

LEGAL REGULATION OF MEASURES TO SUPPORT SMALL AND MEDIUM-SIZED ENTERPRISES WITHIN THE FRAMEWORK OF THE SHANGHAI COOPERATION ORGANIZATION

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The subject of this study is social relations that develop within the framework of regulating measures to support small and medium-sized enterprises (SMEs) in the Shanghai Cooperation Organization (SCO). The hypothesis of the study is that legal and organizational mechanisms of SME support, implemented at the organizational level, can stimulate entrepreneurial activity, foster economic development among SCO member states, and strengthen international cooperation in this important and topical area.

The study relies on general scientific and specialized research methods. General scientific methods include analysis, synthesis, the inductive-deductive method, the systems thinking method, comparison, among others. Specialized methods comprise the comparative legal method, the historical legal method, analysis of regulatory acts, and analysis of law implementation practice.

The study concludes that joint efforts of SCO member states are crucial for SME development and recommends improving legal and organizational support mechanisms to boost entrepreneurship. Key points include: addressing legal gaps through interstate cooperation, supporting SMEs at both national and international levels, differing national SME regulations, the SCO's role in providing legal and organizational foundations, the need for an international treaty due to stronger organizational mechanisms, and the establishment of a specialized SME body to enhance existing structures' effectiveness.

1. Introduction

Small and medium-sized enterprises (SMEs or SMBs) play a key role in the development of national economies [1, p. 154], contributing to production growth, increased employment, and higher living standards. The global market offers SMEs opportunities for expansion, diversification, and greater resilience, as international cooperation, including cooperation among states [2, p. 33], provides access to profitable contracts, new partners, best practices, and technological innovation. Unlike large corporations, SMEs lack the resources required to be fully involved in the process of internationalisation. For this reason, legal and organisational support instruments aimed at creating a favourable environment for SMBs are particularly important. In the context of global economic transformations and contemporary integration processes, special attention is paid to the support and promotion of SME development. As an international organisation that brings together some of the region's most influential economies, the Shanghai Cooperation Organisation (SCO) is actively engaged in addressing this crucial issue.

2. The SCO and the Goals of SME Support

One of the SCO's key areas of activity for many years has been the strengthening of trade and economic relations between its member states [3, p. 133], making it a key platform for the development of infrastructural interconnections, trade facilitation, and regional economic integration [4, p. 160]. SME development receives particular attention within this field¹. Economic relations between SCO members had long remained strictly bilateral. However, this changed in 2019, when SCO member states approved a new multilateral trade and economic cooperation programme until 2035. Among other objectives, the

programme is designed to facilitate international cooperation among SMEs. The need for SME development is identified in the 2021 Dushanbe Declaration as part of the SCO's overall growth agenda. Notably, the Declaration addresses SME support in a dedicated section titled "Small and Medium-Sized Business" (Section 4.6), placed alongside other major areas of interstate cooperation. Although the document is advisory in nature, it contains an essential ideological component—a commitment to creating conditions for direct interaction between economic entities and business communities within the SCO. The trend toward extending the SCO's engagement with SMEs is further reflected in the Astana Declaration of 4 July 2024², which recognises the significance of institutional mechanisms for SME support.

3. Legal Regulation of SME Activities in SCO Member States

Approaches to defining SMEs vary across the SCO. However, most of its member states rely on two criteria (quantitative and financial), while India, Uzbekistan, and Tajikistan only apply the financial criterion—one that is not used in Iran. A comparison of the criteria in Kazakhstan and Russia shows that the former's quantitative criterion is twice as low, while its qualitative criterion is formulated more clearly [5, p. 28]. In several countries, particularly China, SMEs are divided into subcategories to ensure more targeted allocation of support measures. For example, small low-profit enterprises are subject to a reduced corporate income tax rate [6, p. 87]. Pakistan's legislation does not differentiate between small and medium-sized businesses; SMEs constitute a single category that must meet three basic requirements: a workforce up to 250 employees, annual sales not exceeding

¹ Joint Communiqué following the 21st Meeting of the SCO Heads of Government (Prime Ministers) Council of 1 November 2022. Shanghai Cooperation Organisation. URL: <https://rus.sectsc.org/economy/> (date of access: 11 March 2025).

