



# ILO and Cooperatives

COOPERATIVE PROGRAMME (EMP/COOP)

International  
Labour  
Organization

## This newsletter is exceptional

It contains only few articles, two of which are much longer than usually. Ninety years ILO, of which 89 with cooperatives, needs mentioning on more than one page. The first article is signed by J. Fazzio, Chief of the Cooperative Branch from 1990 to 2000. The second longer article takes us from this retrospective to the turmoil of the current financial and economic crisis. It is a technical report, reflecting preliminary findings. They suggest that cooperatives are faring differently than other business organisations in this crisis. The letter by our main partner, the International Cooperative Alliance, to the G 20 is to be read in the same context. Finally, D. Cracogna, the mastermind of the new framework law on cooperatives for Latin America and one of the leading experts on cooperative law, signs an article on the progress made in this area. This Ley Marco sets the direction for national law-makers when revising their legislation on the lines of modern cooperative principles, as they are also enshrined in the Promotion of Cooperatives Recommendation, 2002, of the ILO.

Hagen Henry

### Table of Contents

ILO and Cooperatives	2
Cooperatives and the crisis	4
Open Letter to the Governments of the G8	5
La Ley Marco para las Cooperativas de America Latina	7
Publications	8



## The ILO and Cooperative - Ninety Years of Partnership for a More Decent World for Working People

The 90th Anniversary of the establishment of the ILO marks ninety years of partnership with the international cooperative movement for the improvement of employment opportunities for working people world-wide as well as the improvement of their living and social conditions as well as those for civil society as a whole. This partnership led the founders of the ILO to include in its Constitution (Article 12) the obligation to hold official consultations with the internationally recognized organizations of employers, workers, agriculturists and cooperators.

In 1920 the ILO established a cooperative service so that cooperatives could work together with employers associations to increase self-employment and employment opportunities as well as working together with the trade unions to improve the working, living and social conditions of working people. The establishment of the ILO cooperative service was strongly supported by Albert Thomas, the first Director General who was the earlier leader of the French Cooperative Movement. During his tenure with the ILO he remained a member of the Executive Central Committee of the International Cooperative Alliance (ICA). The ICA is a non-governmental organization founded in 1895 to promote the values and interests of cooperative movements world-wide. Today, the ICA has 219 member organisations from 85 countries active in all sectors of the economy. Together these co-operatives represent more than 800 million individuals worldwide. Because of the interlinkage of cooperatives to trade unions and employers organizations, the ICA holds one of seven permanent observers' seats on the ILO Governing Body and participates in the International Labour Conference. In addition, both the ILO and the ICA are members of the international Committee for the Promotion and Advancement of Cooperatives (COPAC) which includes other UN agencies and the International Federation of Agricultural Producers.

During the early years of the ILO, the Cooperative Service has been the focal point for international research and publications on cooperative issues such as legislation, registration, management and membership education. In addition, the service was the framework for a number of ILO Meetings of Experts on Cooperatives to discuss and make recommendations for international action by the ILO and its Member States on these subjects. However, with the dramatic increase in the number of ILO Members States after the Second World War, the ILO Cooperative Service with all of the Office developed new activities to respond to development needs of the membership. Accordingly, there was a need for a new policy framework to shape the work programme of the ILO in cooperatives. Therefore, great effort was given by the Cooperative Service to assist the development of an appropriate international labour standard.

The adoption of ILO Recommendation No. 127 concerning the role of cooperatives in social and economic development of developing countries by the International Labour Conference in 1966 led to a reinforcement of the partnership between the ILO and the world-wide cooperative movement. Shortly after the adoption, the ILO formulated a major policy paper and action plan for the submission to the United Nations Special Fund (UNSF) which later became the United Nations Development Programme

(UNDP). The paper and plan were intended to develop and implement technical cooperation programmes in new Member States of the ILO for the development and extension of national cooperative movements as a way of improving the economic, living and social conditions of working people in the rural and urban sectors. In the decades of the 1970's, 80's and 90's more than 50 ILO Member States in Africa, Asia, Latin America and the Caribbean received ILO/UNDP support for the development of agricultural producer cooperatives, cooperative food banks, handicraft and manufacturing cooperatives, transport, housing, consumer and savings societies. At any one time, more than 100 technical field experts were being coordinated by the ILO Cooperative Branch to carry out this development work.

