



Judicial Branch Peacemaking Program

K'4 Bee H0zh= N1hodlee[

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Peacemaking Program Staff

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■ Program Coordinator

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■ Office Technician

■ Dawnell Begay



Peacemaking Program Staff

- Peacemaking Program
 - 12 Districts
 - Alamo/T0hajiilee h
 - Aneth
 - Chinle
 - Crownpoint
 - Dilkon
 - Dzi[Y7jiin
 - Kayenta
 - Ramah
 - Shiprock
 - Tuba City
 - Window Rock
- Traditional Program Specialists (TPS)
- Peacemakers

What is Peacemaking?

- The sole goal of peacemaking is “an1h00t’i’ hasht’44 dooln77[d00 h0zh0ogo k’4 nahodlee[”
- Peacemaking is a process which encourages and empowers the Navajo people to resolve their own problems, stressing individual respect, responsibility and accountability.
- Peacemaking provides traditional Din4 teaching concepts of K’4 and H0zh0.

Navajo Nation Timeline



Traditional Restorative
Justice Systems: Hane'
doo K'4 doo
Hozh==j7i Na'nitin

BIA Court of Indian
Offenses 1892 to 1959



Navajo Tribal Court
System established 1959



Navajo Nation Council amend Title I of
the Navajo Nation Code: Recognize the
Fundamental Laws of the Dine"
November 2002

Exposure to Anglo
Court Systems from
1864 to 1868

Creation of the Navajo
Nation Council 1921

Peacemaking
acknowledged 1982

Peacemaking
Guidelines
created 2004



History of Peacemaking

- Peacemaking goes back to the beginning of time. Traditional journey narratives reveals when the holy people traveled through the four worlds, they encountered problems. The problems were resolved by “talking things out” by using prayers, songs and offerings. These remedies are embedded into traditional Din4 ceremonies and teachings.

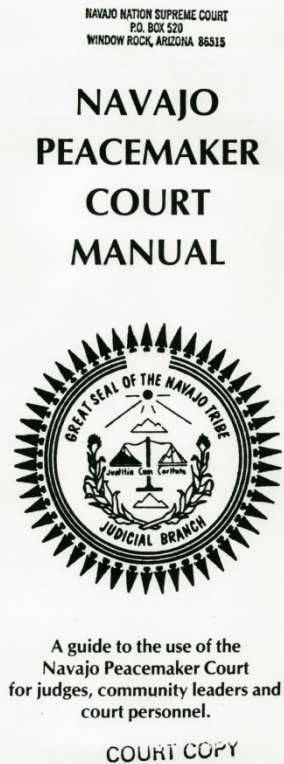
History of Peacemaking

- Diyin Dine'4 Bits'33d66'
- Fundamental Laws
 - 1. **Diné Bi Beehaz'áanii Bitse Siléí** --*Declaration of the Foundation of Diné Law*
 - 2. **Diné Bi Beenahaz'áannii**
 - 3. **Nahasdzáán dóó Yádi[hi] Bitsaądęę Beenahaz'áanii**--*Diné Natural Law*
 - 4. **Diyin Bitsaądęę Beenahaz'áanii**--*Diné Traditional Law*
 - 5. **Diyin Dine'é Bitsaądęę Beenahaz'áanii**--*Diné Customary Law*
 - 6. **Diyin Nohookáá Diné bi beenahaz'áanii**--*Diné Common Law*
- Nohook11' Diyin Dine'4
- Forefathers/Grandmothers
- Before European Contact
- Before Hw44ldi
- Introduction of Western Law
- 1982 – Navajo Peacemaking Court Manual
- 2004 – PM Guide Lines
- 2012 - Plan of Operation (Current)

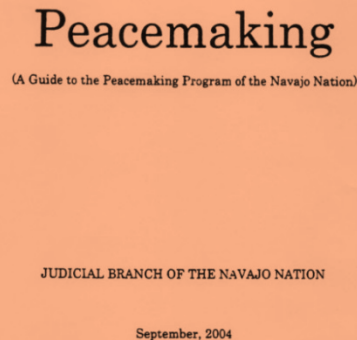
History of Peacemaking

- The Navajo Court System was established in 1959, Navajo Judges implemented traditional concepts and beliefs in their ruling.
- The Navajo Nation Peacemaking Program was officially established within the tribal courts in 1982.
- In 2001 Navajo Nation Council passed *JCAP-14-00 the Enabling Legislation* which established the Peacemaking Division within the Navajo Tribal Courts.

