

THE DYNAMICS OF THE MIDDLE EAST: A CENTRIC CUM TACTFUL FEDERALISM IN SYRIA

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Abstract

The situation in Middle East has always based on a mere dynamism of least degree of accountability and assurance of harmony due to the basic contingencies of a monopoly-based ethnic hoax existent or capable to be artificially created. Whether it is Syria or Yemen, what is questioned is the lack of tactful federalism. The Security Council may act on this, but the pursuance of the international Criminal Court is not concurrent to the circumstantially deprived areas, where we can understand in a wider way by specially considering the Syrian conflict and the verge of its ending. The author tries to reflect about the glancing influence of the Syrian Conflict on International Law with the role of the Russian Federation as a vague mediator with some special reference to International Statutes their application in the Middle East.

Keywords: *Federalism, Security Council, Diplomacy, Middle East, Progression*

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INTRODUCTION

The situation in Middle East is dynamic; its progression and centres of aversion are based on the sectarian and ethnic engineering, but the external involvement of the nations from the West and the East Blocs do tend to diagnose any crisis or impact in their own intricacies and ways of diplomacy and internal acts. The United Nations, when attempts to prevent the vicinity of such crisis, suffers from its mootness in its bodies as a matter of the representation of the members of the Security Council and the General Assembly are concerned. Interests forge the permanent members to use a negative veto, which is not a legal instrument but a general legal power as a matter of privilege to the Allies, who won the World War II in 1945 against the axis powers. Even if the question of Security Council reform comes, it is inevitably known that the permanent nations never accept it with dilution. The change in the totalitarian policy of the League of Arab States is a gross change in the history of the nations in the Middle East. More liberalization towards the US and vice versa, the Qatari policy and the Syrian concentrating constraint has led the International Community to the verge of a new development in the politics of the world.

THE UTILITY OF DIPLOMATIC TACTICS TOWARDS A PLANNED REALM

When it comes to the powers, such as the United States and the Russian Federation, it is inevitably understandable that their intervention marks an important case of turbulence in any region of the world as they have their own specific interests. The Syrian Arab Republic, which has been in the spotlight of concerns for the International Community, marks an important change in world policies. A centric monopoly, power-intervening limitations and the moot applicability of the United Nations irrespective of its relentless commitment makes the International Community understand that it is imperative that Syria does not become a centralised issue of diplomatic gimmick, when a power is against a political sovereign, who itself is responsible for the devastating condition in Syria. Now, the Russian backing to Bashar-Al-Assad is of a federal tactics. This is not obvious to realize or observe, but is of pragmatic concern.

The persistent violation of the Universal Declaration of Human Rights, the International Covenants of 1966, the International Trafficking Laws and other legal embodiments makes one thing clear- the persistence of International Humanitarian Law is a necessity, but its enforcement is not a simple thing. Even the relevance of legal instruments such as the

International Criminal Law in case of the Syrian Arab Republic lowers down. It is imperative to lay down a more better and diplomatic applicability of the Rome Statute. Article 12, Clause 3 of the Rome Statute of the International Criminal Court¹ runs down as-

“If the acceptance of a State which is not a Party to this Statute is required under paragraph 2, that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question. The accepting State shall cooperate with the Court without any delay or exception in accordance with Part 9.”

Unless the Syrian government ratifies the treaty or accepts the jurisdiction of the court through a declaration, the ICC could only obtain jurisdiction if the United Nations Security Council refers the situation there to the court. The Security Council, with what is called an “ICC referral,” could give the court jurisdiction stretching back to the day the Rome Statute entered into force, on July 1, 2002.² The Security Council has referred situations to the ICC only twice, for the Darfur region of Sudan in 2005 and Libya in 2011. The Security Council, however, has failed to act on other key occasions when there was strong evidence of widespread and serious international crimes and little prospect of local accountability.³ Thus, it is quite understandable that the international legal instruments here required are or may be or may not be present; but the municipal laws and the local accountability are conjoining concepts, where they are related to a more viable visibility of legal implementation. This is the basic problem pertaining to all aspects of the Syrian crisis. Now, the unprecedented focus on the Syrian Arab Republic is obviously imperative because its applicative tendencies can lead the International Community to become more vigilant in dealing such issues, where a phobia against Islam is threatening people. However, this phobia has no *locus standi*, as sectarian and ethnic differences and adversities can be resolved by negotiations and not religious or sectarian wars, whether such manifestations, religions, sects, cultures, colour, race, etc. have no proficient stand and replenish by time in its structure. The state parties to the International Covenant on Civil and Political Rights have the rights in time of public emergency, which threatens the life of the Syrian Arab Republic and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures

¹ UN General Assembly, *Rome Statute of the International Criminal Court* (Last Amended 2010), 17 July 1998, Available at: <http://www.refworld.org/docid/3ae6b3a84.html> (Accessed on: 3 January 2018)

² Human Rights Watch, (September 17, 2013). *Q&A: Syria and the International Criminal Court*, Available at: <https://www.hrw.org/news/2013/09/17/qa-syria-and-international-criminal-court> (Accessed on: 23 November, 2017)

