



 **INDIAN LAW** RESOURCE CENTER
CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

2017 Annual Report

About Us

The Indian Law Resource Center is an American Indian organization devoted to protecting and developing the rights of indigenous peoples in the Americas. Our staff and Board are predominantly indigenous. We were awarded the Gruber Foundation 2010 Justice Prize for contributions to international law and the advancement of human rights and the rule of law. We:

- Assist Indian and other indigenous peoples to develop and use human rights standards in the United Nations and the Organization of American States.
- Educate, train, and give legal counsel to Indian and other indigenous peoples and to Native women to help them advocate for their rights both at the UN and OAS and at the domestic level.
- Carry out research and publish scholarly works on international human rights and domestic law issues.
- Use international human rights mechanisms and strategic communications to document and stop major human rights violations affecting indigenous peoples.
- Litigate human rights cases in international human rights fora and occasionally in domestic courts in the United States and other countries.

We carry on legal advocacy at the domestic level to reform laws and policies that discriminate against Indian nations and other indigenous peoples. This work includes legal research and writing, providing counsel to Indian governments and Native women's organizations, training and informing Indian leaders, educating attorneys and law students, and drafting options for national legal reform.



Our work is driven by the needs and requests of indigenous governments and organizations, and we give particular attention to linking our human rights legal work to actual, concrete improvement in the lives of individuals and tribes. Our purpose is to overcome the discrimination, poverty, and political oppression that indigenous peoples experience, to reduce violence against Native women, and to enable Indian tribes to protect and benefit from their lands, resources, and environments by demanding respect for human rights and by changing the law where necessary. In helping indigenous peoples to achieve their goals, we strive to establish broad precedents and achieve permanent change.

We provide our legal expertise without charge. In order to maintain our independence, we accept no government funding. We are funded by private foundations, Indian nations, and individual donors. Our annual budget is about \$1.3 million.

Our Mission

The Indian Law Resource Center provides legal assistance to indigenous peoples of the Americas to combat racism and oppression, to protect their lands and environment, to protect their cultures and ways of life, to achieve sustainable economic development and genuine self-government, and to realize their other human rights.

The Indian Law Resource Center seeks to overcome the grave problems that threaten Native peoples by advancing the rule of law, by establishing national and international legal standards that preserve their human rights and dignity, and by challenging the governments of the world to accord justice and equality before the law to all indigenous peoples of the Americas.



Our Purpose and Goals

Indian nations and tribes and other indigenous communities throughout the world are afflicted by poverty, poor health and discrimination. Many Native communities are subjected to grave human rights abuses. Indian land and natural resources are often expropriated or degraded. When indigenous peoples are deprived of their ways of life and their ties to the Earth, they suffer. Many have disappeared completely. When any culture ceases to exist, the whole world is diminished irrevocably, and this is why the Indian Law Resource Center's principal goal is the preservation and well-being of Indian and other Native nations and tribes.

The Center provides legal assistance at no cost to Indian nations and other indigenous peoples in the United States and throughout the Americas.

The Center has an international Board of Directors, and it is a Non-Governmental Organization in consultative status with the United Nations Economic and Social Council. The Indian Law Resource Center is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.

Native Rights and Tribal Sovereignty

Our Native Rights and Tribal Sovereignty Program includes our work to reform federal laws in order to eliminate or reduce violence against Native women and to remove legal impediments to tribal economic development and control over tribal resources. It also includes our work to defend the rights of tribal sovereignty, the most important of Indian rights, especially rights that are under threat from the federal government itself. As part of this program, we assist tribes, tribal leaders, and Native women's organizations to use international mechanisms in the United Nations and the Organization of American States to assert and defend their rights.

Defending Tribal Rights

The Center began a new project in 2017 to respond constructively to a number of serious threats posed by the current federal Administration. There is a real and immediate danger that the Administration or Congress will take steps that seriously harm Indian and Alaska Native tribes by destroying or diminishing rights that are essential for Native tribes to survive and provide for their members.

The main goal of our new project is to anticipate and defend against threats to the legal rights of Native tribes, especially Native rights to property and the federal government's trust responsibility to tribes. We are concerned as well by the Administration's disregard for the rule of law, the expressions of bigotry, attacks upon women and practically all minorities, and the apparent disdain for human rights.

