



NARF Legal Review

Native American Rights Fund

UNITED NATIONS ADOPTS HISTORIC DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

A. Introduction

Three decades of worldwide effort by Indigenous Peoples resulted in an historic victory in the United Nations General Assembly on September 13, 2007, when that body adopted the Declaration on the Rights of Indigenous Peoples (Declaration) by an overwhelming majority.¹ 143 Yes, 4 No, 11 Abstaining. The four countries who voted against the Declaration were the United States, Canada, New Zealand, and Australia. The Declaration affirms the collective human rights of Indigenous Peoples across a broad range of areas including self-determination, spirituality, land rights, and rights to intellectual property; thereby providing some balance to an international rights framework based largely on individual rights. The Native American Rights Fund (NARF), has worked with its client, the National Congress of American Indians (NCAI), and indigenous peoples world-



wide, in the process of elaborating the Declaration since 1999.

Being the product of a highly political process, the Declaration is not a perfect document and does not include everything Indigenous Peoples had hoped and worked for over the past thirty years. Nevertheless, the Declaration is an important and historic step in recognizing the rights of Indigenous Peoples. ►

¹ Three decades is a somewhat arbitrary starting point. It refers back to a 1977 meeting at the United Nations in Geneva, Switzerland concerning discrimination against Indigenous peoples in the Americas. However, indigenous efforts in the international arena go back much further in time. In the 1920s, Deskaheh, speaker of the Council of the Iroquois Confederacy, attempted to bring a dispute with Canada before the League of Nations. The League did not address the issue, viewing it as a domestic matter between Canada and the Iroquois.

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B. Background to the Declaration Process.

In 1977, a group of indigenous representatives met in Geneva, Switzerland for the International Non-Governmental Organization Conference on Discrimination against Indigenous Populations in the Americas, organized by the NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Colonialism. In 1982, based in part on recommendations from this Conference, the UN Working Group on Indigenous Populations was formed within the Sub-Commission on the Promotion and Protection of Human Rights, (then known as the Sub Commission on the Prevention of Discrimination and Protection of Minorities). This Working Group was composed of independent experts. In 1988, the working group chair completed a draft declaration on the rights of indigenous peoples, based largely on their input, and in 1994, the Sub-Commission adopted a Draft Declaration on the Rights of Indigenous Peoples.²

This Draft Declaration was forwarded to the Human Rights Commission. The Human Rights Commission established an intersessional Working Group on the Draft Declaration (WGDD) charged with elaborating a declaration on the rights of indigenous peoples “taking into account” the Draft approved by the Sub-Commission. The WGDD was initially authorized for ten years, and then extended for an additional year. Thus, for eleven years, nations and indigenous peoples met in Geneva, generally for two weeks a year, to elaborate this declaration.

By the end of the eleven year period, agree-

ment had not been reached on, numerous, but not all, provisions of the draft declaration. At the same time, for reasons unrelated to the draft declaration, the Human Rights Commission came under fire at the United Nations and was replaced by the Human Rights Council – events that placed the process of finishing the declaration in doubt. In the midst of this confusion, the Chair of the WGDD, Peruvian Ambassador Luis Chavez, took the provisions upon which agreement had been reached, and, drafted a compromise text for those provisions on which agreement had not yet been reached. This compromise text was based on the years of discussion that had occurred in the WGDD. He submitted the draft declaration to the Human Rights Commission which, as one of its final acts, forwarded it to the newly created Human Rights Council. The Human Rights Council met for the first time in June of 2006 and on June 29, 2006, by a vote of thirty in favor, two opposed (Canada and Russia), and twelve abstaining, approved the Declaration and forwarded it to the General Assembly for adoption.

In the General Assembly, a group of African Nations garnered sufficient votes to defer consideration of the Draft Declaration to allow time for further consultation. The African Group initially proposed numerous unacceptable amendments, which it later withdrew in favor of nine amendments with which most indigenous peoples could live. On September 13, 2007, the Declaration was adopted overwhelmingly, with opposition coming from only Canada, Australia, New Zealand, and the United States.³

² See discussion in S. JAMES ANAYA, *INDIGENOUS PEOPLES IN INTERNATIONAL LAW*, (2d ed. 2004) p. 57.

