



International
Labour
Organization

ILO and Cooperatives

COOPERATIVE PROGRAMME (EMP/COOP)

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Editorial

As usual, we try to keep you informed through this newsletter on the four interrelated thematic areas EMP/COOP, the Cooperative Branch of the ILO, focuses on in collaboration with our main partner, the International Cooperative Alliance: Policy dialogue, data, education and training, as well as policy and law. We also hope that the Supplement briefing on latest developments concerning the International Year of Cooperatives 2012 will find your interest.

The first two contributions report on our endeavor to reach a better regional balance in our activities. At the same time they highlight the potential of cooperatives in difficult socio-political circumstances.

Repeatedly we reported on our activities concerning statistical data. Starting with the international community, but also for example the EU and other governmental and non-governmental bodies there is a vast consensus that the apparent data gap needs filling. After having developed a methodology, we are now collecting data which will allow demonstrating the contribution cooperatives make to the economies (see article on "The European Union..." and "Follow-up"). It will be important in a second stage to collect data based on social measurement criteria for which cooperatives stand. The contributions relating to the empowerment of sex-workers and domestic workers may also be read in this context. In addition, the latter perfectly well demonstrate the relevance of the original cooperative values and principles, especially the principle of self-help.

Beyond its self-explanatory content, the contribution on a savings and credit cooperative in Ukraine shows the common interest of the ILO constituents and cooperatives. Both trade-unions and employers organizations were also a key element of

Also in this issue:

Third of our regular briefs on the activities in preparation of the **International Year of Cooperatives 2012**

success of the COOP^{AFRICA} Program, not the least through the active participation of their representatives in the steering committee of this program.

Several contributions relate to cooperative policy and law. An increasing number of actors recognize the importance of an enabling policy and legal environment for enterprises. Of course, such environment is not a sufficient condition for success, but it is an indispensable one. The Sustainable Enterprise Program of the Job Creation and Enterprise Development Department, of which the Branch is a part, is addressing this. The emphasis of our work in this connection is shifting towards improving the implementation of the policies and legal texts.

The reported on sentence by the Supreme Court of Argentine and the Uniform cooperative act for the Member states of OHADA both refer to the ILO Promotion of Cooperatives Recommendation, 2002 (R.193). An increasing number of states (see for example the contribution "Conference... in Belgrade" and the column "Other activities") also takes R. 193 into consideration when adopting new laws or revising existing ones. EMP/COOP was part of a group which prepared the EU "Study on the implementation of the (EU) Regulation 1435/2003 on the Statute for European Cooperative Society (SCE)". The group gave support to the argument that R. 193 takes the 1995 International Cooperative Alliance Statement on the cooperative identity to the level of an international governmental instrument. In turn, this contextualization enhances the legal value of R. 193.

The news items are an example of increased media attention while pointing to a need for discussion of critical elements for the promotion of cooperatives, audit and financing in these cases.

Last, but not least, food for thought: Information on latest publications and on the history of the ILO and cooperatives relationship.

At the end I would like to reiterate our and my personal thanks to Philippe Vanhuynegem. Philippe was the Chief Technical Advisor of the Coop Africa Program until December last year. Besides his tireless personal input, Philippe managed to create the team spirit which made the CoopAfrica Program a success. As you can read from the related contribution ("News from COOP^{AFRICA}"), we are confident that his and his colleagues' efforts were not in vain.

Philippe has taken up a new assignment in the ILO Lima Office. We now have a "spokesperson" in the region.

Let me close by saying good bye. I leave at the end of March, with thanks to the EMP/COOP team and all those with whom I had the privilege of working.

Hagen Henry

Cooperatives in Arab countries

Sub-Regional workshop discussed how to revitalize cooperatives in the Arab countries for local and regional development

A Sub-Regional Knowledge-Sharing Workshop on Cooperatives in the Arab countries was organised in Beirut, Lebanon, from 23 to 26 November 2010. The representatives of major cooperative federations, employers' and workers' organisations and government authorities in charge of cooperative development from six Arab countries and territories (Lebanon, Syria, Jordan, Iraq, Yemen and the occupied Palestinian territory) attended the workshop. Based on findings and recommendations of a background paper prepared for this workshop, the participants discussed weaknesses and major problems of the cooperative movement in the sub-region with a view to examining more closely the potential role of cooperatives to create jobs within the Decent Work Agenda of the ILO. The objectives of the workshop were to:

- Provide an overview of the cooperative movement in the Arab region;
- Examine policies and legislative frameworks, needs and opportunities, key challenges, best practices and lessons learned;
- Create awareness among the social partners about the role of cooperatives in the context of the social and solidarity economy, their achievements and shortcomings;
- Agree on ways to promote and strengthen collaboration between cooperatives and the social partners; and
- Elaborate Recommendations towards a participatory action plan for cooperative development in the Arab region.

The workshop was inaugurated by Nada Al-Nashif, ILO Regional Director for Arab States, Ghassan Ghosn, President, General Confederation of Lebanese Workers and Ziad Sayegh, Advisor, Ministry of Labour. In her address, Ms. Al-Nashif highlighted the importance of cooperatives in the ILO's work and the role of cooperatives in poverty reduction and employment creation. She concluded: "This workshop is therefore an important platform to share and document this wealth of knowledge".