One of the gravest threats is the Administration's statement that it might regard laws providing benefits and programs for tribes as unconstitutional and invalid. This

interpretation of legislation that assists or provides programs to tribes is a serious attack on the Supreme Court decision that acts of Congress relating to Indian tribes are constitutional because they are based not on race but on the political relationship and the long-standing trust relationship between the federal government and tribes. This is one of the most important elements of federal Indian law. We prepared a legal paper examining this legal rule in detail and studying its current status as a precedent in order to recommend ways to effectively defend and strengthen this crucial tenet of federal law.

We are continuing to address this issue, refining our legal analysis and preparing educational pieces to inform government officials and others about the status and legal character of tribes as governments.

There have also been many Administration actions that demonstrate a disregard for the trust relationship and possibly the intention of diminishing the federal trust responsibility to tribes. The trust responsibility has been reaffirmed by Congress countless times, and it includes the obligation to protect tribes and tribal property and an obligation to provide programs and assistance to tribes. It is crucial for the survival of many, perhaps most tribes. To prepare for possible legal action, we prepared a research paper identifying the Administration's actions that violate, threaten, or diminish the trust relationship. We are continuing to update the paper and prepare it for circulation.



Ending Violence Against Native Women

Our Safe Women, Strong Nations project works with indigenous women's organizations and Indian and Alaska Native nations to help end violence against indigenous women globally. In the United States, four in five American Indian and Alaska Native women have experienced violence, and more than half have experienced sexual violence. Alaska Native women continue to suffer the highest rate of forcible sexual assault and have reported rates of domestic violence up to 10 times higher than the national average.

We use domestic and international advocacy and strategic communications as the basis for our plan of action to promote law reform and social change. We conduct research and provide legal counsel to propose and evaluate options for action to restore safety to Native women and communities, and to strengthen the capacity of Indian and Alaska Native nations

to prevent and respond to the appalling cycle of violence against Native women; and we train and assist indigenous women and Indian and Alaska Native nations to advocate in the UN and regional human rights systems.

We use international advocacy to increase the political pressure on the United States to live up to its commitments to advance human rights, including indigenous women's right to live lives free of all forms of violence and discrimination. In March, during the UN Commission on the Status of Women 61st Session, we joined our partners in making recommendations to the UN and UN member states on actions they can take to end violence against indigenous women. We submitted a written statement and co-sponsored a parallel event addressing indigenous women's empowerment.

In 2017, we saw encouraging results from our many years of work to inform U.S. lawmakers and the public about how a discriminatory legal framework contributes to the exceedingly high rates of violence against Indian and Alaska Native women and the need to expand tribal jurisdiction and resources to address the problem. Four bipartisan bills were introduced in 2017 in the U.S. Senate that would increase safety for Native women. The bills would provide funding, improve and standardize information sharing among law enforcement responding to missing and murdered indigenous women, enhance tribal sentencing authority, and fill a major jurisdictional gap in federal law to include crimes involving sexual violence, sex trafficking, stalking, and related conduct. Also, to bring awareness to violence against Native women, lawmakers designated May 5, 2017 as a National Day of Awareness for Missing and Murdered Native Women and Girls, bringing much needed attention to how these cases are often ignored.

Native Rights and Tribal Sovereignty

Changing Federal Indian Law

Working to restore tribes' law enforcement authority over violence against Native women and children is just one important part of the legal reforms that are needed. We are also working to change federal Indian law so that tribes can have a reasonable opportunity to develop economically, to address the deep poverty on many reservations, and to overcome the many social problems that so many Native communities suffer.

In 2017, we analyzed recently passed reform legislation to assess how it will work and how effective it might be for tribes that wish to have greater control over their lands and resources. We also monitored legislation proposed by tribes with a view to supporting these reform efforts, but political developments in Congress made reform legislation increasingly unlikely in the near term. We continued to work as well on developing educational materials that can be used in law schools and for lawyers focusing on needed changes in federal Indian law.

