

**Muslim State Armed Conflict and Compliance (MSACC)  
Dataset: 1947-2014 Codebook**

Institute for National Security and Counterterrorism  
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Data available at:

<http://insct.syr.edu/projects/security-in-the-middle-east-islam/conflict-compliance-in-muslim-states/>

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This codebook accompanies the MSACC Dataset in its entirety, including: MSACC Dataset: Conflict Behavior; MSACC Dataset: Compliance with International Humanitarian Law (IHL); MSACC Dataset: Muslim Constitutions and Sharia Density; and MSACC Conflict Chart. It seeks to explain the methodological and analytical choices made by the research team in compiling the datasets.

## I. Introduction

This Codebook describes our three meta-national datasets on self-identified Muslim states, defined by their membership in the Organization for Islamic Cooperation (OIC). Collectively termed the “Muslim State Armed Conflict and Compliance (MSACC) Datasets: 1947-2014,” they include: (a) MSACC Dataset: Conflict Behavior; (b) MSACC Dataset: Compliance with International Humanitarian Law (IHL); and (c) MSACC Dataset: Muslim Constitutions and Sharia Density. MSACC Datasets Conflict Behavior and Compliance with IHL track the armed conflicts that each OIC member state has been involved in since 1947, and record instances of compliance and violation of International Humanitarian Law (IHL), respectively. MSACC Dataset: Muslim Constitutions and Sharia Density records the levels of Shari’a and International Human Rights Law (IHRL) content present in the constitutions of all OIC member states. These datasets differentiate themselves from all existing conflict datasets – including the Uppsala Conflict Data Program/ Peace Research Institute Oslo Armed Conflict (UCDP/PRIO) Dataset and Correlates of War (COW) Dataset - in one fundamental way: the threshold for qualification as an armed conflict is based strictly on legal criteria, including those derived from the Geneva Conventions of 1949 and their Additional Protocols of 1977, and the jurisprudence of international criminal tribunals, rather than using a political measure such as battle-related deaths.<sup>1</sup> The datasets are part of the larger INSCT project “Shari’a, International Humanitarian Law and Postconflict Justice,”<sup>2</sup> which explores: (1) compatibilities between Shari’a rules of war and IHL, focusing particularly on *jus in bello* norms (rules applicable in the course of an armed conflict)<sup>3</sup>; (2) Shari’a proscriptive and prescriptive norms on accountability and administration of justice, that have applicability in postconflict Muslim contexts; and (3) possible Shari’a contributions in the development of new rules which respond to the changing

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<sup>1</sup> For instance, ICRC’s commentary on Common Article 2 of the Geneva Conventions of 1949, underlines the *de facto* measure of determining an armed conflict by stating that “any difference arising between two States and leading to the intervention of armed forces is an armed conflict even if one of the Parties denies the existence of a state of war” and “it makes no difference how long the conflict lasts, or how much slaughter takes place.” See International Committee of the Red Cross, *Commentary on the Geneva Convention For The Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* 32 (ed. Jean Pictet, Geneva, 1952) [hereinafter *Commentary on the Geneva Convention*]; According to the COW dataset, a conflict or war must “involve sustained combat, involving organized armed forces, resulting in a minimum of 1000 battle-related combatant fatalities within a twelve month period.” The UCDP/PRIO dataset defines armed conflict as “a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths.” The definition for battle-related deaths for the UCDP/PRIO dataset is: “deaths caused by the warring parties that can be directly related to combat over the contested incompatibility. This includes traditional battlefield fighting, guerrilla activities e.g. hit-and-run (attacks/ambushes) and all kinds of bombardments of military bases, cities and villages etc. Urban warfare (bombs, explosions, and assassinations) does not resemble what happens on a battlefield, but such deaths are considered to be battle-related.” See Meredith Reid Sarkees, *The Cow Typology of War: Defining and Categorizing Wars v. 4.0*, 14, [http://www.correlatesofwar.org/COW2%20Data/WarData\\_NEW/COW%20Website%20-%20Typology%20of%20war.pdf](http://www.correlatesofwar.org/COW2%20Data/WarData_NEW/COW%20Website%20-%20Typology%20of%20war.pdf); Also, Meredith Reid Sarkees, *Codebook for Intra-State Wars v 4.0: Definitions and Variables*, [http://www.correlatesofwar.org/COW2%20Data/WarData\\_NEW/Intra-StateWars\\_Codebook.pdf](http://www.correlatesofwar.org/COW2%20Data/WarData_NEW/Intra-StateWars_Codebook.pdf); And, *UCDP Battle-Related Deaths Data Codebook: Version 5.0*, July 2013, UPPSALA CONFLICT DATA PROGRAM, [http://www.pcr.uu.se/digitalAssets/167/167154\\_codebook-ucdp-battle-related-deaths-dataset-v.5-2013.pdf](http://www.pcr.uu.se/digitalAssets/167/167154_codebook-ucdp-battle-related-deaths-dataset-v.5-2013.pdf)

<sup>2</sup> Our research under this larger project is available at: ISLAM, LAW & WAR, <http://islamlawandwar.insct.org/> (last visited August 2, 2014).

<sup>3</sup> See Robert D. Sloane, *The Cost of Conflation: Preserving the Dualism of Jus ad Bellum and Jus in Bello in the Contemporary Law of War*, 34 YALE J. INT’L L., 47 (2009).

nature of armed conflicts or the “new wars”<sup>4</sup> of the 21<sup>st</sup> century, where transnational non-state armed groups and asymmetric warfare tactics are increasingly assuming center-stage.<sup>5</sup>

## II. Definitions

### 2.1 Armed Conflict:

MSACC datasets utilize the international humanitarian law (IHL) definition of armed conflict, which is streamlined into two categories: non-international armed conflicts (NIAC) and international armed conflicts (IAC). The IHL definition draws from the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Geneva Conventions of 12th August 1949, and the First and Second 1977 Protocols Additional to the Geneva Conventions of 12 August 1949.

*2.1.1 Non-International Armed Conflicts (NIAC):* A NIAC is an armed conflict that takes place in the territory of a state between the armed forces of a state and dissident armed forces or other organized armed group(s).<sup>6</sup> The conflict must meet a minimum threshold of intensity and the group must be sufficiently organized.<sup>7</sup> For a group to be sufficiently organized, it must be able to carry out sustained and concerted military operations.<sup>8</sup> Factors to examine in making that determination include: command structure; an ability to carry out operations in an organized manner; logistics; discipline within the ranks; and the ability to speak with one voice.<sup>9</sup> In more recent jurisprudence, especially after 9/11 and the ICTY rulings<sup>10</sup>, an isolated incidence of violence will suffice if it is “of a high degree of intensity, with a high level of organization on the part of the non-state armed group.”<sup>11</sup>

*2.1.2 International Armed Conflicts (IAC):* An IAC is a resort to armed force between states<sup>12</sup> and includes fights against colonial powers and alien occupation.<sup>13</sup> In order to determine whether

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<sup>4</sup> See M. Cherif Bassiouni, *The New Wars and the Crisis of Compliance with the Law of Armed Conflict by Non-State Actors*, 98 THE J. CRIM. L. & CRIMINOLOGY 98, 711-810 (2008); Also, Mary Kaldor describes the new form of organized violence having emerged in the last decades of the twentieth century as “new wars”, as they differ from earlier perceptions of war, and involve the blurring of distinctions between war, organized crime and large-scale human rights violations. see MARY KALDOR, *NEW AND OLD WARS: ORGANIZED VIOLENCE IN A GLOBAL ERA* (2007).

