







UNDER THE PROTECTION OF THE PALM
WARS OF DIGNITY IN THE PACIFIC



ICRC

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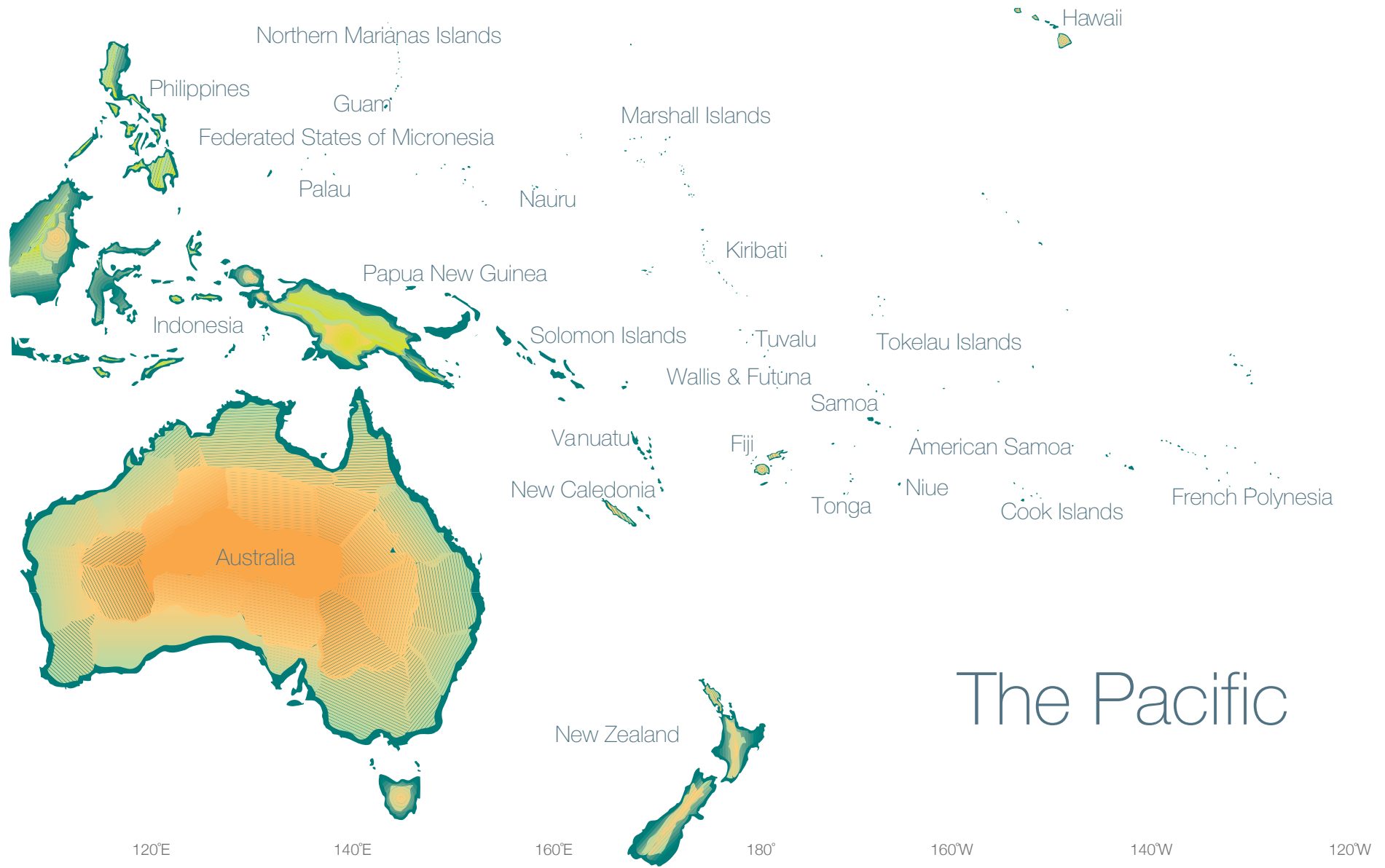
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ICRC



The Pacific



Foreword

The International Committee of the Red Cross (ICRC) is concerned with Pacific societies understanding and adhering to International Humanitarian Law (IHL) at all levels. However, for the ICRC to be successful in this task, the institution needs to persuade Pacific Islanders that they are no longer just Pacific Islanders in and of the Pacific Ocean, but Pacific Islanders in the Global Ocean.

There is no doubt that there is a need for the application of IHL in the Pacific – events in PNG and the Solomon Islands have proved this.

The real question is, considering the complex situation found in the Pacific, how can the ICRC best pass on its message and encourage authorities and others to adhere to IHL's universal principles? The aim should not be to change IHL or any of the well established legal norms, but rather place IHL in this part of the world beyond the legal documents and in the 'minds and souls' of the peoples of the Pacific. Thus a focus should be put upon making connections between traditional cultures of the Pacific and the modern codification of IHL.

Pacific societies, like all societies, have over centuries developed norms of behaviour and rituals for trying to avoid conflict, regulate conflict and settle disputes peacefully. Across the Pacific there are many traditions dealing with human rights and communal rights.

The ICRC and Pacific societies need to understand each other and must work together. The ICRC may like to consider working with us in the "Pacific Way" a concept which is based on acceptance of differences, but with an underlying awareness of the need to find unity and consensus.

The "Pacific Way" is one of the region's greatest assets, and for the ICRC to understand our way will foster a more meaningful relationship with the people of the Pacific and greater commitment through ownership of IHL principles. This will result in the enhancement of capacities of Pacific communities and people to lead free and worthwhile lives in partnership with the rest of humanity.

Dr Langi Kavaliku

Former Pro Chancellor University of the South Pacific

Former Deputy Prime Minister of Tonga

Tribute to Dr Langi Kavaliku (1939-2008)

*The ICRC regretfully acknowledges
the tragic death of
Dr Kavaliku on December 3rd, 2008
in Nukualofa, Tonga.*

*Indeed, this project would not have
been possible without his inspiration.
He was one of the leading
scholars of education in the Pacific,
a former Deputy Prime Minister
of Tonga and served as a Cabinet
Minister for 33 years.*



Introduction

History shows us that throughout the world there has always been some form of armed conflict going on somewhere. Sometimes the conflict is between States, and sometimes people within a State are fighting each other. History also shows us that warfare has often been waged with great barbarity and cruelty, causing immense suffering to combatants and civilians alike. Our current age is no different.

Since the earliest times, however, people have set rules intended to minimize the suffering caused by war. This ongoing process has led to treaties being drawn up and agreed to by States. Customary rules of international law have also developed over time; these rules regulate the conduct of warfare even when no treaty applies.

The body of laws aimed at protecting all victims of armed conflict is known as International Humanitarian Law, or IHL. These laws are predominantly found in the Geneva Conventions and their Additional Protocols. The Geneva Conventions today have been ratified by all countries of the world.

Aiming to openly listen to the people of the Pacific, the International Committee of the Red Cross (ICRC) assigned a group of law students from the University of the South Pacific with the task to look into traditional warfare practices in the Pacific and possible similarities with contemporary principles of humanitarian law.

As the reader can see, the researchers established that a number of practices during armed conflict in the Pacific constituted clear limitations imposed on warfare. Further, these practices, in use prior to European contact, show some direct correlations with modern laws regulating war.

This result confirms observations made under the auspices of the ICRC in other cultures, including the Arab and Islamic traditions, and customs in Indonesia and Somalia.

This point importantly confirms that the concept of rules regulating behaviour in conflict is neither a new nor a Western notion.

This is not to suggest that traditional warfare in the Pacific fully corresponded with existing notions of IHL. However, the examples highlighting traditional norms requiring restraint during armed conflict strengthen the universality of the principle that “Even Wars Have Limits”.