To reinforce this development work and give practical impact to Recommendation No. 127, the ILO from resources of its Regular Budget established a system of Regional Advisers on Cooperative Development who were available at all times to assist the ILO Member States and their national cooperative movements. There were an adviser for each of Asia, Latin America, the Caribbean, East Africa, West Africa and the Arab States.

The positive outcome of ILO/UNDP technical cooperation in support of cooperative movements soon led to direct funding of projects by the national donor agencies of ILO Member States. Denmark took the lead in the 1970's when it funded the ILO cooperative production and trade promotion project, COOP-TRADE, for the Caribbean Member States in cooperation with the regional association CARICOM. In the 1980's Sweden, Finland, Denmark and Norway funded the ILO inter-regional programme Materials and Techniques for the Training of Cooperative Members and Managers (MATCOM) through which the ILO established cooperative training manuals which are used world wide as standard training texts in over 30 languages. The financial support exceeded \$30 millions. Parallel to MATCOM the UNDP funded ILO projects for the establishment of training institutions and colleges in countries in Africa, Asia and Latin America which would use these MATCOM materials. Then, in the 1970's and 80's, the ability of the ILO to respond to a food security crisis in its Member States would be tested. The drought in the Sahel had a devastating impact on agricultural production increasing poverty and malnutrition in rural and urban sectors. The ILO Cooperative Branch in cooperation with the World Food Programme and Norway launched a technical cooperation programme "Cooperative Support to the World Food Programme" (ACOPAM). In this programme cooperative societies were assisted by the ILO in the Sahel Region of West Africa in raising agricultural production, improving transport and storage of food supplies, marketing and finance. Norway showed determination in supporting and financing the ILO cooperative programme. Its generosity amounted to more than \$45 millions.

The dimension and complexity of these development activities led the ILO Cooperative Branch to adopt new methods for technical cooperation in the 1990's. With the partnership and financial support of Denmark it adopted the programme approach to technical cooperation. This approach is based upon the utilisation and matching of local expertise with the expertise of the international cooperative movement through the coordination and advisory services of the ILO Cooperative Branch. Thus, technical expertise was to be provided by cooperative movements to cooperative movements and not by the traditional system of resident international experts. This technical

cooperation programme included COOPREFORM, COOPNET, INDISCO and UNICOOP.

COOPREFORM was a technical cooperation programme for the updating and reform of cooperative legislation in the ILO Member States with the intention of providing an appropriate legal environment for the registration and regulation of cooperatives without intrusive government supervision which hampers the long term growth of cooperative businesses and services. National cooperative movements were encouraged to render legal expertise to each other and to national legislatures.

COOPNET was a technical cooperation programme for the networking of cooperative training institutions across borders and regions. It encouraged the exchange and loan of training staff among institutions, the granting of fellowships, the use of ILO/MATCOM materials and the upgrading and standardization of training courses and content. The networking encouraged the sharing of human resources between North and South, East and West.

INDISCO did a great effort to establish for indigenous peoples in Asia and Latin America cooperative business opportunities and services as a means to improve their incomes and social well-being while protecting their cultural identity. The programme also did much to highlight the ILO standard on indigenous peoples and the ILO policy to promote decent work.

UNICOOP brought together trade union federations and international cooperative movements to determine ways to improve the living and social conditions of working people in the urban and rural sectors. The trade unions were encouraged and advised on how to sponsor and establish for their members cooperative housing societies, consumer cooperatives, credit and savings societies, and school cooperatives. The expertise and training were provided by the cooperative movements to the trade unions under the coordination of ILO/COOP and finance from the Netherlands.