History of Peacemaking



1984 - 2004



2004 - 2012



Current

Resolution

LOCJY-06-12

RESOLUTION
OF THE LAW AND ORDER COMMITTEE
OF THE NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Second Year, 2012

AN ACTION

RELATING TO LAW AND ORDER; APPROVING PLAN OF OPERATION FOR THE
PEACEMAKING PROGRAM OF JUDICIAL BRANCH OF THE NAVAJO NATION

BE IT ENACTED:

Section One. Findings and Purpose

1. Pursuant to resolution CO-17-01, the Navajo Nation Council on October 17, 2001, enacted enabling legislation for the Navajo Nation Peacemaking Program. See 7 N.N.C. §409 et seq. The enabling act provides: "The Navajo Nation Peacemaking Program shall operate pursuant to a Plan of Operation approved by the Judiciary Committee of the Navajo Nation Council."

2. Pursuant to resolution CAP-10-11, the newly-established Law and Order Committee of the Navajo Nation Council assumed authority of the previous "Judiciary Committee" over Plans of Operation for the Judicial Branch and programs therein. 2 N.N.C §601(B)(4) and (C)(1) and (3).

Section Two. Approving Plan of Operation

2. The Law and Order Committee of the Navajo Nation Council hereby approves the Plan of Operation for the Peacemaking Program of the Judicial Branch of the Navajo Nation, attached as Exhibit "A."

LOCJY-06-12

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Law and Order Committee of the Navajo Nation Council at a duly called meeting at To'hajiilee, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 4 in favor and 0 opposed, this 30th day of July, 2012.



Edmund Yagzie, Chairperson
Law and Order Committee

Motion: Elmer P. Begay
Second: Russell Begaye

Declaration of the Foundation of Dine' Fundamental Law

Dine' Bi Beehaz'aanii Bitse Silei

- Navajo Nation Council amended Title 1 of the Navajo Nation Code with Resolution CN-69-02 which “*recognized the Fundamental Laws of the Dine*”
- The resolution recognized four distinct forms of Fundamental Law:
 - Din4 Natural Law – Nahasdz11n d00 Y1di[hi] bits'33d66 beehaz'1anii
 - Din4 Traditional Law – Diyin bits'33d66 beehaz'1anii
 - Din4 Customary Law – Diyin Dine'4 bits'33d66 beehaz'1anii
 - Din4 Common Law – Diyin Nohook11 Dine'4 Bi Beehaz'1anii

Natural Law

Nahasdz11n d00 Y1di[hi[bits'33d66

beehaz'1anii

Natural laws cannot be changed. Clouds, rain, thunderstorms, lightening can not be controlled or change, they are all apart of the natural environment. This law also includes plants and animals. People, animals and plants are born, they grow up, mature then reproduce. They reach old age and ripen. This process is a natural law.



Traditional Law Diyin bits'33d66 beehaz'1anii

- Values and Practices

- The foundation for confidence and self sufficiency

- When a baby is born:

The cord is cut,

the mid-wife holds on to

the cord until the placenta comes out. The placenta is put sacredly put away with songs and prayers.

- The goals and focuses are to keep the child young as long as possible. After birth the baby is wrapped in cloth. Water and corn pollen is put into their mouth and their head is positioned towards the fire. The child remains toward the fire for four days. This is a symbol of baptism introducing the child to nature fire.



