

MAWUL ROM PROJECT



Traditional and Contemporary Mediation and Leadership Training
Galiwin'ku, Elcho Island, Northern Territory

Third National Indigenous Justice CEO Forum

Cultural Healing in Criminal Justice Service Delivery: An Identification of best practice and innovation to inform future service design

21-22 November 2008

This paper was the subject of a presentation by Rev Dr Djiniyini Gondarra OAM, Co-Chair of Mawul Rom Association & Sarah Blake, Mediator and Phase Three Mawul Rom participant at the above Forum.

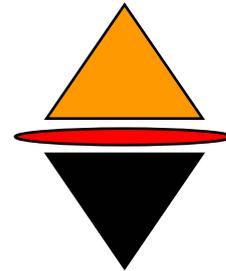
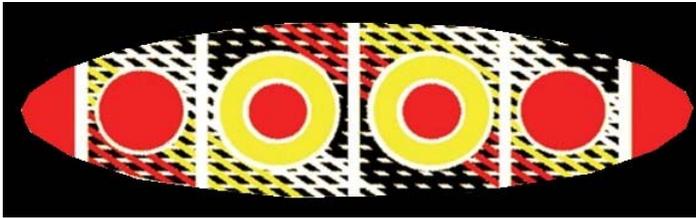
Mediation: Cultural Healing through Community Healing The Mawul Rom Project

The Mawul Rom Project breaks new ground by valuing equally what is effective and meaningful in both domains. It explores cross-cultural understandings of issues of law, justice, healing, peace-making, conflict resolution and leadership. This mutual dialogue is intertwined with and a part of an individual and community's education, cultural, legal, spiritual and economic domains.

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Yolngu and Balanda Symbols for mediated conflict resolution

Rev Dr Djiniyini Gondarra OAM

The symbol on the left has been developed for the Mawul Rom Project by the traditional Yolngu custodians of the Mawul ceremony. It was developed to promote traditional and contemporary mediation practice within the cross-cultural context.

The symbol on the right was developed by a Balanda Mediator*, reflecting ways in which western mediation might enrich cross-cultural conflict resolution.

*(Alan Ogg, MRA Inc. Board Member)

Project Vision

The Mawul Rom Association's vision is to create a learning institute in Arnhem Land graduating cross-culturally accredited mediators for dispute resolution, decision making, leadership and good governance.

Through the Mawul Rom Project people will be trained from two cultural perspectives in conflict resolution and leadership, enabling them to more adequately meet the needs of all Australians. At all times we ensure that learning's, practices and decisions are conducted with due consideration of mutuality. We value and respect equally that which the Yolngu and Balanda perspectives bring.

The Mawul Rom Project aims to engage people in an exploration of the connections between approach and conduct within these two cultural spheres. The intention is to assist participants to develop awareness of what is appropriate when carrying out the role of a mediator and peace-maker within the cross-cultural context of decision-making, conflict and dispute resolution.

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Mediation & Mawul Rom; the bridge between two cultures

Throughout Australia, mediation has been widely embraced as an appropriate means of dispute resolution across the full spectrum of human endeavor. Mediation has become commonplace in resolving disputes in family matters, in native title claims, in the construction sector, in insurance and environmental matters and in a wide range of commercial disputes. Importantly, mediation is recognised by many as a method for conflict resolution that results in a greater chance of sustainable and mutually beneficial outcomes. Very often the outcomes result in healing for the individual, family or communities as parties are a part of the process. Mediation allows parties to directly participate in process and outcome; it encourages ownership, investment in outcome and sustainability.

As these practices have emerged in Australia, it has become evident that within Indigenous communities there are traditional conflict resolution practices which have been practiced for a very long time. These bring people together within a ceremonial context to resolve disputes, promote group decision-making and heal damaged relationships between individuals, families and clan-nations. The overlap between the wukindi rom and the contemporary mediation practice is considerable.



Australian Federal Police representatives, Yolngu Elders at the opening of Mawul Rom Workshop 2008.

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An exploration of law, justice, healing and peace-making

The wukindi rom mediation comes from the law of the land.



Rev Dr Djiniyini Gondarra OAM

The dhulmu-mulka bathi, dilly bag to the left, is the constitution of the Dhurili Clan Nation. The Dhurili Clan Nation is a rigitj alliance made up of six separate clans.

The body of the dilly bag represents the constitution of the nation and the armlets attached represents the acts of law that joins the six clans together into one insoluble clan nation.

The whole dhulmu-mulka bathi represents the title deeds and the jurisdictional authority for these six separate clan yirralka estates.

Disputes and conflicts are dealt with within the ngarra (which is the parliamentary and judicial chambers of law) before any agreed sanctions or legal decisions are applied.

The wukindi rom is a whole way of communicating for dispute resolution, mediation and peace-making that has been practised for thousands of years between separate Yolngu clans. The wukindi process can start straight after the problem occurs and continues throughout the whole legal process with a concluding peace-making ceremony. The whole rigitj or clan nation partakes in the wukindi rom or dispute resolution process and concluding peace-making ceremony.

