

**Journal of  
the Association for Management Education and  
Development**



# Journey to a generative economy

## Learning about alternative ownership models through Open Source design

### Marjorie Kelly



*'Generative (economic) models are inherently a collective phenomenon, for these models are emerging today not from the head of some new Adam Smith or Karl Marx, but from the longing in many hearts, the genius of many minds, the effort of many hands to build what we know instinctively that we need. With a silent intelligence, these designs offer a rich, open source treasury showing how the deep blueprints of cultural understanding can be rewritten.'*

#### Keywords

extractive ownership, generative ownership, open source design, social architecture, economic democracy, emergence, self-organisation

#### My quest

I've come to the coast of Maine to answer a question that I've posed myself: can a new kind of economy – a life-serving, generative economy – be set in motion in the state that is the poor cousin of New England? If so, how? What system design makes it possible? It seems to me that the North End Lobster Co-op, where people make an estimated \$30,000 to \$50,000 a year from hard manual labour, might offer some useful lessons. In writing my book *Owning Our Future: The Emerging Ownership Revolution*, I've come on this visit as part of a wide-ranging journey to understand new kinds of social architectures emerging spontaneously all over the world. I've studied the wind guilds of Denmark that co-operatively finance wind farms, the community forests of Mexico that are governed by indigenous peoples, large corporations like IKEA and Novo Nordisk that are controlled by foundations and hence mission-focused, and open source models like Wikipedia that are owned by no one and managed collectively.

Over many years as a business journalist, I've seen how Wall Street ownership plays a crucial yet invisible role in shaping the behaviour of corporations and the economy. I call that traditional model *extractive ownership*, for its aim is maximum extraction of financial wealth. Various emerging alternatives seem to offer something genuinely different. I call it *generative ownership*, for its purpose is generating the conditions for life. Amid the profusion of models of generative design, I've found common lessons behind them, and my hope is that if I can identify and name those design patterns, they might serve as an open source design repository for economic transformation. This is the quest that has brought me to Maine.



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## What I found in Maine

With me is Keith Bisson from Coastal Enterprises, Inc. (CEI), of Wiscasset, Maine—the *community development corporation* (CDC) that helped a group of five lobster fishermen obtain \$380,000 in financing to buy this place in 2002. The co-op now has 24 lobstermen as members, and activity from this property supports more than 40 families. Keith tells me:

*“A lot of those guys used to fish on the town wharf. They had to haul their own bait and fuel every day. When they went to buy bait they’d be taken advantage of by wholesalers.” Owing land gives them guaranteed access to the water, as well as a secure place for winter storage of boats and traps. With a bait cooler on-site, they can buy bait collectively at better prices. And a lobster buyer comes regularly to the co-op so lobsters are moved efficiently.*

*Access to water is important. It’s hard for working folks whose livelihood is dependent on water to afford to buy waterfront property.”*

Of the 5,300 miles of shorefront in Maine, only 25 miles are still in use for fishing and marine industries. To preserve that land as working waterfront, CEI helped this lobster co-operative put a *working waterfront easement* on the property. Modelled after a conservation easement, this innovative ownership design was created by CEI and funded by a \$6.75 million state bond program. Some two dozen working waterfronts have been preserved, allowing hundreds of fishing families to support themselves. The easement is a covenant that attaches permanently to the property deed, guaranteeing that land will always be used for commercial fishing. Essentially, it involves selling development rights to the State of Maine.

This lobster co-op received a cheque for \$135,250—yet it maintains ownership and use of the land.<sup>1</sup>

Still another powerful ownership design represented here is Coastal Enterprises itself, a private non-profit corporation with a generative mission. Its founder, Ron Phillips, is a former seminary student who chose to pursue social justice through economic development. CEI's mission is to create healthy communities in which everyone can reach his or her full potential. It focuses on creating local ownership and local wealth.

With a staff of 85, CEI operates also as a *community development financial institution (CDFI)*, with more than \$700 million under management. It's one of the 1,000 CDFIs found in all 50 states, and it's particularly innovative in designing social and ecological covenants into transactions. Fishery borrowers are asked to sign agreements to take part in a fish tagging project, collecting scarce biological data.<sup>2</sup> A manufacturer borrower might be asked to commit to an Employment and Training Agreement (ETAG), to hire the unemployed, or to offer training to immigrants.<sup>3</sup> In short, CEI practices stakeholder finance, where capital is a friend to the community.

