LECTURE:  Professor David V Williams
Faculty of Law, University of Auckland, New Zealand
The Treaty of Waitangi – the Magna Charta of New Zealand: Rhetoric or reality?

DATE:  Tuesday 21 July 2015
TIME:  7:00pm for a prompt start
VENUE:  Sir Neil Waters Lecture Theatre,
Massey University, Albany Campus

To indicate your intention to attend this lecture, please RSVP.
Phone: (09) 473 2600
Email: Admin@vaughanpark.org.nz
Or you can register online:
www.vaughanpark.org.nz

Please turn over for more details.
The Treaty of Waitangi has frequently been described as the ‘Magna Charta of New Zealand’ or the ‘Māori Magna Carta.’ The first Protector of Aborigines in New Zealand, CMS missionary George Clarke, spoke of the Treaty in 1841 meetings with Māori: ‘They had, I said, in their hands the magna charta of the country, securing to them everything which would make them respected.’ When Clarke was removed from office in 1846 his final report on ‘our present relationship with the New Zealanders’ asserted that the Treaty of Waitangi ‘now forms the Magna Charta of this interesting people.’ Remarks on New Zealand by Robert FitzRoy (second Governor of New Zealand) published in London in 1846 echoed Clarke’s sentiments. Theirs was a view that was no means uncontested. A Select Committee of the House of Commons in 1844 described the Treaty of Waitangi as ‘part of a series of injudicious proceedings’ and proposed a resolution that acknowledgement ‘of a right of property on the part of the Natives of New Zealand, in all wild lands in those Islands, … was not essential to the true construction of the Treaty of Waitangi, and was an error which has been productive of very injurious consequences.’

It was the latter negative view of the Treaty that tended to prevail in the legal history of New Zealand after 1846 rather than the former. Yet, when interest in the Treaty of Waitangi as ‘a founding document’ in the constitution of the nation came to the fore in the 1980s, the association of the Treaty with Magna Charta revived too. On the sesquicentenary of the Treaty in 1990 (when Sir Paul Reeves was the Governor-General), Sir Robin Cooke (later Lord Cooke of Thorndon and a member of the House of Lords judicial committee) imagined himself in conversation with the shade of Sir William Blackstone in the Codrington Library, Oxford. The shade of Blackstone opined thus: ‘I do not doubt but that your Treaty of Waitangi has become in some sense a grand constitutional compact akin to our Magna Charta.’

The lecture will offer critical reflections on such rhetoric. I will also invite the audience to reflect on the extent (if at all) that our nation and our peoples have translated the 1990 rhetoric into substantive reality in the last 25 years.

**DR DAVID WILLIAMS BIO**

Dr David V Williams is a Professor of Law at the University of Auckland. He was a Rhodes Scholar at Balliol College, Oxford and has tertiary qualifications in history, law and theology. He has taught and researched at the University of Dar es Salaam (Tanzania) and the University of Auckland. From 1991 to 2001 he was an independent researcher and barrister specialising in research relevant to Treaty claims. He is also an ordained priest in the Anglican Church.

He has worked as historian, lawyer and claims negotiator with many hapū and iwi in Aotearoa New Zealand, but especially with Ngāti Whātua Ōrākei from the days of the Bastion Point/Takaparawhau occupation in the 1970s right through to the Ngāti Whātua Ōrākei Claims Settlement Act passed in November 2012.

He has held visiting appointments at Exeter College and St John’s College in the University of Oxford, and at the University of Dar es Salaam. He has authored 5 books including *Te Kooti tango whenua: The Native Land Court 1864-1909* (Huia, 1999) and *A simple nullity? The Wi Parata case in New Zealand law and history* (AUP, 2011).