

Legal Framework Analysis and the ICA-EU Partnership:

Acknowledging the specificity
of the cooperative model and
ensuring a level playing field for
people-centred organisations

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ABSTRACT

Cooperatives benefit from regulations that acknowledge their specificities and ensure a level playing field with other types of business organizations. This paper presents the research currently being conducted to examine and analyse the legal frameworks that impact cooperatives in different countries from the national to the supranational level. The research falls within the scope of the knowledge-building activities undertaken within the partnership for international development signed in 2016 between the European Commission and the International Co-operative Alliance (ICA), which aims to strengthen the cooperative movement and its capacity to promote international development worldwide. It demonstrates that the absence of a supportive legal framework for cooperatives, or the presence of a weak or inadequate legal framework, can negatively impact cooperatives and their evolution. In contrast, the existence of supportive regulations can foster cooperatives' creation and strengthening, acting as a driver of sustainable development. For this reason, further knowledge and evaluation of cooperative legislation will become a tool for ICA members, co-operators worldwide, and other key stakeholders such as policymakers and cooperative legal scholars. With greater knowledge and access to a global, country-based legal framework analysis, ICA members can advance their advocacy and recommendations on the creation or improvement of legal frameworks, document the implementation of cooperative legislation and policies, and monitor their evolution. This paper outlines the contextual background and knowledge gaps, key objectives and methodological features of this ongoing research, which aims to provide harmonised data on cooperative law and its provisions, both at the national and supranational level, including a critical analysis of existing provisions that impede or promote cooperatives.

KEYWORDS: *national/supranational cooperative law, international cooperative development; legislative analysis; legal frameworks; sustainable development; monitoring; evaluation*

CONTEXTUAL BACKGROUND AND KNOWLEDGE GAPS

Background

Created in 1895, the International Co-operative Alliance (ICA) is the global representative organization of cooperative enterprises across all sectors, currently counting 313 members from 109 countries (July 2018). The ICA unites a very large part of today's cooperative development activities under its umbrella through the work of its national member federations active in development implementation and through the coordination work undertaken at the regional level by its regional offices – i.e. Cooperatives Europe, Cooperatives of the Americas, ICA Africa and ICA Asia-Pacific. The ICA has grown into an important global organization promoting the cooperative model around the world, having been recognized by the United Nations (UN) since the 1940s.¹ This current research falls within the scope of the knowledge building activities undertaken within the partnership for international development signed between the International Co-operative Alliance and the European Commission in 2016, to strengthen the cooperative movement and its capacity to promote international development worldwide, with a number of activities based on advocacy, visibility, capacity building, and research. Under this partnership, the ICA is carrying out a number of global researches, which includes the national and regional analysis of cooperative legal frameworks featured within this paper. The research aims to bring a number of added value elements and address particular knowledge gaps relevant to international cooperative law. The paper first discusses these knowledge gaps and the potential added value of the research, including a brief overview of the objectives and features of the work, before addressing the methodological instruments used. It concludes with a discussion of the key findings and the next steps, providing the reader with a detailed overview of the research forthwith.

Knowledge Gaps

Regarding knowledge gaps, in Africa, the Americas, Europe and Asia-Pacific, the lack of up to date, consistent and reliable information about cooperatives and cooperative federations is a major challenge, one which has been highlighted by cooperative members in a needs-based analysis of key concerns. Where data on the cooperative landscape is available, it is not harmonized. In many countries, cooperatives or certain types of cooperatives, are unable to develop, as the current legislations do not foresee or permit it. A regional analysis of the practical application of cooperative legislation (in the Americas, Europe, Africa and Asia-Pacific) is now required to provide the necessary information for the concrete implementation of cooperative development activities, and to help foster more collaboration on the issue. In a similar way, there is a need to present this shared information in a harmonized database and format that is easily accessible to interested parties. This could bring several salient benefits to the cooperative movement, by way of the provision of clear resources for advocacy and the future monitoring and potential modification of legal frameworks. Furthermore, since ICA members will be invited to contribute to the assessment and production of recommendations regarding their respective legal frameworks, these resources will be built in an inclusive and participatory manner, thus reflecting more closely the needs of the main stakeholders concerned.