Discussions were carried out on the basis of the introductory and technical presentations made by the following ILO experts and consultants that were followed by the country presentations:

- *Igor Vocatch-Boldyrev*: The ILO and Cooperatives – A global perspective towards the International Year of Cooperatives (IYC); Cooperatives as part of the Social and Solidarity Economy; Cooperatives and ILO's Social Partners.
- *Hüseyin Polat*: Social Economy in Turkey; and Background Paper on Cooperatives in the Arab World – Reaffirming their validity for local and regional development
- *Ahmed Ait Haddout*: Social Economy in Morocco.
- *Constanze Schimmel* (on behalf of Hagen Henry): Cooperative Policy and Legislation: Creating an enabling environment for cooperatives in the sub-region and ILO Recommendation No. 193 on the Promotion of Cooperatives (followed by a special presentation on the new cooperative law in Palestine by Jihad Al Shrouf).
- *Julian Magnat* (with extension workers from South Lebanon Project): Cooperatives and local development – Stories from the grass-roots.





Following the presentations of the two group reports, intensive discussions were carried out about the way forward. Maurizio Bussi, ILO Deputy Regional Director, participated in the closing session and made the concluding remarks. Mr. Bussi confirmed that the workshop had achieved its intended goal, which was primarily to share knowledge and exchange of cooperative experience in the sub-region. Also, and most importantly, the workshop had provided a participatory platform to analyze cooperative needs, and to propose a way forward. After the workshop, the participants took a one day visit to South Lebanon to see the achievements of the ILO Project by visiting a beekeeping cooperative in Jabel Amal and a food processing cooperative in Deir Kanoun (cf. separate article), and discuss project results with Assaad Eldor, Project Manager.

Hüseyin Polat

- *Simel Esim* (with Project managers from three countries): Promoting Women Cooperatives in Conflict and Rural Settings – Case studies from Yemen, Palestine and Iraq.

In order to get more and updated information about cooperatives from the participating countries and share experiences, the workshop devoted considerable time for country presentations and discussions. These presentations were made by Mohammad M. Bashir (Yemen), Samir Ayoub (Lebanon), Hussam Mansour (Syria), Karim Haimd Tamimi and Hussam Hakim Barznji (Iraq), Ghazi abu Thaher (Palestine) and Mansur Al Banna (Jordan).

On the third day, participants were split into two thematic working groups, the first one working on policy and regulatory frameworks for cooperative development, and the second one working on cooperatives and job creation. The purpose was to establish a consensus around the main challenges in each of these areas, and to elaborate recommendations to address these challenges.

The impact of a women cooperative in the war-affected area of South Lebanon

In South Lebanon, the ILO has been involved in capacity building for cooperatives active in agriproducts processing, beekeeping and livestock farming for quite some time now. In June 2009, a two-week workshop on Cooperative Extension Work was organized as part of the exit strategy of “Local Socio-Economic Recovery in War-Affected Areas in South Lebanon” and to train the project’s extension workers to gradually take over project staff function (cf. *EMP/COOP News No. 3, 2009, p. 8*).

One extension worker trained by the ILO is Daad Ismail. She is also the president and one of the founding members of a cooperative for the production and processing of agriculture products in Deir Kanoun Ras El Ein, a village in South Leba-

non. The cooperative was founded in 2005, after the twelve women members had already tried to register the cooperative for two years. The cooperative purchases unprocessed products from farmers and sells them either directly to customers or after having processed them. It offers traditional and seasonal products.

The number of members during the years has permanently risen and currently there are 32 women members. Ms. Ismail reckons that around three quarters of the women in the village would like to become a member. She proudly stated that the members of the cooperative are “like a family” – with cooperation in a broader sense also extending into the private and family sphere.

Before joining the cooperative, Daad Ismail was a housewife without own income, raising her four children. As she liked social work, she used to participate in social fora and worked in the social field. Through her membership in the



cooperative her financial situation has improved to a considerable extent. She says that her income – may it also be small – has given autonomy to her and to the other women members as it has allowed them to build their identity.

Like other enterprises, the cooperative had problems with accessing finance and credit. In the tradition of the Rochdale Pioneers, some of the members opted to use their dividend of the annual surplus as a loan to the cooperative. This has made the cooperative financially more independent as it did not have to rely on banks. The cooperative is now in a position to pay back the women members who have given such loans.

Ms. Ismail explains that, judging from her own experience, she feels confident in saying that women should participate in the working force and not only stay at home. Women have a great potential but they need an encouraging and suitable environment to realize it. Through the work in the cooperative, women members can take part in the economically active part of the society and express themselves at the same time. The society would profit from this as well: “As a cooperative, we have contributed greatly to the economic cycle of our village, because we are buying products from farmers; they are benefitting from us and we are benefitting from them”, is her conclusion.

