

# APRESENTAÇÃO



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Instituto Brasileiro  
de Estudos em  
Cooperativismo



International  
Co-operative  
Alliance



# COOPERATIVE IDENTITY IN TWO DIMENSIONS

*Dialogue between cooperative principles and  
economic structure to improve regulation and  
development*



# WHAT?



Estructure

?

Norm

**Principles  
and Rules**



## WHY?

- *Legal justifications*
- *Socio-economic justifications*



# Legal justification 1

"Different things, and distinct, they should treat them distinctly" TEIXEIRA DE FREITAS

"Legal regulation can not obscure the economic and social reality and can not therefore subject the same discipline essentially different phenomena" FERRI

"The legislator can not invent reality or shape it to his liking" DANTE CRACOGNA



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# Not everything that jumps is kangaroo





Coherence between fact (economic) and norm (legal) is necessary for an appropriate legal regime.





# Legal justification 2:

## Fundamental rights

- Freedom (free initiative)
  - Equality / Isonomy
  - Development



## Socioeconomic justification: Higher sustainable socio-economic development

- **macroeconomic interest:** positive influences on the economic system, change in the distribution of income, overcoming of deprivation and acceleration of economic growth
- **interests of members:** increased income and savings training, improvement in the level of information, possibility of social ascension)
- **meta-economic interest:** increasing the cultural level, education for solidarity and democratic behavior.

# THE GLOBAL GOALS

## For Sustainable Development





## Incidental issue

Is the existence of a specialized cooperative legislation a preponderant factor for the growth of cooperative activity?<sup>1</sup>

Cooperative turnovers (2015)			GDP (2015)		% GDP Coop.
1.	EUA	737,69	1°	18120,70	4,1%
2.	França	410,41	6°	2434,78	16,9%
3.	Alemanha	362,67	4°	3377,31	10,7%
4.	Japão	292,16	3°	4379,87	6,7%
5.	Holanda	163,37	17	758,38	21,5%
6.	Itália	111,99	8°	1825,82	6,1%
7.	Espanha	101,01	14	1193,56	8,5%
8.	Suíça	84,44	19	679,15	12,4%
9.	Dinamarca	76,37	36	301,31	25,3%
10.	Reino Unido	74,89	5°	2863,30	2,6%
11.	Finlândia	73,11	44	232,56	31,4%
12.	Coreia do Sul	63,29	11	1382,76	4,6%
13.	Canadá	49,01	10	1552,81	3,2%
14.	Áustria	48,50	30	377,16	12,9%
15.	Bélgica	48,40	26	455,22	10,6%
16.	Brasil	45,47	9°	1801,48	2,5%
17.	Noruega	33,95	28	386,58	8,9%
18.	Nova Zelândia	32,20	55	173,35	18,6%
19.	Suécia	29,01	23	495,69	5,8%
20.	Austrália	19,96	30	1229,94	1,6%
21.	Irlanda	16,78	43	290,24	5,8%
22.	Colômbia	5,73	37	291,53	2%
23.	Polônia	5,58	25	477,33	1,2%
24.	Singapura	4,51	38	296,84	1,5%
25.	Índia	4,24	7°	2089,87	0,2%
26.	Malásia	3,74	34	296,43	1,3%
27.	Argentina	3,39	21	631,62	0,5%
28.	Portugal	2,75	46	199,18	1,4%
29.	Arábia Saudita	1,49	20	654,27	0,2%
30.	Turquia	1,26	18	859,45	0,1%

Ranking	Country	% GDP Coop	HDI (2015)	SPI (2015)
1.	Finlandia	31,4%	23	7°
2.	Dinamarca	25,3%	5°	8°
3.	Holanda	21,5%	7°	9°
4.	Nueva Zelandia	18,6%	13	5°
5.	Francia	16,9%	21	21
6.	Austria	12,9%	24	13
7.	Suíza	12,4%	2°	3°
8.	Alemania	10,7%	4°	14
9.	Bélgica	10,6%	22	17
10.	Noruega	8,9%	1°	1°
11.	España	8,5%	27	20
12.	Japon	6,7%	17	15
13.	Italia	6,1%	26	31
14.	Suecia	5,9%	14	2
15.	Irlanda	5,8%	8°	12
16.	Corea del Sur	4,6%	18	29
17.	EUA	4,1%	10	16
18.	Canadá	3,2%	10	6
19.	Reino Unido	2,6%	16	11
20.	Brasil	2,5%	79	42
21.	Colombia	2%	95	49
22.	Australia	1,6%	2°	10
23.	Singapur	1,5%	5°	153
24.	Portugal	1,4%	41	18
25.	Malasia	1,3%	59	46
26.	Polonia	1,2%	36	27
27.	Argentina	0,5%	45	38
28.	India	0,2%	131	101
29.	Arabia Saudita	0,2%	38	69
30.	Turquia	0,1%	71	58



