2019 ANNUAL REPORT

SLP International Senior Lawyers Project

EXECUTIVE DIRECTORS' NOTE

The International Senior Lawyers Project is pleased to present this 2019 annual report. The year was a significant one for the organization. In terms of project work, we remained focused on our mission to deploy top-tier pro bono legal assistance where it can advance the aims of inclusive, accountable, and just development. This entailed ongoing work on multi-year projects, strengthening relationships with longtime partners, and expanding our reach through new initiatives, partners, and jurisdictions.

As ever, we are especially grateful to our committed volunteers – which include senior-level and retired lawyers from top international and local law firms and other institutions – who bring their energy, expertise, and wisdom to advise clients on the myriad consequential development matters that ISLP addresses through its work.

The year also marked significant organizational change. Sara joined ISLP as Executive Director in the last guarter of 2019 with a commitment to build upon ISLP's strong foundation and to position the organization for even greater impact as we approach the organization's twentieth anniversary. Susan, who served as Executive Director of ISLP-UK since 2013, stepped down from her management role in October and remains engaged as a committed board member of the UK entity.

Another important change came in mid-2020 with the formal separation of ISLP and the ISLP-UK affiliate. While this 2019 Annual Report reflects the dedicated work of staff members in both the US and UK, our two organizations formally separated in mid-2020. In this fast-changing and dynamic global landscape, we decided to best serve our client partners by reverting to our original configuration of two independent entities managed by our respective boards. ISLP-UK, based in London, returned to its founding name International Lawyers Project (ILP). The International Senior Lawyers Project (ISLP), based in New York, continues as a non-profit 501(c)(3) organization since our origin nearly 20 years ago.

The vantage point of 2020 also offers new insight on our 2019 work. In early 2020, the COVID-19 pandemic threw the world into a new period of uncertainty and ushered in global health and economic crises, particularly in Global South countries with which we work most closely. Beyond the direct economic impacts, the pandemic undermined progress on other salient development issues, including in some cases commitments to sustainable development projects and the protection of a free press that demands transparency and government accountability. Both the US and UK teams responded with programming tailored to evolving client and partner needs. In this moment, reflecting on our 2019 activities strengthens our resolve to build on what we have already accomplished as we continue to adapt to meet the global challenges ahead.

We thank each of our volunteers, clients, partners, and supporters who make our work possible.

Sara A. Lulo Executive Director, ISLP (October 2019 - present)

Susan Hazeldine Executive Director, ISLP-UK (through October 2019)

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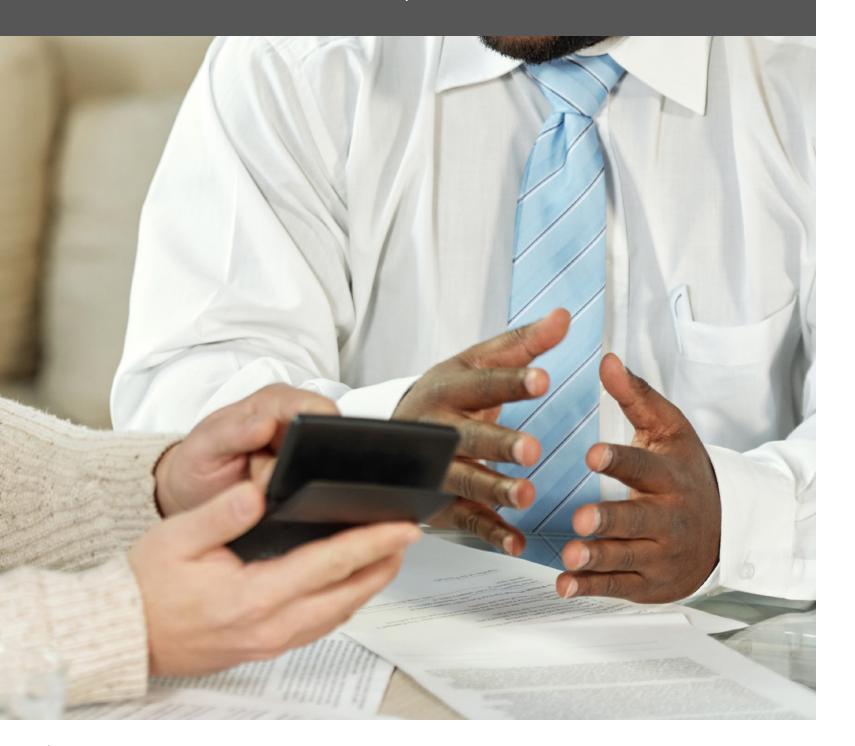
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Board Members & Staff



MISSION

ISLP provides *pro bono* legal assistance to governments and civil society organizations in developing countries, mobilizing global legal resources in alignment with client needs to support just, accountable, and inclusive development.



