

Committee: Legal Committee (GA6)

Issue: Proposing a legal framework for investments to foreign warfares

Student Officer: Elena Strongylopoulou

Position: Co-Chair

PERSONAL INTRODUCTION

Dear Delegates,

My name is Elena Strongylopoulou, I am 16 years old, and I attend the 10th grade at Pierce-The American College of Greece. It is honestly my great honor to serve as a co-chair of the Legal Committee of the 5th ACG-MUN Conference. If you ask me, I find law and its function in everyday life quite intriguing, and thus, consider such simulations remarkably valuable. Being an active member of the MUN community for a year now, I am thrilled to co-chair for the first time in the 5th ACG MUN Conference. My past experience has been undoubtedly accommodating regarding my knowledge expansion and have significantly contributed to the person that I am today.

The 8th goal of the UN which is Decent Work and Economic Growth, is what this year's ACGMUN Agenda focuses on. As we all know, unemployment and poverty are one of the most substantial problems in our world. Hence, we need to discover effective ways to tackle them. Therefore, in our case, whether a government supports the proposition of a legal framework for investments to foreign warfare or not, is something crucial not only for the international economy, but also for the proper operation of the society as well. Through this study guide, your thorough research, and our guaranteed fruitful debate, I am certain that both you, and I will be able to sufficiently get informed on such a fascinating topic like this one.

As a co-chair, it is my responsibility to provide you with a study guide that will direct you in your research, help you familiarize with the key terms, and encourage you to form constructive and impactful resolutions. Having said that, I firmly motivate you to conduct further research on the topic but more specifically, on your countries' policies. Should any questions come up while studying, you are more than welcome to contact me through my email address prior to the conference (which is e.strongylopoulou@acg.edu), I would be more than glad to respond and help you fill any potential gaps.

I will try my best to make this ACGMUN Conference an unforgettable experience for you! I wish you luck with your preparation and look forward to meeting you all!

Best Regards,

Elena Strongylopoulou

TOPIC INTRODUCTION

As one can easily tell throughout history, conflicts constantly arose, but what played a crucial part in them were foreign investments. There were always cases of countries that were in need of aid from another one, either financial, or military. However, there are multiple examples from history that perfectly portray the fact that these investments, even though they might have worked advantageously for one country, simultaneously boosted the conflict. More explicitly, the war between Israel and Palestine (the Arab forces) demonstrates exactly that: a war to which the United States of America aided Israel significantly. It is therefore believed that the distinct involvement of the USA in this conflict, played a major role in its continuation to this day. Additionally, similar cases that successfully illustrate this, are the War in Yemen as well as the war in Vietnam, which will be further elaborated in the study guide.

Additionally, regarding the aid that one country can provide another one within cases of warfare, some sort of restriction is essential. Hence, the creation and implementation of a legal framework could potentially strictly regulate the investments in foreign warfare, seeing that such assistance should only be supported, if aiming to assist in ending the conflict sooner, with less casualties. When designing such a framework, what needs to be borne in mind is the fact that foreign investments are often larger in size and therefore in impact, which can have both positive and negative implications. Also, conflicts between different interest groups are inevitable. Regarding the case of war-torn states, when there is after-all a negative impact caused by a foreign investment, disputes arise in order to precisely discover the state responsible for it. These states however, are less likely to work impartially and ergo resorting to violence may become a viable alternative. That is why, the construction of such a framework is a case requiring careful examination and mindful selection of its context.

DEFINITION OF KEY TERMS

Apartheid

Apartheid is defined as a system of segregation amongst people, that further leads to disadvantage of one social group.

Arbitration

The procedure of resolving a dispute amongst people by guiding them to agree to a justifiable solution.

Arbitration award

An arbitration award is the award that the arbitrator grants in their decision. This award can take the form of money one party must pay to the other party, or it can also be a non-economic award, like terminating a certain business practice or appending an employment incentive.

Foreign aid

The provision of economic, military, emergency or humanitarian services by a country or an international organization to another one, aiming for the benefit of the recipient country or organization, is called foreign aid.

Legal framework

A set of documents that consist of the constitution, legislation, regulations and contracts, intended to efficiently manage, operate and maintain a system. It further helps ensure the completeness of registration and to ameliorate the accuracy of data held in the civil record.