Denmark supported three of these programmes for more than a decade beginning in the 1990's with resources approaching \$20 millions. It should be noted that over three decades the ILO Cooperative Branch was able to mobilize from the UNDP and multi-bilateral donors resources approaching \$150 millions including fellowships and associate experts. Donors included the UN Special Fund, UNDP, Sweden, Finland, Norway, Denmark, Netherlands, Belgium, Germany, France, Italy, Spain and most recently the United Kingdom which funds CoopAfrica.

Over recent decades, the work of the Cooperative Branch besides technical cooperation included a very active programme of publications, technical meetings and documentation. Continuing the tradition established by the founders of the ILO, the Cooperative Branch has shared strong policy support with the ICA not only with regard to development of cooperatives in developing countries but also with regard to the evolution of cooperatives in industrialized countries. Indeed, in the Member States of the ILO, cooperatives have become key players in food security, exports, wholesale and retail commerce, banking, housing, health care and manufacturing. While boosting employment and self-employment, cooperatives have become a key element in employment and income security, decent working conditions, improved living and social conditions and in the formation of civil society. Cooperatives and trade unions are

mutually supporting in many ILO Member States and often are significant members of Chambers of Commerce and Employers Associations. In fact, they are significant competitors in open economies in the supply of goods, services and job opportunities. Cooperatives are able to work with both social partners.

The growth and evolution of cooperative movements in the ILO Member States during recent decades and the experience of the ILO Cooperative Branch in its global work programme highlighted the urgent need for the ILO to update its basic policy framework as embodied in ILO Recommendation No. 127 concerning the role of cooperatives in social and economic development of developing countries. A new international standard was needed which would highlight the following issues:

*Universality* – A new standard would include developed as well as developing countries since cooperatives were important players in economic and social life and in civil society.

*Self-sufficiency* – Cooperatives work best when they are least dependent on public supervision and finance.

*Identity* – Cooperatives are organizations established and managed by working people for clear economic and social purposes. Although the public authorities have the right and obligation to register and regulate any business enterprise and organization, cooperatives should not be regulated to the status of para-statal entities.

*Human Resources* – cooperatives require properly trained members and elected executive officers to ensure the best standards of internal management and a business capacity to compete in open economies.

*Legal Framework* – The law should provide a favourable environment for the establishment and operation of cooperatives as peoples' organizations. At the same time, the law should not be intended as a means of public utilisation and administration.

*Basic Values and Principles* – Cooperatives are a unique form of business and social organization guided by certain values and principles. These are best expressed by the Statement of Cooperative Identity of the International Cooperative Alliance and should be duly recognized by the ILO Member States. These values include voluntary and open membership, democratic member control, member economic participation, autonomy and independence, education, training and information, cooperation among cooperatives and concern for the community.

Accordingly, the ILO Governing Body in its 274th Session in March 1999 decided to have on the Agenda of the International Conference of its 89th Session (2001) and its 90th Session (2002) the formulation and adoption of a revised recommendation on cooperatives. This is now ILO Recommendation No. 193 concerning the Promotion of Cooperatives.

Most recently, a Memorandum of understanding between ILO and ICA was signed by the ILO Director-General and the ICA President on 10 February 2004 in order to further the existing cooperation and partnership between ILO and ICA in the area of promotion and strengthening of cooperatives. It lays emphasis on joint work in the areas of policy dialogue, decent work in cooperatives, education and training and cooperative policy and legislation.

**Joseph Fazio**



## Cooperatives and the crisis – Impact, policy responses and possible ILO action

### General

1. In line with universally recognised standards, ILO defines a cooperative as an “autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise.”<sup>1</sup>

Cooperatives are based on transaction relationships and not on investor relationships. This determines their specific capital and governance structure. The difference is most likely to explain the situation they are in during this current crisis and it should determine policy choices and possible ILO actions.