³ In explaining their votes, the countries opposed to the DRIP pointedly stated that, based on their objections, the document could not become customary international law. In the written explanation of its vote, the United States “rejects any possibility that this document is or can become customary international law. We have continually expressed our rejection of fundamental parts of the former Subcommission text, and of this text, as have numerous other States. As this declaration does not describe current State practice or actions that States feel obliged to take as a matter of legal obligation, it cannot be cited as evidence of the evolution of customary international law.” Stmt. at pp. 2-3. The United States’ explanation of its vote (Stmt.), can be found at www.usunnewyork.usmission.gov/press_releases/20070913_204.html. This is an attempt by the United States to rely on a doctrine known as the “persistent objector” doctrine to prevent the development of customary international law. It has been questioned whether this doctrine ever had validity, and even if at one time it did have validity, whether it still does. In a United Nations with 192 members, can a handful of countries prevent a principle from becoming customary international law? See e.g. ANTONIO CASSESE, *INTERNATIONAL LAW* (2d ed. 2005) p. 162. In this context it is worth noting that the Declaration has already been cited by the Supreme Court of Belize in a decision upholding land rights of the Mayan villages of Conejo and Santa Cruz. The court referred to Art. 26 of the Declaration, dealing with land rights as “reflecting ... the growing consensus and the general principles of international law on indigenous people and their lands and resources.” Par. 131. The full text of the Supreme Court ruling can be found at http://www.law.arizona.edu/depts/iplp/advocacy/maya_belize/documents/ClaimsNos171and172of2007.pdf.

C. ANALYSIS OF THE DECLARATION

The Declaration deals with many more issues than can be dealt with in this article, and will undoubtedly provoke an avalanche of legal commentary and debate. Only a brief overview of some of the highlights is given here, along with the objections by the United States and some preliminary observations on those objections.⁴

1. Overview – Collective Nature of Rights

At a general level, the Declaration acknowledges collective human rights, and thereby provides a corrective to the western human rights framework, which is heavily weighted toward individual human rights.⁵ Indigenous peoples have typically not been at the table when international rights documents such as the Universal Declaration of Human Rights (UDHR) have been elaborated. As a result, their collective human rights have not been adequately taken into account.⁶ Indigenous peoples therefore were adamant that the Declaration focus on their collective human rights.⁷ In this they were successful, as the document recognizes a broad range of collective human rights. The very collective nature of the rights is problematic to the United States and even some countries that voted for the Declaration.⁸

The United States' explanation of its opposition to the Declaration states that "The intent of States participating in the Working Group was clear that, as has always been the case, human rights are universal and apply in equal measure



to all individuals. This principle is fundamental to international rights, and means that one group cannot have human rights that are denied to other groups within the same nation-state." Stmt. at page 4.⁹ While this issue will be debated extensively in years to come, a few preliminary observations about the United States' position are in order.

The argument that one group cannot have human rights not held by others in the same nation-state is contradicted by the jurisprudence of the United States itself. Equal protection analysis recognizes that those situated differently need not be treated the same. ►

⁴The four countries in opposition had similar objections, so when the United States is mentioned as having a particular objection, generally Canada, Australia and New Zealand can be understood to have the same objections. The fact that these countries voted against the Declaration does not mean that they oppose everything in the Declaration, but rather that the matters which they found objectionable controlled their overall vote.

⁵For a discussion of the differences in thinking underlying notions of individual and collective rights, and the necessity for protection of indigenous collective human rights, see, Robert N. Clinton, *The Rights of Indigenous Peoples as Collective Group Rights*, 32 ARIZ. L. REV. 739 (1990).

⁶As to the western bias in international human rights in general, see, Richard Falk, *Think Again: Human Rights*, FOREIGN POLICY, (March/April 2004).

⁷See e.g. Art. 3 (self-determination); Art. 8 (right to freedom from assimilation or destruction of their culture); Art. 10 (right to remain on their lands); Arts. 11 and 12 (right to their maintain their cultures, customs, traditions, etc.); Art. 23 (right to traditional medicines); Art. 31 (right to their cultural heritage, traditional knowledge, etc.); Art. 37 (right to respect for their treaties, agreements and other constructive arrangements).

