



QUESTIONNAIRE

FOR PARTICIPANTS OF THE 8th ICA -AP CO-OPERATIVE MINISTERS'
CONFERENCE HELD AT KUALA LUMPUR IN 2007

INTRODUCTION:

The 8th ICA-AP Ministers' Conference in Kuala Lumpur made six major recommendations under following heads for consideration and adoption at the level of the governments and co-operatives to carry out reforms in co-operative policies and Laws to enable the co-operatives to adapt with the changing global scenario and to work in all fields of human endeavour. Please indicate actions taken on these recommendations in your replies to the questions placed below. To facilitate your replies, a set of supplementary questions are also placed which are explanatory in nature.

Please find the questions corresponding to the relevant provisions of the Kuala Lumpur Declaration.

Noting the multi-dimensional impact of globalization on socio-economic life of the people of Asia and Pacific and their institutions particularly co-operatives;

Taking note that while globalization and liberalisation of national economies has resulted in enhanced economic growth and prosperity, its gains have not been equitably distributed among the people particularly the poor and more vulnerable sections of the community;

Question 1: *What is your perception and experience of multi-dimensional impact of globalization in your country and how your organisations coped with the same and particularly the adverse impact on the vulnerable sections of the population?*

[Related Supplementary Questions at Annexure II - Q.1, Q.2, Q.3, Q.4, Q.5]

Reply: _____

Appreciating the urge of co-operative movement to participate in the developmental process for harnessing the gains of globalization and for taking them to people for poverty reduction, employment generation and equitable national development;

Question 2: *What have been the gains of globalization enabling co-operatives to help poverty reduction or employment generation?*

[Related Supplementary Questions at Annexure II - SAME AS ABOVE]

Reply: _____

Realizing the importance of enabling co-operative legislation and policies for creating conducive environment for development of co-operatives;

Appreciating the role of ICA to continuously facilitating the dialogue between the co-operatives and the governments to enhance the role of the co-operatives for economic growth and prosperity in the region;

We the participants of the 8th Ministers' conference on "Co-operative Legislation and Policy" held in Kuala Lumpur, Malaysia from 12-15 March 2007:

Urge upon the Governments to catalyze the process of re-orienting the Co-operative Legislation and Policy to strengthen apolitical and autonomous character of co-operatives and to provide a positive level playing field to co-operatives to enable them to compete in the globalized market.

Question 3: *Has the Government initiated any new measure since the KL Declaration to re-orient the co-operative Laws and Policies to uphold the autonomous and an apolitical character of co-operatives?*

[Related Supplementary Questions at Annexure II - Q.8, Q.9]

Reply: _____

Call upon the Co-operative Movements to contribute effectively in the process of economic development, amongst others, by organizing small producers including farmers, workers and protecting consumers through self-help mode and also ensuring increased participation of women and youth in the co-operatives.

Question 4: *Have co-operatives acted on the Declaration and taken steps to organise small farmers, consumers and workers through self-help mode to enable them to participate in the economic development process?*

[Related Supplementary Questions at Annexure II - Q.17, Q.18, Q.21, Q.22]

Reply: _____

Exhort Co-operatives and Governments to strengthen management capacity, participatory governance and fair business relationship for ensuring healthy functioning of co-operative system through innovative strategies.

Question 5: *What measures have been taken by Co-operatives/Government to develop innovative strategies for capacity building of co-operatives and to establish fair business relationship in your country?*

[Related Supplementary Questions at Annexure II - Q.16, Q.25, Q.32, Q.35, Q.37, Q.39]

Reply: _____

Considering the dynamic changes and trends emerging in the national economies, we also call upon the Cooperative Movements and the Governments in the region to periodically review the efficacy and effectiveness of Cooperative Legislation and Policy and introduce appropriate reforms.

