

Change of Dates

Due to the ongoing COVID-19 pandemic, the 33rd World Cooperative Congress has now been rescheduled to take place from 1 to 3 March 2021. The 3rd International Forum on Cooperative Law, which is one of the preparatory events to the Congress, has been rescheduled to take place on 27 and 28 February 2021 ¹

Call for Abstracts

3rd International Forum on Cooperative Law

The Identity of Cooperatives and the Harmonization of Cooperatives Laws.
Match or Mismatch?

27-28 February 2021, Seoul, Republic of Korea

On the occasion of the 125th Anniversary Celebrations of the International Cooperative Alliance and within the framework of the World Cooperative Congress on Deepening Our Cooperative Identity, 1 – 3 March 2021

Context

To celebrate the 125th anniversary of the International Cooperative Alliance (ICA) and the 25th anniversary of the ICA Statement on the Cooperative Identity, the 33rd World Cooperative Congress will be held at COEX in Seoul, Republic of Korea, from 1-3 March 2021 and its preparatory events, namely the **ICA Cooperative Research Conference** and the International Forum on Cooperative Law, will be held from 26-28 February 2021.

The Congress offers a unique opportunity to celebrate and deepen the understanding of the cooperative identity and the profound social and economic impact of cooperatives worldwide. How does the cooperative movement transform societies?

¹ These dates are subject to be further rescheduled should the COVID-19 pandemic make it necessary for force majeure

How does the cooperative way of doing business create an innovative pathway to a sustainable future?

The Congress will explore how the cooperative identity positively addresses current global issues that demand a resolute response — climate action, sustainable development, conflicts and violence, income and wealth inequality, gender equality and the future of work. The competitive advantage of the cooperative identity — business performance, market share, best governance and management practices and the unique nature of cooperative capital will also be explored.

A “Call to Action” on the occasion of the ICA 125th anniversary will bring together the cooperative movement to discuss commitments to the Sustainable Development Goals that will most directly impact both global stability and human development.

What is a World Cooperative Congress?

World Cooperative Congresses, organized by the International Cooperative Alliance (ICA), convene only on very special occasions: the creation of the ICA (1st Congress, 1895); the approval of the Statement on the Cooperative Identity (31st Congress, 1995); or the UN International Year of Cooperatives (32nd Congress, 2012).

These are gatherings of cooperators at large including representatives of ICA member organizations. The 33rd World Cooperative Congress, initially foreseen for December 2020 and now postponed to 1-3 March 2021, still in Seoul will be only the second Congress to be held outside Europe and is an opportunity to reaffirm the universal value and recognition of the cooperative identity.

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The 3rd International Forum on Cooperative Law will be organized on 27 and 28 February 2021 in Seoul as a pre-Congress event. The Forum will be a precursor for debates and discussions during the Congress.

Background on the International Forum on Cooperative Law and Suggested Topics

After the 1st International Forum on Cooperative Law held at Montevideo in 2016 and the 2nd such event held at Athens in 2018, the 3rd Forum will take place in Seoul, i.e. in yet another region of the ICA, namely in the Asia and Pacific. It is organized by Ius Cooperativum, with the support of the ICA through its Thematic Committee on Cooperative Law. The theme of this Forum is *“The Identity of Cooperatives and the Harmonization of Cooperative Laws. Match or Mismatch?”*

Cooperative law is increasingly understood as the translation into legal rules of the cooperative principles as related to the cooperative values and to the definition of cooperatives laid down in the 1995 ICA Statement on the cooperative identity (ICA

Statement). Not the least the 2001 United Nations “Guidelines aimed at creating a supportive environment for the development of cooperatives” (Paragraphs 9.-16.) and the International Labour Organization “Promotion of Cooperatives Recommendation, 2002 (n° 193)” (Paragraph 10.(1) et passim), attest to that. While this shared understanding recognizes the role of law as concerns the strengthening and the protection of the cooperative identity and as it confirms the *raison d’être* of cooperative law as a distinct field of legal science, the potentially counterproductive effects of the harmonization of cooperative laws, which these same international texts support, raises concerns.