2. The available information was interpreted against the background of any type of enterprise: cooperatives produce in order to satisfy demand (of their members or of non members); the financial crisis has had as an immediate effect a credit crunch and is leading to an economic crisis.<sup>2</sup>

The general pattern seems to be that, with few exceptions, cooperatives across all sectors and regions are more resilient to the current market shocks than capital centred enterprises are. Statements range from “no problems” to more nuanced ones. Like for other enterprise types, the situation of cooperatives seems to vary with the degree of their dependency on demand and external financing, the degree of their diversification (products and customers), as also with the sector.

The examples given are not representative, but rather illustrative of risk cases which need to be analysed for policy purposes.

### Impact of the crisis on cooperatives - examples

3. At the peak of the financial crisis cooperative banks and credit unions in many countries experienced a rapid increase in membership and in the deposit of savings to an extent where it became difficult to generate the necessary income to maintain the interest rates to be paid on savings, especially as business activities and hence demand for credit slowed down. The closure of some commercial banks compensated to some extent these effects.

4. The German cooperative central bank (DZ) announced a loss of 1 billion Euros for 2008. The DZ bank is a stock company. The majority of the stocks are held by cooperative banks. Reportedly, these will be called upon to share the loss.<sup>3</sup>

This example is interesting as it could indicate that, although cooperative banks themselves have not announced any significant losses due to the crisis so far, the formation of such stock companies by them could represent a heightened risk. It has to be weighed against the advantages this formula offers as far as access to the financial market is concerned. As for the latter, cooperatives have an inherent limitation due to their

voting rights system. In this reported case, cooperative specific control mechanisms might not have been in place or failed.

5. Only few cooperative banks and credit unions seem to have applied for state aid so far. As the above example shows, this may not be interpreted as them not having been impacted negatively by the crisis. According to cooperative principles, self-help mechanisms, like member liability to further call, inter cooperative bank guarantees, or reserve liabilities are being used before applying for external support. Both in the US American credit union system and in the German cooperative banking system these mechanisms have prevented member customers from losing any money ever since the end of the great depression last century. Reportedly, however, a US American inter cooperative guarantee fund needed state aid to compensate for losses incurred on the money market.

These internal mechanisms and the double quality of members (member and user/consumer, or saver and potential borrower in cooperative banks: savings first approach) diminish dependency on outside financing. They also lead to sharpen risk awareness and hence they strengthen governance mechanisms. This might also explain why cooperative banks and credit unions tend to invest in the real economy, mainly in their proximity where information which is necessary for risk assessment is more easily accessible and verifiable.

6. Most Ethiopian coffee growers are organised in cooperatives. The bulk of the produce is exported. The dependency on world market demand is high. Nevertheless, the individual coffee growers seem to be less affected as processing and export is being done through cooperative organisations, of which the coffee grower cooperatives are members. According to cooperative principles, these organisations must plough back their earnings to the members, whereas in the absence of such cooperative specific value chains the negative risks of world market fluctuations would be transferred to the primary producers.

7. Bankruptcies of cooperatives due to the crisis have not been reported, nor have worker/employee lay offs. In the special case of worker cooperatives the workers are at the same time the employers. Here, the decision to lay off is a solution of last resort.

### Policy responses

8. Cooperatives can be found in all sectors. They range from micro to macro enterprises, the majority of them falling into the category of small and medium-sized enterprises (sme).<sup>4</sup> While information and data on the impact of the crisis is available, policy responses relating specifically to cooperatives are difficult to trace as more and more countries, in accordance with Rec.193, relate their policies not to types of enterprises, but rather to sectors/activities/industries or to enterprise cat-

<sup>1</sup> The Promotion of Cooperatives Recommendation, 2002, Para.2 (Rec.193).

<sup>2</sup> Cf. note by Mr. Salazar-Xirinachs, The 2008-2009 Economic and Employment Crisis: Impacts and policy responses, February 1, 2009.

<sup>3</sup> Frankfurter Allgemeine Zeitung, 21.1.2009, 13.

<sup>4</sup> The Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 Para. 4.

egories defined by size.<sup>5</sup> Policy measures applying to small and medium sized enterprises will therefore also apply to cooperatives if they fall into this category.

