When the Waters will be One: Hereditary Performance Traditions and the Yolŋu Re-invention of Post-Barunga Intercultural Discourses

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On 12 June 1988, amid a year of state-sponsored celebrations to mark the bicentenary of the establishment of the British Colony of New South Wales, Prime Minister Bob Hawke attended a festival of sport and culture hosted by the small Indigenous community of Barunga. There, he was presented with a joint statement by Wenten Rubuntja, as chair of the Central Land Council, and Galarrwuy Yunupiŋu, as chair of the Northern Land Council. Known as *The Barunga Statement*, this document called on the Australian Government to negotiate with ‘the indigenous owners and occupiers of Australia’ to make a treaty recognising their prior ownership, continued occupation and sovereignty, and affirming their human rights and freedom.

Hawke’s initial response to *The Barunga Statement* was a promise to facilitate the completion of these negotiations within the life of his Parliament. However, once it became apparent that this undertaking had failed to garner broader parliamentary support, Yolŋu sought recourse not through another statement but, rather, through the release of a popular song. This song would capture the imaginations of an entire generation of Australians and bring international acclaim to a little-known band named Yothu Yindi from the remote former mission town of Yirrkala in northeast Arnhem Land. This song, ‘Treaty’, was the first by any Indigenous band — and, certainly, any band from Arnhem Land — to top the Australian charts, and remains a well-known reminder of this as-yet unresolved episode in Australian politics.

Galarrwuy Yunupiŋu’s central role with Wenten Rubuntja in the preparation and presentation of *The Barunga Statement* to Hawke, and Yothu Yindi’s subsequent role in promoting wider awareness about its political agenda through ‘Treaty’, were not isolated incidents. As an elder brother to Mandawuy Yunupiŋu and an uncle to the other founding members of Yothu Yindi, Wiŋiyanu Marika and Milkayŋu Mununggurr, Galarrwuy was closely involved in the artistic and musical development of this band since its inception in 1986. Moreover, *The Barunga Statement* and ‘Treaty’ were also deliberate steps in a continuum of intercultural political discourse with Australia’s Anglophonic institutions on the part of Yolŋu intermediaries from northeast Arnhem Land that began with the establishment of Methodist missions there from 1923, and in which the agency and leadership of Yolŋu practitioners of music continues to this day.

This article will demonstrate how contemporary Yolŋu practitioners of music, such as the founding members of Yothu Yindi, have fostered new intercultural discourses about their living religious, intellectual and legal traditions, and their
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continuing sovereignty in northeast Arnhem Land through their engagements with new media, audiences and performance contexts. It examines the conceptual and theoretical bases for these engagements in hereditary Yolnu intellectual traditions, and addresses their more recent development through innovative public initiatives such as the Garma Festival of Traditional Culture,6 the yidaki (didjeridu)* manufacturing and teaching practice of Rripa Ḳidåki,7 and the Mäwul Rom Project.8

I have observed and have been involved in these initiatives since August 1999, when, at the invitation of the Yothu Yindi Foundation, I attended the inaugural Garma Festival of Traditional Culture at Gulkula in northeast Arnhem Land. Djalu Gurrwiwi of Rripa Ḳidåki has taught yidaki to an international cohort of students each year at this event, and I have published my observations of his remarks at two open fora on this instrument during the festivals of 1999 and 2003.9

I have attended each Garma Festival of Traditional Culture except for the second in 2000 and, in 2002, was appointed Secretary to the Symposium on Indigenous Performance under the convenorship of Marcia Langton, Allan Marett and Mandawuy Yunupiŋyu, which has become an annual event at the festival in association with its key forum.10 I was fortunate to be able to work more closely with Djalu Gurrwiwi through our common involvement in the Australian Research Council Discovery Project, Acoustics of the Didjeridu, in 2003. In June 2004, through my close association with the Galiwin’ku Indigenous Knowledge Centre, I worked as a volunteer on the Mäwul Rom Project’s inaugural Cross-Cultural Mediation Training Workshop at Dhudupu on Elcho Island, which was convened by the prolific Djimiyini Gondarra in collaboration with Witiyana Marika.11

Who are the Yolnu?

This land was never given up. This land was never bought and sold.12

The Yolnu (literally, ‘person’, ‘human’) are the Indigenous inhabitants and hereditary owners of northeast Arnhem Land in Australia’s Northern Territory. There are approximately 7,000 Yolnu Australians, whose homelands, as shown in the following map, extend from the Gove Peninsula in the northeast, west to Cape Stuart and southwest to the Walker River. The six major towns that Yolnu populate within this area are Millijinbi, Yirrkala, Galiwin’ku, Ramanginjin, which were each established as Methodist missions in 1923, 1934, 1942 and 1973 respectively, and Gapuwiyak and Gunyayara, which began as satellite outstations of Galiwin’ku and Yirrkala respectively in the 1980s.