BACKGROUND INFORMATION

The War in Yemen

The conflict began in the Arab Spring of 2011, when a revolt pressured the country's long-term authoritarian president, Ali Abdullah Saleh, to give away his power to his deputy, Abdrabbuh Mansour Hadi. This political change was supposed to bring stability to Yemen, yet President Hadi was unable to combat pressing issues at the time, including militant attacks, corruption, food insecurity, and continuing loyalty of many military officers to Saleh. The fighting commenced in 2014, when the Houthi Shia Muslim rebels made use of the new President's fragility and seized control of northern Saada province and areas near-by. After that, Mr Hadi exile was forced abroad, and the Houthis took control the capital, Sanaa.

March of 2015 was the time during which the war escalated rapidly, especially when Saudi Arabia and eight other predominantly Arab states, backed by the United States, United Kingdom, and France, carried out air strikes against the Houthis, aiming to restore Mr Hadi's government.

The Saudi-led temporary alliance feared that ceaseless success of the Houthis would provide their rival regional strength and Shia-majority state, Iran, a foothold in Yemen, Saudi Arabia's southern neighbor. Saudi Arabia believed Iran was backing the Houthis with logistical support and weapons - a charge Iran refused.

This situation could undoubtedly be described as a “stalemate”, considering that it has also produced an incessant humanitarian crisis, which according to the UN led to at least 8.4 million people at risk of starvation and 22.2 million people - 75% of the population - in need of humanitarian aid and as a result almost 400,000 children under the age of five are threatened by acute famine.¹ Simultaneously, the globe's biggest cholera outbreak has killed thousands of people, while Yemen's health system has collapsed.

Lastly, Saudi-backed government forces began an assault on the key rebel-held port of Hudaydah in June 2018, the entry point for the chief part of assistance going into Yemen and a lifeline for the starving. Aid agencies threatened the offensive could significantly worsen Yemen's humanitarian crisis.

¹ Yemen crisis. UNICEF. <https://www.unicef.org/emergencies/yemen-crisis>

The Impact of US aid in Yemen War

After Saudi Arabia and its allies got involved in Yemen's civil war in March 2015, the United States provided its full support to a persistent air campaign where Saudi warplanes and bombs relentlessly hit thousands of targets, including infrastructure and civilian sites.

In early September, a team of United Nations investigators presented a shocking report in Geneva which was also commissioned by the UN Human Rights Council. This report included extreme detail on how the US, France and Britain, are possibly complicit in war crimes in Yemen due to continued weapons sales and intelligence support to the Saudis and their allies, and mostly the United Arab Emirates. It is further stated throughout the report that states like the US, Britain, Iran and France, that affect Yemen's warring parties "may be held responsible for providing aid or assistance for the commission of international law violations".²

It would be false if one associated American complicity in Yemen only with the provision of intelligence and training support, and the sale of weapons worth billions of dollars to the UAE and Saudi Arabia, which has become Washington's biggest weapons purchaser. The US is ostensibly unaware of their allies committing war crimes and avoiding responsibility for putting the world's worst humanitarian crisis in motion.

It is worth mentioning that the UN stopped updating civilian casualties in January 2017, leading to society not being aware of the actual death toll, which is far higher than 10,000, meaning the last time that the report was updated.³ Of course, this is acutely inconvenient considering that multiple news reports still rely on this outdated UN information. In this way, this crisis was concealed, and drastic measures could not be taken to resolve it due to the unfamiliarity of the people with it.

Once again, investigations by journalists and human rights groups, as well as the UN report documented how the Saudi-led coalition has killed thousands of civilians in airstrikes. More explicitly, they explained in detail how the particular partnership not only intentionally starved Yemenis as a war tactic but also went as far as imposing a naval and air blockade on Houthi-controlled areas that has considerably restricted deliveries of humanitarian assistance. Additionally, reports additionally underline how Saudi-led coalition's war crimes range from planting landmines, deploying siege

² War Crimes in Yemen. (2019, September 3). The Washington Post.

https://www.washingtonpost.com/world/un-report-says-us-britain-france-complicit-in-potential-war-crimes-in-yemen/2019/09/03/ad278cf6-ce48-11e9-9031-519885a08a86_story.html

³ UN humanitarian office puts Yemen war dead at 233,000, mostly from 'indirect causes'. (2020, December 3). UN News. <https://news.un.org/en/story/2020/12/1078972>

methods against several cities to using child soldiers and indiscriminately bombing civilian sites.