The European Union provides financing for pilot project on “Satellite Accounts for Cooperatives and Mutuals” in Serbia, Bulgaria, Macedonia, Spain and Belgium

One of the main tasks of the European cooperative organisations is to achieve better visibility, recognition and protection of cooperatives. To fulfil this task the European Commission issued a call for proposals to the national cooperative systems and the national statistic institutions to establish satellite accounts* for cooperatives. Thus, the Commission would like to encourage the European Union member states to collect reliable, comparable and systematic information about cooperatives, which would allow distinction and appreciation of their role in the national economies.

The satellite accounts are a means to provide information in addition to typical statistical information. This could lend more visibility to cooperatives in respect of their contribution to the GDP, jobs, capital investments, tax revenue and their role in the payment balance of the country as a whole. They facilitate the

development of policies and strategies for the development of cooperatives, both at national and at European level.

The pilot project aims at creating a centralized statistical database and to collect reliable, systematized and comparable information on the economic and social role and significance of the cooperatives and other social economy enterprises in the national economy, within the conceptual framework of national accounts. The results of the pilot projects will be published in March 2011. The five projects are: “Satellite Accounts for Cooperatives and Mutuals Beneficiary” (Statistical Office of the Republic of Serbia); “Developing an information system of the Central Cooperative Union as a basis for the establishment of satellite accounts for cooperatives in Bulgaria” (Central Cooperative Union; National Union of Workers’ Productive Cooperatives and National Statistical Institute of Bulgaria); “Satellite Accounts for Cooperatives and Mutuals Beneficiary” (CIRIEC Belgium); “Satellite Accounts for Cooperatives and Mutuals Beneficiary” (State Statistical Office (former Yugoslav Republic of Macedonia); “Satellite Accounts for Cooperatives and Mutuals in Spain Beneficiaries” (National Statistical Institute and CIRIEC Spain).

* Satellite accounts make it possible to focus on a particular field or aspect of economic and social life in the context of national accounts, e.g. environment, tourism, or unpaid household work.

Summary of

“Профспилкова Скарбниця” by Ivan Vishnevskiy (unpublished) – Savings and Credit Organization in the Form of a Cooperative in Ukraine

The number of vulnerable and socially unprotected people who were in need of secure and satisfactory financial services rapidly increased with the beginning of the market transformations in Ukraine. But, unfortunately, services of various financial institutions were not affordable, complicated in registration procedures and bureaucratic.

In 1992, the first mission from the Ukrainian Diaspora from the USA, Canada, and Australia visited Ukraine to promote the credit cooperative movement.

Initially, trade-union leaders were sceptical about the idea of establishing savings and credit organizations in the form of cooperatives, but were convinced in the end.

The decision on creating a savings and credit organization in the form of a cooperative was taken only in December 2000 at the conference of the Kiev City Council of Trade Unions. Organizational and administrative issues were dealt with in 2001. In February 2002, “The Trade-union Treasury” (“Профспилкова скарбниця”) was finally registered.

Throughout its 11 years of functioning, “The Trade-union Treasury” has positioned itself as a financial institution focused on the satisfaction of needs of its members. The most popular type of services among members are obtaining a credit on favourable terms for education and training, medical treatment and rehabilitation, purchase of furniture and household appliances, maintenance and reconstruction, organization of festive occasions, housing services, purchase of touristic services etc.

“The Trade-union Treasury” is a financially stable entity as confirmed by its sufficient reserve capital of 3’724’000 Ukraine Hryvnia (approximately USD 468’310) which amounts to 24% of its active assets. One of the main objectives of this organization is its involvement in the new diverse trade-union organizations of Kiev by the organization of common seminars and trainings (including special training sessions for the chairpersons of trade-union organizations), the mutual exchange and sharing of experience and knowledge etc.

The members of trade union organizations who are also members of “The Trade-union Treasury” come from the following sectors: housing services (43%), communication (14%), power engineering (15%), culture (5%), government (3%), education (5,5%).

In 2009, significant consideration was given to training and dialogue with the chairmen of trade-union organizations. “The Trade-union Treasury” also participates now in the Association of the Credit Unions’ «Program of Protection of Deposits».

Additionally, the organization became a part of the Ukrainian Association of Credit Unions in 2009. This association had been created to coordinate credit unions, provide mutual support and protect common interest in the light of a stable and continuous development of credit unions in Ukraine. Despite the complicated political and economic situation in Ukraine, positive results were possible mainly due to the sustained and competent management of “The Trade-union Treasury”, especially its coordinated work with the “Revision Committee” and “Credit Committee” and collaboration with trade-union organizations.

News from

COOP^{AFRICA} in 2011 – a year of transition

In 2011, COOP^{AFRICA} continues its operations, though at a reduced scale now that its DFID funded 1st phase came to an end in December 2010. As various evaluations have pointed to the important achievements of the Programme, the ILO Regional Office for Africa has decided to support the activities of COOP^{AFRICA} in 2011. Together with the ongoing collaboration with organizations such as the ONE UN fund in Tanzania, the Arab Gulf programme for Development (AGFUND), the Government of Finland and the Swedish International Development Agency (Sida), this enables the COOP^{AFRICA} team to focus on current core activities. They include, among others:

- **Policy and law:** Support to enhancing the coherence between cooperative policy and cooperative legislation. Moreover, the Programme will assist some countries in disseminating their new and revised cooperative laws and policies, for instance by translating them into languages spoken by the people concerned.
- **Cooperative approach:** Assist ILO constituents and ONE UN stakeholders in integrating the cooperative approach in Decent Work Country Programmes and Joint Programmes. For instance in Tanzania, the role of cooperatives and other social economy organizations in the

development of a productive agriculture and in viable pro-poor business sectors is widely acknowledged.