"Historically, cooperatives have emerged in Europe before specifically cooperative laws. And there are still countries that do not have them. So it is not the laws, though well-written and inspired, that build healthy cooperative development. "

(Valdik Moura)



Identifying possible determining factors  
opens space for further research





# But...

## HOW?

(how to identify the structural economic facts that establish the coherence of the cooperative principles?)



# Aristotle

Principles are not simply invented formulations  
but are drawn from the rational (scientific)  
observation of facts (things).



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Historicity of the cooperative model as the most  
secure source of structuring economic facts



# Progression of the Cooperative in Cooperative Law

Cooperation

Economic  
Cooperation

Cooperative  
Economic  
Cooperation

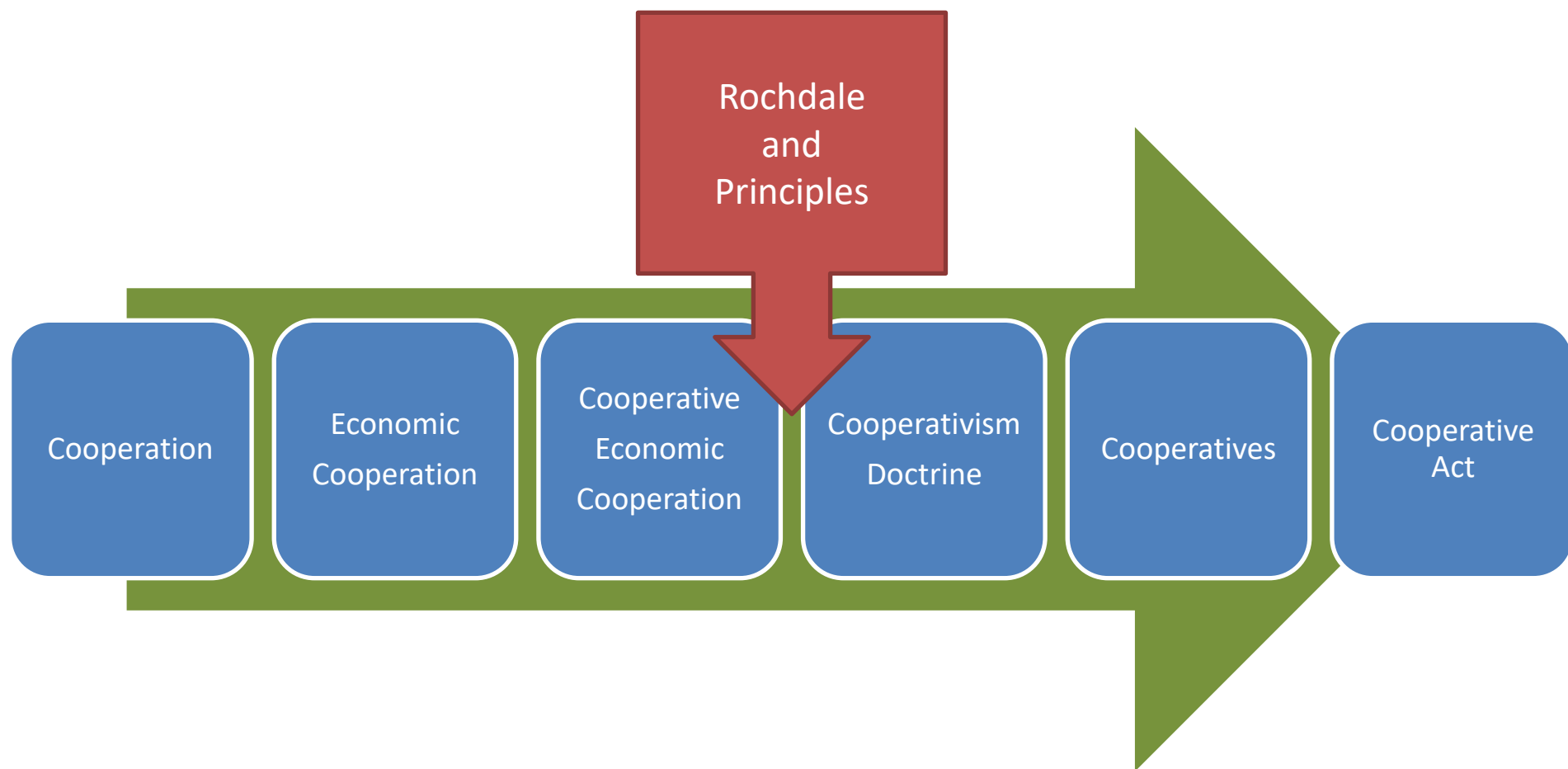
Cooperativism

Cooperatives

Cooperative  
Act



# Progression of the Cooperative in Cooperative Law





# Structural Causality



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Work



Capital



Market





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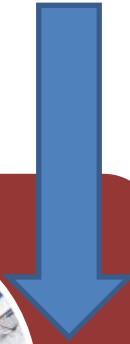
Work



