



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

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## 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 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

In the United States, the Center works to build understanding and greater support for tribal sovereignty and Native rights – among decision makers, the legal profession, and the public. Our legal research and analysis is helping tribal leaders, attorneys, and advocates identify strategies to defend against increasing threats and attacks on the fundamental rights of Indian and Alaska Native Nations and also to challenge and change discriminatory and antiquated laws, policies and practices that perpetuate the very difficult economic and social conditions on Indian reservations and in Alaska Native villages.

## Defending Tribal Rights

One of the most important principles in U.S. federal Indian law is that laws benefiting Indian tribes are based upon their classification as political or governmental entities, and are not racial classifications. This is a principle embedded in the U.S. Constitution from the very beginning and explicitly recognized by the U.S. Supreme Court in *Morton v. Mancari*. The Court recognized that without this principle in the framework of federal Indian law, almost the entire body of federal legislation relating to Indian and Alaska Native tribes could be found unconstitutional as racially discriminatory.

This fundamentally significant principle has been challenged for decades by anti-Indian and extreme conservative groups, and now it is being called into question by the Trump Administration. With the judiciary becoming increasingly conservative, supporting and defending *Morton v. Mancari* and the rule that it stands for is perhaps

the most urgent and important Indian law issue of our time. The stakes for tribes are very high; if these challenges succeed, it could greatly diminish the federal government's trust responsibilities to tribes, particularly the health, education, housing and other programs and financial assistance that tribes and tribal citizens depend on. Even the legal right of tribes to exist and to govern themselves could be found unconstitutional.

Anticipating further challenges to the *Mancari* decision, our work in 2018 focused on legal research and raising awareness of the current attempts to undermine *Mancari* and the tactics that can be used to fight these challenges.

As a panelist at the Federal Bar Indian Law Conference held in April 2018, Robert T. Coulter, the Center's Executive Director, discussed strategies for using international advocacy to defend against harmful actions by the federal administration. The Center also prepared and distributed three papers during the year, with analyses of the decision in *Mancari* and the law leading up to and following it, the present challenges to the *Mancari* ruling, and ways to support the decision and its rationale, including additional legal arguments and approaches for defending the constitutionality of legislation benefiting tribes. We are continuing to circulate the papers to inform tribal leaders and organizations, attorneys, professors and students in federal Indian law, and other interested parties.

## Ending Violence Against Native Women

The Center's Safe Women, Strong Nations project partners with Native women's and tribal organizations to restore and strengthen the authority and the ability of Indian and Alaska Native nations address the epidemic of violence against Native women and girls. We work to:

- Raise national and international awareness of how discriminatory laws and practices are perpetuating the cycles of violence in Native communities;
- promote legal and policy changes that will allow tribes to prevent, police and prosecute these crimes, and
- provide legal research, analysis and information for advocates and tribal leaders working to address violence, public safety, access to justice, and healing in reservation communities and Alaska Native villages.

In 2018, the Center co-sponsored and gave presentations at numerous events—from briefings on Capitol Hill for members of Congress and their staff, to workshops and conferences for local and legal advocates, to hearings in international human rights arenas. Center staff served as experts, and our work included delivering a presentation on sex trafficking in Indian Country at the Federal Bar Association's annual Indian Law Conference and holding seminars at the Women Are Sacred Conference, a gathering of about 500 Native and tribal advocates working on domestic violence related issues. Our attorneys were interviewed by many journalists and writers, and the Indian Law Resource Center was cited as a source of information on violence against Indigenous women in articles published by CNN, the Associated Press, Vice, NPR, Al Jazeera, and other media outlets.

We worked in international human rights arenas to inform and ask the international human rights community for their help in holding the U.S. government accountable for its human rights obligations. We held a panel discussion at the United Nations in New York during the annual session of the UN Commission on the Status of Women. The Center also worked with our advocacy partners on presentations and statements to the UN Permanent Forum on Indigenous Issues during their discussion on violence against indigenous women.

Also, at our request, the Inter-American Commission on Human Rights held a hearing examining violence against Native women in the United States. We provided a comprehensive briefing paper and testified to the Commission, emphasizing the consequences of the discriminatory legal landscape in Alaska, missing and murdered Native women, and the impact of extractive industries on the safety of Native women.



# Advocacy in International Arenas

## The United Nations

Our work in the United Nations in 2018 continued to focus largely on proposing and building support for new rules that would give indigenous governments a more appropriate, recognized status for indigenous governments in the United Nations. We believe that this is one of the most significant steps the UN could take to advance indigenous rights – to bring concerns, knowledge, and perspectives of indigenous governments directly into the international discussions and decision-making that affect them. We advised and assisted tribes and tribal leaders to demand and argue in the United Nations for these new rules.