Customary Law

Diyin Dine'4 bits'33d66 beehaz'1anii

Celebrations:

- Baby's 1st laugh: Baby gives away salt and food. The salt is for the child to reach old age. The food given away is for lots of kinship, respect, and love for the baby.
- Puberty: Parents conditioning and preparing their child for life's challenges.
- Marriage: Wedding basket ceremony to become a parent, grandparents, great-great grandparents
- Celebrating children and grandchildren



Common Law is Contemporary

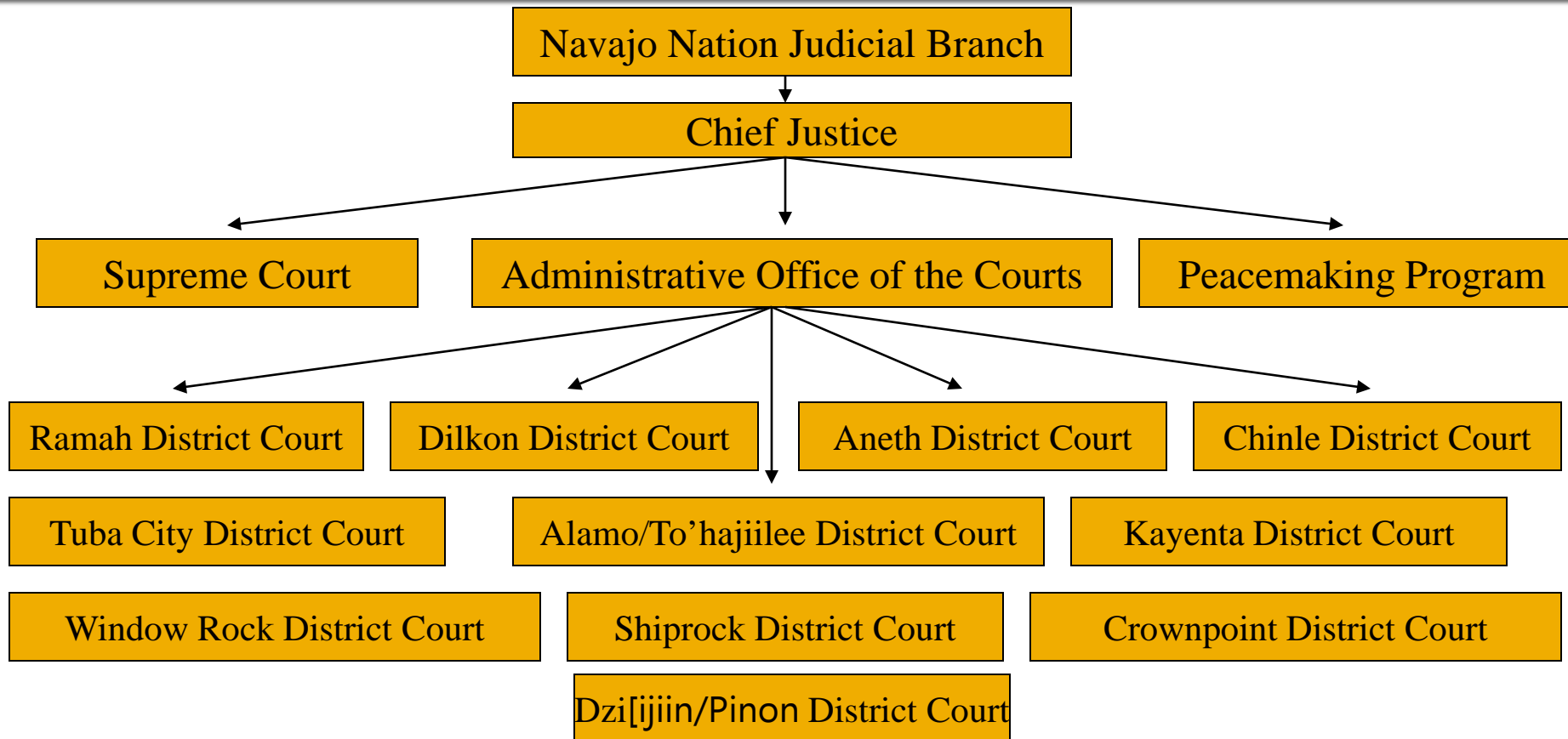
Diyin Nohook¹¹ Dine'4 Bi

Beehaz'1anii

- Common law in the 1800's were different from today.
- Language
- Diversity
- Relearning our cultural practices
- Responsibilities to teach and help the people we serve.