⁸The United Kingdom explained that they were voting for the document with the understanding that the only collective human right in the document is the right to self-determination. According to the UK, other collective rights recognized in the Declaration are not human rights, since, in their view, human rights belong to all people and many of the rights in the Declaration pertain only to indigenous peoples. (Oral statement on September 13, 2007).

⁹The reference to the statement of the United States is to the written explanation of their opposition to the Declaration, supra, n 3.



Indigenous representatives outside the U.N. on the day the Declaration passed. (Left to Right) Tony Belcourt (Metis Nation – Canada); William David (Indian Law Resource Center); Celeste McKay (Native Women's Association of Canada); Armstrong Wiggins (Indian Law Resource Center); Kim Gottschalk (Native American Rights Fund); Darwin Hill (Sub Chief Tonawanda Seneca Nation); Karl Hill (Sub Chief Cayuga Nation); Rainy Blue Cloud Greensfelder (Mohawk – International Forum on Globalization); Stuart Patterson (a Chief of the Tuscarora Nation).

Indigenous peoples have rights grounded in their unique historical reality; that unique history is a legitimate reason for them to have rights not held by others. In *Morton v. Mancari*, 417 U.S. 535 (1974) the United States Supreme Court noted that the status of Indian nations as sovereigns, and the government-to-government relationship between them and the federal government provides a legitimate basis for their special treatment in United States law. Nor is it unknown in the United States for group rights to override individual rights. A good example of this is the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq. In that legislation, Congress recognized that Indian tribes have a collective right in their children that is in parity with the constitutional rights of parents regarding the upbringing of their children, and in appropriate circumstances can take precedence over those individual rights. This recognition of collective rights was

upheld by the Supreme Court in *Holyfield v. Miss. Choctaw Indian Nation*, 490 U.S. 30 (1989).

The United States also expresses the concern that if the collective holds human rights, individuals would be “extremely vulnerable to potential violations of their human rights by the collective.” Stmt. at page 4. Given the historic violation of the collective human rights of Indigenous Peoples by countries which extol the human rights of individuals, this argument is disingenuous at best. Rights have been denied to indigenous peoples through treating them as groups; they should also be accorded rights as groups.¹⁰ This objection also results from the failure to read the Declaration in context. Rights are not absolute, as the Declaration itself makes clear. See, e.g. Art. 46.2. “In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected...”

¹⁰See Clinton, *supra*, n. 5 at 746.

2. Specific Collective Rights

As already pointed out, in interpreting the Declaration, it is important to consider each provision in the context of the entire document. The United States takes provisions out of context and interprets them in an absolute fashion. This extreme interpretation is then used to justify its opposition to the Declaration.

a. Self-Determination.

Self determination is at the heart of the Declaration and is the one group right that all countries acknowledge as a human right. Without this right, the document would have been unacceptable to indigenous peoples. Two international covenants, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, provide in their common Articles 1 that: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."¹¹ Article 3 of the Declaration tracks this language precisely – substituting "Indigenous peoples" for "All peoples."

For the United States, the mere fact that Article 3 of the Declaration tracks the language of the common Articles 1 makes the declaration unacceptable. According to the United States, the right as expressed in those Covenants "is understood by some to include the right to full independence under certain circumstances." Stmt. p. 3. Indigenous peoples are not entitled to this right according to the United States. What is difficult to understand is that the United States finds the specific language of Article 46.1 inadequate to assuage its fears. That Article provides that: "Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as

authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States." This language could not be more clear.

b. Lands, territories and natural resources.