<sup>5</sup> NEW BATTLEFIELDS/OLD LAWS: CRITICAL DEBATES ON ASYMMETRIC WARFARE (William C. Banks ed., 2013).

<sup>6</sup> See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, art.1(1), June 8, 1977, 1125 U.N.T.S. 609 [hereinafter Additional Protocol II].

<sup>7</sup> Prosecutor v. Tadic, Case No. IT-94-I-T, Opinion and Judgment, ¶ 561 (Int’l Crim. Trib. for the Former Yugoslavia May 7, 1997).

<sup>8</sup> See Additional Protocol II 1(1), *supra* note 6.

<sup>9</sup> Prosecutor v. Boskoski, Case No. IT-04-82-T, Judgment, ¶¶ 199-203 (Int’l Crim. Trib. for the Former Yugoslavia July 10, 2008); Prosecutor v. Haradinaj, Case No. IT-04-84-T, Judgment, ¶60 (Int’l Crim. Trib. for the Former Yugoslavia April 3, 2007).

<sup>10</sup> See *Haradinaj*, *supra* note 9.

<sup>11</sup> *Abella v. Argentina*, Case 11.137, Inter-Am. Comm’n H.R., Report No. 55/97, OEA/Ser.L./V/II.95, doc. 7 rev. ¶ 151 (1997).

<sup>12</sup> See Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 2, Aug. 12, 1949, 75 U.N.T.S. 31 [hereinafter Geneva Convention I]; International Committee of the Red Cross, Commentary on the Geneva Convention, *supra* note 1.

Muslim state actors behave differently when engaged in conflict with other Muslim states versus non-Muslim states, our datasets have added a subset to IACs: international armed conflicts between Muslim states (MM IAC). For issues related to states participating in coalition forces, see section 2.2 below.

### 2.1.3 Transnational Conflicts:

a) NIACs: NIACs that have become transnational by spreading across states' borders or internationalized by involving multiple states against a non-state group are counted as NIACs, both under IHL and within our datasets. However, transnational belligerencies that occur within the territory of a state are not automatically considered a conflict under our dataset; they are still subject to the intensity and organization test from the *Tadic* case discussed above.<sup>14</sup>

b) IACs: IACs that involve more than two states are counted as a conflict under each state and are coded within our datasets as IACs under each state belligerent. For issues related to states participating in coalition forces, see section 2.2 below.

2.1.4 *Incidents Not Considered Conflicts*: Incidents between states and a non-state group such as internal disturbances and tensions, like riots, isolated and sporadic acts of violence, and other acts of a similar nature do not rise to the level of an armed conflict.<sup>15</sup> For an armed incident between two states, competing definitions exist. The *ICRC Commentary* holds that “any difference arising between two states and leading to the intervention of members of the armed forces is an armed conflict.”<sup>16</sup> Another view requires that there be fighting of some intensity<sup>17</sup> or that the fighting be protracted and states must intend to engage in war,<sup>18</sup> disqualifying border clashes, for example. We have used a combination of the view that a conflict begins from the first moment a state uses force against another state and the intensity requirement: For example, in our datasets, a border clash is a conflict if a state both used force against another state and did so with some intensity.

## 2.2 Coalitions

In conflicts that involve states acting in concert, the level of effective control a state has over its forces is the determining factor in whether the state can be said to be involved in an armed conflict. For attributing the actions of a non-state group to a state, the International Court of Justice (ICJ) has found that the state must exercise effective control over the armed group.<sup>19</sup> The International Criminal Court (ICC) has found that in the conflict between the Democratic Republic of Congo and non-state groups, Uganda's substantial contribution of troops, weapons and ammunition to armed groups were substantial grounds to believe the conflict was between

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<sup>13</sup> See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 1(4), June 8, 1977, 1125 U.N.T.S. 3 [hereinafter Additional Protocol I].

<sup>14</sup> *Tadic*, *supra* note 7.

<sup>15</sup> Additional Protocol II 1(2), *supra* note 6.

<sup>16</sup> Commentary on the Geneva Convention 32, *supra* note 1.

<sup>17</sup> ILA Committee on the Use of Force, Final Report on the Meaning of Armed Conflict in International Law (2010), 2.

<sup>18</sup> GARY SOLIS, THE LAW OF ARMED CONFLICT 152 (2010).

<sup>19</sup> See *Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.)*, Judgment, 1986 I.C.J. 14 (June 27).

states.<sup>20</sup> We are extending the reasoning of the international tribunals to apply to the actions of states when supporting other states. Coalition partners do not necessarily operate separately, coordinating plans and inter-mingling troops.

In cases of conflicts where states act together, we determined to the best of our ability, what states, if any, exercised effective control over another state. Factors that were used to define effective control included: chain of command; troop strength; logistics like providing arms; extensive monetary support; and initiating hostilities rather than supporting hostilities.

The states that exercised effective control over the conflict we have termed “main belligerents.” The states that did not exercise effective control over the conflict we have termed “supporting states.” In our datasets, only main belligerents have the conflict listed under the conflicts for that state. An example of a main belligerent is the United States, whose commanders often hold top leadership positions within the coalition structure. Supporting states typically contribute forces that are controlled by main belligerents or conduct training of native troops or police forces. A sampling of coalition forces that involved OIC states is in Appendix 4.3 with their designations.

For these datasets, peacekeeping forces are not considered to be part of coalitions. Peacekeeping is “designed to preserve the peace” and “to assist in implementing agreements achieved by the peacemakers” by observing cease-fires and working with military, police, and civilians to lay the foundations for sustainable peace and must do so “without favor or prejudice to any party.”<sup>21</sup> Since peacekeeping forces are neutral and training forces are not involved in the effective control of the conflict, they are not included in our datasets.

### 2.3 Conflict actors

Before the advent of the Additional Protocols of 1977, the Four Geneva Conventions of 1949 applied in situations of war or conflict between two or more state parties,<sup>22</sup> with the only Common Article 3 applying to state conflicts not of an international character.<sup>23</sup> Additional Protocols I and II shifted this traditional norm. Additional Protocol I added around 90 articles of prohibited behavior of states in international conflicts.<sup>24</sup> Additional Protocol II expanded the prohibited behavior of states during non-international armed conflicts beyond the limited provisions in Common Article 3 by adding around a dozen articles of prohibited state behaviors.<sup>25</sup> The Geneva Conventions of 1949 and Additional Protocols of 1977 proscribe states’ behavior only; the actions of non-state actors are not accountable under IHL.

Conflicts that change in character during their course are divided into multiple conflicts. This phenomenon only occurred in Afghanistan 2001-2014, Azerbaijan 1992-1994, and Iraq 2003-2014. For example, the conflict in Afghanistan began in 2001 as an IAC between the government of Afghanistan and NATO but when the government of Afghanistan fell and a

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<sup>20</sup> See Prosecutor v. Dyilo, Case No. ICC-01/04-01/06, Judgement (March 14, 2012), <http://www.icc-cpi.int/iccdocs/doc/doc1379838.pdf>; Prosecutor v. Katanga, Case No. ICC-01/04-01/07, Judgement (March 7, 2014), <http://www.icc-cpi.int/iccdocs/doc/doc1744366.pdf>.

