Announcements

Māori Law: Papers by Carwyn Jones and Māmari Stephens, Victoria University of Wellington Faculty of Law

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Māmari Stephens, Victoria University of Wellington

Maori Abstract: Ki te kōrero kē tātau mo ngā hononga tōtika i waenganui i te Karauna me te Māori, kei te kōrero kē tātau mo te pūmautanga kaha ki te Tiriti o Waitangi. Ahakoa he aha ngā tautohe, ngā whakamārama mo te wāhanga Māori, wāhanga Pākehā o te Tiriti e pā ana ki ngā kupu “kāwanatanga” me te “sovereignty”ko te tino rangatiratanga kia noho pūmāu. Ko te tino pūtak e ēnei wāhanga e rau kia āhei ngā hiahia o ngā taha ē rua, kia noho tahi mai i runga i āna tikanga, ā, kia kaua tētahi e aukati i tētahi. I te mea hoki e kuhu atu ana ngā tokorua āwi nei, Māori, Pākehā ki te rapu i te ōranga tonutanga e tū tahi ai rāua tahi. E toru ngā tauira mo te hononga ki te Māori ki te Pākehā taha ture: Taha Ture Tapa Toru ka tāea ahakoa iti nei te hononga kātahi, te Taha Tangata Whenua Ture, ko ngā tikanga ka tau mai no roto ake i te tangata whenua, kā rua, me te Taha Rua Ture kia hāngaia he taha ture mai i ngā taha ē rua.

English Abstract: This article discusses relationships between the Crown and Māori that are framed by the Treaty of Waitangi. It is useful to conceptualise Crown- Māori relationship within this Treaty-based framework because, whatever the arguments about the textual differences between the English
and Māori texts and the exact meaning of “kāwanatanga” and “sovereignty” and “tino rangatiratanga” and “undisturbed possession”, it is clear that these are all significant concepts and that both parties would have been expecting some measure of self-determination, some ability to live their lives in accordance with their own norms and practices – in other words, to give expression to their own societal values through the maintenance of their own legal systems, even if the very fact of a treaty suggests that there may need to be compromises made, or at least protocols agreed for areas of common activity. This article examines three models that allow for varying degrees of interaction between Māori and Pakeha legal systems: legal pluralism, Aboriginal rights, and bicultural jurisprudence.

"A Māori Constitutional Tradition"  
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Victoria University of Wellington Legal Research Paper No. 135

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This paper tentatively sketches the outline of what might be described as a Māori constitutional tradition. The paper describes some key aspects of Māori law and philosophy that influence the development of Māori constitutional thought and practice. It examines the role of key principles such as whanaungatanga, manaakitanga, mana, tapu and utu that underpin Māori law and constitutionalism. These principles set the foundation for Māori forms of social organisation, the responsibilities and accountabilities of leaders, and the exercise of legal and political power within Māori society.

"Māori Law and Hart: A Brief Analysis"  
Victoria University of Wellington Legal Research Paper No. 136

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This is an edited version of a seminar paper presented in the context of the LLB (Hons) programme. It provides a contemporary perspective of Māori law from the standpoint of HLA Hart's theory of the union of primary and secondary rules.
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