as the new members – are considered “open” in terms of civic space, further limiting the possibilities for conversations about human rights.¹⁰⁵ In South Africa and Brazil, for example, civic space is, by some metrics,¹⁰⁶ considered “obstructed” but they are in a better position overall than the other members. One example raised by experts was that in South Africa, when the BRICS summit was held in 2023, protestors attempting to call attention to human rights issues were moved to a location 4 kilometers away from the summit location.¹⁰⁷ Despite these challenges, South African and Brazilian civil society have been actively engaged in advocacy around human rights. Therefore, the picture of civic space across BRICS is complicated, as is the case in the United States, but opportunities for civil society to engage with BRICS processes are limited.

¹⁰³ “We reiterate the need for all countries to cooperate in promoting and protecting human rights and fundamental freedoms under the principles of equality and mutual respect. We agree to continue to treat all human rights including the right to development in a fair and equal manner, on the same footing and with the same emphasis. We agree to strengthen cooperation on issues of common interests both within BRICS and in multilateral fora including the United Nations General Assembly and Human Rights Council, taking into account the necessity to promote, protect and fulfil human rights in a non-selective, non-politicised and constructive manner and without double standards. We call for the respect of democracy and human rights. In this regard, we underline that they should be implemented on the level of global governance as well as at national level. We reaffirm our commitment to ensuring the promotion and protection of democracy, human rights and fundamental freedoms for all with the aim to build a brighter shared future for the international community based on mutually beneficial cooperation.” See XV BRICS Summit Johannesburg II Declaration, August 23, 2023, <http://brics2023.gov.za/wp-content/uploads/2023/08/Jhb-II-Declaration-24-August-2023-1.pdf>, para. 6.

¹⁰⁴ See Michael Currin, “It is all systems go for the start of the 15th BRICS Summit,” August 15, 2023, South African Government Official Information and Services, <https://www.gov.za/blog/it-all-systems-go-start-15th-brics-summit>; BRICS, “BRICS Civil Forum”, undated <https://brics2021.gov.in/civil-forum>.

¹⁰⁵ CIVICUS, “Extremely poor civic space records of BRICS countries undermine its legitimacy: CIVICUS,” August 24, 2023, <https://www.civicus.org/index.php/media-resources/news/6532-extremely-poor-civic-space-records-of-brics-countries-undermine-its-legitimacy-civicus>; CIVICUS, “Monitor: Tracking civic space,” undated, <https://monitor.civicus.org/>.

¹⁰⁶ The CIVICUS Monitor provides one metric for the state of civil society and civic freedoms around the world. Another useful metric is the Freedom in the World report, which more broadly measures the state of political rights and civil liberties around the world. Under this framework, Brazil and South Africa are both considered “free,” and the rest of the BRICS members are either “partly free” or “not free.” See Freedom House, “Freedom map,” undated, <https://freedomhouse.org/explore-the-map?type=fiw&year=2024>; Under the CIVICUS metric, civic space in the United States is considered “narrowed,” and in the Freedom in the World report, the United States is considered “free.” CIVICUS, “United States of America,” undated, <https://monitor.civicus.org/country/usa/>; Freedom House, “United States,” 2024, <https://freedomhouse.org/country/usa/freedom-world/2024>.

¹⁰⁷ Gaby Ndongo, “Activists angry after BRICS summit protest moved to venue far from gathering of leaders,” August 23, 2023, Daily Maverick, <https://www.dailymaverick.co.za/article/2023-08-23-activists-angry-after-brics-summit-protest-moved-to-venue-far-from-gathering-of-leaders/>.

In other multilateral fora, such as the G20, civil society engagement is more formalized – with the G20, the mechanism is called “C20” – and it explicitly includes human rights among the issues for which participating organizations will present policy recommendations to governments.¹⁰⁸ In comparison, the formal opportunities for civil society engagement with BRICS are less robust, perhaps depending on which country is the BRICS chair that year and its willingness and capacity to provide those opportunities.

Finally, some sources were skeptical about the impact that civil society could have, given the largely repressive nature of the governments that are part of the BRICS group. Even with countries that are relatively more open, there were concerns that government engagement with civil society was mostly for show and that it could be difficult for organizations to make meaningful changes in policy. Although this situation is different from contexts where civil society is actively threatened and organizations are afraid to engage in advocacy, it still presents a challenge for organizations attempting to carry out their work. Some concerns were that in situations where there is space for civil society, there is still a risk that it does not translate into meaningful change. This is not necessarily different from what human rights organizations face in the United States, for example, but it was still a concern that was highlighted. Ultimately, the issue of civic space is a complicated one in many places in the world, and BRICS is no exception. Within the group, there is a significant amount of variation in the extent to which civil society organizations are able to engage in advocacy and could depend on a variety of factors, such as which administration is in power at the time. Such nuances should be taken into account in efforts to enhance civil society engagement with BRICS.

