



# Surveying the Study on Non-International Armed Conflicts: Scopus Indexed Database Bibliometric Analysis during 2019-2023

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## Abstract.

It is a fact that in today's digital era, several non-international armed conflicts (NIAC) or internal armed conflicts are still occurring in certain countries. This normative study examines the dominant issues studied by the authors in the last five years, especially from the perspective of international humanitarian law (IHL) legal instruments and Customary International Humanitarian Law. The dataset from the Scopus-indexed reputable journals from 2019-2023 was retrieved based on determined keywords. We performed a bibliometric analysis to find several clusters to be analyzed. This method is completed with preferred reporting items for systematic reviews and meta-analyses. The results show that the current studies relating to NIAC are the exploration on the IHL basis such as the non-state armed groups and the types of crimes committed; the conflict resolution and the humanitarian access; the impact of NIAC on the vulnerable groups of the population, the protection of the natural environment and cultural heritage; the involvement of criminal organization or drug cartels capabilities of the parties and the human rights perspective. The main findings describe that these studies are interconnected to each other and give a positive impact on improving IHL regulations on NIAC.

**Keywords:** Internal Armed Conflict, International Humanitarian Law, IHL, Non-International Armed Conflict (NIAC)

## 1 Introduction

By looking at some of the non-international armed conflicts that occurred, Wisevoter, one of the organizations formed by Ben Kaplan stated that non-international armed conflicts can be reclassified into several types, namely terrorist insurgency, followed by civil wars, drug wars, and ethnic violence. Terrorist insurgency often involves non-state actors, who are involved in violent activities to achieve their political goals. These kinds of conflicts occur in Algeria, Burkina Faso, Chad, Congo, Ghana, and so on. Apart from terrorist insurgency, there are also non-international armed conflicts known as "civil wars". Numerous elements contribute to this struggle, including as

social, political, and economic issues as well as rival factions within the nation at war with one another. Civil wars have occurred in a number of nations, including Afghanistan, the Central African Republic, Ethiopia, Libya, Mali, Sudan, and Syria. Drug wars are another type of non-international armed conflict that arises from violent and turbulent occurrences such as those that occur in Mexico and Colombia. The conflict that occurred in Sudan is considered ethnic violence due to the occurrence of violence between various ethnic groups within a country (Countries Currently at War, 2023). Of course, this fact cannot be underestimated, because after all, non-international armed conflicts are always present in human life in various regions of the country, and have not completely disappeared from the face of this earth. Based on data from the Uppsala Conflict Data Program (UCDP) / Peace Research Institute Oslo (PRIO) it was found that armed conflicts where one of the parties is the state show quite alarming statistics, as in Figure 1. The UCDP/PRIO categorizes state-based conflict as "a contested incompatibility over government and/or territory, where at least one party is a state and the use of armed force results in at least 25 battle-related deaths within a calendar year" in this instance, and civil conflict is included in one of a kind. This classification differs from how international humanitarian law (IHL) defines the parameters of armed conflict. If IHL, as determined by multiple court rulings, establishes the degree of organization of an armed group and the intensity of the conflict, then UCDP/PRIO takes into account the existence of government control over territory and the use of armed violence that results in at least 25 battle-related deaths. in a calendar year, so a conflict can be said to be a state-based conflict (Anna Marie Obermeier, 2023).

**Figure 1. Global trends in State-based conflicts 1946-2022 by UCDP/PRIO**

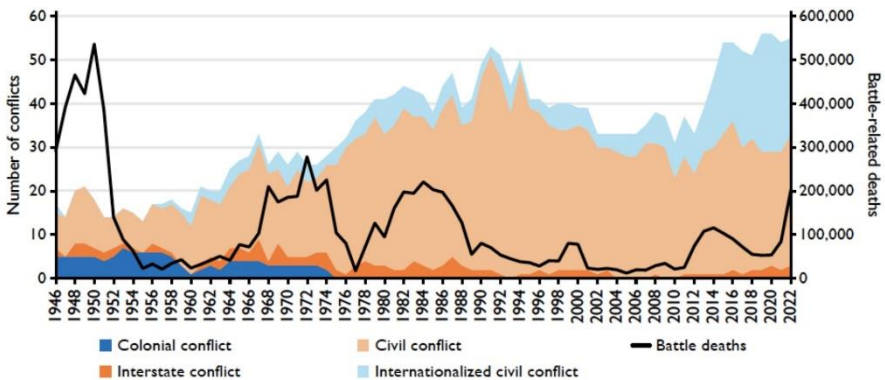


Figure 1: Number of countries with state-based armed conflicts by conflict type, 1946–2022. Source: Lacina & Gleditsch Battle Death Dataset (2005); UCDP/PRIO Armed Conflict Dataset; UCDP Battle-Related Deaths Dataset (Davies et al., forthcoming)

Based on this fact, this paper discusses what issues have been researched over the last five years regarding NIAC contained in Scopus-indexed scientific journals, to describe the latest trends regarding what legal issues still occur in NIAC in the past.

that time. The purpose of this research is to find and provide solutions to the development of national regulations in Indonesia, which still regulate relatively little about the provisions that apply in the NIAC.