### Economic democracy at work

Here, clinging to the rocky shores of Maine, a new kind of economy is groping its way into being. People are making a living in difficult circumstances and modelling an inclusive economy along the way. The ecological commons is benefiting dramatically. At a time when the vast majority of the world's fish stocks are overexploited, the Maine lobster industry remains vibrant. Since the late 1980s, catches have been at record levels, despite intense commercial activity. While ground fish stocks—such as cod and halibut—support only 50 fishing boats in the Gulf of Maine, those same waters support 5,600 lobster boats.<sup>4</sup>

The reason for this success is a series of ecological and social ground rules that have evolved over time in Maine. After auto-trawlers decimated the lobster grounds here in the 1930s, a law was passed in 1947 stipulating that lobsters could be caught only in lobster traps. Other ecological rules also evolved, prohibiting the taking of egged females, protecting juveniles until they were appropriately large, and protecting older lobsters known to be good brood stock.



The Maine Lobsterman, a sculpture cast by Norman Therrien in 1977 from a plaster model made by Victor Kahill for the World's Fair 1939. It shows a man pegging a lobster. It is located in Portland, Maine. Photo by Slowking4, licensed under the Creative Commons Attribution-Share Alike 3.0 Unported license. Wikimedia Commons.)

<sup>1</sup> Author communications via email and phone with Hugh Cowperthwaite of Coastal Enterprises, Inc.; also <http://www.ceimaine.org/Fisheries>.

<sup>2</sup> <http://www.ceimaine.org/Resources/Documents/FISHTAG.pdf>.

<sup>3</sup> Coastal Enterprises, Inc., <http://www.ceimaine.org/>.

<sup>4</sup> Ted Ames, interview with the author at Bowdoin College, March 30,

As the lobster industry recovered and came under increasing pressure, a new law was enacted in 1995. Here the issue was not only ecological rules, but social architectures. The law did three things: it established individual trap limits; controlled entry into the industry; and created an innovative zone management system. An economic democracy was created.<sup>5</sup>

In the seven zone councils, lobster license holders elect representatives by a principle of one person, one vote -- very different from the corporate world, where voting rights are proportional to wealth holdings. This empowers fishermen with small and medium-sized operations. As James Acheson wrote in a study of the lobster industry: "These men had grown tired of watching 'big fishermen' or 'hogs' take a disproportionate amount of the lobsters and cause huge trap tangles in the process." In passing trap limits for their zones, the little guys rein in that behaviour.<sup>6</sup>

The new law also involved an innovative ownership rule. It stipulates that lobster fishing in sensitive inshore waters can be done only by *owner-operated boats*. Large corporate-owned boats are still allowed in offshore waters, where only big boats can operate safely. But corporate boats can no longer fish for lobster in coastal waters, where breeding occurs. It's a powerful use of ownership design as a tool to protect both commons and fishing communities. According to Acheson, the ownership rule is explicitly intended to prevent corporations like Shaftmaster Corporation—which operates out of New Hampshire, using big trawlers with hired captains and crews tending large numbers of traps—from coming to Maine and dominating and destroying lobster grounds.<sup>7</sup>

*Big boats like those "could clean out one area and move to another," I was told by Ted Ames, a fisherman-scientist who also won a 2005 MacArthur Award (the genius award). "The business plan for that kind of operation is completely different from the small-scale operator, where boats are invariably owned by individuals or families."*

The ownership rule is supplemented by another provision requiring an apprenticeship period. No one can obtain a lobster license without working two years on another lobster boat, where stewardship traditions and lobstering etiquette are learned.

## Framing the generative economy

Both lobsters and fishing families thrive in Maine, because the system works at many levels to restrain extractive behaviour and encourage generative behaviour. There are many kinds of rules here, but operating in the background, as a kind of wire frame supporting the system, are different kinds of ownership architectures. As Acheson wrote:

*According to the law of Maine, all of the oceans, lakes, and rivers are public property. Ocean waters are held in trust by the state for all citizens. All ocean beaches to the high tide mark are owned by the state, and all citizens have legal access to them.*<sup>8</sup>

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<sup>5</sup> James Acheson, *Capturing the Commons: Devising Institutions to Manage the Maine Lobster Industry* (Lebanon, NH: University Press of New England, 2003), 105. Acheson also wrote *The Lobster Gangs of Maine* (Hanover, NH: University Press of New England, 1988). Acheson, *Capturing the Commons*, 105.