The ICRC hopes that this study will stimulate reflection and enliven debate around IHL in the Pacific. It may also be a tool to increase the understanding and acceptance of International Humanitarian Law among the diverse communities and authorities in the Pacific. In this sense, the project may contribute to a process towards the reduction of suffering during times of armed violence or conflict, which remains the ICRC’s ultimate goal.

The ICRC delegation in the Pacific

CHAPTER 1

Causes and Types of Conflict



Power and Control of the Land

The main motivation for tribal warfare in the Samoan tradition was to acquire sovereignty over land. War also related to a power struggle between rival districts and their leading chiefs, such as when no agreement could be reached on the successor of a royal title. Ambitious chiefs and their supporters sought to hold royal names imbued with supernatural significance. These titles were supposed to be peacefully bestowed when the chief who held them died. However, in many instances, no agreement could be reached on a successor to royal title, so war ensued¹. Attention was also paid to omens, which had the effect of encouraging or precluding war: the squealing of rats or sneezing during a march were portents of ill-fortune in battle.



The causes of wars often determined the way they were fought.

In the traditional societies of the Pacific, warfare was used to ascertain power.

Regulation of warfare then depended on the opponent.

Further, conflict was a means to solve disputes and obtain redress. Frequently the violence inflicted was proportional to the grievance suffered.

Historically, the great power bases in Fiji were in Lau and Eastern Fiji - Verata, Rewa, Bau, Cakaudrove. These areas exerted wide political and economic influence and engaged in constant warfare against each other in an effort to control areas of the country.

In the Marshall Islands, warfare allowed the Marshallese to establish their reputation as leaders and outstanding warriors, which in turn brought social status and correlative privileges.

Retribution and Redress

In the Highlands of Papua New Guinea, when a person or group suffered or believed it had suffered an infringement of a right, a conflict might arise²: Once a warrior has been killed or wounded, especially if he does not belong to the lineage of the arrow's stem, his kinsmen seek revenge³. Occupation of territory after a conflict was as well an acceptable response to a dispute⁴, as a form of compensation.

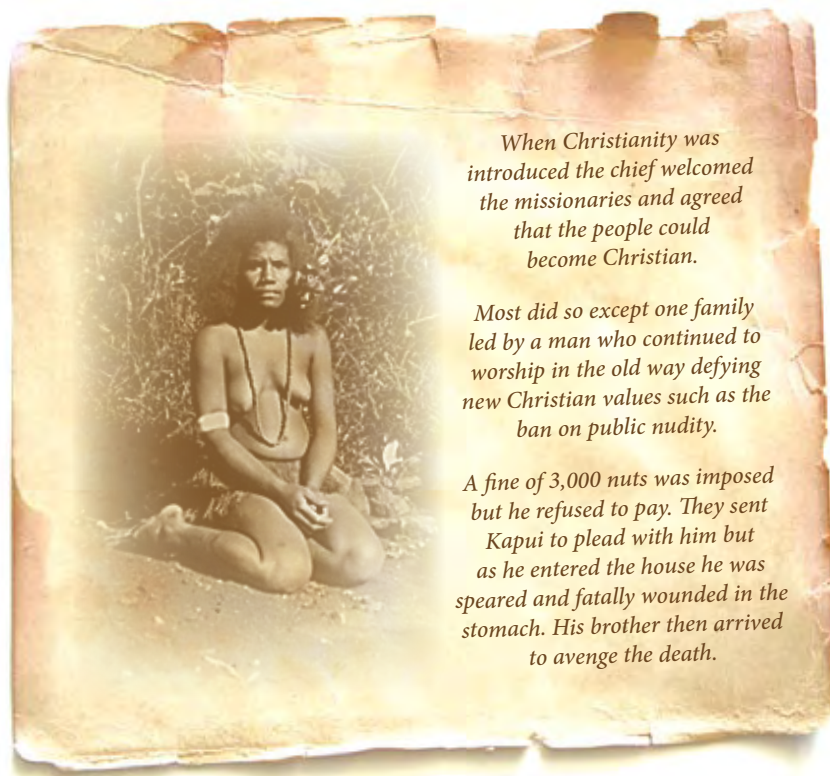
In cases where both parties regarded themselves as victims, the cycle of retaliation continued for many years. Reprisals on the scale of one life for another could escalate into war. One series of reported attacks started with the abduction of a woman. In return, a party of warriors shot another woman. Parties to the conflict increased as allies were drawn in, suffering losses of their own and making themselves targets for revenge. This precipitated a war that raged for many months⁵.

While war in Papua New Guinea's Highlands was seen as a male activity, women were viewed as the inspiration for wars⁶. If a woman was raped, abducted, eloped or committed adultery with men of other political units, this called for redress through hostilities⁷.



In Tuvalu, a prevalent sense of rivalry provided incentive for frequent conflict, as did the desire for vengeance and the need to retaliate in response to a prior defeat.

The story, *The Fatal Death of the Man in the Defence of the Old Religion on Niutao Island*, encapsulates the origins of one particular conflict:



In certain provinces of Vanuatu there were two main reasons to start a tribal war: when village pride and prestige was at stake and when women ran away.

Types of Conflict

The many different types of conflict in the Pacific included: inter-tribal invasion and conquest; conflict within a tribe; head-hunts; raids and skirmishes for purposes such as restitution, and stalking and killing in order to earn blood money.

Raiding was perhaps the most common type of battle. Traditionally, the level of violence inflicted was proportional to the grievance suffered. In prehistoric Melanesian, communities warfare was usually restricted to small skirmishes and fighting was generally light and ritualistic with a minimum of bloodshed.

Across the Pacific, it appears that different systems governed conflicts between relatives and communities as opposed to strangers. Hence, the intensity of the fighting depended upon the relationship between the parties.

In Fiji, large-scale warfare between confederated chiefdoms was known as *i valu ni tu* (state wars) and tended to be openly conducted and formally declared. Wars involving several confederations of tribes or states and covering large tracts of land were termed *i valu raraba* (widespread wars). But despite the scale, these did not necessarily cause heavy casualties, unless they were led by high chiefs who were bitter personal enemies.

Smaller campaigns, on a local scale, were known as *i valu yasa* (stealthy war) and consisted of ambushes, raids and skirmishes between small bands of warriors or the sniping and murder of civilians⁸.



In the Highlands of Papua New Guinea, the method of waging war was adapted to the relationship between opponents, be they long-standing enemies, allies or local communities with whom a temporary disagreement had arisen. Mutual limitations governed warfare between kin, while warfare with unrelated tribes was less likely to be limited. The closest relationship was when enemies were also related along patrilineal lines.

Clansmen would refrain from carrying lethal weapons – spears, bows, or axes – into such domestic affrays but instead simply used whatever objects were at hand⁹. The scale and intensity of combat also influenced what is called nowadays the “rules of engagement”. Where conflict took the form of a raid into enemy country, casualties were kept to a minimum, though no distinction was drawn between civilians and fighters. The goal was to capture or kill one or more enemies in retaliation for a prior killing, and it was of little consequence whether the victims were men, women or children¹⁰.

Where groups had vested interests in remaining on peaceful terms, they were less likely to commit acts that would provoke protracted hostility. When enemies lived in close proximity, public opinion also moderated the intensity of the altercation. Because fighting usually took place among districts within close range, and involved persons connected through kinship ties, there were often mutually respected limits operating on warfare. In wars with major enemies or groups with whom there was infrequent contact, there was little regard to human suffering, with fear of retribution the deterrent against total war.



CHAPTER 2

Protected Persons and Objects



Social Limitations on Warfare

As seen in chapter one, in certain types of conflict, little care was taken to protect non-fighters from attack. Examples nonetheless abound of social limitations dictating the protection of persons not involved in the fighting.