Even though quite a few groups, like Human Rights Watch, have warned US officials, and UN investigations have documented growing evidence of human rights violations committed, the US government has kept its stance unalterable. Both under Barack Obama's and Donald Trump's administrations, the Biden administration did not cease to approve weapons sales to the Saudi and Emirati militaries.

According to the Yemen Data Project, ever since the war began, Saudi and allied warplanes have conducted more than 20,000 airstrikes.⁴ Noting with deep concern, only about a third of these attacks are on military targets and the coalition has additionally bombed schools, factories, bridges, hospitals, stores and power and water treatment plants.

Finally, the Trump Administration has promised to make attempts to terminate US involvement in Yemen, but evidently these promises were not followed through. Throughout it, it is stated that the Saudis are in need of American assistance and training to prevent even more civilians' deaths. Nevertheless, the latest UN report contradicts the above claim, showing the Saudis have not done any credible investigations into their attacks on civilians or implemented a sufficient number of measures to reduce casualties, even with US and British training.

Israel-Palestine Crisis

The current conflict amongst Israel and Palestine has been around since the early 20th century. Jewish people fleeing persecution in Europe during and after World War Two found it essential to establish a national homeland. One option was then an Arab- and Muslim-majority territory in the Ottoman and later British Empire, Palestine. The Palestinians resisted, but some historical sources state the people that owned the majority of the land at the time, sold it to them. An early UN plan to divide the region among the various groups failed. What followed was military and political conflict between Israel and the surrounding Arab countries. Today's lines largely reflect the outcomes of two of these wars, one waged in 1948 and another in 1967, known as the Six-day War.

The 1967 war left Israel in control of the two territories home to a great number of Palestinians, Gaza Strip and the West-Bank. That was also one reason this war was particularly crucial for today's conflict.

⁴ America is likely complicit in war crimes in Yemen. It's time to hold the US to account. (2021, January 6). the Guardian. <https://www.theguardian.com/commentisfree/2019/oct/03/yemen-airstrikes-saudi-arabia-mbs-us>

Today, the West Bank is ostensibly controlled by the Palestinian Authority and when talking about the Israeli occupation that is under, it is referred to the form of Israeli troops, who impose Israeli security limits on Palestinian movement and activities as well as Israeli “settlers”. “Settlers” is a term representing the Jews who construct communities that frequently broadened in the West Bank and successfully refuse the land to Palestinians. Hamas are the ones controlling Gaza, a fundamentalist party, that are under an Israeli blockade, but not ground troop occupation.

The foremost tactic to tackle the conflict today is a so-called “two-state solution”, that would declare Palestine as an independent state in Gaza and most of the West Bank, leaving the remaining land to Israel. The two-state plan in theory seems clear and mutually beneficial, but in practice, both sides are at a constant state of hostility, making this compromise to work quite difficult.

A "one-state solution" is an alternative to a two-state solution that makes the whole country united. It is believed that this would cause more issues than it would tackle, but this outcome is becoming more likely over time for political and demographic reasons.

US Involvement in the Israel-Palestine Crisis

The US has supported Israel from the beginning, a fact proven by the acts of Former US President Harry Truman, who was the first world leader to recognize Israel when it was created in 1948. He did this partly because of his personal ties. His former business partner, Edward Jacobson, played a crucial role in laying the foundation for the United States to recognize Israel as a nation. However, there were also strategic considerations driving the decision. This was when the Cold War between the Soviet Union and US was shaping, right after World War II. The Middle East, with its oil reserves and strategic waterways (Suez Canal) was a principal battleground for superpower hegemonic influence. The US was taking over from acutely debilitated European powers as the chief western power broker in the Middle East.

There was a time however, to which USA’s support towards Israel became unambiguous. It was partly rooted in the aftermath of the 1967 war, in which Israel defeated the armies of Egypt, Syria and Jordan and occupied the rest of historical Palestine, in addition to some territory from Egypt and Syria. Since then, the US has provided unequivocal aid, from all different sectors as it supported Israel’s military superiority in the region as well as prevented hostile acts against it by Arab nations. We shall nonetheless not ignore the fact that Israel was and still is not exactly a government in need of aid, it is a rather high-income country with a thriving high-tech sector.

There were also other events that further boosted the USA to remarkably assist Israel in this conflict. A great example is the 1973 war that terminated with Israel defeating Egyptian and Syrian forces. The US took advantage of the aftermath of the 1973 war to lay the groundwork for a peace deal amongst Israel and Egypt that eventually in 1979 was firmly secured.

