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# Legal Basis for the Development of Social Capital in the Conditions of the State Transition to an Innovative Economy

*Base jurídica para el desarrollo del Capital Social en las condiciones de la Transición del Estado a una Economía Innovadora*

**Ruslan A. ABRAMOV**

ORCID: <http://orcid.org/0000-0002-7381-5214>

ID-Scopus: 56291991700

oef08@mail.ru

*Plekhanov Russian University of Economics, Moscow, Russian Federation*

**Ivan V. MOROZOV**

*Plekhanov Russian University of Economics, Moscow, Russian Federation*

**Maksim S. SOKOLOV**

*Plekhanov Russian University of Economics, Moscow, Russian Federation*

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### ABSTRACT

The Union state-the Union of Russia and Belarus – is the most significant integration project in the CIS space, which marked the change of centrifugal tendencies in the post-Soviet space by centripetal ones. Russia and Belarus were among the first CIS member States to realize the need for close integration. Almost immediately after the collapse of the Soviet Union, Russia and Belarus signed bilateral trade and economic agreements, which recognized the right of the parties to pursue an independent foreign economic policy. Thus, Russia and Belarus were the pioneers of integration processes in the region.

**Keywords:** Integration; legislative activity; regulation; unemployment.

### RESUMEN

El estado de la Unión - la Unión de Rusia y Belarús - es el proyecto de integración más importante en el espacio de la CEI, que marcó el cambio de las tendencias centrifugas en el espacio postsoviético por las centripetas. Rusia y Belarús fueron los primeros miembros de los estados de CEI en darse cuenta de la necesidad de una estrecha integración. Casi inmediatamente después del colapso de la Unión Soviética, Rusia y Bielorrusia firmaron acuerdos comerciales y económicos bilaterales, que reconocían el derecho de las partes a perseguir una política económica extranjera independiente. Así, Rusia y Belarús fueron los pioneros de los procesos de integración en la región.

**Palabras Clave:** Integración; actividad legislativa; regulación; desempleo.

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## INTRODUCTION

On April 2, 1996 the Agreement on the formation of the Community of Russia and Belarus was signed. In accordance with the Treaty, it was decided to create a politically and economically integrated community in order to unite the material and intellectual potential of the two States (Antons and Thampapillai, 2015).

On April 2, 1997 in Moscow the presidents of the two countries signed The Treaty on the Union of Russia and Belarus. In 1997-1998, the formation of the Executive bodies of the Union took place, the first Union programs were developed and implemented. On December 25, 1998 the Declaration On further unity of Belarus and Russia, the Agreement on creation of equal conditions for business entities and the agreement on equal rights of citizens were signed (Petrenko *et al.*, 2016).

On December 8, 1999, the Treaty on the establishment of the Union state was signed in Moscow and a program of action was adopted to implement the provisions of the Treaty. On 26 January 2000, after ratification of the Treaty by the parliaments of the two countries, it entered into force. Thus, the Treaty fulfilled its role: it legitimized the creation of the Union state at the international level. The draft of the Union Constitution was developed, and the next step was to be internal legitimation – the adoption of the constitutional act. However, this did not happen (Symeonides, 2012).

The formed Union state (hereinafter referred to as "SG") is one of the forms of integration in the post-Soviet space, and operates along with other integration entities: the collective security Treaty Organization, the Eurasian economic community, the Customs Union and the Common economic space (Symeonides, 2012).

The Union Treaty covers all spheres of state-building, establishes the basic principles of the division of powers between the Union state and the member States, regulates in detail the powers of the Union bodies, the order of their formation, as well as the main functions and structure of state bodies of the SG. And what is especially important is that the Treaty confirmed the status of Belarusians and Russians as citizens of the United Union state.