- **Challenge Fund:** The Programme continues the monitoring and evaluation of ongoing projects financed by the Challenge Fund and is preparing the launch of a small Challenge Fund window for women and youth.
- **Tools development and knowledge sharing:** together with ILO's International Training Centre in Turin and partners such as Agriterro, the Royal Tropical Institute and the Wageningen University in the Netherlands, COOP^{AFRICA} will finalize the training package for managers of agricultural cooperatives. Besides, a few more publications on cooperative education and training and overall impact assessment of COOP^{AFRICA} are in the pipeline.

The year 2011 is thus a year of transition in which ongoing business will be wound up and efforts are underway to seek additional donor support. Last but not least, EMP/COOP would like to thank Philippe Vanhuynegem for his tremendous support to the Programme as Chief Technical Advisor over the past 3 years. Philippe continues his work on enterprise development with the ILO in Lima.

>> Further information on COOP^{AFRICA}: www.ilo.org/coopafrika or contact coopafrika@ilo.org.

Empowerment: Sex workers become cooperative poultry farmers (Uganda)

With support of the ILO COOP^{AFRICA}, the Wowoya (Wider Opportunities for Women and Youth Services) credit and savings cooperative empowers 50 women who were previously working in commercial sex trade and 50 people living with HIV. Moreover, unemployed youth, local leaders and community based organizations benefit from capacity building sessions and integration of HIV and AIDS prevention and control initiatives organized by Wowoya.

In sub-Saharan Africa, limited access to health care, as well as strong family-centered traditions make households and communities the first and often the only means of support and care for those infected or affected by HIV. Cooperatives can play a key role in increasing the economic resilience of HIV affected households. An example is the cooperative of Wowoya providing affordable loans and business services that strengthen family and community coping mechanisms. The cooperative provides vulnerable and exploited women sex workers with start-up feeds, a poultry kit and chicken wire. In



The ILO is the lead UN agency for HIV and AIDS policies and programmes for the world of work and private sector mobilization. The ILO Programme on HIV/AIDS and the World of Work (ILO/AIDS) plays a key role in the HIV/AIDS global response through workplaces. The response to HIV and AIDS is an integral part of the ILO's Decent Work Agenda. In June 2010, the Recommendation concerning HIV and AIDS and the World of Work, 2010 (No.200), was adopted. Recognizing the role that economic empowerment has in preventing and mitigating the impact of HIV among affected populations, ILO/AIDS and EMP/COOP are collaborating – through a Sida funded programme in Southern Africa – to ensure access to services through cooperatives improvement of livelihoods and income by People Living with HIV/AIDS and affected households through social economy enterprises, hence reducing their vulnerability to HIV.

>> Source: <http://www.ilo.org/aids>

this way the cooperative aims not only to withdraw the young women from sexual exploitation but also to create awareness on HIV and AIDS and provide them with an alternative source of income.

Poverty and HIV are inextricably linked in sub-Saharan Africa. When prostitution constitutes a survival strategy the risk of HIV infection increases. Concrete support to affected women is essential to ensure more economic independence

and greater financial capacity to cover medical expenses and funeral costs.

As Wowoya's experience shows, cooperatives can address HIV vulnerability in an entrepreneurial way. The connection with the cooperative member base and the community at large, offers opportunities for group discussions and basic HIV education. Furthermore, cooperatives can link their members to health centers and other organizations addressing HIV and AIDS.

Domestic workers organize: Two examples of domestic workers cooperatives in Brooklyn, NY

Members of two domestic workers cooperatives, situated at Sunset Park, Brooklyn (NY), kindly agreed to meet with a staff member of EMP/COOP and to share their individual stories. Their examples are innovative as well as motivational and could shed a light on possible ways of organizing domestic workers (cf. also our article in EMP/COOP News. 2/2010, p.3 f.). The portrayed examples show that cooperatives have proven to be a viable means of organizing domestic workers who are often marginalized by society, ignored by the laws that govern workplaces and denied the social protection and working conditions other workers have come to rightly expect.

¡Si, se puede!

The *Si Se Puede! Women's Cooperative, We Can Do It! Inc.* promotes itself as "a women-owned, women-run business designed to create living wage jobs that will be carried out in a safe and healthy environment, and that promotes social supports and educational opportunities for its members." (<http://www.wecandoit.coop/about.html>).

It offers cleaning services to individuals and businesses. Through the cooperative, the members maintain the full amount paid by the client while paying monthly dues to the cooperative for business expenses. Additionally, through the cooperative, members organize trainings for themselves and their families. The 14 founding members, mainly immigrants from Mexico and the Dominican Republic, chose the name as it embodies for them both individual, but also economic and social change in a broader sense.

