

**SUBMISSION BY COMMONS ACTION FOR THE UN, THE ASSOCIATION OF
WORLD CITIZENS, INSTITUTE FOR PLANETARY SYNTHESIS, ET AL**

**UNCSD RIO+20
For the Compilation Document**

EXPECTATIONS FOR THE OUTCOME OF RIO+20

We suggest that the following statement be used in either the Political Declaration and/or Outcome Document. Support for this recommendation is included in the rest of the submission below.

A Commons Based Approach to Creating a Sustainable "Green" Economy and Implementing Sustainable Development shall be developed at all levels of government so that all stakeholders can participate actively in developing, managing, and maintaining and can then share equitably in the usage and benefits coming from resources that all need to survive and thrive and that must be held in common by the community at large -- be it local, regional or global.

**FULFILLING EXISTING COMMITMENTS AND SHIFTING TO A
COMMONS-BASED ECONOMY BASED ON THE WELL-BEING
OF ALL PEOPLE AND NATURE**

The international community must take the steps needed to fulfill all of the agreements and commitments on sustainable development that have been made during the past twenty years.

Thus, significant improvements are needed to put in place the specific means, mechanisms, and funding still required and to deal responsibly with the following stumbling blocks:

- ⤴ humanity is exceeding the carrying capacity of the planet and depleting the natural resource base;
- ⤴ the demands and needs for better living conditions by a rapidly growing global population are escalating;
- ⤴ the present debt-based economy and neo-colonialism are at war with nature and humanity;

- ⤴ the present structure of national economies lack the flexibility to include stakeholder interests in an inclusive manner.

Since the above challenges can be met by a commons-based approach, we urge Governments to act forthwith to shift from an economy measured by increases in production and consumption to one based on protecting the global commons, including the well-being of humanity and nature, as addressed by UN Resolution 65/164 on Harmony with Nature.

This would require:

- ⤴ increasing, with the help of Civil Society, the amount, diversity and availability of those natural and social resources needed for all people to thrive (commons goods);
- ⤴ the UN to develop within a year a process, including all stakeholders, to place a stable and adequate cap on the use of depletable natural resources;
- ⤴ involving all people in decision making based on the subsidiarity principle, bearing in mind that people's sense of responsibility will increase to the extent that they are conscious of their own role in addressing today's crises.

The above three points are characteristic of a commons based approach to sustainable development. It is thus essential that such an approach be included as a fundamental basis for implementing the program of action and achieving the goals set forth in the Outcome Document.

As a first step, we recommend that a panel of experts be developed within the UN system, to work with relevant stakeholders including CSOs, to develop and propose a plan to bring about the necessary shift to a Commons Based Approach to Sustainable Development, moving away from unsustainable minority rule and toward democracy and global survival.

A COMMONS APPROACH TO SUSTAINABLE DEVELOPMENT

Would require and ensure that:

- ⤴ all people recognize that the Earth is a living system of interconnected components on which all life depends. (UN Resolution 65/164 on Harmony with Nature.)
- ⤴ if a commons-based economy is to become global, humankind must shift from a win/lose or human-centered win/win orientation to an all-win approach to life that

takes into account the well being of all people as well as nature.

- ⤴ All people, in accordance with international human rights agreements, equitably share the wealth that is derived from Commons Resources, and will enable humanity to fund much needed sustainable development and the transition to a sustainable "green" economy.
- ⤴ the people as a whole cooperatively and responsibly develop, manage, maintain, and equitably share in the use and benefits coming from resources that must be held in common and managed in a healthy and sustainable manner by the community at large to ensure access by all who need them to survive and prosper, thereby creating Commons Resources.

