

Māori Legal Identity and the Rule of Law in Aotearoa New Zealand

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Outline

- Defining the rule of law
- The rule of law and Māori
- An example: hapū and iwi identity

NB: Talking about the *expression* of Māori identity in policy and practice, not its legal *source*.

The rule of law

- Certainty
- Predictability
- The application of general principle

Genesis of the Rule of Law

The Rule of Law

Individuals

In Aotearoa New Zealand

The Rule of Law

Individuals

Māori

In Aotearoa New Zealand

The Rule of Law

Individuals

~~Corporate~~

~~Urban | Iwi~~

~~Hapū~~

In Aotearoa New Zealand

The Rule of Law

Individuals

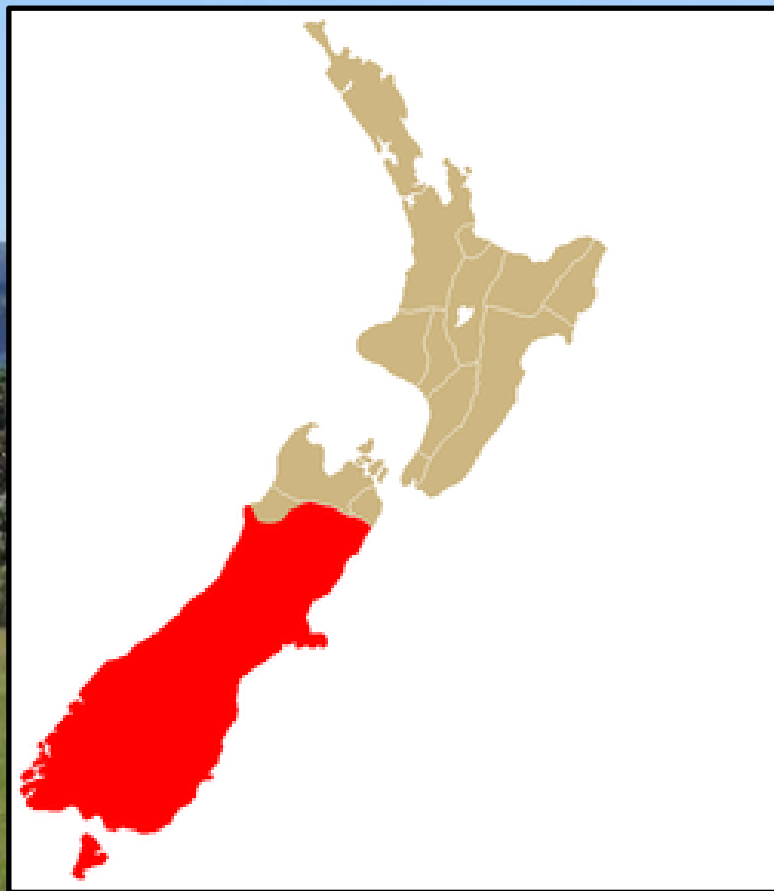
Iwi
Framework

Why Iwi? – Certainty

- Opposing colonisation
- Pragmatic
- Adversarial system
- Government convenience



Waitaha and Ngāi Tahu



Māori identity and certainty

“negative references to Ngāi Tahu actions reflect the fissiparous division engendered by not taking into account the complexities, changes, and realities of the present.”

- Maaka and Fleras *The Politics of Indigeneity*



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“Tuhoronuku yesterday released the results of a vote by Ngapuhi members in which 76 per cent of those who took part opted for settlement negotiations to begin.”

“Less than 4% of Ngapuhi want Tuhoronuku representation”

Conclusion

- Critically reflect on how the legal system represents Māori identity
- Pragmatism vs evaluation
- Avoid accepting the normative force of the rule of law as it is reflected in the legal system.