

The Assembly of Yolŋu peoples of West, Central and East Arnhem Land in the Northern Territory, comprising the indigenous geo-political areas of Miwatj, Laynha, Raminy, Marthakal, Garriny, Gumurr-Rawarraŋ, Gaŋjirrik and Miŋiyirrk, wish to raise the following matters to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander People:

1. It is through the Maḍayin system of law, that pre-existed Australian systems of law, that our lands have Mägaya - peace, order, and good government.
2. Our Maḍayin system of law is dhapirrk consistent in its statutes; is guarded by the Yothu Yindi separation of powers; is stewarded through our lawful authorities and government; and is revealed to the Givers of Law:- Djaŋ'kawu and Barama.
3. All Yolŋu citizens assent to the Maḍayin system of law through the Waŋa Lupthun assent ceremony.
4. Although we are granted Australian citizenship at birth we are first subject to our Maḍayin system of law.

In the spirit of conciliation we therefore ask:

That space be made for our people within the Australian state by the establishment of a recognised jurisdiction constituted in our Maḍayin system of law, and covering the abovementioned areas of Arnhem Land, so that Yolŋu peoples have the freedom and scope to live, think, and develop in a way that suits them.

That Constitutional recognition must include our peoples' rights to our culture, language and identity and also engage our culture, language and identity through the recognition of Madayin law.

Such recognition would be consistent with the principles of Mabo's case. The details of interlocking with Australian law and international human rights law need to be negotiated, but this does not prevent the acceptance in principle of the concept of recognition of Madayin law.