



Mediation in Matters Involving Sorcery in PNG Villages and Remote Australian Indigenous Communities

Craig Jones

Queensland University of Technology, Australia

Michael S. Wagambie

University of Papua New Guinea, Papua New Guinea

Abstract

The article discusses the application of mediation to conflict involving sorcery and sorcery-related violence in Papua New Guinea (PNG) villages and remote Australian Indigenous communities. The article proposes that a Hybrid Mediation Approach to managing this form of conflict can be effective. This approach re-imagines the stages of mediation not as fixed or rigid steps but as design parameters that empower the parties through incorporating local values and traditions into the dispute management process. The hybrid element of the approach refers to the incorporation of local values and traditions into the mediation design. The article makes reference to specific examples of sorcery-related conflict at the remote Australian community of Aurukun and a village in PNG to provide a background to this discussion of effective mediation techniques.

Keywords: Sorcery; mediation; Indigenous peoples; hybridity; conflict.

Introduction

This article discusses the application of mediation to disputes involving ‘black magic’ or sorcery in villages in Papua New Guinea (PNG) and remote Indigenous communities in Australia. The article will discuss the village level in PNG and remote Indigenous communities in Australia, and, more specifically, research work focused on mediation conducted at Aurukun on Cape York Peninsula (Jones 2024). At Aurukun, sorcery is referred to as black magic in English and ‘*ma wop*’ in Wik Mungkan, while in PNG, sorcery is often referred to as ‘*sanguma*’ (Forsyth et al. 2021: 3). These local words place the practice of sorcery within the local cultural system operating at the village level in PNG and at the local community level in Australia.

Accusations of sorcery in the Australian and PNG contexts can lead to extreme violence, severe harm and even death (Harriman 2018). This article proposes that mediation can be an effective approach to the resolution of conflict in matters involving accusations of sorcery. One step towards achieving this effectiveness is recognising that mediation is a design process rather than a prescribed set of best practice principles or sequential steps. For both countries, mediation is proposed as an alternative to the conventional justice systems and as a way of dealing with conflict management and the mitigation of harm. This article touches on some of the elements of sorcery, but it is not an exploration of sorcery as a practice. Rather, the article addresses the application of mediation to matters involving conflict related to accusations of sorcery as one path towards harm reduction for remote communities and villages.



Accusations about the practice of black magic or sorcery in remote communities and villages in both Australia and PNG are often associated with the death of a community member. Onagi (2015: vii) asserts that when:

people die, especially men, people start asking, ‘Who is behind this?’. In PNG, we view sorcery or witchcraft as causes for sickness or death before medical reasons are considered. This is a commonly held belief across PNG, even among educated PNG citizens.

Similarly, in discussing the Wik peoples at the remote community of Aurukun in Australia, Martin (2008: 94) asserts that explanations ‘for illness and death are almost always couched in terms of mystical agency...’ and are often accompanied by accusations of sorcery. More broadly, magic and a range of related spiritual practices are seen as a usual part of culture in remote communities and villages. In these communities, magic includes practices around love magic, love potions, hunting success and luck in general (Martin 1993, 2008; Witne et al. 2023: 818).

Violence has been a significant problem in remote Indigenous communities in Australia and in villages in PNG, including violence leading to death. In that sense, the violence surrounding accusations of sorcery or black magic is not an outlier but, rather, part of a suite of local conflict mechanisms. These range from traditional forms of collaboration used to resolve conflict or traditional violence aimed at creating order (Langton 1991), through to substantial harm caused in the chaotic tribal violence in the PNG highlands or the chaotic street violence in some remote Indigenous communities in Australia. We note that street violence not involving Indigenous Australians also occurs from time to time in the centres of Australia’s large cities, as well as in cities in PNG. However, our focus here is specifically on matters relating to sorcery and violence surrounding its practices.

The violence stemming from accusations of sorcery or black magic has been referred to as sorcery accusation-related violence (SARV) in the literature (Forsyth et al. 2021; Witne et al. 2023), a term we use in this article as well. Violence in PNG includes torture, burning alive and beheading (Forsyth and Eves 2015a: 1), while in Australia it can include street violence between families that often results in hospitalisation for substantial injuries (Jones 2024).

The article reflects on Jones’s professional work as a mediator in PNG since 2010, and in Australia since 1996, and his doctoral research project on conflict and mediation at Aurukun on Cape York Peninsula in Queensland, Australia (Jones 2024). It further draws upon Wagambie’s expertise in mediation and his experience in PNG villages and settlements.

Commencing with a brief discussion of sorcery and the impact of sorcery accusations on remote communities and villages, the article then turns to a consideration of mediation, providing a brief description of the mediation process and its limitations in the context of remote communities or villages. Many authors are critical of the application of mediation to cross-cultural circumstances, such as Indigenous Australians and PNG villages, especially concerning the perception of mediation as a Western tool that has been applied without due consideration for local cultural norms, including local dispute resolution practices (Bauman 2007; Beattie 1997; Dodson 1996; Kelly 2007). Cherokee scholar, Polly O Walker (2004), refers to the application of mediation without consideration for local meaning and practice as ‘ontological violence’. The perception is exacerbated by the preponderance of mediators being of Western cultural origins, with little knowledge of local communities and their cultural practices, and often insisting on a rigid approach in applying the mediation process.

To address this problem of rigid and externally imposed application of mediation processes, the article concludes with a proposed mediation approach that incorporates local Indigenous approaches to conflict resolution and local cultural concepts regarding conflict resolution in a way that corrects the failings (and prevents further harm) created by a simplistic and rigid application of a Western mediation method.