1 For more information, see Jack Schaffer, [Historical Dictionary of the Cooperative Movement](#), Scarecrow Press, London, 1999, pg. 393-6.

Therefore, it seems evident that the success of the cooperative business model is to a certain degree dependent on an enabling environment with benign cooperative legislation and policies. However, previous research demonstrates that in many jurisdictions the legal framework is either weak, misinterpreted, poorly implemented or entirely absent.² This absence has significant consequences, such as the fact that many discriminatory practices or outdated legislation remains in place today, hampering the development of existing cooperatives or preventing the creation of new cooperatives, which could drive future economic development. For example, in certain countries such as India, the companization of cooperatives is facilitated far more often than the reverse scenario, in which a company is easily able to become a cooperative. Scholars point to the fact that additional knowledge-building is needed in this area, as in the field of law, the cooperative receives scant attention when compared with the stock company or for-profit shareholder corporation, despite the track record of resilience cooperatives held throughout the 2008 financial crisis, or their ability to redress market failures, to point out two among a number of significant strengths.³

Such global perspective tends to show that in a number of jurisdictions, legislation may be orientated towards traditional investor-owned enterprises, which may negate the specific people-centered approach of the cooperative movement, reflected by its values such as democracy and principles such as autonomy and concern for community. In other cases, the legislative balance may not be optimal. For example, a heavy focus on association and social elements prevents cooperatives from becoming competitive economic actors, however, a trend of 'companization' or an overly strong focus on the business element can impede and weaken the unique features of cooperatives.⁴ At the opposite end of the scale, there are cases of for-profit businesses that may seek to utilize poorly monitored or under-regulated cooperative law to undue advantage or benefit, beyond the spirit of the law itself.⁵

Another important point concerns the potential loss in economic activity and tax revenue bought by cooperatives when legal frameworks are insufficient or inadequate to help them thrive, and corresponding measures of GDP for many countries, as cooperatives are increasingly recognized as drivers not only of economic growth but also sustainable development, due to the presence of democratic and participatory decision making, indivisible capital, patronage refund or benefit for collective purchase, and equitable distribution of economic surplus.⁶ A number of other issues have also been observed stemming from inappropriate legal frameworks, for instance with regard to governance and member relations. These issues and ensuring the preservation of the distinguished economic and social advantages of the cooperative model are becoming increasingly relevant in a globalized world and in forging an important contribution to the 2030 United Nations Sustainable Development Goals (SDGs), now a universally recognized political paradigm.

It is also important to note that within the wider context of the social economy, many changes and innovations are taking place across various sectors and in different regions. New laws and shifting trends have prompted alternative models of organising and experimental enterprises to develop in the social and solidarity economy, which also has a corresponding impact on cooperatives and the cooperative movement. Whilst these innovations are not the focus of this study, the legal frameworks in place across different jurisdictions certainly helps to shape these innovations and trends in the wider field of the social economy, and arguably touches upon a further knowledge gap that this study may help to address.

2 See for example: Linda Shaw, *Discussion Paper: Overview of Corporate Governance Issues for Co-operatives*, *The Co-operative College*, Manchester, United Kingdom, November 2006

3 Ger J.H. van der Sangen, 'How to Regulate Cooperatives in the EU?', *The Dovenschmidt Quarterly*, 2014, pp. 131-146

4 Henry Hagen, 'Basics and New Features of Cooperative Law – The Case of Public International Cooperative Law and the Harmonisation of Cooperative Laws' *Uniform Law Review*, Volume 17, Issue 1-2, 1 June 2012, pp. 197-233.

5 See Ger J.H. van der Sangen, 'How legislators deal with hybridization of cooperatives: fostering innovations or not?' presentation held at the 2018 International Cooperative Alliance Research Conference, 4-6 July 2018, Wageningen, Netherlands.