Yolnu society is an expansive network of more than sixty patrilinial groups that are generically known as mala (literally, ‘group’), and whose agnatic members each share hereditary ownership in discrete physical estates — known generically as wäŋja (literally, ‘place’, ‘home(land)’, ‘country’) — which comprise tracts of land, bodies of water and their incumbent natural resources. The Yolnu

* See glossary on page 33.
intermediaries discussed in this article — Galarrwuy and Mandawuy Yunupingu, Wiitjyan Marika, Milkayu Mununggur, Djalu Gurruwiwi and Djininyini Gondarra — are members of the Gumatj, Rirratji, Djapu’, Gälpu and Golamala mala respectively.

Seven mutually unintelligible Australian languages, known collectively as Yolŋu-Matha (literally, ‘people’s tongues’), are spoken among the members of these mala. However, each mala speaks its own patrilect, or matha (literally, ‘tongue’), with its own discrete lexicon of hereditary and sacred yaku (names), and this is a most important component of patrifilial identification among the Yolŋu, and holds binding legal ramifications for individual claims of ownership in wäga and other hereditary properties.¹³

The Yolŋu have inhabited northeast Arnhem Land for countless millennia. They possess names for and maintain intimate knowledge of places far out at sea that are known to have been above sea level some 10,000 years ago.¹⁴ For centuries prior to its termination by the State Government of South Australia in 1906, the Yolŋu maintained extensive trading relationships with Asian seafarers known to them as the Maŋatjay (Macassans), whose annual voyages to Australia’s north coast from the port of Macassar (now Ujung Pandang) on Sulawesi are recorded in hereditary canons of Yolŋu song, dance and design that survive to this day.¹⁵ Moreover, there is now new evidence to suggest that the Bayini, of whom
contemporary Yolŋu also sing, were Chinese seafarers who landed in Arnhem Land while circumnavigating the globe from 1421–23.\textsuperscript{16}

Michael Cooke records that, before the establishment of the first permanent missionary presence in northeast Arnhem Land at Milijinbi in 1923, the Yolŋu had already held an extensive knowledge of their Asian neighbours to the north for some 500 years and were aware of Dutch colonisation in Indonesia.\textsuperscript{17} This information was absorbed into Yolŋu canons of hereditary knowledge without displacing the intrinsic and durable logic of Yolŋu intellectual discourses,\textsuperscript{18} and served as a model for how Yolŋu communities would later endeavour to manage their more sustained relationships with Eurocentric missionaries and government bodies from 1923.\textsuperscript{19}

**Performance, law and leadership**

As their struggle against the Commonwealth of Australia for international recognition of their continuing sovereignty in northeast Arnhem Land gained momentum in the 1960s, the Yolŋu remained diligently observant of their continuing rights and responsibilities as direct descendants of the *warayarr* (ancestral progenitors) who originally shaped, named and populated their hereditary estates, and remain sentient and ever-present in its lands and waters.\textsuperscript{20} By virtue of this birthright, all Yolŋu are owners or *wàŋa-wàŋaŋu* (literally, ‘country-holders’) in the *wàŋa* of their *mala*, and *rom-wàŋaŋu* (literally, ‘law-holders’) in their hereditary canons of *yàku* (names), *manikay* (songs), *buggul* (dances) and *miny’tji* (designs). These hereditary canons of *yàku*, *manikay*, *buggul* and *miny’tji* are collectively known as *madayin* (sacra), which is a word that also describes awe-inspiring beauty and, in their *garma* (publicly knowable) forms, codify deeper *dhuni’* (peri-restricted) and *gàrra’* (restricted) bodies of esoteric and legal knowledge.\textsuperscript{22}

Yolŋu society is effectively bi-constitutional. All individuals, the *mala* into which they are born, the hereditary properties that they own, the *wàŋa* from whom they trace their lineage, and the legal and religious charters inherited from them are either Dhuwa or Yirritja; this is a fundamental tenet of Yolŋu society. For instance, Gumatj is a Yirritja *mala*, while RirratjJuŋ, Djapu’, Gälpu and Golamala are Dhuwa. Dhuwa and Yirritja are conventionally classified as patri-moieties or, in other words, as patrilateral halves of a greater social and cosmological whole.\textsuperscript{23} In accordance with Yolŋu legal tradition, individuals take spouses of the opposite moiety, thereby ensuring that all offspring are born into the *mala* and moiety of their *bàpa* (father) from whom they inherit full ownership rights in their own *wàŋa* and *madayin*. Individuals also have a *jàndi* (mother) whose *mala* and moiety are different from theirs and from whom they inherit complementary rights in the *wàŋa* and *madayin* in which she holds full ownership.\textsuperscript{24}

