

# Gender Equality, Cooperative Law and Cooperative Policy

A Proposal for an Analytical Framework

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## ACRONYMS

|       |   |
|-------|---|
| ICA   | International Cooperative Alliance                |
| ILO   | International Labour Organization                 |
| ITC   | International Trade Centre                        |
| MSMEs | Micro, small and medium-sized enterprises (MSMEs) |
| UN    | United Nations                                    |

## EXECUTIVE SUMMARY

Gender equality has been incorporated in laws on cooperatives and bylaws of cooperatives to some extent. However, gender inequality in cooperatives persists. The lack of a strong implementation system is one reason why these laws have not resulted in actual outcomes on gender equality in cooperatives.

Another reason is that other laws affect cooperatives, but they can be gender blind. This policy brief considers a wider understanding of “cooperative law,” pertaining to the set of laws that may be relevant to how cooperatives organize and operate. The notion of cooperative law includes laws on cooperatives and bylaws of cooperatives as well as other laws such as non-state laws. The policy brief delves deeper into the types of non-state laws that may be considered to make cooperatives more inclusive.

While reforming gender-blind laws may entail a long process, policymakers may consider establishing gender-responsive policies or reforming gender-blind policies in the short term and pursuing legal reform in the long term.

This policy brief provides a framework to help policymakers identify gender-blind cooperative laws *and* policies. This involves:

1. Scrutinizing legal texts and practices;
2. Assessing the reasons for gender inequality; and
3. Elaborating proposals for change.

Upon identifying gender-blind cooperative laws and policies, recommendations on how to reform them may be considered. This policy brief proposes:

1. Replacing gender-blind or gender-regressive cooperative laws and policies;
2. Ensuring that policies are more effectively implemented by using gender-specific indicators and activities;
3. Establishing a robust monitoring and evaluation framework, functional audit system and policy review system;
4. Collaborating with or establishing institutions, including higher-level cooperative organizations, that are responsible for implementing the policies;
5. Working with cooperatives to mainstream gender in their activities as they implement gender-responsive policies; and
6. Investing in communication and education/training programmes to improve awareness of the gender-responsive laws and policies.

Throughout the process, it is crucial to consult and gather inputs from relevant stakeholders. These include ministries and departments directly involved in working with cooperatives, as well as members of cooperatives, especially women. This policy brief provides questions on how to ensure that both the procedure and the substance of the consultations are gender-responsive.

This policy brief also presents a non-exhaustive list of examples of gender-inclusive cooperative laws and policies that may serve as guide for policymakers in undertaking legal or policy reform.

## CHAPTER 1: INTRODUCTION

### Supporting the establishment of strong, women-led cooperatives

Everyone has the right to be treated equally. However, widespread gender inequality continues to violate this fundamental human right. Recognizing the need for change, efforts to address gender inequality now cut across laws and policies. For example, laws at different levels either explicitly incorporate gender equality<sup>1</sup> or generally include the legal principle of equal treatment of all human beings.<sup>2</sup> In addition, although conventions violate the human right to dignity,<sup>3</sup> gender equality seems to be a well-protected right.

Gender and law studies<sup>4</sup> have produced ample examples of gaps between formal equality and real equality,<sup>5</sup> which at times amount to invalidating the right to equal treatment. In addition, gender biases in law, mainly to the disadvantage of women, are increasingly seen as a loss of economic development opportunities for societies.

Cooperatives are an integral part of the International Trade Centre's (ITC's) portfolio as they act as "multiplier" institutions, bringing scale as well as resilience, traceability, and diversity to global and regional value chains. The principles and structure of cooperatives are in line with ITC's SheTrades Initiative's commitment to inclusiveness and supporting women to trade. In particular, the SheTrades Initiative is working to increase women's participation in cooperatives and support the establishment of strong, women-led cooperatives. In the context of ITC's SheTrades West Africa Project (see Annex 2), funded by the Korea International Cooperation Agency (KOICA), this policy brief presents an analysis of challenges and opportunities in mainstreaming gender considerations in cooperative law.

It proposes a framework that aims to identify gender inequality stemming from cooperative laws and/or cooperative development policies and the possible redress that laws or policies can contribute. The framework focuses on legal texts, discusses policy issues and provides recommendations on policy changes. It also acknowledges that law overrides policy until such time policy becomes law through a political process. The framework needs to be adapted to specific country contexts. However, this could invalidate some, if not all, of its elements and require a radically different approach.

This policy brief also presents recommendations and lessons learned based on the experiences of different countries. This brief aims to inspire policymakers to discuss the issues and to take concrete steps towards implementing more inclusive cooperative laws in their countries.

The SheTrades West Africa project focuses on agricultural value chains including cassava, shea, and cashew across Sierra Leone, Guinea, Côte d'Ivoire, and Liberia. Recognizing the large percentage of women employed and participating in these sectors and in cooperatives, gender-inclusive cooperative laws and policies will create a more enabling environment for them to succeed and reap the benefits of trade.

## Gender and cooperative law

According to the International Cooperative Alliance (ICA), a cooperative is a group of individuals who volunteer to come together to fulfil their common socio-economic needs. They pool their resources, elect their representatives and jointly own and run an enterprise.<sup>6</sup>

Cooperatives are vital instruments to promote business development and to create rural entrepreneurship. For example, in the agricultural sector, cooperatives provide opportunities for small-scale farmers to work together, share risks, create networks, increase their negotiating power and build skills to respond to the changing needs of the market and society. Cooperatives are estimated to contribute up to 10% of the world's employed population.<sup>7</sup>

With open membership being one of the seven cooperative principles,<sup>8</sup> promoting gender equality has been a key feature of the cooperative movement. In a 2015 survey carried out by the ICA, where more than 500 government and non-government stakeholders participated, 75% of the respondents believed that the participation of women in cooperatives increased over the past 20 years. However, much remains to be done to better support women's participation in cooperatives and fully integrate a gender dimension in cooperative legislation and policies.

Although laws on cooperatives and cooperative development policies generally incorporate gender equality, there remains a gap between these texts and actual outcomes. Only a few studies investigate how cooperative laws explain gender inequalities in opportunities and resources.<sup>9</sup> These generally include the low participation of women in cooperatives relative to men, inadequate representation of women in positions of responsibility, unequal remuneration between women and men for work of equal value. There is also a disproportionate benefit from use of services from cooperatives (economic, educational, training, etc.) between women and men.