The Declaration has broad provisions concerning rights to lands, territories and natural resources. Article 25 starts with the right of indigenous peoples to "maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources." Article 26.1 provides that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired." Article 26.2 refers to the right to "own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired." Article 27 requires the establishment of a system to "recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources..." Article 28 provides for redress for lands "which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent." Par. 1. This redress "can include restitution or, when this is not possible, just, fair and equitable compensation..." Compensation is to take the form of "lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress." Par. 2. Thus, indigenous peoples have the right to all land that they have traditionally used, and to continued possession of that land if still in their possession. A mechanism must be set up to establish the different categories of land and to provide redress for land lost without their "free, prior, and informed consent." Art. 28.1. This seems ►

¹¹See General Assembly Resolution 2200 (XXI) of 16 December 16, 1966.

fairly straightforward.

The United States, however, views these provisions as “particularly unworkable.” The United States asserts that the intention of the States was to “encourage the establishment of mechanisms at the national level for the full legal recognition and protection of the lands, territories and resources indigenous peoples possess by reason of traditional ownership, occupation, or use, as well [as – sic] those which they have otherwise acquired.” Stmt. at p. 3. Note the absence of any reference to traditional lands not now in the possession of indigenous peoples. This was not an inadvertent oversight, as is clear from the additional assertion that “the goal of the States in the Working Group was to encourage just, transparent and effective mechanisms for redress for actions taken by the States after endorsing the declaration.” *Id.* Thus, in the United States’ view, all transgressions predating the declaration’s adoption were to be wiped clean and redress was to be available only for future depredations!

c. Free, Prior and Informed Consent

Article 19 of the Declaration provides that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” The United States expresses the concern that this provision could be misread to “confer upon a sub-national group a power of veto over the laws of a democratic legislature.” Stmt. at page 4. Once again, context is essential. The express language of Article 46.2 provides in pertinent part that “In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected.” Article 46.3 provides that: “The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good



faith.” The Declaration, properly read, strengthens, rather than weakens the democratic process by ensuring that the rights of indigenous peoples will not be ignored as has happened too often in the past.

CONCLUSION

The Declaration on the ‘Rights of Indigenous Peoples’ is an historic milestone in the long struggle by indigenous peoples for due recognition in the world. The Declaration is not perfect, but details important “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world,” Art. 43. and makes clear that nothing in the Declaration “may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.” Art. 45. The vast majority of the world, including those countries with the vast majority of indigenous peoples, recognizes that, not only can the world live with the Declaration, it will be a better place for doing so. The United States, Canada, Australia, and New Zealand, are out of step with the march of history. ❄️



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United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

* Reissued for technical reasons.

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Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights¹ and the International Covenant on Civil and Political Rights as well as the Vienna Declaration and Programme of Action,² affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing also that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

¹ See resolution 2200 A (XXI), annex.

² A/CONF.157/24 (Part I), chap. III.



Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights³ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

³ Resolution 217 A (III).

2. States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.



2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labor law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labor and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.



2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.



Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

United Nations

A/61/L.67*

General AssemblyDistr.: Limited
12 September 2007

* Reissued for technical reasons.

CASE UPDATES

NARF launches guide to Indian Child Welfare Act

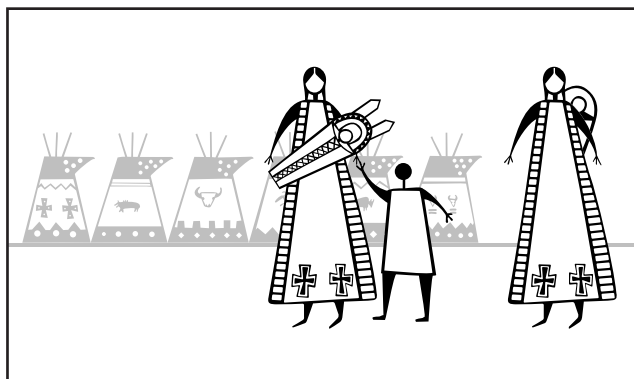
From the embryonic days of our Nation, Indian tribes have long struggled against the assimilationist policies instituted by the United States which sought to destroy tribal cultures by removing Native American children from their tribes and families. In a stark example of such policies, the purpose articulated in the charter of the first boarding school in the 1890s on the Navajo reservation was “to remove the Navajo child from the influence of his savage parents.” The federal government continued its boarding school policy for over one hundred years. Countless lives give testimony to the harsh effects of that policy.

