
Parties

TE RŪNANGA O NGĀI TAHU

and

HER MAJESTY THE QUEEN

in right of New Zealand

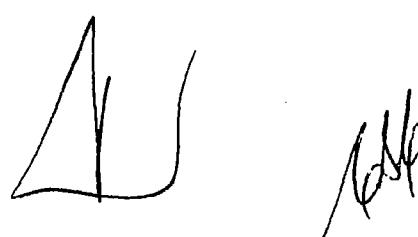
**DEED OF SETTLEMENT
INTRODUCTION**

A handwritten signature in black ink, appearing to read "M. J. M. B." or a similar name.

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**ATTACHMENT 1 NGĀI TAHU SIGNATORIES
TO TEN PURCHASE DEEDS**
(Recital B)

Two handwritten signatures are present at the bottom right of the page. The first signature is a stylized, upward-swinging mark. The second signature is a more fluid, cursive style.

DEED OF SETTLEMENT

THIS DEED is made on 21 November 1997

BETWEEN

- (1) **TE RŪNANGA O NGĀI TAHU**
- (2) **HER MAJESTY THE QUEEN** in right of New Zealand acting by the Prime Minister

KARAKIA

*Nā te Ao
Ko te Aotūroa
Tāna ko te Ao Mārama
Nā te Kore
Tāna ko te Kore Te Whiwhia
Tāna ko te Kore Te Kerekere
Tāna ko te Kore Te Taumaua
Tāna ko te Kore Te Matua
Tāna ko Mākū
Ka moe ia i a Mahoranui ā Tea
Ko te Raki
Ka moe a Raki i a Pohārua o Te Pō
Ko Aoraki me Rakamaomao tāna a Tāwhirimatea
Ko Tū Te Rakiwhānoa
Uira ki te Mahaanui a Māui
Ko Te Ao Tākata
Tihei mauri ora*

Kia whai koutou ki te whakawairangi i tū hangaia i te haroharo o te rangi.

*E kimi ana au i ngā kanohi o Tāwhaki kei runga
o Māui kei raro.*

*Kāore ko au ko Tāwhaki, ko Māui rānei,
kua ngaro i Te Whare o Pikitūroa kei Whiti Reia.*

*Nō reira, ngā pūtake maunga, ngā maunga whakahirahira,
ngā ariki tapu i whakamau ai i te mana o Te Wai Pounamu,
ngā ariki kei roto i te kōpū o Te Urutī,
ara ake rā, ara ake rā, maranga mai!*

Ka tirohia ngā whatu kura o te rangi,

ka hotu tonu ake te ngākau ki te Hotu-o-te-ihi-rangi.

Ka kitea ngā take i mua i te aroaro o te iwi.

*Nō reira ngā whatu kura tukua mai te ihi, te wehi, te mana, te tapu nō te urunga
tapu o te mātauranga o ngā mea katoa.*

*Tuhia te kei o tēnei waka whakahirahira kei runga, kei raro kia tere ai te ihu o te
waka i Te Whare Hukahuka o Tangaroa hei whakatau ai i te parekura,
Ko Whakamārama!*

E Tāne, Haea te awa,

Puta i tua,

Puta i waho i te pakiaka o te rākau

O maere nuku,

O maere raki,

O maere o te mara whenua.

I ruka Tāne

I raro Tāne

Te Raki ihi o Tāne

Pakupaku o Tāne

Nohoanga o te ariki

Hoatu tēnei waka ki uta e!

Uira ki te Mahaanui a Māui

Ko te Ao Tākata!

E ngā uri a Raki rāua ko Pohārua o Te Pō,

arā ko Te Hau o Te Ope Ruaraki me Te Hau o Te Ope o Patunuioaio,

kawea he kōrero,

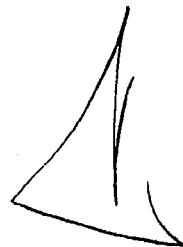
tū mai te ihi, tū mai te wehiwehi e

A hei aha rā!

*Kia whakamārama ai te tirohangā a ngā hua i whakairotia ai te waka pounamu
ki uta ki tai.*

Tū ake rā tōku poupou whakairo

i te poho o tōku maunga e!

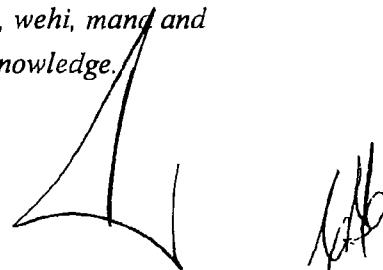


*From the first glimmer of light,
emerged the long standing light until light stood in all quarters.
Encompassing all was a womb of emptiness, an intangible void intense in its
search for procreation until it reached its ultimate boundaries and became a
parentless void with the potential for life.
Thus moisture emerged and coupled with Mahoranui ā Tea,
a cloud that grew from the dawn.
From this union came the heavens,
who coupled with Pohārua Te Pō,
the breath of life found in the womb of darkness.
The first child was Aoraki,
who stands as the supreme mountain of Ngāi Tahu and Rakamaomao,
source of the southern winds.
Rakamaomao begat Tāwhirimatae,
parent of the winds and then it was that Tū Te Rakiwhānoa emerged and made the
Southern Islands fit for habitation.
Thus lightening flashes to the Canoe of Māui and to the world of humankind.*

It is the breath of life and I stand alive!

*My incantations go to you my ancestors who stand poised with excitement,
balanced upon the vault of heaven. I am searching for the images of Tāwhaki
above and Māui below. I am not Tāwhaki who sought celestial knowledge,
neither am I Māui who established the rituals for all peoples.
These were lost in the House of the Long Standing Plumes of Ngāi Tahu.
Therefore my ancestral mountains that glisten,
my treasured ariki who grasped the authority of the Greenstone Isle and who now
lie in the womb of Te Wai Pounamu,
arise and stand before me.*

*You the myriad of shining stars who gaze upon your descendants,
my heart beats ever onwards with the breaking rays of the dawn.
You see the questions that are before the faces of the people.
Therefore my guiding lights draw closer and instil within the ihi, wehi, mana and
tapu and all those elements that stem from the vessel of knowledge.*



Protect the prow of this canoe, above and below so that it speeds with safety across the foaming girdle of the seas and let this canoe beach on the battleground of Whakamārama!

Tāne! Tāne who created all living things.

Slash a pathway across the seas so that my canoe may travel afar and beyond.

