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TRIBAL COURTS AND TRADITIONAL JUSTICE WEBINAR SERIES

Peacemaking and Indigenous
Justice in Tribal Justice
Systems

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DISCLAIMER

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Learning Objectives

- Understand peacemaking and Indigenous justice principles
- Explore cultural foundations and values
- Learn how peacemaking promotes healing and accountability
- Review promising tribal peacemaking programs



What is Peacemaking?

- Peacemaking is a term used to encompass traditional Indigenous practices in Tribal Justice Practices
- These practices differ across belief systems but share a common goal: restoring those who have experienced harms by others while reestablishing unity within the community



Peacemaking Vs. The American Judicial System

America's Judicial System:

- Two party model, in criminal cases the state or Tribe vs. the offending individual
- Typical focus is to uphold law by punishment
- Victim compensation is secondary to the crime committed against the governing body

Peacemaking

- Seeks to include all affected parties
- Emphasizes outcomes that benefit the person/s harmed in addition to upholding the law
- Utilizes community members from multiple disciplines to ensure the case is administered in a holistic approach



Why Should Tribal Nations Consider Peacemaking

- Exercises Tribal Jurisdiction
- Engages interested community partners in Tribal Justice
- Encourages Traditional Practices and offers these practices within an expanded capacity to the community
- Promotes positive outcomes for defendants by offering additional resources for the duration of the case
- Seeks to include the perspective of impacted parties beyond typical criminal justice proceedings



Peacemaking Roles Within Tribal Court

Mediation in Civil Cases:

- Peacemaking practices compliment Mediation as a vehicle for stipulated agreements
- Can be adopted by Civil Courts to replace or as an option to standard Mediation
- Peacemaking creates an environment that encourages unity and agreement rather than achieving the “best deal” for one party

Peacemaking

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Peacemaking Procedures

Talking
Circle

Sentencing
Circle

Healing
Circle

Elder
Board



Talking Circle

- May be used in cases where consensus is needed prior to adjudication
- Comprised of affected parties and community partners who agree to discuss the matter at hand and how best to reach compromise and harmony
- The benefit in this practice for clients is choice and puts each person on equal footing with the other and requires that all voices be heard
- This creates equality and, ultimately, the buy-in that cases need to be successful



Sentencing Circle

- Used to build sentencing guidelines that the Court may adopt in Criminal and Juvenile cases
- Occurs after pleas or verdicts are entered
- Participants may include defendants, community representatives, medicine people, prosecutors, probation officers, family members, victims, their representatives, or other professionals the court may feel have an interest in the outcome of the case
- Creates a Sentencing Order that protects and restores victims, gives the defendant the tools needed to correct their behavior, and restores community unity and safety



Healing Circle

- Goal of the Healing Circle is to bring understanding, contentment, and a way forward in a positive manner for the subject
- Seeks to give a detailed explanation of court decisions
- Offers participants the time and space to process the events that lead to the courts involvement in their lives
- Participants include the person seeking the healing, professionals assigned to the case, and community partners

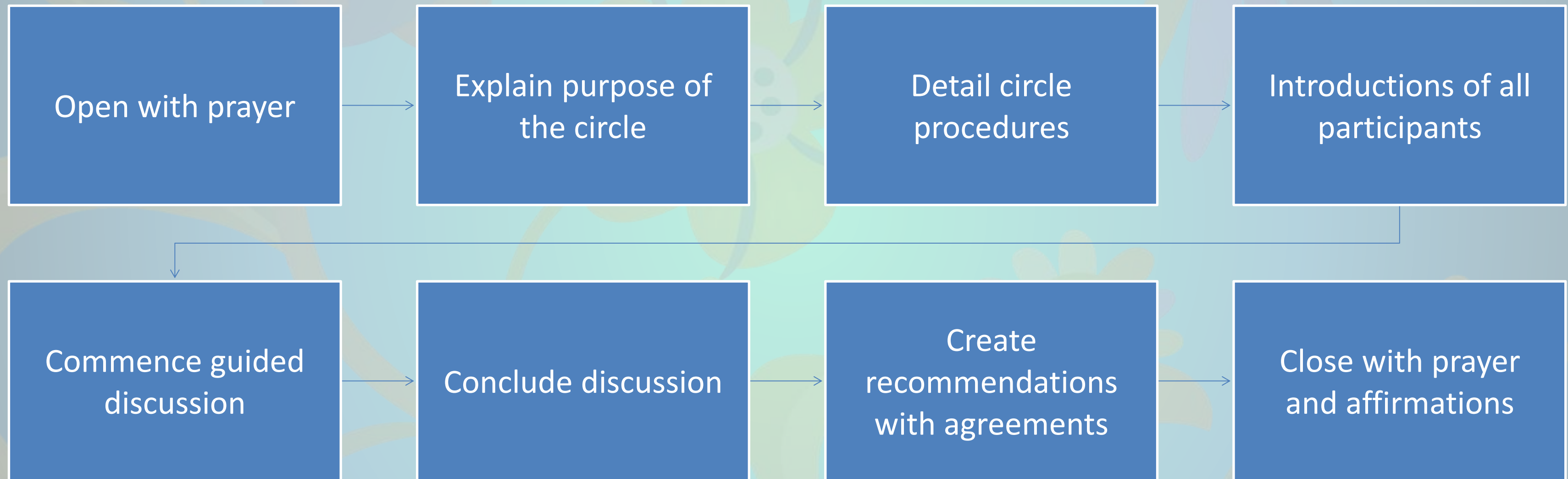


Elder Board

- An invaluable method in Peacemaking
- Involves community elders who are willing to offer their hearts and wisdom to those who are court involved
- Differs from circles in that the Elder Board hears cases and offers direction to the Court in its orders rather than crafting agreements that the Court may then follow
- This tool may be used in many types of cases and offers the Court real time opinions from the community it seeks to serve



