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## International-legal regulation of socio-economic policy issues in the CIS

In the scientific article discusses actual issues of international legal regulation of the socio-economic policy in the Commonwealth of Independent States. There is important role played by international law in an increasingly integration of states in determining the socio-economic policy. The article analyzes the main international legal instruments, which significantly affected at the socio-economic policy in the CIS and some problems with the implementation of international norms into national legislation.

*Key words:* socio-economic policy, human rights, protection of socio-economic rights, UN, CIS, international pact.

At the end of XX and the beginning of XXI centuries effective social policy was the main attribute of any civilized state. The main objective of social policy is to ensuring stable incomes, providing equal access to health care and the provision of necessary social services. As a necessary section of public policy — social policy is a priority direction of modern nation-building. Article 1 of the Constitution of the Republic of Kazakhstan establishes the legal and social state, which determines the state urged to implement policies aimed at ensuring a certain level of well-being of all its citizens, support for socially disadvantaged groups in society and adoption of social justice. Fundamentals of state social policy are reflected in the Constitution of the Republic of Kazakhstan «Man and the Citizen» by the declaration of the state guarantees, as the right to education (citizens are guaranteed the right to free secondary education, moreover, secondary education is compulsory for citizens of the Republic, as well as there is a right to free higher education on a competitive basis (Art. 30), healthcare (citizens have the right to free, guaranteed, extensive medical assistance Art. 29), and the same in the field of social protection (citizen is guaranteed the minimum wage and pensions, social security in old age, case of illness, disability, loss of a breadwinner and other legal grounds Article 28) [1].

Traditionally, in the economically developed countries social policy issues and ensuring social and economic rights is an essential part of the national economy, the cost of which today make up more than a quarter of gross domestic product. In international practice, most developed socially oriented economic systems have the European Union. That they appeared and developed the first social programs. Thanks to form an effective system of protection of socio-economic rights of the modern European economy have been called socially-oriented. As the experience of Western European countries, the existence of elaborate mechanism of protection of rights, covering all citizens, not only leads to an improvement in their well-being, expands and strengthens the country's human resources, but also contributes to economic growth and stabilization of the political and social situation in the country. Thus, social policy aimed at protecting social and economic rights as a legal and institutional framework has a positive impact on society by promoting social cohesion and ensuring the overall feeling of social safety among its members.

Talking about the social policy of the state, we mean the government's actions aimed at the distribution and redistribution of income and various members of the groups in society. So it is possible to determine social policy in the narrow sense of the word. In a broad sense, social policy is one of the areas of macroeconomic management, designed to ensure social stability and to create, as far as possible, the same «initial conditions» for its citizens. State social policy — a purposeful activity of the state, with its goal of weakening income differentiation, mitigation of conflicts between the participants of the market economy and prevent social conflicts on an economic basis. Through the state social policy in a market economy implemented the principle of social justice, assuming a measure of the alignment property of citizens, creating a system of social guarantees and equal starting conditions for all segments of the population. «It should be emphasized that the essence of international legal regulation of social and economic rights as the main indicator of socio-economic policy is primarily the idea of legal protection highest values of society and the state.» [2].

The strategic goal of social policy is to ensure the right of everyone to a standard of living, including food, clothing, housing, employment, medical care and social services that are required for the health and

well-being of the person and family. Also the right to security in the event unemployment, sickness, disability, widowhood, old age, and in another case of loss of livelihood in cases beyond his circumstances. Such a strategic goal characterizes the state as a social being.