6.6 THE UNITED STATES NEEDS A HUMAN RIGHTS-FOCUSED POLICY STRATEGY ON BRICS.

Despite the challenges elaborated above, sources indicated that there is space for the United States and BRICS to engage with each other. The United States has generally not publicly acknowledged the significance of the rise of BRICS,¹⁰⁹ despite the group becoming increasingly influential. The United States should craft a strategy to guide policy on BRICS as a whole, in addition to its bilateral engagement with BRICS countries. Doing so would, among other benefits, communicate that the United States takes the concerns with existing multilateralism as diagnosed by BRICS – and countries seeking to join BRICS – seriously. More delicately, the existence of the NDB means that establishing a US-BRICS strategy could identify where the United States and BRICS complement each other in some areas that could advance human rights through coordinated development investments.¹¹⁰ Researchers have suggested that the United States could focus its efforts to engage more effectively with BRICS on sustainable development, for example.¹¹¹

In addition to these kinds of engagements, sources indicated that it may also be possible for the United States to engage with BRICS countries in other multilateral settings, such as the G20. Because the United States already engages with many BRICS members in these other multilateral settings, it would be efficient and effective for the US to have a strategy on BRICS while engaging in non-BRICS multilateral institutions.

Finally, it is important to note that there are tensions and differing opinions within BRICS, and the BRICS countries are varied in their approaches to human rights issues, so a one-size-fits-all approach will not work in every situation. The United States will often prefer to engage bilaterally, but as some sources suggested, such engagements could be informed by a larger BRICS strategy. Although a US-BRICS strategy would not solve all issues, having a strategy in place would allow the United States to be prepared to effectively engage with the group in the event of a human rights crisis. A solid

¹⁰⁸ C20 Brazil, “About C20,” undated, <https://c20brasil.org/about-c20/>.

¹⁰⁹ See, e.g., Andrea Shalal and David Ljunggren, “White House: US doesn’t see BRICS nations turning into a geopolitical rival,” August 22, 2023, Reuters, <https://www.reuters.com/article/brics-summit-usa-idAFW1N37101P/>.

¹¹⁰ Mihaela Papa and others, “As BRICS cooperation accelerates, is it time for the US to develop a BRICS policy?,” August 18, 2023, Tufts University, <https://fletcher.tufts.edu/news-events/news/brics-cooperation-accelerates-it-time-us-develop-brics-policy>.

¹¹¹ See Mihaela Papa and others, “As BRICS cooperation accelerates, is it time for the US to develop a BRICS policy?,” August 18, 2023, Tufts University, <https://fletcher.tufts.edu/news-events/news/brics-cooperation-accelerates-it-time-us-develop-brics-policy>.

foundation for working with the group could also have benefits for engaging on human rights issues with these countries in the long term.

7. RECOMMENDATIONS

This section examines the opportunities for US policy change to respond to the re-emergence and expansion of BRICS and advances several recommendations for a US-BRICS strategy grounded in human rights.

Based on the findings elaborated above, a US policy analysis regarding the rise of BRICS should include:

1) US policymakers should seek to understand why there is a large demand to join BRICS and recognize the significance of this phenomenon. In particular, the United States should hear the criticisms of countries that are interested in joining BRICS and attempt to understand their desire for reform of the existing international system. As noted above, a deeper discontent with the status quo of the current international system and the United States' outsized position, especially in the UN system, appears to be one of the drivers of the movement toward BRICS. Ultimately, any US-BRICS strategy should be based on an understanding of these valid criticisms and should identify areas where US policy can be accordingly modified and improved.

2) The US should identify ways it can partner with Global South countries on their development needs to advance the ESCR of their citizens. As discussed previously, economic development and poverty alleviation are key areas of focus for the BRICS group and appear to be priorities for countries interested in joining. However, there is a strong perception that ESCR are a lower priority for the United States, compared to civil and political rights. Therefore, dedicating part of the US-BRICS strategy to these themes would demonstrate that the United States is also committed to the kinds of human rights-related issues that are driving this movement toward BRICS. At the same time, when it is engaging with Global South countries on ESCR, the United States should also find ways to push back against attempts to prioritize economic development over human rights. Pushing back on these narratives would serve to strengthen the notion of the universality, indivisibility, interdependence, and interrelatedness of human rights. Doing so could also help shift perceptions of US priorities on human rights and allow it to establish a foundation for future engagement with BRICS – and countries interested in joining the group – on a greater range of human rights themes.