## ILO Actions

- Conduct jointly with main partners a study on the subject to analyse existing data and generate additional information in view of sharpening tools;
- Ensure that enterprise-related policies take into account the specificities of various types of enterprises;
- Advise to not turn the relative success of cooperatives into an argument allowing for their use as a counter crisis instrument (except in the hands of the cooperative members themselves);

<sup>5</sup> This does not, of course, apply to policies by cooperative organisations themselves (unions, federations, confederations).

Use the findings to convince that recently elaborated regional cooperative laws, which conform to Rec.193, be implemented;<sup>6</sup>

- Assist in finding a balance between the need for capitalisation and the introduction of financial instruments in cooperatives which will give in to pressures of the financial market.<sup>7</sup>

Hagen Henry

<sup>6</sup> In 2008 a new framework law was adopted for the Latin American region and the adoption of a uniform cooperative act of the OHADA member states is imminent. Both instruments have been elaborated over years with the assistance of ILO and EMP/COOP is participating in the process of implementing them.

<sup>7</sup> The reported cases and experience through ILO cooperative policy and law advice confirm that cooperative related organisations which tend to favour investor interests over member-user interests run a higher risk in times of crisis of the current kind. This gives the ILO additional arguments in its endeavour to counteract the tendency of a slow homogenization of cooperative policies and law with those applying to investor-driven enterprises, which it has been criticising over many years together with its main partners. This homogenization relates mainly to capital and governance structures.



INTERNATIONAL  
CO-OPERATIVE  
ALLIANCE

22 October 2008

## Open Letter to the Governments of the G8

The people of the world have watched with shock and disbelief as some global financial structures have dissolved in panic, and bastions of the investment and banking industry have collapsed and disappeared. They have wondered as the world's political leaders have been forced to commit vast amounts of taxpayers' money, in an effort to bolster and stabilise banks and stock markets that have been shaken to the very core by corporate greed and profit-driven mismanagement. They now fear what the effects of all this will be on the real economy.

At the same time, those same world's citizens know that there is an alternative secure, stable and sustainable model of business owned and controlled by 800 million people worldwide. It is true to its global values and principles of self-help, sustainability, community ownership and control, democratic participation, fairness and transparency. It is a model of business that is not at the mercy of stock markets because it relies instead on member funds for its value; and is not subject to executive manipulation and greed because it is controlled by local people for local people. It is a business where the profits are not just distributed to its shareholders, but are returned to those who trade with the business, thus keeping the wealth generated by local businesses in the local community for the good of the local environment and families.

This is the co-operative sector of the global economy which employs 100 million people worldwide. It is no coincidence that the world's most successful and stable economies generally also happen to have the world's most co-operative economies.

It is also no coincidence, that those co-operative businesses that have stayed faithful to cooperative values and principles, are the same businesses that in recent weeks have benefited from the flight of deposits and bank accounts from the failing and collapsing investment houses and banks – an acknowledgement of the continuing trust with which they are endowed by the general public.

People know that a co-operative is a different kind of business – values led and with a different ethos.



As the world's political leaders plan their meeting to examine whether the global institutions that govern the financial and banking system are fit for purpose we, those privileged to represent the co-operative global economy, call on our political leaders to:

1. Use their combined political and financial strength to put the same energy and drive into protecting the world's people from the worst effects of the global recession that we now face as a result of the corporate mismanagement of the investor led model of business.
2. Ensure that in the struggle against recession, and in any reform of the global financial structures such as a new regulatory system, they take special note of the stability and security of the co-operative global economy and its value to the millions of individuals International Co-operative Alliance (ICA): Open Letter to the Governments of the G8 and families which it is supporting in all corners of the world, and give this model of business the recognition and political support that its contribution demands.
3. Ensure a level playing field between countries and banking models, and take account the diversity of banking systems in future rules.

The International Co-operative Alliance stands ready to contribute its unique expertise to the work of the G8 to resolve these issues.