This image of the modern state largely was formed under the influence of democratic constitutions and international law, the latter play an important role in the formation of national legislation aimed at ensuring the implementation and socio-economic rights. In determining their social and economic policy are free to choose international legal mechanisms. Their willingness or unwillingness to sign or accede to international treaties or conventions depends on many factors, including the economic situation of the state and the political will of the political elite of the state. However, assuming the international treaty obligations, states should conscientiously implement them in accordance with the fundamental origin of all legal systems — the principle of *pacta sunt servanda* (treaties must be respected). This universally recognized principle of international law is both a basic condition for the effectiveness of the international mechanism to ensure compliance by States of their obligations in the field of socio-economic rights. The effectiveness of international legal standards depends largely on the effectiveness of the international monitoring mechanism for their implementation. Providing as a means of enforce international norms, the control is in the actions of the subjects of international law on the establishment of the actual situation and its evaluation in terms of compliance with laws and regulations being developed at the international level. One of the main forms of cooperation in the field of socio-economic rights and freedoms is to develop international agreements containing certain standards concerning the legal status of the individual and the obligations of States to adhere to these standards in the domestic legal order. The vast majority of these agreements developed within the framework of the UN. The main purpose of the UN as an international organization is to be an effective mechanism that is able to responsibly at the governmental level to discuss the fundamental problems of world politics, and supportive of, the joint to be a place to find a balance of conflicting, but the real interests of the world community of nations. These provisions are reflected in the Charter of the United Nations, where it was laid the foundation for the development of the principle of the protection of human rights and freedoms, has become today one of the generally recognized principles of international law. UN today carries a variety of activities that aimed at the realization of one of its main statutory objectives — the promotion and protection of human rights. The UN Charter, because of the nature of its legal nature and character, has no specific guaranteed human rights and fundamental freedoms. However, despite this, he still became one of the first major international legal instruments, which raised the question of the need to ensure universal, individual rights, enshrines the principle of universal respect for the rights and freedoms of all individuals, non-discriminatory personality. In order to ensure human rights within the UN has adopted a number of documents and decisions, which emphasizes the legal nature of the obligations of States to respect basic human rights and freedoms in accordance with the Charter. Therefore, a central place in the international system of forms and controls occupies the UN. Normative legal acts of the UN formulated a package of basic human rights, including social, to be contained in the legislation of any state wishing to become civilized. The first in the history of international relations document proclaimed the list of rights and freedoms is the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948. In addition, in 1966, the General Assembly adopted the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. These documents also contains a list of rights and freedoms that should be provided by States Parties to all persons within the jurisdiction, noting that the state will ensure the implementation of the rights recognized in the Covenant, through legislative and other internal measures.

International Covenant on Economic, Social and Cultural Rights on its legal nature is a multilateral international treaty ratified by the majority of UN member states, including the Republic of Kazakhstan. The International Covenant on Economic, Social and Cultural Rights attached list of basic socio-economic rights of each person, which are formulated in more detail than in the Declaration, the circle of those rights more widely and, in addition, the Covenant (as opposed to the Declaration) contain specific obligations of States, ratified the Covenant, to implement the provisions contained therein. According to the legal nature of the Covenants on Human Rights are binding on the states participating in them, unlike the Universal Declaration, which was adopted as a resolution of the General Assembly of the UN and therefore has only advisory in nature. Covenants on Human Rights and other international agreements in this area of the state is obliged to bring a whole range of domestic measures to fulfill its commitments. In a number of international instruments and, in particular, in the UN Charter specifically stresses that States are obliged to take «joint and separate» action in cooperation with the Organization for the promotion of universal respect for and observance

of basic human rights and freedoms (Art. 56 of the UN Charter). The phrase «separate action» is quite obviously means that it is only the state and they are obliged to take measures to comply with the fundamental rights and freedoms.

