

*Daulet L. Baideldynov**

**EXPERIENCE OF EUROPEAN INTEGRATION
IN THE FORMER SOVIET UNION:
POLITICAL AND LEGAL ASPECTS**

ABSTRACT

The article is devoted to the political and legal analysis of integration processes in the post-Soviet states – Russia, Kazakhstan and Belarus. It reviews the activities of the Customs Union and its economic and political expediency, as well as the creation and functioning of the Eurasian Economic Union. The author has revealed the reasons for the ineffectiveness of the EAEC activities and proposed a number of legal, political and economic measures to improve it. The paper provides examples of internal economic and political contradictions of the Eurasian Economic Union and offers a legal mechanism to resolve them, and further regulation on the basis of creating a single legal space.

Keywords: integration, a single economic space, customs duties, the Customs Union, the Eurasian Economic Union, the Customs Code

* Al-Farabi Kazakh National University.

'From the moment of independence finding, the Republic of Kazakhstan builds economy of the state of open type. Within more than twenty years came to the market of Kazakhstan and successfully tens the largest world companies of oil and gas and mining sector, one hundred foreign companies of a metallurgical, construction profile and other directions work. Stimulating own ecological interests, our state creates new integration forms of interstate education. Undoubtedly, such innovation is the Euroasian Economic Union (EEU) which activity began since January 1, 2015 and where the member is the Republic of Kazakhstan. We know that creation of EEU was preceded by long work approbation of economic relations of Russia, Belarus and Kazakhstan within EurAsEC. This period took nearly 15 years. At this time the Customs Union was formed, was created and the Economic Commission functions Euroasian. And though to activity of EEU there are a lot more questions, in general this form economic integration has to yield positive results.

The idea of creation of the general interstate space, with uniform customs a zone, freedom of passport movement, single interstate currency isn't new. It is perfectly realized in activity of the European Union. The European Union is a unique interstate education which for rather small period could build system of the all-European legislative, executive, judicial authorities of the power and management. The general system of laws, a common market is created, rules the guaranteeing freedoms of movement of citizens, cancellation of passport control, the free movement of goods, the capital and services are established.

The European Union adopts laws (directives, acts and resolutions) in the sphere of justice and internal affairs, and also develops the general policy in the field of trade, agriculture, fishery and regional development.

Actually, the European Union is subject of the international public law and has powers on participation in the international relations and the conclusion of international treaties. The general foreign policy and a security policy providing carrying out the coordinated foreign and defensive policy is created. Worldwide the continuous diplomatic EU Missions are founded, representations in the United Nations, the WTO, the Group of Eight and Group of twenty work. Delegations of the EU are headed by ambassadors of the EU.

The financial mechanism providing monetary calculations between the states is introduction of single official currency of the European Union – euro. The eurozone which started functioning since January 1, 1999, includes the following states today: Austria, Belgium, Cyprus, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Spain, Slovakia, and Estonia.

Total number of the population of data of the states – 328 million. The states, being a part of the eurozone, officially all powers in the field of a monetary policy, including decisions on the amount of issue of bank notes and level of a key interest rate transfer to the European Central Bank.

Within the European Union interstate bodies of authority and management function. The legislature is represented by the European Parliament, executive power is possible on the European Commission, and judicial authority – on the Supreme Court of the European Union. The supreme political body of the European Union is the Council of Europe which part heads of state and government of member countries of the European Union are. Thus the history of creation of the European interstate bodies begins since 1957 when the European Parliament was formed.

Today the European Union became the first and the only regional interstate association in the world which consistently realized the following stages of economic and political integration:

- general free trade zone;
- general zone of the Customs union;
- common market;
- zone of a uniform passport system and freedom of movement;
- zone of single European currency.

In recent years the Republic of Kazakhstan actively participates in economic integration processes with Russian Federations and Republic of Belarus. Political factors, internal and external character have impact on this not simple process. Despite difficulties, development of integration goes progressively. Actual, during the period from 2000 to 2014 conditions by training of the Euroasian Economic Community (EurAsEC) were created. From the legal point of view, it was expressed in adoption of the Customs Code which took effect in all territory of the Customs Union since July 6, 2010. Since July 1, 2011 on borders of Russia, Kazakhstan and

Belarus customs control which was transferred to an external contour of limits of the Customs union is cancelled.