In Fijian society, for example, clubs and spears were the companion of every man and were carried with him wherever he went. However, it was general practice for a man to lower his clubs or spears to allow a non-aggressor to safely pass. Weapons were generally used to kill only when this was deemed necessary upon provocation.

While some contradictions and contrary practices are identified, we observe that there were rules concerning persons and property not directly involved in tribal conflict.

A sense that women, children, the elderly and infirm should be spared emerges as a common theme.

In Makira, in the Solomon Islands, during sudden, temporary wars known as *surumae*, nobody found in the branches of a nut-tree or fruit-tree collecting fruit could be attacked, nor anyone fishing for bonito in a canoe. Perhaps it was on account of their helplessness or the importance of their activity. War was to be restricted to people “on the ground”.

General principles of International Humanitarian Law

Certain categories of people shall be protected during times of conflict. In particular, civilians may not be attacked and must be protected from hostilities.

Honour and Shame

In Tuvalu, to kill women and children was considered a shameful thing to do. It was strongly believed that a man must only attack another man of equal strength: an adult could not, for example, fight a 15-year-old boy. To do so was considered a disgrace that tainted one’s family line permanently¹¹. In a one-on-one fight, sneaking in knives, spears or other weapons was considered *taagata* (not manly) and fighters who did so were considered lesser men. Similarly, introducing a disproportionate number of fighters into the attack was labelled “cowardly”. Only when conflict was fought in an honourable way could rivals become enduring friends and allies.

Many traditional wars in Samoa were said to have been “wars of dignity”¹². This phrase refers to the fact that they were regulated by codes. They did not occur out of a thirst for blood but out of the responsibility the reigning paramount chief felt he had in upholding his duties to the *Malo* (State). According to Tuiatua Tupua Tamasese, former Prime Minister of Samoa,

wars became worse after European contact, as new weapons were introduced and the codes ceased to be observed¹³.

In several traditional Pacific cultures however, killing the innocent could also contribute to bring fame to the warrior and was thus practiced.

Women

Throughout the Pacific, war was predominantly a male activity. In Fiji, however, women played a support role in the conduct of campaigns, stationing themselves on prominent hills and calling down information on the enemy's movements to their own warriors; sometimes luring the enemy into an ambush.



General principles of International Humanitarian Law

Protected persons are entitled to respect for their persons and shall be treated humanely. Women shall be especially protected against attacks on their honour.

In the Highlands of Papua New Guinea, in addition to directly engage in warfare as in Simbu, examples prevail of women reminding enemy men of the matrilineal kinship they shared as a way to prevent fighting¹⁴.

In the Solomon Islands also, in some cases, the final person able to prevent war was a woman. This helps to explain why the men sequestered themselves away from the women before going to war, in order to avoid dissuasion or disturbance¹⁵.

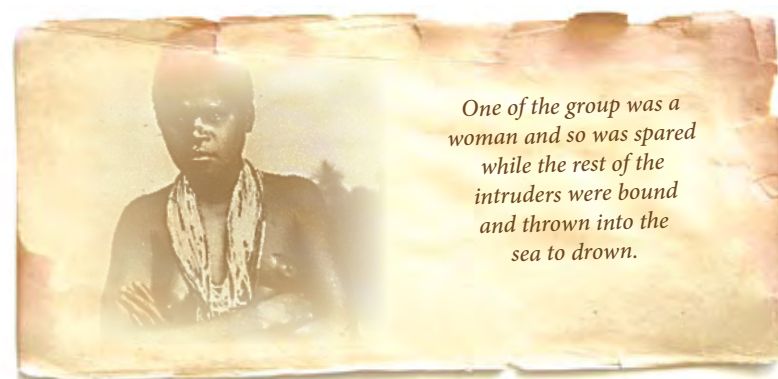
Apart from these roles as actors in Pacific warfare, several accounts suggest that women had to be protected from the effects of war.

In Vanuatu, battles were located in a limited space away from the huts. Women and children were either left on their own during tribal wars or protected by some form of agreement between the chiefs.

Women in Vanuatu were respected for their social contribution. They were recognised as the backbone of society – the silent power behind the men and chiefs. Women were immune from attack in some islands, such as Malekula, where they were never touched in war and were free to go where they pleased. Protective measures also existed in favour of women and children on the island of Aneityum and there is evidence that in Shefa province, women were perceived as too valuable to be killed for a cannibal feast. If a woman was offered to the enemy as a peace token, the offering would be refused.

Similarly, in the matrilineal society of the Marshall Islands, when warriors conquered a village or island, women and children were not harmed.

Women were also spared in Tuvalu. *The Tuvaluan Story of the Five Palagis* tells of warriors snaring five Europeans who violated a cultural taboo:



One of the group was a woman and so was spared while the rest of the intruders were bound and thrown into the sea to drown.

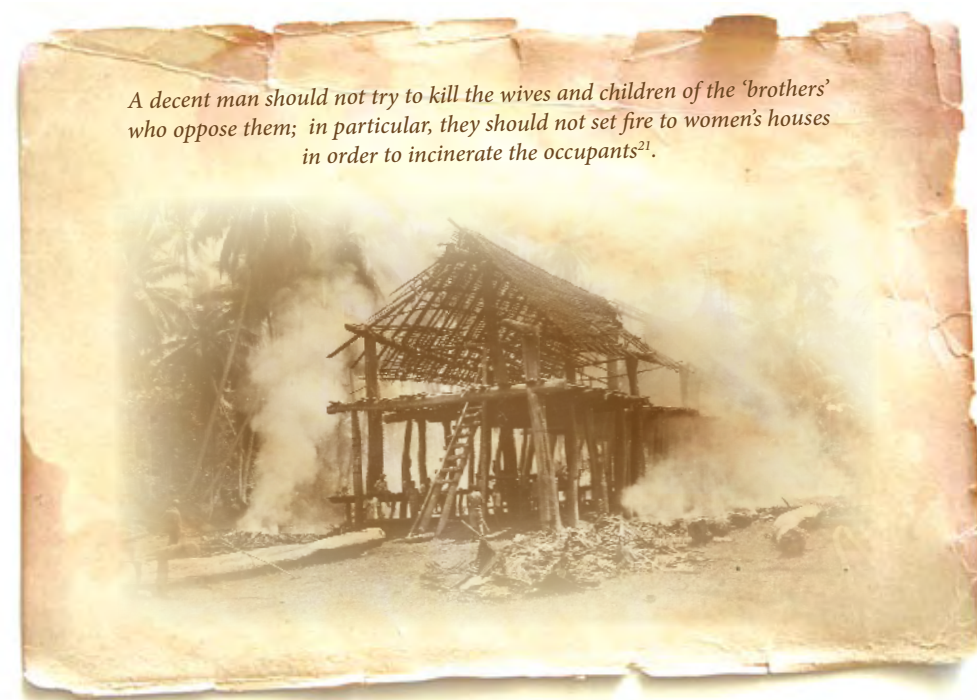
In the Solomon Islands, since war was a matter between men, women remained free to visit their relatives even in enemy tribes without risk of being harmed. Women were deemed to be “dead men” in military terms because they had no power to resist. It was considered cowardly to kill them.

Women were generally also protected from direct attack during warfare in Samoa. According to one account, when wars were carried out between warriors of different districts vying for the *Malo* (State), women, children and the infirm were to be left alone and not harmed¹⁶. In another case, however, no group was afforded special treatment and those who could not defend themselves – including women, children, the infirm or disabled – would perish. Moreover, in times of war between districts, certain traditions, such as those relating to marriage practices, were held in abeyance. For example, it is said that during war, King Tamafaiga (warrior and chief) used his authority to take any woman he desired, without paying the bride price. This led to his ultimate downfall and assassination, as taking women was a further insult to the entire family.