The Impact of US funding in the Israel-Palestine Crisis

In the recent war on Gaza, which once again devastated the besieged strip, the destructive reality of US military aid to Israel was perfectly portrayed. According to the Israeli military, 160 of Israel's U.S.-built F-16 fighter jets dropped 450 missiles on more than 150 targets in Gaza in a single raid alone.⁵ These strikes disproportionately targeted Palestinian civilian sites.

The 11-day war between Israel and Hamas in May 2021, which resulted in the deaths of more than 240 Palestinians in Gaza and 12 Israelis, has led to renewed calls for the cessation of that aid.

Nonetheless, Joe Biden offered unequivocal support for Israel, even in the face of documented Israeli abuses last month, including bombing the Gaza bureau of an American news agency, the Associated Press. If that was not enough, the Biden administration blocked three resolutions at the United Nations Security Council, calling for an immediate cease-fire as the battle escalated, with Israel bombing more residential buildings in densely packed Gaza City. Furthermore, any mention of Palestinian civilian casualties came with heavy qualifications and after noticeable delay. The Biden administration also publicly ignored the Israeli provocations in Jerusalem; the looming expulsions of Palestinians from the neighbourhood of Sheikh Jarrah, and the storming of the al-Aqsa mosque compound by Israeli security forces, aiming to attack Palestinian protesters there, that had caused the conflict in Gaza. The Biden administration went as far as accepting in secret, a \$735 million⁶ weapons sale of precision-guided arms to Israel prior to a cease-fire was reached, successfully avoiding a discussion and vote on it in Congress.

In reality, what this unequivocal assistance actually does is permit Israel to act with impunity, directly involving the U.S. in Israeli conduct, making it a complicit party. Gaza's cease-fire may be holding for now, but it only demanded a return to the status quo: Gaza is still under Israeli blockade, and Palestinians still lack access to their own

⁵ Why the U.S. should end its unconditional military aid to Israel. (2021, June 10). DAWN. <https://dawnmena.org/why-the-u-s-should-end-its-unconditional-military-aid-to-israel/>

⁶ After raid on Aqsa mosque, rockets from Gaza and Israeli Airstrikes. (2021, May 12). The New York Times - Breaking News, US News, World News and Videos. <https://www.nytimes.com/2021/05/10/world/middleeast/jerusalem-protests-aqsa-palestinians.html>

homes in occupied East Jerusalem. In Gaza, the West Bank and in Israel property, almost 7 million Palestinians are all still under a system of Israeli authority and control that more and more observers are referring to as apartheid. In April of 2016, a report from Human Rights Watch was conducted accusing Israel of committing "the crimes of apartheid and persecution," as clarified under international law, in an attempt to "maintain the domination of Jewish Israelis over Palestinians across Israel and the Occupied Palestinian Territories."

Nevertheless, the U.S. law is clear: The American government cannot give security aid to actors engaged in evident human rights abuses. Two laws are of major significance: Section 502b of the Foreign Assistance⁷ Act, and the Leahy Laws. The Foreign Assistance Act states that "no security assistance may be provided to any country the government engages in a consistent pattern of gross violations of internationally recognized human rights." Furthermore, it underlines America's responsibility to "promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion." That is repeated by the Leahy Laws, two lawful provisions which, in the State Department's own description, forbid "the U.S. Government from using funds for assistance to units of foreign security forces where there is credible information implicating that unit in the commission of gross violation of human rights."

As it can be easily understood, it is not difficult for somebody to find evidence of Israel's nonconformity with these American laws. Israel has violated five paramount globally recognized human rights and humanitarian law principles during its more than 50-year occupation of Palestinian territory: illicit killings, forced displacement and the building of settlements against the law, inhuman detention, iniquitous restriction of movement, various institutionalized forms of religious and racial discrimination, and there were even more mistreatments in the latest escalation in Jerusalem and Gaza.

However, despite these legal obligations, Washington continually ostentatiously ignores them. American complicity in these human rights abuses will only end when it ceases its security assistance to Israel, as even required by U.S. law.

Consequently, billions of more American military aid, all unconditionally granted, despite Israel's human rights record, will only lead to more violations of America's own human rights obligations as codified under existing U.S. law, while repeatedly threatening America's interests and position in the Middle East.

