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Negotiation and Mediation in New Zealand: Papers by Dr Grant Morris, Senior Lecturer in Law, Victoria University of Wellington.

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["To What Extent is the New Zealand Treaty of Waitangi Settlement Process 'Interest-Based' Negotiation?"](#)

23 Australasian Dispute Resolution Journal 120-130, 2012

[Victoria University of Wellington Legal Research Paper No. 82/2014](#)

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The New Zealand government and related agencies in the Treaty of Waitangi settlement process claim that the style of negotiation adopted in this process is interest based. It is also claimed by some organisations that the negotiation approach is in line with the Fisher and Ury interest-based model. These claims are inaccurate. The process does incorporate interest-based negotiation in some stages to a

limited extent but in other stages the approach is absent. Even when the approach is incorporated it is not practised in accordance with the Fisher and Ury model. The negotiation style used can be more accurately defined as a hybrid. Statements relating to the nature of settlement negotiation should be revised to more accurately reflect what is actually occurring and consideration should be given to utilising a more comprehensive interest-based approach.

"Towards a History of Mediation in New Zealand's Legal System"

24 Australasian Dispute Resolution Journal 86-101, 2013

Victoria University of Wellington Legal Research Paper No. 83/2014

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The history of mediation in New Zealand reflects a number of influences and developments. While prototypes of mediation can be found in New Zealand's early industrial relations, the modern mediation movement is primarily a result of state-led reform in a variety of legal areas. Much of this reform has been influenced by overseas models emphasising New Zealand's role as a "fast-follower" of alternative dispute resolution trends rather than an initiator. The rise of mediation in New Zealand has been ad hoc and pragmatic with a distinct lack of systematic development. This pragmatic change was a response to pressures such as the cost and delay involved in litigation, and major social trends challenging traditional ways, including traditional approaches to resolving disputes. Mediation continues to play a vital role in the New Zealand legal system but the exponential growth of the 1980s and 1990s has slowed as mediation begins to clearly locate and confirm its "territory" in the New Zealand legal system.

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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 Massachusetts 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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