<sup>6</sup> Acheson, *Capturing the Commons*, 105.

<sup>7</sup> Ibid. 119.

<sup>8</sup> Ibid. 24.

At this level, the overarching ownership concept is the ancient notion of *trust*: holding something in trust for the common good and for future generations. As trustee, the state of Maine holds the bundle of twigs of various property rights. And out of that bundle it separates use rights, allocating certain of those rights to small owner-operators, leaving a different set of rights to corporate owners.

This *law of the ocean* is one supportive frame here. Another frame is provided by various *enterprise ownership designs*, such as cooperatives, CDCs, and CDFIs. Because of those sturdy background patterns, Coastal Enterprises can emerge as a CDC/CDFI, another part of the ecosystem of support for lobstermen.

CEI, in turn, devised a new contractual form of ownership design with the *working waterfront covenant*, which helps keep waterfront property in the hands of fishing families. Fishing families themselves join together to form groups like the North End Lobster Cooperative, which helps them to thrive in a competitive environment. At various points, these ownership designs emerge from the background like knots on a fishing net, shaping the energies of the system into stable patterns that tend to create generative outcomes.

You can view a short (3.55 minutes) video of a Public Service Announcement for Coastal Enterprises Inc in Maine by clicking on the following link:

[https://www.youtube.com/watch?v=k\\_1nFquDuwQ&feature=player\\_detailpage#t=.](https://www.youtube.com/watch?v=k_1nFquDuwQ&feature=player_detailpage#t=)

What is explicitly restricted in this picture is extractive design. Corporate boats can operate only in designated areas. Instead of permitting limitless liberty to absentee owners for the seeking of wealth—by hired hands indifferent to local custom—Maine set spinning a new governing pattern. It operates by generative principles, like the principle that the right of extraction has limits. This principle holds that:

- the right to make a living comes before the right to make a killing
- fairness for the many is more important than maximizing by the few
- sustaining the prosperity of larger living systems, both human and wild, is the root condition for the flourishing of all
- these new economic principles are to be grounded in governance of, by, and for the community.

Thus fairness, sustainability, community: the fundamental values of the generative economy are all at work. Through design.

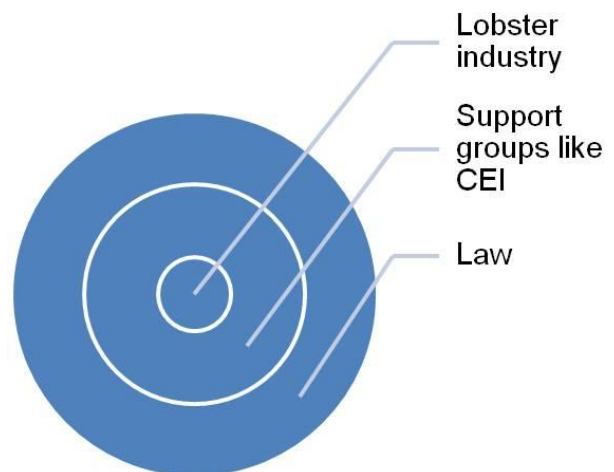


Figure 1- a generative social ecosystem

## A social ecosystem of generative design

The Maine lobster industry is often cited as an example of successful collective action in “common pool resource management.”<sup>9</sup> Collective action stories like this offer solutions to the famous “tragedy of the commons,” articulated by Garrett Hardin. He said that if there were a common pasture on which everyone could graze cows, soon the land would be overgrazed and become worthless. The only solutions, he wrote, were state control or private ownership—“either socialism or the privatism of free enterprise.”<sup>10</sup>

But in 2009, Elinor Ostrom won the Nobel Prize in economics (the first woman to do so) for research showing that old dichotomy to be false. All over the world, she and her colleagues found communities that spontaneously devised ways to manage the commons successfully. These include irrigation systems in the Philippines, forests in Africa and Asia, grazing systems in Switzerland, and groundwater regimes in California. As Ostrom wrote, many of these involve “rich mixtures of ‘private-like’ and ‘public-like’ institutions defying classification in a sterile dichotomy.” She titled her Nobel lecture “Beyond Markets and States.”<sup>11</sup>



(Image source: North End Lobster Co-Operative Facebook page)

A similar process was at work in Maine. The notion of lobster zones has its genesis in a history of territoriality in the lobster industry going back generations. A newcomer can't just show up and start throwing traps in the water without incurring the wrath of locals. By time-honoured tradition, lobstermen use small areas near their home harbour, working waters their families have worked for decades, which they defend vigorously.