This proposed Hybrid Mediation Approach can address SARV effectively at the local level and empower parties to resolve issues around conflict themselves while significantly reducing the likelihood of violence and physical harm. Here, our use of the term ‘hybrid’ means that the mediation design process incorporates local traditional or customary elements into the fabric of the mediation process and its delivery. Finally, the article suggests additional areas for research, including how a focus on the initial stage of the mediation process around storytelling and the use of reality testing tools during mediation can contribute to the effective mitigation of SARV at a local level.

Sorcery — Practices, Perceptions and Conflict

The people upon whom this article focuses mostly live in remote locations in Australia or villages in PNG. Although Western institutions have had a substantial impact, they have not completely subsumed people’s culture and ways of being, including the practice of sorcery and the belief in its efficacy and impact.

Ninety-seven percent of the land in PNG is customary owned. Customary land is communally owned and cannot be sold unless the state acquires it through a compulsory acquisition process under the *Land (Papua New Guinea) Act 1996*. Customary land is owned by a clan, tribe or land group. The remaining three percent of the land is owned by the state under a state lease or privately held under a certificate of title. Retention of land ownership in village hands has meant that local customs dominate day-to-day life throughout most of PNG. These local customs include the use of sorcery in its various forms, whether used for positive outcomes that enhance people's lives or for negative outcomes that result in harm to people.

Similarly, in Australia, there are many remote communities where local cultural norms are in daily practice and where the reach of the state and its ability to assert practice is not at all certain. Aurukun on western Cape York Peninsula is very remote, surrounded by native title land, often cut off by road during the wet season and where Wik Mungkan (and related languages) are spoken on a daily basis. Sorcery, known as '*ma' wop*' (Jones 2024) at Aurukun, is a component of local cultural practice.

In both Aurukun and PNG villages, it is commonplace for various forms of magic to be practised, including sorcery. Where sorcery involves the use of a magic practice, power or substance to cause a negative impact on someone, including illness or death, usually as payback for a perceived wrong with regard to obligation or exchange, it can lead to violence.

Martin (2008) describes a malevolent use of sorcery at Aurukun as follows:

To become the victim of a sorcerer is to 'get caught'. The sorcerer (*ma' wop* or *ma' menychan*) uses a variety of magical powers to attack his opponent. Most dangerously, he finds his target alone or asleep and places him or her in a trance. He then operates on his victim, making an incision and withdrawing blood (the *ngangk chaapar*) and then placing it in a small container— nowadays a tin, in the past a parcel of paperbark tied with vines. He leaves a small opening, because like its owner, the blood has life and must have air. The sorcerer then hides the parcel, perhaps in the side of an antbed or by burying it in sand. The victim awakens from the trance, but is unable to tell others of what has happened. Nothing out of the ordinary in the victim's demeanour or health is immediately apparent.

However, the sorcerer, malevolent and cruel, will secretly return to where he has hidden the blood and heat it over a fire, or place hot stones on it. As he does so, the man or woman will writhe in pain. The sorcerer may continue to do this over a long period, playing with his victim (*ma' kee' athan*), who will be getting weaker and weaker. The victim's kin will by now begin to notice that the person is ailing, and enlist the help of a healer (*nhoyan*) who might divine that the person has been ensorcelled (*ma' pamam* or *ma' weechan nunang*). The anger and distress caused by the perception that sorcerers have been at work is palpable. Kin will actively seek for the container of blood; if they find it, they wash the congealed blood in water, and the victim will immediately be revitalized. If they do not, and if the healing of the *nhoyan* is to no avail, the victim's condition worsens and they become dreadfully ill (*man-way* or *weny-ch-thaa*). When the sorcerer finally takes the stones and sears the package right where the small hole has been left, the person convulses and dies. (95)

This very specific description of practice is not meant to imply that there are similar practices across Australia and PNG. Forsyth and Eves (2015b: 4) suggest that the practice of sorcery is varied across Melanesia (including within PNG) and can involve an individual using their own power to influence others or using their power to manipulate objects, which, in turn, affects another person. Forsyth et al. (2021: 4) describe the sorcerer or *sanguma* as being possessed by a spirit that goes out to eat people's hearts. The authors' own experiences in PNG are that villagers' beliefs about sorcery are an incredibly potent force in fuelling conflict across the country and that, in practice, its potency varies from village to village.

As previously stated, some accusations of sorcery in PNG arise when a person dies. For example, in a remote PNG village, a man died following complications from an abrasion on his shin caused by an accident. Initially, the man treated the cuts with local herbal leaves to alleviate the pain and prevent the sore from spreading. However, the condition of his shin worsened overnight, leading to swelling and difficulty in walking. Despite continuing to use herbal remedies, the man's condition deteriorated over a short period of time, with the pain eventually spreading to other parts of his body. Shortly after that, the man collapsed in his village, was taken to the hospital, but could not be revived, and was pronounced dead. Following the death, the body was transported back to the village and laid out in the open for family members to pay their respects before it was taken to the morgue. During this time, it was reported by the immediate family members in pidgin language that:

wanpla blek dok go antap lo bed we bodi blong die man slip stap na singaut na kros wantaim bel hat na laik kai kai bodi blong die man na mipla ronim dok igo.

[a black dog climbed onto the platform where the body lay, barked angrily at the dead body, and attempted to bite it before being chased away.]