## LITERATURE REVIEW

At the same time, based on various formats, it is possible to address those issues that are a stumbling block for a long time. So the format of the "Troika" allowed to solve some complex issues that were not solved within the Union state. In particular, it concerned common rates of customs duties, distribution of customs payments between the budgets of the States (Wiegand and Schulz, 2015). As the Ambassador extraordinary and Plenipotentiary of Belarus to Russia Andrei Kobyakov expressed hope, "it is possible that the problems existing for a long time in the Union state related to the adoption of the constitutional act or the introduction of a single currency can be further solved within the framework of the "Troika" of Belarus, Russia, Kazakhstan"(Kozyrin and Yalbulganov, 2015).

In the future, the CIS member States will start implementing the second stage of the CIS economic development Strategy for the period up to 2020, activating the work on the creation of the interstate innovation space (Muravska and Berlin, 2016).

Labour migration is an important area of economic cooperation. Moreover, given the demographic situation in various CIS countries, the importance of the formation of a common labor market in the future will only increase. At the same time, the process of forming the labor market within the framework of the Common economic space will require the development and adoption of documents on equal access to higher education institutions, equal social guarantees in the field of labor protection, and pensions (Cremona, 2010).

Russia and Belarus are largely in the same position: facing the challenges of the XXI century, Both countries in the context of global competition needs to make the transition to the post-industrial era. Both

countries have many common problems-demographic, migration, fertility, mortality of the able-bodied population.

In these circumstances, the need for mutually beneficial cooperation between the two States in the economic sphere is even more increasing. As, in particular, practice has confirmed, close economic cooperation between Russia and Belarus within the Union state has significantly reduced the impact of the global financial crisis on them (Scharaw, 2018).

At the same time, the cooperation of the two States goes beyond the purely economic perimeter and covers a wider range of issues. The Agreement between the Russian Federation and the Republic of Belarus on cooperation in the field of social security dated 24.01.2006 has been in force on the territories of Russia and Belarus since 2006. In accordance with this Agreement, the procedure for the appointment and payment of benefits for temporary disability and maternity, unemployment and in the case of work injuries, as well as labor and social pensions for citizens of one state working or moving to another state. In addition, the Contract provides for mandatory pension insurance and solves a number of other issues in the field of labor protection (Alavi, 2016).

The development of bilateral relations in the field of education is dynamic. Citizens of the Union state have equal rights to education in our countries. The governments of Russia and Belarus have an Agreement on the mutual recognition and equivalence of education documents, academic degrees and titles of February 27, 1996.the provision of equal rights to higher education contributed to the fact that 20 thousand Belarusians study in higher educational institutions of Russia and 2,000 Russians study in Belarusian universities.

In the last decade, funding for joint scientific research has increased significantly in the SG. If in 2002 17% of the Union budget funds were allocated for research projects, in 2012 – more than 35 %, with an annual budget of 4.8 billion rubles (Vashkevich, 2012).

One of the goals of the Union state is to implement a coordinated social policy. An important reference point in the mutually agreed social policy of Russia and Belarus is the Concept of social development of the Union state.The concept for 2011-2015, approved by the Resolution of the Supreme state Council of the Union state dated 25.11.11 №7, includes fundamentally new sections – environmental and demographic policy, tourism policy, measures to attract young people of both countries to the Union building.

## **METHODOLOGY**

Currently, within the framework of the SG, work is continuing to build a single migration space. The implementation of the Agreement between the Republic of Belarus and the Russian Federation on ensuring equal rights of citizens of the Republic of Belarus and the Russian Federation to freedom of movement, the choice of place of stay and residence in the territories of the member States of the Union state of January 24, 2006 is constantly being analyzed, and the possibility of making changes taking.

This Agreement mutually excludes Russians and Belarusians from the list of foreign citizens and allows citizens of Russia and Belarus to stay in the territory of the Union state for 30 days without performing registration procedures.

A separate unit within the Federal Concept for 2011-2015 included the category of "Migration policy". Taking into account the importance of this topic, the leadership of the SG and the Union parliamentarians supported the proposal to create a new program aimed at the further development of the common migration space, the formation of common approaches in ensuring the protection of the rights and freedoms of citizens of both States.