Mawul Rom is the wukindi peace-making ceremony for the Dhurili Clan

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Mediation: the bridge between the two cultures

Mediation has been identified as the foundation block - the bridge that links both cultures together as we strive for peace within our communities. For this reason, all participants continuing on the four year programme must undertake an introduction to mediation course prior to commencing Phase Two and formal mediation training prior to commencing Phase Three of the Mawul Rom journey.

Mediation is a process which mediators facilitate enabling people to come together to discuss the issue in dispute and negotiate mutually agreed solutions.

It is based on the idea that the best way to sort out a problem is for the people involved to get together and talk it through. It allows people to have a say, negotiate outcomes and come up with their own solutions to the problem.

Mediation creates the space "in between" for dialogue!

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Wukindi Rom – Law & Process

Rev Dr Djiniyini Gondarra OAM

In Yolngu communities it's very hard to use balanda law system to bring about conflict resolution and restoration between families and clans. Balanda systems of law break and damages relationship between people, family and clan groups. This is because balanda system of law is very hard for us to understand and also does not come out of Yolngu dispute and conflict resolution practice and process. Wukindi Rom is our practice and process.

Wukindi literally means to atone the blood between the affected parties and their respective clans. Blood is very sacred to Yolngu people as it is central to the sanctity of all human life.

In Yolngu culture every individual is divided into one of two categories within their own clan groups. They are either nunganambi or mangayak.

Nunganambi and mangayak are like two blood line groups that determine our character. Every clan has both nunganambi and mangayak people in them. These blood line groups can only be identified by the iya - ngnamirr, our law men and women who have a good mind for law.

Wukindi crosses the boundaries between clan and yirralka estate, connecting people through proper ways – genetics, spirit and the land.

Sarah Blake – Phase Three Mawul Participant & mediator

Balanda law can find it difficult to understand Yolngu traditional law. Often the Balanda Law systems look first to punishment; with the issues of healing and relationships between individual, family and community coming as a secondary concern. The project recognises the importance of exploring the deep meaning behind perceptions of justice, law and healing. For example, the relationship between victim and offender can mean very different things within the law of each culture.

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Healing & Restoration

Biritjalawuy Gondarra – Phase Three Mawul Participant

Wukindi Rom works very well for Yolngu people to resolve conflicts to make peace between people and their clans. It works because it is a way of talking and reminding people of the sacred need to atone the blood line groups even across clan lines. It works because we all carry the Wukindi – the strong need to atone – within our bodies.

Rev Dr Djiniyini Gondarra OAM

Yolngu people understand this strong need to turn from conflict to restoration as a sacred act of reconciling with not just the people who live around us; but also right back to our ancestors who all worked to restore relationships so that we can now live. This sacred act needs to continue so our children's children can also live in the good fruits of what we do today.

For Yolngu this restoration can only occur through Wukindi Rom.

Mediation can also create the space for healing, restoration and peace-making. Through exploring participant needs, fears and interests parties often reach a place of healing. They have the opportunity to look beyond legal frameworks to explore emotional, spiritual, and economic and relationship frames. We recognise that mutual healing occurs for both Balanda and Yolngu – all are part of the process.

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The Mawul Rom Workshop

Mawul Rom has been developed as a four phase experiential learning process. Participants are invited to attend a one week work shop each year over four years. However, for those that wish to – the first year is considered a worthy stand-alone learning experience. Participants will be given the opportunity for Graduate Diploma or Masters qualifications¹ as well as traditional Yolngu accreditation.

Each year participants will have the opportunity to explore at deeper levels the connections between traditional and contemporary mediation and leadership.

Participants are invited from across Australia – and applications are accepted to reflect a balance between Indigenous, non-indigenous, male and female representation.

To date we have conducted two phases of learning, and as an annual project next year we will be accepting participants at Phases 1, 2 and 3. In 2007 we had 90 participants and an additional 100+ Yolngu community members attending throughout the week; with in excess of 1000 community members joining in for the closing ceremony.

The Mawul Rom Project will also produce a range of cross-culturally developed papers and research in support of such principles. The Project also provides for sustainable employment and development opportunities on Galiwin'ku.

During the week long event, participants engage in both Balanda mediation and traditional ceremonial learning spaces.

¹ See Charles Darwin University

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Balanda Learning space under the Ripipi/ Banyan tree 2004.



YoIngu learning space at the Molk – Mawul Rom 2004.

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Traditional Ceremonial Space

The Mawul Rom is one of the ceremonies from East Arnhem Land and has been used traditionally for centuries as a conflict resolution and healing process to restore relationships between individuals, groups and clan nations.

This ancient ceremony has only ever been shared once before outside the Mawul Rom Project with non-Indigenous people and is very much linked conceptually to non-indigenous principles related to mediation, conflict resolution and decision-making process.

Mediation at the Molk

Creation of a sacred space:

After the first stage of the ceremony has proceeded, the molk area where the sand sculpture will be formed and declared by the managers of the Mawul ceremony, becomes a restricted area. No person unauthorised enters into that area. It is like bringing up the coat of arms to say 'the court is now in session'. Yolngu recognises clearly that this is a "no go" area.