This canoe stems from the root of a tree created from your loins.

It was felled according to the rituals followed with the separation of the heavens.

Tāne above,

Tāne below,

Tāne who brought the rays of life upon the world and made the land free of all restrictions - send this canoe ashore just as lightning flashes to the Greenstone Isle.

My chant goes to the descendants of Raki and his wife, Pohārua o Te Pō, the winds from the horizon and the lands of Waitaha, carry the histories of the past to the living so that the ihi and wehi are aroused within.

For what purpose?

To enlighten the people who carved the greenstone canoe ashore and upon the tides.

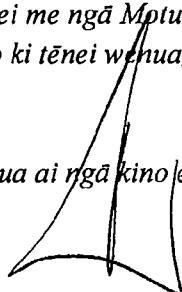
My carved pillar stands with pride upon my mountain.

HE KŌRERO TĀHUHU

A E kia nei e Te Tiriti o Waitangi:

"Ko Wikitoria, te Kuini o Ingarani, i tāna mahara atawai ki ngā Rangatira me ngā Hapū o Nu Tirani i tāna hiahia hoki kia tohungia ki a rātou ō rātou rangatiratanga, me tō rātou wenua, ā kia mau tonu hoki te Rongo ki a rātou me te Ātanoho hoki kua wakaaro ia he mea tika kia tukua mai tētahi Rangatira hei kaiwakarite ki ngā Tāngata māori o Nū Tirani - kia wakaetia e ngā Rangatira māori te Kāwanatanga o te Kuini ki ngā wāhi katoa o te Wenua nei me ngā Mptu - nā te mea hoki he tokomaha kē ngā tāngata o tōna Iwi Kua noho ki tēnei wenua, ā, e haere mai nei.

Nā ko te Kuini e hiahia ana kia wakaritea te Kāwanatanga kia kaua ai ngā kino e puta mai ki te tāngata Māori ki te Pākehā e noho ture kore ana.



Nā, kua pai te Kuini kia tukua ahau a Wiremu Hopihona, he Kāpitana i te Roiara Nawi hei Kāwana mō ngā wāhi katoa o Nū Tirani i tukua āianei, āmua ki te Kuini e mea atu ana ia ki ngā Rangatira o te wakaminenga o ngā Hapū o Nū Tirani me ērā Rangatira atu ēnei ture ka kōrerotia nei.

Ko te Tuatahi

Ko ngā Rangatira o te Wakaminenga me ngā Rangatira katoa hoki kihai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarni ake tonu atu-te Kāwanatanga katoa o ū rātou wenua.

Ko te Tuarua

Ko te Kuini o Ingarni ka wakarite ka wakaae ki ngā Rangatira ki ngā hapū - ki ngā tāngata katoa o Nū Tirani te tino Rangatiratanga o ū rātou wenua ū rātou kāinga me ū rātou tāonga katoa. Otiia ko ngā Rangatira o te Wakaminenga me ngā Rangatira katoa atu ka tuku ki te Kuini te hokonga o ērā wāhi wenua e pai ai te tangata nōna te wenua - ki te ritenga o te utu e wakaritea ai e rātou ko te kaihoko e meatia nei e te Kuini hei kaihoko mōna.

Ko te Tuatoru

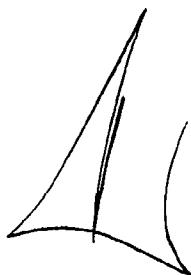
Hei wakaritenga mai hoki tēnei mō te wakaetanga ki te Kāwanatanga o te Kuini-Ka tiakina e te Kuini o Ingarni ngā tāngata Māori katoa o Nū Tirani. Ka tukua ki a rātou ngā tikanga katoa rite tahi ki āna mea ki ngā tāngata o Ingarni.

*(Signed) WILLIAM HOBSON
Consul and Lieutenant-Governor*

Nā ko mātou, ko ngā Rangatira o te Wakaminenga o ngā Hapū o Nū Tirani ka huihui nei ki Waitangi ko mātou hoki ko ngā Rangatira o Nū Tirani ka kite nei i te ritenga o ēnei kupu, ka tangohia ka wakaetia katoatia e mātou, koia ka tohungia ai ū mātou ingoa ū mātou tohu.

Ka meatia tēnei ki Waitangi i te ono o ngā rā o Pepueri i te tau kotahi mano, e waru rau e wā tekau o tō tātou Ariki.

Ko ngā Rangatira o te wakaminenga."



NGĀ TĀTAI

Te Whakawhitenga o ngā whenua o Ngāi Tahu

- B. Ka hainatia Te Tiriti o Waitangi e Ngāi Tahu i te tau 1840 ki Akaroa (30 o ngā rā o Matahi), ki te motu o Ruapuke (9,10 o ngā rā o Maruaroa), me Ōtākou hoki (13 o ngā rā o Maruaroa). Ko Ngāi Tahu te tāngata whenua o te rohe i whakapuakitia anotia e Te Ture o Te Rūnanga o Ngāi Tahu 1996 i taua wā, a, tae noa ki tēnei wa. I roto i ngā tau o muri mai o te hainatanga o Te Tiriti o Waitangi ka whai ngā mokai a te Karauna kia whakawhitia atu e Ngāi Tahu ā rātou whenua ki te Karauna. Nā ngā hoko nunui tekau katoa aua hoko - i oti atu ai ngā whenua o Ngāi Tahu ki te Karauna, arā: Ōtākou 1844, Canterbury (tā Kemp) 1848, Port Cooper 1849, Port Levy 1849, Murihiku 1853, Akaroa 1856, North Canterbury 1857, Kaikōura 1859, Arahura 1860, me Rakiura 1864. Ngā ingoa o ngā kaihaina (o Ngāi Tahu) i ngā pukapuka ā-herenga kei roto i te rārangi tāpiri tuatahi.