*Ivano Barberini*  
President

*Stanley Muchiri*  
Vice President Africa

*Carlos Palacino*  
Vice President Americas

*Li Chunsheng*  
Vice President Asia-Pacific

*Dame Pauline Green*  
Vice President Europe

On behalf of the Members of the Board of the ICA:

*Alban D'Amours (Canada)*  
*Won-Byung Choi (Korea)*  
*Jean-Louis Bancel (France)*  
*Jean-Claude Dettloux (France)*  
*Steiner Dvergsdal (Norway)*  
*Paul Hazen (USA)*  
*Ramón Imperial Zúñiga (Mexico)*  
*Surinder Kumar Jakhar (India)*  
*Gun-Britt Mårtensson (Sweden)*

*Isami Miyata (Japan)*  
*Lourdes Ortellado Sienra (Paraguay)*  
*Janusz Paszkowski (Poland)*  
*Javier Salaberria (Spain)*  
*Felice Scalvini (Italy)*  
*Seah Kian Peng (Singapore)*  
*Teo Say Hong (Singapore)*  
*Americo Utumi (Brazil)*

The International Co-operative Alliance (ICA), founded in 1895, unites, serves and represents co-operatives worldwide. It brings together 219 member organisations from 87 countries active in all sectors of the economy with represent over 800 million individuals.

ICA is the custodian of co-operative values and principles and makes the case for their distinctive values-based economic business model which also provides individuals and communities with an instrument of selfhelp and influence over their development. The ICA advocates the interests and success of co-operatives, disseminates best practices and know-how, strengthens their capacity building and monitors their performance and progress over time.

ICA was one of the first non-governmental organisations recognised by the United Nations in 1946. Today, it holds general consultative status.

## La Ley Marco para las Cooperativas de America Latina

En 1988, luego de un período de elaboración y consulta que duró más de dos años, la Organización de las Cooperativas de América (OCA) aprobó el *Proyecto de Ley Marco para las Cooperativas de América Latina*. Este documento, que respondía a las experiencias más exitosas de la legislación comparada regional y a las orientaciones doctrinarias más actuales, fue ampliamente utilizado en la reforma de la legislación cooperativa de los países latinoamericanos comenzando por la Ley 79 de Colombia del mismo año. A continuación su influencia quedó plasmada en las nuevas leyes de cooperativas de México, Paraguay, Puerto Rico, Honduras, Panamá y Venezuela, principalmente, a la vez que sirvió de inspiración para el avance de los estudios de la materia.

Pasados casi veinte años, la Alianza Cooperativa Internacional de las Américas (ACI Américas) consideró conveniente realizar una actualización del *Proyecto de Ley Marco*, contando para ello con la colaboración del Servicio de Cooperativas de la OIT. En esta tarea debían tomarse en cuenta la *Declaración sobre la Identidad Cooperativa* aprobada por la ACI en su Congreso del Centenario (1995) así como los *Lineamientos orientados a la creación de un entorno favorable para el desarrollo cooperativo* aprobados por la Organización de las Naciones Unidas (Ares. 56/114 del 19.11.01) y la Recomendación N° 193 de la OIT sobre *Promoción de las cooperativas* aprobada por la Conferencia en junio de 2002. A todo ello debía agregarse la consideración de los profundos cambios producidos en el contexto económico, social y político a lo largo de dos décadas como así también la evolución del propio movimiento cooperativo.

La comisión técnica encargada de elaborar el nuevo texto estuvo compuesta por expertos de las diferentes subregiones del Continente y contó con la activa participación del Jefe del Servicio de Cooperativas de la OIT. El primer borrador fue sometido a consulta en el *Primer Encuentro de Organismos de Supervisión y Fomento de Cooperativas* y en el *Taller de Legislación Cooperativa* realizados en el marco de la *XV Conferencia Regional de la ACI Américas* que tuvo lugar en Santo Domingo en octubre de 2007. Posteriormente el borrador fue ampliamente difundido a fin de conocer la opinión de los movimientos cooperativos y de los técnicos de la región.