6 For more information on the links between cooperatives and the SDGs please visit: <https://www.ica.coop/en/sustainable-development-goals>

With such knowledge gaps and the untapped potential of cooperatives in mind, this study aims to act as a part the puzzle in redressing a broader lack of available information, whilst also providing an additional added value to ICA members and relevant cooperative stakeholders. Thus, the study may also contribute to key outstanding questions for legal scholarship, such as – how should or can cooperative principles be translated into law? Going further, would the presence of cooperative principles in a growing number of jurisdictions allow such principles and the cooperative identity statement to be considered as a source of international law? With a growth in knowledge in this area, such work can contribute to ensuring that the cooperative model can be clearly distinguishable from other legal forms.

Added Value of the Research

In this regard, the mapping of cooperative legislation can provide additional added value. It can highlight and illuminate the specific situation across different regions and provide a basis for comparison and analysis. Clear and relevant information about the cooperative reality will be gathered and compiled in an online database that will be available to members and concerned stakeholders. This online database, currently in its development stage, serves as an elementary information portal and operational tool that enables the ICA regional partners to effectively share upcoming and ongoing activities, and disseminate the results of the research. These results will help in developing policy recommendations that may create an enabling environment for cooperatives and renew the legal frames in a targeted way across different regions and countries.

Further, at regional and local levels, members can be empowered in their advocacy work. In particular, they will have the opportunity to share the challenges and expectations met by themselves and their members regarding the applicable legal frameworks, and see these considerations reflected in the research results. Through increasing knowledge of the reality in the surveyed countries, cooperative apexes and federations can provide high quality assistance to their members on legal issues affecting them most, for instance taxation, and on political representation. At national level, the database aims to become a focal point for collaboration between federations and a strong reference for advocacy. At local level, the database directs primary cooperatives towards the representative federations and cooperative support structures in their region and country. This will lead to greater networking across the movement, and even the wider civil society movement as a whole, strengthening the international cooperative movement at various levels of governance and simultaneously bolstering its level of external recognition as a civil society actor.

At regional level, examples of pooled knowledge through existing networks can also be a source of assistance. For example, the Cooperatives Europe Development Platform (CEDP), a European network of ten cooperative organisations active in international cooperation from different sectors, would be in a strong position to offer support in different areas, due to its central position in a larger cooperative network.⁷ This expertise and knowledge can be shared with other regional offices and serve as a model for collecting and displaying relevant information from different regions. Further, if a general legislation exists in a particular country, cooperative experts from the ICA network could be in a position to aid those concerned, and in certain circumstances, use the national research results as a basis to propose or insert adjustments and references to adapt the legislative text - or offer various other forms of technical and operational support. The study may help ICA gain further expertise in aiding nations with evidence-based advice on what may qualify as improved cooperative law or law concerning cooperatives, as is currently happening in the United Nations Economic and Social Council (ECOSOC) and the International Labour Organisation (ILO). This can help to enlarge the potential field of activity for the cooperatives in the country concerned. In short, the research aims to address these knowledge gaps, namely a lack of consistent and reliable legal data in a harmonized location, whilst acting as a source of added value to ICA members and cooperative stakeholders.

7 For more information on the Cooperatives Europe Development Platform (CEDP) and its projects, please visit <https://coopseurope.coop/development/>

Literature Review

When analyzing existing literature, there are a number of previous studies conducted across different regions with a focus on cooperative legislation and the various reforms required to facilitate new or improved cooperative law. A key supporting document at the global level is the 'International Handbook of Cooperative Law' (2013), previously utilized by ICA members, which has also become a source of guidance and input for the research.⁸ Prior to this document, another key report on cooperative law is the 'Guidelines for Cooperative Legislation', published jointly by the ILO and the Committee for the Promotion and Advancement of Cooperatives (COPAC) in 1998, whose latest revision was published in 2012. This third revised edition builds on a wide consultation process and takes into consideration the latest developments, including the adoption of two major international instruments on cooperatives, the 2001 UN Guidelines aimed at creating a supportive environment for the development of cooperatives and the 2002 ILO Recommendation No.193 on the promotion of cooperatives.⁹ Most famously of course, the definition, values and principles of cooperatives are outlined and globally acknowledged in the form of the ICA Statement of the Cooperative Identity of 1995.¹⁰