Indeed, Paragraph 18 of ILO R. 193 suggests that “[I]nternational cooperation should be facilitated through [...] developing, where it is warranted and possible [...] common regional and international [...] legislation to support cooperatives.” Opinions on the desirability and feasibility of the harmonization of cooperative law are divided, among practitioners and academics alike. Opponents invoke the close link between the idea of cooperatives and cultural givens to conclude that harmonization should not be pursued; proponents of the harmonization tend to refer to the harmonization of other business organization laws to conclude that harmonized law would create the same competitive conditions for cooperatives as it does for other types of enterprises. The former overlooks the fact that a great number of cooperative laws are already harmonized and more are in the process of being harmonized; the latter tends to overlook the problems of harmonization; each emphasizes a different aspect of cooperatives, namely the associative and the entrepreneurial aspect, respectively. Both sides operate with a rather vague notion of “harmonization”. Both sides hint to an issue in the translation of the cooperative principles into law which is prone to turning the match between identity and harmonization into a mismatch: Principles imply diverse applications, including diverse cooperative laws; harmonized legal rules imply homogenizing abstractions from this diversity. The challenge consists in matching the possible need for harmonization with the need for diverse identities which constitute the identity of cooperatives.

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The 3rd International Forum on Cooperative Law is to produce insights into how to deal with this challenge and into the question whether the harmonization of cooperative law/s is an obstacle to or a facilitator for the translation of the cooperative principles into legal rules.

Therefore, contributions may deal with either or both of two interrelated sets of questions:

1. *Questions concerning the cooperative principles, such as (among others)*

- Do cooperatives have a legal obligation to respect the cooperative principles?
- Do cooperatives translate the cooperative principles into rules of their statutes? Research from a legal sociological point of view.
- Considering the legal nature of the ICA Statement and the ILO R. 193, do legislators have to take the cooperative principles into account?



- Considering the legal nature of the ICA Statement and the ILO R. 193, is the difference between the ways they express the cooperative values and principles relevant?
- What is the entry point for the cooperative principles into legal rules? Direct or via legal principles? Legal principles of the legal order concerned or autonomously developed cooperative legal principles?
- What are the legal effects of the different ways by which the cooperative principles are being translated into legal rules (“simple” reference, inclusion, transcription...)?
- Do legal traditions in the sense of comparative law impact the way the cooperative principles are being translated into legal rules?

2. Questions concerning the harmonization of cooperative law/s, such as (among others)

- Clarification of the term “harmonization”. Harmonization, unification or approximation? At which level (national, regional, international)? Harmonization of what (the legal rules, and/or the interpretation of the cooperative principles)?
- Mapping of existing and planned harmonizations. Classification of the way they take the cooperative principles into account. Assessment of their implementation, possibly as compared to the implementation of harmonized law governing other types of enterprises.
- “Pros” and “cons” of the “harmonization”. From the point of view of economics, taking into account overall aims such as sustainable development and new technologies used in the production, distribution and consumption processes; from an organizational point of view where new technologies of telecommunication and blockchain allow for memberships in different jurisdictions and for the organizational integration into value chains across different jurisdictions; from the point of view of socio-psychology (collectives/connectives; individualization/singularization and their impact on solidarity as the kernel of cooperatives).
- Prerequisites for an effective “harmonization” in terms of a harmonized interpretation/implementation/application. For example, the use of the methodology/methodologies suggested by comparative law for the “harmonization” of laws.
- The byelaw autonomy granted under law as a possible guardian of diversity in the unity of harmonized law/s.
- Harmonized regional and/or international cooperative law as a guarantor of the identity of cooperatives?
- Possible harmonizing effects of the 1966 Human Rights Covenants on cooperative law.

Details for submissions

Participants interested in presenting a paper are kindly invited to send an abstract of a maximum of 300 words in English/French/Spanish/Korean before the **15 July 2020** to Ifigeneia Douvitsa, at legislation@ica.coop or lawforum@worldcoopcongress.coop with **IFCL** in the subject line of the email.

Scientific committee

Apps, Ann (Australia); Cracogna, Dante (Argentina); Fajardo, Gemma (Spain); Kurimoto, Akira (Japan); Meira, Deolinda (Portugal); Münkner, Hans-H. (Germany); Prasad, Bhagwati (India), Tadjudje, Willy (Africa); van der Sangen, Ger (Netherlands), Vladimirova, Oksana (Russian Federation), Nominee (Korea Law Research Institute- TBC), David Hiez (Luxembourg)

Notification of acceptance of the abstract



Participants will be notified in August 2020 about the acceptance or rejection of their abstract. There is no travel or dearness allowance provided to the selected presenters. However, a limited number of partial grants may be offered to young legal scholars to promote cooperative law among youth.

Date and place of the Forum

The 3rd International Forum on Cooperative Law will take place on 27 and 28 February on the occasion of the World Cooperative Congress to be held at COEX in Seoul, Republic of Korea between 1 and 3 March 2021.

