

A Case Study of Confederations

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The tensions that had been sharpening over the North Korean nuclear issue and the threat of UN sanctions have abated since former President Carter made his trip to Pyongyang in June 1994, and the mood on the peninsula has shifted dramatically into a phase of reconciliation. Efforts have been burgeoning to resolve the nuclear issue through dialogue as the third round of US-DPRK talks and an unprecedented North-South Korean summit were—until the recent death of Kim Il Sung, and still may be—both slated for the last part of July. If through these talks the nuclear issue is resolved and relations improve between the two Koreas by means of active exchange and cooperation, then discussions on peaceful North-South unification will be right on track.

Before the inter-Korean relationship deteriorated so terribly over the nuclear issue, Pyongyang had revised its previous argument for a “Korean federation” and begun to acquiesce to the idea of an interim-confederation unification in which Northern and Southern governments would have separate diplomatic and military sovereignty. This position is obvious through Kim Il Sung’s New Year speech of January 1991, North Korean Ambassador to the Soviet Union Sohn Sung-pil’s remarks in March, chairman of the National Unification Committee, People’s National Assembly Yoon Kee-bok’s remarks in May, and former North Korean Ambassador to the UN Han Shi-hae’s

announcement in June that Pyongyang would be willing to accept a confederation similar to the one adopted by the United States during its own founding period.

This article outlines the characteristics of various confederations. To help identify the essence of a state confederation and problems that arise in management, the article looks at historical backgrounds, development processes, central government power structures, and power distributions between central and regional governments.

Historical Background of State Confederation

The ancient city-states of Greece and Italy formed confederations to face common threats from big powers as well as for mutual economic interests. These unions took a form in which member states maintained sovereignty, and the confederation government exercised diplomatic rights and defense responsibilities representing the member states. The main focus was security.

Immediately after the Renaissance scientific, industrial and commercial developments created more diverse income sources, which accelerated the evolution of state-building. Increased competition between states also led to different types of confederations and leagues of nations that shared the common goal of security as well as protecting and promoting industry and trade. Some good examples are the Rhenish Confederation (1254–1350), the Hanseatic League (1367–1669), the Swiss Confederation (1291–1798 and 1815–1848), the United Netherlands (1576–1746), the American Confederation (1781–1789) and the German Confederation (1815–1867).

In modern times a state merge into confederation is rare, but we do find a few examples in the United Arab Republic (1958–1961), the Confederation of Arab Republics (1972–1973), and the Senegambia Confederation (1982 to present). Similar to the form of state-merge confederation could be the Osterreichish-Un-

garische Doppelmonarchie (1867–1918), the United Nations and, of course, the European Community. For this article I considered period and region and selected five cases that bear the name confederation: the American Confederation, the Swiss Confederation, the German Confederation, the Confederation of Arab Republics, and the Senegambia Confederation, which is still in force.

The American Confederation (1781–1789)—After Jamestown was established in Virginia in 1607, a progressive English colonial policy inspired people of various nations and religions to immigrate. By 1763 England had finished driving out the French, and imposed heavy taxes on the people of their colonies to meet colonial management and war expenses. The colony settlers opposed these taxes, which eventually lead to the War of Independence. The Americans formed the American Confederation by enacting the Articles of Confederation among thirteen colonies in order better to carry out the war.¹

The Swiss Confederation (1815–1848)—Switzerland was long ago a tributary realm of the Holy Roman Empire. Beginning in the twelfth century it came to be governed by Austro-Habsburg and then after the French Revolution by France. Thus the Swiss could not be independent due to incessant foreign invasions and conquests. In 1815 after the death of Napoleon, nineteen states formed the Swiss Confederation with a common goal of national defense.²

1 Tae Hwan Ok, *A Study on American Federation*, (in Korean) RINU Monograph 91-03, 1991, pp. 6–39; For further reference, see Merrill Jensen, *The New Nation: A History of the United States during the Confederation* (New York: Knopf Publishers, 1950); and, Jack Rakove, *The Beginning of National Politics: An Interpretive History of the Continental Congress 1781–1789* (J. Hopkins Press, 1982).