One of the best examples of a Commons Approach is the Participatory Budget Process that was initially developed in Curitiba, Brazil. Another example, is the participatory local agenda 21 sustainable community planning processes, where interested stakeholders help in developing a plan for the community to become as sustainable as possible. And third, myriad examples can be found in many Sarvodaya communities, ecovillages, "transition towns", cooperatives, and indigenous communities around the globe where collaborative decision making, planning, and implementation are often carried out by the community members as a whole, with the benefits from such processes being equitably shared by all of the people in the community as well. See for example: www.ecovillage.org and www.transitionnetwork.org

A Commons Approach to Sustainable Development includes the following 5 characteristics:

- ⤴ Commons Goods: those fruits of nature and society that all need to survive and thrive. They include the atmosphere, oceans, forests, biodiversity, all species of life, natural systems, minerals; food, water, energy, spiritual and health care; information, art, culture, society, technology, media, trade and finance
- ⤴ Commoners: Groups of people who share the resources (users, producers, managers, providers)
- ⤴ Commoning: inclusive, participatory and transparent forms of decision making and rules governing people's access to and benefit from these commons resources
- ⤴ Boundaries: specifying community membership and the extent of the resource
- ⤴ Value: created through the preservation or production coming from these commons goods and resources

PRINCIPAL OUTCOMES OF THE RIO+20 PROCESS

The principal elements that the Rio+20 Secretariat has identified are all essential components for a successful outcome of the Rio+20 process and conference. UNCSO does need to develop and put in place the specific means and mechanisms needed to fully implement a green economy roadmap, a framework for action, sustainable development goals, and most importantly a revitalized global partnership for sustainable development.

A complete plan thus needs to be developed that is sufficient to fully fund and implement each of these components. In addition each of them should include and be based upon a Commons Approach to Sustainable Development. Indeed a Commons Approach could provide the fundamental basis for establishing and renewing our global partnership for sustainable development. We include many examples below for how such a partnership could be further developed and carried out.

GREEN ECONOMY IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT AND POVERTY ALLEVIATION

Measures to Shift to a Commons-Based Global Economy

1. Shifting from present economic indicators measuring production and consumption to ones measuring the well-being of people and nature;¹
2. Placing strongly enforced caps on the use of depletable resources to prevent further degradation;²
3. Auctioning permits at source for the use of those resources that fall outside of the cap (this would remove the need to set a specific price on the use of natural resources and allow the price for the exploitation of non-capped resources to be divided by all subsequent users);³
4. Shifting taxes onto the use and ownership of land and natural resources and off of labor in order to fund the transition to more sustainable practices. We urge government at all levels to introduce the public collection of the economic rent of all land and all natural resources and to apply the receipts to reducing taxes on wages, goods and services. The Earth Rights Institute offers an on-line course, developed in consultation

1 These indicators could include those mentioned in the UN Human Development Reports from 1990 onward, and in other UN contexts, along with those mentioned in Germany's Yearbook, Bhutan's Happiness Index, etc.

2 This could work similarly to permits that ration the taking of threatened species.

3 This is similar to the present system of paying compulsory rates for the house you own to cover the benefits of the community you live in (garbage disposal, street cleaning, management of water resources, etc.) only here the "rates" or taxes would relate to the benefit of a sustainable environment.

with UN Habitat, describing how such an approach can be applied. See: www.course.earthrights.net;

5. Using the resulting income to restore and replenish depletable resources, recompense stakeholder communities and to establish a global trust to provide a basic income for all people;

6. Recognizing the importance of international agreements such as the UN Charter, the Universal Declaration on Human Rights, Geneva Conventions, International Covenant on Economic and Social Rights, Declaration on the Rights of Indigenous Peoples, Kyoto Protocol and associated Workplans, Agenda 21, and Johannesburg Plan of Implementation that promote democratic participation in planning sustainable development;

7. Implementing the global footprint to assess economic performance (including corporations);

8. Recognizing that Ecocide is a Crime Against Peace and Life (iv) *that is prosecuted under universal jurisdiction*;⁴

9. Creating a World Environmental Court where crimes against nature can be prosecuted under universal jurisdiction;

10. Implementing in all governmental decision making the all-win principle which recognizes that since all people and all of nature are parts of one integrated whole, the well-being of all people and all of nature are essential to us all.

11. True environmental costs of production and consumption must be internalized into accounting models in order to address the causes rather than simply the symptoms of environmental degradation.

12. Intellectual Property Rights have begun to hamper humanity's capacity to adapt to emerging issues and other global challenges. The extension of their applicability is also used now to hamper progress and further enclose the commons and should not be accepted nor permitted. Open source and General Public Licenses are commons-based alternatives that ought to be instituted instead.