Concretization of the most important aspects of socio-economic rights was also reflecting in the documents of the International Labor Organization. The International Labor Organization established in 1919 and in 1946 became the first specialized agency of the United Nations, with purpose to questions of international legal regulation of labor. Features characteristic of this organization is that it is attended not only by representatives of the Member States, but as an equal the representatives of workers and representatives of employers in these countries. The General Conference of the ILO to develop and adopt conventions and recommendations on various aspects of social and economic rights. To date, the ILO adopted nearly 200 of these conventions and recommendations. They regulate and concretize almost the entire set of rights enshrined in the International Covenant on Economic, Social, cultural and other rights. So Convention № 122 on Employment Policy, adopted by the General Conference of the ILO in 1964, obliges members to «exercise as a major goal, an active policy designed to promote full, productive and freely chosen employment» (v. 1) [3]. Such policies should contribute to the work of «all who are available for and seeking work» (v. 2). A number of ILO Conventions (Convention № 111 of discrimination in respect of employment and occupation in 1958, the Convention № 100 of equal remuneration for men and women for work of equal value in 1951, and others.) Prohibits discrimination in employment and remuneration, carrying out based on race, color, sex, religion, political opinion, national extraction or social origin. A significant number of ILO Conventions adopted on freedom of association (Convention № 87 Freedom of Association and Protection of the Right to Organize, 1948, № 151 Convention for the Protection of the Right to Organize and procedures for determining conditions of employment in the public service in 1978, and others.). These conventions regulates the creation of workers' rights and protection against all kinds of interference. A number of ILO Conventions prohibits forced labor (Convention № 29 of the Forced Labor Convention, 1931 № 105 Abolition of Forced Labor 1957).

Along with the existing system of universal cooperation of States in the field of human rights, such activities are carrying out based on regional agreements. Regional cooperation complements the shape of universal cooperation and in some ways provides more efficiently the basic human rights and freedoms.

According to Art. 52 and 53 of the Charter of the United Nations, regional organizations created for the peaceful settlement of «local disputes», as well as the application of enforcement measures under the leadership of the Security Council. However, shortly after the adoption of the UN Charter were created the organization, the purpose of which — the protection of the rights and freedoms at the regional level. The oldest regional organization is the Council of Europe. November 4, 1950, the Committee of Ministers of the Council of Europe in Rome adopted the European Convention on Human Rights and Fundamental Freedoms, which entered into force in 1953. In addition, as part of the Council of Europe in 1960 in Turin adopted the European Social Charter, which came into force in 1965. Unlike the Convention, the Charter provides for its implementation system only reports of States parties considered by a specially created for this purpose the Committee of Experts, which laid the international legal basis for the formation of basic standards in the field of socio-economic development of the state. Formed as part of the Council of Europe regional standards of social and economic rights reflect the best practices in the field of social and economic policy, which should be consider in the improvement and reform of the economic system of state and national social security systems [4, 203]. Some CIS countries ratified the European Social Charter that is in full conformity with their domestic law. In addition, international standards of social welfare in the remaining part (eg, anti-poverty, the right to housing, etc.) should be received by the CIS states as benchmarks development of domestic legislation and not as a liability, but due to the lack of economic opportunities for their realization.

Feature of the Charter is that the rules are conditional. In accordance with the Charter to promote and protect social and economic rights, we can only discuss about international cooperation in promoting and encouraging respect for these rights. For example, Art. 20 of the Charter specifies that States Parties undertake: a) to consider Part I of this Charter as a declaration of goals; b) to consider itself bound by at least five of the following articles of Part II of this Charter: Articles 1, 5, 12, 13, 16 and 19. If we take the art. 1 of Part II of the Charter, entitled «Right to work», which, within the meaning of Art. 20 is mandatory, we see that it is not stated in the form of rules that can be applied for judicial protection of the rights of a particular individual, but as a declaration of the goals of the states. There States undertake, for example, recognized as one of the main objectives and responsibilities to achieve and maintain the highest possible and stable level of employment in order to ensure full employment, as well as to organize or expand appropriate vocational guidance, training and retraining of labor.