In Fiji, stories abound within the writings of European missionaries and anthropologists of women and children being indiscriminately killed, eaten and taken as slaves during warfare. According to alternative accounts, however, the fighting ground was generally located away from the huts. The two sides would adjourn the battle to an appointed place, rather than conduct the fighting where women and children could be injured¹⁷.

A complex image emerges of the protection of women during fraternal conflicts in the Papua New Guinean Highlands. Communities were able to prepare for the outbreak of fighting and all wards of the belligerent villages were evacuated once battle began¹⁸. The community would move their women, children, pigs and valuables from houses near the border to safer positions inside the clan domain or allow them to take refuge with friendly neighbours¹⁹. Women would “watch anxiously in order to judge the

course of the battle and to determine when to flee with their children and pigs.”²⁰ Further, after evacuation, warriors were not supposed to seek them out:



A decent man should not try to kill the wives and children of the ‘brothers’ who oppose them; in particular, they should not set fire to women’s houses in order to incinerate the occupants²¹.

During traditional warfare in the Highlands, a woman was regarded as neutral by her natal group when warring with her conjugal group and she was not meant to be targeted, although this taboo was sometimes broken²². The rationale underpinning this protection, however, was not related to her character as a non-combatant, nor considerations due to her sex. Rather, whether or not a woman could be considered a legitimate target depended on consideration as to whether injury to her would be advantageous or disadvantageous to the group as a whole, in terms of the retribution it would attract. Women tended to be at greater risk where fighting occurred between unrelated tribes, as the need to maintain relations was a less important factor²³.

Children

As seen above, children were often grouped with women in terms of restraints on warfare. However, particular protections for children also existed.

In the Solomon Islands, small children of the enemy were generally spared and adopted by the conqueror's village. Social norms also regulated when it was acceptable for members of the community to take up arms.

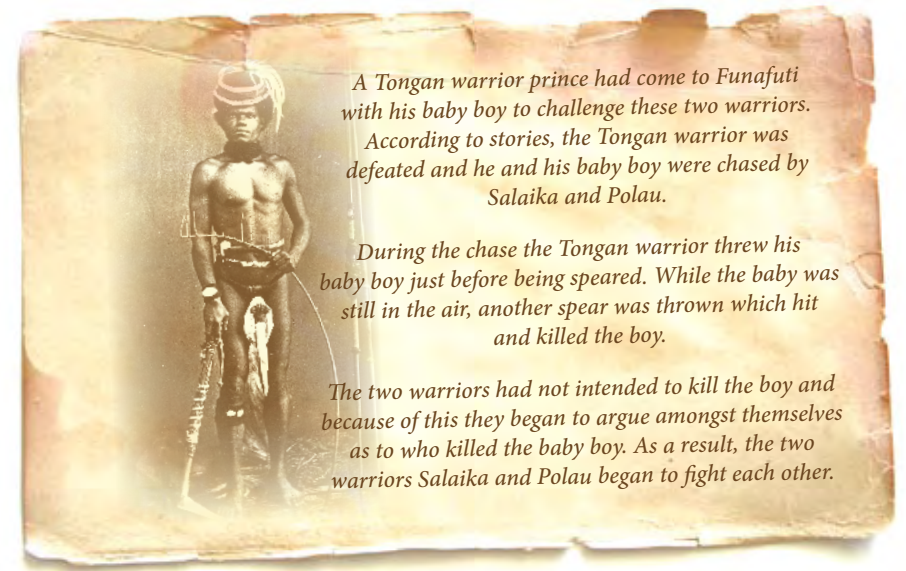
Boys aged 4 to 5 years were taken from their homes and commenced their education concerning traditional duties such as "warriorship" and how to become good men, as well as learning the general rules of society.

It was not until the growth of body hair – a symbol of puberty – and having proved themselves to be men through initiation at the age of 14 or 15, that boys were allowed to fight. Even then, they could only participate in fighting to a limited degree.



Generally, 14 to 15 year olds did not venture to the front line, but instead remained at home to provide security and defence for the women, children and elderly. Once they had proved themselves in this capacity and had undergone training in the use of weaponry and fighting techniques, they were able to go to the front line with the mature members of their society. This usually occurred at around 20 or 21 years of age²⁴.

The Tuvaluan tale *The Story of Two Great Warriors* of Funafuti Island is illustrative of the remorse that flowed from the accidental spearing of a child in the course of hostilities:



In the Vanuatu province of Malekula, boys were not permitted to participate in hostilities until they had put on the penis sheath, which signified their initiation into manhood. Similarly, children were immune from being attacked in situations of armed conflict unless they wore the penis sheath, and thus had entered into manhood.

The Elderly and Disabled

In the Solomon Islands, the wisdom of the elderly was regarded as an asset; hence they were spared and incorporated into the victorious tribe. Not only was their traditional knowledge concerning land and genealogy valued, it was widely accepted that to kill elderly members of a community would be futile in military terms.

In Tuvalu, fights were located outside of villages, at least in part, to avoid affecting women, children, the elderly and their property. Wanton, indiscriminate death and destruction was viewed as extraneous to the aims of war. The general principle that a fight must be fair and equal precluded attacks upon the elderly and disabled.

General principles of International Humanitarian Law

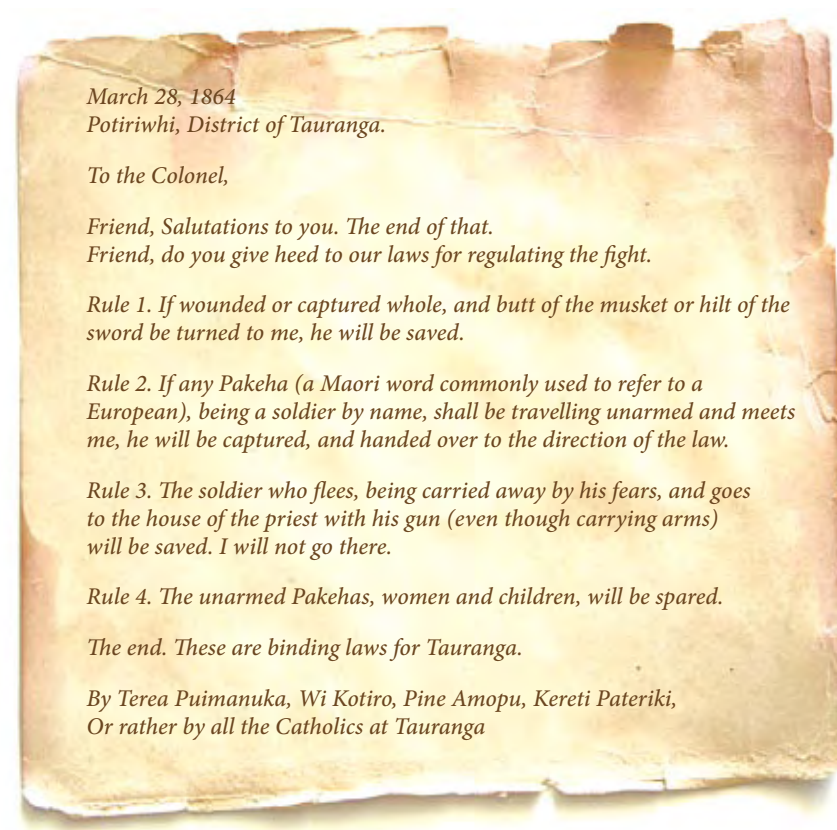
There are obligations to distinguish between the civilian population and combatants, as well as between civilian objects and military objectives.