As Acheson wrote, “At some point, usufructory (use) rights strengthened into a sense of ownership, giving people justification for defending the areas against the incursions of others.” The lobstering territories were ownership in embryo. This territorial system, he continued, is “the root institution governing the lobster

industry, making possible the generation of other kinds of rule systems.” The territorial system, Acheson said, “helped produce a sense of stewardship and one of the most effective conservation programs in any fishery in the industrialized world.”<sup>12</sup>

Yet in Maine, far more is at work than spontaneous, informal customs. A whole range of new formal economic architectures are in use, which go beyond old notions of traditional private property versus state intervention. Alternative ownership designs play key roles: co-operatives, community development

<sup>9</sup> James Acheson, *Capturing the Commons: Devising Institutions to Manage the Maine Lobster Industry* (Lebanon, NH: University Press of New England, 2003), 8.

<sup>10</sup> Garrett Hardin, “The Tragedy of the Commons,” *Science* 162, 1243-1248 (1968) <http://www.sciencemag.org/site/feature/misc/webfeat/sotp/commons.xhtml>.

<sup>11</sup> Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (New York: Cambridge University Press, 1990), 14; Ostrom, “Beyond Markets and States,” Nobel Prize lecture, December 9, 2009.

<sup>12</sup> *Ibid.* 41, 221, 224.

corporations, CDFIs. And these models operate inside a larger frame of supportive infrastructure—a *social ecosystem* of generative design.<sup>13</sup> The law operates in the background to help bring this economy into existence and hold it in place—yet its role is more innovative than top-down regulation. A panoply of supportive institutions and rules have evolved here mostly from the ground up—with “ground” meaning the bottom of the ocean, where lobster live and breed, and from which fishermen scratch out a living.

## Emergence as a path to large-scale change

In the Maine lobster industry we see a process that systems thinking calls *emergence*. Instead of imposing abstract, large-scale concepts from the top down, the governing policies in this case emerged from the community. As physicist Fritjof Capra observes, in natural systems, transformational change happens when traditional patterns reach “critical points of instability,” creating a crisis that is resolved by the spontaneous emergence of new ordered patterns. This is known as *self-organisation*, or simply emergence. “Creativity—the generation of new forms—is a key property of all living systems,” Capra says. “Life constantly reaches out into novelty.”<sup>14</sup>

Seeing the emergence of a new economy as a natural process is different from thinking of the competition

of two ideologies vying for dominance, which is the paradigm of capitalism versus communism. Change as an emergent process doesn’t mean the absence of crisis or conflict. Both were present in Maine. And it doesn’t mean that some universally beloved outcome is reached. Solutions adopted in Maine generally favoured one group at the expense of another. These things are natural in social systems. What emergence does mean, as an approach to policy, is starting small, proceeding organically, scaling up existing practice, and trusting that a creative solution is present in the very circumstances causing a crisis. Emergence also means that solutions may first appear not in politics but in business. One role of policy is to formalise and scale up what has emerged.

The process of emergence mirrors that of evolution, where nature discovers designs through trial and error. A variety of new designs are tried out, and those that succeed are replicated and spread. In social systems, as Meg Wheatley from the Berkana Institute suggested, the formation of networks is central to emergence. “We don’t need to convince large numbers of people to change,” Wheatley wrote; “instead we need to connect with kindred spirits” who share a common vision. In this way, separate, disconnected local actions begin to spring up simultaneously. When they “connect with each other as networks, then strengthen as



(image source: Facebook page of the North End Lobster Co-Operative)

<sup>13</sup> For this notion of an “ecosystem” of supportive institutions, I am indebted to Heerad Sabeti. See the paper, *The Emerging Fourth Sector*, Fourth Sector, <http://www.FourthSector.net/learn/fourth-sector/>.