HOW WE WORK

ISLP bridges the gap between highly-skilled lawyers and reform-minded clients in the Global South – governments, civil society organizations, and social enterprises – that would otherwise find such legal assistance beyond reach. ISLP draws volunteer lawyers from an expansive international network with deep practice experience and nuanced understanding of the legal frameworks that shape economic development, from drafting regulations to negotiating complex contractual agreements to drafting *amicus curiae* briefs in support of media freedom.

Across all engagements, ISLP works on an attorney-client basis: lawyers provide legal advice while clients retain the agency to direct development outcomes. Consistent with our mission, legal support provided in this way enables international best practices to be adapted to local contexts, aims to level the playing field in instances where clients would not otherwise have access to legal support, and contributes to sustainable development.

WHAT WE DO

ISLP supports governments, civil society, and social enterprise clients on a range of matters including the following intersecting thematic areas: community-inclusive development, natural resource management, investment and trade, anti-bribery and anti-corruption, tax, and media law.

FOCUS AREAS

Community-Inclusive Development

ISLP works with civil society organizations to prevent and mitigate the longterm harms that can result from poorly planned and managed development projects, such as environmental degradation, displacement of indigenous communities, and controversy and conflict among local populations. ISLP's engagements aim to equip civil society organizations with the capacity and tools to participate in development decisions and processes, promote the adoption of better environmental, social, and governance standards, and monitor the implementation of development projects, leading to a reduction in long-term harms, and minimizing their negative impact if they do occur.

Natural Resource Management

ISLP supports governments in managing their resources – including forests, minerals, fossil fuels, and renewable energy assets – for the benefit of their people. ISLP's engagements include advising on and/or negotiating contracts, drafting or revising relevant laws, regulations, and policies, and training and mentoring government officials. Cognizant that the exploitation of natural resources is particularly susceptible to corruption and harmful practices, ISLP exercises significant due diligence in vetting matters, applying the highest level of scrutiny to projects in delivering transactional assistance to governments.

Investment and Trade

ISLP supports governments in their efforts to incentivize, secure, and structure investment and trade. Recognizing that mobilizing private capital, supporting local business development and entrepreneurship, and strengthening key industries can significantly contribute to economic development, ISLP's investment work includes critical legal advice on general foreign investment policy and related legal and regulatory reforms in sectors including agriculture, infrastructure, and tourism. Through our involvement, ISLP aims to increase both the volume and quality of trade, within and among geographical regions.

The Investment and Trade focus area also houses ISLP's Social Enterprise and Impact Investing work, which includes support to social entrepreneurs and impact investors on structuring complex legal arrangements that can broaden access to capital and financing. ISLP also works with local lawyers to help deepen local legal expertise in order to facilitate innovative social entrepreneurship.

Anti-Bribery and Anti-Corruption

ISLP maintains an emphasis on anti-bribery and anti-corruption across all focus areas. We work with clients to promote transparency and accountability in public and private institutions to minimize the corrosive economic, political, social, and human impacts of corruption, one of the key barriers to sustainable development.