Captives and Wounded Combatants

In Aotearoa/New Zealand during the wars between the Maori and the British Government, a unique document is found establishing in writing the modalities of the battle to come.

In early 1864 the Governor of New Zealand decided to send a force to control Tauranga, the only port open to the Maori to supply the Waikato region.

Soon after the chief Rawiri Puhirake issued a challenge to the British to fight. The challenge was written by Henare Taratoa who had been educated by the Church Missionary Society.



March 28, 1864
Potiriwhi, District of Tauranga.

To the Colonel,

Friend, Salutations to you. The end of that.
Friend, do you give heed to our laws for regulating the fight.

Rule 1. If wounded or captured whole, and butt of the musket or hilt of the sword be turned to me, he will be saved.

Rule 2. If any Pakeha (a Maori word commonly used to refer to a European), being a soldier by name, shall be travelling unarmed and meets me, he will be captured, and handed over to the direction of the law.

Rule 3. The soldier who flees, being carried away by his fears, and goes to the house of the priest with his gun (even though carrying arms) will be saved. I will not go there.

Rule 4. The unarmed Pakehas, women and children, will be spared.

The end. These are binding laws for Tauranga.

By Terea Puimanuka, Wi Kotiro, Pine Amopu, Kereti Pateriki,
Or rather by all the Catholics at Tauranga

The British did not know what to make of this document and are said to have ignored the challenge and its rules. The ensuing battle, known as the battle of Gate Pa, took place on 29 April 1864. Gate Pa was to be a major defeat for the British at the hands of an outnumbered Maori.

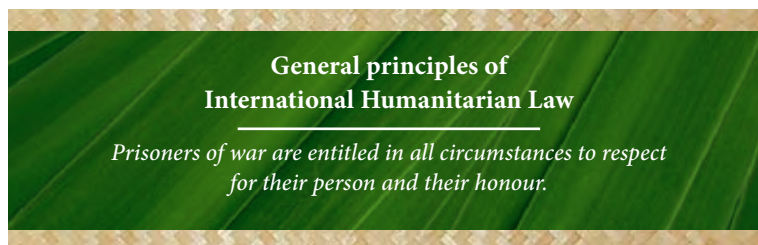
A noteworthy sideline is that during the night of 29-30 April 1864, while the wounded lay in the Pa (a Maori fortified position), a Maori risked his life to bring water through the English sentries to the English wounded. It is said the Maori was Henare Taratoa. When war broke out Henare returned to his tribe and fought at Gate Pa. He was subsequently killed at Te Ranga in July 1864²⁵.

Interestingly, 1864 is the year of the adoption of the very first Geneva Convention by sixteen Governments of the time gathered in Geneva at the initiative of the International Committee of the Red Cross.

As is well known, many people captured in traditional Pacific warfare did not meet a pleasant fate. Cannibalism was practiced in many societies. In the Papua New Guinean Highlands, rape of female captives also occurred, although often the husband, guardian or lineage kin of a woman captured in the course of fighting would demand her return or pay for her recovery. On occasion, such women were released and permitted to return home²⁶.

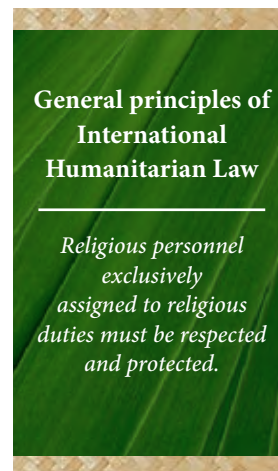
In Samoan armed conflict, according to the codes of war, when warriors took over enemy territory, women, children and the infirm could be captured, but it was prohibited to kill them²⁷.

In the course of warfare in the Solomon Islands, prisoners were generally incorporated into the victorious tribe. They were required to be restored to health and treated with basic respect, as dictated by the Fata'abu, chief priest or spiritual leader²⁸. The aim was to assimilate prisoners into the tribe, to help build its strength in terms of food gardens or to assist in other battles. However, it could take several years for them to be fully integrated into the tribe. During this time, the victors selected those who could stay and those who would be killed. Prisoners could only demand support once they had been selected for integration.



Religious Personnel and Practices

Religious figures were respected and their wisdom in relation to the fortunes of war was consulted as a source of guidance and morale for the fighters. However, Fijian history contains examples where religious figures had to flee for their lives when their predictions about the invulnerability of warriors to enemy weapons proved unfounded²⁹.



Spiritual mediums were integral to warfare in the Solomon Islands and before going to fight, the *Wanenifoa* (witch doctor) was consulted to determine who would go to war and who would stay. This was determined through practices such as cutting a man's palm and covering it with a particular kind of leaf – bleeding would portend his death on the battlefield. This role was similar to roles played by the *bete* (priest) in Fiji.

Respect for the Dead

Cannibalism prevailed in many traditional Pacific societies and the bodies of the vanquished were often eaten. The practice, as was head hunting, was nevertheless purposeful.

In Fiji, the bodies of the war-dead that were not taken for feasting were able to be collected by members of the villages from which the individuals originated.

"People whose face is known should not be eaten" was a tradition observed in the Highlands of Papua New Guinea, even with regard to the enemy dead.

However, since warfare generally severed communication between inhabitants of the belligerent villages, prolonged hostilities tended to bring about a narrow redefinition of “people whose face is known”.³⁰

In Samoa, heads were often kept as trophies and presented to the king, but relatives of the war-dead were offered an opportunity to collect the bodies. In other cases, “if relatives did not appear soon afterwards to claim the victims’ heads, they were given to the children to play with, thrown to the dogs or buried on the *malae* (village field).”³¹

In the Malatian tribe of the Solomon Islands, if there were survivors from the tribe which had caused ill-feeling to the *ramo* (chief warrior), he would kill all but the women, children and elderly. The skull was considered valuable property - the only objects fighters would take back to their villages were the skulls of persons they killed in war. That is what is meant in the Solomons by headhunting: a practice generally fuelled by the belief that when you acquire the skull of a senior man, you also obtain his power.

General principles of International Humanitarian Law

Remains of the deceased shall be respected and where circumstances permit they shall be returned to the next of kin. Information should be available about the fate of loved ones during times of armed conflict.

Tuvaluans showed respect for the dead, even a dead enemy. Bodies were handled with care and respect due to the strong superstitious belief that dead bodies would bring bad luck if left unburied. In the *Story of the Five Palagis*, five foreigners were snared for culturally offensive behaviour regarded as unacceptable to tribal ancestors. The male intruders were bound and thrown in the sea to drown. Later, when their bodies were washed ashore, they were taken to a cemetery and duly buried.



Civilian Property and Sources of Livelihood

There is very little evidence in the literature of restraint shown towards attacks on property during traditional Pacific warfare. To the contrary, in traditional warfare in the Highlands of Papua New Guinea, civilian objects could become subject to attack and the houses of men and women in accessible areas were burned with great frequency³².

Nevertheless, since all fighters needed to harvest food, the principal parties to the conflict would often agree on a temporary cessation of the fighting in shouted exchange at the close of a battle³³.

A similar situation occurred in Fiji, where periods of peace comprising interludes between inter-tribal warfare existed and were known as *sautu tale na vanua* – the time when the land prospered again³⁴. It was also noted that “in cases where the contest is of a purely civil kind, fruit trees are often spared until the obstinacy of the enemy exhausts the patience of the rest, and a general destruction takes place.”³⁵

General principles of International Humanitarian Law

Civilian objects are protected against attack.

It is prohibited to destroy objects indispensable to the survival of the civilian population.

In the Malatian tribe of the Solomon Islands, during raids on opposing villages, warriors did not waste time plundering property, which would have impeded their progress and made them vulnerable in an ambush.

Cultural Property

If civilian property in general was not protected, examples do exist of restraint in attacks on property of special importance to local culture.

