

Events

Hagen H e n r y

2021 saw a number of cooperative law related international events and the adoption of international and regional instruments that are relevant for cooperative law. This attests to a heightened interest in cooperative law.

International events

Belgorod/Russian Federation: On April 6 and 7 the Belgorod University of Cooperation, Economics and Law and its UNESCO Chair “Education for the Sustainable Development of Cooperatives”, together with Ius Cooperativum, organized a two-day on-line seminar under the title “The Evolution of Cooperative Law in the Era of Globalization in the Countries of Eastern Europe, Central Asia and Other Countries of the World”.

In addition to representatives of international organizations the event brought together academics and practitioners from most of the CIS countries, from Eastern Europe, from EU countries, from the Caribbean and from South America. The intention of the organizers to facilitate for the first time such a meeting materialized. Deliberations did not only cover legal questions, but also the role of cooperatives in the development of our societies. The Conference Materials (ISBN 978-5-8231-1030-3), containing also 15 of the many more contributions to the conference may be obtained from the Belgorod University of Cooperation, Economics and Law.

San Sebastian/Spain: On October 1 GEZKI, the Institute of Cooperative Law and Social Economy of the University of the Basque Country, organized a hybrid conference on the topic of “Basque Cooperative Law in the Light of International Cooperative Law”. The conference dedicated the first part of the day to contributions dealing with key issues of cooperative law in Africa, the Americas, in Asia and Europe, as well as to thoughts on cooperative law from a global perspective; speakers during the second part of the day dealt with the making, the salient points and the challenges of the new cooperative law of the Basque Country, which came into force in January 2020.

Seoul/Republic of Korea: With the support of the International Cooperative Alliance (ICA) through its Cooperative Law Committee Ius Cooperativum held its 3rd biannual International Forum on Cooperative Law in Seoul on November 29 and 30 in a hybrid form prior to the 33rd

World Cooperative Congress organized by the ICA. Reports on the 1st and 2nd Forum were published in Issues I and II of this Journal respectively. The ICA Congresses held after 1995 are convened only on exceptional occasions such as in the 2012 UN International Year of Cooperatives and the latest edition to mark 125 years of the inception of the ICA. The theme of this Congress was “Deepening our Cooperative Identity”. Along with the ICA Cooperative Research Conference the Forum was a precursor for the debates of the ICA Congress. Not only did the theme of the Forum “The identity of Cooperatives and the Harmonization of Cooperative Laws. Match or Mismatch?” link naturally into the debates of the Congress, but it also took up the increasing tendency to define cooperative law as that law which translates the cooperative principles into legal rules and the challenges of the ongoing and planned intra-national and regional harmonization of cooperative laws.

The more than 30 presentations on the situation in some 20 countries and 3 sub/continents covered these and other aspects of cooperative law, such as cooperatives and the share economy and new technologies, the interpretation of the cooperative principles and legal traditions and even the need for law as a guardian of the cooperative principles.

The editors of this Journal appeal to the presenters to submit their contributions to be considered for publication.

In his report to the organizers of the Congress the undersigned accentuated the following five points for the discussion on the “Deepening of our Cooperative Identity”: i.) integrate law into thinking the cooperative identity; ii.) link cooperative law to the cooperative principles; iii.) use the resources the ICA has to promote cooperative adequate cooperative law; iv.) act on Paragraph 8 of the 2002 International Labor Organization Promotion of Cooperatives Recommendation (no.193), which suggests that “National policies should ... promote education and training in cooperative principles and practices, at all appropriate levels of the national education and training systems ...”; and v.) reconsider whether the organization of cooperatives by sectors requires sectoral laws or whether the purpose of the cooperative identity might be better served by general laws, not disregarding the possible needs of specific sectors.

At the end of the Congress representatives of international organizations, governments, cooperative organizations and NGOs met to reflect on the Congress outcomes and on wider policy and legal matters. On this occasion, the UN representatives presented the 2021 biannual Report of the Secretary-General of the United Nations on “Cooperatives in social development” (see below).

International and regional instruments

Report of the Secretary-General of the United Nations: In its 2021 biannual report on “Cooperatives in social development” (A/76/209) the Secretary-General of the United Nations dedicates one out of three main chapters (III) to cooperative law. After having extensively

developed its statement that “Cooperatives adhere to the International Cooperative Alliance statement on the cooperative identity, which should guide the enactment of laws on cooperatives” (Paragraph 19), the report concludes with these words (Paragraph 63. (b)): “National Governments should continue to improve legislative and regulatory frameworks, in alignment with the draft guidelines aimed at creating a supportive environment for the development of cooperatives [A/RES/56/114], to support cooperatives through national constitutions, where not yet done, by providing for their equal treatment in policies and laws, and by passing, where applicable and feasible, a general law applying to all categories of cooperatives in an effort to avoid fragmentation and increase efficiency, in congruence with a single policy document on the promotion of cooperatives, with provisions for secondary and tertiary cooperatives.”

European Union “Action plan for the social economy”: Under Paragraph 3.1 of its Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Building an economy that works for people: an action plan for the social economy (COM/2021/778 final) the EU Commission deals with the policy and legal framework for cooperatives among other actors of the social economy. Therein, it refers to the EU Council Regulation (EC) No 1435/2003 on the Statute for a European Cooperative Society (SCE). Recital (6) of this regulation refers to the UN Draft guidelines (see above); these Draft guidelines, in turn, refer in Paragraph 11. explicitly to the 1995 ICA Statement on the cooperative identity, which contains the cooperative principles.

Practicioners' Corner