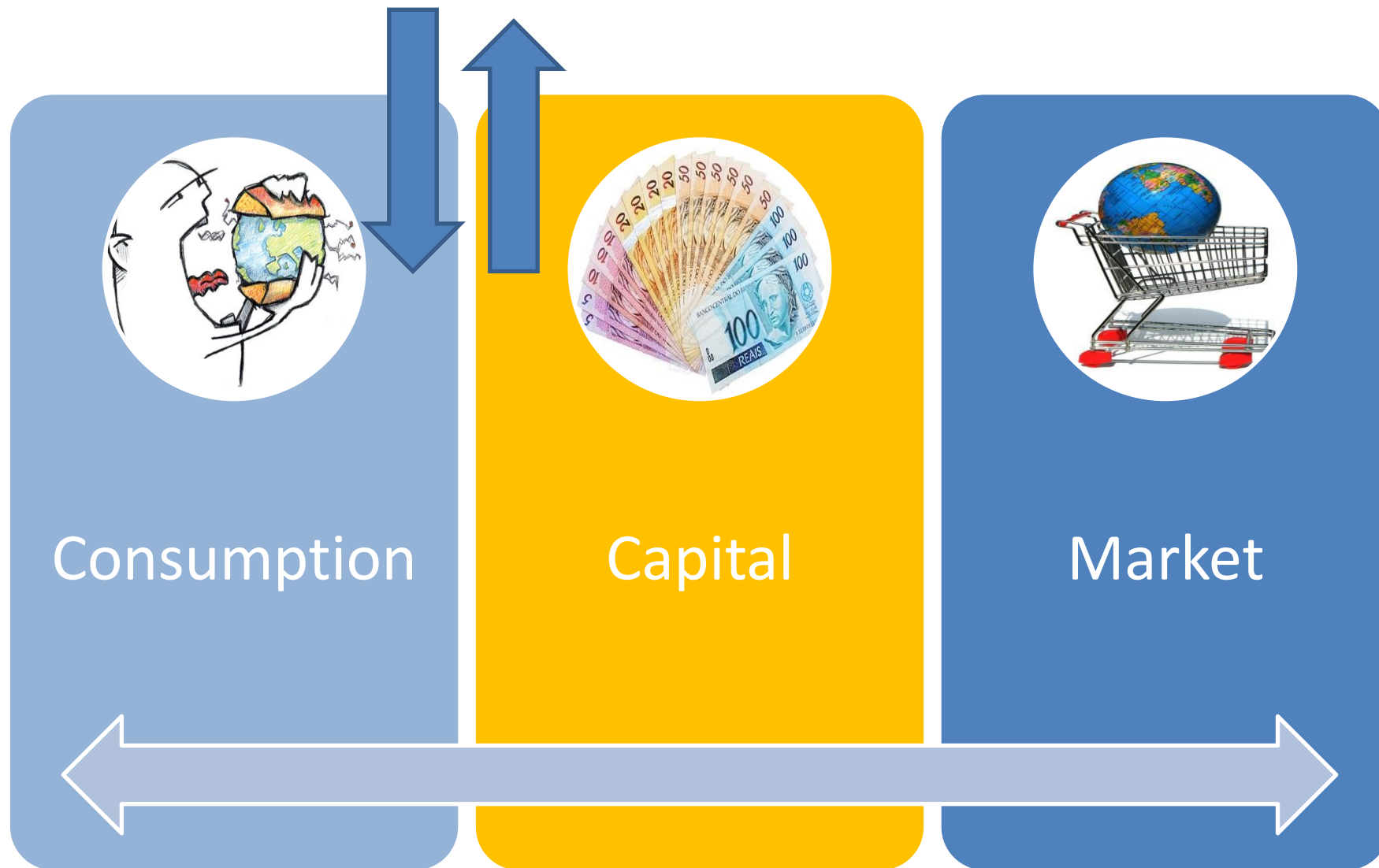
Capital



Market









Consumption



Capital



Market