<sup>14</sup> Fritjof Capra, *The Hidden Connections: A Science for Sustainable Living* (New York: Anchor Books/Random House, 2002), 14.



communities of practice, suddenly and surprisingly a new system emerges at a greater level of scale.” Powerful emergent phenomena can appear without warning, such as the organic food movement. What can’t be accomplished by politics or strategy just happens.<sup>15</sup>

What can block emergence is the lack of clear mental models. Resource depletion often occurs, Elinor Ostrom and her co-authors wrote, when governments adopt schemes to privatise or centralise resource management in ways “that undermine or destroy communal rights.” Problems arise, she continued, “because the state does not recognise or support informal common-property regimes.” Lacking a simple mental model that allows them to see what’s going on, government leaders blunder.<sup>16</sup>

## **Naming aids seeing; four broad categories of generative ownership design**

Much of the work of creating clear mental models is a process of naming. In the broad field of generative ownership design, this work isn’t yet far advanced. The sheer abundance of designs makes it hard to see that a unified phenomenon is at work. It can help to think in terms of a single *family* of generative design. Within it we can separate out different broad *categories*, within which there are various particular *models*.

In my work, I’ve seen four broad categories of generative ownership design—many of which I saw in Maine. Rather than a definitive categorisation, consider this a loose grouping, possibly a starting point for further work by others.

1. *Commons ownership and governance*. Here, assets are held or governed in *common*. The ocean, a forest, land, a park, a municipal power plant (like Hull Wind) is held or governed *indivisibly by a community*.
2. *Stakeholder ownership*. This is ownership by people with a *human stake in a private enterprise*—as opposed to a purely speculative, financial stake. It includes cooperatives, partnerships, credit unions, mutual insurance companies, employee-owned firms, and family-owned companies. But for these models to be generative, their purpose must be life serving (not all mutual, employee, or family ownership can be considered generative).
3. *Social enterprise*. These organisations have a *primary social or environmental mission* and use business methods to pursue it. They can be nonprofits, subsidiaries of nonprofits, or private businesses. Social enterprises sometimes blur the line between for-profit and non-profit.
4. *Mission-controlled corporations*. These are corporations with a strong social mission that are *owned* in conventional ways (often with publicly traded shares), yet they keep *governing control* in mission-oriented hands. They include the large foundation-controlled companies common across northern Europe. A family or a trust can also be in control.

The law governing ocean waters in Maine is an example of commons ownership. The lobster co-operatives are a form of stakeholder ownership. Coastal Enterprises, Inc. is an example of a social enterprise. These different enterprises use different ownership designs toward similar ends—to create the conditions for life.

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<sup>15</sup> Margaret Wheatley and Deborah Frieze, “Lifecycle of Emergence: Using Emergence to Take Social Innovation to Scale,” Berkana Institute, 2006, <http://www.berkana.org/articles/lifecycle.htm>.

<sup>16</sup> Amy R. Poteete, Marco A. Janssen, Elinor Ostrom, *Working Together: Collective Action, the Commons, and Multiple Methods in Practice* (Princeton, NJ: Princeton University Press, 2010), 48.

## Five patterns of design

Since boundaries between these often aren't clear, it can also be helpful to think in terms of *patterns of design*, as a way to reveal common shapes in the profusion of various models.

In ownership design, five essential patterns work together to create either extractive or generative design: purpose, membership, governance, capital, and networks. Extractive ownership has a Financial Purpose: maximizing profits. Generative ownership has a Living Purpose: creating the conditions for life. While corporations today have Absentee Membership, with owners disconnected from the life of enterprise, generative ownership has Rooted Membership, with ownership held in human hands. While extractive ownership involves Governance by Markets, with control by capital markets on autopilot, generative designs have Mission-Controlled Governance, with control by those focused on social mission. While extractive investments involve Casino Finance, alternative approaches involve Stakeholder Finance, where capital becomes a partner rather than a master. Instead of Commodity Networks, where goods are traded based solely on price, generative economic relations are supported by Ethical Networks, which offer collective support for social and ecological norms.

## The design of economic power

The design of economic power is summarised in Figure 2 below.