3) The United States should invest in more inclusive multilateral engagement. International cooperation is critical to addressing global threats to human rights, but existing multilateral institutions are losing credibility to do that. Reform of those spaces is a stated priority for BRICS, and the message is clearly appealing to a number of countries seeking to join the group. As BRICS gains geopolitical influence, the United States should assess its role in existing multilateral spaces, like the UN Security Council, and consider the criticisms raised by BRICS and other countries. It should pursue a clear, transparent strategy to constructively support reform efforts and improve these spaces to address the underlying issues driving so many countries to be interested in BRICS, including concerns that the United States holds outsized power in UN systems. The United States should not see the rise of BRICS solely as a threat to that power. Rather, the United States should see these shifts as an opportunity to share power with a range of actors in a meaningful way. There are situations when other countries are better placed than the United States to have a positive impact on human rights, and the United States should welcome other actors to lead on the protection of human rights in these and other situations. Such an approach would provide an entry point for the United States to recognize and respond to the movement toward a multipolar world. Even when the United States is not party to a certain multilateral organization, it is still important to continue to engage on human rights and bolster that organization's ability to address those issues. The legal framework for promoting and protecting human rights is international in nature, and as noted, challenges to human rights often

require international responses. Thus, a US strategy on inclusive multilateralism would be valuable not only because it would be responsive to the challenges identified by BRICS, but also because it would facilitate improved international cooperation on human rights.

In addition to advancing a more inclusive multilateralism, the United States should have a strategy for engaging with BRICS because even spaces where the United States is not present are important for the advancement of human rights; the United States can and should be prepared to engage accordingly.

In terms of concrete recommendations, the US should:

- **Form an interagency BRICS unit.** This group could draw from agencies that have an interest in BRICS or may engage with BRICS countries as a result of their portfolios. The unit could include representatives from the Department of State, USAID, Department of Commerce, the Department of the Treasury, and the National Security Council, among others.
- **Formulate an internal BRICS strategy document that recognizes BRICS as an entity with which the US government should have a human rights-grounded policy and outlines priority areas for doing so.** This strategy need not be a public document, but even an internal strategy would be helpful for coordinating US government actions on these matters. A US-BRICS strategy document should be used to guide policy on BRICS as a whole, but it could also be used to inform bilateral relations with individual BRICS countries.
- **Revamp the US approach to economic, social, and cultural rights.** In particular, US government actors should recognize the universality of human rights, commit to respecting, protecting, and fulfilling ESCR within its own borders, and formulate a meaningful strategy to consistently engage with ESCR globally. This should include working to ratify the ICESCR and recognizing the general comments and recommendations of treaty bodies to which the US is a party that address ESCR obligations reflected in those treaties.
- **Support civil society engagement in other multilateral spaces.** Modeling behaviors for supporting civil society engagement would have a positive impact in these other spaces and may make it more difficult for BRICS countries with repressive governments to prevent civil society from engaging in BRICS summits.

8. CONCLUSION

Moving forward, the United States can and should reimagine its policy towards BRICS and how human rights could play a central role in such a strategy. An evolution in the way that the United States addresses BRICS must consider both short- and long-term changes. The insights presented in this paper and the recommendations outlined above should serve as starting points.

On October 22nd through 24th, BRICS will have its annual summit in Kazan, Russia under the theme “Strengthening Multilateralism for Just Global Development and Security.”¹¹² The United States should take this transition point – the first summit of the expanded BRICS – as an opportunity to adopt a clear, human rights-focused strategy. Doing so would allow the United States to help build a more inclusive multilateralism that is better equipped to address the global challenges that lie ahead.

¹¹² See University of Toronto, “BRICS information centre,” May 8, 2024, <http://www.brics.utoronto.ca/>; BBC, “Brics: What is the group and which countries have joined?,” February 1, 2024, <https://www.bbc.com/news/world-66525474>; Russian Embassy in South Africa, X Post, January 31, 2024, <https://x.com/EmbassyofRussia/status/1752687194999869656>; “The official website of the Russia’s 2024 #BRICS chairmanship has been launched... The motto of #Russia’s BRICS year is Strengthening Multilateralism for Just Global Development and Security.”

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