⁷ Foreign Assistance Act. Scholarship @ GEORGETOWN LAW.
<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2605&context=facpub>

The Vietnam War

The Vietnam War began in 1954 and refers to an extensive conflict in the South parts of Asia. It started right after the country of Vietnam was divided into two parts, South Vietnam and North Vietnam. However, North Vietnam wanted to reunite the country under its economic and political system, Communism, but South Vietnam fought in order to prevent this. The United States significantly aided South Vietnam in many ways that are later on analyzed, but North Vietnam won the war after all in 1975. In the end, Vietnam was eventually united.

Later, Viet Minh and France participated in a meeting to discuss what would happen to Vietnam. These states of course were not the only participants, since representatives from the United States, the Soviet Union and multiple other countries were not absent in this assembly. The meeting split Vietnam into North and South Vietnam with the Viet Minh being in charge of North Vietnam and additionally, a Communist named Ho Chi Minh was declared the president. Furthermore, the Vietnamese who had supported the French got control of South Vietnam and Ngo Dinh Diem, who opposed Communism, led the south. Eventually the French exited the country.

The Impact of US aid in the Vietnam War

What allegedly led to the USA getting involved in the Vietnam War was the country's fear of the potential spread of communism. The US government was not able to defeat the Vietcong⁶ and as a result had to face growing opposition to the war back home.

In general, the USA's reputation had been tarnished on an international level, due to the fact that it was heavily judged for supporting a corrupt government and the media had displayed to the world how brutal American strategies were.

At the same time, while the war was taking place, the USA spent \$828 billion on its military and it is worth mentioning that from 1965, it was spending more than \$50 billion per year, while the additional spending to fund the USA's involvement in the Vietnam War has been estimated at \$111 billion.

So, as it is obvious, the US involvement in the Vietnam War was a chief source of negative effects towards most participant-states. There was an immense amount of casualties, meaning more than 1.3 million Vietnamese soldiers, about 58,000 U.S. troops, 58,000 American soldiers were killed and another 153,000 were wounded as well as more than 2 million unarmed civilians also lost their lives. In general, over 100,000 US troops lost limbs in the war and treatment was required,⁸ American troops

⁸ Vietnam War U.S. military fatal casualty statistics. (2019, April 30). National Archives. <https://www.archives.gov/research/military/vietnam-war/casualty-statistics>

returning from the war were subject to ill-treatment, with multiple civilians treating them as brutal thugs who should face punishment or be avoided and also the fact that the USA, had lost to a much smaller and less powerful country was greatly discouraging. Ergo, the loss of confidence in American military abilities was inevitable.

Moreover, the Vietnam War caused severe damage to U.S.'s economy. President Johnson in particular, unleashed a cycle of inflation, since he was not willing to raise taxes to pay for the expenses of the war.

Simultaneously, the war weakened liberal reform and made many American citizens greatly suspicious of the government and especially people born in 1946 to 1964, more cynical and more doubtful and cautious of government and of authority.

The End of the Vietnam War

The government of the United States decided to cut its military assistance to the south in August 1974. As a result, the South Vietnamese army collapsed quickly after this decision. Nevertheless, a colossal invasion of South Vietnam was launched in 1975 by the North Vietnamese.

On April 30, 1975, North Vietnamese troops entered Saigon, the capital of South Vietnam. The war had elapsed, and the Communists were the winners. The combination of North and South Vietnam into one single country called Vietnam, took place in 1976 and also made Hanoi its capital. In honor of Ho, who had died in 1969, they renamed Saigon as Ho Chi Minh City.

Consequences of investments in foreign warfare

Dependency

Overall, foreign dependency fosters underdevelopment in the dependent country; a country's adoption of policies adjusted to the interests of a stronger country may suppress the weaker country's domestic growth, speed environmental destruction, or create temporary growth that prevents sustainable development and economic independence. Also, constant reliance on foreign assistance can additionally play a crucial role in forming the economy and politics of the recipient country. Even though foreign aid can lead to constructive economic and political impacts, donor countries frequently use promises of aid (or threats of terminating the provision of aid) to pressure the recipient-countries into establishing the political or economic policies that are favored by the donor.

Changes in the Tax System

In the attempt of governments to finance major wars, they many times resorted to major changes in the tax system. For instance, In the United States the significance of the personal income tax as a revenue source augmented remarkably at the time of World War II, when lower exemptions, higher rates and a deduction-at-source system of collection were introduced. The United Kingdom as well as many other combatants in World War II turned to general sales taxes.