Nevertheless, it is important to note that the observed inequalities differ by country, sector and level of cooperative organizations (primary, secondary or tertiary).<sup>10</sup> Ultimately, further research on the link between cooperative laws and gender inequality is crucial to formulate better cooperative laws or policies and address existing gaps.

## CHAPTER 2: CHALLENGES AND OPPORTUNITIES

### The gap between legal texts and actual outcomes

Although legal and policy texts related to cooperatives may address gender inequality issues, in practice, cooperatives often continue to experience gender disparities. There seems to be little interest to research why.

In delving into this topic, two main reasons stand out. First is the issue of the lack of specificity in the texts. Most texts simply reiterate the importance of gender equality or establish quotas for women for certain positions.<sup>11</sup> The specific country examples cited in Annex 1 attest to this. Second, a long history of gender-friendly texts must not be mistaken for real gender-responsiveness. Gender equality or non-discrimination has been part of laws on cooperatives since their beginning in the mid-nineteenth century.<sup>12</sup> It is expressed in two sets of legal rules, namely the bylaws of cooperatives<sup>13</sup> and the laws on cooperatives passed by public authorities.

#### Bylaws of cooperatives

Gender non-discrimination was enshrined in the cooperative values and principles by which cooperators have identified themselves and their cooperatives. This has been the case since 1844 when the first modern cooperative was established by the Rochdale Equitable Pioneers. The bylaws of this cooperative, the Laws and Objects of the Rochdale Society of Equitable Pioneers, explicitly clarify that the word “member” refers to both women and men.<sup>14</sup> The word “person [includes] females as well as males.”<sup>15</sup>

The bylaws of the Rochdale Equitable Pioneers served as a blueprint for many other bylaws and inspired the successive<sup>16</sup> declarations on the cooperative identity by the International Cooperative Alliance (ICA), the world representative body of cooperatives. Its current declaration, the 1995 ICA Statement on the cooperative identity,<sup>17</sup> enshrines gender non-discrimination explicitly in the first and the second of its seven principles and implicitly in the remaining five and in a number of cooperative values.<sup>18</sup>

The ICA Statement is an integral part of ICA’s bylaws. Recognizing that the ICA is an association under Belgian law, the ICA Statement is legally binding for cooperatives that are members of ICA and indirectly for the members of these cooperatives.

#### Laws on cooperatives

ICA insisted on the importance of laws on cooperatives as early as its general assembly in 1897, only two years after its foundation. Today, cooperative values and principles are part of public international law. For example, they are referenced in the 2001 United Nations Guidelines, which is aimed at creating a supportive environment for the development of cooperatives.<sup>19</sup> The 2002 International Labour Organization (ILO) Promotion of Cooperatives Recommendation No. 193 integrates them almost literally.<sup>20</sup> According to Paragraph 10 (1): “Member States should adopt specific legislation and regulations on cooperatives, which are guided by the cooperative values and principles set out in Paragraph 3, and revise such legislation and regulations when appropriate.”

Increasingly, national and regional laws on cooperatives cite or refer to, in one form or another, the ILO’s cooperative values and principles.<sup>21</sup> As a result, they enshrine gender equality at least indirectly. Although bylaws and laws on cooperatives have incorporated gender equality, discrimination against women in cooperatives persists.

One reason for this might be the fact that cooperatives are self-identified groups. As a result, even if gender equality is incorporated in the bylaws or laws of a cooperative, it is difficult to implement these

requirements in practice, which sometimes leads to inequalities.<sup>22</sup> Other reasons for the gap between texts and actual outcomes on gender equality include the lack of awareness and narrow conception of cooperative law.

## Widening the scope: From the law on cooperatives to cooperative law

Formal bylaws of and laws on cooperatives that incorporate gender equality are an indispensable element of equal treatment. However, these laws need to translate into real gender equality. This can be achieved by ensuring proper implementation of the bylaws of and laws on cooperatives and identifying lapses in these laws that could lead to gender discrimination.

Laws and bylaws on cooperatives allow for a huge flexibility on how cooperatives may regulate themselves. However, research on the content of bylaws of cooperatives is scarce, and the lack of adequate monitoring systems, especially cooperative-specific auditing, aggravates the knowledge gap on the bylaws of cooperatives.

Considering a wider concept of cooperative law, which is not limited to bylaws of and laws on cooperatives, is a unique opportunity to provide greater scope to identify and address gender inequalities stemming from laws affecting cooperatives as other laws might also impact the organization and operations of cooperatives.

For example, in addition to laws on cooperatives, other state laws, such as labour law and accounting standards can play an important role. Together with the law on cooperatives and the bylaws of cooperatives, they form the cooperative law in the wider sense. An example of this type of law might be the requirement under the general civil law of or a customary law in a country that married women need the consent of their husbands if they want to engage in professional or economic activities.

In addition, non-state laws, such as those dealing with ethnic groups, religious or professional communities or communities based on a specific subject matter, might be important to consider. An example of this type of law might be the exclusion of women from holding property rights which might make their access to credit impossible as they cannot provide collateral to obtain a loan. This example demonstrates that it is not enough to ensure gender-friendly rules in the law on cooperatives and in the bylaws of cooperatives. Instead, the approach must encompass a wider range of laws.

## Cooperative law can include laws on cooperatives and other laws

Cooperative law is much broader than law on cooperatives. Laws on cooperatives constitute only a part of cooperative law, which also comprises related court decisions, government regulations and practices, etc.<sup>23</sup>

Some laws on cooperatives may make reference to other laws, which could impact gender equality in cooperatives. For example, the predecessor to the ILO's Recommendation 193, the 1966 Co-operatives (Developing Countries) Recommendation No. 127<sup>24</sup> reads:

*Paragraph 10. All appropriate measures, including the consultation of existing co-operatives, should be taken:*

- *To detect and eliminate provisions contained in laws and regulations which may have the effect of unduly restricting the development of cooperatives through discrimination, for instance in regard to taxation or the allocation of licenses and quotas, or through failure to take account of the special character of cooperatives or of the particular rules of operation of cooperatives;*
- *To avoid the inclusion of such provisions in future laws and regulations; and*
- *To adapt fiscal laws and regulations to the special conditions of cooperatives.*



*Paragraph 11. There should be laws or regulations specifically concerned with the establishing and functioning of cooperatives, as well as with the protection of their right to operate on not less than equal terms with other forms of enterprise. These laws or regulations should preferably be applicable to all categories of cooperatives.*

In terms of the impact on gender equality, while the right to access to membership in a cooperative may be guaranteed to any person by a law on cooperatives, the civil law or a customary law of a respective country might restrict this right for married women by requiring the consent of their husbands.<sup>25</sup> In some instances, laws or social norms restrict ownership rights of women, depriving them of necessary collateral.