In Micronesia, houses, sacred places and premises such as meeting houses would be preserved in villages which surrendered.

In traditional warfare in the Highlands of Papua New Guinea, for example, it was regarded as wrong for an attacking force to destroy the cult-houses of their “brothers” or to ringbark the great old trees shading the ceremonial ground.³⁶

By contrast, in the Solomon Islands, the victorious tribe would deliberately destroy their enemy’s shrines in order to destroy their god. Destruction was seen to be both physical and spiritual.³⁷

In Tonga, traditional temples were respected as sacred ground. During warfare, women and children found refuge in these places. Anyone guilty of killing someone within the sanctuary was likely to arouse the anger of the gods; something to be appeased by child sacrifice. Even chiefs, the embodiment of temporal and spiritual power were not beyond paying the penalty. In one recorded account a chief’s infant son was strangled by the priest.

General principles of International Humanitarian Law

Protection is to be granted to specific objects and places of worship which constitute the cultural or spiritual heritage of peoples.

However, and in order to circumvent the rule, Tongan chiefs are reported to have recruited Fijian warriors to break the Tongan taboos and burn the temples to avoid paying these penalties.³⁸



CHAPTER 3

The Practice of Warfare



Going to War:
Precautions and Warnings

In Fiji, warnings were exchanged prior to the commencement of hostilities:

Many of the broad limitations on warfare found in IHL, such as the obligation to warn civilians of a pending attack, the need for protective signs or the concept of disciplined fighters are found in the history of the Pacific.

Of particular interest are the examples of fighting which indicate that engagement was proportionate to the sought objective.

War was not just something that started... it was decided. When war was decided upon between two powers, formal messages to that effect were interchanged and informal messages in abundance were also sent warning each other to strengthen their fences and carry them up to the sky.³⁹

In certain cases, heralds would be sent for the purposes of diplomatic dialogue. Finding that the opponent meant war, the heralds would retire and a party of warriors would then be deployed to perform ceremonies of challenge to their enemies. To attack these dancers was contrary to custom.

Only when the ceremonies were over, and this was acknowledged by both sides, would warfare begin.⁴⁰

Large scale wars such as *i valu ni tu* (state wars) generally began with a formal declaration of war and breaking off of friendly relations. Messages to this effect were conveyed to the chiefs concerned by herald (*mata ni vanua*), with a presentation of a *yaqona* (kava) root. Messages were sent to neutral towns, warning them to stay within their defences. "Meanwhile, less formal warnings, such as threats, insults and boasts of military prowess flew in all directions setting the mood for battle."⁴¹

When the Malatian community of the Solomon Islands went to war they did so discreetly attacking at night or dawn rather than during the day when people knew how to escape.⁴²

However, stories of local warfare in other parts of the Solomon Islands refer to warnings being sounded to mark the commencement of fighting:



When they came down they blew pipes which they call kuvili (conch shell) so that the village may be ready or run away.⁴³

In Makira, fighters met on an allocated fighting ground called *bwaonga* once formal notice of hostilities had been given. Fighting was arranged by someone on each side to the conflict standing on their respective sides of the *bwaonga* and calling out to each other to set the date when they would meet. Alternatively, the son of the enemy chief was sent as an envoy or herald of war to the opposing side.

General principles of International Humanitarian Law

Advance warning shall be given of attacks which may affect the civilian population.

His person was sacred and never harmed, assuring him free passage to bring notice of battle. The *surumae*, on the other hand was a sudden, secret expedition without a prior herald or declaration.

In parts of Vanuatu, war was first agreed upon by the two parties and a set date was appointed. Usually there were six men in a war party. The two opposed villages would meet on the chosen battleground, line up and hurl spears and abuse.

In traditional warfare in the Highlands of Papua New Guinea, where fighting occurred between patrilineally related clans, these groups could only attack each other by day and after giving due warning.⁴⁴

Proportionate and Limited Action

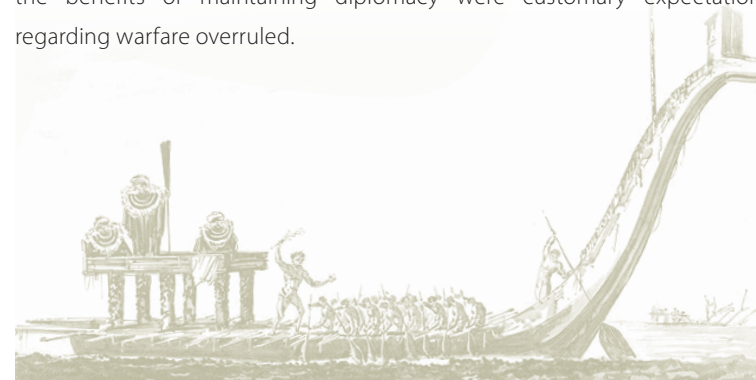
Avenging past grievances was part of the motive for tribal war, and generally fuelled a proportionate response: a life for a life, a wrong for a wrong.

In Micronesia, warfare was seldom bloody. Instead, the technique used was to attempt to starve the opposing forces in their hold-outs and lay waste to the land, to the extent required to attain victory.

In Melanesia: To repay an earlier injury it often sufficed to score one wound. War was not over conquest or land, but most often involved the restitution of real or imagined grievances... There were also formalized encounters on traditional warring fields, the number of allowed casualties a matter of military protocol.⁴⁵

In the Solomon Islands, simple revenge, if proportionate and free from external intervention, could break the cycle of violence. Killing was thus not done in an arbitrary or indiscriminate manner but was selective and targeted.

The degree of violence that Highlands tribes in Papua New Guinea employed to resolve conflict involved a cost-benefit analysis, that is, the norms of war varied according to the potential consequences for the aggressors. Only where the profits of winning a war at all costs outweighed the benefits of maintaining diplomacy were customary expectations regarding warfare overruled.



General principles of International Humanitarian Law

Proportionality in battle is required; an attack should not cause loss of life that would be excessive in relation to the concrete and direct military advantage anticipated.

In Highlands fights, the result of warfare could be: several deaths or the wounding of participants on either side, the devastation of gardening lands, the destruction and burning of a village and its stockades, the abduction of women and the looting of pigs, corpses, garden produce, and other commodities. However, wholesale destruction is the exception rather than the rule, and there are relatively few deaths in any one skirmish.⁴⁶

Each grievance demanded compensation in kind. For example, in one village, when a woman was abducted, another woman was abducted in return. The number of people killed was also expected to be proportionate to the original loss: If more than three or four people are killed in a single fight, there may be an outcry that the enemy is ‘shooting like wild pigs’.⁴⁸

A detailed assessment was generally made when selecting targets for attack and it was considered detrimental to target someone whose death would trigger a degree of retribution that outweighed the benefit of the victory. Casualties could be minimised by targeting people with fewer interests bound with the group, as the killing of a “stranger” (not born of the village) reduced the risk of retaliation⁴⁹. Inter-marriage also promoted restrictions on violence and individual abstentions from combat.

Neutral Villages

In many contexts, the neutral status of non-allied villages was respected, enabling the villagers to retain their freedom of movement. Neutral third parties were often used in negotiations to resolve a conflict.

In Fiji, as mentioned above, warnings were sent to neutral villages that were not directly involved in the wars but were in the likely path of an advancing army, to keep within their defences. During conflict in the Solomon Islands, the neutral status of villages in between battle zones was respected and villagers were able to visit and be visited by friends among the fighters.