The deceased's family interpreted this incident as a sign that the dog's owners were involved in the cause of the deceased's death, recalling a past land dispute between the deceased's clan and the clan of the dog's owners. This belief heightened tensions within the community.

After the deceased's burial, a mediation session was convened to address the escalating tension. To ensure impartiality, mediators from neighbouring villages, uninvolved in the land dispute and other underlying issues, were selected to conduct the mediation. Despite a general denial from the accused persons and their clan members, the mediation session grew heated and tense. Although the mediators managed to maintain control, the mediation was ultimately suspended, and the tension remained unresolved.

Local mediators in PNG typically acquire their skills through practice and the wisdom passed down from previous generations. Although they lack formal training in mediation, their methods are respected and accepted as a legitimate means of resolving disputes within their communities. The authority of the local mediator to be involved in the management of the conflict, the respect the community has for them in terms of their knowledge and relationship to the community, along with knowledge and application of local systems, is a starting point for successful management of conflict. These qualities underpin the Hybrid Mediation Approach. The combination of local qualities with a structured mediation approach allows the mediator (or mediation team) to identify and address matters which might remain hidden or intractable with either approach applied on its own.

Much of the literature surveyed for this article focuses on the question of violence as an outcome of an accusation of sorcery. Witne et al. (2023) start to explore the issue of SARV from all sides by using storytelling practice and particularly the photovoice method. These approaches create an opportunity for people to express their views in a safe space. However, many people caught up in the violence associated with a conflict involving accusations of sorcery perceive the exercise of sorcery as a form of violence itself. An elder at Aurukun in Australia, for example, expressed the view that the accused sorcerer should be arrested because she viewed the act of sorcery as an 'assault like a punch in the face,' as well as being a threat to her family. In PNG mediations concerning SARV, many parties express a concern about conducting the discussions in a space free of violence resulting from both the use of sorcery and the act of accusing another person of practising sorcery. This reveals that the parties carry a perception of violence as flowing in two directions: violence arising out of the act of sorcery itself and violence arising from the threat of sorcery accusations and the potential violent consequences. Understanding this two-way perception is an important concept in managing the mediation of sorcery-caused conflict and will be referred to later in the article.

The use of sorcery accusations as part of a dispute between groups or in escalating conflict between groups poses several challenges. Firstly, SARV can lead to serious human rights abuses, including torture, injuries and extrajudicial killings. Secondly, the belief in sorcery can impede trust in, and use of, healthcare facilities that might otherwise save a person's life or prevent long-term disability, either because the illness is attributed to supernatural causes and the victim and their family refuse to seek medical treatment or, where a person is treated but still dies, relatives continue to believe that the death was caused by supernatural forces. There may be simple practical measures that mitigate this risk. For example, in Aurukun, in circumstances where a person has died while in the care of the medical staff and sorcery is suspected, the family can meet with medical staff to discuss the details of the illness and treatment. This technique counters misinformation which may fuel sorcery accusations. Thirdly, sorcery accusations can create deep divisions within communities, leading to social exclusion and distrust. These divisions can last for many years and be carried over many generations. A 2024 *Post Courier* article in PNG demonstrates how persistent the problem of SARV is, explaining that women and children in PNG are currently affected by this form of violence and that, despite specific laws addressing SARV, many incidents go unreported due to fear of reprisal (PCADMINPNG 2024). In the author Jones's work at Aurukun since 2020, there have been regular requests for mediation relating to a party wrongly accused of causing harm through use of sorcery or where a party is accusing someone else of using sorcery against them.

What is Mediation and is it Appropriate for Conflicts Involving Sorcery?

The Elements of Mediation

Mediation is a form of facilitated negotiation around issues that matter to parties involved in conflict. It is seen as an effective alternative to legal avenues for dispute resolution in that it is timely, cost effective and allows for the parties to resolve a broader range of issues between them more effectively. The process of mediation involves the assistance of a neutral third party not associated with any of the disputing parties, who does not provide judgement on issues but, rather, facilitates a process.

The problem-solving or solutions-focused approach to mediation is the most common approach in alternative or non-adversarial dispute resolution (Fisher and Brandon 2002). This approach uses facilitated negotiation as a method and follows a stepped

approach to engagement between the parties to achieve agreed outcomes that are in the mutual interest of the parties (Jones 2024) and is based on the Harvard method outlined by Roger Fisher and William Ury (1987).

The steps involved in the various problem-solving mediation formats are (Jones 2024):

- Story, Issues, Questions, Answers, Transaction, known as the hand rule, and applied in matters involving Indigenous peoples (Jones 2021).
- Pre-mediation, Explanation, Clarification, Exploration, Negotiation, Agreement and Post-mediation (Fisher and Brandon 2002).
- Preparation and planning, Beginning the mediation, Presenting perspectives and setting an agenda, Identifying the issues and framing the problem, Generating options and problem-solving, Evaluating and refining the options for agreement, Reaching agreement and achieving closure, Implementing and monitoring agreements and understandings (Moore 2014: 186).
- Tok Pisin mediation steps: Tokim stori bolo yu; Kamautim ol bel hevi; Tok tru na tok stret lo ol hevi; Panim ol rot lo stretim; Skelim ol rot; Na wan bel lo wampela rot emi gutpla; Sainim pepa long makim wan bel [Tell your story; so that all the issues come out; tell the truth and be upfront about the problems; consider ways to resolve the issues; think about the ways to resolve the problems and agree on the specific resolution; sign an agreement to represent the resolution of the issues] (Jones 2014).