INSTITUTIONAL FRAMEWORK FOR SUSTAINABLE DEVELOPMENT

Fostering responsibility through the subsidiarity principle

Today's crises result from the total actions taken--and not taken--by all people

4 Like genocide except that ecocide relates to harm done to nature, including animal and plant species.

worldwide. The sense of shared responsibility and consciousness of the consequences of their way of life will increase to the degree the principle of subsidiarity is applied. Through transparent, inclusive, participatory, intergenerational, gender-sensitive decision making with regard to those fruits of nature and society that each needs to survive and thrive, each person is confronted by the costs of their actions with regard to commons goods such as clean drinking water, hygiene and waste management.

Also, if people are living in a state of inner or outer poverty, the UN will not be able to achieve its mission and goals. A commons approach to sustainable development must thus be developed in such a way as to lead to inner peace, freedom, and fulfillment of all of the rights contained in the Universal Declaration of Human Rights -- thus overcoming the challenge of both spiritual and material poverty which is a precondition for establishing a sustainable "green" economy.

Significantly Strengthening, Funding, and Empowering UNEP

UNEP should be transformed into an adequately funded Specialized Agency with binding and enforceable powers. All people and stakeholders need to be fully included, and their rights protected, in all of the processes and activities carried out by or through a revitalized and empowered UN Environment Agency.

Significantly Strengthening, Empowering, and Democratizing CSD

The Commission on Sustainable Development should be transformed into a Permanent Commission under the UN General Assembly and/or the Economic and Social Council should be transformed into a Permanent Sustainable Development Council with the power to make binding and enforceable decisions and actions. Stakeholders and other interested parties should be integrated fully in all levels of decision-making under and within the processes of the new Commission or Council; and it should be much more participatory in nature.

The new Council should include an Outcome Based Process which focuses on fully achieving the specific goals and commitments that have already been made. This would require that the Council, led by each Chair, focus on a limited number of specific goals at any one time and then proceed to determine and put in place (with the help of the UN Secretariat and interested stakeholders) the specific means, mechanisms, and funding needed to fully implement and achieve each of the targets and goals.

An intergovernmental committee should be set up which includes representatives of, along with the broadest possible input from, civil society and the Major Groups in order to develop recommendations for how the new Council could be structured and operate in a much more effective manner. For example, the existing consensus process could

and should be augmented, when necessary, with the use of qualified majority votes.

Implementing Local to Global Sustainability Strategies and Action Plans

The UN needs to develop a partnership initiative, protocol, and/or processes to assist all communities and countries in developing and implementing their local and national strategies for sustainability; local and national action plans on Sustainable Consumption and Production; activities related to the UN Decade on Education for Sustainable Development; Poverty Reduction and Strategy Programs (PRSPs); International Court of Justice decisions; UN Decolonization Committee recommendations; and Multi-lateral Environmental Agreements (MEAs). These processes need to include a Commons Approach to Sustainable Development and be brought together and integrated across all levels and sectors of society from the local to the global.

A specific means to provide the funding that was promised in Chapter 28 of Agenda 21 for Local Sustainable Community Planning and Implementation, but which has never been forthcoming, must finally be included in the Rio +20 outcome agreement. A number of commons-based funding mechanisms are suggested and described in the section on Gaps in Implementation below.

EMERGING ISSUES

It is often recognized at CSD that many of the Emerging Issues and challenges are interdependent and cross-sectoral in nature. Unfortunately however, implementation is often based on an individual sectoral approach to development. It is thus essential that an integrated, multi-sectoral community based approach be adopted as the primary means for engaging in and implementing sustainable development, particularly in rural areas.

Building on Popular Movements and Initiatives

During the past year popular movements with popular demands have arisen around the world. While perhaps not quite as visible, popular movements to create a commons based economy have also been developing, which can not only provide a good response to many of these popular demands but also provide a more adequate response to many of the emerging issues. Governments can support and build on this and thereby develop the goodwill, and provide for the well being, of their people.