War costs transferred to future generations

Receiving aid from a foreign country also transfers the war costs to future generations. Nevertheless, the true expenses in services and goods underlying the monetary expenses, are paid by the war generation when the government uses the actual resources for war, while of course these resources could be used otherwise. An example of this could be the fact that until 2022, the United States federal government has spent and obligated \$8 trillion dollars on the post-9/11 wars in Afghanistan, Pakistan, Iraq, and elsewhere.⁹ The aforementioned wars have been paid for almost entirely by borrowing., which has raised the US budget deficit, increased the national debt, and had other economic effects, such as raising consumer interest rates. If the US does not immediately repay the money borrowed for war, there will also be future interest payments that are estimated could total over \$6.5 trillion by 2050.¹⁰

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

United States of America

The US has been an active investor in foreign warfare. Providing aid to the Arab states in the war in Yemen, to Israel in the war with Palestine, as well as to South Vietnam in the Vietnam war are few of the many countries that the government of US had decided to significantly assist, financially and militarily.

Vietnam

The government of Vietnam unquestionably plays a vital role in the sector of investing in conflicts. The war of Vietnam works as adequate evidence to the above statement.

⁹ Economic costs. The Costs of War. <https://watson.brown.edu/costsofwar/costs/economic>

¹⁰ Economic costs. The Costs of War. <https://watson.brown.edu/costsofwar/costs/economic>

The war was a long-term and costly conflict that forced the communist government of North Vietnam to confront South Vietnam and the US, its main ally. The government of Vietnam spent more than \$120 billion on the war from 1965 to 1973 with this significant spending resulting in multiple disastrous issues.

United Kingdom

The government of the United Kingdom has played a crucial role in foreign warfare since the times that it provided financial or military support to a foreign warfare were not few. The UK was an integral part in the war in Yemen, since it supplied weapons and provided military and diplomatic support to the Saudi-led coalition, that further holds responsibility for the majority of reported civilian fatalities.

Russian Federation

The Russian-Federation notably invested in the Vietnam war. More explicitly, from 1968 and on, the Russian government provided most of the military and economic assistance that North Vietnam ever received. They further supplied their communist allies with petroleum, transport vehicles, food, iron, steel, fertilizer, arms, and ammunition.

UN Office for Disarmament Affairs (UNODA)

The UN Office for Disarmament Affairs is an Office of the United Nations Secretariat that provides organizational support for norm-setting in the sector of disarmament. It further supports the development and implementation of practical disarmament measures after a war, like disarming and demobilizing former combatants and assisting them in reintegrating in civil society. Hence, such office is of major significance, since it remarkably contributes to the de-escalation of wars.

International Monetary Fund (IMF)

The International Monetary Fund (IMF) is an organization of 190 countries, that aims to cultivate global monetary cooperation, ease international trade, secure financial stability, promote high employment and sustainable economic prosperity, and decrease deprivation worldwide. IMF staff frequently constructs papers initiating new IMF policies, exploring options for reform, or reevaluating existing IMF policies and operations. More explicitly, the IMF's transparency permits the deletion of market-sensitive data and premature disclosure of the authorities' policy intentions in published staff reports and other records, all seeking to achieve the vigilant investment in foreign conflict.

TIMELINE OF EVENTS

Date	Description of Event
14 May, 1948	Harry Truman recognizes Israel when it was created
1 June, 1954	Beginning of Vietnam War
1965	By that time USA was spending more than 50\$ billion dollars per year on the military of the Vietnam war
5 June – 10 June, 1967	Israel is in control of West Bank and Gaza Strip (Six Day War)
January, 1973	USA terminates military assistance to the south Vietnam and so it collapsed
30 April, 1975	North Vietnam wins war
26 March, 1979	Peace deal with Israel and Egypt was secured
2011	Tensions in Yemen starting to arise with a revolt pressuring president Ali Abdullah Saleh to give away his power to his deputy Abdrabbuh Mansour Hadi
16 September, 2014	Fighting in Yemen commenced
16 March, 2015	Saudi Arabia and its Allies get involved in Yemen War
2017	UN stops updating civilian casualties
June, 2018	Saudi-backed government forces commenced an assault on the key rebel-held port of Hudaydah, the entry point for the main part of aid going into Yemen and a lifeline for the starving.
21 May, 2021	Ceasefire between Israel and Hamas (11 Day War)

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

International Monetary Fund (IMF)

Investment law of international relevance has existed in the form of conventions and treaties. However, the continuation of application of such treaties and conventions is heavily doubted due to the potential negative effect that such foreign investments could have. That is why, for some time, the International Law Commission of the United Nations (ILC) had pursued the project of codifying the rules governing the effects of armed conflicts on treaties.