Globalization of the world economy has a growing influence on the evolution and transformation of socio-economic systems and institutions, the structural characteristics of national and regional economies. In the specific conditions of globalization processes take place in the CIS countries. CIS countries are united not only geopolitical position, but also the continued existence of one state with hard economic ties. Creating CIS acted as a structure-forming factor in the creation of fundamentally new interstate relations while preserving the centuries-old friendship of the nations of the participants. Providing institutional and legal conditions for equitable dialogue and cooperation on complex issues, many of which had no analogues in the world, the Commonwealth thereby fulfilling an important historic mission of promoting a sovereign, independent states, with their own foreign policy model of economic reforms and ways to nation-building.

Legal and organizational basis of the relationship defined by the constituent documents of the CIS, as well as the Constitution, adopted in 1993. On this basis has gradually established an extensive infrastructure of cooperation, which includes the structure of cooperation in the sphere of social and economic policy.

In addition, an important role in cooperation in the field of the formation of social and economic policy and the protection of social and economic rights plays a Charter of social rights and guarantees of citizens of independent states approved the Resolution of the Interparliamentary Assembly of CIS Member States on October 29, 1994. This document contains minimum standards of socio-economic rights, which should be recognized by national legislation of CIS member states. It is necessary to emphasize this feature of the cooperation within the CIS, as a regional human rights instrument adopted by the Member States in the usual manner of international law. The Convention of the Commonwealth of Independent States on Human Rights and Fundamental Freedoms of 26 May 1995, 9 is not fully contain rights provisions in the area of security and the implementation of socio-economic rights, despite the fact that the preamble states have taken note of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966.

Important fact is that the prisoners still in the early days of the CIS multilateral agreements allowed on the background of the big geopolitical changes necessary to ensure the proper functioning of daily life for the people of social mechanisms: the payment of pensions and benefits, work of transport and energy, conservation of free movement in the CIS etc. As international experience shows that regional integration can become an effective response to the challenges of globalization. Its potential CIS countries can use fully and effectively the provided joint adaptation to the geopolitical and geo-economic realities, coordinated participation in solving global economic problems. Favorable prospects for mutual support and coordination of the CIS states in the field of economics and social policy due to the presence of preserved between the countries of the CIS potentially large market, as well as the similarity of reform objectives in the field of socio-economic development. This allows not only to preserve the traditional cost-based socio-economic relations, but also to productively develop them on a new basis [5].

Necessary precondition for socio-economic and political development of each of the countries — participants is to maintain peace and stability in the CIS. One of the policy documents aimed at socio-economic development of the CIS countries is the economic development strategy of the Commonwealth of Independent States for the period to 2020. It was developed in accordance with the provisions of the Concept of further development of the CIS and the Plan of basic measures for its implementation adopted by the Council of CIS Heads of State 5 October 2007 [6]. The strategy is based on the fundamental documents adopted within the Commonwealth, the results of research and analysis of the socio-economic situation in the States — CIS member states in the course of economic reforms and integration processes. In its content strategy is a comprehensive document, which is a system of coordinated States — CIS members' views on the overall objectives, priorities and perspectives of socio-economic development for the deepening of bilateral economic relations and the conversion of the CIS in full significant participant in the international economic relations. The strategy aims to give further impetus to economic cooperation States — CIS member states, sustainable development, economic security, welfare and quality of life based on the synergies and economies of scale, the competitiveness of the national economy — the CIS member states and strengthen their position in the world economic system.

One of the most effective mechanisms aimed at creating a social and economic policy is The agreement of the participating countries — the CIS. One of the first agreements in this area is the «Agreement on the guarantees of the rights of citizens of states-members of the Commonwealth of Independent States in the area of pensions», which was directed at the nationals of pensions the people and their families. The main idea of this agreement is that all costs associated with the implementation of the pension scheme should be borne by the State Security Provider. States-parties to the Agreement have pursued a policy of harmonization

of legislation on pensions. This Agreement established a legal framework for pensions citizens residing in the territory of the CIS excluding labor contribution to the development of a citizen of a State of the CIS.

