

Foreword/Editorial

This issue of the International Journal of Cooperative Law (IJCL) starts with sad news: Professor Hans-H. Münkner and Professor Alberto García Müller, two extraordinary thinkers of cooperative law, are no longer with us, physically.

As concerns the remainder of the content of this issue, we are pleased to present it at the eve of the 2nd International Year of Cooperatives (IYC) that the international community will be celebrating in 2025, only 13 years after the first one.

More than at its outset we now hold the need for and usefulness of the IJCL as an accepted given. For example, during the recent International Cooperative Alliance (ICA) Global Conference on “Cooperatives Build Prosperity for All”, 25-30 November, 2024, in New Delhi, with more than 3000 participants from more than 100 countries cooperative law was omnipresent. The bi-annual United Nations Secretary-General’s Report on Cooperatives in social development dedicates one out of three main chapters to cooperative law; while less elaborate on the subject, the equivalent 2023 Report links cooperative law to the SDGs. These are just examples of recent international, regional and national expressions of the relevance of cooperative law. In addition, the shift of emphasis in many of these expressions toward the social and/or solidarity economy, at times including, at times excluding cooperatives, reinforces this relevance as it calls upon lawyers to justify the *raison d’être* of cooperative law by sharpening the distinctive features of cooperatives, especially as compared to enterprises that may obtain the status of ‘social economy enterprises’ or ‘social and solidarity economy enterprise’ under one of the rapidly multiplying respective laws. At the same time, efforts continue to push back on further “commercializing” cooperatives, especially by allowing for investments and granting non-user investors anything between full membership rights and a right to receive dividend payments from profits and/or surplus. Not the least this phenomenon is part of a revived debate on the identity of cooperatives as enshrined in the 1995 ICA Statement on the Cooperative Identity (ICA Statement), often referred to as “the cooperative principles”. While an ICA expert group, the Cooperative Identity Advisory Group (CIAG) is mandated to explore whether the ICA Statement is still keeping with the times, an ever greater number of national laws on cooperatives, of the regional uniform and regional model laws on cooperatives include in whole, in part or with modifications the text of the ICA Statement or they refer to it.

New types of cooperatives have been emerging for some time now. Some of them mix private and public actors and interests and/or non-commercial and commercial approaches; some fuse the figures of producer, distributor and consumer. Examples are health and care cooperatives, social cooperatives, work insertion cooperatives, utilities cooperatives, energy cooperatives, cooperative groups. As of lately, the idea of housing cooperatives is materializing again in response to housing

crises that plague ever more in ever more places. Most of these new types are addressing basic needs, not the least because public welfare systems degenerate. This is the reason why, in addition to two articles on cooperative law in general and contributions to the usual rubrics, this Issue of the IJCL includes a special section on one of these renewed types, namely housing cooperatives in their various forms.

General Articles. In his article on “Cooperative Principles in the Harmonization of Cooperative Legislation” **Dante Cracogna** examines the Project for a Framework Law for the Cooperatives in Latin America and its attention to the cooperative principles as an example of a potential approach to regional harmonization of cooperative legislation. **Alejandro Darío Marinello and Nicolás Jacquet** (“Teaching Cooperativism in Law Degree Courses in Argentina. The Case of the Department of Law at Universidad Nacional del Sur”) examine the laws on cooperative education and the regulatory background for its inclusion in the basic curricular contents of the law degree programmes in the Argentine Republic with an emphasis on the need to bridge the gap between academia and the needs of the local and regional cooperative movements.

Special Section on Cooperative Law and Housing Cooperatives. “Housing Cooperatives Statutes and the Quest for Cooperative Identity in Puerto Rico” by **Evaluz Cotto-Quijano** is a commentary on the case ‘The Rolling Hills Housing Cooperative v. Doris Colón’. The case underscores the need for an adequate legal framework and for leadership training in order to ensure that housing cooperatives in Puerto Rico uphold the cooperative identity and do not adopt capitalistic practices, such as those permitted by the general eviction laws. **Deolinda Meira** takes us to Portugal. Her article, entitled “Housing and Construction Cooperatives in Portugal, State-of-the-Art and Lines of Reform”, calls for a reform of the legal framework for housing cooperatives in line with the amendments to the 2015 Cooperative Code, particularly by removing restrictions on third-party operations and redefining housing transfers under the individual property regime and to adopt the adjudication model instead. **Cristina R. Grau López** (“Current Status of the Regulation of Right-of-Use Cooperative Housing in Spanish Cooperative Laws”) examines Spain's emerging right-to-use housing cooperatives, where cooperatives retain ownership while granting members usage rights, emphasizing the need for a supportive legal framework to uphold their community-focused and non-speculative nature. In their article entitled “‘There is no Place ‘for’ Home’: Pressing Challenges Vis-a-Vis Legal Solutions for the Development of Cooperative Housing in Greece” **Sofia Adam, Ifigeneia Douvitsa and Dimitra Siatitsa** explore the potential of housing cooperatives in Greece. They examine whether the existing legal framework is aligned with the international cooperative principles and whether it is suitable to address the phenomenon of housing commodification by offering equitable, affordable, and democratic housing solutions through alternative legal forms. **Sergio Reyes Lavega** (“The Particularities of the Cooperative Housing System in Uruguay”) outlines the public policies and legal frameworks related to the right