Luz, Sonia, Maria and Daniela, gave insights into the establishment and structure of the cooperative and how it has impacted upon their lives. After the first year of operations, thirteen of the founding members were still in the cooperative. In the second year, the members decided to accept new members. Nine

more members joined, being followed by five new members in the third year. Being part of the cooperative changed a lot in the lives of the women and their families: Not only did the cooperative empower the women to ask for adequate remuneration for their services, but also has taught them professional knowledge they were missing before. A member explained that the way of organizing her time now has changed through the cooperative: When she was an independent cleaner, she had to take assignments on a spontaneous basis and could not plan sufficiently her time for her family and herself. Now she feels much more independent as she takes now the liberty once in a while also not to take an assignment. In the end, that leaves her with a more regular time schedule and more time to dedicate to herself and her family. The women agreed that, besides that, the cooperative also has a symbolic importance for them: Through the cooperative, the women learned how to better value their work. One of them shared that the cooperative particularly has a special meaning for her because through cooperating with women in a similar situation, she felt less vulnerable. She has learned to value herself better as a person and for the work she is doing: "By being in the cooperative, my life has taken a 180° turn," she explained.





“Beyond care” child care cooperative

Beyond Care is a child care cooperative that was launched in Sunset Park, Brooklyn (NY), in June 2008.

According to their website, the cooperative “is designed to promote living wage jobs that will be done in a safe and healthy

environment, as well as to provide social supports and educational opportunities for our members” (<http://www.beyondcare.coop/about.html>).

In the tradition of the Rochdale Pioneers, the 19 founding members have completed 8 weeks of training and continue to meet bi-weekly for ongoing training and support. The cooperators take the decisions together and work together to promote the business: “Beyond Care members work for themselves and are motivated not only by their love of children and need to earn a living but also by a commitment to fairness in wages and treatment.” Through the cooperative, former president and now vice president of the cooperative Jackie explained, she had not only learned about the specific challenges of managing a cooperative (and the corresponding business aspects of it) but also about the practical side of being a cooperator: Making sure to listen what the other members *really* want. Additionally, she has taken on the task to engage on a local level for domestic workers to help others replicate their experiences.

- Cooperative policy and law - Politique et droit coopératifs -
- Política y derecho cooperativa -

Conference “Cooperatives - Economic and Rural Development Perspectives” in Belgrade (25 January 2011)

EMP/COOP's participation in the conference “Cooperatives-Economic and Rural Development Perspectives” was requested by the UNDP office in Serbia and the Ministry of Economy and Regional Development of the Republic of Serbia. The main focus of this conference, supported by the Cooperative Union of Serbia, the Cooperative Union of Vojvodina and Cooperative Union of Belgrade, was the discussion of the Draft Law on Cooperatives that EMP/COOP had previously commented. The new law is expected to be on the agenda of the spring session of the National Assembly of the Republic of Serbia. Another focus of the conference was the promotion of lessons and best practices from other countries. It was opened by the State Secretary at the Ministry of Economy and Regional Development and UNDP Deputy Resident Representative. Over 100 persons participated in the conference.

There are about 2'200 cooperatives in Serbia. A mapping conducted by UNDP Serbia found that cooperatives represent over 78% of social enterprises in Serbia. Cooperatives have a long tradition, but their development has been hampered by legislative challenges, insufficient support mechanism and other factors. Serbia currently has a Law on Cooperatives from 1996, which was lastly amended in 2006.

Many representatives of the Serbian cooperative movements, as well as the representatives of the Serbian academic community, took a very active and constructive part in the debate. The

main comments addressed the question of property, use of land and financial institutions providing financing to cooperatives.

Summarizing the discussions, the situation of the cooperative movement in Serbia can be described as follows: Serbia has massive agricultural potential that could be tapped into by cooperatives. There is a need to retain and create jobs and incomes in the important industrial sector. Industrial cooperatives are an obvious way of promoting this sector.



There is a need for new employment opportunities both in the formal and informal sectors. Cooperatives offer the ideal format through which the poor can create their own employment, ensuring decent working conditions and growth prospects. The country needs to rebuilt solidarity in many communities, especially those communities ravaged by conflict and conflict-related consequences. Well functioning cooperatives can become an important element in a local economic development process. There is need for better services, such as social and health support. Social cooperatives often offer a flexible and more direct alternative to municipal services.

The cooperative movement needs financial cooperatives which represent an obvious way both to mobilize local savings

in Serbia and thereafter to carefully invest them in local business with employment and growth potential.

A special session was devoted to social cooperatives, a specific type of cooperatives, that will be introduced by the new cooperative law. The Grupa 484 is working on social cooperatives. This project is supported by the UNDP, EU, OSCE, and the European Fund for the Balkans among others.

A visit was also paid to the Department for European Integration/International Cooperation in the Statistical Office of the Republic. Questions relating to the implementation of the project "A Satellite Account for Cooperatives and Mutuals" by the European Union (*cf. separate article on this subject*) were discussed.