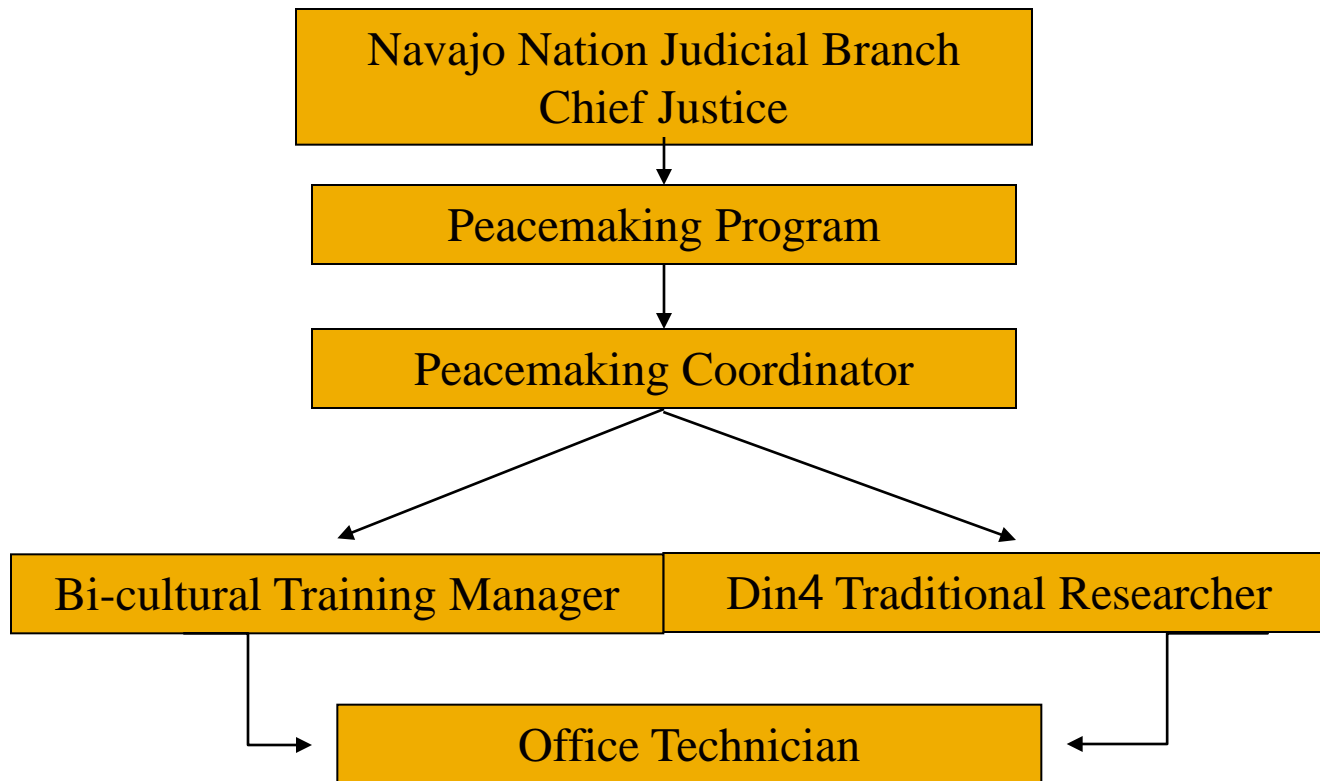


Flow Chart of Judicial Branch



- Each District Court has a Family Court, Probation and Parole Services and a Peacemaking Program.

Peacemaking Program



- The purpose of the program is to provide technical assistance, training, policy development, curriculum and education to support District Traditional Program Specialists, Navajo Courts and other branches of Navajo Nation Government.

Enabling legislation

NNC Title 7 Chapter 3

Resolution of the Navajo Nation Council CJ-76-01 Amending Title 7, Chapter 3 of the Navajo Nation Code By Incorporating Enabling Legislation for the Navajo Nation Peacemaking

The Navajo Nation Council amended Title 7, Chapter 3 of the NNC by adding subchapter 10, Establishing Navajo Nation Peacemaking Division. Sections 409, 410, 411, 412, 413, 414.

Peacemaking Program encourages people to solve their own problems by open communication through respect, responsibility and good relationships.