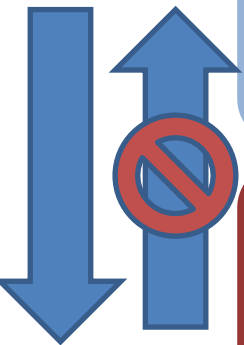
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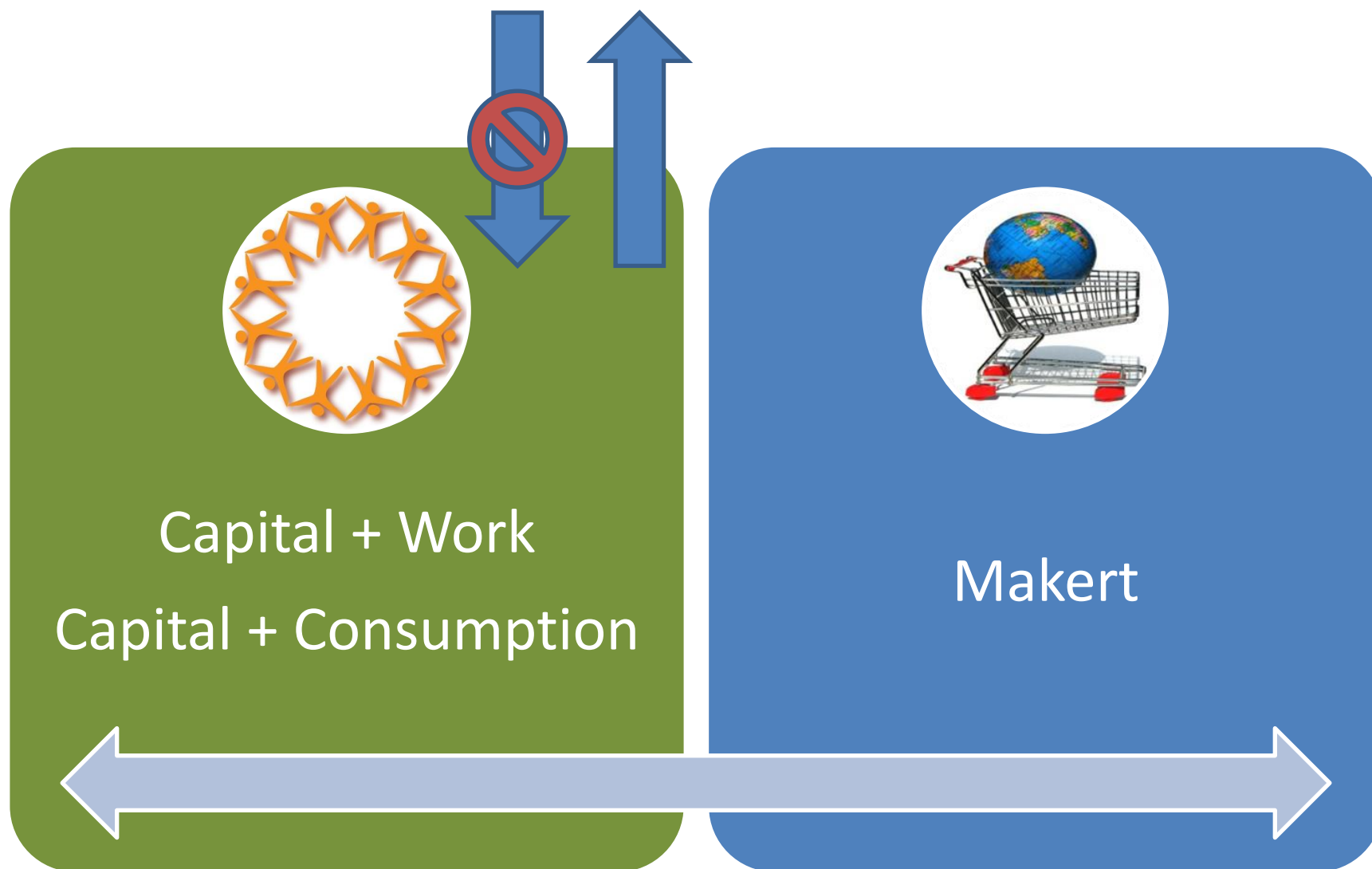