The Regulations of the parliamentary Assembly of the SG were amended to allow parliamentary requests to be sent, to hold "government hour" and to invite members of the Council Of Ministers of the SG

and heads of state institutions. Thus, for the first time at the 39th session of the Parliamentary Assembly of the Union of Belarus and Russia, reports of the heads of relevant ministries of Russia and Belarus on the implementation of agreements in the field of social policy and in the field of migration legislation were heard (Kembayev, 2009a).

The peculiarity of the geopolitical position of the Union state determines the need to carry out activities and to combat illegal migration. The Ministry of internal Affairs of the Republic of Belarus and the FMS of Russia actively cooperate in this direction and carry out the necessary measures. Russia and Belarus are also part of international structures to combat transnational crime, drug trafficking and illegal migration.

A procedure for the exchange of information on persons temporarily entering the two countries has been developed (Kembayev, 2009b). However, the completeness of the account of the migration movement of the population is rather problematic. Thus, the comparison of statistical data on migration of the state statistics bodies of Russia and Belarus shows the presence of quite significant differences in data on the same migration flows, which indicates the presence of errors in accounting (Settem, 2016).

In this regard, we are currently working on the creation of a unified automated system of registration of foreign citizens who leave, stay, temporarily and permanently residing in the territories of our countries.

Summing up, it can be concluded that within the Union state a number of international agreements have been concluded, which establish that the citizens of SG have equal rights both in Russia and in Belarus (Tsybulenko and Pakhomenko, 2016). These agreements guarantee citizens of both countries a whole set of rights and preferences: without visas and migration cards to move freely on the territory of these countries on an internal passport; without restrictions provided for foreign citizens, to issue a residence permit; to receive free education; to get a job; in a simplified procedure to obtain citizenship. Belarusians and Russians should also be provided with equal conditions in obtaining medical care, in access to the services of medical institutions (Ginsburgs, 1999).

However, as the state Secretary of the SG Grigory Rapota has to admit, "when it comes to law enforcement practice, there are a lot of problems. It is enough to read the letters that come to the address of the Union state, and it will become clear that with the pension provision, and with the admission to universities, not everything is smooth."

More recently, the Russian legislation has been amended to allow labor migrants from Belarus who temporarily stay and enter into labor relations in the territory of the Russian Federation to exercise their pension rights.

## **RESULTS AND DISCUSSION**

However, despite the significant achievements in the field of ensuring equal rights of citizens of the SG, some issues of social insurance remain unresolved. Thus, according to the Russian legislation, the employer does not pay social insurance contributions for citizens of the Republic of Belarus, temporarily staying and working in the Russian Federation. Accordingly, they are not paid temporary disability benefits, child benefits and a number of others.

For these categories of Belarusian citizens, the issue of payment of pensions for the periods of work in Russia from 2001 to 2011 inclusive, when they were not registered in the pension insurance system of the Russian Federation, is also not fully resolved.

At the meeting of the permanent seminar at the parliamentary Assembly of the SG, held in Petrozavodsk in March 2012, recommendations for the legislative activity of the Union Parliament in terms of improving the social security of citizens of the two countries were adopted. It was about medical care and equal access to medicine for all citizens of the Union state, about the real rights to freedom of movement, employment, to receive pensions, which earned no matter where in Russia or Belarus.

The issue of pensions has become a hot topic of discussion. It was noted that law enforcement practice was now and then "stumbled" on the inconsistency of national legislation in this area.

According to G. S. Skachkova, "many provisions of the Program for the implementation of the Provisions of the Treaty on the establishment of the Union state of December 8, 1999 (development of unified laws of the member States in the social and labor sphere, common minimum standards in the field of wages, etc.) have not yet received, unfortunately, their completion."

As the Deputy Secretary of state Of SG I. Bambiza noted, "The agreements within the Union state on the social rights and guarantees of citizens are much ahead of our national legislation and force them to "catch up". He also recommended that the Union deputies carry out an examination of national legislation, so that they are adopted in the member States in the interests of all citizens and do not worsen their situation.

Currently, one of the key areas of work in addition to economic integration is improving the equal rights of Belarusians and Russians. To this end, a base is being built up through which additions to existing agreements will be made. The permanent Committee of the Union state and the relevant ministries and departments of the two countries will have to deal with this seriously (Müller, 2012).