Draft Articles

In 2010, an advanced set of Draft Articles on the topic was published that could be taken as reflecting the current state of international law. More explicitly, these Draft Articles consist of a presumption of continuity of treaties: the outbreak of an armed conflict does not ipso facto end or suspend the operation of treaties (Article 3: Absence of ipso facto termination or suspension). Furthermore, the Draft Articles provide a list of treaties, implying their maintenance during armed conflicts. Examples of treaties included in this list are: “treaties of friendship commerce and navigation and analogous agreements concerning private rights”, “treaties relating to commercial arbitration”, the New York Convention for instance, aiming to ensure the enforcement of foreign arbitration awards worldwide.

Treaties of friendship commerce and navigation

The United States of America after World War II, aimed at the encouragement and facilitation of private international investment by negotiating Friendship, Commerce and Navigation (FCN) treaties with more than two dozen countries. The above-named treaties include a provision giving the right to businesses from the signatory countries, to hire the executive employees that they want (“employer choice provision”) in their operations overseas.

New York convention

One of the most important instruments in international arbitration is the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the “New York Arbitration Convention”. The afore-mentioned convention applies to the acknowledgement and implementation of foreign arbitral awards and the referral by a court to arbitration.

An arbitral award made in the territory of another state is called a “foreign arbitral award”. For instance, if the legal place of arbitration is London, the arbitral tribunal may nonetheless make the decision to sign the award in another country for comfort and practicality reasons. Despite everything, the

award will be taken into consideration as having been constructed at the seat pursuant to Section 53 of the English Arbitration Act 1996¹¹.

Bilateral Investment Treaties

Additionally, these Draft Articles also contain BITs, bilateral investment treaties. These treaties include multiple clauses that guarantee complete protection and security, and further promise non-discrimination in the treatment of losses incurred through armed conflicts and similar circumstances, as well as promise compensation for such losses provided that certain conditions are met.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Regulatory Impact Assessment

Regulatory Impact Assessment also known as Regulatory Impact Analysis (RIA), introduced by OECD (Organization for Cooperation and Development) is a systematic approach aiming to critically assess the positive and negative impacts of suggested and already-existing regulations and non-regulatory alternatives. Also, it calculates the possible advantages, expenses and effects of new or changed regulations. RIA concedes to the need to evaluate regulations on a case-by-case basis, so as to deduce whether or not they add to tactical policy goals.

A practical regulatory tool

It has further been proven as a practical regulatory tool that provides the decision-makers with valuable and useful data as well as a comprehensive framework in which they can evaluate their options and the consequences their decisions may lead to. What can however undermine regulatory efforts and result in regulatory failures, is a poor understanding of the issues at hand or of the side-effects of government action. The OECD experience reveals that RIA may take various forms depending upon policy agendas of governments or even social and cultural background of countries. More specifically, the methods used by regulators to reach effective decisions require 5 main techniques. Firstly, there is the “Expert”, which refers to the decision that is made by a trusted expert or a regulator, that uses professional perception to determine what must be done. Secondly, when the decision is made by the

¹¹ Arbitration Act 1996 (of England), 1996 CHAPTER 23 [17th June 1996], <https://www.jus.uio.no/lm/england.arbitration.act.1996/53.html#:~:text=Section%2053,-%2D%20Place%20where%20award&text=Unless%20otherwise%20agreed%20by%20the,to%20any%20of%20the%20parties.>

“consensus”, it means that it was made by a team of stakeholders that get to a common stance to which the benefits are equal to all sides concerned. Thirdly, the decision is also made by political representatives, based on a consensus viewpoint of the matters of significance to the political process, and therefore the term used to describe it is “political”. Fourthly, when the decision is made by relying on an external model, for instance an international regulation, it is called “benchmarking”. Last but not least, “empirical” refers to the decision that is grounded on investigation and fact-finding that clarify the variables of action according to established objective standards.