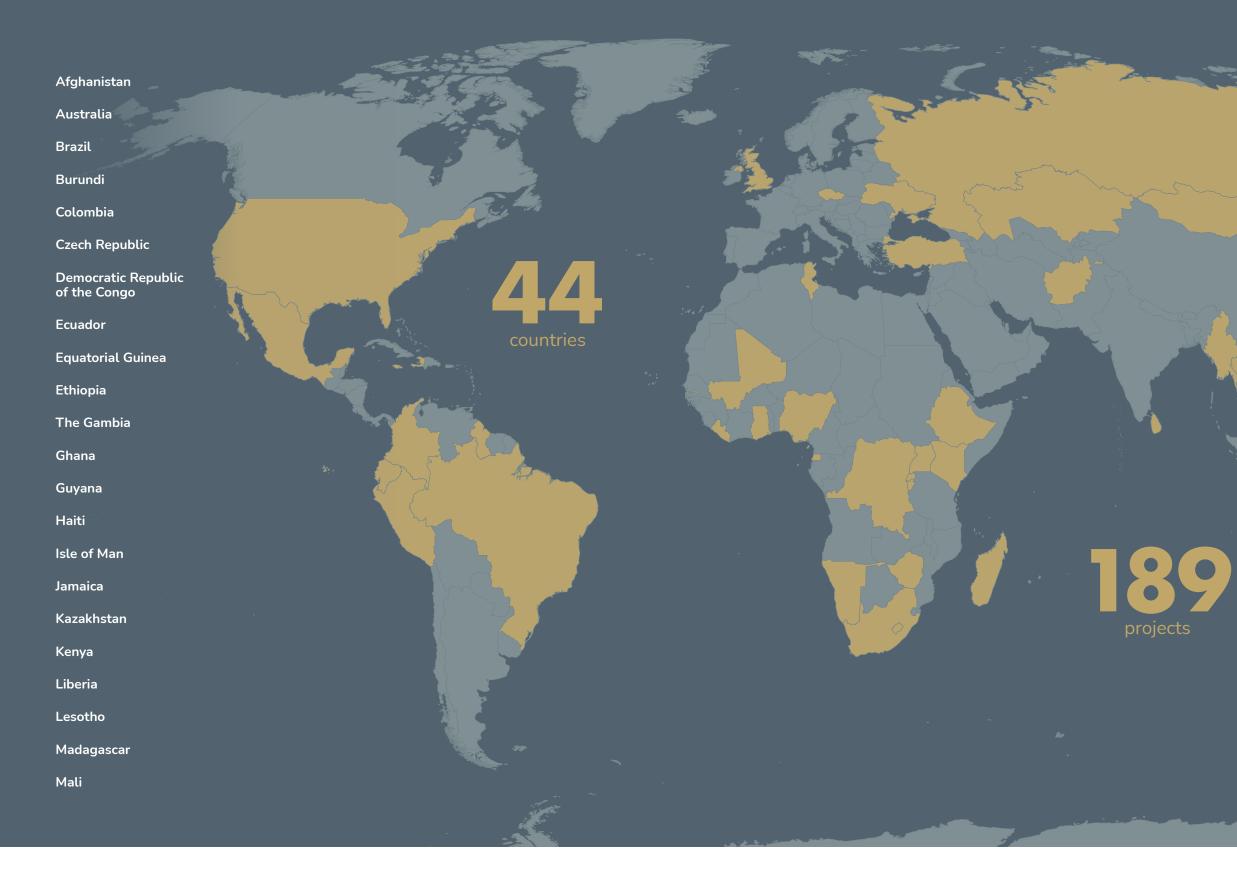
Tax

ISLP supports governments in building effective and fair tax systems that will generate the funds needed to provide essential public services and to fuel economic development. ISLP specifically provides technical expertise and practical experience to help governments establish a national tax policy and handle international tax treaty negotiations effectively. ISLP also supports governments in their engagements with global tax initiatives and fora to ensure that their interests are adequately reflected at the regional and international levels.

Media Law Working Group

ISLP's Media Law Working Group draws upon the expertise of leading media lawyers to support journalists and watchdog non-governmental organizations around the world that investigate and report on poor practices related to human rights, freedom of expression, and development. ISLP's Media Law Working Group provides technical legal assistance and capacity-building, such as managing legal risks associated with reporting activities, observing trials, writing *amicus* briefs, and other efforts to limit judicial abuses directed against journalists, to help ensure that a freely functioning investigative press plays its role in fueling just, transparent, and accountable governance.

WHERE WE WORKED





Mexico Mongolia Myanmar Nigeria Namibia Papua New Guinea Peru Philippines Republic of South Africa Russia Rwanda San Marino Singapore Sri Lanka Thailand Tunisia Turkey Uganda UK Ukraine USA Zimbabwe

islp.org

Below is a small sample of our 189 projects during 2019.