Understanding that cooperative law, laws on cooperatives and other laws can have an impact on gender equality is a starting point for consideration; however, implementation is important to ensure non-discrimination.

Different jurisdictions and societies have varying stances on whether implementing the law should be part of the law, both in books and in practice. However, they commonly consider the following as sources of law: acts by legislators (laws); decisions by courts, especially highest instance courts; customs in the legal sense; and teachings by renowned legal scholars. It is debatable whether these are independent sources of law or practiced customs that qualify as law. Nonetheless, they form part of practiced law. Similarly, it is difficult to ascertain whether government regulations<sup>26</sup> and the practice of those who implement or apply them should be included in the notion of cooperative law.

### Consider non-state law

Expanding cooperative law to include laws on cooperatives and other laws is based on state law. However, for many societies, particularly within the informal economy, state law, and by extension supranational and interstate law, is an incomplete picture of the world of law. Non-state law, especially customary law or social norms, is often falsely qualified as pure non-legal practice and are neglected. Neglecting non-state laws hinders the detection of possible gender inequalities in cooperative law.

Non-state law is examined in five areas: religious law, customary law, the law of informal economy actors, standards set by private actors, and autonomous fields of law. With the exception of the law of informal economy actors, these laws are being recognized in comparative law in addition to state law. They are non-state laws in the sense that their creation and implementation or application does not depend on the recognition by the state and the territory of the state does not limit their validity. Their relationship with state law varies and is unstable in most cases.

The distinctions between the various non-state laws are indicative. Overlaps and even convergence in certain cases are possible. The difference between urban and rural societies might also be a factor why one or the other is prevalent in a given society. An additional layer of complication is the possible multitude of conceptions of the relationship between the various kinds of norms – religious, social, ethical and moral – and the movement from those norms to legal norms and vice versa. This situation may especially occur where various cultures intermix (interculture)<sup>27</sup> as they do in urban centers and in global value chains.

### Religious law

Religious law refers to law within a community where the members share the same religious belief and whose rules relate to issues beyond matters of belief. They are not limited to personal status questions, family matters and inheritances, but could also include rules on the configuration of credit arrangements.

### *Customary law*

While the same religious belief constitutes the common bond for the members governed by religious law, this might also be the case in societies governed by customary law. Members of these societies may hold various religious beliefs. They share the same language and culture and they constitute their own political order. Customary law is usually non-written or oral law, which means the reflection of social norms is not as clear-cut as that of state law. Other terms for customary law include native law and non-state law.

### *Law of informal economy actors*

Informal economy actors focus on economic relationships. However, this does not exclude interaction on other issues. Various customary laws may intermingle, which indicates the need to create and apply separate legal rules.

It is difficult to imagine that groups similar to cooperatives, such as revolving credit funds, savings and credit clubs, often qualified as informal, would function without legal rules. Independently of the advantages and inconveniences of formalizing the informal<sup>28</sup>, efforts to address the dark side of informality often overshadow the development potential of this growing informal sector. A set of non-state law could be considered for informal economy actors.

### *Standards set by private actors*

Standards set by private actors are often transformed into state law, with or without changes. Business law in its broadest sense, including cooperative law, is one example. Another is the reference in the laws on cooperatives to the cooperative values and principles elaborated by the ICA.

At times, elaborating standards includes actors from various jurisdictions. For instance, hundreds of stakeholders across the world have reached global consensus and developed the International Workshop Agreement (IWA) 34 on Women's entrepreneurship – Key definitions and general criteria. The IWA 34, which was launched by ITC, the Swedish Institute for Standards (SIS) and the International Organization for Standardization (ISO) in March 2021. Based on ISO process, this could eventually become a standard if it is transformed into another ISO deliverable after six years.

Other examples are the standards set by the International Accounting Standards Board and those set by the Basel Committee on Banking Supervision. Similar to informal law, these standards relate to a specific subject matter, although with unlimited global outreach.

### *Autonomous fields of law*

Similar to standards set by private actors, autonomous fields of law can be applied beyond country borders or globally. Autonomous fields of law typically apply to communities focused on a specific topic, for example information technology.<sup>29</sup>

In some ways, the different areas of non-state laws cover a broader scope than interpretation of state law on its own. They can even affect the ways women participate in cooperatives as well as how they run their daily lives. Depending on the country context, non-state law, in addition to state law, might be important to consider when supporting more gender-inclusive cooperatives.

## CHAPTER 3: RECOMMENDATIONS AND LESSONS LEARNED

While there are laws on cooperatives that include gender components, they are often not implemented for two reasons. First, implementation mechanisms fail in certain cases. Second, cooperative law, in a wider sense, sometimes overrides laws on cooperatives on legal or sociological grounds.

Therefore, focusing on gender-responsive policies can be an alternative approach taken in the short-term. However, it may still be important to pursue a legal reform in the long term to maintain and guarantee legal security for all stakeholders, to serve as a guide for elaborating public policies, and to serve as a tool to implement them.

### Identifying gender-blind cooperative laws and policies

The first step to undertaking this process is to identify gender-blind cooperative laws and policies. Considering a wider concept of cooperative law, the following steps can help identify gender-blind provisions in cooperative law and cooperative development policies.

#### 1) *Scrutinizing legal texts and practices*

Cooperative law, in the wide sense, and non-state laws should be scrutinized. An assessment of the possible effects of the relationship between the various laws from a legal point of view should be carried out. In addition, an assessment from a sociological perspective should be conducted by looking at the prevalence of certain types of law in a society.

Rules, regulations and practices should also be reviewed to determine whether they are being implemented. This should include an assessment of the possible effects of cooperative development policies and general enterprise development policies on gender inequality or equality.

#### 2) *Assessing the reasons for gender inequality*

In general, laws have a variety of functions, which might be affected when changing them. As a result, resistance to gender equality may not be grounded in gender biases but in the effects a change might have on other areas.