³ *Ibid*

derogating from their obligations under the Covenant to the extent strictly required by the demands of the situation, provided that such measures are not inconsistent with their other obligations under international law⁴ and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin subject to Article 4, Clause 1 of the Covenant, which if we can primarily set up as a credible mechanism with limited intervention as the United States of America believes in interventionism, then we can surely set up those agreements and contentions, which put forward a just, fair and reasonable international federalism based on diplomatic contributions and limited consensus with a distributive and gradual local accountability. Possibilities are not scarce and it takes time to take necessary action. Moreover, we know that the United Nations-Organization for the Prohibition on Chemical Weapons has been put to a halt by a veto issued by the Russian Federation and the People's Republic of China in the Security Council in November 2017, where hereafter it pauses a special process of investigative mechanism to expose the usage of chemical weapons by the Syrian Government. A better role by Russia in this plan is discussed in the upcoming paragraphs of the article.

THE RUSSIAN FEDERATION: A VAGUE MEDIATOR TOWARDS A TACTFUL FEDERALISM

The Russian Federation, Iran and Turkey have taken a necessitated action for organizing a conference to solve the post-war conflicts. This is appreciable, but it must be ascertained that the accountability of the official talks and the neutrality of the outcomes must remain as persistent as the International Community may expect. This will be as better as a general set-up to deal with the diluting tendencies of a forging conflict, which shall change the fate of the Middle East forever. It's planned intervention in Syria, unconditional support to Assad and then planned strategies for conditional preservation of the government is strategic and diplomatically interesting.

Russia's decision to entrust Kazakhstan with a mediation role in the latest round of Syrian peace talks can be explained by two main factors. First, Kazakhstan has a long-standing strategic partnership with the Syrian government, and is likely to facilitate the implementation of a settlement that does not undercut Russian leverage in Syria. Second,

⁴ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, *United Nations, Treaty Series*, Vol. 999, p. 174, Available at: <http://www.refworld.org/docid/3ae6b3aa0.html> (Accessed on: 9 January 2018)

Nazarbayev is likely to support Russia's attempts to marginalize Islamist Syrian opposition factions, as Islamic extremist movements pose a threat to Kazakhstan's security and political stability.⁵ Moreover, after the declaration of the United States on the status of Jerusalem irrespective of the valuable presence and resemblance of the Security Council Resolutions 476⁶ and 478⁷, its credibility is affected.

But Russian Federation has arisen diplomatically a better mediator to the US. Even it vetoed UNSC Resolutions on Syrian Conflict, but their purpose are seemingly interesting. A vetoed resolution states-

"Condemning in the strongest terms any use of any toxic chemicals as weapons in the Syrian Arab Republic and expressing grave concern that civilians continue to be killed and injured by toxic chemicals used as weapons in the Syrian Arab Republic,

*Reaffirming that the use of chemical weapons constitutes a serious violation of international law and reiterating that those individuals, entities, groups or governments responsible for any use of chemical weapons must be held accountable,*⁸"

Now, to prevent the Syrian Arab Republic is another opinion to consider, but we must also consider that Russia needs Syria to maintain its hegemonic and diplomatic tactics to prevent the Western bloc from aggravating any diplomatic strategy in the Middle East. Moreover, a veto does not make Russia win in protecting Syria. A mere idea can be arisen by the consideration of the International Relations theory, in general irrespective of the International Law. The idea is that even if Russia has its own concerns on a country, whose planned aspects are properly infringed with a set of intrinsic planning leading to an enormous crisis of refugees' faced by the International Community, the concerns are actually not beyond International Law, but the situation in Syria does not require Russia to warn of World War III if the international community does not accept Moscow's point of view regarding the conflict.⁹ The cessation of hostilities in Syria, agreed upon in Munich to allow the delivery of

⁵ Remani, Samuel (December 24, 2016), *What Does Kazakhstan Have at Stake in Syria?*, Available at: <https://thediplomat.com/2016/12/what-does-kazakhstan-have-at-stake-in-syria/> (Accessed on: 9 January 2018)

⁶ S/RES/476 (1980)

⁷ S/RES/478 (1980)

⁸ S/2017/315

⁹ Althyadi, Mashari (February 19, 2016). *Russia's monopoly on intervention in Syria*, Available at: <https://english.alarabiya.net/en/views/news/middle-east/2016/02/19/Russia-s-monopoly-on-intervention-in-Syria.html> (Accessed on: 9 January 2018)

humanitarian aid, ended before it began due to Russia's insistence on continuing to shell Aleppo in order to enable Kurdish militias to control the Turkish-Syrian border and prevent the Syrian opposition from communicating with Turkey. All of this benefits Syrian President Bashar al-Assad.¹⁰ Surrendering the country to Moscow and Tehran means handing them the region, but the vast majority of its inhabitants will reject their tyranny.¹¹ Henceforth, these mediating aspects are well-developed, but reality is not far away too.

The legal instruments, as a matter of fact, shall bear required applicability and it will not take time as the Astana Talks and the upcoming Geneva Communiqué may put forward broader aspects of the clarities that have we as the members of the International Community have solemnly achieved. It is that beautiful in the world of diplomacy, which we can expect for a better future of the Middle East as the bridge of peace, harmony and love.

¹⁰ *Ibid*

¹¹ *Ibid*