² Astana Declaration of the Council of Heads of State of the SCO of 4 July 2024. Shanghai Cooperation Organisation. URL: <http://www.kremlin.ru/supplement/6163> (date of access: 11 March 2025).

250 million rupees, and authorised capital of no more than 25 million rupees [7, p. 229]. According to the State Bank of Pakistan’s classification, a small enterprise is defined as an organisation with no more than 50 employees, while a medium-sized enterprise is one with up to 250 employees [8, p. 156]. More detailed information on SME classification criteria is provided in Table 1.

Criteria for Classifying Enterprises as SMEs in SCO Member States

Country	Small enterprises		Medium enterprises	
	Quantitative criterion	Financial criterion	Quantitative criterion	Financial criterion
Russia	100	800	250	2 000
China	100	253	999	5
Kazakhstan	100	115	250	1 000
Kyrgyzstan	50	8	250	30
Tajikistan	–	4	–	120
Uzbekistan	–	72	–	722
Pakistan	50	83	250	83
India	–	548	–	2 700
Iran	50	–	99	–
Belarus	100	–	250	–

Note. The quantitative criterion refers to the total number of employees (unit of measurement: persons). The financial criterion refers to the maximum turnover of the enterprise (unit of measurement: million of Russian rubles at the May 2024 exchange rate)

Despite the widespread presence of small enterprises in various sectors of the economy [9], SME development at the national level continues to face a range of institutional, legal, and non-regulatory obstacles. These include ineffective development institutions, financial constraints, difficulties in understanding tax legislation [10, p. 2; 11, p. 4; 12, p. 64], insufficiently developed logistics services, consulting units, business centres, and business incubators, as well as an excessive number of supervisory bodies [13, p. 463]. Although these barriers pertain to national legal systems, some of them could potentially be addressed at the international level. The SCO platform may serve as an instrument for tackling these issues.

4. Legal and Organisational Measures to Support

SMEs within the SCO

Legal Mechanisms of SME Support within the SCO

Although the SCO’s regulatory framework in the field of trade and economic relations accounts for only 7% of its overall legal framework [14, p. 116], the existing documents play a major role in fostering cooperation among the member states.

The Qingdao Declaration of the Council of Heads of State of the SCO³ includes provisions aimed at supporting entrepreneurs. The Programme of Multilateral Trade and Economic Cooperation of the SCO Member States until 2035⁴ sets out the main strategic priorities, including sharing experience in creating a favourable business environment that promotes lawful entrepreneurship and reduces the shadow economy; sharing experience and information regarding SME support; and ensuring conditions for successful SME integration.

The Statement of the SCO Heads of State Council on Ensuring Reliable, Sustainable, and Diversified Supply Chains⁵ identifies SME support as an independent priority that contributes to the expansion of mutual trade in the context of developing e-commerce potential. In the field of e-commerce, cooperation is carried out in a bilateral format [15, p. 168]. In May 2024, Russian Railways and Kazakhstan Temir Zholy signed an agreement on strategic cooperation in the development of transport corridors, infrastructure, science, technology, innovation, and workforce training⁶. Although SCO legal documents are intended to strengthen cooperation in this area, certain barriers remain. For example, there is still no legal basis for establishing common customs control rules. Work continues on an agreement on the mutual promotion

³ Qingdao Declaration of the Council of Heads of State of the SCO of 10 June 2018. President of Russia. URL: <http://www.kremlin.ru/supplement/5315> (date of access: 11 March 2025).

⁴ Programme of Multilateral Trade and Economic Cooperation of the SCO Member States until 2035. Ministry of Economic Development of the Russian Federation. URL: <https://economy.gov.ru/> (date of access: 11 March 2025).

⁵ Statement of the SCO Heads of State Council on Ensuring Reliable, Sustainable, and Diversified Supply Chains of 16 September 2022. Shanghai Cooperation Organisation. URL: <http://rus.sectSCO.org/documents/> (date of access: 11 March 2025).

⁶ Russian Railways and “Kazakhstan Temir Zholy” Agree on Strategic Cooperation. Russian Railways. URL: <https://company.rzd.ru> (date of access: 11 March 2025).

and protection of investment to further refine the legislative framework and ensure favourable conditions for cooperation in the field of trade and investment [16, p. 481].