#### 3) *Elaborating proposals for change*

This process should include a comparative analysis of foreign examples (see Annex 1) to determine their effectiveness to change the current situation. The examples in Annex 1 cite foreign texts; they do not necessarily reflect the practice in those countries, nor should they be understood as being qualified as best practice.

These steps may have to be considered separately based on the following:

- The phases and areas in the life of a cooperative where negative gender discrimination may occur or where it should be addressed. Areas include the foundation of cooperatives, the access to membership, governance and control, education and training, and benefits;
- Sectors of activity;
- The levels of organization – primary or higher-level cooperative organizations;<sup>30</sup>

- The positions of members within the cooperative – ordinary members and members with responsibilities, such as officials; and
- The positions of candidate members where applicable, employed members and non-member employees.

## Reforming gender-blind laws and policies

After identifying gender-blind laws and policies, the following recommendations may be considered to make them more gender-responsive:

- Replace laws and policies that are found to be gender-blind or gender-regressive.
- Ensure that policies are more effectively implemented by using gender-specific indicators and activities.
- Establish a robust monitoring and evaluation framework, a functional audit system and a policy review system.
- Collaborate with institutions, including higher-level cooperative organizations to implement the policies. Consider establishing such organizations if they do not exist.
- Work with cooperatives implementing the policy to mainstream gender in their activities by:
  - Making the submission of gender-responsive bylaws a prerequisite of registration.
  - Requiring the auditor/s to report on how exactly the gender friendliness materialized during the financial year.
  - Exempting monies spent on education and training in view of improving the situation from income taxation.
  - Compelling higher-level cooperative organizations to address gender equality.
- Invest in communication and education/training programmes to improve awareness of the gender-responsive policies.

## Consulting relevant stakeholders

Stakeholder consultations may be used to gather inputs that will be useful in designing or reforming cooperative laws and policies. It is important to ensure both the procedure of the consultations and the substance of the questions raised are gender-responsive.

Given that international law provides for the equal treatment of women and men as members of cooperatives, consultations should seek to establish whether women are indeed treated equally in the legal sense and, if not, why this is the case. In addition to relevant ministries and departments directly involved in cooperatives work, members of cooperatives, especially women, should be involved in the discussions and informed of their occurrence with advance notice.

To guide the consultations, the following questions may be considered throughout the consultation process:

### *Procedure of the consultations*

- Will the questions be formulated according to the organizational level of the organization – primary cooperatives, unions or federations?

- Will the questions be formulated to reflect the various sectors of activity?
- Will the level of knowledge on internal affairs be taken into account? The answers might differ according to the position – average member, member with responsibilities for the cooperative, member of the various organs.
- Will there be an opportunity to discuss gender issues with women and men separately in addition to joint discussions?
- Will third parties be involved, for example business partners?
- Will the consultations be organized at “women-friendly” places and times?
- Will the participants represent cooperatives and those who are interested in the development of cooperatives?
- Will representatives of the public and civil society be invited?

### *General questions*

- What do you understand by equal treatment?
- Do you know your rights to be treated equally by government and other stakeholders, by your cooperative, and by the cooperative unions and federations?
- Are the cooperative laws and the cooperative development policy gender sensitive? If not, why not? What would you change?
- Are the statutes/bylaws of your cooperative gender sensitive? If not, why not? What would you change?
- Have you considered forming or adhering to an all-women cooperative? If so, why not? Have you tried to voice possible concerns about inequalities before making a decision? With whom?
- What is the ratio of women to men in the membership of your cooperative?
- In your experience (how long?), has the issue of gender equality altered over time, for the better or for the worse? If so, what were the reasons?

### *Foundation and membership*

- Are there obstacles for women to form or join a cooperative or a specific type of cooperative?
- Do possible inequalities make membership of women in a cooperative difficult or impossible – for example, level of general education, professional know-how and knowledge, access to agricultural land, markets and credit. If so, what could be effective remedies?
- Who founded your cooperative, women or men? What is the gender balance among the members? Has it fluctuated over time? If so, why?
- Have the concerns/needs of women been taken into account when formulating the objectives and activities of your cooperative?
- Who decides on the admission of new members and on the expulsion of members? Is equality maintained in these processes? If not, what are the reasons?
- Does the membership of women and men in your cooperative reflect their real position in economic life? For example, if the wife does the bulk of the fieldwork, will she then be the member of a respective agricultural cooperative or will her husband? If the latter is the case, what is the reason?
- Who tends to provide his or her work to the cooperative on a voluntary, unpaid basis, women or men? What are the reasons for the imbalance, if any?
- Are men and women paid equally for the same work in your cooperative?
- If your cooperative has employees, are women represented equally among them?

### *Governance and control*

- Is your voice heard in general assemblies by the supervisory council, the auditor/s and by government representatives?
- Are gender issues being discussed?
- Do women occupy positions of responsibility on an equal footing with men and to what extent?
- If the statutes/bylaws of your cooperative allow for plural voting rights, are they accorded on an equal footing to both genders?
- What is the proportion of women in the structure of the cooperative – board of directors, supervisory council, other? Have they been elected or appointed and by whom? How many candidates were women in the last election or appointment to all of these positions?
- Do women participate in general meetings and in the meetings of various branches at the same rate as men and in proportion to their number? Do they participate actively in the debates and cast their vote? If they do not, what are the reasons?
- Do women members in the cooperative quit their function more often than men before the end of their term? If so, why?

### *Education and training*

- Are education and training programmes for cooperatives gender sensitive regarding content and practical arrangements, for example financial accessibility and schedules?

### *Benefits*

- Who benefits from the cooperative, women or men? How?
- Has your cooperative considered, or is it practicing, non-monetary patronage refund schemes that might be more beneficial to women than pecuniary ones?

### *Outreach to the community*

- Does your cooperative organize campaigns to explain what cooperatives are and what are the benefits for women? Did such campaigns yield any results in terms of women joining or forming cooperatives or joining them as employees? If not, what are the reasons?
- Has your cooperative developed or will it develop any activity in favour of women? Give reasons for your answer.
- Is your cooperative engaged in campaigns to make cooperatives better known in society at large, including among those responsible for the general research and education curricula?