Community-Inclusive Development

INCREASING COMMUNITY PARTICIPATION IN THE PLANNING AND IMPLEMENTATION OF LARGE-SCALE DEVELOPMENT PROJECTS, ANDEAN **REGION (BOLIVIA, COLOMBIA, ECUADOR, AND PERU)**

ISLP provided capacity building and legal research support to its civil society partners in the Andean Region in order to increase community participation in the planning and implementation of large-scale development projects and to build the capacity of local lawyers, community leaders, and civil society representatives to defend community interests vis-à-vis corporate and government interests.

ISLP developed a workshop in Bogota, Colombia, to bring together legal experts in project development, project finance, and multi-stakeholder initiatives with civil society representatives, and indigenous and Afro-descendant advocates from the region. ISLP delivered a training program focused on the lifecycle of large-scale development projects and how civil society organizations can effectively participate in multi-stakeholder platforms, equipping participants with knowledge and language to inform their advocacy and engagements with project stakeholders.

ISLP conducted a comparative legal analysis of climate change regulations from Brazil, Chile, and Mexico to support a civil society organization in Peru in the process of public consultation on the Peruvian Law on Climate Change.





CONVENING CIVIL SOCIETY ACTORS IN DEFENSE OF THE AMAZON BASIN, PERU

ISLP held a capacity-building workshop on climate change litigation for a group of civil society organizations, lawyers, and indigenous groups from the basin of the rivers Marañon and Tigre, an area known as Las Cuencas Sagradas, one of the most biodiverse places on Earth and considered sacred by the indigenous peoples who live in the area. ISLP experts highlighted legal tools for climate change mitigation and adaptation, equipping workshop participants for future engagement at the national level and in international fora.

LEGAL REVIEW OF KEY GOVERNANCE BILLS AND POLICY INITIATIVES, PAPUA NEW GUINEA

In partnership with Transparency International in Papua New Guinea (TIPNG), ISLP provided expert legal review of key governance bills and policy initiatives proposed by the Government of Papua New Guinea to ensure alignment with best practices on accountability and transparency. Bills and initiatives addressed included: (i) the draft National Policy for Transparency and Accountability in the Extractives Sector; (ii) national procurement legislation; (iii) the draft Foreign Investment Regulatory Authority Bill, (iv) a survey on Papua New Guinea's customary land ownership system; and (v)the draft bill creating an Independent Commission on Anti-Corruption.

ISLP's work will inform advocacy strategy and stakeholder engagement aimed at empowering Papua New Guineans to mobilize against corruption.

ANTI-CORRUPTION, MEDIA FREEDOM, AND CONTRACT TRANSPARENCY TRAINING WITH CIVIL SOCIETY PARTNERS, ZIMBABWE

ISLP delivered two key training sessions in Zimbabwe: one focused on anti-corruption and investigation of economic crimes, in partnership with the Law Society of Zimbabwe, and a second focused on strategic litigation in defending media freedoms, in partnership with the Media Institute of Southern Africa-Zimbabwe.

In partnership with the Zimbabwe Environmental Law Association (ZELA), ISLP also hosted a legislative roundtable to discuss contract transparency in public-private partnership arrangements, which was attended by stakeholders from the public and private sectors, as well as by local civil society organization representatives.