- Encourage people to be self sufficient and independent.
- The concept of Peacemaking or K'4 Bee H0zh= N1hodlee[goes back to the beginning of time and is embedded in the journey narrative.

- To promote a non-adversarial forum of solving disputes, promote counseling services to clients of the Navajo Nation Courts; to assist the Navajo Nation Courts when requested and to make recommendations on sentencing.
- To provide education and training on the Fundamental Laws of the Din4 to peacemakers, individuals and organizations and communities;
- To provide support and technical assistance to Traditional Program Specialists and Peacemakers.
- To provide research, development, and learning of the Fundamental Laws of Din4.

- To provide education on other Navajo accepted beliefs in support of judicial and community programs.
- To provide problem solving assistance to peacemakers, judges, court staff, and others concerning the peacemaking process.
- Most of all, peacemaking is intended to promote healing and reestablish harmony among those persons participating in peacemaking.

Responsibility AND authority

- The Navajo Nation Peacemaking Program shall have the authority and power to undertake the following functions and duties.
 - To conform the procedures of *Hozh00ji Naat'1anii* on traditional Navajo *Hozh00ji* concepts, including *K'4*, clanship, and other principles of Navajo Culture, traditions, and other Navajo accepted beliefs and establish standards, principles and procedures for that process.

- To maintain a list of peacemakers and provide technical support to peacemakers and to facilitate the conduct of peacemaking.
- To periodically evaluate the techniques of peacemakers and the peacemaking process.
- To authorize peacemakers to enter into funding agreements with the Judicial Branch for mileage and training.
- To perform other functions and duties that are in accordance with Navajo Nation law and purpose of the Navajo Nation Peacemaking Program that will promote the practice of peacemaking.

Hoogh1n Haz'33d00 Na'nitin

- A way of life for Din4.
- Foundation of the Din4 Teachings
- K'4 concepts
- Sustain Din4 traditional values, principals, standards
- Language
- K'4 Bee H0zh= N1hodlee[
- Meaningful Counseling & Sincerely Engaging with our relatives.



Peacemaking Process

- Parties submit written request to one of the twelve Judicial District's Peacemaking Program Offices
- Pay \$80.00 Peacemaking Fee
- PMP TPS will appoint qualified Peacemaker
- PMP TPS will schedule time and date of session

Submit Written
Request



Pay
Peacemaking
Fee



Schedule
Peacemaking
Session

Peacemaking Session

- Begins with a prayer
- Introduction of parties and summary of problem
- Identifying the problem begins with asking all participants
 - *H00ch-' / 'An1h00t'i'*
 - *"Haash hoot'88d, H1adish 1hoot'88d, H1aish bi['1h00t'88d?"*
 - "what is the problem?"
 - "what is the *cause* of the problem?"
- When these questions can be answered then a plan of action to resolve the issue is initiated.
- This action is put in a Peacemaking Agreement, which can be recognized by the Navajo Nation Court

The session ends with a prayer

Accomplishments



Safe School Project: Collaboration efforts includes providing Peacemaking services to 5 schools on the Navajo reservation. This project is funded by federal grants:

- Children are given the opportunity to voice their opinions and express themselves
- Peer Counseling is also provided for children to resolve disputes among themselves

Tuba City District Court

GET AN EDUCATION



STAY IN SCHOOL

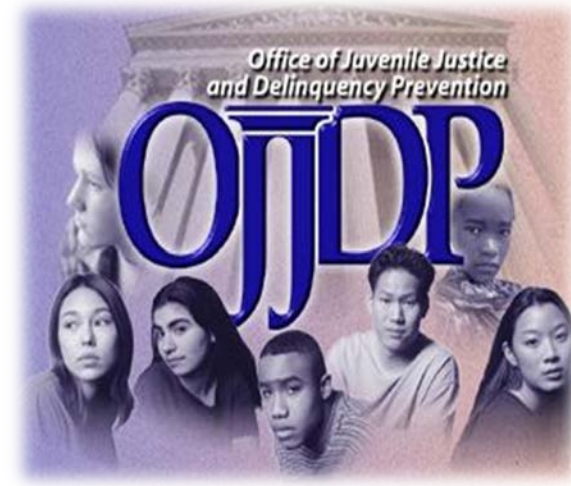
- School Truancy Officers and Principals refer the cases to Peacemaking
- Tuba City District Peacemaking Program deals with an average of 10 truancy cases per month
 - Most cases are from local High Schools
 - Tuba City High School
 - Grey Hills High School
- Case backlog occurs at the end of 9 weeks or at the end of each semester
- Cases are reviewed at 30, 60 and 90 days to ensure Peacemaking Agreements are respected