Later on, the federal government failed to protect Indian children from misguided and insensitive child welfare practices by state human service agencies, which resulted in the unwarranted removal of Indian children from their families and tribes. In fact, in the 1950s and 1960s, the federal government worked with non-Indian organizations, such as the Child Welfare League of America, to outright remove Indian children from their homes and place those children in non-Indian homes.

Statistical and anecdotal information show that Indian children who grow up in non-Indian settings become spiritual and cultural orphans. They do not entirely fit into the culture in which they are raised and yearn throughout their life for the family and tribal culture denied them as children. Many native children raised in non-Native homes experience identity problems, drug addiction, alcoholism, incarceration and, most disturbing, suicide.

In the 1960s, the federal government embarked on a new federal Indian policy of tribal self-determination. This new policy fosters tribal existence and self governance by allowing tribes to operate programs once operated solely by the federal government. It also increased federal services and benefits available to tribes to enhance their capabilities. Thus, tribes are now working to fully regain control of their destiny and that of their children.

In view of this new policy and the problems facing



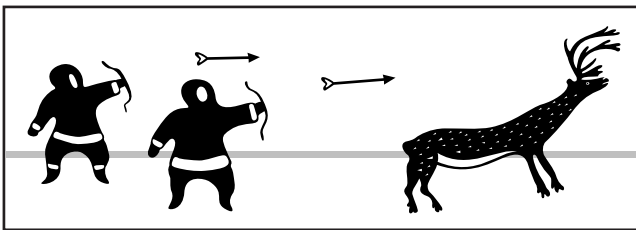
tribes as a result of the loss of their children, the Indian Child Welfare Act (ICWA) was enacted in 1978. It established minimum federal jurisdictional, procedural and substantive standards aimed to achieve the dual purposes of protecting the right of an Indian child to live with an Indian family and to stabilize and foster continued tribal existence. To gain a basic understanding of the ICWA and to access information to expand that understanding, NARF has created *A Practical Guide to the Indian Child Welfare Act*. The *Guide*, available both in print format and on-line, is a new powerful resource tool for tribal, state, and federal entities involved in Indian child custody proceedings. The *Guide* consists of an Introduction, Frequently Asked Questions with responses categorized under 22 topics, with a wealth of ICWA resources. The on-line version contains more than 1,000 full-text resources.

A Practical Guide to the Indian Child Welfare Act is intended to foster compliance with the letter and spirit of the ICWA. NARF plans to update the *Practical Guide* on a regular basis—at least once a year as time and funding allow. Updates will be incorporated into the on-line version and will be made available for free download at the NARF website (www.narf.org/icwa).

This project was generously funded by the Administration for Native Americans, with supplemental funding by the Morongo Band of Mission Indians, Bureau of Indian Affairs and supported by the National Indian Child Welfare Association

as a key partner. An Advisory Board – made up of a multi-disciplinary team consisting of members of tribal courts and tribal ICWA departments, state governments, Indian law practitioners, Native American non-profit organizations, law firms, and urban Indian centers – provided guidance on the content of the guide.

NARF Alaska Victorious in Four Cases



NARF Alaska attorney Heather Kendall-Miller has won four important cases in a row on behalf of Alaska Natives. In *Ahtna Tene Nene' Subsistence Committee v. Alaska Board of Game*, suit was brought on behalf of tribal organizations and communities who live a subsistence way of life to overturn a series of regulations adopted by the Alaska Board of Game in March of 2007. The regulations severely restrict, and in some cases eliminate plaintiffs' subsistence uses of moose and caribou. In mid-June plaintiffs sought a preliminary injunction in state court requesting that the court enjoin the State from implementing these regulations for the fall hunt. On July 20th, the court found that plaintiffs had shown that they satisfied the "balance of hardships" standard for granting a preliminary injunction by raising serious and substantial questions going to the merits of the case and by demonstrating that the balance of hardships tip sharply in their favor.

On June 10, 2006 the State of Alaska brought suit challenging the Federal Subsistence Boards customary and traditional (C&T) use finding for subsistence uses of moose by members of the Chistochina Tribe. A positive C&T finding entitles residents for a specific community to the subsistence priority under Title VIII of the Alaska National Interest Lands Conservation Act.

