

BRICS and International Law: A Critical Comparative Analysis of Sovereignty and Non-Intervention Policy

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ABSTRACT

The BRICS group, made up of Brazil, Russia, India, China, and South Africa, has become an influential instrument of international law, especially with respect to its promotion of sovereignty and the policy of non-intervention. The paper discusses both the collective and individual contribution of BRICS countries toward the interpretation and implementation of these principles through a normative juridical perspective. The findings reveal that while BRICS upholds state sovereignty and is against unilateral interventions, huge variations between member states remain because of the diverse historical, cultural, and strategic contexts in which they are situated. Case studies, including Russia's actions in Crimea and China's South China Sea policies, highlight both alignment and contradictions within the bloc. While BRICS contributes to the positive promotion of sovereignty and the espousal of multilateralism in global governance, challenges in terms of incoherent practices and lack of cohesion remain. The present research underlines BRICS' potential to lead a multipolar international legal system in striking a balance between state autonomy and collective responsibility.

Keywords: *Sovereignty, Non-Intervention, BRICS, International Law, Multilateralism*

1. INTRODUCTION

Sovereignty and the principles of non-intervention lie at the heart of international law, in that they allow states to retain authority internally and free from external interference. Both these principles, under the UN Charter, form an important basis for global order. However, their interpretation and application have been contentious, especially as emerging powers seek to assert influence in a multipolar world, creating a tension between respecting state sovereignty and addressing global issues like human rights abuses. Sovereignty, traditionally seen as a state's legal independence and authority over its internal affairs [1], has evolved over time, influenced by historical events such as the Berlin Conference and decolonization, which demonstrate its adaptability to changing global norms [2]. The rise of human rights norms has further redefined sovereignty, allowing for international intervention in cases of human rights violations [1]. Similarly, the principle of non-intervention, which prohibits states from interfering in the internal affairs of others and ensures respect for sovereignty and territorial integrity [3], remains a cornerstone of international law and peaceful relations [4]. However, its application is complex, especially in determining what constitutes domestic affairs and when intervention is justified under international law [3]. These challenges are personified by the R2P doctrine, which involves intervention in severe human rights violation cases, thus challenging conventional concepts of non-interference and pointing out the sovereignty-norms dilemma. This perspective has been supported by several scholars, including [5] and [3].

The BRICS group, made up of Brazil, Russia, India, China, and South Africa, has developed as a powerful coalition within global governance. Challenging the frameworks of the West, this bloc is founded on the principles of state sovereignty and the rule of non-interference, reflecting its members' political, legal, and cultural traditions. Ziero 2015 says it supports a multipolar world order that respects national autonomy. This stance is heavily influenced by the historical experiences of BRICS nations with colonialism and external interference, which shape their strong emphasis on non-intervention [6]. However, the internal diversity of BRICS, encompassing varied political systems and legal traditions, often leads to differing interpretations and applications of sovereignty and non-intervention principles [7]. These differences can result in contradictions as economic and geopolitical interests sometimes override collective aspirations, as seen in the bloc's inconsistent responses to international conflicts and interventions [8]. Despite these challenges, BRICS has made significant efforts to reform global governance structures to better represent the perspectives of the Global South, advocating for changes in institutions like the G20 [8]. With its influence growing and representing nearly one-fifth of the global economy, BRICS positions itself as a spokesperson for developing countries, amplifying their voices in global decision-making processes [9].

This paper examines how BRICS have developed or changed the concept of the principles of sovereignty and non-interference within the framework of international law. It aims at understanding how far the normative juridical approaches taken by BRICS interpret and implement these principles nationally and in multilateral arenas. A comparative analysis will highlight the similarities and differences in their legal doctrines and practices, shedding light on the extent to which BRICS contributes to the evolution of these norms in contemporary international law. The research will also develop a fine-grained understanding of BRICS' influence on the global legal order, especially its implications for state sovereignty, regional stability, and the balance of power in international relations.

The geopolitical changes have increased the need to review the concept of sovereignty and the principle of non-intervention under international law. With the shift in global power dynamics, emerging coalitions such as BRICS are becoming increasingly vocal and challenging the established Western-centric legal order. This emerging reality has made it very important to understand how the BRICS countries interpret and apply these principles collectively and individually in the emerging multipolar world order. Its economic and political growing clout places it at the epicenter of the redefinition of international norms on the future of sovereignty and non-intervention to make these concepts congruent with aspirations and challenges of the Global South. Any meaningful attempts to address such concerns would lead to the much-desired balanced and representative global legal system that will have its gates open to accommodate diverse views with the simultaneous maintenance of stability in the world order.