The priority of the CIS in the formation of social and economic policy is the development of reference and policy documents. These documents include «The concept of the formation of the legal framework mechanisms for the implementation of the welfare state in the Commonwealth accepted on May 31, 2007», «The Concept of coordinated social and demographic policy of the states-members of the Commonwealth of Independent States» [7].

Concept based on the universally recognized norms and principles of international law governing the rights and freedoms of the individual in the social sphere, consistent with the basic provisions of the international instruments adopted by the United Nations and its specialized agencies, including the International Covenant on Economic, Social and Cultural Rights of 16 December 1966. Concept generalizes the experience of interaction states — members of the Commonwealth in the field of coordinated social demographic policy, including the implementation of operating under the CIS multilateral treaties and agreements on certain aspects of it, and is aimed at further development of multilateral cooperation in this area. In developing the concept used in the documents adopted by the Interparliamentary Assembly of States — CIS member states, including the Charter of social rights and guarantees of citizens of independent states on 29 October 1994. As part of the implementation, an additional document constitutes the legal basis for social policy in the CIS countries resulted in recommendations «Main directions of social policy in the states — participants of the CIS» [8; 118].

In terms of active development of bilateral economic relations within the Commonwealth of particular relevance today are issues of strengthening and improving the international institute proceedings in the CIS, carried out by the Economic Court. Due to highly specialized jurisdiction, certain agreements on the status of the CIS Economic Court on July 6, 1992, a number of problems in interstate economic cooperation is not legal permission that prevents full integration processes. It should be recognized that the Economic Court plays an important role in the development of the CIS due to its interpretive authority. Accepting interpretative decision on the request of the CIS, Economic Court promotes not only the domestic law of the CIS (specifying, for example, the functions of its organs), but also the national law of the Member States (for example, decision of the Economic Court of the Commonwealth of Independent States N 01-1 / 2-07 «On the interpretation of the Agreement on the guarantees of the rights of citizens of states — members of the Commonwealth of Independent States in the field of pensions by 13 March 1992» (Adopted in Minsk 26.03.2008).

In the states of the Commonwealth formed legal framework of social and economic policy. However, much remains to be done in the future. First of all, it is necessary to achieve the implementation of the provisions of ratified international treaties in the field of socio-economic rights. Also should ratify a number of documents that contain the international standards for the protection of social and economic rights and freedoms, to consolidate these standards into national legislation, thereby eliminating the potential for conflict with the existing system of international law.

Thus, drawing conclusions we can say that the international legal cooperation of CIS member-states in the field of social and economic policy has a comprehensive legal framework, including both traditional forms of international legal cooperation — an agreement multilateral and bilateral issues, concluded at the intergovernmental level, as well as the original forms, in particular, acts of regional harmonization — recommendation legislative acts adopted by the Interparliamentary Assembly of the CIS member states, as well as the acts adopted in the framework of local integration associations — the Community. In addition, the protection of social and economic rights affect the decision of the Economic Court of the CIS, containing the interpretation of certain provisions of a socio-economic sphere.

## References

1 Конституция Республики Казахстан от 30 августа 1995 г. // [ЭР]. Режим доступа: [http://adilet.zan.kz/rus/docs/K950001000\\_](http://adilet.zan.kz/rus/docs/K950001000_)

2 Базарова Г.С. Роль международно-правовых норм в закреплении и реализации социально-экономических прав // Экономические, юридические и социокультурные аспекты развития регионов: Сб. науч. тр. — Челябинск, 2014. // [ЭР]. Режим доступа: [www.chier.ru](http://www.chier.ru).

3 Конвенция № 122 о политике в области занятости, принятая Генеральной конференцией МОТ в 1964 году // [ЭР]. Режим доступа: [conventions.ru/](http://conventions.ru/)

4 Белова Г. Европейский союз и международное право (продолжение) // Списание «Общество и право». — 2009. — № 2. — С. 203.