Chistochina was granted intervention in this action to protect its C&T status for moose. On June 27, 2007 in *State v. Demientieff*, the district court entered an Order in favor of defendant United States and Chistochina against the State and upholding the Federal Subsistence Board's customary and traditional use finding for subsistence uses of moose by members of the Chistochina Tribe.

On January 5, 2005, the State of Alaska filed a lawsuit in the District of Columbia challenging the final rule implementing the mandate in the prior subsistence case, *John v. United States*. The prior case established that the United States must protect subsistence uses of fisheries in navigable waters where the United States possesses a reserved water right. The State challenges the Secretaries' implementation of the mandate by arguing that the reserved waters doctrine requires a quantification of waters necessary to fulfill specific purposes. On January 18, Katie John filed a motion for limited intervention for purposes of filing a motion to dismiss for failure to join an indispensable party. On May 17, 2007 in *State v. Norton*, the district court entered an Order upholding the agency's rule-making process identifying navigable waters in Alaska that fall within federal jurisdiction for purposes of Title VIII's subsistence priority.

On January 3, 2005 the Villages of Tanana, Nulato, Akiak, Kalskag, Lower Kalskag and Kenaitze along with Theresa and Dan Schwieter filed a complaint against the State of Alaska, Attorney General, and various state agencies challenging the policy adopted by the Attorney General of Alaska that state courts have exclusive jurisdiction over child custody proceedings involving Alaska Native children and Tribes in Alaska *do not* have concurrent jurisdiction to hear children's cases unless certain conditions are met. On May 30, 2007 in *Tanana v. State*, the court issued an opinion in the Tribe's favor rejecting all of the State's arguments. The court held that Alaska Tribes possess inherent power to adjudicate proceedings involving member children. The Tribes have moved for injunctive relief to prohibit the state and its agency's from denying full faith and credit to tribal court decrees pending appeal to the Alaska Supreme Court. 🌸

NARF ATTORNEY

A modern day Indian warrior

"When you go out there to represent Indian people, you see your family – your brothers, your sisters, your nephews, your mother and father, your grandparents. You realize the devastating impact that society can have on people because they are a different culture, because their skin is a different color. Being Indian at NARF brings a focus – a fire – a determination to do the very best. You're going to be as good a lawyer as any non-Indian lawyer who ever walked into a court room. This organization is like a warrior society. You put your life on the line – be the best you can be – always being prepared. Your fighting for the survival of your people..."

With these words, NARF attorney Yvonne Knight (Ponca-Creek) marked the 20th Anniversary of NARF in 1990. On September 30, 2007, Yvonne said goodbye to NARF as she moved on into retirement after 36 years of fighting for the rights of all of us in Indian country. Through this journey, Yvonne has proven to be a modern day Indian warrior, as can be attested to by the countless tribes and individuals that she has guided through the myriad of Indian law, legislation, and court rulings. Yvonne has stood before Congress, federal and state courts, tribes and communities to defend the rights of our people. Yvonne was motivated by the thought that NARF is a warrior society and that she fought these courtroom battles, not for abstract reasons, but for family. This she believed, made Indian attorneys more formidable in court when they're up against impossible odds. Her victories helped to protect our cultures, our spirituality, our way of life, and helped to determine our future. Yvonne understood the power of our elders' visions and transformed them to create leadership and change.

Yvonne – your legacy will be hard to follow, but your inspiration will guide the next generation of

Indian attorneys to continue this fight for family, for what is right, and for what it should be. You will be missed.

Yvonne is of Ponca-Creek descent and a member of the Ponca Tribe. While in law school, she was a founding member of the American Indian Law Students Association (now the Native American Law Students Association), and served on first board of directors of that organization. Yvonne was the first Indian woman law graduate from the University of New Mexico's Indian Law Scholarship Program. She joined NARF as a staff attorney in 1971 and has represented countless tribes and individuals in cases involving a variety of Indian law issues. She served as a member of a task force of the American Indian Policy Review Commission responsible for recommending changes in federal statutes affecting Indians.