The key with the stepped methodology is that talking about the problem or negotiating a settlement does not start with discussing (or fighting about) the solution; rather, the initial focus is on understanding the problem through the parties talking about their view of the problem (Jones 2024).

Ideally, the process seeks to empower the parties to resolve the issues between themselves and increase the potential for locally determined outcomes and increasing sovereignty (Jones 2024). According to Fisher and Ury (1987), mediation is a facilitated process of principled negotiation. Their method is often called interest-based mediation in that one of the elements is to separate people from their position and instead focus on their interest (Fisher and Ury 1987).

An example of a position might be a party feeling that their solution or option is the best one or the only one. Holding on to this position limits the opportunity for resolution between the parties. On the other hand, an interest might be considered more fundamental to the party and potentially be external to the party. An example might be 'having a safe place to bring up children' or 'control over the products from a garden'. Importantly, the definition of an interest will be located locally and culturally defined. A position might also be that use of sorcery to cause harm or the accusation of sorcery is the key issue in a matter. Forsyth et al. suggest in their Enga (PNG) study that in 72 percent of cases involving accusations of sorcery, there was some pre-existing conflict between the parties concerned, though they offer the cautious caveat that it is not possible to 'interpret that the accusation is merely a pretext for an ulterior motive' (Forsyth et al. 2021: 7).

A common technique in mainstream mediation for shifting the parties' focus from their positions to their interests is called 'reality testing'. This technique is often applied during a separate meeting with a party rather than in a joint session. It is commonly used to assist parties to make difficult choices and address difficult issues as part of the dispute resolution process. A standard question is to ask the party to consider their 'best alternative to a negotiated outcome (BATNA)' in the context of their stated aims or circumstances. This technique requires caution in sensitive matters and must be balanced with the goal of empowering parties.

Mediation in the Context of Indigenous Australian Communities and PNG

The description of sorcery from Australia and PNG mentioned earlier provides a background for the context of mediating matters involving sorcery. While specific mediation case studies cannot be shared due to confidentiality, it is possible to explore some common elements of mediation used to address issues related to the use or accusations of sorcery. By drawing on our experiences of mediation practices in PNG and Australia, we can demonstrate how mediation serves as a valuable problem-solving process of relevance to sorcery-related harms. Two techniques the authors consider especially important that are used in actual mediations are: 1. Identifying the harmful use of sorcery or accusations of sorcery as one issue in mediation but not the only issue; and 2. exploring other relevant issues that may be driving the conflict.

The initial intake step in any mediation process involves meeting the parties separately. It usually involves enabling each party to tell their story about the problem independently and provides information about what to expect during the process, including where and when it will take place. In some cases, it may include offering coaching on effective process skills, such as communication and conflict resolution strategies, but it does not involve suggesting a solution to either party nor what to say.

This important step is often the first opportunity for the party to meet the mediator, especially where mediation is not a resident service. Smith (2021) suggests that work with Indigenous communities cannot begin nor be effective without relationships (kinship) being established between the local and the outsider, suggesting that the intake step might be crucial in establishing that relationship.

Once a safe place to meet has been established, the parties to a conflict can come together to discuss their problem. At the beginning of a mediation, the parties are asked to describe their version of the problem in turn. The task of the mediator is to identify the issues or elements that make up the conflict, drawing from the stories shared by the parties. Many stories involving concerns about sorcery include the following underlying issues: safety, land disputes and family or clan. Parties will also often speak to values, such as respect or transparency. Drawing upon both these issues and their associated values, the mediator then helps the parties discuss each issue in turn, to ensure that they are properly understood by both sides and that all aspects of the issues are on the table. The mediator establishes with the parties an agenda for discussion. In practice, the agenda has tended to address land, safety and family or clan, in that order.

This step of identifying the issues arising out of the parties' stories creates a set of mutually agreed neutral matters to be resolved. In the instances involving harm related to accusations of sorcery, rather than identifying the practice of sorcery as the central issue, it has been captured by the term 'safety'. In doing so, this captures both the accusations of sorcery and the resultant violence. This technique enables parties to discuss the problem from a principled position rather than adopting an accusatory stance.

The order of discussion is important. Land, and disputes over land, are common in both PNG and Australia. Conflicts about land are often the driver behind sorcery accusations. In many mediation matters, discussion around the problem of land has enabled the parties to step away from violence. Often, parties have been able to agree on who should be present to resolve the land matter, where this discussion should occur and when it should occur, ensuring that the right people are present in the mediation and that there is enough time (usually a number of days) to discuss and resolve the land issue.

Resolving this central issue around land has regularly led to a resolution of the entire problem. Central to the land discussion is often an exploration of how the parties are related to each other, including a discussion of genealogy. Harriet Pootchemunka, a key elder mediator at Aurukun, calls this 'common ground' and uses the principle to shift parties from being enemies or strangers to being relatives with obligations and responsibilities (Jones 2024). In many cases, with parties recognising one another as kin, the matter then quickly resolves. It has been our experience that this is often followed by crying and hugging amongst people who have often been estranged for many years. The resolution of the SARV component (addressed within the ambit of the safety issue) at this stage is transformed into a 'make good' on a wrong process. The resolution becomes an exchange, which in some PNG cases has involved compensation or gifts of pigs or kina, while in Australia has involved promises of fishing trips or exchange of art materials, including seeds for dyeing or pandanus for weaving.