In accordance with the Concept of Cooperation of the SCO Member States in Digitalisation and ICT (2019) and the Statement of the SCO Heads of State Council on Cooperation in the Digital Economy (2020), a digital business platform was proposed in 2021 to ensure continuity of economic operations between SCO member states. The development of legal services for commercial interaction within the Single Window system helps to minimise the risk of law violations while also reducing financial and time costs [17, p. 57].

The relationship between SCO acts and national legislation is crucial to the SCO's effectiveness. SCO acts fall into the category of "soft law" [18, p. 2] and therefore are of limited binding force. While enhancing the adaptability of measures, this flexibility also complicates the elimination of barriers and the implementation of joint projects. It is likewise worth considering whether international or national law has primacy. For instance, Kazakhstan, Kyrgyzstan, and Tajikistan recognise the primacy of international law, whereas Pakistan and Iran prioritise national legislation. China employs a conflict-of-laws rule that requires the application of international legal norms in cases where they contradict domestic law [19, p. 175]. Although most SCO member states recognise the primacy of international law, domestic ratification procedures and other barriers may impede the application of international treaty norms.

The legal frameworks of the member states and the SCO are interdependent, which stems from the need to account for the interests of political and regional actors and produces both positive and negative effects. The levels of economic development vary among SCO member states, influencing the types of policies and strategies they would be willing to pursue and subsequently codify in the form of international legislation [20, p. 253]. Since decision-making is based on consensus, substantial effort is required to develop legal mechanisms that take into account the political context, balancing the interests of competing states, particularly India and China [14, p. 22]. An important future step could be the conclusion of an international treaty on SME support at the SCO level.

Organisational Foundations of SME Support within the SCO

The bilateral development of the legal framework is reflected in the corresponding organisational foundations. Just as states form institutional mechanisms at the supranational level, they also establish specialised

bodies domestically. For instance, China has set up comprehensive mechanisms for cooperation with the SCO, such as the China-SCO International Judicial Exchange and Training Centre and the China-SCO Legal Service Committee [3, p. 169].

At the SCO level, several institutions play a crucial role in supporting SMEs: the SCO Business Council (BC), the SCO Interbank Consortium (IBC), and the SCO Youth Council (YC).

2021 saw the adoption of Protocol No. 22 of the BC board meeting, which outlines measures to stimulate the development of bilateral initiatives and commercial projects. Under BC's supervision, a fund investing in non-profit organisations was established, and an SCO electronic exchange platform was launched. The business representatives of the member states compiled a list of projects promoting multilateral cooperation.

Within the IBC, cooperation spans a broad range of areas; banking and financial services are carried out through bilateral and other forms of cooperation. The primary objectives of lending include the support of SMB development.

One of the key results of the YC's work has been the establishment of the SCO Youth Business Incubator, especially relevant to SME support as it facilitates finding partners and investors for joint international business projects, strengthens cooperation among the member states, and enhances integration processes.

There are also other forms of cooperation, highlighted in the 2021 Statement of the SCO Heads of State⁷. Notable among these is the Young Scientists Conclave, addressing issues in agriculture, artificial intelligence, sustainable energy production, and other fields, which holds particular importance for small industrial enterprises seeking to reduce costs and improve economic performance.

The SCO Startup Forum intends to expand cooperation among startups from the member states, foster innovation, and inspire young talent to develop new solutions through shared platforms and the exchange of best practices and ideas. Also noteworthy is the SCO Technopark and Innovation Cluster Pool, aimed in part at the implementation of the Programme of Multilateral Trade and Economic Cooperation until 2035, thereby advancing cooperation among the leading technoparks of the SCO countries.

⁷ Statement of the Council of Heads of State of the SCO on Strengthening Cooperation in Science, Technology, and Innovation // Shanghai Cooperation Organisation: Business Council. <http://bcscor.ru> (date of access: 11 March 2025).

It is evident that cooperation within the SCO is developing with a strong emphasis on the institutional foundations of interstate political and economic collaboration. Although the SCO has institutional mechanisms in place, a specialised body dedicated to SME development has yet to be established, due to the SCO's broad mandate and diverse economic priorities. The absence of such a body complicates coordination among existing institutions, as some of their functions overlap, which in turn leads to fragmented efforts and reduced effectiveness regarding SME support and development. Establishing a specialised body therefore appears to be a reasonable step for advancing this area.