Protective Emblems and Signs of Surrender

In Samoa, a protocol for indicating surrender existed. The practice involved kneeling on the ground and removing a necklace that was proffered to the victor as a plea for mercy. The victor then had discretion as to whether or not to spare the enemy. A famous example surrounds the execution of warrior and chief Tamafaiga: he proffered his blue necklace to his captors and begged for mercy, though in his case it was denied:

When Tamafaiga was caught, he saw there was no escape. At first he threatened, then he offered his pursuers the Malo [State] and when neither made any impression he took the blue necklace from his neck, proffered the necklace and pleaded for mercy.



In the Solomon Islands, signs of protection for women of high status included shell armbands and porpoise teeth necklaces. Women wearing such relics would generally be spared in wartime. Although the codes of arranged warfare encompassed no generally recognised sign of surrender, both sides could agree to retreat and resort to reconciliation to settle

General principles of International Humanitarian Law

Persons hors de combat (outside of the combat) must be spared and protected.

the dispute, provided that the truce agreement was arranged by the leaders of the group.

In Vanuatu, the frond of the lycas palm, commonly known as the *namele* leaf, served as an emblem of protection and immunity in times of traditional warfare:

A man may walk anywhere in war as long as he holds up the frond of a lycas palm and carries no weapon.

This palm is today found on the Vanuatu national flag and still symbolises peace and free passage, even in the midst of war.

General principles of International Humanitarian Law

The Red Cross, Red Crescent and Red Crystal Emblems afford protection during times of armed conflict.



Flags and Uniforms

In Fiji, warriors bore arms openly and painted themselves for war.⁵⁰ The white hats of Samoan warriors distinguished them from the general civilian population. *The Samoan War Dance Song* attests to a distinction between warriors and the civilian population, the latter regarding the former with awe and fear.

In the Solomon Islands, war canoes from different islands were readily identifiable by virtue of their distinguishing features and markings. The warriors of the Solomon Islands did not wear distinctive uniforms, however, given the population size, the enemy was readily identifiable by the fact that they were unknown. Moreover, the types of weapons associated with war served to identify groups of warriors. Sprigs of fern known as *amaama* were inserted into the hair when going out to fight. Warriors also donned leaves – always a sign of war – and the *mangita*, a native comb, was stuck into the hair and decorated with scarlet grass streamers. One band of warriors, before launching a head-hunting raid, smeared themselves in lime so they would be identifiable in the dark. Another smeared their faces with lime in lines from the mouth to the temples. This design was called a wagtail after the bird of that name, probably deriving from its habit of turning and twisting just as the warrior does when dodging spears.



Discipline and Sanctions

War in the Solomon Islands Malaita tribe was a disciplined affair.⁵¹ Fighters would follow orders and not disobey them. Prior to battle, the *ramo* (chief warrior) took charge, first going to the *Fata'abu* (chief priest or spiritual leader) and offering a sacrifice to determine whether the war would be victorious. According to legend, one *ramo* was punished because he killed indiscriminately, in disobedience of the dictates of the *Fata'abu*. The *ramo* was killed several years later: thus discipline and punishment occurred, albeit not in a direct and immediate way. This may have been attributable to the fact that when dealing with someone of high status it was the spirits who wrought revenge and carried out the punishment.

In Vanuatu, the chief's authority was respected, even in wartime:



In the Highlands of Papua New Guinea, if a party of warriors ignored the customs regulating conflict, they would not be punished in an individual sense but would open their society up to the same sort of act they had exacted upon their opponents. This interdependence undoubtedly had some moderating influence.⁵²

In Tonga, it was every man's duty to obey the orders of his superior chief in all instances, good or bad, unless it was to fight against a chief still superior. If a chief, therefore, designs to assassinate another, it is the duty of his men to assist him to the utmost of their power, whether they think it right or not.⁵³

Connections between Traditional Pacific Warfare and International Humanitarian Law (IHL)

This table summarises broad connections between examples of traditional humanitarian limitations during times of conflict in the Pacific and general IHL principles.

The summary of some of the findings, in the left column, should not be directly matched with the IHL norms in the right column, as technically there are numerous distinguishing features between the historical examples and the norms presented.

However, the table does make clear that the principles contained in the modern codification of IHL are not foreign concepts in the Pacific.

In drawing connections between traditional practices and contemporary IHL, inconsistencies can also be found. The rape of female captives, starvation - also widely used by armies worldwide throughout history - and cannibalism all fly in the face of concepts of humanity underpinning IHL. Caution must therefore be taken not to overstate the correlations between traditional practices and contemporary rules of IHL.

GC = 1949 Geneva Conventions
AP = 1977 Protocols additional to the Geneva Conventions

Traditional humanitarian limitations on armed conflict in the Pacific

Principles of International Humanitarian Law

The frond of the lycas palm served as an emblem of protection and immunity in times of warfare – “A man may walk anywhere in war as long as he holds up the frond of a lycas palm and carries no weapons.”
Vanuatu

The Red Cross, Crescent and Crystal Emblems afford protection during times of armed conflict.

(GC I Arts. 38-44, Annex II; GC II Arts. 41-44; AP I Arts. 18 and 38; AP II Art. 12; AP III.)

“When they came down they blew pipes which they call *kuvili* (conch shells) so that the village may be ready or run away.”
Solomon Islands

Advance warning shall be given of attacks which may affect the civilian population.

(AP I Art. 57 (c))

To kill women and children was considered an immensely shameful thing to do as a man. A man must only attack another man of equal strength.
Tuvalu

There are obligations to distinguish between the civilian population and combatants, as well as between civilian objects and military objectives.

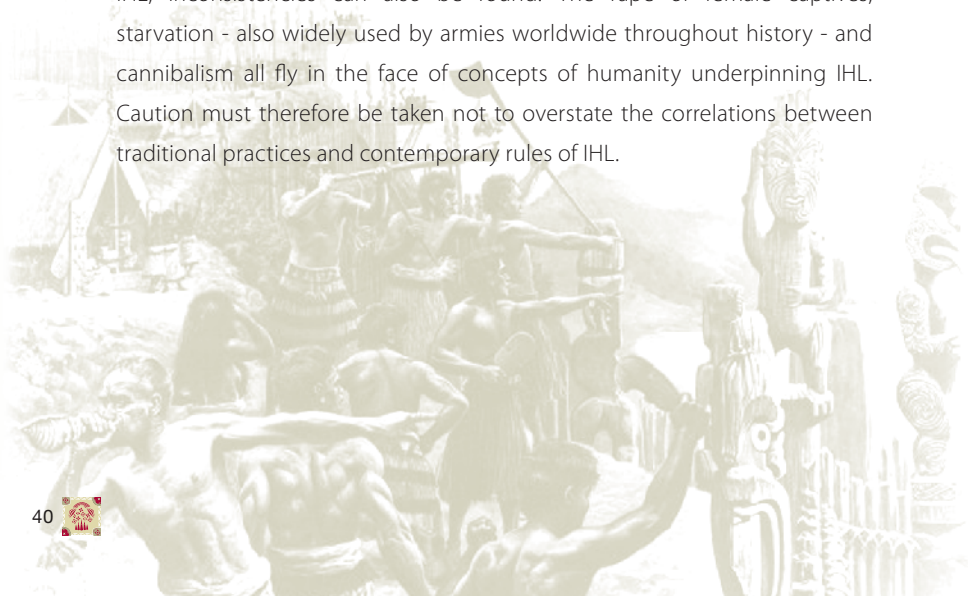
(AP I Art. 48)

In the islands of Malekula and Aneityum protective measures existed in favour of women and children and in Shefa province women were not to be killed for a cannibal feast.
Vanuatu

Certain categories of people shall be protected during times of conflict. Women shall be especially protected against attacks on their honour.