## ANNEX 1: EXAMPLES OF GENDER-INCLUSIVE POLICIES AND LAWS

This chart shares a list of countries, grouped by region, that have included gender issues and women's economic empowerment in their cooperative laws and policies. While the list is my no means exhaustive, it can be used as a starting point for discussion for other countries that may wish to pursue similar options.

| Region | Country | Law or Policy | Description   | Source   |
|--------|---------|---------------|---|--|
| EUROPE | Greece  | Law           | <p>Article 2 of Law 4673/2020 on agricultural cooperatives regulates rural women cooperatives that can be established by at least five women and can be governed under a simplified governance model.</p> <p>A ministerial decree shall define a list of support measures for the development of these cooperatives.</p>  | <p>Official website of the Hellenic Parliament</p> <p><a href="https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=185752e7-a8d4-4866-8e58-ab64016dbe0a">https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=185752e7-a8d4-4866-8e58-ab64016dbe0a</a></p> <p>(Accessed 17/6/2021.)</p> |
|        | Spain   | Law           | <p>A number of Spanish regional laws on cooperatives address the issue of gender equality, such as:</p> <ul style="list-style-type: none"> <li>• Article 10 of the Catalan Law 12/2015 on Cooperatives: Cooperatives shall guarantee an equal treatment and (equal) opportunities between women and men who are part of them, and (cooperatives shall) represent both sexes in proportion to their presence in the (board) seats of the cooperative.</li> <li>• Article 38.4 of Law 14/2011 of Andalusian Cooperative Societies: Cooperative societies will seek a balanced presence of women (<i>socias</i>) and men members (<i>socios</i>) on the Board of Directors.</li> </ul> | <p>Itziar Villafáñez Pérez, Principios y valores cooperativos, igualdad de género e interés social en las cooperativas, CIRIEC - España. Revista jurídica de economía social y cooperativa, ISSN 1577-4430, Nº. 30, 2017.</p> <p>Available at:</p>   |

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|--|---------|--|--|
|  |         | <ul style="list-style-type: none"> <li>• Article 43.4 of Law 14/2011 that modified Law 5/1998 on Cooperatives of Galicia: “Cooperative societies will seek a balanced representation of women and men in the composition of their Board of Directors, in order to enable among the members of this board the compatibility and reconciliation of the exercise of their profession with maternity and paternity and the care of minors and dependent persons.”</li> <li>• Article 42.6 of Law 8/2003 of Cooperatives of the Community of Valencia: “Cooperatives shall endeavour to include a number of women in their Board of Directors in order to achieve a balanced presence of women and men within the board, consistent with the composition of their membership basis (<i>masa social</i>).</li> </ul> | <p><a href="http://ciriec-revistajuridica.es/wp-content/uploads/comen30-02.pdf">http://ciriec-revistajuridica.es/wp-content/uploads/comen30-02.pdf</a><br/>(Accessed 15/6/2021)</p>  |
|  | Croatia | Policy   | <p>The Women Entrepreneurs’ Loan Programme is an innovative programme “set up by the Croatian Bank for Reconstruction and Development (HBOR) in cooperation with the Ministry of Entrepreneurship and Crafts (which provides funds for interest-rate subsidies) and the Croatian Agency for SMEs and Investments (HAMAG Invest). It “provides guarantees to female entrepreneurs undertaking loans [... targeting] trade and craft companies, sole proprietorships, cooperatives and institutes which are majority owned and led by women and ... offering favourable loans to women entrepreneurs to invest in areas such as initial funding, land, buildings, plant and machinery, breedstock and planting perennial crops, development of products or services, patents, licenses, copyrights and franchises, and also to provide permanent working capital (up to 30 % of the total loan).”</p> <p>European Institute for Gender Equality, Promoting Women’s Independence and Entrepreneurship: Good Practices. Publications Office of the European Union, 2015.<br/><a href="https://eige.europa.eu/">https://eige.europa.eu/</a></p> |



| Region | Country | Law or Policy | Description  | Source   |
|--------|---------|---------------|--|--|
| ASIA   | India   | Policy        | <p>The National Dairy Plan I – aims to increase milk production. Under this plan the Government of India partners with several organizations including the International Development Association (IDA) as a credit partner, End Implementing Agencies (EIAs), as well as and the National Dairy Development Board (NDDB) and its subsidiaries.</p> <p>The National Dairy Plan Phase I has a specific focus on gender integration at all three levels: the farmers’ level, the functionary level and the institutional level. The following steps are being taken, among others:</p> <ul style="list-style-type: none"> <li>● Promoting the formation of new Women Dairy Cooperative Societies;</li> <li>● Improving enrolment of women members in existing and new Dairy Cooperative Societies; and</li> <li>● Improving the involvement of women in leadership roles as members of management committees and on boards of milk unions.</li> </ul> | <p>Vivek Pandey, Jeemol Unni, Shyam Singh, Pratik Modi, Shruti Sharma, Impact of NDP-I Interventions on Strengthening Women’s Empowerment in India’s Dairy Sector, Institute of Rural Management Anand, page 21.</p> <p>Available at:<br/> <a href="https://www.nddb.coop/sites/default/files/pdfs/baseline/2_Impact_of_NDP-I_on_Women_Empowerment.pdf">https://www.nddb.coop/sites/default/files/pdfs/baseline/2_Impact_of_NDP-I_on_Women_Empowerment.pdf</a></p> |
|        | Nepal   | Law           | <p>The Cooperatives Act of 2017 prescribes the following provisions related to gender equality:</p> <ul style="list-style-type: none"> <li>● Section 78.7 stipulates: “Government or Local Level may grant partial or full exemption in any type of tax to be imposed according to the prevailing law or make available special financial facilities or technical support, for promotion of cooperative farming by deprived rural women ...”</li> <li>● Section 41.2 stipulates: “The Board [of Directors] shall, to the extent possible, ensure the presence of least [33%] women members.”</li> </ul>  | <p><a href="https://www.lawcommission.gov.np/en/wp-content/uploads/2019/06/Cooperatives-Act-2017-final-Eng-version-Dec-21-2018-1.pdf">https://www.lawcommission.gov.np/en/wp-content/uploads/2019/06/Cooperatives-Act-2017-final-Eng-version-Dec-21-2018-1.pdf</a></p>   |
| Region | Country | Law or Policy | Description  | Source   |