Problems and Issues

- ◎ Parent and child do not honor the Peacemaking Agreement
 - TPS refer the case back to the courts and goes to the prosecutor's office
 - Prosecutor's office requires documentation that the Peacemaking session has attempted to address the problem
- ◎ Substance and Alcohol abuse is sometimes evident both in the child and the parent
- ◎ Children lack support from their families
- ◎ Non compliance = Prosecution

Introduction to OJJDP Grant:

- With the help of Associate Attorney Josephine Foo and Chief Justice Herb Yazzie, the Peacemaking Program has been able to secure a grant with the Office of Juvenile Justice and Delinquency Prevention for \$450,000. This grant will be used to promote the Peacemaking Youth Education and Apprentice Program from 2009 to 2013.

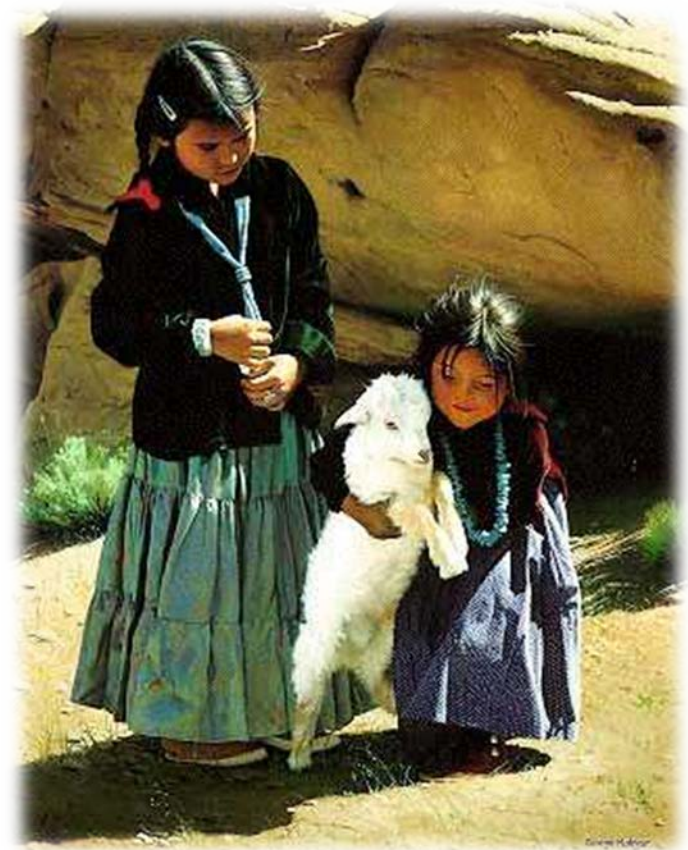


Goals and Objectives

- The PYEAP has three main goals:
 - Establish curriculum for traditional teachings which blends Navajo Peacemaking and Western best practices and therapies for dispute resolution, violence prevention and community building
 - Provide for Navajo Peacemakers to work individually with delinquent and at risk youth and their families through the provision of traditional teachings and counseling
 - Establish a youth peer apprentice peacemaker program

Scope and Quality of Services

The Peacemaking Youth Education and Apprentice Program (PYEAP) will concentrate on providing preventive and intervention services to at-risk and court involved youth. The focus will be directed to 6th to 12th graders, youth between the ages of 11 and 17.



Peacemaking Apprentice Program

- Focus will be geared toward teaching leadership skills to students:
 - promote decision making skills
 - enhance knowledge on Navajo Language and Culture
 - improve communication
 - Foster conflict resolution



Ah4hee' Thank

You



Navajo Nation Peacemaking Program

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