Although Yolŋu of the Dhuwa and Yirritja moieties see their systemically different canons of *yàku*, *manikay*, *buggul* and *miny’tji* as codifications of two separate legal constitutions that are each whole and complete in their own right, cooperation and interdependence between holders of Dhuwa law and holders of Yirritja law is how bi-constitutionalism works as a fundamental legal principle in
Yolnu society. Each moiety has its own legal constitution that it must faithfully uphold, but is also charged with the responsibility of ensuring that their counterparts of the opposite moiety follow *rom* (law, correct practice, the way) in their execution of their *madayin* and in their responsibilities to *wäŋa*, *gurrutu* (kin) and *wayarr*. As discussed later, models also exist in Yolnu law for cooperation between *mala* of the same moiety who share ownership in *wäŋa* and *madayin* as *reggiti-j-wäŋatu* (same-moiety alliance holders, co-owners), and for the deployment of their discrete *madayin* in joint ceremonial performances.25

Even though knowledge at its deepest and most restricted level is held only by those who have been formally admitted to leadership within Yolnu society, it is nonetheless each individual’s responsibility to follow and be accomplished in the precedents for *rom* established by *wayarr*. This entails the arduous process of attaining a full and consummate knowledge and ability in the execution of one’s hereditary *madayin*, which is a formal prerequisite to the admittance of individuals to leadership roles in Yolnu society. Once formally admitted to roles of social and ceremonial leadership by their elders, men and women alike become known as the *liya-ngärra’mirr(i)* (learned, wise; literally, ‘restricted-knowledge possessing’).26

In *garma* (public) ceremonial contexts, *liya-ngärra’mirr(i)* men perform focal sung invocations of sacred *yäku* with accompanying male choruses,27 while *liya-ngärra’mirr(i)* women lead their female counterparts in the heterophonic singing of *äthi* (crying) songs.28 Moreover, the leadership of *liya-ngärra’mirr(i)* Yolnu in mounting sophisticated ceremonial performances of *manikay–bungul* (song–dance) series — especially where the participation of multiple *mala* must be negotiated prior to commencement — provides the very mechanism through which binding legal arrangements between different Yolnu *mala* are transacted. As religious and political leaders, *liya-ngärra’mirr(i)* singers and dancers have always exerted a certain degree of choice and control over the duration and content of each new performance of their hereditary *manikay–bungul* series. For instance, the complete *luku manikay* (root song) series that are sung and accompanied on *yidaki* by the men of each *mala* can be truncated for performance in their *bungulmirr(i)* (dance-accompanied) forms in various ways. Women’s performances of *gäthi* songs draw on the *dambu* (literally, ‘heads’; formulaic pitch sets and melodic contours) and *makarr* (literally, ‘thighs’; lyrics) of the *manikay* series sung by their male counterparts, and these songs contain semi-extemporised expressions of grief,29 while traditional mechanisms also exist for the composition and addition of *yüga* (new) items on existing *madayin* subjects to informal performances of *manikay–bungul* series.30

That *madayin* subjects have always been durable within hereditary canons of *rom* and synchronously expressed across different media as *yäku*, *manikay*, *bungul* and *miny ’iji* has also pre-empted their more accelerated applications to new media and performance contexts by *liya-ngärra’mirr(i)* Yolnu in response to emergent technologies and socio-political circumstances over the past five decades. These have included:

- the development of a regional popular band movement through which local musicians such as those in Yothu Yindi draw heavily on themes and materials...
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from their hereditary manikay–bungul series in the composition of new repertoire;31
• films such as Yolŋu Boy32 and staged shows such as Trepan33 that incorporate extended passages of traditional performance and materials drawn directly from manikay–bungul series as directed in collaboration with liya-ŋärра ‘mirr(i)’ Yolŋu such as Galarrwuy and Mandawuy Yunupiŋu;
• festivals such as the Garma Festival of Traditional Culture at which visitors witness daily ceremonial performances led by liya-ŋärra ‘mirr(i)’ Yolŋu such as Galarrwuy Yunupiŋu and Witiyana Marika;
• internationally renowned yidakı manufacturing and teaching practices such as those led by Djalu Gurrwiwi of Rripa Yidakı and Milkayŋu Munungurr;
• cultural and intellectual exchange programs such as the Māwul Rom Project led by Djiniyini Gondarra that foster the active participation of all delegates in ceremonial performances;
• diplomatic envoys to parliamentary bodies such as the Wukudi ceremony featured in Dhäkiyarr versus the King;34 and
• gospel repertoires in which ancestral madayin and Christian themes are syncretised.35

Singing across the rift

Now two rivers run their course, separated for so long.36

For Galarrwuy Yunupiŋu and his close relatives in Yothu Yindi, the presentation of The Barunga Statement to Hawke in 1988 was preceded by the failure of their fathers, after a decade of campaigning between 1962 and 1972, to halt the mining of bauxite from their hereditary lands on the Gove Peninsula by the Swiss-Australian company NABALCO. When the liya-ŋärра ‘mirr(i)’ leaders of the Gove Peninsula first heard about the threat of mining to their hereditary estates through the mission authority at Yirrkala, their initial response in 1963 was to communicate their protestations to the Australian Government via the ‘Yirrkala Petition to the House of Representatives’.