The standing Committee of the Union state monitors the rights of citizens in various areas. In particular, the monitoring revealed that out of 86 Russian regions only 36 gave a positive conclusion about the situation in ensuring equal rights in the field of medical care for Russians and Belarusians.

A number of problems related to the activities of the Union state itself have not been fully resolved. As it was noted at the meeting of deputies and experts of the two countries in the framework of the standing Committee of the SG, these are, in particular, issues related to the property of the Union state, the discipline of execution of Union programs and improvement of the legal framework. According to the participants, the legal system of the Union state should be the key level of Union decisions of direct action, having legal force. The issues of how to build a supranational legal system, how it should develop and relate to national legal systems should be the subject of a new public discourse, the theme of parliamentary and inter-parliamentary discussions. It seems that it would be useful in this regard to refer to the experience of the European Union.

Unfortunately, the Union Constitution was not adopted, i.e. the Union state remained institutionally unfinished. Recently, the designation/terms "Union state" is slowly disappearing from the rhetoric of Russian politicians. Instead, it is pronounced, for example, "our integration Association".

The Belarusian side has concerns that the construction of the Troika's governing and representative bodies may suspend or even absorb the projects already started or planned within the framework of the "two", that new formats and trends will become an excuse for slowing down or curtailing down a number of joint programs. A number of Russian parliamentarians share these concerns.

At the same time, the fact that the first foreign visit of V. Putin after his election as the President of Russia was Minsk, testifies to the special importance of relations for Russia with the closest ally on many integration projects, and first of all, on the Union state. The main result of cooperation in the political sphere, according to the presidents, was the creation of the Union state, in the development of which progress is obvious in all directions. "We do not have a border between the two countries, we have people who move quietly, have equal rights, and the Russians in Belarus, and the Belarusians in Russia, we have a single defense space, common air defense forces, an allied group in the West and much more."

The Union state is not only international treaties and agreements, not only territories, industrial facilities, financial flows and investments. It is, first of all, people. And when the citizens of the two countries will feel fully protected both in labor, social and other spheres, then it will be possible to assert with full justification that the Union state took place.

The state policy of the Russian Federation and the Republic of Belarus in the field of MINES is aimed at stimulating the attraction of foreign firms and foreign investors for the commercialization of civil technologies in the world market of technologies, high-tech goods and services. The potential of domestic science allows countries to participate in international innovation and technological cooperation through the creation of free economic zones or zones of commercialization of their national technologies. The most important aspects from the point of view of the participation of the Russian Federation and the Republic of Belarus in international innovative cooperation include the following:

- export and import of scientific and technical results changes the balance of power between countries and groups, new rapidly developing countries appear on the world stage;
- international innovative cooperation is now becoming a factor for industrialized countries, determining the level of development of science and technology, and ultimately-the overall economic development;
- development, production of components and Assembly is carried out in several States, in this regard, a large number of types of high-tech products lose their belonging to a certain "country-manufacturer";
- assistance is being provided to countries that, for whatever reason, are lagging behind in their development, increasingly in the nature of the technological assistance provided to them;
- globalization of innovation leads to increased social orientation of scientific and technological progress;
- opportunities for mutual access to innovative achievements are being expanded, and collective security is being strengthened;
- science and technology issues occupy an increasingly important place in the activities of international organizations, while new coordinating and national bodies are emerging to ensure the processes of innovative cooperation;
- much more flexible and dynamic are the organizational structures, a significant share of research and development in which is carried out by teams with the participation of experts from different countries.

However, as practice shows, international innovation has some negative consequences, in particular, the tightening of competition in the economy, the increase in the harmful burden on the environment, the growing gap between the leading scientific and technical countries and the rest of the world.

The main strategy of international innovative cooperation between the Russian Federation and the Republic of Belarus should be the growth of global competitiveness of economies, which is now the main factor determining the country's position in the world community.

