

## *Events*

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### WEBINAR ON COOPERATIVE LAW AND THE PANDEMIC

**Dante Cracogna<sup>1</sup>**

On October 23<sup>rd</sup> 2020, the Cooperative Law Committee of Cooperatives of the Americas held an online seminar on “Cooperative principles and cooperative law in the context of the pandemic”. The seminar was facilitated by the Committee’s chairman Dante Cracogna.

The seminar’s purpose was to analyze the legal problems that the current situation poses to cooperatives in the region and to share solutions that have attempted to overcome these problems.

The backdrop to this seminar was the idea of furthering the cooperative identity, as laid out by the International Cooperative Alliance (ICA) on the occasion of its 125<sup>th</sup> anniversary and the 25<sup>th</sup> anniversary of the Declaration on the Cooperative Identity. It was noted that the topic of cooperative identity shall play the central role in the next ICA Congress, to be held in Seoul (South Korea) in December 2021.

Three introductory presentations provided context to the theme and topic. The opening presentation was given by the President of Cooperatives of the Americas, Graciela Fernández, who outlined the situation in the continent. This was followed a speech given by Hagen Henry, chairman of ICA’s Law Committee, who provided an overview of the international scene and actions taken by the international committee. ECLAC’s representative Marco Dini, provided the final introductory speech and discussed the social and economic situation in the region and the role played by cooperatives.

The second part of the meeting dealt with the presentation of the specific problems of cooperative legislation regarding each of the seven principles included in the Declaration on the Cooperative Identity in the different countries of the region. The presentations were given by the members of the Cooperative Law Committee.

The principle of open and voluntary association was addressed by Carlos Acero, President of the Confederation of Colombian Cooperatives, who emphasized the role of credit and savings cooperatives in relation to this principle, and their contribution to relieving the effects of the crisis.

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Ana Paula Andrade Ramos Rodrigues, legal manager of the Organization of Brazilian Cooperatives (OCB), and Mario de Conto, Dean of the School of Higher Education on Cooperative Management, Rio Grande do Sul, analyzed the principle of democratic member control and discussed the problem of democratic government within the context of the pandemic, as well as recent regulations in Brazil allowing remote general meetings as a solution.

María Eugenia Pérez Zea, Executive Director of the Colombian Association of Cooperatives, discussed economic member participation and the issues involved in putting it into practice within the context of the economic difficulties triggered by the pandemic.

The principles of autonomy and independence, and cooperative education and training were addressed by the legal counsel for the Confederation of Rural Cooperatives of Paraguay, Hernando Raichakowski, who discussed legal regulations involving autonomy as enforced by the administrative body in charge of cooperative affairs, and the rules on cooperative education currently in effect in that country.

Finally, Daniel Sánchez, member of the Cooperative Law Committee of the Bar Association of Costa Rica, talked about cooperation among cooperatives and concern for the community. In doing so, he raised issues relating to the challenges involved in applying these principles in this particular moment and the solutions implemented by cooperatives in order to overcome them.

In closing address, the chair, Dante Cracogna, summarized the main aspects of the principles and solutions analyzed in each presentation and placed them within the context of the unique situation that the world is in at this moment in time. He emphasized the need to find solutions that will enable cooperatives to overcome those problems and ensure that, post pandemic, they enjoy a legal regulation that encourages their development and benefits their respective communities.

REPORT ON THE SESSION ON COOPERATIVE LAW ON THE OCCASION OF THE INTERNATIONAL COOPERATIVE ALLIANCE EUROPEAN RESEARCH CONFERENCE AT BERLIN, AUGUST 21-23, 2019 AND ON THE CONTINENTAL CONGRESS ON COOPERATIVE LAW AT SAN JOSÉ, COSTA RICA, NOVEMBER 20-22, 2019

**Dante Cracogna<sup>1</sup> and Hagen Henry<sup>2</sup>**

2019 saw two international events on cooperative law, one as part of the 2019 International Cooperative Alliance European Research Conference at Berlin in August and another one on the occasion of the XXI Regional Conference of Cooperatives of the Americas at San José, Costa Rica in November.

**SESSION ON COOPERATIVE LAW ON THE OCCASION OF THE INTERNATIONAL COOPERATIVE ALLIANCE EUROPEAN RESEARCH CONFERENCE AT BERLIN, AUGUST 21-23, 2019**

After having organized a research conference biannually over many years, the European regional organization of the International Cooperative Alliance (ICA) decided to hold the European research conference on a yearly basis. The 2019 conference was organized by the host university, the Humboldt University at Berlin. It attracted some 150 presenters from all continents. They shared their latest research results in some 25 parallel sessions. This came in addition to the plenary sessions with keynotes and a “Business Meets Science Event”.

To be noted: the considerably increased number of participants from Eastern Europe.

Under the overall theme of “Cooperatives and the Transformation of Business and Society”, the presentations dealt with subject matters such as: platform cooperatives; cooperatives and sustainable development; cooperatives and the transformation of food systems; internal governance; cooperatives and the transformation of market mechanisms; cooperatives in socialist and post-socialist transformation; cooperatives and the transformation of energy systems; and cooperative law.

Under the theme of “Transformation. Cooperative identity. Cooperative law” some twenty presentations were given at the session on cooperative law. It attracted almost twice as many listeners as past years. This confirmed a steady upward trend since 2011 of lawyers attending and presenting at the European and

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the global research events of the ICA. The gradual integration of cooperative law in cooperative studies and these trans-disciplinary contacts are necessary and mutually enriching.