Importante Sentencia de la Corte Suprema de Justicia de Argentina sobre las Cooperativas de Trabajo

A fines de 2009 la Corte Suprema de Justicia de la Argentina dictó sentencia en un caso (*Lago Castro, Andrés Manuel c/ Cooperativa Nueva Salvia Limitada y otros*) en el que un asociado de una cooperativa de trabajo pretendía se le reconociera el carácter de "empleado", es decir la condición de dependiente de la cooperativa con sujeción a las normas del Derecho del Trabajo que rigen esa relación. La Corte resolvió que la relación del asociado con la cooperativa de trabajo no es de índole laboral sino asociativa, con fundamento en las disposiciones en la Ley de Cooperativas que establece las características propias de estas organizaciones.

Esta decisión del máximo tribunal de justicia del país vino a superar una controversia existente hace mucho tiempo, pues numerosos tribunales laborales consideran que el vínculo jurídico existente entre las cooperativas de trabajo y sus asociados es de naturaleza laboral, es decir igual al que existe entre un empleado y su empleador. Ahora la Corte dejó aclarada la diferencia puesto que en la cooperativa de trabajo los trabajadores se unen para realizar en común el trabajo pero sin subordinación a ningún empleador o patrón, asumiendo el riesgo de la empresa de su propiedad y estableciendo las normas de organización y disciplina internas.

Además de analizar las características propias de las cooperativas a la luz de la ley que las regula y que es conforme con los principios universales de la cooperación, la sentencia dedica un párrafo a la acción de la OIT en la materia y especialmente a la Recomendación 193 sobre la promoción de las cooperativas. Destaca la caracterización de las cooperativas que realiza este documento en consonancia con la Declaración sobre la Identidad Cooperativa aprobada por la Alianza Cooperativa Internacional y señala la participación que tuvo la delegación gubernamental argentina en el proceso de elaboración de dicha Recomendación. La referencia a la Recomendación 193 en los fundamentos de la sentencia constituye un reconocimiento a su carácter de norma del derecho público internacional. Por otra parte, también se señala que dentro del ámbito del MERCOSUR la Reunión Especializada de las Cooperativas viene promoviendo la aplicación de la mencionada Recomendación.

Un aspecto que la Corte examina con atención es el relativo a las cooperativas de trabajo que se utilizan como medio para eludir las obligaciones del Derecho del Trabajo, es decir las cooperativas que no son genuinas sino fraudulentas y que constituyen una preocupación en diferentes países. La sentencia señala que debe distinguirse claramente a las auténticas cooperativas de aquéllas que son instrumentos para el fraude laboral evitando confundirlas a fin de no descalificar a las que son verdaderas organizaciones voluntarias y democráticas de los propios trabajadores asociados. En este aspecto también alude a la Recomendación 193 de la OIT.

Puntualiza la sentencia que para la conceptualización de las cooperativas de trabajo - como así también de las cooperativas en genera - deben tenerse en cuenta las políticas públicas que en la Argentina dieron lugar a la creación de un organismo específico, como el actual Instituto Nacional de Asociativismo y Economía Social que tiene la misión de contribuir a su desarrollo y la existencia de legislación sobre enseñanza del cooperativismo en los establecimientos educativos oficiales y privados.

Por último, es del caso mencionar que la Cooperativa demandada es una "empresa recuperada" surgida de la quiebra de una sociedad anónima cuyos trabajadores decidieron hacerse cargo de ella para continuar su actividad y no perder su fuente de trabajo.

(Sentencia comentada por el Profesor Dante Cracogna, autor del presente resumen y publicada en "La Ley" (t.2010-A), pp.290 ss)

English summary & comment

Important decision of the Argentinean Supreme Court concerning workers cooperatives (cooperativas de trabajo)

At the end of 2009, the Argentinean Supreme Court delivered its judgment in the case of *Lago Castro, Andres Manuel c/ Cooperativa Nueva Salvia Limitada y otros*. The case was brought to the courts by a member of a workers cooperative who was aiming for recognition of his status as an "employee" (and consequently, application of labour law to his case).

The defendant cooperative is a so-called “*empresa recuperada*”, formally a bankrupt joint stock company, whose workers took over in order to continue its activities and not to lose their jobs.

The Court decided that the relationship between the two parties is not that of an employee and an employer, but instead that of a member and an association (*relación asociativa*). This decision resolved a long-lasting controversy. Prior to that, numerous labour courts had considered the nature of the legal relationship between workers cooperatives and their members being one of an employer-employee relationship.

The Court clarified that in workers cooperatives workers unite in order to work together without subordination to an employer. They assume the risk of the enterprise and establish the legal norms of the organization as well as internal rules.

Besides analyzing the distinctive characteristics of cooperatives under the cooperative law, the decision also dedicated a paragraph to ILO Promotion of Cooperatives Recommendation, 2002 (ILO Rec. 193).

The decision indicates that a clear distinction must be made between genuine workers cooperatives and these pseudo cooperatives. Genuine workers cooperatives as voluntary and democratic organizations formed by worker members should not be mistaken for pseudo cooperatives. In this regard, the reasoning also draws on ILO Rec. 193.