The Customs union of EEU – the form of trade and economic integration of Belarus, Kazakhstan, Russia, Armenia and Kyrgyzstan providing the uniform customs territory within which in mutual trade in goods the customs duties and restrictions of economic character, except for special protective, anti-dumping and countervailing measures aren't applied.

Merger of the states within uniform customs space is involved, in – the first stage, economic targets. This strengthening and all-round development of economic and economic relations between our states.

Thus it should be noted that characteristics of the states entering into EurAsEC are qualitatively various. So, the territory of Russia – 17 125 187 sq. km, population – 146 270 033 people, GDP per capita – 14 591 dollars. The territory of Belarus – 207 600 sq. km, population – 9 466 000 people, GDP per capita 7664 dollars. Territory of Kazakhstan – 2 724 902 sq. km, population of – 17 417 447 people, GDP per capita 12 456 dollars. The territory of Kyrgyzstan – 198 500 sq. km, population – 5 776 570 people, GDP per capita 1 160 dollars. The territory of Armenia – 29 743 sq. km, population – 3 017.1 thousand people, GDP per capita 3351.63 dollars.

Association in uniform customs and economic space, according to the leaders of our states, has to create the extremely favorable conditions for sharp economic growth. Legal integration of member states of EurAsEC it was expressed in adoption of the uniform statutory act – the Customs Code. But this fact can be considered only as the beginning.

On September 23, 2011 the Council of ministers of justice of member states of EurAsEC accepted historical, from the right and political point of view, the decision. «This decision assumed as a basis the Concept of development of the civil legislation of member states of EurAsEC and it is entrusted to begin the commissions of Council of ministers of justice development of the project of Bases of the civil legislation of member states of EurAsEC (further – Bases of the civil legislation)». (Suleymenov M.K. Problems of standardization of the civil legislation within the Customs union). That is, we see as our states including the Republic of Kazakhstan, proceeding from integration processes, accepts active speed up in creation of uniform legal base for the states of the Customs union.

The general laws of development of legal system have uniform regularities. Development of one branch of the right without corresponding changes other branches of the right is impossible. In our opinion, if the states of the Customs union create the uniform civil legislation – given legislations won't be able effectively to function if it isn't supported with standards of criminal, administrative and other legislation.

Perhaps emergence, any new forms of participation of the Russian users of nature in the territory of Kazakhstan or Kazakhstan the companies in the territory of Russia. Thus uniform the general ecological legislations, characteristic for all three states will promote effective activity of these processes.

Continuing integration processes, heads of our states in Astana signed on May 29, 2014 the Contract on creation of the Euroasian economic Union (EEU) which starts working since January 1, 2015. Members of the Union are Armenia, Belarus, Kazakhstan, Kyrgyzstan (since May 1, 2015), Russia.

What ideas are put by founders of EEU?

In our opinion, it is possible to note the following here:

- Creation of uniform customs space;
- Creation uniform trade space;
- Creation of interstate governing bodies and interaction;
- Creation of a uniform zone of collective security from armed conflicts;
- Creation of single regional currency.

This list, undoubtedly, could be continued proceeding from political ambitions, economic feasibility and realities of our life. According to the author of this article, there are here no negative moments if it doesn't concern fundamental bases of statehood of Kazakhstan.

It is necessary to tell that events in the Republic of Ukraine substantially influenced decrease of the activity of integration processes. So, the Republics Moldova, Azerbaijan, Tajikistan don't consider a question of performance in EEU.

On December 8, 2011 the president of Uzbekistan Islam Karimov declared that that «in the former Soviet Union forces which seek to excite by various fictions nostalgia on the Soviet past become more active, thus

forgetting about totalitarian essence of the Soviet empire», and Uzbekistan won't be will join interstate associations if in the ratio them "it isn't excluded that they will be beyond economic interests and will get political coloring and the contents that in turn can negatively influence already established connection and cooperation of members of an objedeniye with other external partners.

It should be noted that a position of the President of Uzbekistan since then especially didn't change.