Independent of the type of cooperative the presentations referred to, all of them dealt with the problem of legislators and/or regulators diluting the cooperative identity as constituted by the internationally recognized cooperative values and principles, albeit to varying degrees of intensity. Such measures are not limited to the law on cooperatives. In one given case they relate to the general competition law; in another one to general rules on the governance structure of financial institutions. Where some presentations analyzed the consequences of these measures, others suggested an outright overhaul of the cooperative law of their country in an attempt to bring the legal framework (again) closer to the cooperative values and principles.

The session on law was also an occasion to further strengthen the ties between cooperative lawyers by, for example, planning to build and maintain a data base on cooperative law, participating in the setting-up of a map of cooperative lawyers and in the publication of the International Journal of Cooperative Law (IJCL), of which the 2<sup>nd</sup> issue could be presented during the session.

### **CONTINENTAL CONGRESS ON COOPERATIVE LAW AT SAN JOSÉ, COSTA RICA, NOVEMBER 20-22, 2019**

A new Congress on Cooperative Law took place in San José (Costa Rica), between November 20<sup>th</sup> and 22<sup>nd</sup>, 2019, under the initiative of the Law Committee of Cooperatives of the Americas. This Congress carried special significance, since it was held on the occasion of the fiftieth anniversary of the First Continental Congress on Cooperative Law organized in Mérida (Venezuela) in November 1969.

The meeting coincided with the XXI Regional Conference of Cooperatives of the Americas and was sponsored by the Bar Association of Costa Rica and the University of Costa Rica. In his inaugural address, the chairman of the Congress, Professor Dante Cracogna, gave an account of all the congresses held in different countries of the region throughout the fifty years following that first one in Mérida, and of their effects for the progress of cooperative law on the continent. Representatives of the scholarly, professional and cooperative organizations took the floor and emphasized the importance of the meeting, which was attended by over two hundred lawyers from 19 countries. Also, the President of the International Cooperative Alliance, Ariel Guarco, underlined ICA's interest in the topic as well as its influence on the advancement of the cooperative movement. Particularly worth mentioning is the speech

given by the Chief Justice of the Supreme Court of Costa Rica, Dr. Fernando Cruz Castro. He highlighted the provision of the National Constitution ordering the promotion of cooperatives and explained how that mandate has been developed by constitutional case law.

For the duration of the Congress the activities were organized into plenary and committee sessions. Reports from the meetings held in different countries in preparation of the Congress were presented at the first plenary session, and the following ones dealt with lectures given by extra-continental experts, who addressed topics of particular interest. Dr. Carlos Vargas Vasserot, professor of Mercantile Law at the University of Almería (Spain), talked about the “Incorporation of the cooperative act into Spanish Law”. Also, Professor Eba Gaminde Egía, Vice President of the International Association of Cooperative Law, discussed “Good corporate government: a special difficulty in cooperatives”. Finally, Dr. Hagen Henry, chairman of the Cooperative Law Committee of the International Cooperative Alliance and professor at the University of Helsinki, was in charge of the final lecture of the Congress, called “Reflections on cooperative law from a global perspective - in homage to Dante Cracogna”, whereby he provided a broad outlook on cooperative law in the international field and a sharp analysis of its current problems.

The committee sessions were held by means of discussions following the presentations made on the different topics included in the agenda of the Congress, to wit: 1. The cooperative act. The treatment afforded to it in the statutes and in case law. The effects on the different types of cooperatives; 2. Comparative cooperative law. Cooperative principles and cooperative statutes; 3. State supervision of cooperatives: purposes and limits. Cooperative self-control; 4. The government of cooperatives. The differences with corporations; 5. Tax treatment of cooperatives.

The analysis of the presentations made on each of the topics gave rise to broad discussions - which evidenced the various opinions existing in the different countries of the region - and the valuable exchange of information as well as experiences.

A summary of the output of the committees was included in the corresponding reports, which, in turn, were shared by the respective secretaries at the closing session of the Congress.

At the plenary session, different presentations were made on the topic of the several international organizations currently engaged in the development of cooperative law. Dr. Ifigeneia Doutvisa presented *Ius Cooperativum* and mentioned its organization of international forums and the edition of the International Journal of Cooperative Law. Also, Professor Eba Gaminde Egía talked about the International Association of Cooperative Law, headquartered at the University of Deusto (Spain), which

is in charge of the publication of the International Association of Cooperative Law Journal and the organization of seminars and meetings on this topic. Dr. Luisa Fernanda Gallo Herrán from the Regional Office of Cooperatives of the Americas brought forward information on the research on cooperative legal frameworks being done by ICA in its four regions, pursuant to a project developed in common with the European Union. Further, the collective book ‘Cooperative Law and Cooperative Identity’ was presented and information was supplied in relation to the CLARITY project, sponsored by the national organization of cooperatives of the United States of America for the purpose of promoting the progress of cooperative legislation in different countries.

At the closing of the Congress, tribute was paid to the First Continental Congress on Cooperative Law in the words of attendee Dr. David Esteller Ortega, a Venezuelan lawyer who delivered a vivid, moving speech reminiscent of that event. Finally, the chairman of the Congress gave the final address, by looking back on the achievements already made and ahead to the goals yet to be accomplished.

During the last session a warm tribute was paid to Professor Cracogna for the task he performed during many years for the advancement of cooperative law in Latin America.

As has been the case on previous occasions, the materials of the Congress of San José shall be the object of a special publication to be made by Cooperatives of the Americas in order to preserve and disseminate the results of this significant meeting.