**Figure 2: The Architecture of Ownership**

EXTRACTIVE OWNERSHIP	GENERATIVE OWNERSHIP
1. <i>Financial Purpose</i> : maximising profits in the short term	1. <i>Living Purpose</i> : creating the conditions for life over the long term
2. <i>Absentee Membership</i> : ownership disconnected from the life of the enterprise	2. <i>Rooted Membership</i> : ownership in human hands
3. <i>Governance by Markets</i> : control by capital markets on autopilot	3. <i>Mission-Controlled Governance</i> : control by those dedicated to social mission
4. <i>Casino Finance</i> : capital as master	4. <i>Stakeholder Finance</i> : capital as friend
5. <i>Commodity Networks</i> : trading focused solely on price and profits	5. <i>Ethical Networks</i> : collective support for ecological and social norms

Generative design, in essence, means kinds of ownership that have a Living Purpose, with at least one other design pattern that serves to hold that purpose in place (otherwise, what you have is not a design but only a good intention). With lobster co-operatives, we see a Living Purpose of helping members to support their families, not an aim of maximising profits. Rooted Membership is also a defining element; the people who use the facility own it - they're the members. They also govern it. As a community development financial institution (CDFI), Coastal Enterprises practices Stakeholder Finance to carry out its mission; its aim isn't extracting financial wealth from communities but helping them to thrive. Yet it makes loans, not grants. It blurs the line between for-profit and non-profit, because it uses business methods to pursue a social purpose. As a CDFI, Coastal Enterprises is also part of an Ethical Network of other CDFIs, sharing similar goals (CDFIs are formally recognised in federal law).

Generative models are inherently a collective phenomenon, for these models are emerging today not from the head of some new Adam Smith or Karl Marx, but from the longing in many hearts, the genius of many minds, the effort of many hands to build what we know instinctively that we need. With a silent intelligence, these designs offer a rich, open source treasury showing how the deep blueprints of cultural understanding can be rewritten. They're part of the "metaphysical reconstruction" that E. F. Schumacher said would be needed to transform our economy.

At the heart of the shift from extractive to generative design is a shift from the parts to the whole, which Fritjof Capra emphasises is the central aspect of the conceptual revolution we now need. "The shift from the parts to the whole can also be seen as a shift from objects to relationships," he says.<sup>17</sup> It's a process that begins not with law, or even with grand ideas. It begins with relationships: to each other and to the living earth. When property is designed in a generative way, it's no longer about standing apart from the objects we own and squeezing every penny from them. It's about being interwoven with the life around us. It's no longer about extraction, but about belonging.

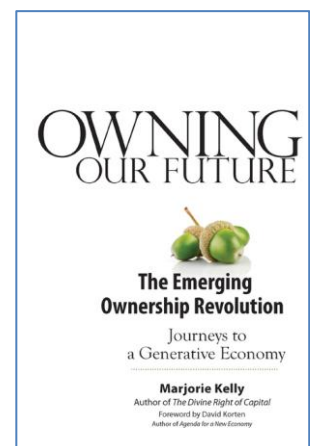
### About the author

Marjorie Kelly is a fellow with the Tellus Institute ([www.Tellus.org](http://www.Tellus.org)) in Boston and director of ownership strategy with Cutting Edge Capital, a national consulting firm (<http://cuttingedgecapital.com>). Kelly co-founded *Business Ethics* magazine and *Corporation 20/20*. She specialises in ownership and financial design for social mission.

This article is adapted from Chapter 8 ("Bringing Forth a World: From Individualism to Community") in her 2012 book *Owning Our Future: The Emerging Ownership Revolution*, San Francisco: Berrett-Koehler Publishers ([www.OwningOurFuture.com](http://www.OwningOurFuture.com)).

Marjorie's first book, *The Divine Right of Capital*, was named one of Library Journal's 10 Best Business Books of 2001. Her writings and op-eds have appeared in many publications, including Harvard Business Review, New England Law Review, Chief Executive, Boston Globe, Yes! Magazine and San Francisco Chronicle. Kelly was co-founder and for 20 years president of Business Ethics magazine, known for its annual ranking of the 100 Best Corporate Citizens and Social Investing Awards.

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<sup>17</sup> Capra, *The Web of Life*, 31–33.

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