PROJECT **HIGHLIGHTS**

LEGAL ANALYSIS OF LAND LAW, MYANMAR

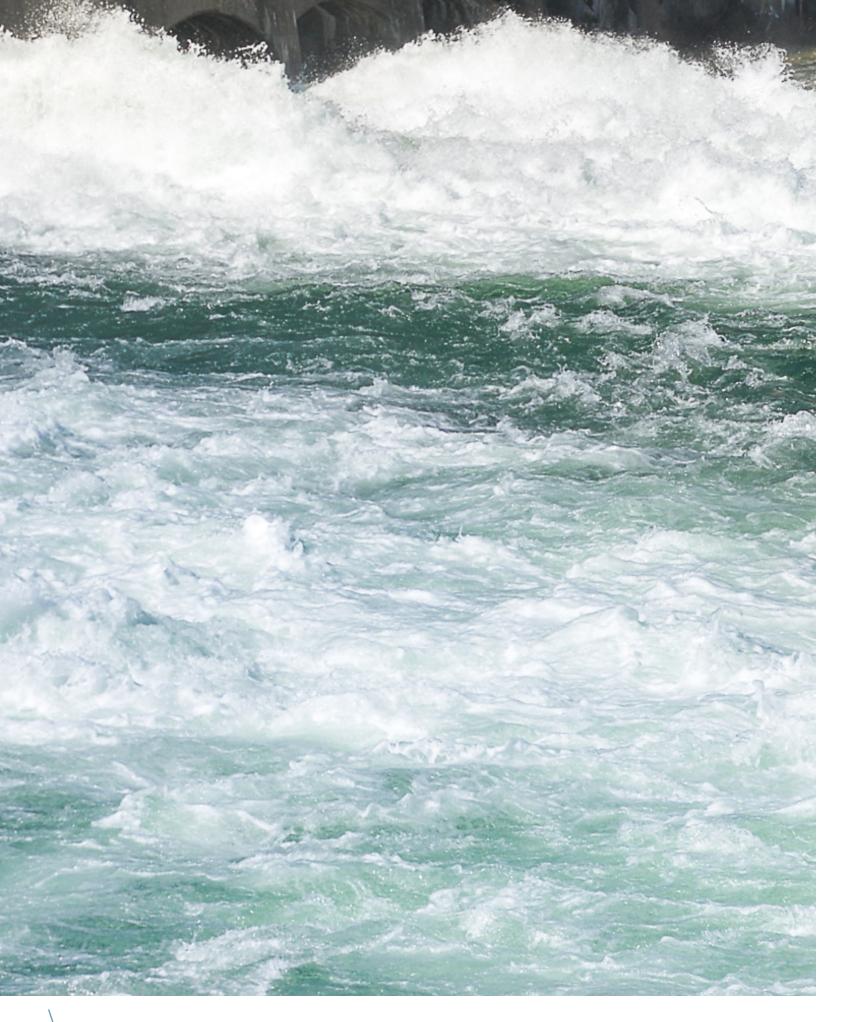
ISLP supported a consortium of civil society organizations — including EarthRights International, Karen Environmental and Social Action Network, the Land Core Group, the Public Legal Aid Network, Spectrum, and Oxfam — with advocacy efforts in response to the September 2018 amendments to Myanmar's Vacant, Fallow and Virgin Land Law 2012.

Since the amendments had been introduced through separate legislation, ISLP's in-country consultant prepared a consolidated version of the law in both English and Burmese to distribute to civil society organizations in order to facilitate greater understanding of the amendments' significance and potential impact. This work product proved instrumental in civil society discussions with Members of Parliament who, partly as a result of these advocacy efforts, decided to consider additional amendments to the legislation.

We also assisted Myanmar's Public Legal Aid Network in relation to the future consolidated National Land Use Management Law by compiling a comparative survey of laws and jurisdictions addressing principles in Myanmar's National Land Use Policy. The Public Legal Aid Network will draw on the survey to inform its participation in public consultations on the draft law.

Additionally, ISLP conducted research for the Green Peasant Institute to evaluate the Vacant, Fallow and Virgin Land Law 2012 (as amended in 2018) from the perspective of international best practices and standards, in order to inform recommendations for future amended legislation. We conducted additional research into how certain other countries have addressed the conversion of wasteland into common land in order to inform advocacy by EarthRights International partners on alternative models.





Natural Resource Management

ADVISING ON THE TENDER OF A MAJOR POWER PROJECT, **AFGHANISTAN**

ISLP assisted the Public Private Partnerships Unit of the Government of Afghanistan with the first phase of the tendering of the Baghdara hydropower project. We provided legal assistance in: (i) drafting the bid documents required for the tendering of the hydropower project; (ii) preparing financial models for the hydropower project; and (iii) preparing a procurement strategy. Afghanistan currently imports approximately 80% of its power, while also sitting on an abundance of renewable energy resources that could allow it to shift from import dependence and secure cost-attractive energy. With a capacity of 226MW and status as a flagship project, the tendering of the Baghdara Hydropower project sets the foundation for the achievement of Afghanistan's national priorities to render the country energy self-sufficient and to diversify energy sources in order to ensure access to reliable and renewable energy for the people of Afghanistan. The energy will directly benefit local communities, while excess supply will go toward offsetting Kabul province and national energy shortages, thus contributing to the country's economic development more broadly.