<sup>21</sup> United Nations Peacekeeping Operations: Principles and Guidelines, Capstone Doctrine 19 (2008), *available at* [http://pbpu.unlb.org/pbps/Library/Capstone\\_Doctrine\\_ENG.pdf](http://pbpu.unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf).

<sup>22</sup> Geneva Convention I art. 2, *supra* note 12.

<sup>23</sup> Geneva Convention I art. 3, *supra* note 12.

<sup>24</sup> Additional Protocol I, *supra* note 13.

<sup>25</sup> Additional Protocol II, *supra* note 6.

NATO-backed transition government was installed on June 12, 2002, the conflict belligerents became NATO and Afghanistan fighting in a NIAC against non-state armed groups.<sup>26</sup>

In instances where the leadership of a state is in dispute, it is the ruler with *de facto* control over the government who is considered to be the legitimate state government.<sup>27</sup> In cases where the fighting continues despite a change in government actor multiple conflicts are listed. For example, in Uganda, rivals Idi Amin and Milton Obote spent years fighting for control over the country. When Amin overthrew Obote in 1971 and ruled for nine years, the conflict was between Amin's government and Obote's armed group. Upon Obote's overthrow of Amin in 1979, the conflict was then between Obote's government and Amin's armed group.

## 2.4 Special Cases

For multiple conflicts, issues arose for various reasons. One common difficulty we experienced was ineffective, unclear, ambiguous reporting of necessary information or even a complete lack of reporting all together. Since our threshold criteria for a NIAC is dependent on the organization of an armed group and the intensity of the fighting, necessary facts were occasionally hard to come by. From incomplete reports, we had to glean whether or not an armed group was sufficiently organized (with a command structure, logistical ability, etc.) and the exact amount of fighting that occurred.

For both NIACs and IACs, there were occasional issues related to violations and attribution to state parties. Many reports were quick to document civilian deaths, for example, but were often silent on who caused the civilian deaths and how—details that are essential when attributing IHL noncompliance to state parties.

Additional complications we encountered were: situations where political considerations prevented authorities from making designations; IHL threshold triggers were either unclear or were complicated by differing reports; and situations that skirted the limits of the law.

## 2.5 International Humanitarian Law

International Humanitarian Law (IHL) is part of international law that applies to armed conflicts; it does not regulate whether a state may actually use force, rather, it seeks to limit the effects of armed conflicts,<sup>28</sup> by protecting those that “do not” or “no longer” take part in hostilities.<sup>29</sup> As a part of International law, IHL is contained in treaties, customs, general principles and decisions of international tribunals.<sup>30</sup> IHL is also found in customary international law - which is developed by state practice and is considered binding by states (also known as *opinio juris*).<sup>31</sup> Besides, “writings of legal specialists, national manuals of the military law and

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<sup>26</sup> Michael N. Schmitt, *The Status of Opposition Fighters in a Non-International Armed Conflict*, 88 NAVAL WAR COLL. INT'L L. STUDIES 119, 126 (2012).

<sup>27</sup> For a more in depth discussion of this, see Jonte van Essen, *De Facto Regimes in International Law*, 28 MERKOURIOS 31 (2012).

<sup>28</sup> International Committee of the Red Cross, *What is International Humanitarian Law?*, July 2004 available at [http://www.icrc.org/eng/assets/files/other/what\\_is\\_ihl.pdf](http://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf) [hereinafter ICRC IHL Fact Sheet].

<sup>29</sup> MARCO SASSOLI, ANTOINE A. BOUVIER & ANNE QUINTIN, ICRC, *HOW DOES LAW PROTECT IN WAR? CASES, DOCUMENTS AND TEACHING MATERIALS ON CONTEMPORARY PRACTICE IN INTERNATIONAL HUMANITARIAN LAW*, VOL. 1 (3d ed. 2011).

<sup>30</sup> ICRC IHL Fact Sheet, *supra* note 23.

<sup>31</sup> For a discussion of the customary rules and general principles of IHL, see JEAN-MARIE HENCKAERTS & LOUISE DOSWALD-BECK, *CUSTOMARY INTERNATIONAL HUMANITARIAN LAW*, VOL. 1 (2009); see also International

related texts and resolutions of various international bodies,” are also considered authentic sources of IHL.<sup>32</sup>

The ICRC’s authoritative source on IHL provides the following definitions that serve as the basis for all of our research:

International humanitarian law applies only to armed conflict; it does not cover internal tensions or disturbances such as isolated acts of violence. The law applies only once a conflict has begun, and then equally to all sides regardless of who started the fighting. International humanitarian law distinguishes between international and non-international armed conflict. International armed conflicts are those in which at least two States are involved. They are subject to a wide range of rules, including those set out in the four Geneva Conventions and Additional Protocol I. Non-international armed conflicts are those restricted to the territory of a single State, involving either regular armed forces fighting groups of armed dissidents, or armed groups fighting each other. A more limited range of rules apply to internal armed conflicts and are laid down in Article 3 common to the four Geneva Conventions as well as in Additional Protocol II.<sup>33</sup>

IHL divides individuals into two categories: combatants (those participating in combat) and noncombatants (civilians, medical and religious military personnel, and *hors de combat* (such as wounded combatants and prisoners of war)).<sup>34</sup>

The Geneva Conventions only apply to states that have ratified them; however, the Additional Protocols must be followed even if a state is not a signatory.<sup>35</sup>

### 2.5.1 Geneva Conventions of 1949

All provisions of the Four Geneva Conventions of 1949 (abbreviated “GC” in all datasets) were considered when evaluating conflicts, however only the following articles, representing the more serious offenses, are found in our data:<sup>36</sup>

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Aug. 12, 1949, 6 UST. 3114, T.I.A.S. 3362, 75 U.N.T.S. 31:

- GC I Art. 3(1)(a): Protection of non-combatants from violence, murder, torture
- GC I Art. 3(1)(b): Prohibition on taking non-combatants hostages
- GC I Art. 3(1)(c): Against degradation of non-combatants

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Committee of the Red Cross, Databases on International Humanitarian Law, available at <http://www.icrc.org/eng/resources/ihl-databases/index.jsp>.

<sup>32</sup> See DOCUMENTS ON THE LAWS OF WAR 4 (Adam Roberts & Richard Guelff, ed., 2000); see also M. CHERIF BASSIOUNI, A MANUAL ON INTERNATIONAL HUMANITARIAN LAW AND ARMS CONTROL AGREEMENTS (2000).

<sup>33</sup> ICRC IHL Fact Sheet, *supra* note 28.

<sup>34</sup> ICRC IHL Fact Sheet, *supra* note 28.

<sup>35</sup> Torsten Stein, Coalition Warfare and Differing Legal Obligations of Coalition Members Under International Humanitarian Law 78 NAVAL WAR COLL. INT’L L. STUD. 315, 318-19 (2002).

<sup>36</sup> Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Aug. 12, 1949, 75 U.N.T.S. 85 is not present as any relevant provision because this Convention deals strictly with sea forces, none of which occurred in our dataset.