We are also urging the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to be more aggressive and proactive in addressing indigenous rights violations. In 2016, the UN Human Rights Council expanded EMRIP's mandate and scope of work, giving it the authority to be proactive in asking questions, seeking answers, evaluating information and sharing findings broadly. The Center produced memos and other written materials to encourage and press EMRIP examine and make public reports on indigenous human rights issues and provide recommendations on steps the countries should take to bring national law into compliance with international standards.

## Implementing the OAS 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.

Since then, much of the Center's work in the OAS has focused on working with and helping Native leaders to understand the rights recognized in the American Declaration. Together with indigenous leaders and communities, the Center is pushing the OAS to take concrete steps to implement the Declaration. Specifically, we are advocating and developing proposals for an implementing body to monitor countries' compliance with the Declaration. Another priority is creating a permanent status for Indian nations and indigenous peoples' decision-making institutions in the OAS that elevates their participation as governments and recognizes them as rights holders and global actors.

Through direct, consistent, public and private communications with OAS member states and OAS officials, we succeeded in getting the OAS to listen to our concerns. In 2018, the OAS General Assembly resolved to create a dedicated fund to support the ADRIP implementation work, which includes ensuring that indigenous peoples can participate and provide input into the substantive discussions on how the OAS should institutionalize the American Declaration and provide the needed support for states in the work to promote and uphold the rights in the American Declaration.

# Mexico and Central and South America

## Indigenous Land Titling

The Center's work to assist Indigenous communities in Mexico and Central and South America is rooted in protecting and defending their land, resource, and environmental rights. For people everywhere, property rights are a foothold for economic security. For indigenous communities, securing legally recognized collective property rights is not only tied to economic well-being but to cultural survival.

The Center is carrying out research examining land titling in Mexico and Central and South America to identify ways to overcome the legal, procedural, and political hurdles that indigenous communities face in trying to secure legal recognition of their lands. To date, our research has focused on land demarcation, titling, and registry systems in Guatemala, Honduras, Nicaragua, Panama, Argentina, and Peru. In 2018, we compiled our research with what we learned through consultations and field work conducted in 2016 and 2017 to produce legal memoranda and other materials on the land titling systems in these six countries.

We also started to share our preliminary findings through conferences and workshops with indigenous leaders and organizations as well as national and international agencies involved in land titling work. We are continuing to engage with indigenous organizations and leaders as well as conservation organizations to learn more about land titling matters in the Americas and to, hopefully, identify broad scale, region-wide systems or methods to accelerate and improve indigenous peoples' legal security over their lands and resources – methods that could potentially be effective on a global scale to address climate change.



## Development Bank Investments and Indigenous Peoples

Multilateral development banks (MDBs) and some national development banks play a central role in large-scale development projects — infrastructure and energy projects such as roads, dams and wind farms, as well as forestry and agricultural initiatives — that often have devastating effects on indigenous communities. The Center works to ensure these financial institutions develop and adhere to policies that respect the environment and human rights of indigenous peoples in their financing activities. We advocate for a human rights-based approach to development — for MDBs to promote the fulfillment of indigenous peoples' human rights as a development strategy and to align their policies and activities with international human rights norms.

**Inter-American Development Bank:** The Center has been central to the effort to press the Inter-American Development Bank (IDB) to bring its decade-plus-old policies and its practices in line with the American Declaration on the Rights of Indigenous Peoples and other human rights standards and norms. Our work in 2018 included legal research into the critical shortfalls in the IDB's Indigenous Peoples Policy. We shared our findings with the President of the IDB and other high-level officials, arguing that the recent internal policy review carried out by bank management was not only inadequate but inaccurate. Our arguments were convincing and successful: in early 2019, the IDB agreed to complete full review and update of its entire social and environmental policy framework and promised to consult with stakeholders and indigenous peoples to do so.

**World Bank:** In 2016, after a three-year review process, the World Bank adopted a new Environmental and Social Framework, modernizing the decades old set of policies aimed at preventing Bank-funded development projects from harming the environment and people. The Center helped secure key improvements to the Bank's policy on indigenous peoples, but we remain concerned about the lack of clarity regarding indigenous peoples' collective ownership of lands and resources. In 2018 we continued to monitor and engage in discussions with Bank staff and some countries about how the Bank should apply these policies to ensure that the interpretations of the policy language do not lower the level of protections for indigenous peoples in practice.

**UN and OAS:** The Center also participated in the discussions and negotiations on a proposed UN treaty to regulate the practices of multinational corporations and businesses with respect to human rights. In particular, we have been advocating for the explicit inclusion of indigenous peoples' rights and the activities of public sector financial institutions, i.e., multilateral and national development banks, within the scope of the treaty. We also consulted with OAS officials on the same issue to influence their initiative to develop an inter-American guideline on business and human rights.