Principal 10 of the Rio Declaration and many other UN agreements call for citizen participation in decision-making and implementation and escalating popular demand worldwide calls for equitable sharing of:

1. transparent, inclusive, participatory, intergenerational, gender-balanced governance for the benefit of all people at local through international levels;
2. life sustaining resources;
3. a remuneration/money system where people earn only what accrues from the fruits of their labor, are recognized for their contributions(labour/services), and the vulnerable (women/children/disabled/refugees/fugitives/etc) are cared-for. This system is modeled in many indigenous and local communities which have successfully cultivated and protected commonly held gifts for many generations..

Meanwhile people worldwide are forming commons-based sustainable economies in thousands of localities worldwide -- including indigenous communities, Ecovillages; Transition Towns, the Sarvodaya communities, cooperatives (to which a billion people officially belong), LETS trading systems; commons management of forests; water sources; farmers markets; community gardens; knowledge; culture; media; and the internet -- most of which provide good solutions to many of the emerging issues such as addressing water scarcity, climate change, the need for resiliency, and transitioning to sustainable agriculture.

When linked, these examples already form a skeletal structure for a sustainable world economy. All Governments are thus urged to build on this sustainable economy in embryo to create a global commons-based world economy rooted in universal benefit and the well-being of all people and nature.

In addition, the UN could and should establish a global network of regionally based resource and service centers and training programs to support the development of a multi-sectoral community based approach to sustainable rural and impoverished urban development.

The Global Ecovillage Network has established a number of Living and Learning Centers around the world and Senegal has established a National Ecovillage Agency, based on the development of a regional network of ecovillages which was funded in part by the GEF Small Grants Program, which can provide the model and a basis for creating such a global network and program. The EcoEarth Alliance UN Partnership Initiative is developing and promoting such a model and process and would welcome the support and/or participation of governments and UN agencies.

GAPS IN IMPLEMENTATION

Citizen Participation

Government representatives at the UN often talk about capacity development and

stakeholder participation in implementation. This is urgently needed to overcome the gaps in implementation. The stakeholders are often those who live in a given location. Often they have a better understanding than outsiders regarding what is theirs to manage and use and how to govern it. Empowering them to initiate and take responsibility is needed and that may look different in every culture.

It is also time to put in place active opportunities to support capacity development and reward people economically for their contributions and services. UNDP established a number of Thematic Trust Funds that included funding for capacity building but none of them were sufficiently funded. New means must be established across all sectors to provide opportunities for civil society to be compensated for contributing to implementation.

Approximately 1 billion of the Earth's 7 billion inhabitants are actively participating in cooperatives. These cooperatives often if not usually share the same goals as have been adopted by the UN and provide better results in achieving them than more competitive or hierarchical models. Support for such cooperative approaches is needed to overcome the gaps in implementation.

Lack of Funding & Specific Means and Mechanisms for Implementation

The biggest gaps in implementation are probably due, however, to the lack of global support, funding, and specific means and mechanisms that are sufficient to achieve full implementation. Global programs thus need to be scaled up, resources must be provided, and global agreements and conventions established to achieve the agreed targets and goals.

For example, Green Cross has developed model conventions on the right to water and sanitation that are urgently needed to ensure that all people's rights to these basic goods and services are fulfilled.

In addition, the UN Member States adopted the Aichi Biodiversity Targets during the recent 10th Session of the Conference of Parties to the Convention on BioDiversity setting time bound goals and targets to be achieved during the next fifteen years. Now, if sufficient means, mechanisms, and funding for implementation, along with on-going periodic review processes are put in place, we will probably be able to achieve the essential goals that were set.

Harmful and Unsustainable Subsidies

The International Institute for Sustainable Development is calling on governments to support and sign on to a Pledge to Phase Out Fossil Fuel Subsidies that undermine sustainable development. This would include a transparent, annual reporting and review process; technical and financial assistance for developing countries; common research

and analysis; and Secretariat support. Such an agreement is urgently needed and must be included in the Rio+20 outcome agreement.

However such support and agreements are also needed to deal responsibly with and phase out all harmful and unsustainable subsidies, including those dealing with forests, fisheries, water, and agriculture, etc. The savings thus made from phasing out such subsidies could provide much needed financing for investing in sustainable development.

FINANCING THE SHIFT TO A COMMONS-BASED GLOBAL ECONOMY

Here are 4 ways to help restore, protect, and replenish natural resources and fund the shift to a commons-based global economy.