## 2 Methods

This research is normative research from an IHL point of view, based on IHL norms regarding non-international armed conflicts (Yati Nurhayati, 2021).

The authors performed the bibliometric data analysis (Maria Carmela Catone, 2023; Naveen Donthu, Satish Kumar, Debmalya Mukherjee, Nitesh Pandey, 2021). The data collection method was carried out on July 15, 2023, for articles from reputable Scopus-indexed scientific journals on scopus.com., which were collected from 2019 to 2023. To find this data, the authors used two predetermined keywords, namely "non-international armed conflicts" and "IHL". The determination of these keywords was carried out to describe how journal articles about non-international armed conflicts are from an IHL perspective. In this case, the author uses all synonyms for the two keywords and does not differentiate between the use of plural and singular words, or punctuation (Martin Szomszor, Jonathan Adams, Ryan Fry, Chris Gebert, David A. Pendlebury, Ross W.K, Potter, 2021). Thus the keywords used in this research are: "non-international armed conflict"; "non-international armed conflicts"; "non-international armed conflict"; "non-international armed conflicts"; "internal armed conflict"; "internal armed conflicts"; "civil war"; "civil wars"; insurgency; "conflict of non-international"; "non-international conflict"; as well as "international humanitarian law"; "the laws of armed conflict"; "the laws of war". From the stage of determining these keywords, 385 journal documents were collected and this number was filtered again using a publication time limit, namely the time duration of articles published in journals, namely from 2019-2023. Another limitation is to determine the target articles in journals and only in English, so we get the included documents of 80 journal articles to be analyzed.

To see the trends described in the included documents, we use the Vosviewer software to obtain research topic/item clusters in data visualization (Riki Satia Muharama et al., 2023). We determine the method of calculation and analysis from Vosviewer, namely co-occurrence, and co-citation. Co-occurrence analysis is used to determine the most researched topics in the included documents. Meanwhile, co-citation analysis was used to find out the authors who were cited. For co-occurrence analysis, we determine the minimum number of occurrences of a keyword three times, resulting in thirty-three (33) items to be examined. Of the 33 items, 27 items are related to one another. We also conducted data filtering with the Thesaurus file. This process produces 6 clusters, 27 items, 47 links, and 62 total link strengths. Meanwhile, for co-citation analysis, we determine the minimum number of citations from an author's writing three times, so that out of 1757 authors contained in the included documents, 125 authors are eligible. All of these authors can be classified into four clusters, 58 items, 985 links, and 7178 total link strengths for analysis. For the items from these clusters, we analyze the content of the journal articles and look for the resulting

trends. This analysis was conducted qualitatively based on IHL norms governing NIAC.

### 3 Results and Discussion

#### 3.1 Trends on topics discussed in the NIAC situation during 2019-2023

There are 6 clusters on the main topics discussed by authors in Scopus-indexed scientific journals in the 2019-2023 period, as follows:

**Table 1. Topics on NIAC discussed during 2019-2023**

Cluster	Items	Cluster	Items	Cluster	Items
1	Customary law	2	Compliance	3	Humanitarian access
	Humanitarian law		Conflict		Islamic law
	Insurgency		Cultural heritage		Non-state armed group
	International criminal court		Environmental protection		Public international law
	International criminal law		Martens Clause		rebellion
	Protracted armed conflict				
	Sexual violence				
4	Colombia	5	Drug cartels	6	El Savador
	Detention		NIAC		
	Non-state armed group		Organize armed group		Gang violence
	Transitional justice		Targeting		

Source: Generate from Vosviewer.