Te Roanga o te tatari a Ngāi Tahu kia arotia mai ā rātou whakamau

- C. Mai rā anō a Ngāi Tahu e rangahau ana i te "Kerēme" mō te huhunu o ngā mahi a te Karauna arā, mō te kore a te Karauna e whai whakaaro ki ngā tohutohu o roto i ngā pukapuka ā-herenga i roto i ā rātou hokonga mai i ngā whenua o Ngāi Tahu. Ko ngā tāngata rongonui nā rātou i kawe te "Kerēme" mai rā anō ko Matiaha Tiramōrehu, Hori Kerei Taiaroa, Tiemi Hipi, Tipene O'Regan, Henare Rakihia Tau, me ā rātou whānau.
- D. Nā te tukunga iho o ngā mahi tautohe me ngā tono a Ngāi Tahu (ko ētahi o aua tono i timatatia mai i roto i ngā tau 1840), katahi ka tirotirohia e ngā kaiwhakahaere a te Karauna. Ko ētahi o aua kaiwhakahaere i whakahāwea noa iho ki ngā take i tirohia e rātou, ēngari ko ētahi i āta wherawhera i ngā take ka kitea e rātou te tika o ngā whakamau a Ngāi Tahu. E whakaae ana te Karauna tērā, kāore ia i aro atu ki aua whakamau otirā kāore ia i whakatau i te "Kerēme" o Ngāi Tahu. Ko te ture i whakaritea i te tau 1944 ko te Ngāitahu Claim Settlement Act kāore rawa i kōrerotia i waenganui i ngā iwi i mua o te whakaturenga, ēngari kāore i purua ngā tono a te iwi ki te Karauna.

Tono i raro i te Ture o Te Tiriti o Waitangi 1975

- E. I roto i ngā whakaturenga o te ture āpitī 1985 o Te Tiriti o Waitangi, ka whakawāteatia mai e te Karauna he huanui e āhei ai te Māori ki te mau atu i ā rātou take uaua ko mua i Te Rōpu Whakamana i Te Tiriti mō ngā whakamau puri mahara i pūtake mai i te rā o te hainatanga o Te Tiriti o Waitangi, 1840.

- F. I te 26 o ngā rā o Whā , 1986 ka whakatakototia e Henare Rakihia Tau rāua ko Te Poari Māori o Ngāi Tahu - te reo o te iwi o Ngāi Tahu - tā rātou take ki mua i Te Rōpu Whakamana i Te Tiriti. Ko Tipene O'Regan te tumuaki o te Poari. Nō muri iho ka āta whakamāramatia ngā āhuatanga o taua take ki roto i ngā āpitī.
- G. Ko te take o Ngāi Tahu - Wai 27 - i rēhitatia ki Te Rōpu Whakamana i Te Tiriti, i āta tirotirohia i te wā o te whakawātanga ki mua i Te Rōpu Whakamana i Te Tiriti i roto i ngā tau mai i 1987 ki 1989.
- H. I te tuatahi o ngā rā o Kahuru 1991 ka puta te ripoata a Te Rōpu Whakamana i Te Tiriti e whakaatu ana i ngā tino kaupapa o te take o Ngāi Tahu i āta mōhiotia nei ko ngā "Rākau Teitei e Iwa" o ngā whakamau a Ngāi Tahu, nā, i te 6 o ngā rā o Rima 1991, ka puta anō he ripoata e tūtohu ana tērā me hanga he ture kia taea ai e Ngāi Tahu te whakarite i tētahi rūnanganui-a-iwi hei kanohi mō rātou, arā, mō Ngāi Tahu Whānui.
- I. I te 6 o ngā rā o Whā 1992, ka puta te ripoata ā Te Rōpu Whakamana i Te Tiriti mo te take o Te Hī-Ika o Ngāi Tahu, ā, ka kitea "Neke atu ki tētahi rau tau, i whakararurarutia a Ngāi Tahu e te roa o te kore whai tohutohu i roto i Te Tiriti o Waitangi tae mai ki te wā o te whakaturetanga me te whakakaupapatanga o te Quota Management System". Nō muri iho i whakatauria aua take ki ngā whakataunga i roto i te Māori Fisheries Act 1989, te whakaaetanga ā-pukapuka i waenganui i a te iwi Māori me te Karauna i te 23 o ngā rā o te Rima 1992, me te Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- J. Ko te 27 o ngā rā o Kahuru-kai-paeka 1995 ka puta te roanga atu o te ripoata a Te Rōpu Whakamana i Te Tiriti mō te taha ki ngā take tāpiri a Ngāi Tahu.

Ko ngā whiriwhiringa a Te Rōpu Whakamana i Te Tiriti: Ngā Rākau Teitei e Iwa

- K. I roto i ngā whiriwhiringa a Te Rōpu Whakamana i Te Tiriti i ngā take o Ngāi Tahu ka kitea te tika o te nuinga o aua take, otirā, ngā take i pā atu ki ngā "Rākau Teitei e Iwa" me ngā wāhanga tāpiringa. Ka mahara Te Rōpu Whakamana i Te Tiriti tērā, mai rā anō kāore rawa i a te Karauna i ngākau pono ki ūna whakaaetanga, i roto i Te Tiriti, i a Ngāi Tahu. Ka mahara hoki Te Rōpu Whakamana i Te Tiriti tērā, i te aponga a te Karauna i ngā whenua o Ngāi Tahu - 34.5 miriona eka mō te iti noa iho o te utu, £14,750 - i takakino tāruaruatia e ia te kaupapa ūritenga o Te Tiriti o Waitangi. Ka whakataua e Te Rōpu Whakamana i Te Tiriti tērā, nā aua takakino a te Karauna i pōharatia ai a Ngāi Tahu i ūrātou whenua, i kore ai rātou i whai oranga rite atu ki ngā āhuatanga i mua i te aponga a te Karauna i ūrātou whenua.

- L. Ka tohua e Te Rōpu Whakamana i Te Tiriti i roto i ā rātou whiriwhiringa, te āhua me nui o te utu a te Karauna mō āna haranga ki a Ngāi Tahu. Ka whakaarotia e Te Rōpu Whakamana i Te Tiriti me whakahoki atu e te Karauna kia rawaka he whenua mō Ngāi Tahu kia whai oranga ai rātou i ngā hua whenua me tēnei whakatupuranga atu ki ngā uri kei te heke iho.

M. *Ōtākou*

Ka kitea e Te Rōpu Whakamana i Te Tiriti tērā, i raro i ngā āhuatanga i whakaaetia i te wā o te hokonga a te Karauna i Ōtākou kāore ia te Karauna, i ngākau pono ki aua āhuatanga, tērā, kāore i tāpirititia atu e ia he whenua hei hui atu ki tērā i rāhuitia mō Ngāi Tahu. Ka whakaarotia e Te Rōpu Whakamana i Te Tiriti mehemea pea i hanga he āhuatanga (ture) e te Karauna e taea ai e ia te tākoha whenua “te kau o rau” ki a Ngāi Tahu, ka ea pea tētahi wāhangā o ūna hara.

