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Māori legal theory as an exercise of self-determination

Indigenous legal traditions are central to discussions of self-determination because they provide the legal basis for our assertion of self-determination. For example, in Aotearoa, the legal foundation of Māori rights and obligations associated with tino rangatiratanga is sourced in our own legal traditions - our tikanga, our mātauranga, and our kōrero tuku iho. Therefore, this paper suggests that developing ways of thinking about Māori legal traditions that are consistent with Kaupapa Māori and are grounded in the culture and experiences of Māori communities is crucial to progressing issues of tino rangatiratanga/self-determination. Constructing analytical frameworks based on this model of 'Māori Legal Theory' provides us with essential tools with which to critique the laws and legal institutions of the state, to revitalize our own legal traditions, and to provide an important contribution to wider and more fundamental questions related to the nature and role of law itself.

Carwyn of Ngāti Kahungunu and Te Aitanga-a-Māhaki is a lecturer at the Faculty of Law at Victoria University of Wellington. Before joining the faculty in 2006, he worked in a number of different roles at the Waitangi Tribunal and the Māori Land Court and his primary research interests relate to the Treaty of Waitangi and indigenous legal traditions. He is currently a PhD candidate at the University of Victoria, British Columbia. The working title of his dissertation is 'The Treaty of Waitangi Settlement Process in Māori Legal History'