Their ensuing legal case against NABALCO and the Commonwealth of Australia in the Supreme Court of the Northern Territory in 1970–71 probed the complexities of Yolŋu law and its traditional provisions for managing property rights.39 Galarrwuy Yunupiŋu, who had joined the newly established Yirrkala Town Council in 1969, acted as an interpreter for his elder kin throughout these proceedings. He witnessed their eventual defeat in 1971 when Justice Blackburn ruled that Yolŋu proprietary interests in land could not be recognised under Australian law. Blackburn stated his uncertainty of the plaintiffs’ descent from the people who had owned the contested lands when Captain Arthur Phillip took possession of the entire Australian continent in the name of the British Crown on 26 January 1788.

This devastating personal and political loss and its later conflagration by the as-yet unmet call for a treaty between Indigenous Australians and the Australian Government has figured prominently in the repertoire of Yothu Yindi since the band’s inception at Yirrkala in 1986. ‘Luku-Wäjawu Manikay (1788)’ by Galarrwuy Yunupiŋu from the band’s debut album, Homeland Movement,41 stands
as a scathing satire of the absurdity of Blackburn’s ruling to Yolŋu sensibilities. It suggests that Captain Phillip and his First Fleet would have been hastily repelled had they not landed some 2,500 kilometres away from the Yolŋu homelands of northeast Arnhem Land, and had Yolŋu leaders at Yirrkala not waited more than 130 years to be informed of their arrival by latter-day missionaries and government representatives. Yothu Yindi’s repertoire also makes direct reference to the sad legacy of the ‘Yirrkala Petition’ and bauxite mining on the Gove Peninsula in ‘Gunitjpirr Man’, ‘Written on a Bark’, ‘Lonely Tree’ and ‘Gone Is the Land’.

As the 1990s progressed and The Barunga Statement’s call for a treaty seemed less and less likely to be answered, Yolŋu leaders started to devise and trial ways of entering into new intercultural discourses with others. While commonly based on traditional models for social equity and cooperation between mala found in rom, most new intercultural discourses have been mounted as initiatives that have been engineered to simultaneously enhance socio-economic development in Yolŋu communities. For example, Yothu Yindi is named for the fundamental child–mother relationship in Yolŋu society through which balance, interdependence, mutual respect and order between mala of different moieties is maintained. As further explained by Gondarra, it is the yothu–yindi (child–mother) relationship, and the systemic interdependence between Dhuvu and Yirritja that it maintains, that enshrines the separation of legal powers in Yolŋu society.

The Yothu Yindi Foundation’s broader socio-political project in staging the Garma Festival of Traditional Culture at Gulŋkula is similarly informed by a model found in rom for fruitful cooperation between mala of the same moiety as reggitiywataju (same-moiety alliance holders, co-owners). Gulŋkula is a place where mala of the Yirritja moiety and their Dhuvu kin have always congregated to perform joint ceremonial programmes such as Djajumbu (hollow log re-interment) under the law of the wayjarr mokuj (progenitorial ghost) Ganbulapula, who bestows rom for hunting guku (honey), yukuwa (yams) and garrtjambal (kangaroo), for exogamous marriage, for making and playing yidaki, and for human burial.

The inaugural Garma Festival of Traditional Culture in 1999 was realised as a festival built around the painting and erection of a [larrarkitja (hollow log coffin) at the culmination of a Djajumbu ceremony by the Gumatj, Dhajwanu, Wangurri, Ritharrju and Balngarra mala. As explained by Howard Morphy, Yolŋu consider the knowledge imparted in reggitiy (same-moiety cooperative) ceremonial contexts such as this by liya-pärre ‘mirri’ leaders as a product of their consensus to be the most definitive. Helen Verran characterises Gulŋkula’s role as a site of learning and exchange for all through the extension of this intellectual process by describing it as ‘a nexus, a bee hive, where distilled and rich meanings are generated’ and from which ‘cultural meanings flow’. Notes from Yothu Yindi’s fourth album, Birrkudja: Wild Honey, further explains:

the bees [birrkudja], their honey [guku] and their hive teach us how to live. For us, a bees’ hive is a symbol of excellence that can be achieved both in individual and community life.

The ideological and pedagogical roots of the Garma Festival of Traditional Culture as a site of learning and exchange for all predate the formation of Yothu
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Yindi at Yirrkala in 1986, Mandawuy Yunupiŋu first posited these ideas in his third popular song, ‘Mainstream’,  which was composed while he was completing a Bachelor of Arts in Education through Deakin University. While he was working as an assistant principal at Shepherds College in Galiwin’ku, Mandawuy was continually confronted by the assumptions of his Euro-Australian colleagues that mainstream classroom schooling in English alone could cater for the educational needs of Yolŋu children. Thus, when confronted with these same assumptions in his own tertiary studies, he rebuked them by composing ‘Mainstream’, which was submitted for assessment and subsequently awarded a high distinction.