- GC I Art. 3(1)(d): Judicial guarantees for sentencing for non-combatants
- GC I Art. 9: Prohibition against obstacles to humanitarian aid
- GC I Art. 12: Protection of wounded and sick
- GC I Art. 17: Proper burial
- GC I Art. 18: Denial of humanitarian aid
- GC I Art. 50: Prohibition on willful killing of protected persons

Geneva Convention, Relative to the Treatment of Prisoners of War, Aug. 12, 1949, 6 UST. 3316, T.I.A.S. 3364, 75 U.N.T.S. 135:

- GC III Art. 13: Humane treatment of POWs
- GC III Art. 14: Due respect for POWs, incl. women
- GC III Art. 100: Due process before execution
- GC III Art. 126: Right of detainees to be visited by ICRC

Geneva Convention, Relative to the Treatment of Civilian Persons in Time of War, Aug. 12, 1949, 6 UST. 3516, T.I.A.S. 3365, 75 U.N.T.S. 287:

- GC IV Art. 23: Denial of humanitarian aid
- GC IV Art. 27: Prohibition on harming protected persons
- GC IV Art. 28: Prohibits use of human shields
- GC IV Art. 31: Prohibition on physical or moral coercion against protected persons to obtain info
- GC IV Art. 32: Prohibition of corporal punishment, torture, etc.
- GC IV Art. 33: Prohibition on collective punishment
- GC IV Art. 34: Prohibition on taking of hostages
- GC IV Art. 40: Prohibition on forcing civilians to take part in military operations
- GC IV Art. 47: Prohibition on annexation of occupied territory
- GC IV Art. 49: Prohibition on forced removal of protected persons from occupied territory
- GC IV Art. 76: Humane treatment of detainees

### *2.5.2 Additional Protocols of 1977*

All provisions of the First Additional Protocol of 1977 (hereinafter “AP I”) and the Second Additional Protocol of 1977 (hereinafter “AP II”) were considered when evaluating conflicts but only the following, representing the more serious violations, were found in our data:

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, June 8, 1977, 1125 U.N.T.S. 3:

- AP I Art. 37: Prohibition on perfidy
- AP I Art. 48: Parties must distinguish between the civilian population and combatants
- AP I Art. 51(4): Prohibition on indiscriminate attacks
- AP I Art. 52(1): Prohibition on civilians as objects of attack or reprisal
- AP I Art. 54: Protection of objects indispensable to the survival of the civilian population
- AP I Art. 71(2): Safety of humanitarian relief workers must be respected
- AP I Art. 75(2)(a): Prohibition on murder, torture
- AP I Art. 75(3): Judicial notification guarantees



- AP I Art. 76: Protection of women against rape
- AP I Art. 77: Protection of children, prohibition on children under 15 participating in hostilities

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, June 8, 1977, 1125 U.N.T.S. 609:

- AP II Art. 4(2)(a): Prohibition on violence to life, murder, torture
- AP II Art. 4(2)(e): Prohibition on rape
- AP II Art. 4(2)(g): Prohibition on pillaging
- AP II Art. 4(3)(c): Prohibition of children under the age of fifteen from being recruited or participating in hostilities
- AP II Art. 6: Guarantees of due process
- AP II Art. 7(2): Medical care for wounded
- AP II Art. 10: Prohibition on interfering with medical activities
- AP II Art. 13: Protection of civilians from violence of military operations
- AP II Art. 14: Protection of objects indispensable to survival of civilians
- AP II Art. 16: Protection of cultural objects and of places of worship
- AP II Art. 17: Prohibition of forced movement of civilians

### 2.5.3 Conventions Also Included

The following for conventions were also considered when evaluating conflicts for violations of IHL:

- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare, June 17, 1925, 26 UST. 571, 94 L.N.T.S. 65 [abbreviated G.BC]
- Convention on Prohibitions or Restrictions of the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, Oct. 10, 1980, 19 I.L.M. 1523 [abbreviated CCW]
- Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention, May 14, 1954, 249 U.N.T.S. 240 [abbreviated CCP]
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and On Their Destruction, September 18, 1997, 2056 U.N.T.S. 211 [abbreviated APM]

## III. Methodology

### 3.1 Conflict Chart: 1947-2014

This chart is our comprehensive list of every conflict in which OIC states were a belligerent and it serves as the source of data for MSACC Dataset: Conflict Behavior and MSACC Dataset: Compliance with IHL. We used the Uppsala Conflict Data Program (UCDP) from Uppsala University<sup>37</sup> as a baseline for existing conflicts, eliminating all conflicts that did not involve an OIC state and further eliminating any conflicts that did not meet the definitional

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<sup>37</sup> Uppsala Conflict Data Program, Uppsala Universitet available at [www.ucdp.uu.se](http://www.ucdp.uu.se).

threshold as set forth under IHL. Additionally, for UCDP, the start date of a conflict is the year 25 battle-related deaths occurred and the end date of a conflict was the last year 25 battle-related deaths occurred. As no such criterion for dates exist under IHL, we researched the start and end date of conflicts utilizing IHL criterion. Then we analyzed the state actors' conduct for compliance or noncompliance with IHL, namely the Four Geneva Conventions of 1949, the Additional Protocols of 1977, and the four treaties listed within section 2.5.

While UCDP was a starting-off point for our research, we did not treat it as the authoritative list of conflicts that occurred between 1947 and 2014. From our own research, we discovered conflicts that qualified as such under IHL but did not meet the UCDP definition, added any belligerents to a conflict that may have been omitted due to UCDP's strict battle-related death focus, and researched conflicts that occurred outside UCDP's 2012 cutoff date.

For this research, resources published by non-governmental organizations, international organizations, and scholars were our primary sources.<sup>38</sup> At times, due to a lack of in-depth research, restrictions on media reporting, or because of the timeliness of the conflict, news articles published by renowned outlets were used.

The Conflict Chart contains 13 columns, which contain the following data:

Column 1: the name of each OIC state,

Column 2: the year the country ratified the Geneva Conventions,

Column 3: the year the country ratified Additional Protocol I, if applicable,

Column 4: the year the country ratified Additional Protocol II, if applicable,

Column 5: the belligerent involved in the conflict including the colloquial name of the conflict, if applicable,

Column 6: the conflict type, if applicable,

Column 7: the start date of the conflict, if applicable,

Column 8: the end date of the conflict, if applicable,

Column 9: whether the state complied with IHL in the conflict, if applicable,

Column 10: what types of conduct violated IHL, if applicable,

Column 11: the violations of IHL the state committed in the conflict, if applicable,

Column 12: a brief description of the conflict, if applicable, and

Column 13: sources used to identify and detail the conflict and violations, if applicable

### **3.2 MSACC Dataset: Conflict Behavior**

MSACC Dataset: Conflict Behavior utilized the MSACC: Conflict Chart in order to analyze states' conflict patterns across conflict type, region, and time frame. This dataset reorganized the data from a table into a spreadsheet that details all the conflicts between 1947 and 2014 in which an OIC state was a party, organized by region,<sup>39</sup> and accounting for conflict type and time frame.

This dataset, along with MSACC: Compliance with IHL, see section 3.3 below, includes three conflict types. While the two conflict types under IHL, non-international armed conflict (NIAC) and international armed conflict (IAC), are included, a third category is added. We have

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<sup>38</sup> Frequently used sources include Human Rights Watch, Amnesty International, United Nations Security Council Resolutions and reports by United Nations Special Rapporteurs.

<sup>39</sup> For an OIC membership list broken down by region, see Appendix 4.1

broken the IAC category down to include a sub-category, IACs that occur exclusively between OIC states (MM IAC). This sub-category was created to test certain research questions and the total number of MM IACs is included within the total number of IACs. For example, the African region had 36 NIACs, 19 IACs, and 8 MM IACs. Overall, there were only 19 IACs, which include the 8 that were exclusively between OIC states.