I. Establish an Effective Institutional Framework to Shift to a Commons Based Economy and Manage and Equitably Share in the Use of the Commons

Under a Commons Approach to Sustainable Development all people must have access to those gifts of nature and society that they need to survive and prosper. These would be designated as commons goods. They can then be used to finance the shift to a commons based economy and be managed and equitably shared among all people, as follows:

- ✧ A strictly enforced cap could be placed on the use of depletable commons goods and resources;
- ✧ Trusts would then be established to oversee the caps and manage the resource. The amount of each cap would be determined and set by the stakeholders of each resource. These trusts could be located either within a state or be trans-border, depending on the extent of both the resource and the community of interest;
- ✧ Permits for the use of what is available once the cap has been put in place can then be auctioned at source enabling the cost to be spread among all subsequent users and avoiding the complex task of pricing each depletable resource;
- ✧ Income from these commons resources can then be used to protect and restore the resource; reimburse those negatively affected by the use of these resources with a small percentage going to the government for provision of the public goods; to invest in transitioning to a sustainable future; to a global trust to restore any damage to the global commons (air, water, land); and/or to provide a basic income for all people.

Broadly speaking, the assessment of commons rent by trusts around the world would require three significant changes:

- ⤴ Governments could shift their primary emphasis away from issuing corporate charters and licensing the private sector and towards approving social charters and open licenses for resource preservation and social and cultural production processes through commons trusts managed by those who cultivate and protect commonly held gifts.
- ⤴ Commons trusts would exercise a fiduciary duty to preserve natural, genetic and material commons and to protect, create or regenerate solar, social, cultural and intellectual commons, yet may also decide to rent a proportion of these resource rights to businesses.
- ⤴ Businesses can then rent the rights to extract and produce a resource from a commons trust, thus creating profits and positive externalities through innovation, competitive products and services, and adjustment of the market to the actual costs of resources. However consent to the use of a Commons should first have to be granted by those that are protecting and/or whose lives depend upon a Commons resource.

Management of the Commons at the Global Level

Commons management funds could also be generated at the global level. A rental fee to finance multilateral programs and institutions could be placed on the development or use of many transborder commons, including:

- carbon emissions
- international corporate products
- international investment
- foreign exchange transactions
- international trade
- international airline tickets
- maritime freight transport
- ocean fishing
- sea-bed mining
- offshore oil and gas
- international oil trading
- satellite parking spaces
- electromagnetic spectrum use
- internet
- information flows
- military spending and arms exports

- toxic wastes
- energy consumption

II. Global Atmosphere Commons Trust. This type of a trust could be established based on ideas from the Alaska Permanent Fund for sharing the oil commons with all Alaskans and the thirty-plus years of commons resource management research.

Feasta Sky Trust. A specific proposal has already been developed for establishing a Feasta Sky Trust. See: www.feasta.org One of the largest commons on the planet, our global atmosphere, could serve as the fulcrum to turn our unsustainable and unjust ecological, economic and political situation in a better direction for us all. Emissions permits could be used to provide a right to use of the atmosphere – a resource which would then receive a scarcity value based on the carbon price. Current schemes like the Emissions Trading System (ETS) assume the carbon scarcity rent should go to polluters or governments – but really it should be used to provide for the well-being of all of humanity.

III. Applying a Commons Management Scheme to Regulate and Equitably Share in the Use of the Global Commons

Elinor Ostrom recently won the Nobel Prize for her studies of commons management practices around the world and how they support sustainability and justice. She has developed a set of principles or rules which ought to be included and addressed in managing the commons.