The PNG Alternative Dispute Resolution (ADR) Rules 2022 state that mediation:

means the process a mediator uses to help the parties in a dispute to jointly identify their disputed issues, develop and evaluate options, and enable them to make their own decisions about how to move forward and or enhance their communication in a way that addresses their mutual needs and individual interests with future actions and outcomes and reach their own agreement or make a decision based on the principle of self-determination which may include a blended or a customary form of mediation. (National and Supreme Courts of Papua New Guinea 2022: 3)

Fisher and Ury (1987) identify that the mediator should be a 'neutral third party'. This notion of assumed neutrality is problematic in both remote Indigenous Australian communities (Bauman 2007; Beattie 1997) and villages in PNG. The position of neutrality assumed by mediators is often not critically examined (or reflected upon), which can lead to the mediator unintentionally imposing Western values on the parties involved in mediation (Avruch 1998; Walker 2004). This contradicts the core principle of mediation, where the focus should be on facilitating solutions that respect the parties' own values and traditions (Fisher and Ury 1987).

In the context of villages in PNG and remote communities in Australia, the application of Western mediation without modification or consideration of local cultural norms will generally fail in its objective of resolving conflict; this is because it will fail to assist the parties to effectively communicate with one another (Avruch 1998). It also risks fostering poor commitment to the process by the parties, which in turn will reduce the likelihood of resolution of the conflict. This is especially important in matters involving SARV, where the potential for harm is increased. Sutton (2011: 132) warns that 'mediation and negotiation situations, based as they are on difference should be approached by go-betweens, at least, with great care and with an appropriate degree of formality and difference'. Understanding the nature of effective communication in relation to matters where violence

is involved is core to resolving conflict. Moreover, this understanding should be embedded in an appreciation of the relationship between the complex historical, social, economic and cultural context of the particular mediation and the specific circumstances of the PNG villages and remote Indigenous Australian communities in conflict.

Mediation in cross-cultural circumstances requires altering the standard universalist mediation approach to one that embraces an understanding of specific cultural norms, nuances and practices (Avruch 1998; Avruch, Black and Scimecca 1991; Beattie 1997; Lederach 1995). The literature analysing disputes within Indigenous communities is limited (Jones 2024) but what does exist proposes that simply applying standard approaches to dispute resolution will be neither effective nor just (Adebayo, Benjamin and Lundy 2014). As earlier mentioned, Walker (2004) argues that imposition of Western mediation on Indigenous conflict is an act of ‘ontological violence’ in that it does not recognise Indigenous ways of thinking, meaning or communicating. The uncritical application of mediation in the context of sorcery and SARV is a version of ineffective communication which can, in practice, increase the level of harm rather than reduce it.

The effectiveness of mediation as a best practice methodology, despite its well-defined stages and simple set of well-established tools, may not be suitable for complex, structural problems. Firstly, best practice is suited to the resolution of simple or complicated problems (Snowden and Boone 2007). Secondly, conflict and violence that arises from SARV is rooted in a complex system of cultural, social, economic, historical and geographic elements. The application of a simplistic system to a complex conflict is unlikely to resolve it and may even create new, unforeseen problems, including violent events. In other words, a simplistic application of mediation in the context of a complex conflict could potentially result in further harm to the participating parties. To address this complexity, we propose a design approach as an alternative to applying a standardised mediation framework, which we discuss next.

How can Mediation be Used to Empower Parties in the Resolution of a Conflict Involving Sorcery?

The legal systems of Australia, PNG and, more broadly, the Pacific, have a problematic intersection with traditional systems (Bull, George and Curth-Bibb 2019; Watson et al. 2023). Forsyth (2022) suggests that there is a failure of the justice system in PNG in relation to the arrest of SARV perpetrators, with very few arrests being made in relation to the number of actual cases. Mediation that reflects local contexts and culture, which we have called a Hybrid Mediation Approach, can offer a culturally appropriate and community-driven approach to address these conflicts, with a focus on healing, restoration and reconciliation.

Early outcomes from Jones’s (2024) research in Aurukun indicate that enabling the parties or stakeholders in a conflict to actively engage in the design of the mediation process, specifically with the intention of incorporating local social and cultural elements, can significantly improve the likelihood of sustainable, effective and culturally resonant outcomes related to conflict. This includes addressing conflict involving individual and public violence, as well as matters involving SARV. The authors have observed that taking the same approach to ensuring customised design suited to each village context is important in PNG. One participant in a PNG mediation related to land disputes reported that each mediation needed a specific village approach, reflecting the unique languages, customs and rules of each village.

The ‘hand rule’ of: Story, Issues, Questions, Answers and Transaction (or Exchange) (Jones 2021) is not so much a reduction of the “Getting to Yes” standard mediation process (Fisher and Ury 1987) to a smaller set of steps for use in remote locations; rather, it is a description or outline of the design process. The direct application of design, with its focus on the parties, provides an opportunity for accessible communication and the identification of issues that actually reflect the problem between the parties, rather than the mediator’s view of what the problem might be or should be. The concepts of empowerment and that the parties should be the authors of the resolution of their conflict or the solutions to their problems are key concepts in the traditional conceptualisation of mediation and mediation practice and are also key elements in the ‘transitional design’ approach (Escobar and Rocheleau 2018) taken by both authors in the delivery of mediation in Australia and PNG.