## 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 Agua Caliente community to protect the lands of several Maya Q'eqchi' communities and stop a nickel mine from expanding into their territories.

For more than 40 years, these Q'eqchi' communities have faced physical threats, forced evictions, and deadly violence by mining company security forces because of their efforts to secure legal title and recognition of their lands and resources. The Guatemala government issued a permit to an international company to revive a long-dormant nickel mine, granting the permits in complete disregard

of the indigenous communities' rights and in flagrant defiance of domestic and international law.

In addition to continuing to argue the case in the Inter-American Commission on Human Rights, in 2018 we launched a related suit in Guatemala's domestic courts. The case helped spark a congressional hearing to investigate why Guatemala's land titling agency, FRONTIERRAS, has not titled Agua Caliente's lands despite a 2012 Constitutional Court ruling requiring the agency to do so. The hearing and a subsequent written report to Congress exposed deeper problems and the vulnerability of Guatemala's entire land titling system to fraud and corruption.

Despite the government's proposals to relocate the communities, Agua Caliente and the other Q'eqchi' villages rejected the idea and refused to negotiate with the government.

The Center provided additional evidence to the Inter-American Commission on Human Rights and requested that they expedite the case. In light of the proposals to relocate Agua Caliente, we stressed the importance of the Commission issuing protective measures for the entire community to address the eviction risks. The Commission expects to decide our case in the fall of 2019. No matter the outcome, we will argue for the case to be considered by the Inter-American Court. A case before the Court could result in an important precedent for indigenous communities throughout the Americas that are fighting against mining and other forms of subsurface resource extraction.

## Board of Directors

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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.



**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 communications field with a specialty in working with non-profits to develop and implement strategic communication plans. Ginny left the Center in July, 2018

**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.



# Statement of Financial Position

as of December 31

ASSETS		
CURRENT ASSETS		
	2018	2017
Cash and cash equivalents	\$708,445	\$385,717
Current grants receivable (net)	132,040	171,958
Accounts receivable	511	511
Prepaid expenses	3,192	3,146
<b>Total current assets</b>	<b>844,188</b>	<b>561,359</b>
PROPERTY AND EQUIPMENT — AT COST		
Net depreciable assets	5,675	8,494
OTHER ASSETS		
Deposits	1,325	1,325
Gar Creek Seminole land purchase	420,269	420,269
Investments, restricted	87,146	48,029
Long-term grants receivable (net)		
Investments, board restricted operating reserve	579,418	589,764
Restricted cash—operating reserve	6,173	5,068
Restricted cash	202	41,866
<b>Total other assets</b>	<b>1,094,533</b>	<b>1,106,341</b>
<b>TOTAL ASSETS</b>	<b>\$1,944,396</b>	<b>\$1,676,194</b>
LIABILITIES AND NET ASSETS		
CURRENT LIABILITIES		
Accounts payable	\$14,574	\$10,912
Accrued salaries and vacation payable	38,510	45,745
Payroll taxes payable	692	661
Long-term capital lease	972	1,644
<b>Total current liabilities</b>	<b>54,748</b>	<b>58,911</b>
NET ASSETS		
Unrestricted	463,860	104,046
With donor restriction	1,425,788	945,863
<b>Total net assets</b>	<b>1,889,648</b>	<b>1,617,203</b>
<b>TOTAL LIABILITIES AND NET ASSETS</b>	<b>\$1,944,396</b>	<b>\$1,676,194</b>

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, 2018 and 2017. To review the Independent Auditors' Report and full audited statements, visit our website – [www.indianlaw.org](http://www.indianlaw.org) – or contact us at [mt@indianlaw.org](mailto:mt@indianlaw.org) or (406) 449-2006 to request a printed copy of the audit..

## Statement of Activities

<i>for the year ended December 31, 2018</i>	Unrestricted	Temporarily Restricted	TOTAL
<b>SUPPORT AND REVENUE</b>			
Contributions	\$245,246	\$1,350	\$246,596
Grants	25,791	1,028,500	1,054,291
Bequests and trusts	8,835	-	8,835
Interest		17,467	17,467
Other	1,123	-	1,123
Realized & unrealized gains on investments	(3,871)	(22,455)	(26,326)
Released from restrictions	1,112,231	(1,112,231)	-
<b>Total support and revenue</b>	<b>1,389,355</b>	<b>(87,369)</b>	<b>1,301,986</b>
<b>EXPENSES</b>			
Program services	810,729	-	810,729
Management and general	115,622	-	115,622
Fund raising	103,190	-	103,190
<b>Total expenses</b>	<b>1,029,541</b>	<b>-</b>	<b>1,029,541</b>
Change in net assets	359,814	(87,369)	272,455
Net assets at beginning of year	104,046	\$1,513,157	\$1,617,203
Net assets at end of year	\$463,860	\$1,425,788	\$1,899,648