An important part of the campaign to change federal Indian law is international advocacy in the United Nations and in the Organization of American States. In 2017, we assisted many tribes, tribal leaders, and Indian organizations to speak and participate in the United Nations and in the Organization of American States in order to bring pressure to bear for changes in federal laws and policies. This work in the UN and OAS is explained further in the following sections UN Human Rights and Implementing the American Declaration.



The UN and Human Rights

September 13, 2017, marked the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration remains one of the most significant developments in international human rights law in decades, and it has sparked important conversations and actions regarding indigenous peoples' rights, including rights of self-determination and self-government, rights to land and resources, and protection of cultures and languages. The Center is proud to have been a leader in the 30-year process to secure the adoption of the Declaration.

Our work in the United Nations in 2017 focused largely on proposing and building support for new rules that would give indigenous governments a stronger status and elevate their participation in UN meetings and events. We advised and assisted many tribes and tribal leaders to demand and argue in the United Nations for these new rules. We were disappointed that the UN General Assembly delayed making a decision on an accreditation process for indigenous governments, but our advocacy was successful in advancing the discussions on the matter. All countries now understand the need to create a new status for indigenous governance institutions – they just couldn't reach agreement on the procedural details for doing it. In September, 2017, the General Assembly passed a resolution – with the support of all 193 member states – making a commitment to continue discussing the issue over the next few years and return with a proposal during the General Assembly's 75th session, which begins in September 2020. Until then, the existing indigenous mechanisms – the Permanent Forum, the Expert Mechanism, and the Special Rapporteur – and the UN system as a whole have been urged to facilitate and enhance the participation of indigenous

governments in relevant conferences, summits, and other meetings in accordance with existing rules of procedure. These are important improvements for indigenous peoples appealing to protect their rights in the UN.

We will continue to advise Indian and other indigenous leaders and help them to advocate in the UN Human Rights Council, with the office of the High Commissioner for Human Rights, and with the UN Secretary-General's office. We are also working to improve the work of the new Expert Mechanism on the Rights of Indigenous Peoples.





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Implementing the American Declaration

One of the unique achievements of the Center over the past 40 years has been the successful use of international human rights tools and mechanisms to create new international human rights law. In June, 2016, the Organization of American States (OAS) adopted the American Declaration on the Rights of Indigenous Peoples after many years of advocacy and negotiations by the Center and many indigenous leaders.

The American Declaration recognizes a broad and powerful array of human rights for indigenous peoples in North America, Mexico, Central and South America, and the Caribbean. It affirms the right of self-determination, rights to education, health, self-government, culture, lands, territories and natural resources, and it includes provisions that address the particular situation of indigenous peoples in

the Americas, including protections for those living in voluntary isolation and those affected by a state's internal armed conflict.

In 2017, the Center helped organize and coordinate a push for the OAS to demonstrate its commitment to implementing the Declaration. We assisted indigenous leaders who were a part of an Indigenous Peoples and Nations Coalition attending the OAS's 47th General Assembly. Through a Coalition statement, we proposed a series of concrete actions the OAS should take, including establishing a monitoring and implementing mechanism within the OAS and to "regularize the permanent participation of Indigenous Peoples within the OAS, through their representative decision-making institutions." In June, the OAS General Assembly adopted a four-year Plan of Action for implementing the American Declaration.

The Center held several workshops in North, Central and South America to inform indigenous peoples of the importance of the American Declaration as a legal instrument and about how they can apply it to advance their own rights. We plan to continue raising awareness about the Declaration and the Plan of Action and will remain engaged at the OAS to ensure indigenous peoples are able to engage directly with member states and participate in the meetings and activities being carried out as part of the four-year Plan.