Essentially, ‘Mainstream’ contends that the hereditary knowledge codified in madayin by wayarr and the imperative to follow their precedents for living through rom is the mainstream intellectual discourse through which Yolŋu children have been raised and educated for countless generations. It challenges still-prevailing notions in Australia that only Europeanist academic traditions are factually and pedagogically valid, and presented Mandawuy Yunupiŋu’s vision for redressing this imbalance through the introduction of bi-cultural schooling initiatives to Yolŋu communities.

The first verse of ‘Mainstream’ refers to djinkungun (yellow foam) which is produced at a ganma (brackish water) site that marks the boundary between two wäŋa of the Yirritja moiety: Biranybirany, which is owned by Mandawuy Yunupiŋu’s own mala, the Gumatj, and Dhäliny, which is owned by one of its yapapulu (sister-groups), the Wangurri. The same-moiety meeting of fresh and salt waters at this site and the djinkungun that they produce represents the fruitful interaction of two similar and equal socio-political entities that do not assimilate each other and produce something entirely new through their co-operation. This verse also makes reference to Mandawuy’s five daughters and the ancestral knowledge that has been passed to them through their Gumatj yarratya (patrilineage).

The second verse of ‘Mainstream’ draws on madayin subjects incumbent with Yalaŋbara. This is an opposite-moiety Dhuwa wäŋa owned by the Rirratjingu mala, which is the ḍäŋdiŋulu (mother-group) of the five Gumatj daughters to whom Mandawuy Yunupiŋu refers in the first verse. This yothu–yindi between Mandawuy’s daughters and their ḍäŋdi (mother) represents the interdependence of different yet equal socio-political entities across moieties whose cooperation is essential to the continuation of Yolŋu existence. In the third and final verse of this song, the two models for equitable cooperation between separate socio-political entities — a same-moiety one in the first verse and a cross-moiety one between the first and second — are transposed onto the broader arena of cross-cultural relations within Australia to propose a better model for equitable and balanced relationships between Indigenous and other Australians.

Mandawuy Yunupiŋu’s vision of bi-cultural learning for Yolŋu children quickly became the mainstay of school curricula in northeast Arnhem Land. However, his and other calls by Yolŋu commentators for more equitable relations between Indigenous and other Australians have, for the most part, yet to be realised. Mandawuy’s theorisation of ganma (brackish water) as a collaborative conceptual space nonetheless legitimates, from a Yolŋu perspective, the existence
of new intercultural dialogues such as those facilitated at the Garma Festival of Traditional Culture. Even so, it is important to recognise that Indigenous Australians such as the Yolŋu have far less choice in their bi-culturalism than their non-Indigenous counterparts. For Yolŋu, bi-culturalism provides necessary skills for accessing public services, for engaging in commercial transactions and for taking advantage of contemporary technologies.

Where the waters meet

I’m dreaming of a brighter day when the waters will be one.

Of the various new applications of performance traditions to new media and contexts listed earlier, there are two recent initiatives through which liya-ngārra’mirr(i) Yolŋu leaders have created opportunities for newcomers to engage directly with Yolŋu intellectual traditions through performance practice. The first of these is the yidaki manufacturing and teaching practice led by Djalu Gurruwiwi of the Gälpu mala through his family business, Rripa Yidaki (literally, ‘Thunder Didjeridu’), which was established following the inaugural Garma Festival of Traditional Culture in 1999 to meet international demand from enthusiasts of this instrument for advanced teaching from this internationally renowned yidaki maker and player.

Today, Djalu Gurruwiwi’s international reputation as a master yidaki player, maker and teacher is now unparalleled and, through its rapid expansion since 1999, his family business now boasts a web site and a healthy ledger of international orders and commissions for new instruments. Djalu Gurruwiwi has also undertaken international masterclass tours to Europe, Asia and North America, holds annual yidaki workshops for advanced international students at the Garma Festival of Traditional Culture, has released two commercial recordings of Gälpu manikay series and two instructional albums on how to play yidaki accompaniments to Gälpu manikay series. Among Gurruwiwi’s legion of international pupils, some are so loyal to his teachings that they use these recordings to practise nothing but playing yidaki accompaniments to Gälpu manikay series as faithfully as possible. Gurruwiwi’s generosity, warm rapport with his students and ideology of mutuality behind his practice are also well known, and were beautifully expressed in an address to the Symposium on Indigenous Performance at the Garma Festival of Traditional Culture in 2003:

I don’t know much about different clans, different sacred places, different languages, but I respect all clans … I open my knowledge and mind to you from different places and different countries. This is my way … We are Yolŋu. We are one in the same blood. We are people. I’ll tell you about our people and our things. If you want my yidaki, I’ll give you yidaki whose soul is connected to me. Though there are many problems, you guys are great. You guys treat this place well. When you come here, you respect us. This is the way of thinking my father gave me. My father always brought yidaki when he went hunting … and taught me. Open your mind. It is important. He taught me that.