|        |           |        |  |   |
|--------|-----------|--------|--|---|
| AFRICA | Mauritius | Policy | <p>The Strategic Action Plan 2018-2020, Propelling Cooperatives towards Excellence of the Ministry of Business, Enterprise and Cooperatives of the Republic of Mauritius had as its mission statement: “To facilitate the promotion of diversified, emerging and innovative cooperatives and involve more young persons and women in the development, consolidation and advancement of the cooperative movement.”</p> <p>One of its objectives is “to promote the cooperative model of doing business among the general public, especially among the youth and women”.</p> <p>In particular, Programme III on Enhanced Managerial Capacity and Capability in Cooperative Societies” is aimed among other objectives to improve entrepreneurship skills especially among youth and women in cooperatives.</p> <p>In addition, Programme IV on Gender Equality and Empowerment of Women in Cooperatives has as its aims the following:</p> <ul style="list-style-type: none"> <li>• Equal pay for men and women;</li> <li>• Increased participation of women at the board level; and</li> <li>• Equal opportunities in career prospects and doing business.</li> </ul> | <p>Official website of the International Cooperative Alliance</p> <p><a href="https://www.ica.coop/sites/default/files/publication-files/co-ops-for-2030-ministry-of-business-enterprise-and-cooperatives15-november-1032817838.pdf">https://www.ica.coop/sites/default/files/publication-files/co-ops-for-2030-ministry-of-business-enterprise-and-cooperatives15-november-1032817838.pdf</a></p> <p>(Accessed 7/6/2021)</p> |
|        | Tanzania  | Policy | <p>The Cooperative Development Policy of 2002 of Tanzania under Section 3.2 stipulates that “the Government will advocate for cooperatives to allow women to become members, encourage women to take up leadership positions and employment in cooperatives, and advocate for women to be given preferential opportunities in cooperative education”.</p>  | <p>Eva Majurin, How women fare in East African cooperatives: the case of Kenya, Tanzania and Uganda, ILO, 2012, page 6.</p> <p><a href="https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---coop/documents/publication/wcms_735776.pdf">https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---coop/documents/publication/wcms_735776.pdf</a></p>  |
|        | Uganda    | Policy | <p>The Uganda National Co-operative Policy of 2010 in Sections 1.1. and 4.7.1 presents its vision: “As a self driven, vibrant, prosperous and gender responsive co-operative movement” which provides that the “cooperative movement shall promote gender</p>  |   |

|  |          |     |  |  |
|--|----------|-----|--|--|
|  |          |     | mainstreaming and empower disadvantaged groups ... with a view to enabling them to participate equally in the cooperative movement.”   |  |
|  | Kenya    | Law | Section 2.8 of the reformed Constitution of Kenya 2010 stipulates that: “(The) state shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.” This measure that according to Eva Majurin, Specialist, Employment and Decent Work in Conflict and Disaster Settings, ILO, although “not specifically aimed at cooperative organizations, can potentially have a significant influence in furthering women’s participation in the cooperative movements in East Africa”. |  |
|  | Ethiopia | Law | Article 34(7) of the Cooperative Societies Proclamation No. 985/2016 states: “Where there is (a) possible number of at least 30% females of any cooperative society, (the) management committee shall be held by female members.”  | <p>NATLEX, Database of the ILO of national labour, social security and related human rights legislation.</p> <p><a href="https://www.ilo.org/dyn/natlex/natlex4.detail?p_la ng=en&amp;p_isn=109318&amp;p_count=1&amp;p_classification=11">https://www.ilo.org/dyn/natlex/natlex4.detail?p_la ng=en&amp;p_isn=109318&amp;p_count=1&amp;p_classification=11</a></p> <p>(Accessed 8/6/2021)</p> |

| Region | Country | Law or Policy | Description | Source |
|--------|---------|---------------|-------------|--------|
|--------|---------|---------------|-------------|--------|

|          |                    |        |   |  |
|----------|--------------------|--------|---|--|
| AMERICAS | Latin America      | Law    | <p>Latin America: Framework Law for the Cooperatives in Latin America, Section 21: Membership criteria.</p> <p>“Members may be natural persons with full legal capacity and juridical persons able to use the services of the cooperative and who meet the requirements set forth in the bylaws. Admission is open but may be subject to conditions derived from the objective of the cooperative without however discriminating on whatever grounds.”</p> <p>Gender equality: Cooperatives shall offer the same membership possibilities and recognize identical rights and obligations for all members without any gender distinctions.</p>   | <p>Framework Law for the Cooperatives in Latin America, ICA Americas, 2009, 11.</p>  |
|          | Dominican Republic | Policy | <p>The Ministry of Women drafted the National Gender Equality and Equity Plan 2020-2030 (PLANEG III). It aims, among other objectives, to promote integrating women in new sectors and activities of the economy, including areas related to emerging technologies to guarantee their equal participation. (National Topic 3. Economic Autonomy: Component 3.6 “Integration of women in emerging economic activities”). The line of action to achieve this is, among other things, the formation of a system of monitoring and support to potential entrepreneurs, cooperatives and other viable enterprises of women, with an emphasis on rural areas and on making use of digital technologies.</p> | <p>National Gender Equality and Equity Plan 2020-2030 (PLANEG III), Ministry of Women, Dominican Republic, page 118. Available at: <a href="https://oig.cepal.org/sites/default/files/2019_plane_g_iii_dom.pdfj">https://oig.cepal.org/sites/default/files/2019_plane_g_iii_dom.pdfj</a></p> |
|          | Uruguay            | Policy | <p>The Ministry of Social Development drafted the National Strategy for Gender Equality for 2030 which aims, among other things, “To promote leadership and the associative movement of women (rural, urban, cooperative and Afro-descendant) through training and guidance in leadership and negotiation to encourage their participation in the different areas of advocacy”, as well as “to promote dual ownership as a form of tenure and legal security for housing, guaranteeing the economic rights of women, in all programs of the public housing system, including cooperatives”.</p>   | <p>Estrategia Nacional para la Igualdad de Género 2030, Ministerio de Desarrollo Social / Instituto Nacional de las Mujeres / Consejo Nacional de Género, pages 73 and 97.</p>   |

## ANNEX 2: ABOUT ITC SHETRADES

### *About ITC*

Created in 1964, ITC is the joint agency of the World Trade Organization and the United Nations. With a mandate to help micro, small and medium-sized enterprises (MSMEs) in developing countries to trade and with the brand and convening power of the United Nations, ITC is the first international organization to link women-owned MSMEs to international value chains at scale. Since 2010, ITC has mobilized a network of more than 800,000 women entrepreneurs; facilitated access to markets for more than 30,000 women in business; and has helped generate over US\$140 million worth of trade. ITC is widely recognized as the pioneer in connecting women to business leads.