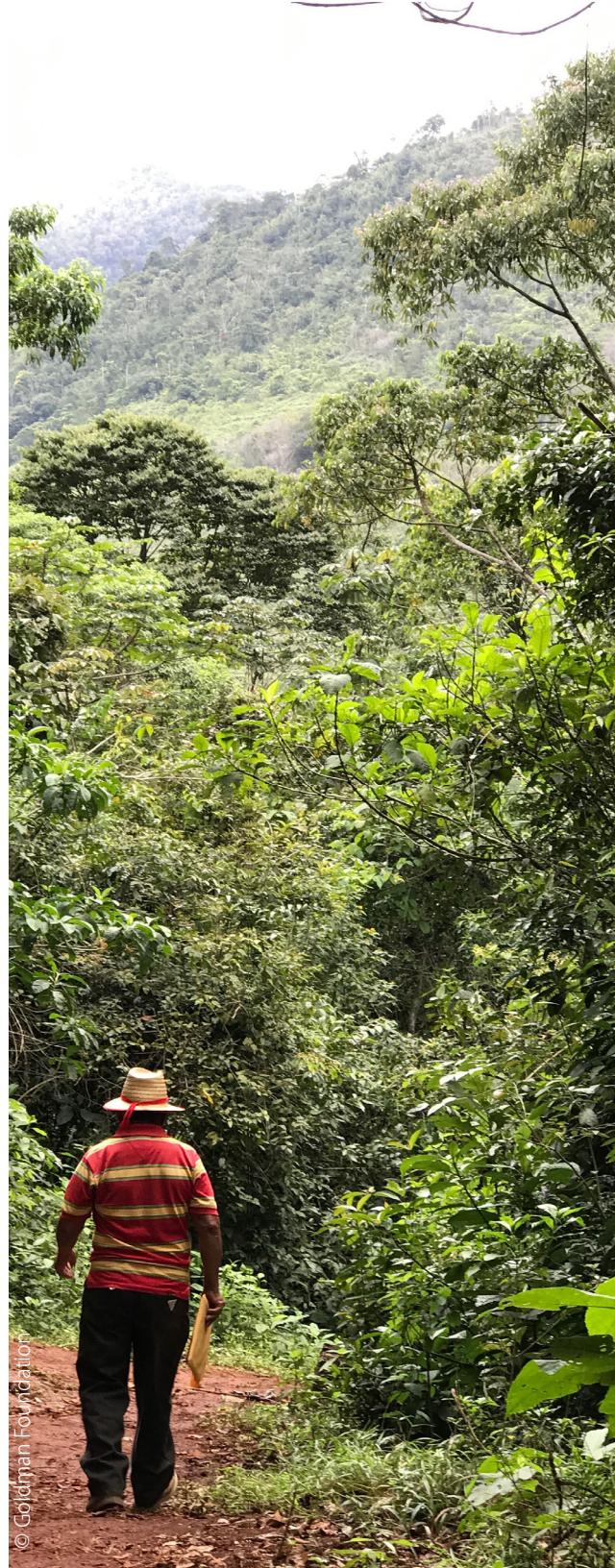
To read more about the Plan of Action and advocacy by the Indigenous Peoples and Nations Coalition, visit www.indianlaw.org/adrip

Land Titling in the Americas

Land rights are crucial to the existence and well-being of indigenous peoples around the world. For many communities, securing collective property rights means ensuring cultural survival and gaining a foothold for economic development. The Center launched a research project to identify how to overcome the legal, procedural, and political hurdles indigenous communities in Mexico and Central and South America face in trying to secure legal recognition of their lands.

We are seeking to identify broad scale, region-wide systems or methods to accelerate and improve indigenous land titling – approaches that could, potentially, be effective on a global scale to address climate change. Leaving indigenous lands under the management and care of the indigenous peoples who have lived there for millennia is now widely recognized as an effective means for curbing climate change.

Unfortunately, indigenous communities across the Americas face pressure from mining interests and unsustainable development projects that wreak havoc on the environment and indigenous ways of life. Conflicts often arise because ownership of indigenous lands is often not formally recorded in government records and therefore not legally recognized. Center staff visited Guatemala and Argentina to learn more about current practices and problems regarding land surveying, titling and registration. We hope to identify ways to support, assist with, and otherwise increase indigenous peoples' legal security over their lands and resources. Our research and information gathering is continuing in Nicaragua, Panama, Honduras and Peru.



Development Bank Investments and Indigenous Peoples

The Center is advocating for new legal rules and effective internal policies to ensure the World Bank and other multilateral and national development banks respect and promote human rights of all people in their financing of development projects.

Development projects, such as dams, wind farms, and forestry initiatives, often result in severe human rights violations for indigenous communities. The projects are often developed and implemented without the participation or consent of the local community that will be harmed.

