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The Recognition of Māori Law in Treaty of Waitangi Settlements, the Māori Land Court, and New Zealand Public Life: Papers by Dr Carwyn Jones, Senior Lecturer in Law, Victoria University of Wellington.

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"The Scope and Significance of Māori Legal History"
(2009) 3 Te Pouhere Korero pp. 45-62
Victoria University of Wellington Legal Research Paper No. 20/2014

CARWYN JONES, Victoria University of Wellington - Faculty of Law
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While legal history is a field that has developed considerably in Aotearoa in recent years, very little consideration has been given to the study of Māori legal history, either by historians or lawyers/legal academics. An exploration of what it is that comprises the scope of this field and the various sources of Māori legal history could assist in developing our understanding of the landscape of Māori history and the parameters of both Māori history and legal history in Aotearoa.

Many people would consider Māori legal history to be the study of the historical development of laws that relate to Māori. But a study of the historical context only of legislation and case law that affects Māori is in fact just a small part of this field. This approach has tended to derive from the twin assumptions that there is no distinct Māori legal system that has either operated historically or operates now. Once we recognise that both these assumptions are false, we can proceed on the basis that the field is primarily concerned with the historical development of the Māori legal system and therefore the sources students of Māori legal history must focus on are not only the historical context of cases and legislation, but the historical context of changes in the Māori legal system – what are the legal-historical significance of the Kotahitanga Parliaments or the establishment of the Kinigtanga? What changes in the way authority operates and behaviour is regulated in Māori society do movements like these represent?

On the other hand, it should not be forgotten that the regulation of behaviour in Māori society has, since 1840, to greater or lesser degrees, been governed by both the Māori legal system and the colonial legal system. Consequently, I argue that the study of Māori legal history must include both Māori sources and colonial legal sources. This approach can therefore develop our understanding of what constitutes both Māori history and New Zealand legal history.

"Legislation to Restore Character, Mana, and Reputation: Mokomoko (Restoration of Character, Mana, and Reputation) Bill"
(2012) November Māori LR 1-3
Victoria University of Wellington Legal Research Paper No. 21/2014

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This article considers how the Mokomoko Bill would operate to give effect to an agreement between the Crown and the descendants of Mokomoko for the Crown to obtain both statutory recognition of the free pardon granted to Mokomoko in 1992 and a declaration that the character, mana, and reputation of Mokomoko and his uri (descendants) are restored.

"Māori Land Court: Dispute About Trust Beneficiaries *Easthope v. Pirika* - Te Ngae Farm Trust"
(2012) November Māori LR 4-6
Victoria University of Wellington Legal Research Paper No. 22/2014

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This case arose out of a disagreement among the trustees for the Te Ngae Farm Trust as to who should benefit from the trust.

The issue was whether the correct interpretation of the relevant clause of the trust order defined the beneficiaries of the trust narrowly as members of the hapū of Ngāti Rangiteaorere or more broadly to include all descendants of the tupuna (ancestor) Rangiteaorere.

The Court determined that the narrower interpretation was correct, consistent with the objects of the trust, and this was supported by the context in which the trust was established.

"Te Urewera Historical Claims: Te Urewera, Part III: From Self-Governing Native Reserve to National Park"
(2012) November Māori LR 12-22
Victoria University of Wellington Legal Research Paper No. 23/2014

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The third part of the Waitangi Tribunal's Te Urewera report has be released in a pre-publication edition. Part III is primarily concerned with issues relating to Te Urewera National Park and the background of events that led to the establishment of the park. The four chapters in Part III tell the story of the transformation from self-governing native reserve to national park. There are four key themes that run though these chapters: 1. The Crown's defeat of promised self-governance; 2. The Crown's repeated broken promises; 3. Extensive land loss; 4. The creation of a national park in Te Urewera which has come to symbolize dispossession.

"Māori Dispute Resolution: Traditional Conceptual Regulators and Contemporary Processes"
Meditating Across Differences: Oceanaic and Asian Approaches to Conflict Resolution, Edited by Morgan Brigg and Roland Bleiker, University of Hawai'i Press, Honolulu, 2011
Victoria University of Wellington Legal Research Paper No. 24/2014

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This chapter discusses key elements of Māori dispute resolution, with particular reference to aspects of the treaty settlement process used to address conflicts internal and external to Māori tribes. The

first part of the chapter explores some fundamental principles that guide Māori conflict resolution and provides a brief overview of Māori social organisation as the foundation on which Māori conflict resolution is based. The second part of the chapter examines three areas of cultural difference that highlight key characteristics of Māori dispute resolution. The third part of the chapter considers how aspects of Māori dispute resolution processes have been used with the Treaty of Waitangi settlement process between Māori and the Crown.

"Riding the Waves"
Between Indigenous and Settler Governance, Edited by Lisa Ford and Tim Rowse, 2013
Victoria University of Wellington Legal Research Paper No. 25/2014

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This paper considers the role of Māori law and legal traditions in New Zealand public life. The first part of the paper provides a brief historical overview of the role of Māori law in New Zealand. Though Māori law, or *tikanga*, has been severely affected by the introduction of a colonial legal system, it has survived and continues to play a role in the regulation of social behaviour and interactions in New Zealand. Healthy legal cultures are never completely static and Māori legal traditions have constantly adapted and developed in response to changing circumstances. The second part of the paper considers the way in which *tikanga* is continuing to develop, in particular in the context of the Treaty of Waitangi settlement process. The settlement process, and especially the establishment of formalized tribal governance entities, illustrates the ways in which *tikanga* is adapting to meet the challenges of the 21st century.
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About this eJournal

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachussetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Judicial Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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