At the regional level, the last study completed in 2012 for the Asia and Pacific Region concluded that most countries do not have cooperative laws and policies in compliance with the ICA Cooperative Principles.¹¹ This was in part impacted by the 2012 UN International Year of Cooperatives, which through greater exposure brought a surge of amendments in cooperative law in certain countries (such as the Republic of Korea) yet compliance with ICA principles remains a difficulty. At the European level, cooperatives dispose of a cross-border legal reference frame, the Statute for a European Cooperative Society (SCE). This statute has been adopted by the Council in 2003 and is based on an extensive comparative analysis of existing national laws and good practices in EU member states. Today it is often used as a reference, though certain scholars have questioned its legal utility based on the frequency of use and limited success of the Statute.¹² The Statute builds upon elements of the respective national cooperative law, which in practice means that there could be up to 28 different variations of SCE.¹³ In addition, a 2010 report, co-produced by Cooperatives Europe for the European Commission, has analyzed the implementation of the Statute in various European states¹⁴.

In the Americas region, the regional office of the ICA has also been active in shaping cooperative legislation, and a new legal framework has also been developed, which is based on the International Labour Organization (ILO) recommendation 193 and the seven cooperative principles of the ICA. The result, the Mercosur Common Co-operative Statute of 2009, also facilitates the cross-border establishment of cooperatives. The Latin American Parliament unanimously adopted this legal framework in 2009 and issued a non-binding recommendation.¹⁵ On the African continent, the OHADA

8 Dante Cracogna, Antonio Fici, Hagen Henry (eds) 'International Handbook of Cooperative Law' Springer-Verlag Berlin, Heidelberg, 2013, 823 pp.

9 Hagen Henry, 'Guidelines for Cooperative Legislation' *International Labour Office* – 3rd ed. rev. Geneva: ILO, 2012. International Labour Organization (ILO) and 'Recommendation 193 of 2002 concerning the promotion of cooperatives', International Labour Conference, Geneva

10 For more information, please see the ICA Website: <https://www.ica.coop/en/whats-co-op/co-operative-identity-values-principles>

11 For reference see the 'ICA Asia-Pacific Study on By-laws of Primary Co-operatives in the Asia-Pacific Region, Presented at the 1st Asia-Pacific Co-operative Registrars Conference, ICA Asia-Pacific, Kuala Lumpur, Malaysia, 2013.

12 Henry (2012), pp. 197–233 and van der Sangen (2014) pp.131-146. See also Cooperatives Europe, Euricse and Ekai Center, 5 October 2010, Study on the implementation of Regulation 1435/2003 on the Statute of European Cooperative Societies, [Final Study Executive Summary and Part I: Synthesis and comparative report](#).

13 Münkner H-H. (2013), "Worldwide regulation of co-operative societies – an Overview", *Euricse Working Paper* n. 53 | 13

14 See Cooperatives Europe, Euricse and Ekai Center, 5 October 2010, Study on the implementation of Regulation 1435/2003 on the Statute of European Cooperative Societies, [Final Study Part II: National Reports](#).

15 Cracogna (2013) cited in Cracogna, Fici & Henry (eds) 2013, pp. 153.

Convention, introduced in 1993 with 14 State Parties from Western and Central Africa, plays a similar role and sought to modernize business law whilst overcoming the prior influence of colonial laws.¹⁶ One key common challenge remains the transposition of such recommendations into national legislation, which are currently at very different states of advancement in relation to their respective supranational frameworks. Consequently, whilst there is a strong existing basis from which to build upon, more research and work is needed to ensure the distinctiveness of the cooperative organisation as a legal entity.