Question 6: *Has any review of the efficacy of co-operative law and policy been carried out as per the declaration of the 8th Co-operative Ministers' Conference? If so, please furnish a summary of the review.*

[Related Supplementary Questions at Annexure II - Q.1, Q.7, Q.9, Q.11, Q.13, Q.21, Q.29, Q.30, Q.31]

Reply: _____

Recognizing cooperatives as an important and significant sector of the national economy effectively contributing to the development, **we affirm our support** for Cooperative Movement as a sustainable and efficient institution through:

1. Encouragement of cooperative entrepreneurship by inculcating entrepreneurial spirit and skills among the members, leaders and managers of the cooperatives through education and training.
2. Attainment of economy of scale and strategic business alliances among cooperatives both domestically and internationally.
3. Role clarity among different tiers to enhance impact of the Cooperative Movement.

4. Harnessing the gains of the fair globalization and liberalization for the benefit of members.

Question 7: *Considering the support pledged to the co-operative movement in the 8th Conference to attain efficiency and sustainability through measures such as attainment of co-operative entrepreneurship, strategic alliances, and economy of scale with clear demarcation of roles assigned to each tier of the co-operative movement in order to harness the gains of globalisation. What concrete steps have been taken by Co-operatives/ Government since 2007 to realize these objectives?*

[Related Supplementary Questions at Annexure II - Q.14, Q.15, Q.16, Q.19, Q.26, Q.36, Q.37, Q.38, Q.39]

Reply: _____

ANNEXURE-I



Theme Based Questions on the Recommendations of the 8th ICA-AP Ministers' Conference

Clear Policy and Law on Co-operatives

Question 1: Has any review of government Policy and Law on co-operatives been carried out with participation of co-operatives clearly defining the roles of the Government, self-regulatory nature of co-operative functioning and authorising Apex co-operative organisations to regulate the primary societies in a manner conducive to their growth?

REPLY: _____

Question 2: Have the Government introduced support measures to diversify the activities of the co-operatives into innovative sectors like Health, formal education and other public policy initiatives such as livelihood creation and security for the disadvantaged etc?

REPLY: _____

Political Neutrality

Question 3: What measures have been taken by co-operatives to ensure that the co-operatives are isolated from politics and are not used as political platforms and instead use their weight as an alternate socio-economic force lobbying for social economy?

REPLY: _____

Drafting Co-operative Laws

Question 4: Has the Government acted on the recommendation that elements of tax laws and regulations should not be a part of the co-operative law which being 'organisation law' should cover management aspects of co-operatives following a general concept with autonomy and power to make bye laws drafted in a language that an ordinary citizen could follow?

REPLY: _____

Contents of co-operative Law

Question 5: The 8th Ministers' Conference recommended provisions laying down a definition of co-operatives, criteria to determine a genuine co-operative society, rules against de-mutualisation, improved governance, a policy for registration of co-operatives, minimum requirement of capital, delinking management with ownership of co-operatives, pre-registration audit and membership, a minimum contents of bye laws etc. what actions have been taken on these recommendations?

REPLY: _____

Globalization and Co-operative Advantages

Question 6: Following the recommendations of the 8th conference, has your Government made efforts to adopt a proactive, pro-poor initiative, a high standard of co-operative governance more effective than corporate governance and active involvement of co-operatives in W.T.O. round of discussions to protect the interests of small producers and farmers?

REPLY: _____

Contradictions and dilemmas

Question 7: The 8th conference has thrown up certain issues, seemingly conflicting which need to be resolved such as balancing Government assistance with autonomy of co-operatives, engaging external directors to overcome deficiency in leadership in co-operatives, compensating co-operatives for extra (social) costs in implementing poverty alleviation programs, exploring strategic partnership with private corporate sector etc. Have your Government or organisation formulated their views on these issues?

REPLY: _____

ANNEXURE - II

EXPLANATORY / SUPPLEMENTARY QUESTIONS



Questionnaire for Preparation of the Background Paper for the 9th Ministers' Conference in Feb- March 2012 on status of action on Resolutions and Recommendations of the 8th Ministers' Conference on Coop Legislation and Policy.