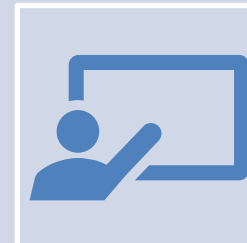
Basic Circle Practices



Areas to Consider Prior to Implementation



**Establishing Peacemaking
with Tribal Law and Court
Rules**



Peacemaker Training



Jurisdictional Implications



Budget



Community Based vs. Court Integrated Models



Governance and Authority

Procedural Structures

Jurisdiction and Enforcement

Confidentiality and Recordkeeping

Resource Implications



Peacemaking and Indigenous Justice Models in Practice



Navajo Nation Peacemaking Program



Picture of the Navajo Nation Peacemakers doing a mock Peacemaking live at TLPI's 2024 THWC Implementation and Enhancement Conference

Community-Based Healing

The program focuses on healing through traditional Diné (Navajo) principles and values of *Hózhó* (harmony) and *K'é* (kinship) within the community

Alternative Justice Approach

Peacemaking offers an informal, non-adversarial alternative to formal court systems through consensus and dialogue

Cultural and Spiritual Roots

The program is deeply rooted in Navajo cultural values and spirituality, emphasizing restoration over punishment

Role of Peacemakers

Respected community members guide the process, focusing on restoring relationships and addressing core issues



Pokagon Band of Potawatomi Native Justice Program



Picture of the interior of the Pokagon Justice Center Credit: Pokagon Band of Potawatomi.

Cultural Conflict Resolution

The program uses ceremonial traditions and talking circles to facilitate respectful conflict resolution within the community

Peacemaking Center Design

The Justice Center features a circular courtroom and healing fire room, symbolizing equality and cultural continuity

Program Strands and Goals

Three program strands focus on court integration, community conflict resolution, and education to promote harmony and healing



Tulalip Tribes – Elders Panel, Mediation, Specialty Courts



Stock image of Orca Whale which an important part of Tulalip Culture

Traditional Justice & Sovereignty

Tulalip's legal model reflects tribal sovereignty and Indigenous values promoting compassionate justice

Elders Panel

Respected Tulalip elders who meet regularly with first-time non-violent youth offenders to provide wisdom, cultural guidance, and accountability

Mediation Services

Provides a neutral forum for dispute resolution prioritizing reconciliation and community safety

Specialty Courts

Tribal Healing to Wellness Court, Mental Wellness Court, Family Wellness Court that incorporate traditional customs and values using mental, physical, and spiritual support



Chickasaw Nation Peacemaking Court



Picture of Chickasaw Nation Peacemakers and Peacemaking Program Coordinator at 2024 American Indian Justice Conference

Cultural Conflict Resolution

The Peacemaking Court uses Chickasaw traditions and values to resolve conflicts through community dialogue

Principles Guiding Process

Respect, humility, compassion, spirituality, and honesty are core principles guiding peacemaking court

Voluntary and Healing Focus

The process is voluntary and emphasizes healing, reconciliation, and strengthening tribal identity

Integration with Judicial System

Outcomes from peacemaking are documented and integrated into the formal court system for through court order



Kenaitze Indian Tribe Ts'itq'u Circle- “Coming Together As One”



Picture of Talking Piece utilized by some participants. Credit: Kenaitze Indian Tribe

Tribal Court Integration

Kenaitze Tribal Court blends traditional Dena'ina customs with formal legal processes to address varied cases respectfully

Circle Peacemaking Process

Circle Peacemaking encourages open dialogue and respectful communication to foster consensus and healing in disputes

Cultural and Community Emphasis

The court honors Dena'ina traditions and engages Elders, emphasizing dignity, honesty, and community involvement

Promoting Tribal Sovereignty

Kenaitze's model integrates traditional justice within formal systems to uphold tribal sovereignty and promote healing



Resources on Peacemaking and Indigenous Justice

- TLPI's Walking On Common Ground Peacemaking Resources: WalkingOnCommonGround.org/Resources
- NARF's Indigenous Peacemaking Initiative (IPI): Peacemaking.NARF.org
- Alaska Tribal Justice Resource Center (ATJRC) Circle Peacemaking Resources: ATJRC.org/circle-peacemaking/
- The Peacemaking Program of The Navajo Nation: Courts.Navajo-nsn.gov/peacemaking-program/
- Pokagon Band of Potawatomi Native Justice Program: Pokagonband-nsn.gov/government/tribal-courts/native-justice/
- Tulalip Tribal Court Programs and Services: Tulaliptribalcourt-nsn.gov/ProgramsAndServices
- Chickasaw Nation Peacemaking Court: Judicial.Chickasaw.net/Courts/Peacemaking-Court.aspx
- Kenaitze Indian Tribe's Ts'itq'u Circle : Kenaitze.org/tribal-government/tribal-court/tribal-circle/



CONTACT US



**Tribal Courts, Tribal Justice Systems, and
Intergovernmental Collaborations**

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