Participation in the ceremony:

People are invited to partake in the session at the molk. Traditionally an opportunity would be granted to the offender, victim and their relatives to attend the ceremony.

Lead by example – self reflection and awareness:

People at the molk are encouraged to meditate. They are reminded to focus inward and reflect on the situations of their inner being. Elders of the law, male and female (according to moitey; Dalkarra & Djerrkay) manage the process.

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Balanda Learning Space

Each morning of the intensive workshop week participants are given an opportunity for discussion facilitated by Balanda Mediators. The process requires participants to explore and reflect on their own cultural ways and personal insights and the assumptions inherent in western of dispute resolution processes, cross-cultural communication, decision making and leadership.

Those participants not familiar with western cultural practice find this 'window experience'. Balanda too find it is an opportunity to identify contrasts and comparisons. Phase one of the learning process focuses on cross-cultural communication – but for those continuing on the four phase journey; participants are required to undergo mediation training. This ensures that all learning is mutually focused on cross-cultural conflict resolution, mediation, and leadership as an individual and collective educational encounter.

As with traditional ceremonial practices associated with Mawul Rom, contemporary mediation requires mediators to create a similar safe space allowing parties to explore and negotiate the issues in question. Reognising that perceptions may vary, parties need to be willing to listen, explore and negotiate mutually significant issues; be they victim/offender, business/economic or family/community.

Mediators play a critical and responsible role for setting the tone for the mediation in both cultures by demonstrating calmness, confidence in self and process, proactive listening skills and fairness. Mediators can enable parties to concentrate on resolving/healing the conflict. Mediators too, lead by example.

Rev Dr Djiniyini Gondarra OAM

Mediating is expected of leaders in Yolngu culture. Mediation is an essential skill for leaders. Without that, how could leaders listen to the people? They would be just bad bosses doing whatever they wanted. What sort of leadership is that?

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Project Outcomes

Participants have the opportunity to develop awareness of what it truly means to work and engage in a cross-cultural fashion.

Mawul Rom will help us to develop cross-cultural mediation practices that;

- Engage the communities within which we work & live.
- Respect and recognise the skills and capacities that already exist within the community.
- Mutually identify, develop and implement cross-cultural competencies that support sustainable conflict resolution.
- Empowers both the community and ourselves in our understanding of how we can contribute to cross-cultural conflict resolution.
- Are flexible and responsive to the needs of community, government, family and ourselves.

Cultural Healing through Mawul Rom

CULTURAL HEALING is an ongoing trajectory of any growing society. In Australia it is critical for both our contemporary and our traditional cultures. The peace within the lives of the individuals, families and communities which we strive to create, cannot be achieved with the passage of laws alone.

Mawul Rom provides a space to explore the individual and cultural practices and rich relationships which collectively can result in meaningful, appropriate and lasting peace.

As we explore our systems of Law and Healing, Justice and Peace as a mature strong community, we will do so in cross-cultural ways to better understand what is truly required of all of us in support of peace.

That is especially so for those of us who mediate peaceful resolution of conflict in a dynamic and diverse society.

That is the healing; institutionally, socially and individually to which the Mawul Rom Project aspires.

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MUTUALITY: Anything we do in the Mawul Rom Project aspires to be considered and valued equally in each cultural domain. This can be difficult and usually takes much longer to achieve results – however by doing so we come up with solutions that are unique – they meet the needs of us as Australians.

'TASTE' - DO NOT ANTHROPOLOGISE: As participants and mediators we learn to bring ourselves to the process. As Mawul Rom participants we engage in and become a part of a cross-cultural healing process. This cannot be achieved by mere observation and note taking. We are instead stepping into a holistic domain; in an attempt to de-mystify and be de-mystified.

LOCAL TRADITIONAL WAY WITH DOMINATE CULTURE: Developing the capacity to listen and explore how this can be done in a way that values the richness of both traditions. The project encourages participants and each community to draw upon their own culture and create appropriate cross-cultural ways forward. For those communities that have lost so much – the Yolngu offer the Mawul Rom ceremony to assist facilitation.

UNITY: In the sense of rich and strong relationships (personal, family/clan and community) as a condition of the systems for dispute resolution and rehabilitation and restitution. Thus to speak of liberty, diversity and respect. We are alert to the debilitating affect of imposition and conformity.

SELF ROLE: Knowing myself, leading by example, challenging oneself to remain open to the other, to 'change' to 'learning'. Recognising the real cross-cultural obstacles inherent in dialogue between an oral tradition and a written tradition; between a 'western' and 'ancient' culture.

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Sarah Blake – Phase Three Mawul Participant & mediator

There are many opportunities to create mutual spaces that value both traditional and contemporary domains. Through Mawul Rom we the participants can gain the experience, confidence, understanding to do so in a meaningful respectful new way of doing business. There is nothing I love more than kicking my shoes off and sitting in the sand to have a conversation with my new family about peace-making. One day, I hope, they will have taught me enough to graduate through Mawul Rom. I will then be able to walk Arnhem Land as a recognised and traditionally accredited person of the law.

Rev Dr Djiniyini Gondarra OAM

You are all very, very special.

If you are interested in this project or would like to apply for the programme contact us on:

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www.mawul.com