While BRICS is important in international relations, there is still a dearth of comprehensive scholarly analysis on the way the bloc impacts the principles of sovereignty and non-intervention within international law. The BRICS member states frequently express verbal support for state sovereignty and their opposition to foreign intervention, yet their practice sometimes reveals inconsistencies and other competing priorities. The diverse political, legal, and cultural contexts of the member states further complicate the unified stance on those principles. Moreover, little is known about the impact that BRICS' policies may have on global legal norms and regional stability, hence the gap in the literature. This study fills these gaps by examining how BRICS makes a

contribution to the interpretation and application of sovereignty and non-intervention, analyzing to what extent the bloc develops a multipolar legal order and its possible impact on the balance of power in international relations.

2. LITERATURE REVIEW

2.1 *Sovereignty in International Law*

According to legal theorists such as Jean Bodin and Hugo Grotius, sovereignty refers to the supreme authority that a state has over its territory and domestic affairs without external interference. This principle constitutes the cornerstone of international law and underpins the concept of state equality in the international system. However, other scholars such as [10] consider sovereignty as a relative principle, which is flexible and subjective to political, economic, and cultural construals. With the emergence of globalization and other transnational challenges like climate change and cybersecurity, the concept of traditional sovereignty has been further problematized, with growing calls for its re-conceptualization in the light of changing international law.

2.2 *The Principle of Non-Intervention*

The principle of non-interference supplements the former in that it bars states from intervening in the affairs of other states. Non-interference, according to [11], is a customary international law principle that upholds states' autonomy while fostering peaceful coexistence. However, with humanitarian intervention and R2P, this has also sparked off very contentious debates. Critics argue that such interventions often serve as a pretext for pursuing geopolitical interests at the expense of the sovereignty of weaker states. This tension thus creates a need for a nuanced understanding of the principle of non-intervention in the contemporary international legal framework.

2.3 *BRICS and the Global South Perspective*

The BRICS bloc, made up of Brazil, Russia, India, China, and South Africa, speaks for the Global South in challenging Western hegemony and advancing multipolarity in global governance. Emphasizing sovereignty and non-intervention, BRICS opposes unilateral actions by Western powers, as evidenced by China and Russia's consistent stance against interventions not sanctioned by the UN Security Council [12]. However, differing historical and cultural contexts create complexities within the group—Brazil's pacifism contrasts with Russia's assertive sovereignty [13], and South Africa's human rights focus sometimes conflicts with strict non-interventionism [14]. BRICS also pursues de-dollarization to enhance financial sovereignty and reduce reliance on Western systems [15]. To challenge Western-led structures, the bloc has established entities like the New Development Bank [16] and supports initiatives like the Asian Infrastructure Investment Bank to promote South-South cooperation and counter neoliberal norms [14].

2.4 *Sovereignty and Non-Intervention in Practice*

The BRICS nations demonstrate a complex interplay of sovereignty and non-intervention, reflecting both alignment and divergence in their approaches. Russia's annexation of Crimea in 2014 disregards Ukraine's sovereignty, raising concerns about adherence to international norms, while China's territorial claims and militarization in

the South China Sea similarly challenge established principles of sovereignty [17]. In contrast, India navigates a cautious middle ground, advocating for sovereignty but supporting humanitarian interventions in crises, aligning with its multi-alignment strategy of balancing relationships without forming military alliances [18]. Meanwhile, South Africa's "diplomacy of ubuntu" underscores its commitment to conflict resolution and regional stability, promoting peace through mediation while adhering to non-interventionist principles [17].

2.5 Theoretical Framework: Normative Juridical Analysis

A normative juridical analysis is directed toward understanding the legal principles as an evaluation of their normative and doctrinal contexts. This framework enables an understanding of the interpretive and operational nuances in how BRICS interpret the principles of sovereignty and non-interference. This research places contributions made by BRICS within a general international law framework through perusing treaties, legal doctrines, and policy statements. Further, the analysis develops some comparative perspectives to pick up both the unique and collective contributions of BRICS in reshaping these principles.

While the literature already indicates the influence of BRICS on global governance, scant attention has been directed toward how BRICS performs and influences the principles of sovereignty and non-intervention. Many studies have only focused on either individual states or single geopolitical events. This paper tries to bridge this gap by providing an in-depth analysis of the interpretation, implementation, and impact that BRICS countries have had on these two principles of international law.

3. METHODS

3.1 Research Type

Qualitative in nature, this research focuses on doctrinal analysis of legal principles. The normative juridical method is applied to legal texts and practices within their theoretical and doctrinal contexts to identify patterns, inconsistencies, and innovations in how BRICS nations engage with sovereignty and non-intervention.