Political opposition of Russia and the West affected an economic situation of member states of EEU. On August 6, 2014 the President of the Russian Federation Putin V.V. signed the Decree «About Application of Separate Special Economic Measures for Safety of Russia». The decree came into force from the moment of its signing. He forbids or limits import of agricultural products, raw materials and food of the states of the European Union, the USA, Canada, Japan, Australia and some other countries for a year.

As it is possible to note, Russia conducts trade sanctions in relation to the European states independently. But being the member of the Customs Union, it indirectly influences customs rules of Kazakhstan and Belarus. So, production delivered from Europe to Kazakhstan can't get on the territory of Russia.

Other example, on November 25, 2014 Russia forbade almost all volume of import of the Belarusian meat to Russia – about 400 тысяч tons. At the same time Russian side declared toughening of control of the goods stopping (Belarusian) border in spite of the fact that in the Customs Union the simplified rules of transportation of goods formally work.

Observers note that the mechanism of the Customs union and the mechanism of re-export of the forbidden goods from Evplova very well are combined. For example, according to RBC, for 2014 fish the import to Russia from Belarus which doesn't have an outlet to the sea grew by 98%.

December 2, 2014: The president of Belarus A.G. Lukashenko expressed indignation customs a ban from Russia: Lukashenko also called a ban of transit of goods (from Evplova through Belarus) «violation of all norms of international law». Observers also note that in the agreement on ratifica-

tion of the Euroasian union there is a reservation according to which Belarus cannot observe the contract if Russia doesn't lift a limit in trade and movement of goods.

January 1, 2015: in breach of contract of EEU, Belarus returned border control on the Russian border. The Belarusian authorities declared plans to refuse ruble, and calculations with Russia and to return to US dollars. According to the Russian experts, such succession of events can endanger regional integration.

The Ministry of Energy of the Republic of Kazakhstan since March, 2015 in «to the purposes ensuring the energy security connected with possibility of a stop of the largest oil refineries because of the having surplus of the oil products delivered from the Russian Federation» (Capital.kz) imposed a conventional ban on import of fuels and lubricants from Russia. This measure, the Republic of Kazakhstan interferes with intake of gasoline from the Russian Federation which is cheaper at the cost of the Kazakhstan gasoline and is the competitor for oil refineries of Kazakhstan.

If the Government of Kazakhstan can take similar measures for gasoline why it can't make the Government of Russia or the Government of Belarus on other product, service or a question? And if can, why to raise a question of the uniform Customs Union, of uniform trade space which can will stop being uniform if it isn't favorable to one of the parties.

It is represented to us that all economic and political risks, and also their legal consequences, the participating parties of EEU had to define before signing of the contract on creation of EEU.

These facts show, integration process is so difficult and unpredictable. And despite rather visible economic feasibility, as a result of political ambitions the uniform legal system of EEU all developed, accepted, coordinated and approved can render to the impracticable. Besides, levers and methods of impact on participants of EEU on implementation of the Agreement have only contractual character.

In general, despite difficult political processes, subjective factors which slow down or on the contrary make active integration efforts of the states, the organizational legal mechanism of creation of the European Union is rather similar. Passes the same stages which already there passed the EU therefore experience of the European integration is important for

development of our states, especially for the Republic of Kazakhstan in the development and formation of EEU.

BIBLIOGRAPHY

- Договор о создании Евразийского экономического союза подписан в Астане.* (2014, 29 мая). Retrieved from <http://tengrinews.kz>
- Казахстан с марта введет запрет на импорт ГСМ из России.* (2015, 2 марта). Retrieved from Kapital.kz
- Константинов, С. (2015, 12, марта). Деньги к деньгам. *Литер*, 46.
- Лукашенко: Москва нарушает правила Таможенного союза.* (2014, 3 декабря). Retrieved from <http://www.bbc.co.uk>
- Почему Россия запретила белорусское мясо?.* (2014, 26 ноября). Retrieved from <http://www.bbc.co.uk>
- Президент Узбекистана Ислам Каримов выступил против интеграционного процесса, инициированного Россией. (2011, 14 декабря). *Международное агентство новостей «Фергана».*
- Сулейменов, М.К. (2011). *Гражданское право: вызовы времени, Сборник статей конференции.* Алматы.
- Таможенный союз ЕАЭС, Внутренние конфликты* (n.d.). Retrieved from <https://ru.wikipedia>