Ngā Pakihi Whakatekateka o Waitaha

I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi, tērā te Karauna i tāna hokonga i ngā whenua o Ngāi Tahu, arā, i Ngā Pakihi Whakatekateka o Waitaha, kāore i ōrite ngā whiriwhiringa kāore i tutukī ngā hinonga mō te rāhui kia rāwaka he wāhi mahinga kai mā Ngāi Tahu mō nāianei, ā, mō ngā rā hoki kei te heke iho. Kāore i wehea ake e te Karauna ngā whenua, i tonoa e Ngāi Tahu i te takiwā mai i te awa o Waimakariri atu ki te awa o Kāwari. I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā, i runga i ēnei takakino, i tino hē te Karauna ki mua i a Ngāi Tahu.

Horomaka

I kitea e Te Rōpu Whakamana i Te Tiriti tērā, i tukua e te Karauna 30,000 eka ki te Nanto-Bordelaise Company i Horomaka tērā, kāore a Ngāi Tahu i whakaae ki te tuku i te katoa o aua whenua. I roto i ngā tikanga kūare a te Karauna kāore a Ngāi Tahu i utua mō aua whenua, kāore hoki i tika ngā whakarite mō ngā whenua i Whakaraupo me Koukourarata. Tēnā atu anō ētahi o ngā hē o te Karauna i kitea e Te Rōpu Whakamana i Te Tiriti, arā, ko te kore o te Karauna i whakaae ki te rāhui i ētahi whenua i tonoa e Ngāi Tahu i Okeina me Whakaroi. I kitea e Te Rōpu Whakamana i Te Tiriti tērā, kua hokona kētia ngā whenua i Horomaka e te Karauna i mua o te hokonga mai o aua whenua i a Ngāi Tahu, kore rawa i whakaaro ake i mahara rānei ki te wehe ake i ētahi whenua mō ngā uri whakatupu o Ngāi Tahu.

Murihiku

I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā, i te hokonga mai a te Karauna i Murihiku kāore i wehea ake ngā whenua i tonoa e Ngāi Tahu kia rāhuitia, kāore i tohua he aronga atu ki ngā wāhi mahinga kai, kāore i wehea kia rāwaka he whenua hei whai oranga mō Ngāi Tahu mō nāianei, ā, atu hoki mō ngā uri whakatupu. I kitea anō e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā, i roto i aua mahi hē, i roto hoki i ngā hēanga o muri mai, arā, i te korenga o ngā ture Middle Island Half-Caste Crown Grants Act 1877 me South Island Landless Natives Act 1906 i whakaarahia hei whakatika i aua hē, i tino hara te Karauna ki a Ngāi Tahu.

North Canterbury me Kaikoura

I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā, i tino whakararurutia e te Karauna ngā pānga me te rangatiratanga o Ngāi Tahu ki ūna whenua i North Canterbury me Kaikōura i te hē o ngā mahi hoko whenua mai a te Karauna pērā i te hokonga mai o ngā whenua o Wairau 1847, ā, i te hokonga atu hoki o ngā whenua o Ngāi Tahu kāore rā anō kia whakaaetia kia hokona. I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā, kāore i ūrite ngā mahi a te Karauna i te wā o te whakaritenga o ngā hoko o ngā whenua o Ngāi Tahu o muri mai, kāore i rāwaka ngā whenua i rāhuitia i North Canterbury me Kaikōura hei whai oranga mō Ngāi Tahu mō nāianei, ā, atu hoki mō ngā uri whakatupu.

Arahura

I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā, kāore i ūrite ngā whakaritenga mō ngā whenua i Arahura, kāore i wehea ake ngā whenua i taunahatia e Ngāi Tahu mō rātou, kāore i wehea ake he ara hei huarahi atu ki ā rātou wāhi mahinga kai. I kitea tērā kāore i whakamarumarutia e te Karauna te tika o Ngāi Tahu ki te pupuri motuhake i tōna mana ki te katoa o ā rātou papa pounamu. I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi te huakore o ngā mahi a te Karauna tērā kāore i aro ake ki ngā hiahia o Ngāi Tahu i te wā o te whakatakotoranga o ngā tikanga mō ngā rihi mutunga-kore ki runga i ngā whenua rāhui o Ngāi Tahu.

Rakiura

I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā, i whakawhitiria a Ngāi Tahu i te takaroa o te Karauna ki te whakatakoto i ngā āhuatanga mō te hoko o Rakiura, ka huakore noa o āna mahi kāore i ata pono te tiaki i ngā pānga o ngā Māori.



Mahinga Kai

I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā, i te hokonga mai a te Karauna i ngā whenua o Ngāi Tahu kāore i hua he āhuatanga e whai huarahi atu ai te iwi ki ā rātou māra kai me ngā moana mahinga tuna arā, a Te Waihora me Wairewa.

Ngā Kura me ngā Hōhipera

I kitea e Te Rōpu Whakamana i Te Tiriti o Waitangi tērā he tinihangā noa iho ngā kī taurangi a te Karauna i mea ai ia ka whakaratoa e ia ngā tūmanako a Ngāi Tahu, arā, ka mahia e te Karauna he kura, he hōhipera mā Ngāi Tahu, ka kitea tērā, he poapoa kē nā te Karauna kia hokona atu ai e Ngāi Tahu te Kemp Block me Murihiku, tērā, nā te pūturituri o te Karauna ki te whakarato i aua painga i whakawhitiria a Ngāi Tahu.