Comment: Besides considering the legal value of ILO Rec. 193, the decision carefully examines the phenomenon of worker cooperatives being set up for, or used for, non-compliance with labour law or used to establish disguised employment relationships.

- In the news... - Nouvelles... -
- En las noticias... -

Frankfurter Allgemeine Zeitung, 7 février 2011, p. 12.

Les coopératives allemandes – du vent nouveau pour un type d'entreprise dépassé?

L'auteur de cet article fait un tour d'horizon de la situation actuelle des coopératives en Allemagne qui, bien que représentant un nombre important des entreprises, auraient peu d'importance dans l'opinion publique. Écrit par un membre d'une association d'experts-comptables à Hambourg, l'article critique avant tout le système d'affiliation obligatoire de chaque coopérative à une fédération de contrôle. Le nombre réduit des fédérations de contrôle en Allemagne, en limiterait le choix. Cela réduirait la compétitivité des coopératives sur le marché et freinerait la création de nouvelles coopératives. Ce système renforcerait aussi l'opinion répandue selon laquelle le système coopératif serait «poussié-reux» et «rouillé». Néanmoins, l'auteur conclut que la coopérative serait une forme juridique appropriée pour l'économie...

Frankfurter Allgemeine Zeitung, 4 february 2011, p. 5 and 20.

Largest dairy company in the North of Germany

After two of the largest German dairy farmer cooperatives (NORDMILCH eG and Humana Milchunion eG) had already outsourced their operational affairs to newly created capital-centred companies (the NORDMILCH AG, a stock corporation, and the Humana Milchindustrie GmbH, a *limited liability company*) respectively, these two latter merged in February 2011 into a new limited liability company called DMK Milchkontor GmbH. The merger had to be approved by the general assemblies of the two cooperatives as well as by the German Federal Cartel Office. About 11'000 dairy farmers are members in the cooperatives Nordmilch eG and Humana Milchunion eG (p. 5). According to the author, this control by the cooperators over the newly created DMK Milchkontor GmbH might be seen as a structural disadvantage (p. 20).

- Other activities - Autres activités -
- Otras actividades -

Regional

Americas: XVII Conferencia Regional de ACI-Américas under the overall subject of “Compromiso Cooperativo para la preservación del planeta”, 22-26 November, 2010 in Buenos Aires. Presentation on: “Fortaleciendo el sano desarrollo de las cooperativas de trabajo asociado”.

Ohada: L'Acte Uniforme de l'Organisation pour l'Harmonisation en Afrique du Droit des Affaires (OHADA) a été adopté le 14 décembre 2010 lors du Conseil des Ministres de cette organisation tenu à Lomé. L'élaboration de cet Acte uniforme a bénéficié de l'appui financier et technique du BIT pendant plus d'une dizaine d'années. Sa formulation a respecté la recommandation 193 (promotion des coopératives) de l'OIT. EMP/COOP

s'est prononcé pour accompagner sa vulgarisation à travers la formation des principaux acteurs concernés à savoir les professeurs de droit des affaires, les magistrats, les autorités en charge des coopératives, les leaders et managers des coopératives.

National

Fiji: Involvement in cooperative policy and law reform. Comments on draft policy and law provided. Possibly regional approach with Vanuatu.

Cambodia: National Workshop on "The application of the Royal Decree NS/RKT/0701/234 on the Establishment and Functioning of Agricultural Cooperatives, Union of Agricultural Cooperatives and the Pre-Agricultural Cooperatives", 11-12 November 2010 in Phnom Penh. Presentation on: "Cambodian cooperative legislation in the light of the 2002 ILO Recommendation No. 193 on the promotion of cooperatives"

Maroc: Le Réseau Marocain d'Economie Sociale et Solidaire a organisé du 20 au 24 octobre 2010 à Kenitra une rencontre africaine sous le thème : "L'Economie Sociale et Solidaire, levier pour un développement approprié". Papier présenté: "Banque coopératives et coopérative d'épargne et crédit face à la crise" Cette rencontre a abouti à la création du Réseau Africain de l'Economie Sociale et Solidaire.

Tajikistan: In September 2010, a Kyrgyz specialist in cooperative legislation was on mission in Dunshabe and made

a preliminary analysis of the legal cooperative framework in Tajikistan. The work will be continued.

Vanuatu: Involvement in cooperative policy and law reform. Comments on draft policy and law provided. Possibly regional approach with Fiji.

FOLLOW UP: More visibility!

Coop Data collection.... Where do we stand?

The methodology of cooperative data collection has been refined based on ISIC Rev.4 (International Standard Industrial Classification of All Economic Activities, Rev.4) UNSTAT. For statistical purposes cooperatives are now divided into five groups (agriculture, forestry and fishing; financial and insurance activities; wholesale and retail trade, repair of motor vehicles and motorcycles; manufacturing; others). EMP/COOP's work was welcomed by the COPAC members at the 2011 statutory meeting, by the *Ministère du Développement économique, de l'Innovation et de l'Exportation* in Quebec as well as by the Statistical Office of the Republic of Serbia and by representatives of Belgorod University (Russian federation).