The first cluster is focused on basic issues and legal norms used in discussing the NIAC situation as a *lex-specialis*, regarding the intensity of protracted conflicts, sexual violence that may occur in NIAC situations, and the enactment of international criminal law and the International Criminal Court. To assess whether an armed conflict can be classified as NIAC, the concept of "protected armed violence" is discussed again by considering that the practice of the International Criminal Court is not al-

ways a matter of intensity as decided in the International Criminal Court for the former Yugoslavia (Popović, 2020). Further explanation is still needed regarding "protracted armed conflict" in the war crimes clause and when a NIAC will start based on the provisions of the Rome Statute (Dustin A. Lewis, 2019). Meanwhile, the violence in Burkina Faso that occurred in areas affected by terrorist and criminal groups was carried out by unknown individuals, resulting in the question of whether IHL can apply in such situations (Kienou, 2021). Sexual violence targeting women, although not a new thing, provisions regarding this matter are not strictly regulated in the IHL. Therefore, journal papers in the last five years have questioned how the provisions in the IHL define this matter (C Fowmina, 2023). The lack of protection for women against gender-based violence against women should be resolved by a combination of IHL provisions and international human rights law (Koningh, 2023). However, some studies discuss the need for a conventional approach based on customary law and local cultural practices in disseminating IHL so that its implementation can be more realized (Aksamitowska, 2020).

The second cluster is strongly influenced by discussions about the protection of the environment and cultural heritage. In situ protection of cultural property for participating countries in the 1954 Hague Convention is a shared responsibility for regular troops as well as armed non-state actors (Mark Dunkley, 2023). The responsibilities of non-state armed groups are also examined for the possibility of being applied to the protection of the natural environment in the NIAC (Thibaud de La Bourdonnaye, 2020), and the possibility of applying restorative measures to non-state armed groups (Ezequiel Heffes, 2022). Protection of cultural property has come to the fore in the last two decades after the destruction of cultural heritage in Mali, Syria, and Iraq, which was carried out by non-state armed groups. The study that Islamic law has provided more adequate protection in terms of protecting intangible cultural heritage (Victoria Arnal, 2020).

The next cluster discussed is the role of IHL in NIAC. This is examined in practice in Colombia, particularly regarding the application of IHL in the peace negotiation process, becoming the basis for accountability and reparation issues between regular troops and non-state actors (César Rojas-Orozco, 2020), or the application of IHL in UN peace operations in NIAC (Bianca Maganza, 2020). Another example is the use of declarations of a state of emergency and armed escorts which are considered to be able to impede humanitarian access to be replaced with dialogue so that all parties participate in carrying out humanitarian access, there is a national legal framework regarding humanitarian access (Romaric Ferraro, 2021). Human access that can be granted in a NIAC situation is also proposed to use "agency law", which is discussed as being able to replace the difficulties of obtaining consent from the governments of the conflicting countries (Matyas, 2020).

Cluster four discussed several issues that surfaced in the NIAC situation such as detention and transitional justice issues. For example, detentions carried out by armed groups should be based on certain legal powers such as customary law, in addition to IHL and international human rights law, so that such detention actions become legal and can be accounted for (Joshua Joseph Niyo, 2020). This is also strengthened so

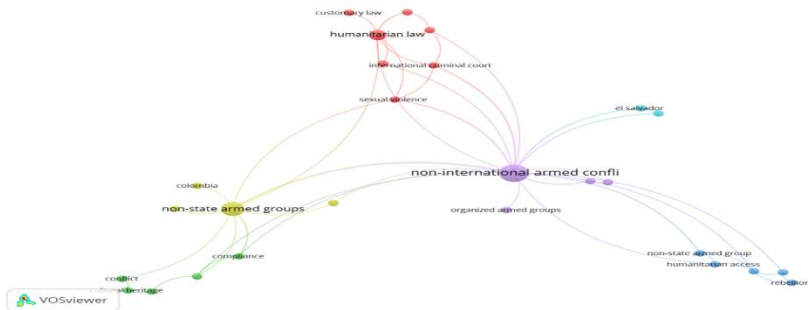
that in such cases there is authorization or legal basis for carrying out administrative detention (Gavrilova, 2020).

A problem that is also common in NIAC situations is the problem of targeting based on IHL. There are several perspectives on this, for example when the conflict involved a criminal group (drugs cartel) in the NIAC situation. This is discussed because it must be distinguished between the armed forces of drug cartels and members of other drug cartels who are not members of the armed forces (Chiara Redaelli, 2023). Meanwhile, in armed conflicts that also involve terrorist groups, the application of the concept of direct participation in hospitality requires further approaches and discussions to be applied in these situations (Rebecca Mignot-Mahdavi, 2023). Meanwhile, for violence that is believed to be comparable to the NIAC, such as the conflict in Rio de Janeiro, the application of IHL combined with international human rights law is considered to be able to overcome problems regarding problems that arise (Conor Foley, 2022).