Ngā Whakaritenga i waenga i a Ngāi Tahu rāua ko te Karauna

- N. I te tau 1990 ka whakaritea e te Karauna rāua ko Ngāi Tahu he whakaaetanga mō te wā o āianei he maru mō ngā whenua tūwhene a te Karauna mō ngā whakataunga o ngā kerēme ā muri i a Ngāi Tahu.
- O. E whakaae ana te Karauna ki te wero a Te Rōpu Whakamana i Te Tiriti o Waitangi i puta i roto i tā rātou rīpoata, nā, te tukunga iho o taua whakaaetanga, Rima 1991, ka whāia e rāua ko Ngāi Tahu he āhuatanga e taea ai te whakatau i ngā amuamu a Ngāi Tahu.
- P. I te wā mai i 1991 atu ki 1994, ka whāia e te Karauna rāua ko Ngāi Tahu tētahi huarahi e taea ai te whakarite i ngā whakataunga.
- Q. I muri mai o te whakaturenga o Te Rūnanga o Ngāi Tahu Act 1996, ka whakaaetia i roto i taua ture tērā, ko Te Rūnanga o Ngāi Tahu te kaiwhakahaere o ngā take katoa e pā ana ki a Ngāi Tahu Whānui i raro i te wāhanga 15 o taua ture.
- R. I te tau 1996, ka whakaritea e te Karauna rāua ko Ngāi Tahu i roto i te ngākau pono, he āhuatanga e taea ai te whakatau, ā mutu atu, ngā kerēme a Ngāi Tahu mai rā anō, kia mutu ai ngā hikaka a Ngāi Tahu.
- S. I te 14 o ngā rā o Maruaroa 1996, ka whakaritea e te Karauna rāua ko Te Rūnanga o Ngāi Tahu he whakaaetanga ā-pukapuka “mō ngā nama”, e ai ka whakaae te Karauna ki te whakarato i ētahi puretumu ki Te Rūnanga o Ngāi Tahu i runga i te kaupapa “mō ngā nama” hei tohu i te ngākau pono o te Karauna.

- T I te 5 o ngā rā o Ono 1996, ka whakaritea e te Karauna rāua ko Te Rūnanga o Ngāi Tahu he Upoko Whakaetanga ā-pukapuka, kia whakatakototia ngā kaupapa i whakaaetia e rāua tahi, he pai ki whakaruru atu ai ki roto i tētahi whakaetanga ā-pukapuka kia taea ai te whakataunga o ngā take o Ngāi Tahu, ā, i roto i te ngākau pono kia whakarite ai i te Whakaetanga ā-pukapuka. Kāore he mea kei roto i taua Upoko Whakaetanga ā-pukapuka ki a herea a Ngāi Tahu, te Karauna rānei.

Whakamutunga o ngā Kerēme

- U. I whāki te Karauna tērā, nā te tukino, nā te taumaha o ngā kawenga i waimāero ai a Ngāi Tahu ki te whai oranga tinana, oranga wairua, nā i nāianei, kei te hiahia te Karauna ki te whakarite i tētahi whakaetanga ā-pukapuka kei whakaatu i ngā take e taea ai te whakamana i te whakataunga i te katoa o ngā kerēme a Ngāi Tahu mai rā anō, kei te hiahia tahi hoki Te Rūnanga o Ngāi Tahu ki te whakarite i tētahi whakaetanga ā-pukapuka māna.

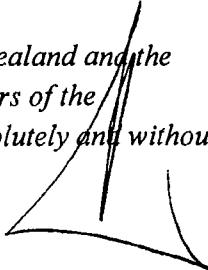
BACKGROUND IN ENGLISH

- A. The Treaty of Waitangi provides:

"HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those Islands - Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article The First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without



reservation all the rights and powers of Sovereignty which the said Confederation of Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article The Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

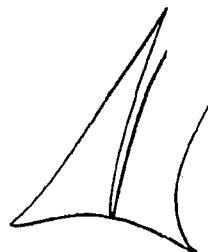
Article The Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

W. HOBSON Lieutenant Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty."



THE THREADS OF TIME

Transfer of Ngāi Tahu lands

- B The Treaty of Waitangi was signed by Ngāi Tahu in 1840 at Akaroa (May 30), Ruapuke Island (June 9, 10), and Ōtākou (June 13). Ngāi Tahu is today, and was at the time of the signing of the Treaty, the tāngata whenua within the boundaries already confirmed in the Te Rūnanga o Ngāi Tahu Act 1996. In the years following the signing of the Treaty, the Crown, through its representatives and agents, sought the transfer of land from the Ngāi Tahu people to the Crown. This was achieved through ten major purchases: Ōtākou 1844, Canterbury (Kemp's) 1848, Port Cooper 1849, Port Levy 1849, Murihiku 1853, Akaroa 1856, North Canterbury 1857, Kaikoura 1859, Arahura 1860, and Rakiura 1864. The Ngāi Tahu signatories to these deeds are listed in *Attachment 1*.

Ngāi Tahu have long sought to have their grievances redressed

- C From an early date, Ngāi Tahu has pursued claims against the Crown of unfair purchase practices and of breaches of the deeds of purchase. Matiaha Tiramōrehu, Hori Kerei Taiaroa, Tiemi Hipi, Tipene O'Regan, and Henare Rakiihia Tau and their wives and families were most prominent in these claims.
- D As a result of Ngāi Tahu petitions and protests, some dating back to the 1840s, Ngāi Tahu's grievances have been considered by a number of inquiries. Some dismissed them after cursory investigation, but those which investigated in detail generally found validity in Ngāi Tahu's complaints. However, the Crown accepts that Ngāi Tahu's grievances were not remedied. In particular, the Ngāitahu Claim Settlement Act 1944 was enacted without prior consultation with the tribe and did not debar the tribe from further pursuing its claim.

Claim under the Treaty of Waitangi Act 1975

- E Through enactment of the Treaty of Waitangi Amendment Act 1985, the Crown made it possible for Māori to bring claims before the Waitangi Tribunal in respect of historic grievances arising after 6 February 1840.
- F On 26 August 1986, a claim was submitted to the Waitangi Tribunal by Henare Rakiihia Tau and the Ngāi Tahu Māori Trust Board, which represented the Ngāi Tahu iwi and was chaired by Tipene O'Regan. That claim was subsequently elaborated upon by way of several amendments.
- G The Ngāi Tahu claim, registered with the Waitangi Tribunal as Wai 27, was investigated in hearings before the Tribunal over the years 1987 to 1989.



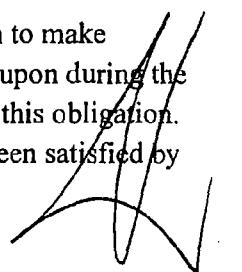
- H On 1 February 1991, the Waitangi Tribunal reported on the main elements of the Ngāi Tahu claim, described collectively as the 'Nine Tall Trees' of Ngāi Tahu's grievances, and on 6 September 1991 issued a supplementary report recommending the creation by statute of a representative tribal body for Ngāi Tahu.
- I On 6 August 1992, the Waitangi Tribunal reported on the Ngāi Tahu Sea Fisheries claim, finding that "Ngāi Tahu has for more than a century been seriously prejudiced by long-standing breaches of the Treaty of Waitangi culminating in the enactment and implementation of the Quota Management System". Those claims were subsequently settled through the settlement embodied in the Māori Fisheries Act 1989, the Deed of Settlement dated 23 September 1992 between the Crown and Māori and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- J The Waitangi Tribunal made a further report on 27 April 1995 in respect of Ngāi Tahu's Ancillary Claims.