These could be applied to the idea of establishing global and subsidiary commons institutions -- with cooperating climate trusts in each nation -- run by the people's trustees and supported by governments for enforcement of the carbon cap and distribution of the shares and are thus described as such below. However these principles are applicable to the implementation of most other Commons Applications as well. Applying these principles thus requires:

- 1. Clearly defined boundaries** (in this case, targeted and precise measurements of up-stream carbon units that can be effectively monitored)
- 2. Effective exclusion of external un-entitled parties [or illegitimate use]** ("leaks" in the carbon measurements must be identified and primary producers of fossil fuels brought into compliance)
- 3. Rules regarding the use of common resources are adapted to local conditions** (each national climate commons institution would decide how much to pay out as dividends to citizens, for poverty alleviation for example, and how much to invest in transition projects and infrastructure)

4. Collective-choice arrangements allow most resource users to participate in the decision-making process (a deliberative charter process with engagement by many citizens would set rules and governance for subsidiary in each nation, including collaboration on a global atmosphere institution)

5. Effective monitoring by monitors who are part of or accountable to users (some of the global revenues would go towards monitoring and enforcement of the global cap on emissions)

6. There is a scale of graduated sanctions for resource users who violate community rules (funding would be cut to national level institutions that were not adhering to the by-laws of their charters; for example companies could be fined for emitting GHG's without the needed pollution permits)

7. Mechanisms of conflict resolution are cheap and of easy access (devised in the charter processes for local, national and global scales)

8. The self-determination of the community is recognized by higher-level authorities (Nation States and the UN must uphold the rules set by such a global atmosphere institution and the subsidiaries in each nation... the process could begin with a few progressive countries leading the way)

IV. Placing a User Fee on the Use of and Access to Commons Resources

The commons exist and must be recognized on all scales and levels, the micro to the macro. The macro scale concerns the resources which sustain our broader ecosystem such as water, air and soil. These are interdependent and provide the tripod upon which all of life is sustained. Such resources need to be held in common as the rights of all humans.

Water quality equals quality of life.

Water and air cannot be for sale, but a graduated use fee established by the cultivators of these commonly held goods could be collected. This fee for equitably sharing in the use of and access to this commons resource should be applied instead of outright "sale" of water and air through cash or "credits". Part of the funds from this can go to ensuring the quantity and quality of the shared resource; with part going to reimburse the stakeholding community and to help provide a basic income for all people.

UN General Assembly resolution 64/292 of 28 July 2010 *recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights.* It is therefore:

△ imperative that water sources, springs, head waters and aquifers be held in

common by those cultivating and protecting them and

- ⤴ we connect water quality to industry, access, and land stewardship to ensure that all water is kept clean and available

We urgently recommend that the same status be accorded to all other commons goods as well, without which people cannot survive and thrive.

The UN, along with government at all levels, must provide the means, mechanisms, funding and implementation needed to fully achieve all UN sustainable development agreements and ensure that our basic human right to essential goods and services is provided **for all people** as well. This will require strong governance, via the adoption and full implementation of specific conventions, programs of action, time bound and enforceable targets, and on-going periodic review processes -- which must be included in the Rio +20 Outcome Documents.

Concluding Remarks

We must have genuine dialogue about how economy must respect and protect the viability of indigenous cultures and micro-ecosystems and create coherency at the global level between environment, society, and trade - based on the principles of sustainable development. Commoners cannot promote "green" economy while this term "green" is being trademarked, marketed and isolated from participation of those who have cultivated our ecosystems of earth, water, and air for the common benefit. It is not corporations but the people cultivating the commonly held gifts who determine what is environmentally responsible. Environmental standards, measurements, and awards granted in or by international agreements must come from governments that are representative of Peoples cultivating and protecting commonly held gifts, not from corporations who profit from these commonly held gifts.

An environmentally responsible economy cannot be promoted on the global level while poor governance causes violent dislocations to all species of life, including humanity, and even to the earth that sustains us all. Protection of human rights that allows for full enfranchisement and quality participation in cultivating and protecting commonly held gifts is essential for creating an environmentally responsible economy. Commoners can promote the enforcement of all international human rights instruments, including those protecting Indigenous Peoples, and equip all to participate in protecting and restoring the commonly held gifts of nature and in developing a sustainable economy.

We have the resources to solve the world's problems. The problem is not the lack of resources but the unequal distribution of them. What is needed are legitimate democratic governments and opportunities where people can express themselves and contribute their talents to the benefit of themselves and society.

It is important that governments think `beyond` taking measures primarily by themselves in response to our common global problems and instead recognize the value of input and cooperation by the world's citizens, who have the same goals, but instead of working against, can work in common, to achieve these goals more easily, effectively and productively.

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