- Historical notes - Notes historiques - Notas históricas -

ILO Advisory Committee on Cooperation

In 1946, the ILO Governing Body decided to establish the Advisory Committee on Cooperation. Its original mandate was drafted with two complementary objectives in mind – firstly, to have the points of view, experience and advice of cooperative organizations inform the consideration of problems by and within the ILO, and, secondly, to study purely cooperative subjects like legislation, statistics, education, inter-cooperative relations etc. In the years predating the war, there had been already a small international committee of cooperative representatives which was chaired by the Director of the ILO. This committee, however, did not actually form part of the ILO. The new Committee unanimously elected Mr. T. H. Gill, President of the International Cooperative Alliance and of the Cooperative Wholesale Society (United Kingdom), as its Chairman.

As the ILO was entering into a new phase of activities, it was not only necessary to draft Conventions and Recommendations, but also to provide the necessary means for their implementation, particularly in less developed countries. The latter were to facilitate the introduction and application of the principles incorporated in such instruments. In spreading the idea of a cooperative approach, the Office acted as a bridge between the countries of Europe and America, where the cooperative movement had existed for many years, and the newly independent states in Asia, Africa and Latin America with their great potential for development.

After having expanded the Committee to a substantially larger size (approximately 50), the ILO Governing Body also decided that it should henceforth function as a Correspondence Committee, i.e. panels of members could be convened for consultation on specific subjects. At its 1953 session, the Correspondence Committee on Cooperation expressed the will of its members to render their full collective and individual support to the activities of the ILO.

They were not only prepared to exercise their functions at sessions of the Committee but also to provide, whenever possible, such advice and assistance upon request with regards to the Committee's general work on cooperatives and other questions. Having acted in this spirit throughout the years, the Committee's heritage is a wide and comprehensive range of useful and informative resolutions and consultations on questions of cooperative development.

During the period from 1946 to 1953, the ILO intensified its activities in the field of cooperatives. Its efforts, either alone or in collaboration with other international organizations, both emphasized the actual and potential role of cooperatives as well as benefited directly the cooperative movement in many countries. In 1966, the General Conference of the ILO consequently adopted the Recommendation 127 regarding the role of cooperatives in the economic and social development of developing countries.

- To be read... - A lire absolutement... - Lectura importante... -

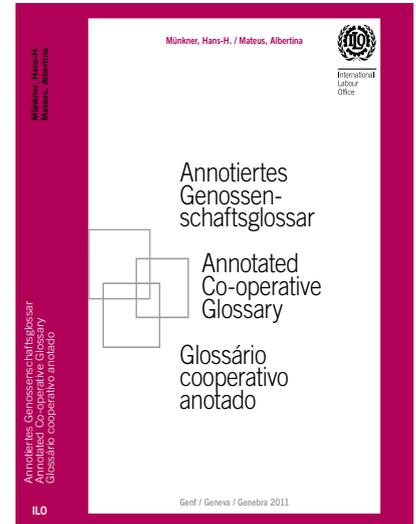
Münkner/Txapartegi Zendoia:

Annotiertes Genossenschaftsglossar, Annotated Co-operative Glossary, Glosario cooperativo anotado (Geneva: ILO, 2011).

Münkner/Mateus:

Annotiertes Genossenschaftsglossar, Annotated Co-operative Glossary, Glossário cooperativo anotado (Geneva: ILO, 2011).

The „Annotiertes Genossenschaftsglossar /Annotated Co-operative Glossary/Glossaire coopératif annoté“ was originally published in 2005. Since then it has proven to be an indispensable tool for cooperative lawyers and practitioners and has been translated into Korean, Arabic and Polish. It is now also finally available in a German-English-Portuguese and German-English-Spanish version!

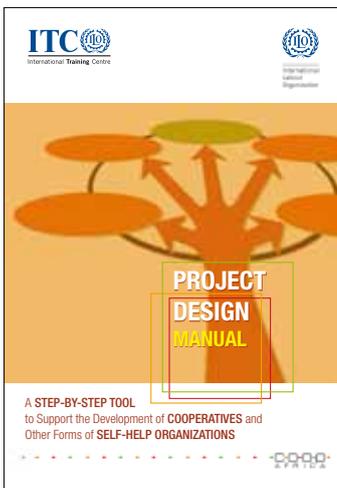


Thomet/Vozza:

Project Design Manual. A step-by-step tool to support the development of cooperatives and other forms of self-help organizations (Geneva: ILO, 2010).

Together with the ILO International Training Centre in Turin, COOP^{AFRICA} has published a tool. The manual provides cooperatives and other types of self-help organizations with practical guidance to formulate project proposals that are economically, socially, politically and environmentally viable. It covers all the steps of project design. The project design approach is based on the widely accepted planning methods known as project cycle management. Each opportunity can give birth to a new project, and sound projects have a better chance of finding the required financial resources, either through the competitive advantage that they bring to the market, or from banks and other financing institutions or donors.

>> <http://www.ilo.org/public/english/employment/ent/coop/africa/download/coopafrika/projectdesignmanual.pdf>



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