There is a development as illustrated in cluster 6, where there are several studies discussing the subjective motives of an armed group that are irrelevant to the application of humanitarian law. However, when in this situation there is a criminal organization on a large scale that is armed and highly organized which can result in the formation of armed opposition groups and their confrontation with regular government troops is quite intense, then in principle, this situation equates to the parameters for declaring the conflict as NIAC (Kalmanovitz, 2023). Non-legal studies are also used in considering whether the application of IHL can also be applied to a criminal organization, as is the case with drug cartels that occurred in Mexico (Padin, 2023). Based on the second highest violent-death rate after the conflict in Syria, IHL is challenged whether it can be implemented in a conflict that is gang violence as the violence that occurred in El Salvador (Kirsten Ortega Ryan, 2020).

Of the six clusters that contain the topics of problems related to NIAC as described above, 27 topics are interrelated with each other, while the problems that occurred in El Salvador still require an in-depth study of the implementation of IHL. The scope of problems related to NIAC can be seen in Figure 2.

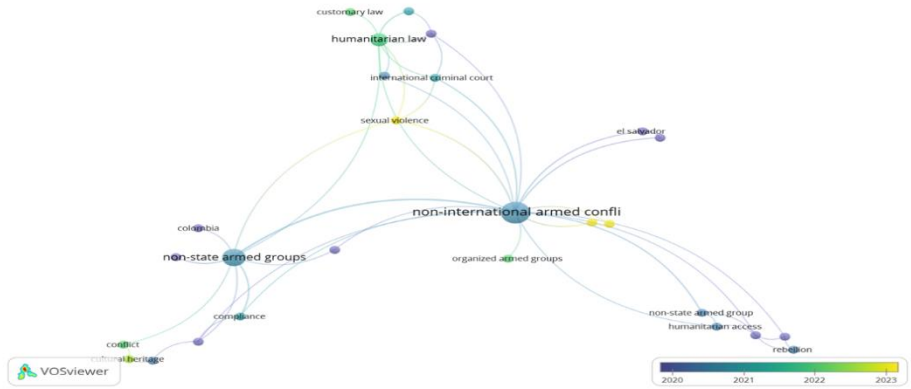
**Figure 2. Network Visualization of co-occurrence on NIAC topics during 2019-2023**



**Trends regarding the novelty of topics discussed in the NIAC situation during 2019-2023.**

The novelty of the topics discussed by the authors in Scopus-indexed scientific journals in the 2019-2023 period is illustrated in Figure 3 regarding the overlay visualization of co-occurrence. The yellow color indicates newly published topics in 2023.

**Figure 3. Overlay Visualization of co-occurrence on NIAC topics during 2019-2023**



Trends in the writings of the most influential and cited experts during 2019-2023

There are 6 clusters of IHL authors and experts whose writings were cited by authors in Scopus-indexed scientific journals in the period 2019-2023. The cited authors can be seen in the list in Table 2 as follows:

**Table 2. Cited Authors in papers on NIAC during 2019-2023**

C	Items	C	Items	C	Items
LS		LS		LS	
1	Am-bos, K.	Kaldor, M.	2	Akande, D.	Kolb, R.
	Anghi, A.	Mampilly, Z.		Bell, C.	Koutroulis, V.
	Appel, B.	Murray, D.		Blum, G.	Lewis, D.A.
	Bangerter, O.	Paul, H.		Bruderlein, C.	Modirzadeh, N.K.
	Bellal, A.	Rentein, A.D.		David, E.	Moir, L.
	Bello, E.G.	Rodenhauser, T.		Dinstein, Y.	Pictet, J.
	Bongard, P.	Ryn-gaert, C.		Dor-mann, K.	Sassoli, M.
3	Amoore, L.	Scharr, P.			
	Arevalo-Ramirez, W.	Schmitt, M.N.			
	Bartels, R.	Solis, G.D.			
	Bouvier, A.A.	Thurnher, J.S.			
	Casey-Maslen, S.	Zimmerman, B.			
	Crawford, E.	Mer-on, T.			
	Cullen, A.	Quintin, A.			

Can-tor, D.J.	Somer, J.
Clap-ham, A.	Tetel, R.
Croco, S.	Up-rimny, R.
Dos-wald-Beck, L.	Van Bo-ven, T.
Green-wood, C.	Watkin, K.
Heffes, E.	Wolf, S.
James, F.	Ze-gveld, L.
Jo, H.	

Droege, C.	Siva-kumaran, S.
Ferraro, T.	Vite, S.
Foley, C.	Weiz-mann, N
Fortin, K.	Hyde, R.
Gaggio-li, G.	Gri-gnon, J.