Additionally, this dataset, along with MSACC: Compliance with IHL, see section 3.3 below, is divided into four temporal categories: Cold War/Decolonization period 1947-1978; Post-Islamic Revolution period 1979-1988; Fall of the Berlin Wall and Soviet Empire period 1989-2001; and Post-9/11 period 2001-2014. Each of the four time frames is disaggregated into three columns which cross-list conflict type.

In order to evaluate the number of conflicts that occurred using various parameters, a “1” is entered for the conflict under the conflict type and time period columns. The Conflict Behavior dataset measures incidences of armed conflict; that is, this dataset only counts each conflict once. For example, Algeria and Morocco fought an IAC against one another from 1963-1964. In this dataset, the conflict is coded with a “1” next to Algeria and a “0” next to Morocco in order to control against counting a single conflict multiple times. Any potential problems with that coding method, such as breakdowns by regional divisions not reflecting the total number of conflicts within that region, were not encountered as no conflicts spanned multiple regions.

The Conflict Behavior spreadsheet contains nineteen columns along with orange and black shading. Data in columns 1-4 is identical in both MSACC: Conflict Behavior and MSACC: Compliance with IHL. The column data is as follows:

- Column 1: the region in which OIC state is located,
- Column 2: the name of the OIC state examined,
- Column 3: conflicts each state has been involved in,
- Column 4: years the conflict occurred,
- Columns 5-7: conflict type, coded either “1” or “0”,
- Columns 8-10: conflicts that occurred during the Cold War/Decolonization period arranged by conflict type, coded either “1” or “0”,
- Columns 11-13: conflicts that occurred during the Post-Islamic Revolution period arranged by conflict type coded either “1” or “0”,
- Columns 14-16: conflicts that occurred during the Fall of the Berlin Wall period arranged by conflict type, coded either “1” or “0”, and
- Columns 17-19: conflicts that occurred during the Post-9/11 period arranged by conflict type, coded either “1” or “0”

Countries that have black shading within the conflict and year columns (columns 3-4) were not involved in any armed conflict under the legal definition. The orange shading within the conflict column (column 3) signifies that the conflict appears elsewhere in MSACC: Conflict Behavior. While the conflict shaded orange is coded with a “0”, the first appearance of the particular conflict is not shaded and is coded with a “1”.

### **3.3 MSACC Dataset: Compliance with IHL**

Like MSACC: Conflict Behavior, MSACC: Compliance with IHL utilizes the data from MSACC: Conflict Chart but reorganizes it into a different format. In fact, this dataset is nearly identical to the above MSACC: Conflict Behavior but with two key differences. First, MSACC: Compliance with IHL adds all violations of International Humanitarian Law (IHL) committed by

each state party within every conflict, if applicable. Second, all conflicts, regardless of repeat conflicts, are coded with a “1” instead of the “1” or “0” values used in the MSACC: Conflict Behavior dataset. For example, while the conflict between Algeria and Morocco between 1963 and 1964 only occurred once—and is counted once for MSACC: Conflict Behavior—for MSACC: Compliance with IHL, the conflict is counted once under Algeria to account for Algeria’s compliance with IHL in the conflict and once under Morocco to account for Morocco’s compliance with IHL in the conflict.

The provisions of treaties or treaties as a whole that are included are detailed in section 2.5 above. In our dataset, each provision can be violated only once. For example, a government might repeatedly target civilian populations and intentionally kill 30,000 civilians, a clear violation of GC I Art. 3(1)(a): Protection of non-combatants from violence, murder, and torture. However, in our dataset, this conduct would only garner the state a single count of noncompliance under GC I Art. 3(1)(a).

Additionally, in conflicts that occurred entirely before the drafting and ratification of the Geneva Conventions, compliance data is not possible. For those conflicts, “N/A” appears under the compliance column of the spreadsheet (Column 20) and all calculations based on conflicts’ compliance subtract the “N/A” conflict from the total number of conflicts. For example, Bangladesh was involved in two conflicts but did not ratify the Geneva Conventions until after the conclusion of the first conflict. When doing analysis solely based on compliance, the first conflict is subtracted from Bangladesh’s total number making Bangladesh only involved in one conflict.

MSACC: Compliance with IHL chart contains 78 columns along with orange and black shading. Data in columns 1-4 is identical in both MSACC: Conflict Behavior and MSACC: Compliance with IHL datasets. The column data is as follows:

- Column 1: the region in which OIC state is located,
- Column 2: the name of the OIC state examined,
- Column 3: conflicts each state has been involved in,
- Column 4: years the conflict occurred,
- Columns 5-7: conflict type, coded as “1”,
- Columns 8-10: conflicts that occurred during the Cold War/Decolonization period arranged by conflict type, coded as “1”,
- Columns 11-13: conflicts that occurred during the Post-Islamic Revolution period arranged by conflict type, coded as “1”,
- Columns 14-16: conflicts that occurred during the fall of the Berlin Wall period arranged by conflict type, coded as “1”,
- Columns 17-19: conflicts that occurred during the Post-9/11 period arranged by conflict type, coded as “1”,
- Column 20: whether the state complied with IHL in that particular conflict, coded as “1” for compliance but left blank for noncompliance,
- Column 21: the total number of violations a state committed within that particular conflict,
- Columns 22-31: the aggregated provisions for each treaty with the total number of provisions violated by the state within each conflict, and
- Columns 32-78: each provision for the treaties evaluated is listed with the provisions violated by the state within each conflict

Countries that have black shading under the conflict and year columns (columns 3-4) were not involved in any armed conflict under the legal definition. The orange shading under the conflict column (column 3) signifies that the conflict appears elsewhere in MSACC: Compliance with IHL, however, the first appearance of the particular conflict is not shaded; it appears with normal shading. Note here that conflicts that appear elsewhere (“repeat conflicts”) are coded with “1” which is identical to all other conflicts. This “double-counting” of conflicts, done to account for each state’s compliance or noncompliance, differs from the “single-counting” of conflicts in MSACC: Conflict Behavior.

This conflict number and compliance data is displayed on the time line graphic on our main webpage.

### 3.4 MSACC Dataset: Muslim Constitutions and Shari’a Density

MSACC: Muslim Constitutions and Sharia Density is designed to test possible explanations as to why states have certain conflict patterns, why states may or may not comply with IHL in conflicts, among others, using alternate norms. This dataset gathers the 57 constitutions-in-force of all OIC member states as well as 7 superseding constitutions and drafts from post-Arab Spring states, bringing this dataset to a total of 64 of constitutions for all 57 states.<sup>40</sup> Each constitution was then read for content consistent with Shari’a law and International Human Rights Law (IHRL) as exemplified by the Universal Declaration of Human Rights (UDHR), 1948.<sup>41</sup>

For the purposes of this dataset, our understanding of Shari’a was based primarily on its range of definitions and related discussions within the scholarly community. Commonly understood as the “religious law of Islam,”<sup>42</sup> or the “sacred law of Islam,”<sup>43</sup> scholars have variously defined Shari’a in their work. According to Cherif Bassiouni, Shari’a “is that which Allah has ordained in the Quran, complemented by the *Sunna*,” and includes “general principles, guidance, prescriptions and proscriptions” contained in these sources.<sup>44</sup>

However, our criterion for defining Shari’a or determining Shari’a content for our dataset was not solely based on references to or reliance on primary sources of Islamic law - Quran and *Sunna* - or provisions of Islamic law strictly.<sup>45</sup> Considering the all-encompassing nature of Shari’a in Muslim lives, we also included references to Shari’a in a range of specific areas of Muslim life and governance, including, economics, foreign policy, penal laws, family laws, societal, cultural and legislative aspects, etc.<sup>46</sup> Further, we also considered content in constitutions referring to adherence to the “principles” or “spirit” of Shari’a, and therefore did

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<sup>40</sup> Palestine is included in MSACC: Constitution because there is a constitution-in-force.