A simplified description of the process following the hand rule is:

1. **Story:** Parties tell the story of their problem or conflict in their own words, initially at separate meetings with the mediator, and then later together at a joint meeting.
2. **Issues:** The mediator helps the parties to derive or create the key issues or elements of the problem out of the stories that they have told about the conflict.
3. **Questions:** This step takes the elements now identified and turns them into questions so that they become a problem to be solved. The parties work on these questions to ensure that each element of the dispute is properly understood and that all aspects of the element have been revealed.

4. **Answers:** Parties work on identifying the options that suit their needs and that address the problem or conflict between them.
5. **Transaction or Exchange:** This final piece is about closing the matter with an appropriate action. It could be a paper agreement, signed and stamped by the court. It could be 'killim pig' in a PNG village or it could simply be the recognition of the kin relationships between the people on either side of the table.

Along with the design process, each mediation involves the application of specific techniques. Techniques are personal, relational, spatial and performative. Mediators are required to have basic skills appropriate to the work of mediation, including good listening skills, good speaking skills and good leadership skills. Interestingly, these skills are part of the local Wik Mungkan philosophy at Aurukun: '*Kon aathan, Ma aathan, Ta aathan*'. The literal translation of this is 'feed the ear, feed the hand and feed the mouth', which in turn means to listen well, lead well and speak well (Jones 2024).

The relational skills involve establishing what might be called a kin-based or kin-informed stance in relation to the parties. This may be counterintuitive to the Western concept of neutrality or conflict of interest but in fact is an essential starting point for enabling effective and appropriate participation of Indigenous parties (Smith 2021). Knowing how people are related is knowing how to behave and knowing how to interact. The learning process of establishing the kin relations enables the effectiveness of the design process.

The spatial skills refer to the geography of the mediation. Apart from working with the parties to answer the simple questions of the where and when of the mediation, there is the more complex requirement of establishing a safe space for all parties to participate in the mediation. This safe space may involve notions of conducting the mediation 'on Country' or on village land, as this would be the right way to do it according to the parties. In Western terms, there is an element of managing potentially corrupt behaviour by being close to country or village land. Evoking the power of the land through traditional affiliations is seen as a way of sending the mediation in the right direction.

A safe space will also mean working with police or military to remove weapons. This may include such weapons as machetes, bows and arrows, and often homemade guns in PNG, or in Australia, sticks, spears and bows and arrows (and there is the occasional threat of a gun). Part of the mediation process is to establish the concept of the safe space. In other words, making the safe space is an artefact of the mediation process. Moreover, it is a safe space in both the physical and spiritual senses. Strategies to contribute to the creation of a safe spiritual space will borrow from local cultural norms. In Australia, that can mean meeting on 'Country' to discuss a matter and enacting the right ritual, while in PNG it can involve the presence of particular people, or the use of prayer or charms.

Working closely and collaboratively with local police in specific communities or villages can help create effective mediation outcomes over time, in the sense of empowering communities to choose mediation as a step to avoiding intersection with the justice system. Additionally, police can refer matters to mediation as part of a suite of community policing techniques. In Aurukun, this takes the form of a database mediation referral system, which sends matters to the local community-run mediation service (Jones 2024).

The performative skills in the delivery of mediation are about ensuring a way that enhances and enables the full participation of the parties. Here, elements include using a technique to shift the parties' mindsets from the conflict towards resolution, to demonstrate presence in the mediation space, and to establish the flow of the mediation.

The first of these skills, shifting the parties' mindsets from the conflict towards the resolution, involves the creation of the 'stranger space'. This concept is derived from the German sociologist, Georg Simmel (Simmel 1950). It is applied in mediation in two ways — the relational and the spatial — which combine to create a performative technique. In the relational, the mediator becomes both insider and outsider at the same time and thus accessible but also able to take charge of process. Additionally, the mediation location can be created as a space that is about the conflict but not the performance of the conflict. This space is labelled the stranger space because the parties are both outside and inside the conflict but importantly are able to establish a journey towards resolution through interaction in the mediation process. Bull, George and Curth-Bibb (2019) apply Simmel's stranger concept, in a different way but to the same end, to a discussion of policing in the Pacific region as a way of establishing a professionalism of policing in the community in relation to gender violence.

Another technique to achieve the shifting of the parties from the continuation or enactment of the violence of the conflict to working on the issues behind the conflict, and knowing where to move to with those issues, is the use of Bertolt Brecht's epic theatre techniques (Wilson 2017). One important aspect of this technique is to 'see the world as it really is' (that is, shift the party from position to interest). This is achieved via Brecht's estrangement effect (Wilson 2017), whereby the parties are in the

conflict but also not; the conflict is performed again but not on the site of the conflict nor in the conflict itself. This enables the parties to talk about and examine the conflict as if they are performers and audience and director at the same time.

The final performative technique to be discussed here relates to the flow of the mediation. It is a technique to highlight where, timewise and geographically, the parties are in the mediation process. This performative concept is relatively simple and seeks to illustrate the presence and flow of time towards a resolution. The focus of mediation is about the future rather than the past. The technique involves the idea that the past is geographically on the mediator's stage left, the present is centre stage, and the future is stage right. This is demonstrated or performed by the mediator such that when talking about the past and the problem between the parties, the mediator is stage left and indicating to the left with an outstretched left arm. While talking about the present and discussing the process the parties are involved in, the mediator is centre stage and is gesturing with both arms moving up and down towards the front; and when talking about the future and the ultimate resolution of the matter, the mediation is stage right and indicating with an outstretched right arm towards the right. This performative technique using a geographical or spatial model may be shifted or changed to reflect the specific cultural circumstances of the people involved in the conflict.