Concluido el proceso de consulta, la comisión técnica efectuó la redacción final del documento que fue presentado al Consejo Consultivo de la ACI Américas en su reunión de Asunción de febrero de 2008. Este órgano le dio formal aprobación en su reunión de San José de Costa Rica en julio de 2008 quedando entonces en condiciones de ser difundido para el cumplimiento de su cometido. Cabe señalar que el *V Encuentro de Parlamentarios de América Latina* realizado en coincidencia con la *XVI Conferencia Regional de la ACI Américas* declaró su reconocimiento a la ACI Américas por poner a disposición de los legisladores del Continente un documento que oriente la labor de reforma y actualización de la legislación cooperativa.

La *Ley Marco* no está concebida como un modelo a ser copiado por los legisladores de los países latinoamericanos sino como un documento de orientación acerca de los lineamientos y disposiciones fundamentales de la legislación cooperativa basado en la doctrina, los estudios académicos y el derecho comparado de los países donde la experiencia cooperativa ha alcanzado un mayor desarrollo.

Se trata de una ley general para toda clase de cooperativas que no incluye disposiciones de fomento ni de carácter tributario por considerar que éstas deben responder a la realidad propia de cada país. Su redacción prescinde de tecnicismos y cada artículo se halla seguido de una breve justificación que explica sus fundamentos y alcances. Comprende doce capítulos orgánicamente estructurados para ordenar su contenido desde la constitución de la cooperativa hasta su disolución y liquidación, pasando por su organización y funcionamiento. Trata asimismo de las relaciones con el Estado a propósito del registro, la supervisión y la política pública en materia de cooperativas.

El primero de los principios orientadores que informan el documento es la reafirmación de la identidad cooperativa mediante la incorporación de la definición de cooperativa y de los principios cooperativos tal como fueron declarados por la ACI en 1995. La noción del *acto cooperativo* – ya existente en numerosas leyes del Continente – viene asimismo a ratificar la identidad cooperativa.

El fortalecimiento empresarial es otro de los principios que inspiran la *Ley Marco*, el cual se manifiesta en diferentes disposiciones encaminadas a asegurar que las cooperativas puedan desenvolverse adecuadamente en el marco de la economía altamente competitiva y concentrada de la actualidad. La no restricción de sus actividades, la posibilidad de asociación con personas jurídicas de otro carácter bajo ciertas condiciones y la prestación de servicios a no asociados sujeta a requisitos que no desvirtúen su naturaleza son algunas disposiciones que evidencian esta orientación del documento.

La afirmación de la autonomía de las cooperativas es otro rasgo que caracteriza a la *Ley Marco*, asegurando que puedan desenvolverse sin ingerencia estatal y sobre la base de la voluntad de sus miembros. Por ello se determina que la constitución legal de la cooperativa tiene lugar mediante el sistema del registro, sin supeditarla a autorización del Estado, y mediante un procedimiento sencillo y económico. Asimismo se reconoce amplitud y flexibilidad a los estatutos que cada cooperativa adopte, siempre dentro del marco de las normas legales respectivas. Por otra parte, se trata de que éstas sean lo más autosuficientes posible a fin de evitar el riesgo de su desnaturalización por vía de la reglamentación.

La igualdad de género se promueve y asegura mediante diversas disposiciones encaminadas a lograr que tanto el ingreso a la cooperativa como el acceso al desempeño de cargos en sus distintos órganos resulten fáciles y expeditos para todos los asociados con prescindencia de su género.

Se habilitan diversos mecanismos para la cooperación entre cooperativas, tanto en el aspecto económico como en la actividad representativa y se establecen normas propias para ciertas clases de cooperativas. Así, en cuanto a las de trabajo asociado se procura garantizar su autenticidad y evitar su uso en fraude a la legislación laboral.

La *Ley Marco* se encuentra ahora en período de difusión para su conocimiento y aplicación, pero ya ha tenido recepción en la reciente Ley General de Cooperativas del Uruguay sancionada a fines de octubre de 2008. De manera que ya ha comenzado a cumplir efectivamente su función.