1. Since four years have passed after the 8th Ministers Conference on Cooperative Legislation and Policy and the global economy faced a crisis from 2007- 2008 and the economies of US and a number of EU countries are struggling till date to cope with economic slowdown and unemployment. What in brief has been your country's experience of multi dimensional impact of globalisation such as the impact on trade amongst co-operatives within the country or outside?
2. Was the impact wholly benign or partly and if so what has been according to you the problem areas affecting the economy at present and their implications for the cooperatives in your country?
3. Are the rural cooperatives especially those designed to serve the poorer segments being affected in any manner by these problems in post 2007 period?
4. What has been "the multi dimensional impact "as above on urban cooperatives particularly those operating in financial and other service related activities including those in housing, industrial or business credit and manufacturing and value addition activities?
5. Is your country experiencing like a number of major economies in the region the phenomena of jobless growth specially in the capital intensive organised sector? If so, what has been its spread -sector wise and where is this most pronounced or observed and whether cooperatives operating in these sectors are in a position to address these issues?
6. Do you feel the need for any Policy change in the light of the post 2007 experience with globalisation and if so what are these areas and specify the

policy gaps and needs to bridge the same to create 'enabling policies' as recommended in the 8th Ministers Conference?

7. Have you initiated any change or exercise already in your national policy on cooperatives and if so necessary policy documents may kindly be sent to ICA ROAP.
8. Did you feed the need for 'a proactive legislation' by way of amendment to your existing cooperative law to deal with any of the multi dimensional effects of globalisation and what are the gaps in law or procedures which warrant amendment or enactment of new laws?
9. Have you acted on the recommendations of the 8th Ministers' Conference to review periodically within the government the effectiveness of Cooperative Policy and Legislation?
10. If the answer of the Q.9 is in the affirmative please indicate the periodicity of the reviews and when such review was held last and outcome of review including the changes considered necessary and the problem areas identified if any?
11. Did you consider/examine and act upon the recommendations of the aforesaid conference to introduce appropriate reform in the policies and laws for cooperatives to enhance the impact and scope of the cooperatives in the era of globalisation and if so please indicate the specific reforms or changes and in the light of the recent trends of global economy and your country's experience do you think that your country should go on a "fast track" to introduce these reforms?
12. Do you feel that your cooperative laws and functional procedures still contain provisions which impinge on or stand in the way of 'apolitical' and autonomous character of cooperatives even after years of efforts by ICA and your government and if so please specify these provisions indicating reason why these provisions produce 'the effect' as aforesaid and what should be done to improve the level of 'a political and autonomous character of cooperatives in your country?
13. What steps have been taken to implement the recommendations of the 8th Ministers' Conference to promote cooperation among cooperatives through 'strategic' business alliances both domestically and internationally?
 - 13(a) Could you please give some specific instances or case studies if any of such inter cooperative alliance to meet common business or social goals in your country?

- 13(b) What is your perception of such strategic business alliances in domestic economy and the activity focus of such alliances and in the same sense what has been your experience or effort towards foreign strategic alliances involving domestic and foreign cooperatives or cooperative federations?
14. What according to you are the promising areas of such strategic alliances - in commodity market? What according to you are the prospects of strategic alliances amongst primary co-operatives in villages sharing both sides of an international border and areas sharing a common resource which could be the basis of fair trade either as commodities or value added products based on an agreed production program of value addition?
15. Since globalisation is founded on a fiercely competitive market place, the aforesaid conference underscored the imperative need in the cooperative sector to build their capacity to compete by raising inter alia management capacity of the cooperatives. What have been the concrete steps taken by your government in this matter? Please specify if special courses of training of cooperative managers were organised in pursuance of these recommendations and whether in your opinion such training and exposure have improved the managerial capacity of core management staff of the cooperatives?
16. A suggestion related to Q.15 was to launch efforts to inculcate entrepreneurial skills and spirit among the members through 'innovative strategies'. Have you taken steps to evolve such a strategy and if so, what are the main elements of these innovative strategies and specifically in what special way are these strategies innovative and what have they achieved or contributed towards growth of the spirit and skills of entrepreneurship? Could you please give some concrete instances of 'skill enhancement'?
17. Have you acted on the suggestion to show case the contribution of strong and vibrant cooperatives in building national economy to generate a ripple or multiplier effect? If your answer to the question is yes, please indicate the better performing sectors and name the societies and the manner and form in which the ripple effect was generated and if a formal case study was carried out and the results published? If so a copy of the report may be furnished so to ICA ROAP.
18. Since its inception, ICA has been emphasising the advantages of cooperatives in building social harmony and national economy and responding to this advocacy, the governments of the members nations have been extending support to the cooperatives in different forms such as financial assistance, managerial support and tax benefits to promote employment, income generation, social equity and justice.