3.2 Data Collection

Data collection in this study involves both primary and secondary legal sources. Primary sources include international treaties and conventions, such as the United Nations Charter; official policy documents and statements from BRICS member states; and case studies of international disputes and interventions involving BRICS nations. Secondary sources include scholarly articles, books, and reports on international law, sovereignty, and non-intervention, as well as commentaries on BRICS' foreign policy, their involvement in multilateral forums, and analyses that interpret BRICS' legal and diplomatic standpoints.

3.3 Comparative Analysis

A comparative approach is used to explore the BRICS nations' interpretations and practices in terms of sovereignty and non-intervention. This will be done through both horizontal and vertical comparisons. Horizontal comparison will look into the similarities and differences between the legal doctrines and policies of the BRICS member states, while the vertical comparison will assess the collective stance of BRICS against global legal norms and practices, specifically those espoused by Western powers.

3.4 Analytical Framework

The analytical framework combines legal doctrinal analysis, contextual analysis, and case study analysis for an extensive analysis of BRICS' engagement with sovereignty and intervention. Legal doctrinal analysis considers the principles of sovereignty and non-intervention under international legal instruments and the practice thereof by BRICS countries. Contextual analysis places BRICS' interpretations in their various historical, cultural, and geopolitical milieus to grasp what might motivate their legal and policy positions. Case study analysis will, therefore, examine particular cases where BRICS countries have used sovereignty or non-interference in international disputes, such as the annexation of Crimea by Russia and China's actions in the South China Sea.

4. RESULTS AND DISCUSSION

4.1 Collective Stance of BRICS on Sovereignty and Non-Intervention

BRICS, as a grouping of major emerging economies, has predictably pressed for the primacy of sovereignty and the principle of non-intervention in its multilateral interactions. The group's declarations and policy statements underscore their collective opposition to unilateral interventions—especially those by the Western powers—and a commitment to the promotion of a multipolar global order respectful of the autonomy of states.

Key findings show that BRICS confirms adherence to sovereignty as one of the basic principles of international law. The BRICS bloc stands out for underlining sovereignty as a cornerstone of international law, opposing unauthorized interventions, unilateral sanctions, while seeking multilateral decision-making and the United Nations' centrality in world governance, as was also reflected in the summits of [19] and [20]. Consistently upholding state sovereignty, BRICS argues that interventions without UNSC authorization undermine this principle, reflecting a broader philosophical debate on sovereignty as a pivotal issue in international relations [21]. The bloc promotes multilateralism to counterbalance power dynamics, emphasizing collective decision-making to ensure all states, regardless of size or power, have a voice in international affairs [16]. Additionally, BRICS resists unilateral economic sanctions, asserting that such measures often infringe on the sovereignty of targeted nations, highlighting the bloc's commitment to protecting state autonomy against external pressures [22].

4.2 Divergences in the Understanding and Application of Sovereignty Across BRICS Members

Although BRICS puts up a united front regarding sovereignty and the principle of non-interference, significant divergences persist among its members due to varied historical experiences, political priorities, and strategic objectives.

1. Russia

While Russia strongly advances state sovereignty, it has faced heavy criticism regarding its involvement with Crimea and eastern Ukraine, with Moscow claiming this under the guise of protection for its Russian-speaking populations, using a logic that seems to defy previous conceptions of sovereignty and non-interference. The annexation of Crimea in 2014 epitomizes Russia's grey approach to sovereignty, citing rights of intervention based on cultural and historical ties—a move widely regarded as one in breach of international law. In addition, Russia's position taken in multilateral forums (for example, the United Nations Security Council) exhibits its opposition to interventions in so far as they arguably undermine state sovereignty, primarily those involving Western coalitions.

2. China

For China, there is an immense underpinning of its approach to sovereignty and non-intervention from a historical perspective in the wake of colonial exploitation, right through to the

modern focus on territorial integrity with non-intervention in its domestic affairs pertaining to Taiwan, Tibet, and Xinjiang. This commitment can be realized in China's firm posture on the South China Sea, for instance, when trying to assert its sovereignty from external aggression, even though such has attracted several criticisms globally, especially by the Southeast Asia and Western powers. At multilateral forums, China frequently uses its camaraderie with Russia to defeat UNSC resolutions seen as threats to state sovereignty—a factor further underpinning China's strategic priorities in terms of sovereignty in global governance.

3. India

India's concept of sovereignty represents a fine balance between respect for state autonomy and the selective use of multilateral interventions as support, mirroring India's pragmatism in the realms of global and regional affairs. With India's long history of contributing to United Nations peacekeeping missions, the country demonstrates its willingness to engage in interventions under legitimate international frameworks authorized by the UNSC. This pragmatic balance is further reflected in the realms of Indian foreign policy, whereby involvement in peacekeeping missions demonstrates India's commitment to international stability, while strategic interventions within South Asia seek to guarantee national security and regional stability.