### *About the SheTrades Initiative*

ITC's SheTrades Initiative empowers women around the world to engage in business, creating value for both them and their communities. The Initiative ensures the right capacities and conditions are present to foster inclusive and sustainable trade. SheTrades delivers activities and training that improve women traders' ability to do business successfully. At the same time, SheTrades works to remove inequalities that hinder women's participation in trade and foster a better trade environment.

### *About the SheTrades West Africa Project*

**Timeframe:** November 2019 to September 2023.

**Supported by:** KOICA

**Objective:** To improve the livelihoods of 10,000 women in selected agricultural value chains under the framework of the ITC SheTrades Initiative.

**Coverage:** Country projects are ongoing in Côte d'Ivoire, Guinea, Liberia and Sierra Leone. The objective is to strengthen women's inclusiveness and competitiveness in the cashew, cassava and shea sectors. These projects support inclusive policy making. The objective is to provide governments with information and resources to implement gender-responsive trade policies. Support also includes actionable recommendations based on data from the SheTrades Outlook tool.

#### **Activities:**

- Raise the awareness and strengthen the capacity of policymakers to boost women's economic empowerment through the SheTrades Outlook tool ([www.shetrades.com/outlook](http://www.shetrades.com/outlook))
- Develop the capacities of business support organizations and service providers to deliver improved services to micro, small and medium-sized enterprises (MSMEs), as well as women producers.
- Develop the competitiveness of value chain operators, especially women-owned businesses, through training and coaching in export strategies, standards, packaging and branding.
- Create market linkages between value chain operators and international buyers through trade fairs, buyer visits, and business-to-business events.
- Build the capacity of women farmers through tailored trainings in production, processing, and quality and business management, based on their needs

More information about this project can be found at: [www.shetrades.com](http://www.shetrades.com).

## ENDNOTES

<sup>1</sup> The term “gender” refers to perceived qualities or characteristics beyond the biological similarities and differences to which certain roles are attributed. These characteristics and roles vary in time and space. Gender preconceptions have a lot in common with racism. See Albert Memmi’s acclaimed book. <https://www.goodreads.com/book/show/565510.Racism>

<sup>2</sup> For example:

Public international law

The term “equality” is used in its juridical sense of equal treatment, which means a treatment that takes account of the legally binding International Covenant on Civil and Political Rights, especially Articles 3 and 26, which read as follows: **Article 3:** “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”

**Article 26:** All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Regional/supranational law

- The European Charter of Fundamental Rights (Article 23);
- The African Charter on Human and Peoples’ Rights (Article. 2 ff.).

National laws

- Constitutions, for example Article 3 of the Basic Law (Grundgesetz) of Germany.

<sup>3</sup> See Article 5 of the African Charter on Human and Peoples’ Rights.

<sup>4</sup> For general references on gender and law, see Facio, Alda, [Género y Derecho](#); Idem, [El derecho a la igualdad entre hombres y mujeres](#); and Estudios sobre los diversos aspectos jurídicos del trabajo de la mujer (Dúo), Coordinador Rosa Moya Amador, Cizur Menor: Editorial Aranzadi 2016.

<sup>5</sup> For the distinction between formal and real equality, see Senent Vidal, María José, Aspectos de la perspectiva de género en la regulación jurídica de las cooperativas, in: Marianna Ferraz Teixeira/Marília Ferraz Teixeira (organizadoras), O Pensamento Feminino na Construção do Direito Cooperativo, Brasília: Vincere Editora 2017, 227- 246 (228 et passim).

<sup>6</sup> International Cooperative Alliance. Cooperative identity, values and principles. <https://www.ica.coop/en/cooperatives/cooperative-identity>

<sup>7</sup> International Cooperative Alliance. Facts and figures. <https://www.ica.coop/en/cooperatives/facts-and-figures>

<sup>8</sup> The seven Cooperative Principles are:

1. Voluntary and Open Membership
2. Democratic Member Control
3. Member Economic Participation
4. Autonomy and Independence
5. Education, Training, and Information
6. Cooperation among Cooperatives
7. Concern for Community

International Cooperative Alliance. Cooperative identify, values, and principles. <https://www.ica.coop/en/cooperatives/cooperative-identity>

<sup>9</sup> See Meira, Deolinda e Ana Luisa Martinho, Igualdade de género e governação cooperativa em Portugal – uma análise jurídica e fática, in: Deusto Estudios Cooperativos Núm. 12 (2019), 57-77; Sánchez Boza, Roxana, Participación de la mujer en el cooperativismo costarricense (1989-2018), in: Deusto Estudios Cooperativos Núm. 12 (2019), 101-139, including detailed data.

<sup>10</sup> The terminology varies: secondary and tertiary cooperatives, unions and federations and/or confederation/s, apex organizations, etc.

<sup>11</sup> The following cooperative development policy documents and laws on cooperatives have been checked. The findings are supported by the examples cited in Annex 1.

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## Policies

Summarily: Canada, Chile, Colombia, Georgia, Lebanon, Malaysia, Mauritius, Myanmar, Peru, Philippines, Serbia, South Africa, Spain (Andalusia and Valencia), Thailand, Vanuatu, Vietnam, Zanzibar.

In more detail: Cambodia: Draft National Policy on Promotion of Agricultural Cooperatives (2021); Curaçao, Cooperative Development Policy Curaçao 2020-2025. Promoting Sustainable Cooperative Enterprises for Social-Economic Development; Guyana: Report of the Ministerial Task Force on the 'Revitalization of the Co-operative Movement', 2017; Kenya: Co-operative Development Policy, 2011; Madagascar: Stratégie Nationale de Développement des Coopératives à Madagascar (SNDCoop) 2019-2028, 2018; Sierra Leone: Draft National Policy and Strategic Objectives for the Cooperative Sector (2021); Sri Lanka: Draft National Co-operative Policy and Draft National Policy on Cooperatives; Tanzania: Draft Cooperative Development Policy, 2019; Trinidad and Tobago: National Policy on Co-operatives, 2020; Turkey: Cooperative Development Strategy and Action Plan of Turkey 2012-2016 (2013); Uganda: Background Study, Strengthening of Cooperatives for Social Economic Transformation in Uganda, 2018 (National Planning Authority) and National Co-operative Policy 2011.