These simple techniques involving personal, relational, spatial and performative skills or techniques can provide the tools to take the parties on a journey of transition and empowerment in dealing with the issues that have arisen between them, doing so in a way that they can seek to achieve mutually beneficial outcomes, including a significant reduction in, or even prevention of, future violence. Mediation has been able to address violence at scale, both in relation to the significant tribal violence in the Highlands region and elsewhere in PNG, but also no less importantly at the village level, concerning SARV conflicts. Similarly, the issue of sorcery and violence has been regularly addressed at Aurukun, both as the central cause of a conflict and as one of the structural elements underlying broader conflict (Jones 2024).

Conclusion

This article has proposed that a Hybrid Mediation Approach, which can overcome conventional limitations of rigidly applying best practice as a series of steps, offers a culturally appropriate and effective way to address conflicts arising out of sorcery and SARV in PNG villages and remote Australian Indigenous communities. By incorporating traditional beliefs and practices into the mediation process, community members can work together to restore peace, harmony and justice. With careful design to ensure that the Hybrid Mediation Approach is culturally appropriate and community-driven, it can also help to address the underlying causes of conflict, such as poverty and lack of access to healthcare, and empower communities to resolve disputes using their own resources, mechanisms and meanings.

Using the steps in the Hybrid Mediation Approach as design parameters rather than as an inflexible framework is key to enhancing the mediation process so that it is effective and culturally sensitive for use within Australian Indigenous communities and villages in PNG. Use of the Hybrid Mediation Approach for resolving matters involving conflict arising out of sorcery and SARV has three core aims of restoring harmony within the community, promoting understanding and empathy between the affected parties, and preventing further violence.

The article proposes that the hand rule suite of Story, Issues, Questions, Answers and Transactions, should not be adopted as best practice mediation steps but, rather, should be used only to inform the design elements of localising or contextualising the mediation process. This transitional design to developing the Hybrid Mediation Approach offers parties a hands-on opportunity to create their own solutions through a guided process, emphasising seeking to build a clear picture of the problem to be solved through a focus on the parties telling their stories about it. This storytelling takes place first in a separate meeting with the mediator and then directly to each other in a joint meeting. In this way, the problem of sorcery is introduced into the mediation process as a factor within the broader context of the conflict between the parties (e.g., a land dispute) and avoids making the process solely about the management of sorcery practices.

Mediation, like any practice, requires ongoing reflection and adjustment in order to remain effective. A central part of mediation practice is requiring the mediator to reflect on how each matter has progressed. In reflecting on the Hybrid Mediation Approach involving Indigenous peoples generally, but also in matters involving sorcery and violence, two areas require additional research. The first relates to the initial intake stage, where the framing of the process and the empowerment of the parties is central to the chances of a successful outcome. Secondly, reality testing assists the parties to understand their own positions, paving the way for more effective negotiations.

The initial intake step in any mediation process involves meeting the parties separately. This step is important in setting up the success of the mediation through outlining the process, empowering the party to participate in the process, enabling effective

discussion of the problem or story about the conflict and building a relationship between the party and the mediator. Additional research could examine how to identify and incorporate local values and traditions at this stage of the process. This could include introducing the design process to engage with and include these concepts in the mediation.

Assisting parties to make difficult choices and address difficult issues is an important part of mediation, especially in the context of SARV. Reality testing is one valuable technique to achieve this outcome, particularly in matters involving SARV. In our experience, parties in these situations often find it very difficult to participate in mediation in the first instance, harbour entrenched fears around the impact of sorcery, and often find it difficult to achieve resolution. However, using this technique in relation to these highly sensitive matters is fraught with risk. Questions about how and when reality testing could be used in matters involving SARV, as well as the questions about its use in relation to sensitive cultural matters like sorcery practices, deserves to be an area of new research focus.

Sorcery that is used to cause harm and SARV are significant issues for remote communities in Australia and villages in PNG, negatively impacting the health, safety and livelihoods of people in those communities. Our proposal for developing a Hybrid Mediation Approach offers an opportunity to engage effectively with communities confronted by conflict arising from sorcery practices and SARV. Moreover, by dealing with the issue of sorcery not as a single focus point but, rather, as one of a number of matters to be addressed in the management of broader conflict, the chances of a successful resolution to such conflict and the prevention of future violence are likely to be much improved.

Correspondence: Craig Jones, PhD Research Student, Queensland University of Technology, Australia.
c84.jones@hdr.qut.edu.au.