<sup>41</sup> See THE UNIVERSAL DECLARATION FOR HUMAN RIGHTS, 1948, <http://www.un.org/en/documents/udhr/index.shtml> (last visited August 2, 2014)

<sup>42</sup> WAEL B. HALLAQ, THE ORIGINS AND EVOLUTION OF ISLAMIC LAW 1 (2005).

<sup>43</sup> THE PRINCETON ENCYCLOPEDIA OF ISLAMIC POLITICAL THOUGHT 497 (Gerhard Bowering ed., 2012).

<sup>44</sup> M. CHERIF BASSIOUNI, SHARI’A AND ISLAMIC CRIMINAL JUSTICE IN TIME OF WAR AND PEACE 39 (2014). The Quran is the holy book of Muslims and the *Sunna* is what the Prophet Muhammad has said, done or tacitly approved.

<sup>45</sup> For a lucid introduction to the sources of Islamic law or Shari’a, See WAEL B. HALLAQ, AN INTRODUCTION TO ISLAMIC LAW (2009). For a more elaborate introduction, See MOHAMMAD H. KAMALI, PRINCIPLES OF ISLAMIC JURISPRUDENCE (2003).

<sup>46</sup> Schacht underlines this all-encompassing character of Shari’a by stating that it is a “typical manifestation of the Islamic way of life, the core and kernel of Islam itself.” See JOSEPH SCHACHT, AN INTRODUCTION TO ISLAMIC LAW 1 (1964).

not limit our analysis to Shari'a "rules" alone.<sup>47</sup> Adherence to *principles* of Sharia, require the states to follow the "spirit" or "basis" of Shari'a, which, apart from being a broader directive than adhering to set *rules*, also provides potential for jurists and legislators to evolve interpretations suited to changing circumstances and contemporary issues.<sup>48</sup> For instance, the 2013 Egyptian constitution declares, "the principles of Islamic Sharia are the principal source of legislation."<sup>49</sup> In the Egyptian context, the task of interpreting the "principles of Islamic Sharia," as contained in the constitution, rests with the country's Supreme Constitutional Court.<sup>50</sup> Nine constitutions from our dataset declare that the constitutions or the laws follow the *provisions* or *spirit* of Shari'a and 21 have clauses declaring that Islamic Shari'a is the main source of legislation.

We have also included Shari'a based establishment clauses and supremacy clauses or repugnancy clauses in Muslim state constitutions in our dataset. Under the establishment clauses, we included provisions such as those requiring laws and policies to be Shari'a based. For instance, 10 constitutions have provisions declaring that all penal laws, regulations or sentencing must be based on Islamic criteria or Shari'a; one constitution declared foreign policy has to be based on Islamic criteria; six constitutions had provisions stating that economic and political institutions must be based on Islamic criteria, etc.

Supremacy clauses or what Clark Lombardi calls "Sharia Guarantee Clauses," are those that signify that a particular law or policy cannot be contrary to Shari'a or Islam or that laws should be consistent with Shari'a.<sup>51</sup> Our dataset reveals that five constitutions have provisions indicating that political institutions, programs and charters cannot be contrary to Islam. Similarly, nine constitutions have clauses to the effect that laws or decisions by councils cannot be contrary to Islam or that Islamic law cannot be abridged by domestic law, etc. These provisions reflect the notion of what Haider Ala Hamoudi refers to as "repugnancy," according to which domestic law provisions contrary to Islamic rules or principles are rendered void.<sup>52</sup>

Shari'a content in the constitutions was organized into a chart with six overarching categories, with the categories broken down into a total of 52 columns. The six categories are as

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<sup>47</sup> Corri Zoli and Courtney Schuster, *What Egypt's New Constitution Tells Us About Political Transition*, THE FLETCHER FORUM OF WORLD AFFAIRS, (March 12, 2014), [http://www.fletcherforum.org/2014/03/12/zoli\\_schuster/](http://www.fletcherforum.org/2014/03/12/zoli_schuster/) (last visited August 2, 2014)

<sup>48</sup> Ibid.

<sup>49</sup> Clark Lombardi, *Islamic Law as a Source of Constitutional Law in Egypt: The Constitutionalization of the Sharia in a Modern Arab State*, 37 *Columbia J. of Transnat'l L.* 81, 97-98 (1998); Kristen Stilt, *Islam is the Solution: Constitutional Visions of the Egyptian Muslim Brotherhood*, 46 *Texas Int'l L.J.* 73 (2010). Full text of the 2013 Egyptian Constitution available at: [http://www.atlanticcouncil.org/images/publications/20131206EgyptConstitution\\_Dec.pdf.pdf](http://www.atlanticcouncil.org/images/publications/20131206EgyptConstitution_Dec.pdf.pdf)

<sup>50</sup> For a discussion of the contentious issues related to interpretation of "principles of Islamic Sharia," as well as implication of the use of the words "the principle source of legislation," as opposed to "a chief source of legislation," used in the 1971 Constitution, see Clark Lombardi & Nathan J. Brown, *Islam in Egypt's New Constitution*, FOREIGN POLICY, (December 13, 2012),

[http://mideastafrica.foreignpolicy.com/posts/2012/12/13/islam\\_in\\_egypts\\_new\\_constitution](http://mideastafrica.foreignpolicy.com/posts/2012/12/13/islam_in_egypts_new_constitution) (last visited August 2, 2014). See also Clark Lombardi & Nathan J. Brown, *Do Constitutions Requiring Adherence to Shari'a Threaten Human Rights? How Egypt's Constitutional Court Reconciles Islamic Law with the Liberal Rule of Law*, 21 *AM. U. INT'L L. REV.* 379 (2006).

<sup>51</sup> Clark Lombardi, *Designing Islamic Constitutions: Past Trends and Options for a Democratic Future*, Legal Studies Research Paper No. 2013-18, 4.

<sup>52</sup> Haider Ala Hamoudi, *Ornamental Repugnancy: Identitarian Islam and the Iraqi Constitution*, 7 *UNIV. ST. THOMAS L.J.* 101, 121 (2011).

follows: Sources; Political; Law and Legislative; Judicial/Criminal; Property/Commerce/Economic; and Social/Cultural/Family Law. The Political, Law and Legislative, and Judicial/Criminal categories are broken into the traditional three branch structure because, out of 64 constitutions for the 57 states, 61 constitutions largely or clearly delineate the three branches of government while only three constitutions do not do so.<sup>53</sup>

a) The *Source* category is based on constitutions asserting that: Shari'a law is the supreme law of the land and takes precedent over domestic or international norms; Shari'a is the main source of legislation; the constitution must follow the spirit of Islam; Islam is the state religion; etc.

b) The *Political* category includes provisions placed on political leaders or executive branch structures such as political leaders must be Muslim or follow Islam and the creation of special Islamic advisory councils.

c) The *Law and Legislative* category includes provisions that prescribes the role of members of Parliament; require laws to be commensurate with Islam, including penal codes; and prevents amending the provisions that enshrine Islam as the state religion.

d) The *Judicial/Criminal* category establishes Islamic court systems or discusses the jurisdictional guidelines of cases involving Muslims and requirements that judges adhere to Shari'a.

e) The *Property/Commerce/Economic* category was identified because Shari'a law itself contains financial provisions like *zakat* (charity), *wakf* (property given to charity), and *jizya* (taxes on non-Muslims). This category includes property rights governed by Shari'a; financial institutions based on Islamic criteria; and recognizes and regulates *zakat*, *wakf*, and *jizya*.

f) The *Social/Cultural/Family Law* category depicts language in which Shari'a law injects itself into the social, cultural, and family norms of the state. This language includes: requirements that the state's education system is based on Islam; the state provides security for Islamic culture and institutions; and families are founded on religion.