Findings of the Waitangi Tribunal: the 'Nine Tall Trees'

- K After considering the elements of the Ngāi Tahu claim, the Waitangi Tribunal found substantially in Ngāi Tahu's favour, both in relation to the elements referred to as the 'Nine Tall Trees', and to the Ancillary Claims. In particular, the Tribunal could not reconcile the Crown's enduring failure to meet its obligations to Ngāi Tahu with its duty to act towards its Treaty partner reasonably and with the utmost good faith. The Tribunal also emphasised that, in acquiring some 34.5 million acres of land from Ngāi Tahu for £14,750, the Crown acted unconscionably and in repeated breach of the Treaty of Waitangi. The Tribunal considered that the Crown's actions left Ngāi Tahu with insufficient land to maintain its way of life, and to enable the tribe's full participation in subsequent economic development.
- L The Tribunal indicated in general terms the nature and scope of the redress which Ngāi Tahu ought properly to receive. The Tribunal considered that the Crown ought to have restored to Ngāi Tahu sufficient land to provide for the future economic, social and cultural development of the tribe.

M *Ōtākou*

The Tribunal found that the Crown was under a residual obligation to make further provision for Ngāi Tahu, in addition to the reserves agreed upon during the purchase of the Ōtākou Block, and that the Crown failed to satisfy this obligation. The Tribunal considered that the Crown's obligation might have been satisfied by the creation of 'Tenths', or by other adequate provision.



Canterbury

The Tribunal found that the Crown, in acquiring the Canterbury Block, failed to negotiate fairly, failed to meet its undertaking to reserve sufficient food resources for Ngāi Tahu, and failed to meet its obligation to provide ample reserves for the existing and future needs of Ngāi Tahu. The Crown did not set aside the area defined by the Waimakariri and Kāwari Rivers, as requested by Ngāi Tahu. The Tribunal found that, in so acting, and in its subsequent failure to remedy these faults, the Crown breached its duty to act with the utmost good faith towards Ngāi Tahu.

Banks Peninsula

The Tribunal found that the Crown granted the Nanto-Bordelaise Company an interest in 30,000 acres of land on Banks Peninsula, that Ngāi Tahu had not agreed to relinquish most of this land and were not compensated for its loss, and that the Crown used high-handed and unfair methods in its dealings with Ngāi Tahu over the Port Cooper and Port Levy Blocks. Significant to the Tribunal's findings on the Port Levy Purchase was the Crown's refusal to make reserves, as requested by Ngāi Tahu, at Okains Bay, Kaituna Valley and Pigeon Bay. The Tribunal further found that the Crown had dealt with land on Banks Peninsula before it had been lawfully acquired from Ngāi Tahu and that the Crown failed to meet its obligation to provide ample reserves for the existing and future needs of Ngāi Tahu.

Murihiku

The Tribunal found that the Crown, in purchasing the Murihiku Block, failed to set aside reserves that were requested by Ngāi Tahu, failed to preserve for Ngāi Tahu reasonable access to food resources, and failed to ensure that Ngāi Tahu retained sufficient land for its existing and future needs. The Tribunal found that, in so acting, and in its subsequent failure to remedy these faults through the Middle Island Half-Caste Crown Grants Act 1877 and South Island Landless Natives Act 1906, the Crown breached its duty to act with the utmost good faith towards Ngāi Tahu.

North Canterbury and Kaikōura

The Tribunal found that Ngāi Tahu's interests and rangatiratanga in the North Canterbury and Kaikoura Blocks were gravely prejudiced by the Crown's transactions with other tribes, particularly in the Wairau Purchase of 1847, and by the Crown's disposal of land without Ngāi Tahu's consent. It found that the Crown failed both to act fairly and honourably in negotiating for the subsequent

purchase of Ngāi Tahu's interests, and to provide sufficient reserves in the North Canterbury and Kaikoura Blocks for the existing and future needs of Ngāi Tahu.

Arahura

The Tribunal found that the Crown did not act fairly in its negotiations for the Arahura Block, and that the Crown failed both to set aside certain areas that Ngāi Tahu wished to retain, and to preserve for Ngāi Tahu reasonable access to food resources. It found that the Crown failed to protect the right of Ngāi Tahu to retain possession and control of all pounamu. The Tribunal also found that the Crown failed to respect Ngāi Tahu's interests and wishes when enacting a system of perpetual leases over Ngāi Tahu reserves.

Rakiura

The Tribunal found that Ngāi Tahu was disadvantaged by the delay in implementing the terms of the Rakiura purchase, the Crown having failed in its duty actively to protect Māori interests.

Mahinga Kai

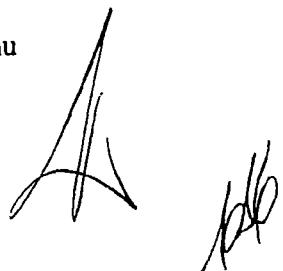
The Tribunal found that, when purchasing Ngāi Tahu lands, the Crown failed to ensure that Ngāi Tahu retained reasonable access to places where the tribe produced or procured food, and especially unimpeded access to Lakes Waihora and Wairewa.

Schools and Hospitals

The Tribunal found that the expectation of being provided with schools and hospitals was an inducement to Ngāi Tahu in selling the Kemp and Murihiku Blocks, that the Crown failed to act promptly to provide these benefits, and that Ngāi Tahu was disadvantaged by the delay in meeting its expectations.

Negotiations between Ngāi Tahu and the Crown

- N In 1990, the Crown entered into an interim agreement with Ngāi Tahu to safeguard surplus Crown lands for the future settlement of Ngāi Tahu's claims.
- O The Crown accepted the thrust of the 1991 Waitangi Tribunal report, and, in consequence of that acceptance, in September 1991 the Crown and Ngāi Tahu entered into negotiations to seek resolution of the Ngāi Tahu grievances.

A photograph of two handwritten signatures. The signature on the left appears to be 'AA' and the signature on the right appears to be 'PMB'.