At times, cooperative development policy is part of the cooperative law or it is contained in an explanatory note to the law, as is the case in Peru, for example.

## Laws

For laws, see footnote 21. All laws that refer to the cooperative principles (of the ICA) indirectly include the principle of gender equality. See Villafañez Pérez, Itziar, Principios y valores cooperativos, igualdad de género e interés social en las cooperativas, in: Revista Jurídica de Economía Social y Cooperativa 30 (2017), 47-83 (65).

<sup>12</sup> The British Industrial and Friendly Societies Act of 1852 is held to be the first cooperative law.

<sup>13</sup> For example, those rules set by the members of cooperatives within the framework of the law and that regulate their internal affairs. Wording varies: byelaws, bylaws, statutes, internal rules, charter of association, etc.

<sup>14</sup> See Points 13-17 of the Objects of the Byelaws.

<sup>15</sup> See Point 25 of the Objects of the Byelaws.

<sup>16</sup> See Valko, Lazlo, International Principles of Cooperative Legislation, in: Essays on Modern Cooperation, Washington State University Press 1964, 86-94 (86). For a history of these statements, see Cano Ortega, Cristina, Una perspectiva actual del sexto principio cooperativo: Cooperación entre cooperativas, in: CIRIEC-España. Revista Jurídica, 2015, Vol. 27, 285-331 (288 ff.).

<sup>17</sup> Original source: International Co-operative Review, Vol. 88, no. 4/1995, 85 f. Also available at: <http://ica.coop/en/whats-co-op/co-operative-identity-values-principles>.

The ICA Statement is divided into three, strictly interdependent parts: a definition of cooperatives, values on which they are based and ethical values of the members, as well as principles that "are guidelines by which cooperatives put their values into practice".

<sup>18</sup> Cooperative values, such as democracy and equality (ICA Statement). The principles make frequent reference to democracy, member, community, etc. See Senent Vidal, op. cit., 231 f.

<sup>19</sup> UN Guidelines (Doc. A/56/73 – E/2001/68, Annex), Point 11.

<sup>20</sup> ILO Regulation 193, available at: [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R193](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R193).

See paragraphs two and three and the Annex. There is difference in wording as compared to the ICA. This statement is legally relevant, but may be neglected for the purpose discussed here.

<sup>21</sup> National

- For example, Article 3 of the Portuguese Código Cooperativo; Article 1 of the Law on Cooperatives of the Basque Country.
- For more examples see the Introductory chapters of the country reports contained in: Dante Cracogna, Antonio Fici and Hagen Henry (eds.), International Handbook of Cooperative Law, Heidelberg et al.: Springer 2013; ILO, General Survey concerning employment instruments in light of the 2008 Declaration on Social Justice for a Fair Globalization, Report of the Committee of Experts on the Application of Conventions and Recommendations (Articles 19, 22, and 35 of the Constitution [of the ILO]). International Labour Conference, 99<sup>th</sup> Session, 2010 Geneva: International Labour Office, Report III (Part 1 B); ILO, The Story of the ILO's Promotion of Cooperatives Recommendation, 2002 (No.193). A review of the process of making ILO Recommendation No. 193, its implementation and its impact, Geneva: ILO 2015 (available at: [http://www.ilo.org/empent/units/cooperatives/WCMS\\_371631/lang--en/index.htm](http://www.ilo.org/empent/units/cooperatives/WCMS_371631/lang--en/index.htm)); and the results of the ICA Legal Framework Analyses, available at: [www.ica.coop](http://www.ica.coop).

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## Regional

- Articles 6 and 18, 11) of the 2010 Acte uniforme relatif aux sociétés coopératives of OHADA;
- Article 4 of the 2014 East African Community Cooperative Societies Bill (not yet in force);
- Article 4 of the 2008 Ley marco para las cooperativas de América Latina (explicitly specified for the access to membership in its Article 21); and
- Recital 6 of the 2003 EC Regulation on the Statute for a European Cooperative Society (SCE) 1435/2003, which refers to the UN Guidelines which, in turn, as mentioned, refer to the cooperative principles in their Point 11.

<sup>22</sup> Similar: Senent Vidal, *op. cit.*

<sup>23</sup> See Henry, Hagen, *Guidelines for Cooperative Legislation*, 3<sup>rd</sup> revised edition, Geneva: International Labour Organization 2012, Box 2.

<sup>24</sup> Predecessor to a certain extent. Among other differences, the ILO R. 127 was addressed to the governments of the so-called developing countries only.

<sup>25</sup> This and many other examples in: Nippierd, A.-B. and C. Holmgren (eds.), *Legal Constraints to Women's Participation in Cooperatives*, Geneva: ILO 2002. See also Caresia, Gislaïne, *Deasfios do cooperativismo na promoção da igualdade de gênero e no desenvolvimento econômico e social das nações*, in: Teixeira/Teixeira, *op. cit.*, 141-153.

<sup>26</sup> Terminology varies: regulations, decrees, ordinances, etc.

<sup>27</sup> Notion developed by Lomomba Emongo. See Idem, *L'interculturalisme sous le soleil africain: L'entre-traditions comme épreuve du noeud*, INTERculture, no. 133, 1997.

<sup>28</sup> The ILO has systematically worked on the (formalization of the) informal economy since the beginning of the 1970ies. See Henry, Hagen, *Enabling Transition to Formality Through the Promotion of Cooperatives. A legal perspective based on the International Labour Organization Promotion of Cooperatives Recommendation, 2002*, in: *Estudios Cooperativos (Deusto)* 3 (2013), 35-52. ILO R. 193 (Paragraph 9.) suggests that "[G]overnments ... promote the important role of cooperatives in transforming what are often marginal survival activities (sometimes referred to as the "informal economy") into legally protected work, fully integrated into mainstream economic life."

<sup>29</sup> In international law this is being discussed under the notion of "fragmentation". For a critical overview of the various aspects of fragmentation of international law, see the doctoral thesis by Martineau, A.-C., *Une analyse critique du débat sur la fragmentation du droit international*, Helsinki, University of Helsinki, 2014; in addition to ample work of Martti Koskenniemi. For a critique of the concept of fragmentation, see Tuori, K., *The Law's Farewell to the Nation State?* in: *Finnish Yearbook of International Law*, Vol. 19 (2008), 295-327.

<sup>30</sup> See endnote 9.