In order to remedy the situation and advocate for reforms of the legal framework, the cooperative federations and institutions can benefit from gaining extensive knowledge of these legal frameworks and raise awareness of which elements make the best targets for initial improvement. Improved data on existing laws is therefore greatly needed in order to monitor the evolution of the legal frameworks in the regions and to be able to provide the appropriate actions and recommendations in each context. This knowledge is an important tool to advocate for the inclusion within national and regional regulations for a diversity of enterprises, effective legal regulations for cooperatives and a level- playing field across the business enterprise landscape. The strategy for achieving this goal is broken down into three interrelated objectives, which are summarized in the following section.

Objectives

The legal framework analysis (LFA) to be conducted under the partnership for international development has three primary interrelated objectives.

The first objective is to acquire general knowledge of the national legislation on cooperatives, including but not limited to the legislation in force in the 109 countries (as of July 2018) represented by ICA members, as well as of supranational cooperation legislation if existent - for instance, as already mentioned in the present paper, in the European Union where Council Regulation no. 1453/2003 establishes and regulates the European Cooperative Society.¹⁷ Another aforementioned example is the Statute of Mercosur Cooperatives, the Common Cooperative Statute in the Americas since 2009. Specifically, the research will gather general knowledge of the national cooperative legislation, its main characteristics and contents, with particular regard to those aspects of regulation regarding the identity of cooperatives and its distinction from other types of business organizations, notably the for-profit shareholder corporation. Such aspects include but are not necessarily limited to; details on cooperative membership and governance, financial structures such as capital requirements, external control, cooperation between and among cooperatives, and elements related to taxation.

In countries where cooperatives are primarily regulated at the regional level or at the state level (as is the case for federal countries), acknowledging the difficulties in providing a full picture of all the different regional or state regulations, priority will be given to the most representative (or innovative) regulations. The legal framework analysis will also focus on aspects of interest such as cooperative organisational law and tax law, paying attention to other regulations such as those on labour and public procurement, among other key details.

In those countries where both a general cooperative law and special cooperative laws on particular types of cooperatives exist (for example, agricultural cooperatives, worker cooperatives, consumer cooperatives, social cooperatives, cooperative banks) the results should in principle be based on the general cooperative law. However, references to special cooperative laws (or to single provisions within it)

¹⁶ See Hiez, David, Tadjudje, Willy, '[The OHADA Cooperative Regulation](#)' in Cracogna, Fici & Henry (2013) pp.89-113.

¹⁷ See [Council Regulation \(EC\) No 1435/2003 23 July 2003 on the Statute for a European Cooperative Society \(SCE\)](#). For example, the preamble (7) reads '*Cooperatives are primarily groups of persons or legal entities with particular operating principles that are different from those of other economic agents.*'

will also be made when these special laws have a significant impact on cooperatives due to their importance or level of coverage. Due to such diversity and complexity, the situation is arguably largely dependent on the contextual background within each jurisdiction covered.

The second objective is to evaluate the national jurisdictions covered by the legal framework analysis according to their enabling environment for cooperatives, in order to compare national cooperative laws with the indicators provided in a questionnaire distributed to respondents, to gain an understanding of the scale of the 'cooperative friendliness' of the national legislation. More specifically, to evaluate whether the national legislation in place supports or impedes the development of cooperatives, and is therefore 'cooperative friendly' or not, and the degree to which it may be considered so, also in comparison to the legislation in force across other countries of the ICA region (or at the supranational level). It is important to note that this will not be in any way intended as a method to create a 'blacklist' of unfavourable jurisdictions, but rather to create an assessment tool that can aid future policy recommendations.