2 Myong-bong Chang, *A Case Study on Confederation*, (in Korean) Office of North-South Dialogue, National Unification Board, 1986, pp. 38–39; The three states of Uri, Schwyz and Unterwalden established the Perpetual League in 1291 to confront Habsburg. It was reinforced to eight states in 1353. In 1513, thirteen states joined to form the Swiss Confederation, signing a confederation treaty similar to the 1291 Perpetual League in common efforts to face foreign forces. But the confederation broke up after the French Revolution. To distinguish this

The German Confederation (1815–1866)—After the demise of the Holy Roman Empire, the region of German people broke up into 355 princedoms. After Napoleon's conquest the princedoms were consolidated to thirty-nine. On 8 June 1814 thirty-five princedoms and four burgers rectified the Bundesakte (the articles of confederation) and formed the German Confederation to ward off foreign powers and prevent wars among themselves in the development of a new European order.³

The Confederation of Arab Republics (1972–1973)—In December 1969 the leaders of Egypt, Libya and Sudan met in Tripoli and signed the Tripoli Charter to form a confederation in common interest against imperialism and Zionism, and to meet the demand of the Arab people for unification.

In April and August 1971 the presidents of Egypt, Libya and Syria held meetings at Benghazi and Damascus, resolved to cooperate in military and diplomatic fields, and declared their intent to legislate a confederation. On the first of September these countries approved the act through plebiscite and officially launched the Confederation of the United Arab Republics.

The Senegambia Confederation (1982 to the present)—Senegal and Gambia are adjacent African nations on the North Atlantic coast, one enclosing the other around a river delta. From the fifteenth through nineteenth centuries they were both ruled by Portugal and later separately by England and France; they gained independence after the Second World War.

confederation from the one formed in 1815, it is called the Old Confederation.

- 3 A. J. P. Taylor, *The Course of German History* (New York: Capricorn Books, 1962), pp. 46–54; E. J. Passant, *A Short History of Germany, 1815–1945* (New York: Cambridge University Press, 1959), pp. 10–20. Among the member states, Prussia and Austria made only partial commitment of their territory to the Confederation for fear of losing independence. Austrian Chancellor Metternich oppressed the Liberal Nationalist movement and achieved a loose form of the German Confederation due to worries over the disintegration of Austria. In 1820 the confederation parliament rectified the Wiener Schlußakte, which complemented the Confederation Bill of 1815 and reinforced the German Confederation.

Although one country speaks English and the other French the two formerly comprised a single tribe, and they share an Islamic background. Their homogeneity made it possible immediately after their independence to sign the "Agreement between the Republic of the Gambia and Republic of the Senegal Concerning the Establishment of a Senegambia Confederation," agreeing to cooperate in political, economic and cultural fields. They shared common economic interest in the co-development of Gambia and the resolution of political instability due to military coups in Senegal. They signed the Confederation into being in December 1981.⁴

The Power Structure of a Confederation

In the cases of the Swiss, German and American confederations, there were neither administrative nor judiciary bodies in the central government, only confederative parliaments exercising titular administrative and judicial rights. In the Arab confederation the central government itself had three branches of power, and so does Senegambia.⁵

4 "A Case Study of Negotiation Process of the Senegambia Confederation," (in Korean) *Case Studies of Unification of Divided Countries*, National Unification Board, Department of Research, 1986, pp.165-74; Chang, *Confederation*, pp. 176-82. The two countries held two rounds of summit meetings in 1974 and 1976 to reach consensus on the principle of unification, then in 1978 they founded a development organization for the Gambia River area. When a military coup broke out in July 1981 Senegal dispatched its troops to Gambia and suppressed it. The incident led the two countries to sign the Confederation Treaty in December; on 1 February 1982 they ratified it. In January 1983 confederative parliament and confederative cabinet meetings convened for the first time in Takar, the capital of Senegal, officially launching the Senegambia Confederation.

5 Chang, *Confederation*, pp. 104-7, 178-81. The central government structure of the Arab and the Senegambian Confederations are similar to a federation.