In 2017, the Center continued to work on policy changes at the World Bank that would increase the participation of indigenous peoples during the planning of development projects. We also worked to improve existing policy to make it stronger, clearer and more comprehensive. The policy now recognizes and addresses indigenous peoples living in voluntary isolation.

We promote policies that will benefit indigenous development and also prevent harm to indigenous peoples. We are doing research, advising and engaging indigenous peoples, drafting proposed legal standards, and educating countries and banks about the need to ensure development finance decisions and investments include and respect indigenous peoples.

Maya Q'eqchi' Land and Resource Rights

The Center is litigating a major human rights case in the Inter-American Commission on Human Rights on behalf of the village of Agua Caliente and several other Maya Q'eqchi' villages in Guatemala in order to protect their lands by stopping a major nickel mine.

For more than 40 years, these Maya Q'eqchi' communities have fought to protect their land rights while enduring threats, forced evictions, and deadly violence by mining company security forces. In 2006, the Guatemala government issued a mining permit to a nickel company in complete disregard of the indigenous communities' rights and in flagrant defiance of domestic and international law.

The Maya Q'eqchi' cultural and spiritual beliefs are deeply rooted in their lands, which are critical to their physical, economic, and cultural survival. Guatemala's action violated the villages' rights to property, self-government, due process of law and judicial protection.

The Center's work in 2017 centered on securing Agua Caliente's legal title to their lands and resources, ensuring the safety of community members and indigenous leaders through protective orders issued by the Inter-American Commission on Human Rights, and building greater momentum and support for land rights reform in Guatemala.

The case before the Commission is potentially precedent-setting, because it asserts Maya rights to the sub-surface resources pertaining to their lands and demands protection against mining on the lands of the Maya villages.



The Agua Caliente case received international attention in 2017 when the president of the community, Rodrigo Tot, was awarded the prestigious Goldman Environmental Prize for Central and South America. The Center had nominated Tot, and we were pleased to help the Goldman Foundation bring Rodrigo's and Agua Caliente's story to audiences around the world.

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Staff

Robert T. Coulter, *Executive Director*

Robert, a member of the Citizen Potawatomi Nation, founded the Center in 1978. He is an attorney with more than 40 years of experience in the field of Indian law and author of many articles in the field of Indian law and human rights. He received his bachelor's degree from Williams College and a law degree from Columbia University.



Armstrong A. Wiggins, *Director, Washington Office*

Armstrong is a Miskito Indian from Nicaragua. He has been with the Center since 1981 and has nearly 40 years of experience in the field of human rights. Armstrong was a political prisoner in Nicaragua during both the Somoza and Sandinista regimes because of his activism and leadership in promoting human rights. He directs the Washington, D.C. office and much of the international human rights work of the Center, managing the Mexico and Central and South America Program.



Leonardo A. Crippa, *Senior Attorney*

Leonardo, a Kolla Indian from Jujuy, Argentina, joined the Center's Washington, D.C. office in 2005. He received his law degree from Universidad Nacional de Tucumán in Argentina and a Master of Law degree from American University Washington College of Law in 2008. He previously worked at the Center for Justice and International Law on human rights cases within the Inter-American system.



Staff



Melanie Dayton, *Administrative Assistant*

Melanie joined the Center's Montana office in 2015. She provides administrative support, document and report preparation, and general bookkeeping. She has more than 17 years of experience in the nonprofit sector, primarily with bookkeeping, and administrative support.



Karla General, *Attorney*

Karla (Kawenniiostha) joined the Center in 2010 and worked in the Washington, D.C. office. Karla is deer clan and a citizen of the Mohawk Nation from northern New York. She earned her J.D. and master's degree in Sociology from Syracuse University College of Law and the Maxwell School in May 2010. Karla resigned from the Center in October 2017 and is now serving as associate legal counsel for the Seneca Nation of Indians.



Chris Foley, *Attorney*

Chris, a citizen of the Cherokee Nation, joined the Montana office in December 2013. Originally from Oregon, he graduated from Swarthmore College and earned his J.D. in 2011 from Temple University's Beasley School of Law.



Monica A. Miranda, *Assistant for Program and Administration*

Monica joined the Center's Washington D.C. office in 2016. Her work included policy research and analysis, advocacy, organizing, coalition building, and office management. Monica resigned from the Center in June 2018 to become a program associate with Rights and Resources Group.