to decent housing in Uruguay, focusing on the constitutional provisions and the specific legal regime governing housing cooperatives in the country.

Legislation. In his report on “Recent Developments in US Cooperative Law” **Thomas Beckett** leads the reader through the particularities of the US-American cooperative law and its recent developments, particularly in the area of worker ownership. **Willy Tadjudje** (“The challenges of the New Cooperative Legal Framework in Madagascar”) highlights the shortcomings of the previous cooperative law and the reforms by the new law. According to **S. Ramana Subramanian and R. Haritha Devi** (“Implications and Efficacy of the Indian Multi-State Cooperative Society Amendment Act 2023: a Comprehensive Analysis”) the Multi-State Cooperative Society Amendment Act 2023 seeks to strengthen cooperative governance in India by introducing a Rehabilitation Fund, enhancing democratic practices, and fostering transparency. But, according to the authors, it raises concerns about equity, federalism, and financial burdens on profitable cooperatives.

Book Reviews. **Daniel Hernández Cáceres, Aingeru Ruiz, Ana Montiel Vargas and Ziwei XU** each present a book dealing with cooperative law and related themes.

Further reading. “Further Reading” is a new rubric where we inform on recent literature. This time it informs, among others, on a relatively high number of doctoral dissertations on cooperative law. We want to understand this as a sign of an increased interest of academia in the subject.

Past Events. In this rubric **Aitor Bengoetxea Alkorta** reports on the 4th International Forum on Cooperative Law held in San Sebastian/Spain at the end of 2023 and **Dominik Bierecki** reports on a conference in Warsaw in 2024 under the title of “Perspectives of Cooperative Law Development in Europe”.

Upcoming Events. Under “Upcoming Events” the reader will find information on events in 2025 that deal exclusively with or include also cooperative law.

News. Here **Hagen Henry** reports on the involvement of the ICA in a case pending at the International Court of Justice concerning the right to strike.

Practitioners’ Corner. In the Practitioners’ Corner **Piotr Palka** (“Polish Housing Cooperatives Will be Able to Carry out Tasks as a Civic Energy Community”) links the ideas of housing cooperatives and energy cooperatives arguing that civic energy communities promote local energy independence, reduce transmission losses, and lower energy costs for households, while enhancing resilience to price fluctuations and system failures. In his contribution on “Cooperation among Cooperatives: is Government Intervention an Obstacle or a Facilitator?” **Juan Enrique Santana**

Félix analyses the cooperation among credit unions in Puerto Rico, emphasizing their development, governance, challenges in branch creation, and the need for solidarity, transparency, and fairness to address conflicts with state regulations. **Cliff Mills'** paper, entitled "4th International Forum on Cooperative Law, Cooperation, Principle 6 and Net Zero", argues that shifting from competition-driven to cooperation-based enterprising, rooted in fairness and sustainability, is essential for achieving net zero. He puts emphasis on the 6th ICA Principle as a framework for scaling cooperative collaboration across businesses and institutions in general.

Interview. Again, we are honoured by an interviewee. **Andriani Mitropoulou** shares with us her thought-provoking thoughts on cooperative law.

Hoping that the readers will find also this Issue of the International Journal of Cooperative Law stimulating, we would like to invite them to help us make the Journal more reflective of all legal traditions, a goal we have set ourselves, but which we have not yet achieved.

Finally, we wish to thank all contributors – authors, proofreaders, peer-reviewers, the coordinator and the members of the Advisory Board – for the time and effort they offered to keep this unique publication alive.

Athens, Almería, Kauniainen, Luxembourg and Leicester, December 2024

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