Gar-dam, J.	Rosci-ni, M.
Hencka-erts, J.	Sandoz, Y.
Melzer, N.	Scha-bas, W

**4**

Augh-ey, S.	Lubell, N.
Bass, L.	Mila-novic, M.
Borel-li, S.	Mor-gan, J.
De Koker, C.	Pejic, J.
Debuf, E.	Rona, G.
Ekins, R.	Ruys, T.
Good-man, R.	Sari, A.
Green-e, A.	Sicili-anos, L.-A.
Hamp-son, F.	Tigen-dhat, T.
Hill-Cawthorne, L.	Win-kler, T.
Lan-dais, C.	

**5**

Alexan-der, A.	Hencka-erts, J-M.
Best, G.	Kaempf, S.
Bogol-lagama, R.	Kalma-novitz, P.
Clark, J.	Kalsho-ven, F.
Dill, J.	Klem, B.
Duffy, H.	La haye, E.
Fleck, D.	Megret, F.
Goodha-nd, J.	Ra-japaksa, M.
Taithe, B.	Shue, H.
Walzer, M.	

**6**

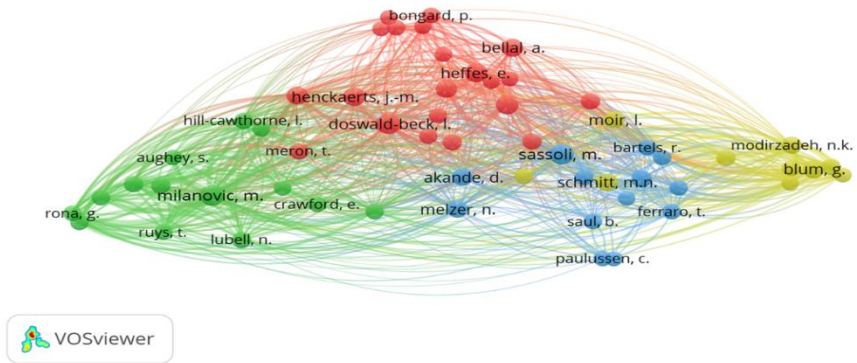
Call, G.	Mehra, T.
Gill, T.	Pau-lussen, C.
Krahen-mann, S.	Saul, B.
Van Poecke, T.	Van Ginkel, B.

Source: Generate from Vosviewer

The results above can be seen the relationship between experts with one another as shown in Figure 4 below:



**Figure 4. Network Visualization of co-citation on the expert's articles on NIAC during 2019-2023**



Of the cited authors, there are three authors or IHL experts whose writings were most widely cited by writers in the period 2019-2023, namely Marco Sassoli (31 citations) Marko Milanovic (29 citations), and Louise Doswald-Beck (26 citations).

Marco Sassoli in his book *How Does Law Protect in War* (Marco Sassoli, Antoine A. Bouvier, 2022) is considered an expert who wrote about discussing the basic principles of IHL with very comprehensive case examples. This was followed by, among other things, the writing of a monograph book entitled *IHL. Rules, Controversies, and Solutions to Problems Arising in Warfare* (Sassoli, 2019) in which one of the chapters explains the NIAC. In connection with the NIAC, Sassoli writes about the application of IHL to the “republics” of Donetsk and Luhansk, as well as about the conflict in Yemen which is widely cited by other authors (Marco Sassòli, 2022; Sassoli, 2022). Meanwhile, Marko Milanovic provides clarity about the differences between international armed conflicts and NIAC which are considered difficult (Marko Milanovic, 2012), as well as the complexity of the laws that apply in modern armed conflicts (Marko Milanovic, 2019); as well as his analysis of the legal aspects of an attack on the Nova Kakhovka Dam in Ukraine and the IHL (Marko Milanovic, 2023). As an expert working on the International Committee of the Red Cross (ICRC), Doswald-Beck's monumental work is the result of a study of the laws and customs of war which resulted in a book entitled *Customary International Humanitarian Law* (Henckaerts et al., 2005) with Jean-Marie Henckaerts. The book, which consists of two volumes, each contains Rules and Practice, which greatly color the analysis of IHL problems, including problems around the NIAC.

## 4 Conclusion

Research on studies conducted during 2019-2023 concluded that IHL is a science that will always develop according to the times. In the last five years, there has been a development in which drug cartel groups with a certain intensity can cause NIAC. This of course can complement the development of the NIAC indicator. In addition, there are many studies to complement the deficiencies in IHL, which still require further study, such as the application of agency law and Islamic law as a comparison.

### Limitations

The author believes that this paper is very limited and cannot summarize all the things that are developments in detail about NIAC. This is due to the selection of keywords, duration of certain publications, and limitations on only articles published in Scopus-indexed scientific journals that are studied.

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