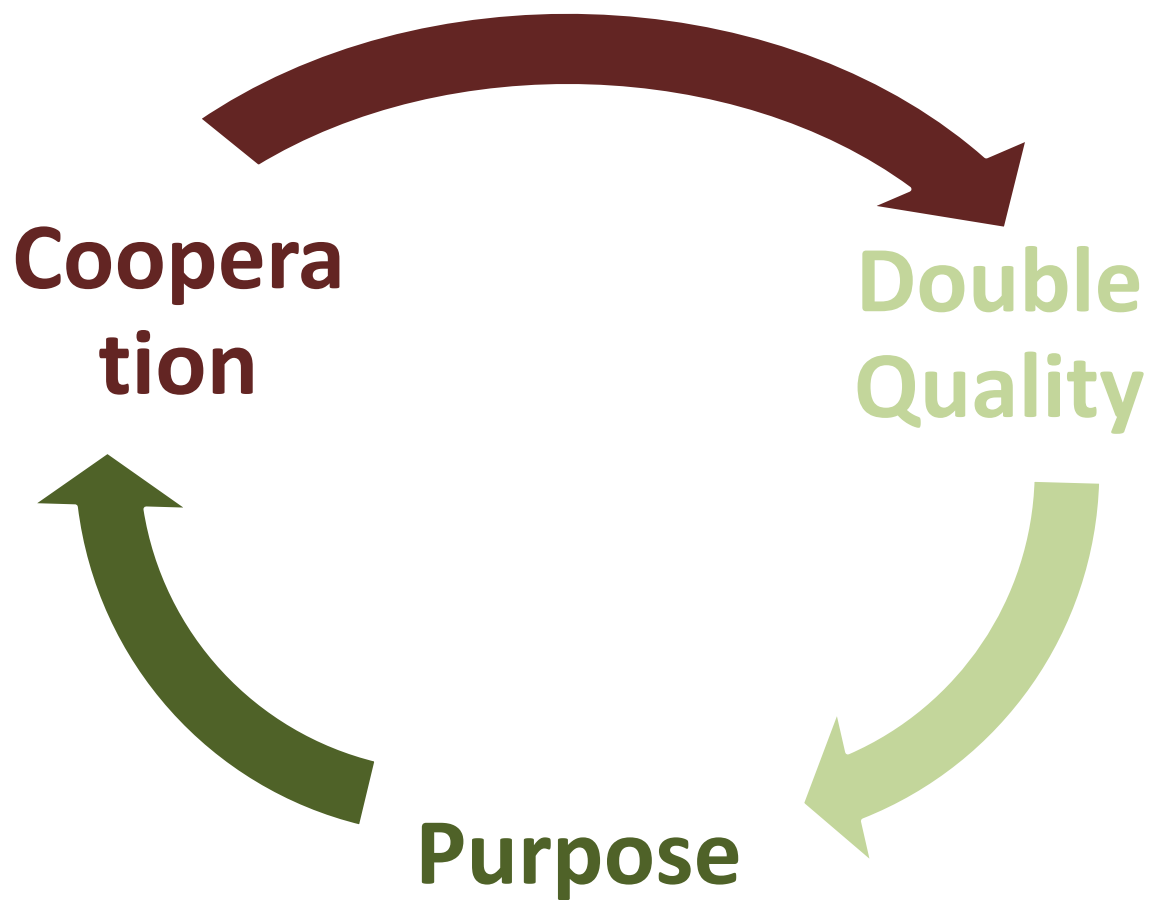
Capital



Market

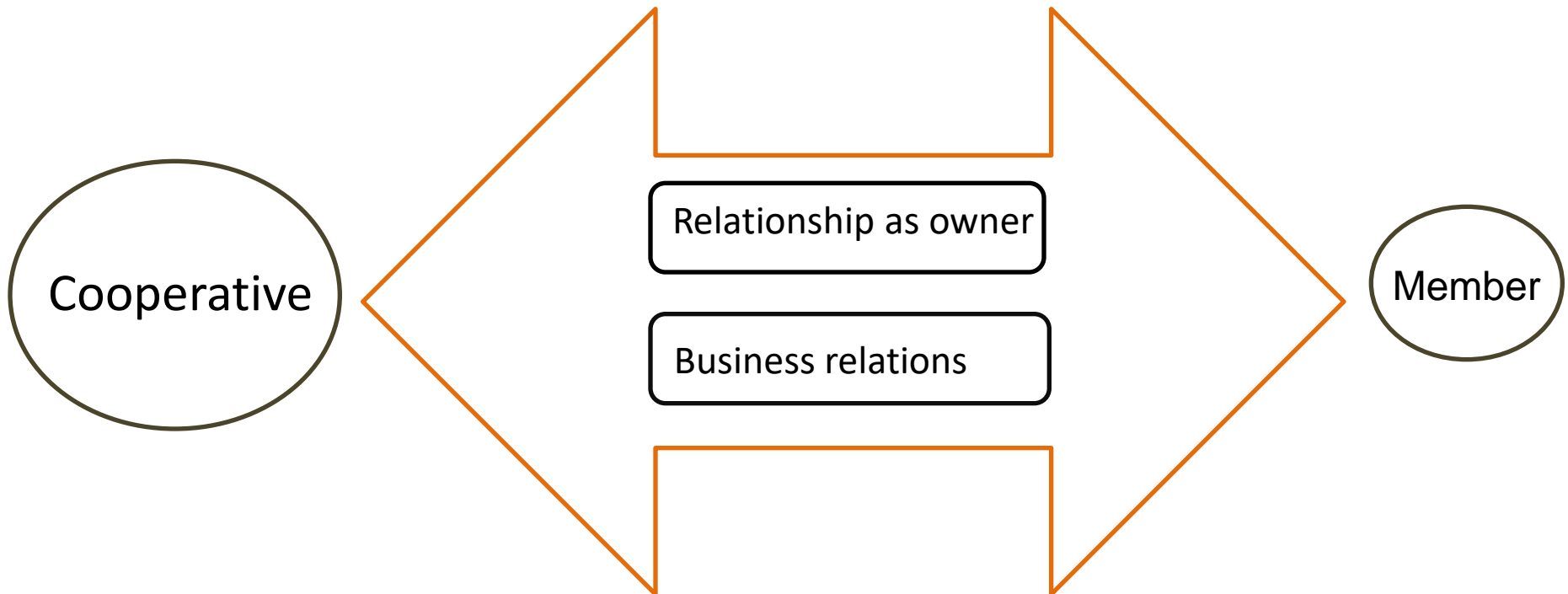








# Double quality





Estructure

Cooperation  
Double quality  
Purpose

Norm

Principles  
and Rules



## AND SO...

### The main legal consequence of the cooperative economic fact?

Cooperative and its members constitute the same economic agent and must be legally treated in such a way<sup>1</sup>.

This refers to operations carried out in the name of the cooperative to carry out its economic activity (intermediary acts of work or consumption of its members) and to fulfill its purpose (to realize the interest of its members as consumers or workers). In Latin America, doctrine and legislation have mythified a category of legal business to identify this legal regime.



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