Lisa Myaya, *Development Director*

Lisa joined the Center's Montana office in 2007 as a Communications & Development Assistant and became the Development Director in 2015. She has worked in the nonprofit sector for more than 25 years, both on the programmatic and the administrative sides of resource conservation, arts, and cultural organizations.



Ginny Underwood, *Director of Communications*

Ginny, a member of the Comanche Nation, joined the Center in 2009. She has more than 20 years of experience in the field of communications with a specialty in working with non-profits to develop and implement strategic communication plans.



Jana L. Walker, *Senior Attorney*

Jana, a citizen of the Cherokee Nation (Cherokee/Loyal Shawnee/Delaware), joined the Center's Montana office in 2011. Prior to joining the Center, she spent more than 24 years in private practice working with tribes and tribal entities in the field of Indian law. Jana received her bachelor's degree in Nursing from the University of Oklahoma and J.D. from the University of New Mexico School of Law.

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John and Melanie Dayton
Gary Deason



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Paula Ellis
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Bob Nichol and Phyllis Bock in honor of Tim

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Sandra Wilson
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Margaret Woo
Sarah Wood
William Worden
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Robin Wright In memory of Shelton H. Davis
Wen Yang
Ralph and Anne Yeager in honor of Michelle Allen
YourCause, LLC
Karen and Hugh Zackheim
Geraldine and H. Glenn Ziegenfuss
John A. Ziegler in memory of Dennis Banks



Statement of Financial Position

as of December 31, 2017

ASSETS

CURRENT ASSETS

Cash and cash equivalents	\$385,717
Current grants receivable (net)	171,958
Accounts receivable	511
Prepaid expenses	3,146
Total current assets	<u>561,359</u>

PROPERTY AND EQUIPMENT — AT COST

Net depreciable assets	8,494
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OTHER ASSETS

Deposits	1,325
Gar Creek Seminole land purchase	420,269
Investments, restricted	48,029
Long-term grants receivable (net)	
Investments, board restricted operating reserve	589,764
Restricted cash—operating reserve	5,068
Restricted cash	41,866
Total other assets	<u>1,106,341</u>
TOTAL ASSETS	<u>\$1,676,194</u>

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES

Accounts payable	\$10,912
Accrued salaries and vacation payable	45,745
Payroll taxes payable	661
Long-term capital lease	1,664
Total current liabilities	<u>57,327</u>

NET ASSETS

Unrestricted	104,046
Unrestricted—Board Designated—Guatemala	
Temporarily restricted	945,863
Permanently restricted	567,294
Total net assets	<u>1,617,203</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$1,676,194</u>

Each year the Center engages an independent accounting firm to audit its financial statements. The financial information presented here is an excerpt of the audited statements for the years ended December 31, 2017 and 2016. To review the Independent Auditors' Report and full audited statements, visit our website – www.indianlaw.org – or contact us at mt@indianlaw.org or (406) 449-2006, ext. 0, to

Statement of Activities

for the year ended December 31, 2017	Unrestricted	Temporarily Restricted	Permanently Restricted	TOTAL
SUPPORT AND REVENUE				
Contributions	\$82,162	-	\$500	\$82,662
Grants	30,230	\$655,000	-	685,230
Bequests and trusts	8,878	-	-	8,878
Interest	29,601	17,106	-	46,707
Other	13,695	-	-	13,695
Realized & unrealized gains on investments	1,346	43,045	-	44,391
Released from restrictions	978,862	(978,862)	-	-
Total support and revenue	1,144,774	64,587	2,575	881,563
EXPENSES				
Program services	956,091	-	-	956,091
Management and general	215,255	-	-	215,255
Fund raising	96,972	-	-	96,972
Grants repaid	250			250
Total expenses	1,268,568	-	-	1,268,568
Change in net assets	(123,794)	(263,711)	500	(387,005)
Net assets at beginning of year	227,840	\$1,209,574	\$566,794	\$2,004,208
Net assets at end of year	<u>\$104,046</u>	<u>\$945,863</u>	<u>\$567,294</u>	<u>\$1,617,203</u>



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