These categories are strictly an organizational tool and are not used in any analysis. Instead, analysis derives from the 52 columns on the Shari'a chart. This was done so that results would include more variation. By using six as the maximum number and then analyzing where each constitution fell on a spectrum of 0-6, results would not be significant indicators of just how much Shari'a, or lack thereof, was in each constitution. By using 0-52 as the basis for analysis, meaningful variation between each constitution is discernible and the actual amount of Shari'a content present in constitutions is more accurately reflected in the resulting analysis.

A different set of legal norms which the dataset tests the Muslim constitutions against, is International Human Rights Law (IHRL). We included analysis on IHRL content in our dataset for several reasons: (1) First, scholars note a historical "European legal transplant" into Muslim majority countries, which has resulted in a "hybridity" of western/secular and Islamic traditions in Muslim state constitutions, as Lama Abu-Odeh has described.<sup>54</sup> The same opinion is echoed

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<sup>53</sup> The three constitutions that are not structured into a three branch system of government which are Brunei-Darussalam, Egypt's 2011 transitional constitution, and Libya's 2011 constitution.

<sup>54</sup> Lama Abu-Odeh, *Politics of (Mis)recognition: Islamic Law Pedagogy in American Academia*, 52 AM. J. COMP. L., 790, 811-812 (2004).

by Jan Michiel Otto, who notes, that due to colonial and postcolonial influences on the constitutional drafting processes in Muslim majority countries, western or European legal language has travelled into the corpus of these constitutions.<sup>55</sup> Mindful of these historical facts, we decided to explore this parallel set of norms, recognizing, it is now intertwined into the “complex,” legally “hybrid identity” of most of these Muslim states, of which Shari’a norms form only one part, as Abu-Odeh has argued;<sup>56</sup> (2) Second, we kept seeing IHRL content appear in Muslim state constitutions, while we were analyzing them for Shari’a content. This we found consonant with scholarly observations, like those made by Philip Alston and Ryan Goodman, that modern constitutions have a strong presence of human rights provisions.<sup>57</sup> Seeing a substantial presence of IHRL in our analyzed constitutions, we supposed that by testing constitutions for this other set of norms, it would be possible to draw comparisons between Shari’a and IHRL content in Muslim constitutions, which has rarely ever been done; and (3) Last, we believed that this aforementioned comparison holds particular traction in light of Muslim majority states often rejecting IHRL provisions as “western,” as is evidenced by their reservations to key human rights treaties.<sup>58</sup> We wanted to provide an empirical baseline for researchers to test such an assumption, whereby Muslim states’ self-constructed constitutional commitment to IHRL norms can be assessed.

We chose the UDHR as an indicator of IHRL, since it is the fundamental human rights instrument that has led to much of the post-1945 codification of human rights, and forms the basis for - to a great extent - of regional and international human rights treaties, as Hurst Hannum notes.<sup>59</sup> The UDHR consists of 30 articles and each constitution was evaluated for the presence of each article, or at the very least, language found within each article. In addition, we have included a column to record when a state’s constitution explicitly claims that the state will follow the UDHR.

Using this dataset, we have assigned each state’s constitution, or constitutions, a density indicator. We define density simply as how much Shari’a or IHRL a constitution includes. For example, if a constitution has 10 out of the possible 52 columns on the Shari’a chart, then 19% (10/52) of that constitution is Shari’a content. If that same constitution has 12 out of the possible 30 UDHR articles, then 40% (12/30) of that constitution is IHRL content. We have used a standard density definition for the entirety of this chart:

No Density: 0% (color-coded as blue in graphics)

Low Density: 1-25% (color-coded as green in graphics)

Medium Density: 26-50% (color-coded as yellow in graphics)

Medium-High Density: 51-75% (color-coded as orange in graphics)

High Density: 76-100% (color-coded as red in graphics)

This density data is displayed on the time line graph on our main webpage.

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<sup>55</sup> SHARIA INCORPORATED: A COMPARATIVE OVERVIEW OF THE LEGAL SYSTEMS OF TWELVE MUSLIM COUNTRIES IN PAST AND PRESENT 35 (Jan Michiel Otto ed., 2010).

<sup>56</sup> Abu-Odeh, *supra* note 54 at 803.

<sup>57</sup> See PHILIP ALSTON & RYAN GOODMAN, INTERNATIONAL HUMAN RIGHTS 515 (2013).

<sup>58</sup> NISRINE ABIAD, SHARI’A, MUSLIM STATES AND INTERNATIONAL HUMAN RIGHTS TREATY OBLIGATIONS: A COMPARATIVE STUDY 60 (2008); See also Ann Elizabeth Mayer, *Universal versus Islamic Human Rights: A Clash of Cultures or a Clash with a Construct*, 15 MICH. J. INT’L L. 307, 341 (1993-1994).

<sup>59</sup> See Hurst Hannum, *Status of the Universal Declaration of Human Rights in National and International Law*, 25 GA. J. INT’L & COMP. L. 287 (1995)



## IV. Appendices

### 4.1 Organization of Islamic Cooperation (OIC) Membership

To avoid using an arbitrary measure, disputed definitions, or imposing Western standards, we used OIC membership as the basis for this dataset because of its unique membership process.<sup>60</sup> In order to be a member of the OIC, the state must self-identify as a Muslim state. By using OIC membership, organized into regions, we are following each state's own perceptions of their state. The countries and their regional assigns are below:

<i>Africa:</i>	Algeria, Benin, Burkina Faso, Cameroon, Chad, Comoros, Cote D'Ivoire, Djibouti, Gabon, Gambia, Guinea, Guinea-Bissau, Libya, Mali, Mauritania, Morocco, Mozambique, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda
<i>Americas:</i>	Guyana, Suriname
<i>Asia:</i>	Afghanistan, Bangladesh, Brunei-Darussalam, Indonesia, Kazakhstan, Malaysia, Maldives, Pakistan, Tajikistan, Turkmenistan, Uzbekistan
<i>Europe:</i>	Albania, Azerbaijan
<i>Middle East:</i>	Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Kyrgyzstan, Lebanon, Oman, Palestine <sup>61</sup> , Qatar, Saudi Arabia, Syria, Turkey, United Arab Emirates, Yemen

### 4.2 Existing Conflict Datasets

Two leading conflict databases are the Correlates of War Project (COW) and the Uppsala Conflict Data Program (UDCP). Despite COW and UDCP segregating conflicts into at least four categories (see 4.2.1 and 4.2.2 below), MSACC only uses the two IHL categories—IAC and NIAC. In essence, we have combined COW and UDCP groupings into two broad types. Below are the breakdowns of conflict designations that COW and UDCP use.