The third and final objective is to provide recommendations for eventual renewal of the legal frameworks in place. This is in order to understand which changes in the current legislation would be necessary to improve its degree of "cooperative friendliness", in other words, to make the legislation more favourable to cooperatives, also in consideration of their specific identity as a legal entity. This objective can contribute to the wider aim of considering the different avenues through which the cooperative principles may be translated into law. Further, as mentioned above, this objective will also serve ICA members and relevant stakeholders on advocacy work, especially considering that ICA member organisations will be invited to contribute to these recommendations. Based on this input, the cooperative network will be in a position to provide improved assistance to their members on legal issues and political representation. With these three objectives achieved, this study will be able to contribute to addressing the knowledge gaps previously identified, doing so by a harmonized methodological process elaborated below.

Methodology

The central methodological process is being conducted in two stages. This involves utilizing a common questionnaire as primary method of data collection, which will then be used to produce national reports. One of the most important methodological concerns was that each of the aforementioned objectives and the research process was to be developed and carried out in a harmonised way, with a common methodology co-constructed in a horizontal manner and implemented by all the ICA offices. This increases the ownership and visibility of the process across all regions, mirrors the value of cooperation and allows all regions to offer real input and expertise. In order to collate the necessary evidence about the practical application of cooperative legislation and policies at national and regional levels, the majority of the research activities are carried out at a decentralized level, with coordinated support from the global level.

With this in mind, a methodological structure was jointly developed with the support of external partner Euricse (European Research Institute on Cooperative and Social Enterprises) and with input from the ICA regional offices. Following the definition of a harmonized questionnaire for data collection at the regional and national level (addressing aspects such as cooperative membership and governance, financial structures, external control, cooperation among cooperatives, and elements related to taxation, among other key features), regional legal experts have been externally recruited to facilitate the collection of this data. With the support and expertise of the regional experts, a number of national experts have also been selected to be involved in the data collection at the national level. External experts form a core part of the process due to the intellectual rigor of the subject and the wish to include the wider cooperative legal community in the research process.

After this initial recruitment phase, the experts, assisted by the provision of the questionnaire, have begun the process of data collection at the regional and national level. Questionnaires will be submitted by national legal experts for each of the jurisdictions covered by the legal framework analysis (i.e. a foreseen minimum of 109). A single legal expert may cover two or more different jurisdictions, due to her/his expertise, the absence of language barriers and the characteristics of the cooperative legislation (e.g. when the same cooperative law might be in force in several countries due to supranational law unifying national jurisdictions, in line with the examples cited earlier). The regional legal experts are also expected to act as national legal experts for their respective countries of expertise. This material will form the basis for national reports to be submitted by the national experts for each country and jurisdiction covered, which will be carefully reviewed by the research team.

In order to ensure that the wider process is streamlined, a pilot phase has been launched, sampling two countries for each region (Americas, Europe, Africa and Asia Pacific). Feedback from the pilot phase is intended to ensure that the full process is smoothly completed by 2020. Following the successful completion and collection of data and national reports, the reports will be uploaded and displayed on the online database. Subsequently, the analysis shall be presented in four harmonized regional reports, one for each ICA region; which shall contain, among other things, the main highlights of each national report of the area. As mentioned, this database will become a focal point for collaboration between federations and a strong reference point for advocacy activities.

From this firm basis, the regional and national reports can be fully compiled into one larger and comprehensive global report, allowing the results to be integrated in a harmonized way, and further displayed within the database. These reports form the major deliverables of the project.

In regard to challenges faced, it is expected that several may occur at various points during the research process, both operational challenges and those relative to the content and analysis may occur. The pilot phase of the research provides an opportunity for these challenges to be addressed and to feed in the knowledge acquired at the latter stages of the research process. During the planning phases, a number of key success factors were identified, such as clear and precise definitions for the questionnaire, the horizontal and harmonized methodological process, and the expertise and input of national and regional experts, which seeks to bridge the gap with scholars and policymakers.