The aim of innovative development of national economies of the Russian Federation and the Republic of Belarus in 2011-2015 is to create a new technological base, providing a high level of competitiveness of national economies in foreign markets, based on the introduction of new and high technologies with the highest added value, low energy- and the material intensity, contributing to the creation of new types of goods and services, the latest environmentally friendly (clean) materials and products, as well as ensuring the production of traditional goods and services with new properties and parameters, unattainable within the previous technological structures.

The interstate innovative space of the Russian Federation and the Republic of Belarus is primarily a socio-cultural, economic and information environment in which States carry out joint actions for the development of science and technology; the introduction of new technologies in the production, ensuring the production of competitive goods and services in the world market; to combine scientific and technological potential, efforts and resources in new breakthrough areas of research for the sustainable development of

the national economy. Second, it is the community institutions, principles and mechanisms of realization of state scientific-technical and innovation policy, harmonization of public policies, standards and requirements for the formation and implementation of innovative projects, the consistency of the legislation governing the functioning and development of national innovation systems, combined with equal opportunities of use of results of scientific and technological activities in the interests of the States parties and their citizens.

## CONCLUSION

The national innovation activity of the two countries includes a set of legislative, structural and functional components that ensure the development of innovation. Structural components are the private and public sector that are in interaction with each other within the framework of legal and informal norms of behaviour provide and innovate at the scale of States. These organizations operate in all areas related to the innovation process in research and development, education, production, marketing and service of innovations, financing of this process and its legal support.

International innovative cooperation of the Russian Federation and the Republic of Belarus is a modern reproductive activity in the field of innovative research, production and marketing, which is carried out on a contractual basis by organizations and other subjects of law of the two States, designed for a long period and in order to achieve a common economic result.

In the innovation field, there are national tasks, which are worked on by the government authorities, business structures and public organizations. They are engaged in the creation and improvement of mechanisms of organizational, scientific, methodological and financial development and transfer of high technologies at all stages of the innovation cycle, combining the associated innovative production. National authorities are called upon to seek:

- priority development of the high-tech complex as a decisive factor in improving the competitiveness of the national economy, which allows to significantly increase the country's share in the world market of high-tech products, to update the fixed capital on a qualitatively new, truly innovative technological basis;
- formation of scientific and technical complexes (centers), including technological chains that allow to reproduce mainly system products-innovations that can form (expand) their own niches in the world market of high-tech products.
- The main principles of international innovation cooperation include the following:
- equality of interests of the parties, freedom of action and responsibility for the implementation of the conditions of international innovative cooperation;
- respect for national interests, compliance with the legislation of the member States, interstate, intergovernmental and international agreements and treaties;
- harmonization of tools and infrastructure with national and international programmes;
- scientific and technological novelty, usefulness and validity of projects, complexity and system solutions;
- linking activities and projects with existing national programmes to support and develop innovation;
- effective use of financial resources, coordination of financial, material and labor resources for their most effective use;
- the unity of the process of developing an innovative product, its commercialization and bringing high-tech products to foreign markets;
- observance and mutually beneficial coordination of interests of enterprises and organizations,

other legal entities and individuals-participants of international innovative cooperation.

Activities and projects of international innovation cooperation are planned and implemented taking into account consultation and coordination with the existing national programs for support and development of innovative activities and with other programs implemented by intergovernmental and international organizations, which provides the necessary conditions for the development of the Union state of Russia and Belarus, but also for the creation of Single innovative space of the three countries, the Russian Federation, Belarus and Kazakhstan.

Over the years, the most significant achievements have been achieved in the formation of the institutional framework of integration between the Russian Federation and the Republic of Belarus. The main governing institutions have been formed and are functioning: the Supreme state Council, the Council of Ministers and the standing Committee of the Union state, the Parliamentary Assembly of the Union of Russia and Belarus, the Border and Customs committees, the broadcasting organization of the Union state. Russia and Belarus act from a common position in the international arena, jointly strengthen the defense and security of the Union state. The partnership in the field of science, culture, sports and tourism is actively developing. Today, issues related to ensuring equal rights of Russians and Belarusians in the sphere of employment and wages, education, medicine, choice of place of stay and residence have been practically resolved.

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