4. Brazil

Although Brazil's adherence to the principle of non-intervention is deeply rooted in its constitutional precepts and its tradition of peaceful coexistence, on occasion, it has supported humanitarian interventions under multilateral auspices. This can be well-illustrated by Brazil's involvement in peacekeeping missions, as in Haiti, that have shown Brazil's support for interventions with a view toward promoting stability and human rights. At the national level, Brazil upholds the principle of sovereignty as an instrument of resistance to foreign political and economic pressures, situating its foreign policy along its greater commitment to autonomy and peaceful engagement.

5. South Africa

South Africa's position on sovereignty and non-interference follows from its post-apartheid commitment to human rights and regional stability, adopting nuanced positions that balance state autonomy with the responsibility to protect vulnerable populations. This is a dual focus that has been clearly expressed in South Africa's mediations of African conflicts, such as those in Zimbabwe and Sudan, and reflects its commitment to regional stability. At the same time as defending the principle of non-intervention, South Africa has supported international mechanisms for the protection of human rights, reflecting an attempt to balance sovereignty with humanitarian concerns.

4.3 Case Studies of BRICS' Engagement with Sovereignty and Non-Intervention

Case Study 1: Russia and Crimea (2014)

Russia's annexation of Crimea illustrates the complexity of sovereignty in BRICS' context. While Moscow justified its actions as protecting cultural and historical ties, this intervention was widely condemned as a violation of Ukraine's sovereignty.

Case Study 2: China and the South China Sea

The South China Sea has become a significant area of controversy regarding China's territorial claims. Beijing insists on its historical rights, while in fact, it violates the sovereignty of other claimant states, which undermines regional stability.

Case Study 3: India and Regional Stability

India's actions in Sri Lanka and its role in the Maldives represent an interesting example of the use of sovereignty to enhance regional stability and diminish external influences.

Case Study 4: South Africa and Mediation Efforts

South Africa's leading role in peacemaking within Africa indicates an attempt at a balance of sovereignty and human rights to regional stability.

4.4 Implications for International Legal Norms

Positive contributions of BRICS towards international law range from support for sovereignty through to promoting a multipolar world. The advocacy by the bloc for sovereignty threatens interventionist practices and advances the autonomy of states in order to counter the current tendency of unilateral actions taken by powerful states. BRICS also underpins multipolar governance through the articulation of multilateralism, which has helped in bringing more equilibrium to global decision-making. In addition, BRICS' opposition to unilateral sanctions helps the cause of developing nations toward greater global equity and against the disproportionate consequences that result from the actions of big powers. In this approach to sovereignty and non-interference, there are major challenges and criticisms of BRICS. Inconsistencies in practice, such as Russia's annexation of Crimea and China's assertiveness in the South China Sea, highlight contradictions in the bloc's adherence to these principles. Moreover, BRICS nations are often perceived as prioritizing national strategic interests over collective principles, undermining their credibility. The limited cohesion within the bloc due to the divergent policies and priorities among its members further erodes its potential to stand united and often diminishes its scope of acting as a cohesive force in shaping global legal norms.

4.5 Theoretical Implications

BRICS' engagement with sovereignty and non-intervention represents one of many tensions between normative principles and practical realities in international law. The bloc itself demonstrates how such principles may be reconstituted through geopolitical and cultural contexts.

CONCLUSION

The study brings into focus the complicated and influential role that BRICS plays in shaping sovereignty and non-intervention within international law. Together, BRICS underlines state sovereignty, advances multilateral governance, and rejects unilateral interventions, mirroring its commitment to a balanced and inclusive global legal system. However, much variation and challenges emanate from the bloc's practices, such as how Russia and China sometimes advance strategic interests in ways that depart from the strict adherence to non-intervention, while Brazil and South Africa adopt more principled positions based on human rights and peaceful coexistence. On the other hand, India strikes a pragmatic balance between sovereignty and regional stability, adding diversity to the bloc but compounding the difficulties of developing a cohesive approach. Support for a multipolar world order and BRICS' stance in resisting interventionist policies also contribute to better global governance through challenging traditional power equations and promoting equity. Yet, inconsistencies in practice, strategic biases, and limited cohesion hinder its ability to fully realize its normative potential. To strengthen its influence and legitimacy, BRICS must address these internal inconsistencies and better align its actions with its stated principles, enabling it to play a transformative role in shaping an equitable and inclusive international legal order.

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