Dante Cracogna



## Publications

### Cooperating out of poverty The renaissance of the African cooperative movement

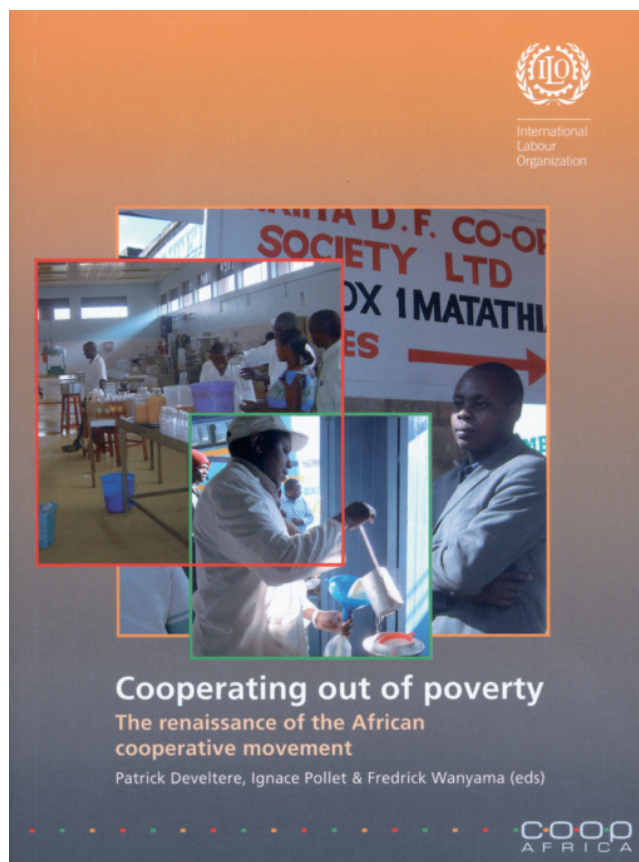
by Patrick Develtere, Ignace Pollet, Frederick Wanayama,  
ILO, 2008

Eradicating poverty in Sub-Saharan Africa continues to be the biggest challenge for the global community today. During the last 25 years, the number of poor has doubled from 150 million to 300 million, half the population surviving on \$1 a day or less. That is why this continent needs successful African entrepreneurs and a strong and vibrant small enterprise sector to provide the innovation and productivity growth necessary for long-term poverty reduction.

The history of cooperative development in Africa has resulted into two popular, but very contradictory conclusions.

On the one hand, there is the view that cooperatives in Africa have failed to live up to the challenges of developing the continent. That they ceased to be development agents when they were hijacked by governments or other state agencies. As government instruments, they do not resonate with the local culture and have subsequently performed poorly and evidenced by the many malfunctioning cooperatives.

On the other hand, there is the opinion that cooperative entrepreneurship is the way forward for African development. Those who hold this view have maintained that cooperatives as private enterprises do also fit very well with communal cultures in Africa. That this combination of business enterprises (for the mobilization of resources) with the concern for communal welfare has seen many cooperatives help poor people out of poverty and create wealth in their communities.



This research project was set up to help disentangle these contradictory perceptions that have continuously preoccupied many people, including cooperative members and leaders as well as government and donor agencies. The central objective of the study was thus to make an objective analysis of the state of affairs of the cooperative sector in Africa since the liberalization of the economy in the early 1990s.

This issue was prepared with contributions from Hagen Henry, Joseph Fazzio, Dante Cracogna, Igor Vocatch and Sandrine Lo Iacomo.

**The Cooperative Programme  
(EMP/COOP)  
International Labour Office (ILO)**

4, route des Morillons  
CH-1211 Geneva, 22  
Switzerland

Tel: +41 (0) 22 799 7455  
Fax: +41 (0) 22 799 8572

E-mail: [coop@ilo.org](mailto:coop@ilo.org)

Website: [www.ilo.org/coop](http://www.ilo.org/coop)