References

- Adebayo A, Benjamin J and Lundy BD (2014) *Indigenous conflict management strategies: Global perspectives*. Lanham: Lexington Books.
- Avruch K (1998) *Culture & conflict resolution*. Vol 31. Washington DC: US Institute of Peace Press.
- Avruch K, Black PW and Scimecca JA (1991) *Conflict resolution: Cross-cultural perspectives*. New York: Greenwood Press.
- Bauman T (2007) 'You mob all agree?' The chronic emergency of culturally competent engaged Indigenous problem solving. *Indigenous Law Bulletin* 6(29): 13-15. <https://search.informit.org/doi/abs/10.3316/informit.619021440964662>.
- Beattie S (1997) Is mediation a real alternative to law? Pitfalls for Aboriginal participants. *Australian Dispute Resolution Journal* 57-69.
- Bull M, George N and Curth-Bibb J (2019) The virtues of strangers? Policing gender violence in Pacific Island countries. *Policing and Society* 29(2): 155-170. <https://doi.org/10.1080/10439463.2017.1311894>.
- Dodson M (1996) Power and cultural difference in native title mediation. *Indigenous Law Bulletin* 3(84): 8-11. <https://search.informit.org/doi/epdf/10.3316/ielapa.970202002>.
- Escobar A and Rocheleau D (2018) *New ecologies for the twenty-first century*. London and Durham: Duke University Press.
- Fisher L and Brandon M (2002) *Mediating with families: Making the difference*. Frenchs Forest: Pearson Education.
- Fisher R and Ury W (1987) *Getting to yes: Negotiating agreement without giving in*. New York: Simon & Schuster Sound Ideas.
- Forsyth M (2022) Policing in a relational state: the case of sorcery accusation-related violence in Papua New Guinea. *Policing and Society* 32(5): 611-628. <https://doi.org/10.1080/10439463.2021.1953026>.
- Forsyth M and Eves R (2015a) *Talking it through: Responses to sorcery and witchcraft beliefs and practices in Melanesia*. Canberra: ANU Press.
- Forsyth M and Eves R (eds) (2015b) *The problems and victims of sorcery and witchcraft practices and beliefs in Melanesia: An introduction*. Canberra: ANU Press.
- Forsyth M, Kipongi W, Lutz A, Gibbs P, Hukula F and Losoncz I. (2021) *Issues paper: Sorcery accusation-related violence in Enga Province*. Issues Paper. Papua New Guinea: The National Research Institute. https://pngnri.org/images/Publications/Sorcery_Accusation-Related_Violence_SARV_in_Enga_Province.pdf.
- Harriman B (2018) Sanguma: The belief behind a rising number of murders in Papua New Guinea. *Pacific Beat, ABC News*, 22 January. <https://www.abc.net.au/news/2018-01-22/the-belief-behind-a-rising-number-of-murders-in-png/9347018>.
- Jones C (2014) *PNG mediation training handbook*. Brisbane: RREDD.
- Jones C (2021) *Mediation skills training course and assessment*. Training Manual. Brisbane: RREDD.
- Jones C (2024) How can mediation be re-imagined to address conflict in remote communities? Unpublished manuscript.
- Kelly L (2007) Mediation in Aboriginal communities: familiar dilemmas, fresh developments. *Indigenous Law Bulletin* 14(5): 15-18. <https://search.informit.org/doi/epdf/10.3316/informit.613841474954882>.
- Langton M (1991) Medicine square. In Keen ID (ed.) *Being Black: Aboriginal cultures in 'settled' Australia*: 201-225. Canberra: Aboriginal Studies Press.
- Lederach JP (1995) *Preparing for peace: Conflict transformation across cultures*. Syracuse: Syracuse University Press.
- Martin D (1993) *Autonomy and relatedness: An ethnography of Wik people of Aurukun, Western Cape York Peninsula*. PhD Thesis, ANU, Canberra, Australia.
- Martin D (2008) Aboriginal sorcery and healing, and the alchemy of Aboriginal policy making. *Journal of the Anthropological Society of South Australia* 33: 75-128.
- Moore CW (2014) *The mediation process: Practical strategies for resolving conflict*. San Francisco: John Wiley & Sons.
- National and Supreme Courts of Papua New Guinea (2022) *Alternative Dispute Resolution Rules 2022*. Port Moresby, PNG: National and Supreme Courts of Papua New Guinea. https://www.pngjudiciary.gov.pg/images/pdf/Court_Rules/2022/15_ADR-RULES-2022-FINAL.pdf.
- Onagi G (2015) Foreword: Sorcery- and witchcraft-related killings in Papua New Guinea. In Forsyth M and Eves R (eds) *Talking it through: Responses to sorcery and witchcraft beliefs and practices in Melanesia*. Canberra: ANU Press.
- PCADMINPNG (2024) Sorcery accusation related violence still an issue. *Post Courier*, January 24. <https://www.postcourier.com.pg/sorcery-accusation-related-violence-still-an-issue/>.
- Simmel G (1950) *The sociology of Georg Simmel*. New York: Simon and Schuster.
- Smith LT (2021) *Decolonizing methodologies: Research and indigenous peoples*. London: Bloomsbury Publishing.
- Snowden DJ and Boone ME (2007) A leader's framework for decision making. *Harvard Business Review* 85(11): 68-76.
- Sutton P (2011) *The politics of suffering: Indigenous Australia and the end of the liberal consensus*. Melbourne: Melbourne University Publishing.
- Walker PO (2004) Decolonizing conflict resolution: Addressing the ontological violence of westernization. *American Indian Quarterly* 28(3/4): 527-549. <https://www.jstor.org/stable/4138930>.

- Watson D, Howes L, Dinnen S, Bull M and Amin SN (2023) Context-specific issues and challenges of policing in the Pacific. In Watson D, Howes L, Dinnen S, Bull M and Amin SN (eds) *Policing in the Pacific Islands*: 9-35. Cham: Palgrave Macmillan.
- Wilson DD (2017) A study on the theatrical techniques employed in Brecht's plays. *IUP Journal of English Studies* 12(4): 60-67.
- Witne BD, Thomas V, Kauli J and Spurgeon C (2023) Kaporì: Researching local responses to sorcery accusation-related violence in Papua New Guinea through Indigenous storytelling. *AlterNative: An International Journal of Indigenous Peoples* 19(4): 814-823. <https://doi.org/10.1177/11771801231197822>.

Legislation Cited

Land (Papua New Guinea) Act 1996