



# International Law and Housing Cooperatives

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Cooperative  
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# Introduction – Property to Human Dignity and Rights

Housing is a fundamental and basic need (UDHR Art. 25) ; International Community articulates its general policy on housing through Agenda 2030. SDG 11

Cooperatives have been recognized as vital actors in social development since the creation of the United Nations

UN-Habitat (United Nations Human Settlements Programme) is international programme that deals specifically with the issue of housing. The Quito Declaration of United Nations Conference on Housing and Sustainable Urban Development) Habitat III, is the most recent conferencing instrument that urges States to:

- ✓ Reiterate its commitment to sustainable, inclusive urban development and support for cooperatives
  - ✓ Expand affordable options, including rental, cooperative housing, co-housing, and community land trusts
  - ✓ Develop housing finance products to boost supply of housing, and prevent evictions of tenants.
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- ➔ Housing crisis and the shortage of adequate housing has become a general/universal phenomenon
  - ➔ This is in violation of Article 11 the ICESCR which imposes obligation on states to progressively realise the rights of individuals to safe, secure and affordable homes.

# Recognizing the distinct personality of the cooperative type



Housing is among those sectors that are subject to multiple regulatory oversight

An absence of legal and policy recognition for cooperative housing has often forced cooperatives to rely on private markets for financing, making them less competitive

ILO R. 193 (Promotion of Cooperatives) and ILO R. 115 (Workers' Housing) are International Labour Standards that are significant in advocating for adequate policies to bolster housing cooperatives. P-6 through apex feds. is most important in realising these ambitions.

2001 UN Guidelines aimed at creating a supportive environment for the development of cooperatives urge governments to not make policies and law that disadvantage cooperatives because of their specific characteristics (identified through the application of the ICA Statement)

(At the same time) Equal Treatment in a general principle of law acc. To Art. 38.1 of the Statute of the ICJ – and Para 7 (2) of ILO R. 193

# CHI Resolution on the Cooperative Identity



## Housing Co-operatives and the Co-operative Identity

*International Co-operative Alliance, 1995*

### Definition

A housing co-operative is a legal association formed for the purpose of providing housing to its members on a continuing basis. It is owned and controlled by its members. A co-operative is distinguished from other housing associations by its ownership structure and its commitment to co-operative principles.

### Values

Housing co-operatives exist for their members' mutual benefit. They share with other co-operatives the values of individual responsibility, mutual help, democracy, equality, equity, and solidarity. They should conduct themselves honestly and openly.

## **Self-identification; developing international standards; application and advocacy**

*The country reports bring much needed insights and are a necessary starting point to develop the justification for special rules in areas such as financing, access to land, interrelation with public housing/social policies*

# Sustainable Development



*... principles enable members to aspire to solidarity and social peace within a broad community of co-operators that radiates outward from the single co-operative to the international commitments of the worldwide movement.*

## **Concern for Community and Future Generations**

Housing cooperatives should strive to meet their members' needs for affordable, good quality housing, for security of tenure, and for safe, secure neighbourhoods. They should provide the best quality service at a fair price. They should work to create environments where members give and receive support beyond their shelter needs and treat each other with respect and tolerance.

While existing for the purpose of meeting their members' needs, housing co-operatives are part of a larger community and have a responsibility to future generations. They should

- demonstrate the principles of sustainable human settlements in the design, construction and operation of their buildings;
- contribute to improving the quality of life in their immediate neighbourhood;
- treat their employees fairly and with respect;
- uphold principles of social justice in all their affairs;
- manage their resources wisely over time so that future generations may continue to enjoy the benefit of the housing co-operative's services;
- seek the growth of the co-operative housing movement in their own countries and abroad.

# Sustainable Development reflected in the ILRAI report



The 7th cooperative principle marries the concepts of sustainable development and democracy.  
How is this principle translated in the national/regional law and the internal rules?

*The strength of the legal connection between cooperatives and sustainable development varies significantly across jurisdictions. The strongest sustainable cooperative housing systems are those that combine cooperative principles, public housing policy, environmental planning, and long-term financing. The comparative review suggests that sustainability is increasingly recognised as a core function of housing cooperatives, but legal frameworks have not yet fully caught up with this policy ambition in many countries.*

<p><b>Cooperative principles provide the main sustainability anchor</b> In many jurisdictions, sustainability is embedded through cooperative principles rather than through explicit environmental clauses in cooperative law. The 7th Cooperative Principle is frequently interpreted as supporting sustainable development, community wellbeing, and responsible resource use. Chile's cooperative legislation explicitly links cooperatives to improving members' living conditions and promoting inclusion, participation, and community benefit.</p>	<p><b>Environmental sustainability is emerging but uneven</b> Uruguay provides one of the strongest examples of integration with national environmental and territorial planning policies, supported by constitutional and statutory environmental protections. Quebec housing cooperatives have adopted voluntary environmental policies, carbon-footprint measurement, and greenhouse-gas reduction initiatives, even without a specific national cooperative sustainability mandate. In many African jurisdictions, cooperative laws predate modern sustainability frameworks and therefore contain only indirect sustainability provisions.</p>
<p><b>Social sustainability is the most developed dimension</b> Across regions, cooperative housing is consistently associated with: Democratic governance; Community cohesion; Long-term affordability; Member participation; Inclusive decision-making are treated as important contributors to sustainable communities and social resilience.</p>	<p><b>Public policy support remains fragmented</b> Few countries have comprehensive sustainability frameworks tailored specifically to housing cooperatives. Instead, sustainability initiatives often arise through housing programs, energy policies, urban planning measures, or voluntary cooperative-sector initiatives.</p>

# Housing as a Human Right



The strongest cooperative housing sectors tend to exist where housing rights are supported by complementary legal frameworks on land access, finance, tenure security and cooperative development. Mere recognition of housing as a right is insufficient without enabling institutions and financing mechanisms.

## Recognition of Housing Rights Remains Uneven Across Jurisdictions; Strong international consensus, mixed domestic implementation

All surveyed countries operate within a framework influenced by international human rights instruments. However, the extent to which housing is recognised as a legally enforceable right varies considerably.

<p><b>Explicit Recognition of Housing Rights</b> Canada's National Housing Strategy Act recognises adequate housing as a fundamental human right and commits government action towards its progressive realisation. Uruguay provides one of the strongest constitutional foundations, recognising the right of inhabitants to decent housing and supporting cooperative housing through public policy.</p>	<p><b>Property Rights as a Proxy for Housing Rights</b> Nigeria, Tanzania and Chile primarily protect housing through constitutional property rights.  Citizens enjoy rights to acquire, own and protect property, but these do not automatically translate into enforceable rights to adequate housing.</p>
<p><b>Policy Recognition without Judicial Enforceability</b> Nigeria's Constitution commits the State to provide suitable and adequate shelter, but these provisions are contained in non-justiciable sections of the Constitution. Similar gaps exist in several jurisdictions where housing objectives are policy goals rather than enforceable legal rights.</p>	<p><b>Human Rights Protections through Tenancy and Anti-Discrimination Law</b> Quebec and British Columbia rely heavily on tenancy protections, occupancy rights, and anti-discrimination frameworks. Housing rights are therefore protected indirectly through broader human rights and social protection legislation.</p>

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# Upcoming ILRAI 2026- 2027

# The Law on Financial Cooperatives



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