In short, a regulatory decision is supported by a combination of these decision methods, differing according to particular characteristics such as national culture, political conditions and administrative style.

POSSIBLE SOLUTIONS

In order to prevent negative impacts of investment in foreign warfares that may contribute to a rise of conflict, legal frameworks that covers the investments in foreign warfares are the most effective and efficient measures that can somehow make an impact. Ergo, if a country violates any principle included in such list of laws, not only the penalty will be of major importance, but also other states may refuse to enter into future agreements, may demand greater concessions when entering into such agreements, or may lose faith in the strength of existing agreements with the country that violated part of the framework. Hence, since there is a direct negative impact to the country going against a principle of such a framework, it is more likely for the country to follow it rather than violate it and as a rational result, for rise of conflicts or any potential issues caused by investments in foreign warfare, to be harder to take place.

Context of Clauses

It is essential however, for the clauses and demands of such a legal framework, to be of certain characteristics. First of all, it needs to clearly define to what countries are allowed the big powers to provide aid to. Making this comprehensive is greatly important, so as for the big powers not to aid a country that essentially is not in need of this financial/military support. In the case that this actually happens, there is a high potential of the excessive use of power of the countries receiving the aid, as seen previously in the case of Israel and Palestine. Second of all, there needs to be a particular limit to the aid that can be given. This of course will depend on each case, but the principal criteria will be the general state of the country-quantitate to receive the aid. It will be of foremost importance to recognize the reasons why this country demands this assistance and what should also be carefully noted is the amount of assistance given. According to this future framework, countries will be prohibited from

providing immense amounts of aid at once, especially when it is not necessary. No country will be able to be unequivocal in its support towards another country. On the contrary, countries will be obliged to provide aid little-by-little, assessing whether it is once again necessary or not. Additionally, supplying a state with aid, will also be dependent on whether or not their policies act in accordance with each other. Bearing in mind that numerous acts of Israel violated various principles of American law, and yet again USA continued to supply them with enormous amounts of military forces and financial aid and the effects of this were disastrous, this framework should undoubtedly forbid countries from repeating these past mistakes again in the future. Lastly, this framework should aim to ensure that the benefits of both domestic and foreign investment are shared equitably, do not fuel conflict, for instance, through corrupt relations with governments, increasing dependence on a few sectors, or generating tensions between rival social groups. It is therefore trusted that if this future framework includes the above principles and nevertheless additional ones appended by the delegations, investments to foreign warfares will finally only be associated with positive impact and the virtues of dignity, justice and fairness.

Arms Control & Diplomacy

As it is rational, the best-case scenario would be to actually put limits in the arise of conflict. Political scientists and international relations experts recommend approaches aiming to prevent war that include arms control and diplomacy. Arms control is a term referred to international restrictions upon the development, stockpiling, production, proliferation and usage of small arms, conventional weapons, and weapons of mass destruction. Therefore, with the prohibition or limitation of the deployment of offensive weapons while permitting the deployment of defensive ones, arms control can form the offense-defense balance, strengthen crisis stability, improve security dilemmas, reinforce deterrence, and eventually prevent war. Diplomacy being the established way of affecting the behavior and decisions of foreign governments through negotiating, initiating dialogue and other measures short of war or violence, can contribute to conflict prevention by laying the ground for the development of sustainable peace.

Public Awareness

Apart from these two important strategies, the roots of war also need to be addressed. War is a phenomenon that arises from decisions made by political and military leaders. There is plentiful proof that leaders go to many wars for less than noble purposes. To the extent this is true, citizens should be encouraged to always evaluate the reasonings given for war, and a free press in a democracy would also be accommodating. Hence, to prevent war, the public must be cautious and not hesitate to doubt the assumptions about the inevitability of conflict.

Avoidance of creation of offensive alliances

An alliance is a formal union or league between States formulated to achieve a mutual objective through combined action and can be offensive or defensive in nature. A military alliance, also known as offensive alliance, between two or more states, provides for a mutually planned offensive, or for assistance in the case of attack on any member. Offensive military alliances, however, are today considered contrary to international law. Bearing in mind that alliances must only pursue the preservation and enhancement of the individual and collective power of States and to discourage outsiders from aggressive behavior, it is believed that offensive alliances are harmful and foster conflict instead of ceasing it. Ergo, the avoidance of creation of offensive alliances would be a chief approach of terminating warfares.

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