Conference language

English, French, Spanish and Korean

Information

Full information about the Forum will be posted on www.worldcoopcongress.coop and www.iuscooperativum.org

Please send your queries regarding the 3rd International Forum on Cooperative Law to Ifigeneia Douvitsa at lawforum@worldcoopcongress.coop or legislation@ica.coop with **IFCL** in the subject line of the email.

Annexe 1 - Concept note of the 33rd World Cooperative Congress

33rd World Cooperative Congress, Seoul, 1-3 March 2021

Deepening our cooperative identity

Celebrating the 125th anniversary of the ICA
and the 25th anniversary of the Statement on the Cooperative Identity

Social and economic transformation is at the heart of recent movements such as the one to meet the climate change challenge, youth and gender movements and other movements responding to the environmental, economic and social challenges framed in the UN Agenda 2030 and the Sustainable Development Goals (SDG), and, more generally, social unrest which mirrors increasingly unequal societies. Businesses in different corners of the world are reframing their purpose; global sustainability reporting initiatives are being redrafted, having realized that disclosure of various practices are not sufficient to turn around the economy and society. New business models are emerging, centred on, or advocating for ethical values and common good, such as corporations; social enterprises; Banking on Values. Even the US Roundtable of business leaders declared—in stark contrast to business as usual – that they are accountable to their stakeholders rather than only their shareholders.

In this context, cooperatives ought to be the leaders, rather than followers, based precisely on their distinct cooperative identity which provides them with legitimacy as enterprises in the service of people and the common good, rather than capital and profit.

The key question then can be framed around challenges and opportunities: how do cooperatives use the Statement of Cooperative Identity to their advantage; how is the cooperative movement transforming the economy and society, and in what ways can the cooperative model pave the way to a sustainable future?

It is through their identity that cooperatives exist in today's world. Indeed, cooperatives would not exist as we know them, namely as a global and networked reality, if they had not established global common denominators, and if, as of 1995, these denominators had not evolved into a fully-fledged common identity.

The Statement on the Cooperative Identity, approved at the ICA Centenary Congress in 1995 in Manchester after a very long consultation process within the cooperative movement, not only brought about a more complete set of common denominators for cooperatives worldwide with a seventh principle, a series of foundational values and a definition, but, with these additions and the whole set of standards thus formed, it also constituted a profound qualitative leap forward by explicitly introducing the concept of cooperative identity.

The awareness of this identity over this quarter of a century has made substantial progress. The Guidance Notes on the Cooperative Principles, approved by the ICA general assembly in 2015 after two years of consultation within the cooperative movement, provides an important step forward in the understanding of the principles, which constitute the largest part of the Statement on the Cooperative Identity. Furthermore, by understanding better its common

identity, the cooperative movement has since then been able to better integrate the plurality among different forms of cooperatives, including new types that have emerged since then.

International recognition has also followed suit: the cooperative identity has been formally recognized by the international community through the virtually unanimous approval in 2002 of ILO Promotion of Cooperatives Recommendation, 2002 (n° 193), while UNESCO in 2016 has granted cooperatives the status of world intangible heritage through the German cooperative movement.

On the other hand, however, there still is a long way to go in order to bring into full play all the potential of the cooperative identity, whereas it is particularly urgent to do so in this period when the world is undergoing dramatic changes and challenges.

The ICA Congress provides an opportunity to celebrate and deepen the understanding of the cooperative identity. It can thus constitute both a point of arrival, by taking stock of these 25 years of development of the cooperative identity, and a point of departure, by launching a debate ushering in a deeper and more multi-faceted understanding of the role which the cooperative identity plays in setting the cooperative model apart from other forms of business and collective action.

The Congress shall debate how our cooperative identity positively impacts the current global issues (development, saving the planet, peace, etc.) and how our cooperative identity impacts global viewpoints on human development (dignity of work, impact of digital technology, gender equity, etc.).

In the same line, the Congress shall include a “Call to Action” on the occasion of the ICA’s 125th anniversary, with the ICA sectoral organizations previously polling their members on the top three priorities that would most impact both global stability and human development. Each sector would then bring to Seoul public commitments to achieve measurable results with applicable SDGs in their sector as derived from polling their grassroots members. These commitments would be incorporated into the 2020 Congress Declaration and would then be monitored in the 2020-2030 timeframe consistent with the 2020-2030 ICA Strategic Plan.