What is the current position of such 'support package' for cooperatives?
Please give details.

19. The distinct character of the cooperatives being 'private self help organisations'; the 8th Ministers' Conference suggested that the policy on cooperatives should 'allow cooperatives to work in all fields of human endeavour. In this background please indicate the spread of cooperatives in different fields in your country and sector wise.
20. Since the aforesaid Conference, was there any positive development in Policy on Cooperatives defining more clearly the role of the government vis-a-vis the cooperatives and that of the apex cooperative institutions vis-a-vis primary cooperatives as regulator or guide and not as controller?
21. In pursuance of the recommendations of aforesaid Conference, has the government introduced support measures for cooperatives engaged in activities such as livelihood security for the disadvantaged in the form of tax benefits, soft loans, access to public works program and special procurement provisions? If so, could these measures now in force be specified?
22. A kind of 'watchdog' role was envisaged for cooperatives in assessing the globalisation process which was also implicit in another recommendation to ensure participation of cooperatives in WTO round of discussions to protect the interest of small producers, farmers and consumers. In this backdrop, please indicate if any cooperative or apex cooperative organisation has been able to go deep into the issues arising out of globalisation in your country or whether the cooperatives were involved either directly or indirectly or their views taken into account in WTO deliberations especially on issues such as export subsidy, domestic support. Trade Related Intellectual Property Rights, sanitary and to sanitary measures etc?
23. Have cooperatives in your country been able to diversify into innovative sectors like infrastructure building, service industry disaster mitigation and preparedness, formal schooling, education and health care as recommended by the 8th Conference and if so what are the sectors the cooperatives could enter with beneficial effect in the society?
24. The aforesaid Conference declared emphatically that the cooperatives should be delinked from politics and not to be used as instruments for implementation of political programs or as a stepping stone for pursuit of political careers. Has your government set up any mechanism backed up by law to ensure political neutrality of cooperatives?
25. Cooperatives are viewed as not just business organisations but an 'alternative economic force' to lobby for favourable legal, economic and social framework

conditions for the sector called social economy. Keeping in view this perspective of the aforesaid Conference, have the cooperatives been able to function as a lobby as envisaged or making any progress to this direction?

26. Since cooperative laws is essentially 'organisation law' the conference felt that it should rather deal with formation, membership, management and issues pertaining to cooperatives and not burdened with elements of tax law and regulations. Are the cooperative laws in your country in conformity with this idea and whether there is one common cooperative law based on a common concept or several laws for different types of cooperatives?
27. Expressing its deep concern for autonomy for the cooperatives, the life blood of cooperative movement, the conference recommended a balancing mechanism between regulation and autonomy which should leave bye laws to the cooperatives to meet local requirements and "regulation" aiming not at "control" but for ensuring protection of rights of members and special character of cooperatives and interest of the general public. Seen from this angle, are the laws, Regulations and Procedures of your country in conformity with this broad consensus?
28. Stressing the need for the simple construction of cooperative laws avoiding complex and technical language as it should be comprehensible to ordinary citizen and cooperative, the conference suggested that those who draft cooperative laws should work in collaboration with specialists from the cooperative movement and draft laws in a participatory manner. Has this suggestion been put to practice?
29. As regards contents of cooperative law, the conference suggested provisions with a clear definition of cooperatives, criteria to determine a genuine cooperative society, policy for registration of cooperatives, minimum requirement of capital, pre registration audit, membership rights and obligations, acquisition and termination etc. What progress has been made in this direction so far ?
30. The conference stressed that cooperative laws should define minimum contents of bye laws which are to be so framed as to protect the autonomy of the cooperatives and to restrict their functioning. Has this suggestion been implemented?
31. The conference emphasised the need for improved governance under a legal regime ensuring fair election, election of trustworthy leaders, transparency, accountability and good governance practices and delinking management from ownership to promote professionalism, audit and participation of women.. What is the current status of implementation of these recommendations?