Key findings and Next Steps

At the time of writing, national and regional recruitment and data collection is currently ongoing worldwide. Regional and national experts are being successfully recruited within the ICA regional offices and jointly collaborate and communicate with research staff and other partners throughout the research process. This allows for any challenges that may occur throughout the data collection process to be addressed effectively, whilst also taking into consideration any feedback from the pilot phase of the research. Therefore, the expected primary findings of this research are, as previously described, harmonized data on cooperative law and its main provisions, both at the national and supranational level, including a critical analysis of existing provisions that hinder or promote cooperatives. Findings at the national and regional level will need to be contextualized within the regional and global contexts respectively, providing a useful background for such critical analysis. As mentioned, the results of the research will also be made available through a dynamic online platform, in order to enhance their dissemination and ensure that the data obtained can be easily updated. The harmonized database to store the findings is currently in developmental stages, nearing completion.

As a global process carried out jointly by all ICA regions, the research is expected to have a significant outreach both within and outside the cooperative movement. The website should act as a locus for information on cooperatives that can foster greater knowledge sharing between ICA members, the wider cooperative movement, as well as other key stakeholders such as CSO partners and policymakers. The conclusions to be drawn from the legal framework analysis are going to be used to document the implementation of cooperative legislation and policies and monitor their evolution, whilst helping cooperatives with their advocacy and recommendations on the creation or improvement of legal frameworks.

In regard to specific outputs and next steps, data collection and analysis will continue to cover as many jurisdictions as possible. At the end of the process, by 2020, the analysis will be presented in 4 harmonized regional reports, produced by each ICA region, that will showcase the main highlights of each national report. These regional reports will then be gathered in one global report, to centralise all the information collected at national and regional level. The legal framework analysis will contribute to enrich knowledge about the cooperative movement and cooperatives' legal environment on a global scale, helping researchers and decision-makers to gain easier access to the data collected for their research or policy purposes, among other added values previously elaborated above.

CONCLUSIONS AND RECOMMENDATIONS

This paper has discussed the ongoing research designed to analyze legal frameworks from the national to the supranational level, conducted under the ICA-EU partnership for international development, which aims to strengthen the cooperative movement and its global capacity to promote international development. It has covered the knowledge gaps, added value elements, key objectives, and methodological details relevant to the research process and the analysis of cooperative legal frameworks. It highlighted that the lack of consistent and reliable information about cooperative legislation is a strong challenge, as is the fact that the data available on the cooperative landscape tends not to be harmonized. In many countries, certain types of cooperatives are unable to develop, as the current legislations do not foresee or permit it to do so. This research therefore aims to address this knowledge gap and through doing so, it can become a major source of added value for cooperators and ICA members, by highlighting the specific situation across different regions and providing a basis for comparison, analysis, and improvement.

Considering the need for the cooperative business model to benefit from enabling legislation and policies and the negative impact of weak or harmful laws, this initiative strives to make knowledge on legal frameworks more accessible to cooperative organisations and provide them hands-on tools to support their advocacy and recommendations. This aids the creation or improvement of laws and can contribute to the recognition of cooperatives as a specific legal entity in an increasing number of jurisdictions. The study will also evaluate jurisdictions and policy regulations currently in place according to their degree of enablement of cooperative development, in other terms their 'cooperative friendliness'. This will allow the improvement of the legal frames across different regions and enable monitoring, including the provision of the appropriate actions and recommendations in each specific context. Such recommendations for renewal of the legal frameworks will help to shape the policy agendas in a targeted way across different regions and countries.

Given the important shifts taking place within legal scholarship and in global politics including in light of the international development priorities advanced by the Agenda 2030, cooperatives will certainly benefit from regulations that acknowledge their specificities, ensure a level playing field with other types of business organizations, and overall help them unlock their full potential in terms of inclusive growth. This paper asserts that the absence of a specific legal framework for cooperatives, or the presence of a weak or inadequate legal framework, can negatively impact cooperatives and their evolution; while in contrast, the existence of supportive regulations can foster cooperative development and act as a driver of sustainability. This research further shows that by acknowledging and exchanging different experiences and good practices in cooperative law at the national, regional and global levels, we can promote new synergies between partners, foster new alliances and share knowledge that can benefit cooperatives as people-centered organisations and strengthen the cooperative movement worldwide.

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