#### 4.2.1 Correlates of War Project:<sup>62</sup>

- *Interstate war:* wars that take place between or among states and must involve sustained combat, involving organized armed forces, resulting in a minimum of 1,000 battle-related combatant fatalities within a twelve month period.
- *Extra-state war:* wars that take place between a state and a non-state entity outside the territorial border of the state and must involve sustained combat, involving organized

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<sup>60</sup> Since the beginning of this project in 2012, membership in the OIC has changed: Syria was suspended in late 2012. Despite this, Syria is still included in our datasets because Syrian membership was only suspended, not fully removed.

<sup>61</sup> Palestine is included in the Middle East region and is a member state of the OIC. Palestine is included in the MSACC: Constitution dataset, however, it is excluded in the MSACC: Conflict Behavior and MSACC: Compliance with IHL datasets. Under the latter two datasets, to be considered as a belligerent, the party must be recognized as a state under international law. See Geneva Convention I art. 1-3.

<sup>62</sup> Meredith Reid Sarkees & Frank Whelon Wayman *Resort to War: 1816–2007* (2010) available at <http://www.correlatesofwar.org/>

armed forces, resulting in a minimum of 1,000 battle-related combatant fatalities within a twelve month period.<sup>63</sup>

- *Intra-state war*: wars that predominantly take place within the recognized territory of a single state and must involve sustained combat, involving organized armed forces, resulting in a minimum of 1,000 battle-related combatant fatalities within a twelve month period.
  - *Internationalized intra-state war*: when an outside state or states intervenes in the war.<sup>64</sup>
- *Non-state war*: wars between or among non-state entities such as private armies, drug cartels, or multinational corporations. Since non-state armed groups are generally smaller than a state and have fewer resources, a non-state group can be considered a war participant if it either commits 100 armed personnel to the war or suffers 25 battle-related deaths. Further categorization of non-state wars is dependent on the location of the conflict.

#### 4.2.2 Uppsala Conflict Data Program:<sup>65</sup>

- *Extrasystemic armed conflict*: conflict between a state and a non-state group that occurs outside the state's own territory and results in at least 25 battle-related deaths per year.
- *Interstate armed conflict*: conflict between two or more states and results in at least 25 battle-related deaths per year.
- *Internal armed conflict*: conflict between the government of a state and at least one internal opposition group and without intervention from other states which results in at least 25 battle-related deaths per year.
- *Internationalized internal armed conflict*: conflict between the government of a state and at least one internal opposition group and with a secondary state intervening on one or both sides and results in at least 25 battle-related deaths per year.
- *Major Episodes of Political Violence*: organized groups using systematic and sustained use of lethal violence resulting in at least 500 directly-related deaths during the episode.
- *Non-state armed conflict*: conflict between at least two organized armed groups, neither of which is the government of a state, which results in at least 25 battle-related deaths per year.

### 4.3 Coalition Forces

Below is a non-exhaustive list of OIC state involvement in coalition forces. Each conflict is separated into two categories: main belligerent and supporting state. We have defined main belligerent as a state with effective control over the conflict and supporting state as a state that did not have effective control over the conflict.

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<sup>63</sup> This category is further divided into colonial or imperial.

<sup>64</sup> Note that if the intervening state takes over the bulk of the fighting, the war ceases to be an intra-state war and is transformed into a war of a different classification. If the intervener comes in on the side of the government and then takes over the bulk of the fighting, the war is transformed into an extra-state war. If the intervener comes in on the side of the non-state entity and takes on the bulk of the fighting, the war is transformed into an inter-state war.

<sup>65</sup> Uppsala Conflict Data Program, Uppsala Universitet available at <http://www.ucdp.uu.se/gpdatabase/search.php>

Arab-Israeli War (1948):

- Main belligerents: Egypt, Israel, Iraq, Jordan, Lebanon, Syria
- Supporting states: Saudi Arabia, Sudan, Yemen, Morocco

Six Day War (1967):<sup>66</sup>

- Main belligerents: Egypt, Israel, Iraq, Jordan, Syria
- Supporting states: Algeria, Kuwait, Lebanon, Libya, Morocco, Pakistan, Saudi Arabia, Sudan

Yom Kippur War (1973):

- Main belligerents: Egypt, Israel, Iraq, Jordan, Syria
- Supporting states: Algeria, Cuba, Kuwait, Lebanon, Libya, Morocco, North Korea, Saudi Arabia, Sudan, Tunisia

Gulf War (1990-1991):<sup>67</sup>

- Main belligerents: France, Iraq, Kuwait, Saudi Arabia, United Kingdom, United States
- Supporting states: Argentina, Australia, Bahrain, Bangladesh, Belgium, Canada, Czechoslovakia, Denmark, Egypt, Greece, Hungary, Italy, Malaysia, Morocco, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Poland, Qatar, Senegal, Sierra Leone, South Korea, Spain, Sweden, Syria, Turkey, UAE

Afghanistan v. NATO Coalition (2001-2002); v. al Qaeda (2002-2014):<sup>68</sup>

- Main belligerents: Afghanistan, France, Germany, Italy, Turkey, United States
- Supporting states: Albania, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Jordan, Latvia, Lithuania, Luxembourg, Macedonia, Malaysia, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Tonga, U.A.E., Ukraine, United Kingdom

Iraq v. U.S.-led Coalition (2003); v. Islamic insurgents (2003-2014):

- Main belligerents: Australia, Iraq, United Kingdom, United States
- Supporting states: Albania, Armenia, Azerbaijan, Bosnia & Herzegovina, Bulgaria, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Georgia, Honduras, Hungary, Iceland, Italy, Japan, Kazakhstan, Latvia, Lithuania, Macedonia, Moldova, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Philippines, Poland, Portugal, Romania, Slovakia, South Korea, Spain, Thailand, Tonga, Ukraine

Libya v. NATO Coalition (2011):<sup>69</sup>

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<sup>66</sup> This conflict serves an interesting point of comparison between our dataset and others. Uppsala does not consider the Six Day War as an armed conflict because it did not meet Uppsala's battle-related death threshold.

<sup>67</sup> ANTHONY H. CORDESMAN ET AL., THE LESSONS OF MODERN WAR, VOL. 4 (1994) available at <http://csis.org/files/media/csis/pubs/941015lessonsulfiv-chap04.pdf>

<sup>68</sup> "Troop Numbers and Contributions," International Security Assistance Force *available at* <http://www.isaf.nato.int/troop-numbers-and-contributions/index.php>

- Main belligerents: Canada, Italy, Libya, United States
- Supporting states: Belgium, Bulgaria, Denmark, France, Greece, Jordan, Netherlands, Norway, Qatar, Romania, Spain, Turkey, UAE, United Kingdom

Mali v. AQIM (2012-2014):

- Main belligerents: France, Mali
- Supporting states of conflict: Chad, Benin, Burkina Faso, Gabon, Gambia, Guinea, Ghana, Guinea-Bissau, Niger, Nigeria, Senegal, Togo, Uganda

Nigeria v. Boko Haram (2012-2014):

- Main belligerents: Nigeria
- Supporting states: Cameroon, Chad, Niger

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<sup>69</sup> “Operation Unified Protector,” NATO *available at* [http://www.nato.int/nato\\_static/assets/pdf/pdf\\_2011\\_03/20110325\\_110325-unified-protector-command-control.pdf](http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110325_110325-unified-protector-command-control.pdf)