PROJECT HIGHLIGHTS

Investment and Trade

LEGISLATIVE REFORM TO INCREASE THE EASE OF DOING BUSINESS, GUYANA

Since the issuance of a formal production license in 2017, Guyana had been seeking to prepare its economy for an influx of capital expected to follow the start of oil production. To that end, the government of Guyana launched a series of initiatives with the goal of modernizing its legislation to allow for e-commerce to facilitate trade.

In coordination with the Inter-American Development Bank and with funding support from the US Embassy in Georgetown, ISLP facilitated legal support to draft Guyana's bill on the creation of an Electronic Single Window System – customs legislation aimed at harmonizing and simplifying the administrative processes related to international trade by allowing for a single electronic submission of documents for fees, levies, duties, and taxes due to the government on goods which are imported or exported. ISLP additionally advised the government on the appropriate structure for the functioning and oversight of the system, suggesting the establishment of a steering committee composed of the main border regulatory agencies and chaired by the Guyana Revenue Authority and the Ministry of Business as the optimal way to simplify the process.

ISLP is proud to have contributed to this important achievement in Guyana's efforts to modernize its legislation to attract greater investment and trade.

ADVISING ON ACCESSION TO INTERNATIONAL CONVENTIONS, GOVERNMENT IN SUB-SAHARAN AFRICA

ISLP volunteer international arbitration experts advised the Office of the Attorney General of a Sub-Saharan government in connection with its accession to the New York Convention and the Convention on the International Sale of Goods. ISLP's support contributed to Parliament's approval of the ratification of the New York Convention.

Because the Convention requires the recognition and enforcement of foreign arbitral awards (without reviewing the merits of the award), its ratification is expected to serve as an assurance to the business community that legally enforceable arbitration agreements and awards will be respected, a significant step toward increasing the country's attractiveness to foreign investors, and, ultimately, diversifying the economy and fueling economic growth.

SUPPORTING SOCIAL ENTREPRENEURSHIP AND IMPACT INVESTING, GLOBAL

ISLP continued to expand our legal support to social enterprises, impact investors and innovative investment initiatives, working primarily in the areas of poverty reduction, climate solutions, access to clean energy, and water and sanitation. Projects included conducting a training for an impact investing fund on the duties and liabilities of board members and trustees of investee companies and representing an impact investing fund that helps small-holder farmers adopt sustainable agriculture practices in Latin America and South East Asia.



Anti-Bribery and Anti-Corruption

CAPACITY BUILDING AND RAISING AWARENESS ON ANTI-CORRUPTION LEGISLATION, SRI LANKA

In partnership with Transparency International Sri Lanka, ISLP-UK provided training for lawyers, civil society organizations, and media outlets on proposed laws on anti-corruption and asset recovery. The training was part of Transparency International's week-long Proceeds of Crime Forum, which aimed to convene relevant stakeholders to receive training and share knowledge, skills, and approaches to tackling the damage caused by proceeds of crime in Sri Lanka, with a focus on increasing technical understanding of Proceeds of Crime laws and of internationally recognized best practices for interrupting illicit financial flows.

ISLP-UK also provided technical expertise to civil society, media, and legal practitioners to keep this a high-profile issue and to build and sustain momentum for legislative reform, specifically in the context of a draft Proceeds of Crime Bill that was due to be tabled late 2019.

PROJECT HIGHLIGHTS

Tax

COLLABORATION WITH INTERGOVERNMENTAL FORUM ON MINING, MINERALS, METALS, AND SUSTAINABLE DEVELOPMENT

ISLP-UK supported IGF on the development of a practice paper to be shared with governments and policymakers to assist their approach to tax treaties in relation to the extractives industry. The paper aims to support resource-rich developing countries that are under pressure to sign double tax agreements that promise investment in the mining sector by providing insight into the real trends, risks, and potential options.

After aligning on the paper's outline and methodology, ISLP-UK provided research and helped develop content for three of the paper's five parts: (i) deviations from model treaties and instances of resource tax base protective language; (ii) the impact of mineral concession agreements and bilateral investment treaties on the effect of double tax agreements; and (iii) patterns in investment and financial flows in relation to treaty networks of resource rich countries. ISLP-UK staff also presented at the IGF Annual Conference in Geneva in October 2019. The paper will be published at the end of 2020 after approval by IGF's Board and then disseminated to IGF's 74 members.