5 Международно-правовые гарантии социального государства // [ЭР]. Режим доступа: <http://www.superinf.ru>

6 Стратегия экономического развития Содружества Независимых Государств на период до 2020 года // [ЭР]. Режим доступа: [www.e-cis.info](http://www.e-cis.info)

7 Концепция формирования правовых основ и механизмов реализации социального государства в странах Содружества от 31 мая 2007 года // [ЭР]. Режим доступа: [www.e-cis.info](http://www.e-cis.info)

8 Щепотьев А.В., Яшин С.А. Экономическое и социальное единение стран СНГ // Инновации в управлении и образовании: технико-технологические и методические аспекты: Материалы III Междунар. науч.-практ. конф. / Под общ. ред. В.Д.Киселева, С.Д.Журавлева. — Тула: Филиал ГОУ ВПО «Орловская региональная академия государственной службы» в г. Туле, 2010. — 528 с.

Г.Белова, Г.Базарова

### ТМД-ғы елдеріндегі әлеуметтік-экономикалық саясаттың сұрақтарын халықаралық-құқықтық реттеу

Мақалада Тәуелсіз Мемлекеттер Достастығына қатысушы-мемлекеттер шеңберінде жүргізілетін әлеуметтік-экономикалық саясатты халықаралық-құқықтық реттеудің өзекті мәселелері көтерілген. Қазіргі замандағы мемлекеттер арасындағы интеграциялану үрдісінің артуы жағдайында әлеуметтік-экономикалық саясатты айқындау бойынша халықаралық құқықтық нормалардың маңызы жоғарылап отыр. ТМД мемлекеттерінің әлеуметтік-экономикалық саясатына әсер еткен негізгі халықаралық-құқықтық актілерге және аталмыш актілердің Тәуелсіз Мемлекеттер Достастығының қабылдаған актілері мен модельдік заңнамалары қалыптасуына тигізген ықпалына ғылыми тұрғыдан талдау жасалған.

Г.Белова, Г.Базарова

### Международно-правовая регламентация вопросов социально-экономической политики в странах СНГ

В статье рассматриваются актуальные вопросы международно-правового регулирования социально-экономической политики в странах Содружества Независимых Государств. Отмечено, что в условиях возрастающей интеграции в современных государствах при определении социально-экономической политики все более важную роль играют нормы международного права. В статье проанализированы основные международно-правовые документы, которые существенно повлияли на социально-экономическую политику стран СНГ, на основе которых были приняты акты и модельные законы.

### References

- 1 *The Constitution of the Republic of Kazakhstan*, adopted on August 30, 1995, [http://adilet.zan.kz/rus/docs/K950001000\\_](http://adilet.zan.kz/rus/docs/K950001000_)
- 2 Bazarova G.S. *Economic, legal and socio-cultural aspects of regional development*, Collection of Scientific Works, Chelyabinsk, 2014. [www.chiep.ru](http://www.chiep.ru)
- 3 *Convention № 122 on Employment Policy*, adopted by the General Conference of the ILO in 1964, [conventions.iilo.org/](http://conventions.iilo.org/)
- 4 Belova G. *Society and Law*, 2009, 2, p. 203.
- 5 *International legal guarantees of the welfare state*, <http://www.superinf.ru>
- 6 *Strategy of Economic Development of the Commonwealth of Independent States for the period up to 2020*, [www.e-cis.info](http://www.e-cis.info)
- 7 *The concept of producing a legal framework mechanisms for the implementation of the welfare state in the Commonwealth of May 31, 2007*, [www.e-cis.info](http://www.e-cis.info)
- 8 Shepotev A.V., Yashin S.A. *Innovations in management and education: technical, technological and methodological aspects*: Proceedings of the Intern. Scient. Conf., Ed. V.D.Kiseleva, S.D.Zhuravlev, Tula: Branch GOU VPO «Orel Regional Academy of Public Administration» in Tula, 2010, 528 p.