Yvonne was actively involved in the passage and implementation of the Menominee Restoration Act. She has also had extensive lawyering experience in such areas of Indian law as drafting tribal constitutions; defining and enforcing the federal trust responsibility to Indians; litigating tribal claims to land, water, and other natural resources; enforcing Indian education rights; and, defining and enforcing tribal court jurisdiction. Yvonne has a B.S., University of Kansas (1965); J.D., University of New Mexico (1971); High School Teacher, Kansas City, Kansas (1966-68); Reginald Heber Smith Fellow (August 1971 to July 1974); Native American Rights Fund (1971 to 2007); admitted to practice law in Colorado. 🌸



CALLING TRIBES TO ACTION!

It has been made abundantly clear that non-Indian philanthropy can no longer sustain NARF's work. Federal funds for specific projects are also being reduced at drastic rates. Our ability to provide legal advocacy in a wide variety of areas such as religious freedom, the Tribal Supreme Court Project, tribal recognition, human rights, trust responsibility, tribal water rights, Indian Child Welfare Act, and on Alaska tribal sovereignty issues has been compromised. NARF is now turning to the tribes to provide this crucial funding to continue our legal advocacy on behalf of Indian Country. It is an

honor to list those Tribes and Native organizations who have chosen to share their good fortunes with the Native American Rights Fund and the thousands of Indian clients we have served. The generosity of Tribes is crucial in NARF's struggle to ensure the future of all Native Americans. We encourage other Tribes to become contributors and partners with NARF in fighting for justice for our people and in keeping the vision of our ancestors alive. We thank the following tribes and Native organizations for their recent support since October 1, 2006:

- Ak-Chin Indian Community
- Barona Band of Mission Indians
- Chitimacha Tribe of Louisiana
- Colusa Casino Resort
- Cow Creek Band of Umpqua Indians
- Fort McDowell Yavapai Nation
- Little Traverse Bay Band of Odawa Indians
- Mashantucket Pequot Tribal Nation
- Mescalero Apache Tribe
- Mille Lacs Band of Ojibwe
- Miccosukee Indian Gaming
- Mohegan Sun Casino
- Muckleshoot Tribe
- Native Village of Port Lions
- Oneida Tribe of Indians of Wisconsin
- Pala Band of Mission Indians
- Pamunkey Indian Reservation
- Pauma Band of Mission Indians
- Poarch Creek Band
- Prairie Band of Potawatomi Nation
- Pueblo of Tesuque
- Saginaw Chippewa Indian Tribe of Michigan
- San Manuel Band of Mission Indians
- San Pasqual Band of Diegueno Indians
- Seminole Tribe of Florida
- Shakopee Mdewakanton Sioux Community of Minnesota
- Siletz Tribe
- Southern Ute Indian Tribe
- Sycuan Band of Kumeyaay Indians
- Twenty-Nine Palms Band of Mission Indians
- Viejas Band of Kumeyaay Indians

National Indian Law Library

Your Information Partner!

About the Library

The National Indian Law Library (NILL) located at the Native American Rights Fund in Boulder, Colorado is a national public library serving people across the United States. Over the past thirty-three years NILL has collected nearly 9,000 resource materials that relate to federal Indian and tribal law. The Library's holdings include the largest collection of tribal codes, ordinances and constitutions in the United States; legal pleadings from major American Indian cases; law review articles on Indian law topics; handbooks; conference materials; and government documents.

Library Services

Information access and delivery: Library users can access the searchable catalog which includes bibliographic descriptions of the library holdings by going directly to: <http://www.narf.org/nill/index.htm> or by accessing the catalog through the National Indian Law Library/Catalog link on the Native American Rights Fund website at www.narf.org. Once relevant materials are identified, library patrons can then choose to request copies or borrow materials through interlibrary loan for a nominal fee.

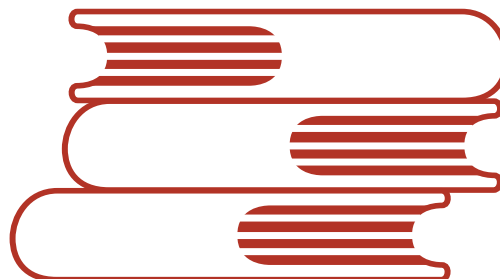
Research assistance: In addition to making its catalog and extensive collection available to the public, the National Indian Law Library provides reference and research assistance relating to Indian law and tribal law. The library offers free assistance as well as customized research for a nominal fee.