- P During the period 1991 to 1994, the Crown and Ngāi Tahu endeavoured to negotiate a settlement.
- Q Following the passing of the Te Rūnanga o Ngāi Tahu Act 1996, Te Rūnanga o Ngāi Tahu, as defined in that Act, is recognised for all purposes as the representative of Ngāi Tahu Whānui pursuant to section 15 of that Act.
- R In 1996, the Crown and Ngāi Tahu negotiated in good faith in a further attempt to achieve a full and final settlement of Ngāi Tahu's historic Treaty claims and to remove the continuing sense of grievance felt by Ngāi Tahu.
- S On 14 June 1996, the Crown and Te Rūnanga o Ngāi Tahu entered into a Deed of 'On Account' Settlement, pursuant to which the Crown agreed to provide certain redress to Te Rūnanga o Ngāi Tahu on an 'on account' basis as a sign of good faith and a demonstration of the Crown's goodwill.
- T On 5 October 1996, the Crown and Te Rūnanga entered into a Heads of Agreement to record on a without prejudice basis the matters which they had agreed in principle should be contained in a deed of settlement to effect a settlement of Ngāi Tahu's claims and their agreement to negotiate in good faith to settle the terms of the deed of settlement.

Settlement of Claims

- U The Crown, having acknowledged that Ngāi Tahu has suffered grave injustices which significantly impaired Ngāi Tahu's economic, social and cultural development, now wishes to enter into a deed of settlement, recording the matters required to give effect to a settlement of all of Ngāi Tahu's historical claims, and Te Rūnanga o Ngāi Tahu also wishes to enter into such a deed of settlement.

WAIATA

*E hine, e kimi ana i te huaki pōuri
 Kia puta mai koe ki te whāriki tapu
 I horahia rā e Kahukura, e Tū Te Rakiwhānoa.*

*Whakaroko mai ki kā taki
 O te whenua e neneke ana
 Te roa hoki i matata kā haehaetaka
 Ka karaka atu to iwi ki a koe, e Hine
 Whakamaurutia te mamae o roto nei*



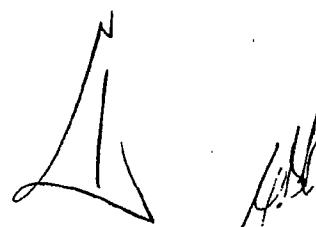
*Ka whānau mai ki te tatau pounamu
I waihakatia e o tūpuna
Hei turaka mōhou i te ao tū nei.*

*E Hine, seek the opening of the womb
so that you may ascend onto the sacred mat
that has been lain by Kahukura and Tū Te Rakiwhānoa*

*Listen to the cries
of the shaking land
So long have the open wounds been gaping
Your people are calling to you
Soothe the pain we feel*

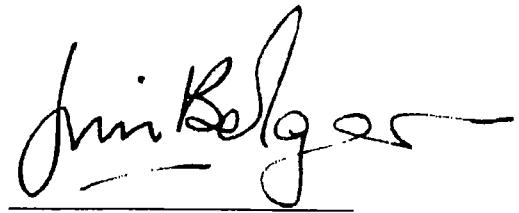
*You are born onto the tatau pounamu
shaped by your ancestors
as a standing place for you in the new world*

ACCORDINGLY, in a spirit of co-operation, compromise and good faith and in consideration of the respective obligations and agreements contained in this Deed, the Crown and Te Rūnanga agree to settle the Ngāi Tahu Claims in consideration for the redress to be provided by the Crown as specified in the following *Sections 1 to 20* and otherwise on the terms and conditions set out in *Sections 1 to 20*.

A photograph of two handwritten signatures in black ink. The signature on the left is a stylized, upward-pointing shape resembling a mountain or a rising sun. The signature on the right is more fluid and cursive, appearing to be a name.

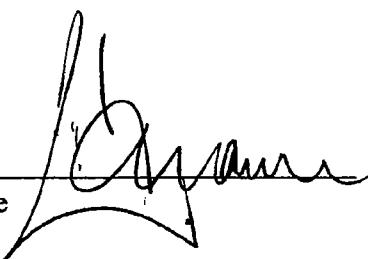
EXECUTED as a deed on 21 November 1997.

SIGNED for and on behalf of)
 HER MAJESTY THE QUEEN in right)
 of New Zealand by JAMES BRENDAN)
 BOLGER Prime Minister of New Zealand,)
 in the presence of:)



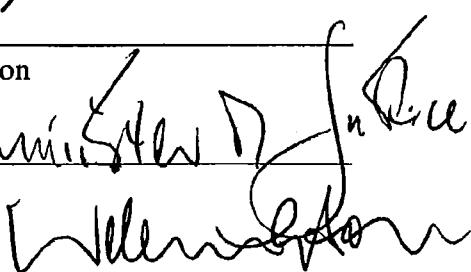
J.B. Bolger

Witness:



Signature

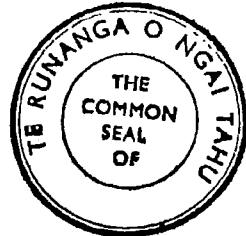
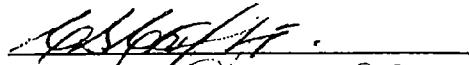
Occupation

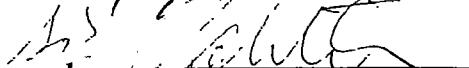


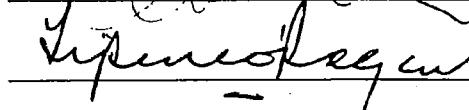
Address



THE SEAL of)
 TE RŪNANGA O NGĀI TAHU was)
 affixed to this document in the)
 presence of:)





Kaiwhakahaere

Secretary

Chairman, Ngāi Tahu Negotiating Group



NGĀI TAHU SIGNATORIES TO TEN PURCHASE DEEDS

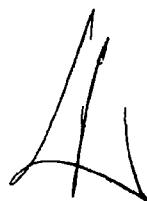
ATTACHMENT 1
NGĀI TAHU SIGNATORIES TO TEN PURCHASE DEEDS
(Recital B)

ŌTĀKOU (Otago), 31 JULY 1844

Hoani Tuhawaiki	Te Haki
Pokene	Taiaroa
Topi	Karetai
Te Kai Koarere	Korako
Pohau	Taka Maitu
Kihau	Te Raki
Kahuti	Horomona Pohio
Kuru Kuru	Te Ao
Papakawa	Te Raki
Moko Moko	Potiki
Tutewaiao	Pokihi
Korako Karetai	Pohata
Raki Wakana	