(GC IV Art. 27; AP I Art. 76)

“Normally men wouldn’t want to kill women because it is considered a weakness. Women are seen as dead already as they have no power of resisting, so why kill a dead man?”
Solomon Islands



Traditional humanitarian limitations
on armed conflict in the Pacific

Principles of International
Humanitarian Law

Captives were generally assimilated into the victorious tribe and treated with basic respect as dictated by the *Fata'abu* (chief priest or spiritual leader).

Solomon Islands

Prisoners of war are entitled in all circumstances to respect for their person and their honour.

(GC III Art. 14)

14-16 year olds stayed at home and did not venture to the front line. Instead, the aim was to provide security and defence for the women, children and elderly. Once they had proved themselves in this capacity, they were able to go to the front line with the mature members of their society. This usually occurred at around 20-21 years of age.

Solomon Islands

When feasible children under the age of 15 years should not take direct part in hostilities and when recruiting young people priority should be given to the oldest.

(AP I Art. 77(2))

It was regarded as wrong for an attacking force to destroy the cult-houses of their "brothers" or to ring bark the great old trees that shade the ceremonial ground.

Papua New Guinea

Protection is to be granted to specific objects and of places of worship which constitute the cultural or spiritual heritage of peoples.

(AP I Art.53)

Heads were kept as trophies and given to the king, but relatives of the war-dead were offered the opportunity to collect the bodies.

Samoa

Remains of the deceased shall be respected and where circumstances permit they shall be returned to the next of kin. Information should be available about the fate of loved ones during times of armed conflict.

(AP I Art. 34)

Traditional humanitarian limitations
on armed conflict in the Pacific

Principles of International
Humanitarian Law

The number of casualties allowed was a matter of military protocol and was thus kept in proportion to the original grievance.

Melanesia

Proportionality in battle is required; an attack should not cause loss of life that would be excessive in relation to the concrete and direct military advantage anticipated.

(AP I Arts. 51 and 57)

"If more than three or four people are killed in a single fight, there may be an outcry that the enemy is 'shooting like wild pigs!'"

Papua New Guinea Highlands

Warriors were identified as distinct from the civilian population by the wearing of white hats.

Samoa

There is an obligation for combatants to distinguish themselves from the civilian population and carry arms openly.

Sprigs of ferns (amaama) and a native comb (mangita) were inserted into a warrior's hair when going out to fight.

Solomon Islands

(AP I Art. 44(3))

Arms were borne openly and warriors painted their bodies to indicate the type of weapon they bore.

Fiji

A decent man should not "try to kill the wives and children of the 'brothers' who oppose them; in particular, they should not set fire to women's houses in order to incinerate the occupants".

Papua New Guinea

In an armed conflict, the choice of the methods and means of warfare is not unlimited.

(AP I Art. 35)



Background to the Research

The ICRC was initially encouraged by a leader and academic from the region, Dr Langi Kavaliku, to understand international humanitarian law (IHL) from a Pacific perspective.

The first step was to explore whether there were historical examples of humanitarian limitations on armed conflicts in the Pacific. The second was to study possible links between traditional practices in traditional Pacific warfare and the principles found in contemporary IHL. Examples have been selected to bear witness to the occurrence of humanitarian principles in traditional times. It was obviously also relevant to mention instances when customary behaviour differed from contemporary IHL.

While warring practices in the Pacific have been the subject of detailed anthropological study, little has been written by observers interior to these cultures. Thus the research was conducted by students from various countries in this region, all based in the Law School at the University of the South Pacific (USP) Port Vila campus. Nine students from seven countries participated in the project. Research was carried out in interactive and creative ways, ranging from interviews with community leaders including historians, museum curators and former prime ministers, as well as literature reviews and the collection of poems, songs, and pictures. Not being experts in IHL, the students embarked upon the project with an open mind, bringing to the study a legitimately Pacific voice.

The research does not aim to paint a complete picture of traditional warfare in the Pacific. The timeframe covered in this research is limited to practices occurring prior to European contact, with a few stories derived from the time of first contact. Original accounts are however difficult to find. Often cultural memories were wiped out because of the embrace of Christianity.

This meant oral traditions, normally a rich source of information in other contexts were substituted by accounts of foreigners.

In addition, as the student-researchers came from the University of the South Pacific, the geographical focus has been on the South Pacific, and Melanesia in particular.

Historically, Pacific countries were not homogenous in their cultural practices. Indeed the very notion of a State did not exist until fairly recently. Due to a number of constraints however, the study often attributes traditional practices to a whole country, even though they may have been specific to a tribe or clan.

One such constraint is the study's significant reliance on oral history. Source materials were scant, which is to be expected in countries having a primarily oral history and no culture of written records. The sources cited here therefore are predominantly historical accounts transmitted by word of mouth, progressively modified as they passed to posterity.

The history of conflict handed down through generations of Pacific islanders is richly endowed with myths, legends and narratives, often enveloping armed conflict in a supernatural aura. Such legends may not represent fact, but more importantly, they represent the people's vision of their own history. Such an approach may serve to balance the more shocking or violent anecdotes, which may be disproportionately represented in anthropological literature, including texts published by European missionaries at the time of first contact.

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- Page 48: ©Jean-Luc Metzker. Fijian warrior at Tavuni Fort Hill, Fiji
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ICRC

The International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization.

The ICRC's exclusively humanitarian mission is to protect the lives and dignity of victims of war or internal violence, and to provide them with assistance.

It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

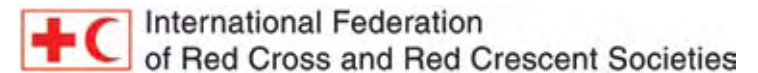
Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict.



National Red Cross and Red Crescent Societies

In order to prevent or alleviate human suffering, National Societies provide a range of services including disaster relief, the prevention of disease and the promotion of health and social welfare, and the dissemination of humanitarian values.

They encourage voluntary service and a constant readiness to help.



National Societies are strengthened in their capacity to carry out their work by the Federation of Red Cross and Red Crescent Societies. The Federation also coordinates and mobilize relief assistance for victims of natural and technological disasters, promotes cooperation between National Societies and represents these National Societies in the international field.

Together, the ICRC, National Red Cross and Red Crescent Societies and the Federation represent the **International Red Cross and Red Crescent Movement** and are guided by the same seven fundamental principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

International Humanitarian Law: Even Wars Have Limits

International humanitarian law (IHL) is also known as the law of war.

Its aim is to limit suffering and to protect human dignity during times of war.

International humanitarian law protects people who are not, or no longer, participating in fighting, such as civilians; wounded, shipwrecked or sick combatants; prisoners of war; medical and religious military personnel. They must not be targeted.

International humanitarian law also prohibits or limits the use of weapons which are particularly cruel or which do not distinguish between combatants and civilians. Force must be used with restraint.

Among IHL's main instruments are the Geneva Conventions of 1949, their three Additional Protocols of 1977 and 2005, the Convention on Certain Conventional Weapons of 1980, the Ottawa Convention against landmines of 1997, and the 2002 Rome Statute of the International Criminal Court to prosecute war criminals.

All countries in the world have signed the Geneva Conventions. As a result they have an obligation to adapt their national laws and train their armed forces in line with these conventions.

Furthermore, the rules of IHL are to be observed not only by governments and their armed forces, but also by armed opposition groups and any other parties to the conflict.

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UNDER THE PROTECTION OF THE PALM

WARS OF DIGNITY IN THE PACIFIC

People in Oceania, like in all communities around the world, have over centuries developed behaviour and rituals to protect women and children, captive warriors or stocks of food during times of war.

Dedicated law students from the University of the South Pacific have, at the invitation of the International Committee of the Red Cross (ICRC), looked into warfare practices and listened to the stories of the people of Oceania.

This book tells the tales of humanity in the middle of traditional wars in the Pacific and highlights similarities with contemporary principles of humanitarian law.



ICRC