TECHNICAL INPUT ON RENEGOTIATING TAX AGREEMENTS, GOVERNMENT CLIENT

ISLP-UK continued its work with a national revenue authority to support its renegotiation of a royalty pricing agreement. The agreement provides a means of identifying a reference price for iron ore that is used for calculating royalties due to the government, thus avoiding reliance on actual costs which are difficult to verify. Along with other subsidiary gap-filling agreements, it is a useful part of natural resource management, but often requires that governments have or seek needed technical and market expertise. In approaching the renegotiation,

ISLP-UK, the national revenue authority, and other partners shared objectives to restore the economic balance originally intended under the royalty pricing agreement, to update it to reflect new market practices, and to avoid the need to invoke dispute resolution processes in the future by using recognized international indices to make market-driven adjustments.

ISLP-UK's advice covered the rationale and structure of such agreements, royalty and income tax issues that should be considered in a renegotiation, and recommendations relating to renegotiation process and strategy. ISLP-UK partnered with an economist supported by the CONNEX Support Unit and the CONNEX/ISLP-UK team jointly developed the economic modelling and legal strategy for the renegotiation. ISLP-UK also developed negotiation briefs, attended meetings with the opposing party, and attended the negotiations.

CONVENING AND KNOWLEDGE SHARING WITH THE AFRICAN UNION DEVELOPMENT AGENCY - NEPAD

ISLP-UK provided support to the African Union Development Agency -NEPAD Regional Dialogue on Contract Negotiations and Fiscal Regimes in the Extractives Industries in Africa, intended to (i) strengthen the negotiating capacity of Member States; (ii) strengthen governance in the extractives sector to minimize fiscal leakages and illicit financial flows; and (iii) develop robust fiscal regimes to maximize revenue collection.

Building on the events of 2015-2018, ISLP-UK initiated two innovations to the Dialogue: (i) holding a Civil Society Roundtable ahead of the Dialogue in order to then better integrate civil society organization ideas into the main agenda and (ii) holding a high-level session on the Africa Continental Free Trade Area and the opportunities it presents to develop and establish regional extractives industries as well as move the continent up the value chain in the extractives sector.

Media Law

ANATOMY OF A SHOW TRIAL, CASABLANCA

In a courtroom in Casablanca, a group of ISLP volunteers, including three Arabic speakers, observed three days of hearings in the notorious prosecution of 43 protest leaders and journalists. This sham trial took place after hundreds of thousands of Moroccans in the Rif region staged anti-government protests in 2016 and 2017, the monarchy cracked down with brutal force. All the defendants were convicted and sentenced to lengthy prison terms. ISLP had been asked to evaluate the fairness of the proceedings.

Our Final Report of Trial Observers concluded: "The hearings we observed presented a textbook case of the high-visibility show trial featuring the familiar ingredients: confessions extracted by torture; extended pre-trial detentions with solitary confinement; overreaching public prosecutors; overcharging indictments; vaguely worded laws; reliance on illegally obtained evidence; defense counsel in fear of arrest; a Presiding Judge's language and demeanor devoid of any semblance of impartiality; and the foreordained outcome, all accomplished while maintaining a facade of conventional, institutional normality." The report went viral and received recognition from Members of the European Parliament and international human rights organizations.

ISLP followed up by filing an Arabic-language *amicus curiae* brief in Morocco's highest court considering the defendants' appeals and focusing on the regime's holding a prominent journalist, Hamid El Mahdaoui, in solitary confinement for 470 days for pre-trial detention.

ISLP's Richard Winfield, author of both the final report and the *amicus curiae* brief, was additionally invited to serve as keynote speaker at a conference at the European Parliament in Brussels in early 2020.



ONE AMICUS CURIAE BRIEF, SIX ACQUITTALS, PALESTINE

ISLP assembled a team of volunteers to respond to the Palestinian Authority's prosecution of journalists and activists who posted anti-government criticism online, and specifically to respond to Palestine's new cybercrime law, which punished online critics with imprisonment.