The second new initiative through which newcomers are enabled to engage with Yolŋu intellectual traditions through performance practice under the guidance of liya-ngārra’mirr(i) leaders is the Mäwul Rom Project. Led by Djiniyini
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Gondarra, this project was inaugurated at Dhułupu on Elcho Island in June 2004. It brought together some forty young Australians for a Cross-Cultural Mediation Training Workshop at which they participated in a Dhuwa wukundi (purification) ceremony led in collaboration with Witjiyana Marika of Yothu Yindi and the Yothu Yindi Foundation. Dhuwa participation in this ceremony included members of the Golamala, Rirratjiŋu, Djambarrpuyŋu, Marraŋu, Dhuruli, Marrakulu and Wägilak mala, and, like the cooperation of Yirritja mala in mounting the Djalumbo ceremony at the inaugural Garma Festival of Traditional Culture in 1999, constituted an expression of their equality and mutual respect for one another as renggi-waŋku. This collaborative model was then projected onto their interactions with visiting delegates to the Māwul Rom Cross-Cultural Mediation Training Workshop. That māwul itself is a hereditary yäku for a Dhuwa species of honey also alludes to the consensus-generated theories and understandings of cross-cultural engagement that Yolŋu leaders had hoped to instil in their delegates through this process.

Delegates were taught to dance in the wukundi (purification) ceremony by Witiyana Marika in the spirit of the fundamental Yolŋu pedagogy of knowing through doing by virtue of one’s birthright, and of ceremonial participation as a consensual expression from all involved that no one is above the law. As Gondarra explained at the Ɨŋarra’ Legal Forum during the Garma Festival of Traditional Culture in 2001, contemporary Yolŋu have had little choice but to recognise Australian legal jurisdiction in addition to their own.61 The very least that newcomers seeking serious engagement with Yolŋu intellectual traditions can now do is respond in kind. Djinjinyini Gondarra explains:

the māwul ceremony is a practical way to find what we have in common — something that can bring us together not as black or as white but as people living on planet Earth.62

The project’s organisers envisage that this ceremony will ‘evolve as a 21st-century rite-of-passage for people engaged in cross-cultural dispute resolution and peace-making’.63

It may not be possible for some time to assess just how successful initiatives such as the Garma Festival of Traditional Culture, Rripaŋu Yidaki and the Māwul Rom Project will be in their endeavours to simultaneously foster broad intercultural discourses between the Yolŋu and other peoples, enhance socio-economic development in Yolŋu communities, and educate a wider public about the living traditions of the Yolŋu and their continuing sovereignty in northeast Arnhem Land. Nevertheless, their current progress is encouraging. Although many of the people who travel to northeast Arnhem Land to engage with Yolŋu families and culture through such initiatives may not appreciate the complexities of Yolŋu religious, intellectual and legal traditions addressed in this article or in the comprehensive body of ethnographic literature about them,64 their exchanges are more often than not genuine and enriching for all.

This article has shown how contemporary Yolŋu practitioners of music have sought to foster new intercultural discourses about their living traditions and their continuing sovereignty in northeast Arnhem Land through initiatives such as the Garma Festival of Traditional Culture, Rripaŋu Yidaki and the Māwul Rom Project in which they have deliberately applied their hereditary performance
traditions to new media, audiences and performance contexts. Moreover, it has demonstrated how different models for balance, equality, mutual respect and social order between different mala found in rom have been projected by lîyaŋgārra’mirr(i) Yolŋu leaders onto broader cross-cultural circumstances to proactively theorise and redress the unresolved issues over Indigenous sovereignty in Australia that The Barunga Statement raised in 1988.

In his address at the opening ceremony of the Mäwul Rom Cross-Cultural Mediation Training Workshop at Dhuđupu in June 2004, Galarrwuy Yunupiŋu boldly stated, much to the sorrow of those in attendance, that there is no prospect of a treaty between Indigenous Australians and the Australian Government within his lifetime. Nonetheless, it is through the perseverance and dedication of people like Galarrwuy Yunupiŋu who create new possibilities for intercultural understanding through initiatives such as the Garma Festival of Traditional Culture, Rripa Yidaki and the Mäwul Rom Project that this statement may not remain true indefinitely.