32. The Conference viewed strongly the need for Rules against demutualisation and transformation of cooperatives into companies and recommended a quorum of two thirds of all members present and voting and with a two third majority for taking any decision on such proposals. Have the cooperative laws and rules been amended to incorporate these suggestions?
33. The Conference recommended a strong pro poor orientation in the functioning of cooperatives for protection of livelihood security of the people engaged in informal sector in particular. Have the cooperatives adopted this as a part of their agenda?
34. On cooperatives participation in poverty alleviation programmes, the conference also felt that it entails some (social) cost to be borne by members and these are 'non profit making activities being in the nature of "capacity building of the poor'. By implication, the government has to incentivise such cooperatives. Has any substantial step has been taken in this vital matter to provide incentives to cooperatives?
35. Training or promoters of cooperatives and strategic partnership between cooperatives and private sector have also been underscored. Have the Government taken any initiative to implement these suggestions?
36. Affordable health cover for all specially in rural areas has been the objective of many member countries and various initiatives have been taken to extend health cover to the citizens directly by state-agencies and indirectly by promoting medical and health sector in most countries, though there is enormous scope in the use of co-operatives as a mode of delivery of affordable healthcare especially for running of hospital and related facilities. In this background of the overall poor health situation in most member countries of Asia and pacific region, do you consider it necessary to formulate a special policy to promote a package of services covering health, family welfare, women and child health and nutrition by supporting formulation of co-operatives to take up these functions and what are your specific suggestions in this regard?
37. Since in many member countries, fishing is the basis of livelihood of thousands of families of fishermen and a number of state laws enacted over the years encourage and promote fishing by fisheries co-operative societies comprising of countries traditionally involved in fishing, it is considered that special steps are necessary in member countries endowed with this resource to protect the livelihood of poor fisherman by providing a package of legal, financial, management and marketing support. This has assumed urgency in

view of spread of deep sea fishing by trawlers engaged by large corporate to reducing drastically in some cases the areas accessible to traditional fisherman by using small country or power boats. Would you in this situation recommend a special policy package for promotion of co-operatives not only for capturing fish but also for processing of fish on co-operative basis?

38. Though Housing especially urban housing has been a traditional area for the c-operatives comprising of members who are willing to pool their resources to develop group housing and many member countries have enacted laws and framed policies to facilitate growth of co-operatives in the housing sector and offered concessional terms of lending to housing co-operatives by banks, yet there are many taxes payable for services or even acquisition of titles by individual members. Do you feel it necessary to formulate a special policy to promote housing co-operatives on a stronger footing to deal with urban homelessness, destitution and even the incidents of rural houselessness accrued in some areas? What is the status of law and policy in your country in regard to co-operative housing? What measures should be taken to prevent misuse of unreasonable membership of housing co-operatives for speculative personal gain?

39. In the context of the climate change and the challenge to mitigate its effect on environment and livelihood support systems, conservation of forests has acquired a very critical importance in the global agenda as embodied in resolutions passed in post Rio period. It is imperative in this effort to emphasize the role of the communities traditionally dwelling in the forest or in the lands on proximity of forests as stakeholders and partners in conservation and environment of forest and wildlife hence co-operatives, because of their orientation to equity and grass roots level functioning are ideal for taking up activities in the forestry sector particularly in areas of forest protection, equitable and appropriate use of minor forest produce and regeneration and maintenance of forest species.

A Mechanism known as Joint Forest Management in India based on sharing functions jointly by the State and communities living in the forest all in its vicinity successfully yielded rich benefits could be basis activity focus of Introduction co-operatives in the forestry sector. Do you feel that there is scope for this initiative in your country by suitable and supportive measures to encourage the growth of co-operatives, in not only in conservation but also for gainful use of minor forest produce by such co-operatives for livelihood security of forest dwellers? Would your country's forest laws and regulations allow growth of co-operatives in Forestry or take up activities related to forest resource?

-----*****-----