KEMP (Canterbury), 12 JUNE 1848

Taiaroa	Rangi Whakana
John Tikao	Te Poriohua
Maopo	Potiki
John Pere	Wiremu
Paora Tau	Tiare Wetere
Tiaki	Hape
Tainui	Tare Te Haruru
Koti	Pukenui
Te Hau	Haereroa
Matiahia	Tuauwau
Karetai	Tiraki
Pohau	Tuahuru
Waruwarutu	Te Matahara
Wiremu Te Raki	Te Hau
Taki	Manahe
Solomon Pohio	Te Uki
Rirawa	Pukari
Te Whaikai Pokeno	Topi Kihau
Korehe	Te Korako




NGĀI TAHU SIGNATORIES TO TEN PURCHASE DEEDS

WHAKARAUPO (Port Cooper), 10 AUGUST 1849

Nohomutu	Te One Teuki
Tami Tukutuku	Te Pukenui
Tiemi Kokorau	Topi
Rana Wete	Kairakau
Matiu Kurihia	Tukaha
Hape	Porokori
Te Rua	Apetara Kautuanui
Poharama Ru	Tiakikai
Maru	Tahea

KOUKOURARATA (Port Levy), 25 SEPTEMBER 1849

Apera Pukenui	Timaru Tiakikai
Kairakau	Waipuhuru
Himiona	Hkokai
Puehu	Te Ao
Kauoma	Te Waipapa
Haimona Kaiparuparu	Hapaikete
Te Warerakau	Pohata
Tamatī Pukurau	Rangiaupere
Ipika	Tupeha
Wiremu Parata Te Atawiri	Tamakeke
Poharama Ruru	Te Kapiti
Taoraki	Wi Karaweko
Peneahi Te Pai	Pirimona

NGĀI TAHU SIGNATORIES TO TEN PURCHASE DEEDS

MURIHIKU (Southland), 17 AUGUST 1853

Teoti Rauparaha	Moihi Hamero
Taiaroa	Reihana
Tipene Pepe	James Rikiriki
Koau	Huriwai
John Wesley Korako	Te Marama
Taheke	Tiare Ru
Kereopa Totoi	Maraitaia
Karetai	Wi Rehu
Tiare Hape	Ihaia Whaitiri
Potiki	Paitu
Tare Wetere Te Kaahu	Kahu Patiti
Akaripa Pohau	Hohaia Poheahea
Horomona Mauhe	Paororo
Matewai Hoani	Irai Tihau
Hoani Korako	Matiaha Kukeke
Riwai Piharo	Pukuhau
John Topi Patuki	Takurua
Paororo	Korako Turinaka
Manihera Tutaki	Huruhuru
Matewai	Tare Te Ao
Matene Manaia	Haimona Pakipaki
Tare Te Au	Wiremu Te Raki
Te Pae	Rawiri Teawha
Makaia	Kaikai
Pokene	Ratimira Tihau Te Au
Whaiti Pirihira	Tiare Te Au
Timoti White	Pitoko
Inia Te Meihana	Wiremu Rehua
Horomona Pohio	Rota Pikaroro



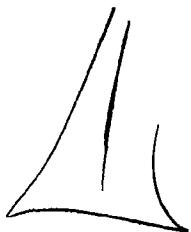
NGĀI TAHU SIGNATORIES TO TEN PURCHASE DEEDS

AKAROA, 10 DECEMBER 1856

Wiremu Karaweko	Raihania
Hone Taupoki	Hona
Matini Pawiti	Hori Waitutu
Tuauau	Heneri Watene
Tamati Tikao	Marutai
Rangimakere	Henere Te Paro
Te Teira	Raniera
Ropoama	Ekaia
Enoka	Hamuera
Te Wakapiri	Hoani Timaru
Tamati Tipene	Enoka
Hoani Pita Akaroa	Hoani
Eli Tihau	Paora Tangi
Paurini	Horo Papera
Hoani Wetere	Paora Tau
Hakiahā	Hoani Akaroa
John Patterson	Teoti William
Solomon Pohio	

NORTH CANTERBURY, 5 FEBRUARY 1857

Paora Tau	Pita Te Hori
Paora Take	Hoani Timaru
Henere Pereita Tawiri	John Pere
Horomona Haukeke	Hopa Kaukau
Wiremu Te Uki	Kaikoura Whakatau
Hakopa	Arapata Koti
Solomon Pohio	Te Aika
John Patterson	Ihaia Taihoa
Ihaia Tainui	Tukaha
Matiu Hutoi	T Tikao



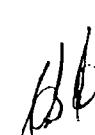
NGĀI TAHU SIGNATORIES TO TEN PURCHASE DEEDS

KAIKŌURA, 29 MARCH 1859

Eruitī	Hoani Timaru
Kaikoura Whakatau	Mu Korapa
Raiania	Renata Te Whiringa
Raihania	Parateni Whiti
Hakuira	Wiremu Kepa
Ihaia Poieke	Haora
Tioti Wira	Karehoma
Tumaru	Parata
Aperahama	Rawiri Te Kauhariki
Hohepa	Ihau
Arama Karaka	Hakaraia Te Utu
Ihaia Taiawa	Ohaia
Hakopa	Whera

ARAHURA (West Coast), 21 MAY 1860

Kinihi	Hakiahā Taona
Tarapuhi Te Kaukihi	Wiremu Parata
Kerei	Purua
Mere Te Aowangai	Puaha Te Rangi
Rawiri Mokohuruuhuru	Makarini Tohi
Werita Tainui	Arapata Horau
Pako	Riwai Kaihi



NGĀ TAHU SIGNATORIES TO TEN PURCHASE DEEDS

RAKIURA (Stewart Island), 29 JUNE 1864

John Topi	Wiremu Te Rehu
Hoani Timarere	Teoti Tekorihi
Hone Wetere Korako	Hoani Korako
Ihaia Waitiri	Kahupatiti
Tare Weteri Te Kahu	Tioni Wiremu Tohi
Te Koau	Maika Nera
Potiki Solomon Pohio	Matiu Te Rupairera
Korako Karetai	Huruhuru
Kerei Kahutu	Paitu
Timoti Karetai	Horomona Patu
Rawiri Mamaru	Paororo
Edward King	Rawiri Teawha
Rawiri Temaire	Tauira
Teoti Kerei Taiaroa	Henere Paremata
Haereroa	Hoani Poko
Horomona Mawhe	Teoti Mawhe
Matiu Kihipane	