Keep up with changes in Indian law with NILL's Indian Law Bulletins: The Indian Law Bulletins are published by NILL in an effort keep NARF and the public informed about Indian law developments. NILL publishes timely bulletins covering new Indian law cases, U.S. regulatory action, law review articles, and news on its web site. (See: <http://www.narf.org/nill/bulletins/ilb.htm>) New bulletins are published on a regular basis, usually every week and older information is moved to the bulletin archive pages. When new



information is published, NILL sends out brief announcements and a link to the newly revised bulletin page via e-mail. Send an e-mail to David Selden at dselden@narf.org if you would like to subscribe to the Indian Law Bulletin service. The service is free of charge!

Support the Library: The National Indian Law Library is unique in that it serves the public but is *not* supported by local or federal tax revenue. NILL is a project of the Native American Rights Fund and relies on private contributions from people like you. For information on how you can support the library or become a sponsor of a special project, please contact David Selden, the Law Librarian at 303-447-8760 or dselden@narf.org. For more information about NILL, visit: <http://www.narf.org/nill/index.htm>. Local patrons can visit the library at 1522 Broadway, Boulder, Colorado. 🌟



THE NATIVE AMERICAN RIGHTS FUND

The Native American Rights Fund (NARF) was founded in 1970 to address the need for legal assistance on the major issues facing Indian country. The critical Indian issues of survival of the tribes and Native American people are not new, but are the same issues of survival that have merely evolved over the centuries. As NARF is in its thirty-seventh year of existence, it can be acknowledged that many of the gains achieved in Indian country over those years are directly attributable to the efforts and commitment of the present and past clients and members of NARF's Board and staff. However, no matter how many gains have been achieved, NARF is still addressing the same basic issues that caused NARF to be founded originally. Since the inception of this Nation, there has been a systematic attack on tribal rights that continues to this day. For every victory, a new challenge to tribal sovereignty arises from state and local governments, Congress, or the courts. The continuing lack of understanding, and in some cases lack of respect, for the sovereign attributes of Indian nations has made it necessary for NARF to continue fighting.

NARF strives to protect the most important rights of Indian people within the limit of available resources. To achieve this goal, NARF's Board of Directors defined five priority areas for NARF's work: (1) the preservation of tribal existence; (2) the protection of tribal natural resources; (3) the promotion of human rights; (4) the accountability of governments to Native Americans; and (5) the development of Indian law and educating the public about Indian rights, laws, and issues.

Requests for legal assistance should be addressed to NARF's main office at 1506 Broadway, Boulder, Colorado 80302. NARF's clients are expected to pay whatever they can toward the costs of legal representation.

NARF's success could not have been achieved without the financial support that we have received from throughout the nation. Your participation makes a big difference in our ability to continue to meet ever-increasing needs of impoverished Indian tribes, groups and individuals. The support needed to sustain our nationwide program requires your continued assistance.



NARF Annual Report. This is NARF's major report on its programs and activities. The Annual Report is distributed to foundations, major contributors, certain federal and state agencies, tribal clients, Native American organizations, and to others upon request. Ray Ramirez Editor, ramirez@narf.org.

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Tax Status. The Native American Rights Fund is a non-profit, charitable organization incorporated in 1971 under the laws of the District of Columbia. NARF is exempt from federal income tax under the provisions of Section 501 C (3) of the Internal Revenue Code, and contributions to NARF are tax deductible. The Internal

Revenue Service has ruled that NARF is not a "private foundation" as defined in Section 509(a) of the Internal Revenue Code.

Main Office:

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(303-447-8760) (FAX 303-443-7776)
<http://www.narf.org>

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(202-785-4166) (FAX 202-822-0068)

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420 L Street, Suite 505, Anchorage, Alaska 99501
(907-276-0680) (FAX 907-276-2466)



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