5. International Cooperation for SME Support within the SCO

The SCO's official documents confirm the relevance of its cooperation with other international intergovernmental bodies for the purpose of sharing experience and developing additional forms of collaboration [21, p. 1]. Among the SCO's key partner organisations, whose interaction with the SCO merits more detailed examination, are the EAEU and BRICS [22, p. 11].

The states that belong both to the SCO and the EAEU share goals directed at tackling international and regional challenges [23, p. 64]. In 2021, the Eurasian Economic Commission and the SCO Secretariat signed a Memorandum of Understanding, which does not constitute an international treaty in terms of its legal properties; this memorandum underscores the intention to establish dialogue in order to develop mutually beneficial economic cooperation. In 2023, the 15th International Economic Forum "Integration Dialogue: CIS, EAEU, SCO, BRICS" was held, during which eight agreements were signed. The CIS Business Centre supported the draft Declaration on Business Cooperation in Greater Eurasia, which emphasizes the need for a unified approach to economic development, the creation of a common economic and digital space, and the strengthening of ties between the businesses across the continent. Developing a roadmap for the memorandum helps accelerate the implementation of the SCO and EAEU's joint initiatives. Participation in dialogue and project-based cooperation between the Business Councils of the EAEU and the SCO plays an important role in this process, since many of their members have extensive experience in bilateral cooperation. An effective future coordination mechanism to facilitate business cooperation within the SCO and the EAEU would envisage a database of current projects and reliability checks of organisations seeking partnerships.

The prospects for economic cooperation between

the SCO and BRICS depend on several factors, including the economic growth of these organisations, cooperation across various sectors of the economy, the potential for investment collaboration, as well as resource and ideological factors [24, p. 114]. Practical cooperation between the SCO and BRICS began with a meeting of the leaders of the respective member states in 2015 [25, p. 179]. Regular contacts between the BRICS and SCO BCs were established, as was the annual Small Business Forum [26, p. 165]. The forum brings together representatives of international organisations and specialised ministries, experts, and members of various business structures. One of the most promising areas of cooperation is supporting businesses of the member states operating within the jurisdiction of the partner association. Furthermore, the potential for joint initiatives carried out by the SCO and BRICS alongside other international organisations should not be underestimated [27, p. 101].

Flexible, diverse forms of cooperation involving the representatives of the states as well as SMEs enable the development of the areas that are critical for both businesses and states. Such multilateral dialogue may serve as a foundation for promoting integration processes in the economic sphere both within individual states and across international associations.

6. Conclusions

The regulation of SME support is a priority not only at the national but also at the international level. After examining the legal and institutional foundations of SME regulation in SCO member states, a number of key aspects can be identified.

First, despite the extensive national legal frameworks for SMEs in SCO member states, gaps remain in the regulation of many issues, some of which could be tackled through interstate cooperation. The SCO appears a particularly promising association in this regard.

Second, the significance of SME support is twofold. The development and implementation of SME support measures are of consequence at both the national and international levels.

Third, national regulation of SMEs in SCO member states remains varied. At present, however, these differences do not hinder the development of multilateral cooperation in the economic sphere.

Fourth, both organisational and legal foundations for SME support have been established within the SCO. While the norms regulating these relations are not legally binding, they hold strategic importance for advancing integration processes and establishing international partnerships.

Fifth, organisational mechanisms within the SCO are more developed than normative ones. Signing a dedicated international agreement on SME support stands as a pressing task, fulfilling which would provide additional incentives for the national economies of SCO member states.

Sixth, it appears advisable to establish a specialised body to address issues related to SMEs, as it would considerably increase the effectiveness of existing structures.

Seventh, the SCO's cooperation with other organisations, such as BRICS and the EAEU, strengthens integration processes in Eurasia and fosters open dialogue between the representatives of both the states and SMEs. For Russia, the partnership between the SCO and the EAEU is especially important in the context of diversifying international relations in order to enhance sovereignty and mitigate the impact of international restrictive measures.

At present, the regulation of SME activities at the SCO level remains in its early stages but has considerable potential for growth. Since its establishment, the SCO has expanded its scope of work and involved international organisations, business communities, and academics from its member states in cooperative initiatives. Overall, a defining feature of the SCO's current development is its focus on the support and promotion of SMEs.

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