Glossary

**bäpa**  father, father’s father’s father’s father, a male’s son’s son’s son’s son

**bągul**  (public ceremonial) dance (items and series), public ceremony

**bągulmirr(i)**  dance-accompanied

**dąmbu**  head, (the formulaic pitch set and melodic contours of a manikay series)

**dhuni’**  peri-restricted (sacra, ceremonies and knowledge)

**Djajumbu**  a ceremony for hollow log re-interment of the Yirritja parti-moiety

**djįŋkungun**  the yellow foam found at ganma sites

**Ganbulapula**  a Gumatj wayarr of the mokay class

**ganma**  brackish water sites where freshwater and saltwater currents meet

**garntjambal**  kangaroo

**guku**  honey

**guruŋu**  kin, kinship

**larrarkitj**  hollow log coffin

**likanbuy**  inner-most restricted (designs)

**lîyaŋgārra’mirr(i)**  learned, wise, with restricted knowledge

**luku manikay**  root song (series), (complete song series)

**madayin**  the awesome beauty of all creation, sacra, sacred, all things sacred

**makarr**  thighs, (the lyrics of a manikay series)

**mala**  hereditary patrifilial group of agnates, patri-group

**manikay**  (public ceremonial) song (items and series)

**matha**  tongue, (patrilect)

**mäwul**  a Gólamala yāku for ‘honey’

**miny’tji**  colour, (sacred designs)

**mokuy**  ghost, (a class of wayarr)

**ŋandi**  mother

**ŋhängupula**  (sociocentric) mother group

**ŋāra’**  restricted (sacra, ceremonies and knowledge)

**ŋāthi**  (women’s) crying (songs)

**ranga**  restricted sacred objects

**renggits**  same-moiety cooperative (sacra, ceremonies and knowledge)

**renggits-watayu**  (sociocentric) same-moiety alliance holders (and co-owners)

**rom**  law, culture, correct practice, the way

**rom-watayu**  law holders (and owners)

**rripaŋu**  a Gälpu yāku for ‘thunder’
**Backburning**

wāga  place, home(land), country, physical estates
wāga-watjulu  country-holders
wajarr  ancestral progenitors
Wukudi  a ceremony for dispute resolution of the Dhuwa patri-moiety
wukundi  (public ceremonial) purification
yāku  (sacred) names
yapapulu  (sociocentric) sister groups
yarraŋa  string, (patri-lineage)
yidaki  didjeridu
Yolŋu  person, human
Yolŋu-Matha  people’s tongues, (the seven Yolŋu languages comprising some sixty matha)
yothu-yindi  the (egocentric and sociocentric) child–mother relation
yukawa  yam
yuka  new
Notes to pp 18–23

36 ibid., p 269.
37 Walker, op. cit., p 258.
38 ibid.
39 Langford Ginibi, *Don’t Take Your Love To Town*, op. cit., p 118.
40 ibid.
41 ibid., p 135.
42 ibid.

43 According to Brad Wind on the ‘Songfacts’ website, ‘Ruby Don’t Take Your Love To Town’, sung by Kenny Rogers (EMI, 1969), was written by Mel Tillis, who ‘based his song on a couple who lived near his family in Florida. In real life, the man was wounded in Germany in World War II and sent to recuperate in England. There he married a nurse who took care of him at the hospital. The two of them moved to Florida shortly afterward, but he had periodic return trips to the hospital as problems with his wounds kept flaring up. His wife saw another man as the veteran lay in the hospital. Tillis changed the war to Vietnam in the song, and departed from the ending that happened in real life — he killed her in a murder-suicide.’ Accessed 15 August 2004. http://www.songfacts.com/detail.lasso?id=2113. Johnny Cash recorded ‘Don’t Take Your Guns to Town’ in 1958 (Sony Music, Columbia).

46 Langford Ginibi, *Don’t Take Your Love To Town*, op. cit., p 239.
47 ibid., p 242.
49 ibid., p 242.
50 ibid., pp 7, 9, 15. Richard Tauber was a popular European tenor in the 1920s and 1930s. Born in Austria, with a father classified as half-Jewish, he fled to England in 1938.
51 Mark Slobin’s term ‘superculture’ refers to an ‘overarching structure’, encompassing the hegemonic, ‘the statistically lopsided, the commercially successful, the statutory, the regulated, the most visible …’ A superculture includes an industry, the ‘state and its institutionalized rules and venues’ and ‘more insidious strands of hegemony’ that ‘define the everyday, and circumscribe the expressive’. See Slobin, ‘Micromusics of the West: A Comparative Approach’, *Ethnomusicology*, vol 36, 1992, pp 15–18.
53 ibid., p 146.
54 ibid., p 139.
56 Langton, op. cit., p 33.

When the Waters will be One: Hereditary Performance Traditions and the Yolgu Re-invention of Post-Barunga Intercultural Discourses

Aaron Corn

1 Spellings for Yolngu-Matha words in this article follow the orthographic conventions used by Yolnu communities and in the Yolnu Studies program at Charles Darwin University. Further information about this programme can be found at: learnline.cdu.edu.au/yolngustudies/index.htm.
Notes to pp 23–25


6 Information provided by the Yothu Yindi Foundation about the Garma Festival of Traditional Culture can be found at www.garma.telstra.com.

7 The web site of Rripa Yidaki can be found at www.djalu.com.

8 Information provided by the organisers of the Mawul Rom Project can be found at www.wukindi.com.


10 Information about the Symposium on Indigenous Performance can be found on the web site of the Garma Festival of Traditional Culture at www.garma.telstra.com/forum.htm.

11 Biographical information about Djiiyijii Gondarra can be found on the Mawul Rom Project web site at www.wukindi.com by following the left-hand link to the Project Directors page.