The ISLP team, including an Arabic-speaking judge, submitted an Arabiclanguage *amicus curiae* brief that cited authorities from the European Court of Human Rights and French and Egyptian courts to show that the new Palestinian law violated international norms protecting speech. A prominent Palestinian lawyer, Mohanned Karajah, representing six defendants accused of violating the cybercrime law, submitted our *amicus* brief to the trial court. The court's decision cited the ISLP brief and acquitted all six defendants. As an indication of its persuasiveness, the judge noted that he would keep the ISLP brief for future reference.

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Akin Gump Strauss Hauer & Feld	Hahn Loeser & Parks	
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Bright Line Law	Latham & Watkins	
C & R Law	Lawler, Metzger, Keeney & Logan	
Chaffetz Lindsey	Milbank	
Claro & Cia	McCarter & English	
Clifford Chance	Morgan Lewis	
Consilium Law	Orrick Herrington & Sutcliffe	
Covington & Burling	Park Energy Law	
C.R. & F. Rojas Abogados	Pepper Hamilton	
Debevoise & Plimpton	Pérez Bustamante & Ponce	
Demarest Advogados	Ropes & Gray	
Dentons	RPCK Rastegar Panchal	
DLA Piper	Segal McCambridge Singer & Mahoney	U.I
Ely Chambers	Sempértegui Ontaneda Abogados	U.S. Department of Comm
Ernst & Young	Shearman & Sterling	0.5. Department of Comm
Falabella	Sills Cummis & Gross	
Farrer & Co	Simmons & Simmons	
Ferrere	Slaughter and May	
Fried, Frank, Harris, Shriver & Jacobson	Victor Mosquera Marin Abogados	
Gibson, Dunn & Crutcher	Webber Wentzel	
Gide Loyrette Nouel	White & Case	
GUFA Law	Winston & Strawn	

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THANK YOU

ISLP is grateful to the foundations and organizations whose financial support makes our work possible

CORPORATE, AND GOVERNMENT

African Legal Support Facility (ALSF) Anglo-American Charitable Foundation Canada Fund for Local Initiatives (CFLI) CONNEX Initiative Kapp Family Foundation Knight Foundation National Endowment for Democracy Open Society Foundations The Moore Foundation The Rockefeller Foundation The William and Flora Hewlett Foundation DAI - TRACE Secretariat U.K. Department for International Development Sara Lulo, Executive Director, ISLP (October 2019 - present) Susan Hazeldine, Executive Director, ISLP-UK (through October 2019)

ISLP TEAM

Gabrielle Beran, Governance and Program Manager, ISLP-UK Jason Braganza, Program Director for Tax, ISLP-UK Alejandra Cicero, Program Officer, ISLP Emma De Koster, Legal Fellow, ISLP Katerina Drisi, Program Director for Sustainable Development, ISLP Bridget Mafusire, Country Advisor, Zimbabwe, ISLP Danielle Orihuela, Communications Officer/Office Manager, ISLP Alessandra Phillips, Director of Community-Inclusive Development, ISLP Eva van der Merwe, Program Director for Anti-Bribery and Corruption, ISLP-UK Laura Vega, Administrative Assistant, ISLP Pedro Villegas, Kapp-Essaye Fellow, ISLP

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CONSOLIDATED STATEMENT OF ACTIVITIES

TOTAL EXPENSES	7,825,128
Fundraising	209,638
Administrative and General	321,091
Program Services	7,294,391
EXPENSES	
TOTAL DONATED SERVICES INCOME	5,997,937
Legal Services and Related Costs	5,997,937
DONATED GOODS AND SERVICES	
TOTAL INCOME	1,888,688
Other Revenue	53,673
Fees for Services	203,298 1,463,326 25,326
Foundation & Government Grants	
Law Firm	
Income Individuals and Board Members	143,065
INCOME	

STATEMENT OF FINANCIAL POSITION

ASSETS	
Cash, Investments & Equivalents	899,896
Contributions	533,315
Accounts Receivable	-
Other Assets	89,853
TOTAL ASSETS	1,523,064
LIABILITIES	
Accounts Payable & Acrued	46,966
TOTAL LIABILITIES	46,966
NET ASSETS	
Unrestricted	496,834
Board Designated	-
Restricted	979,264
TOTAL NET ASSETS	1,476,098
TOTAL LIABILITIES AND NET ASSETS	1,523,064