12 Yothu Yindi, loc. cit.


19 Continual attempts to subordinate Yolŋu to (post)colonial metanarratives of state and church in post-federation Australia have been subverted in each generation by the consummate ability of Yolŋu leaders to deploy their hereditary canons of sacra in processually legal ways that, for them and their communities, re-assert the permanence of Yolŋu sovereignty and the eternal ancestral agency that underscores it. As discussed by Ian McIntosh, ‘Anthropology, self-determination and aboriginal belief in the Christian God’, Oceania, vol 67, 1997, pp 273–88, the construction of a ‘memorial’ comprising a Christian crucifix and hereditary rägg (restricted sacred objects) that are conventionally seen only by men in revelatory gärra (restricted) ceremonies in open view right outside the Methodist church at Galiwin’ku by Wangurri, Warramiri, Golumala and Djambarrpuuyu Yolŋu leaders in 1957 made it impossible for the mission-imposed practice of Christianity to continue in Yolŋu communities without open acknowledgement and acceptance that the practice of their pre-existing religion would also continue along its own trajectory. Dubbed the ‘Adjustment Movement’ by Ronald Berndt in An Adjustment Movement in Arnhem Land, Cahiers de L’Homme, Paris, 1962, this event stands as a direct precursor to the Mäwul Rom Project as Djinrrity’s băpa (father) was one of key agents in its production.

20 Yothu Yindi, loc. cit.


23 For further discussion of moieties and Yolŋu gurrṯiya (kinship), see Aaron Corn and Neparrţa Gumbula, ‘Rom and the academy re-positioned: Binary models in Yolŋu intellectual traditions and their application to wider inter-cultural dialogues’ in Lynette Russell (ed.), Boundary Writing: An Exploration of Race, Culture and Gender Binaries in Contemporary Australia, University of Hawai’i Press, Honolulu, 2005.


25 For further discussion of same-moiety co-ownership and cooperation through reggijaŋu relationships, see Keen, op. cit., p 312 and Morphy, op. cit., p 59.
Notes to pp 27–30

27 ibid.
34 Allan Collins and Tom Murray (dirs), Dhäkiyarr versus the King, Film Australia, 2004.
36 Yothu Yindi, loc. cit.
37 Djalalînga Yunupiŋu et al., ‘Yirrkala Petition to the House of Representatives’, Yirrkala, 1963. To read the entire petition see Attwood and Markus (eds), op. cit., pp 202–3 and to view the form in which it was originally presented to Hawke — as two identical typescripts surrounded by Dhúwa designs on one panel and Yirritja designs on the other — see Morphy, Aboriginal Art, op. cit., pp 256–7.
38 Milirrpum and Others versus NABALCO Pty Ltd and the Commonwealth of Australia, vol 17, 1971, FLR 141.
40 Milirrpum v NABALCO, op. cit., FLR 141–294.
41 Yothu Yindi, ‘Luku-Wanjawuy Manikay (1788)’, Homeland Movement, Mushroom, D19520, 1989, track 15. For further discussion of this song, see Corn and Gumbula, ‘Now Balandá say’, loc. cit.
45 Yothu Yindi, ‘Gone is the Land’, Garma, Mushroom, MUSH332822, 2000, track 12.
46 Gondarra, loc. cit.
47 Morphy, Ancestral Connections, loc. cit.
49 Yothu Yindi, Birrkuda: Wild Honey, Mushroom, TVD93461, 1996, notes.
52 Yunupiŋu with Corn, loc. cit.
53 Yunupiŋu with Corn, loc. cit. For further discussion of gama and the creative applications of this concept by Yothu Yindi, see Patrick McConvell, ‘Cultural domain separation: Two-way street or blind alley? Stephen Harris and the neo-Whorfians on Aboriginal education’, Australian Aboriginal Studies, vol 9, no 1, 1991, pp 13–24; Karl Neuenfeldt; ‘Yothu Yindi and gama: The cultural transposition of Aboriginal agenda through metaphor and music’, Journal of Australian Studies, vol 38, 1993, pp 1–11; and Fiona Magowan, ‘Traditions of the mind or the music-video:
Intention and Iterability in Cubillo v Commonwealth

Trish Luker

3 Cubillo, para 1160.
4 Cubillo, Summary of reasons for judgment, para 9.
5 Exhibit #A9: Pro Forma Consent Document, tendered 4 August 1998 by Mr Rush QC for the Applicants.
6 Throughout the decision and in evidence presented at the trial, the mark on the form of consent was referred to as a thumbprint; however, the form does not state this, but rather includes the words ‘her mark’. It is unclear whether the mark is a thumbprint or a fingerprint and evidence to clarify this was not given at the trial.
7 The other two key cases are Kruger v Commonwealth (1997) 190 CLR 1, a challenge to the constitutionality of the Aboriginals Ordinance 1918, and Williams v Minister, Aboriginal Land Rights Act 1983 (1999) 25 FamLR 86 and the appeal [2000] Aust Torts Reports P81–578, 64,136, a claim against the State of NSW.
9 ibid., p 186.
10 ibid., p 185.