Confederative Parliaments

The American, Swiss and Arab confederations had, and Senegambia has, a single-house legislature. Among the five, the only bicameral system was the German Confederation.⁶

Legislative representation differed widely among them. The American Confederation consisted of at least two but no more than seven representatives elected and nominated from each of the member states for a one-year term, but each state had only one vote among thirteen.⁷ The Swiss used two from each state except from those states that had merged into another, which were allowed only one representative each.⁸ The German confederative parliament consisted of one representative from each member state, and the Austrian delegate always assumed the chair position.⁹ The greater Arab parliament comprised twenty representatives elected for a four-year period from among the popular national assemblies of each of the member Arab Republics.¹⁰ The Senegambia Confederation parliament comprises delegates nominated one-third from Gambia and two-thirds from Senegal.¹¹

In America, decision-making on legislation and major issues in the Continental Congress was made through a two-thirds majority of all thirteen, that is, nine votes. After an act had already passed, however, any revisions required unanimous

6 S. H. Steinbergs, *A Short History of Germany*, (The MacMillan Co., 1945), pp. 199–201; E. J. Passant, *Germany*, pp. 32–34. At the outset the Confederation was managed by the Plenum and the Rath. After 1984 the prince nominated the Upper House members and the people elected the Lower House members.

7 See the *Articles of Confederation*, Article 5, in Chang, *Confederation*, p. 28.

8 Chang, *Confederation*, p. 41.

9 See the *Deutsche Bundesakte*, Article 5, Chang, *Confederation*, p. 53.

10 Chang, *Confederation*, p. 105.

11 See the *Agreement between the Republic of the Gambia and Republic of the Senegal Concerning the Establishment of a Senegambia Confederation*, Chapter 4, Articles 11, Chang, *Confederation*, p. 186.

consensus. Minor issues were decided upon by a simple majority.¹² In the Swiss case a three-quarters majority vote was needed to sign coalitions or treaties with other countries or to declare war. Other agenda required only a plain majority.¹³ Regarding participation and declaration of wars, affiliation to the confederation, legislation and revision, and other matters of importance, the Germans decided by a two-thirds majority vote at the Plenum. For routine affairs a simple majority of the Rath (sub-committee) was sufficient.¹⁴ In the case of the Arab Republics, matters were decided by a simple majority of a minimum voting presence of two-thirds the total seats.¹⁵

Arbitration of Disputes

The central government in the American Confederation had no supreme court. Interstate disputes were heard by a temporary court made up of judges nominated by the states, and if the problem remained unsettled then the Continental Congress would select from among jurors nominated three from each state—excluding those from the contending states—to serve on an ad hoc court. At least seven but no more than nine jurors would arbitrate the dispute.¹⁶ In the Swiss Confederation conflicts were settled by the confederative parliament. The German Confederation established a common supreme court to tend to arguments between member states, and court decisions were enforced by the confederative assembly. If a dispute could not be

12 *Articles of Confederation*, Articles 9 to 13.

13 Chang, *Confederation*, p. 41.

14 *Deutsche Bundesakte*, Article 6. In the Plenum, Austria and five other states had four, Baden and five others had three, Brown Schubach and three others had two and the rest of the small states had one vote each, for a total of 69 votes.

15 Chang, *Confederation*, p. 106.

16 Robert K. Wright and Morris J. Gregor, *Soldier-Statesmen of the Constitution* (Washington DC: Center of Military History US Army, 1987), pp. 186–89.

thus settled, an ad-hoc arbitration court was formed to mediate.¹⁷ In the Confederation of Arab Republics a presidential summit was held to select members of the Constitutional Court, for a four-year term, from among a pool of two nominated by each member state. This court then arbitrated disputes among states.¹⁸ In the Senegambian Confederation consensus about a dispute is sought between the confederative president and vice president, and failing that an arbitration court is formed.

Authority Relationship between Central and Regional Governments

Sovereignty—Confederation member states possess rights of sovereignty, liberty and independence, as well as legislation, jurisdiction and administration. So have they mutually recognized the independent positions of the other states. The member-state governments would maintain public order within themselves and exercise authority over internal affairs.

Diplomacy—Confederative assemblies have been able to exercise only titular diplomatic authority; real diplomatic rights have always been in the hands of member states.

The American Confederation had the right to sign treaties, nominate ambassadors and exercise diplomatic rights. Its Articles of Confederation clearly banned the thirteen states from signing treaties with each other—or with foreign entities¹⁹ but the ban was violated to protect the interests of the individual states. Real decision-making power was vested in them, not the central government.²⁰

17 Chang, *Confederation*, pp.48–49.

18 Ibid, p. 106.

19 Wright, *Constitution*, pp. 186–89.

20 Ok, *America*, p. 39–40. Continental Congress representatives were actually diplomats from the individual states rather than true representatives of the assembly. Each state assembly could summon its delegates at any time and

Member states of the Swiss and German confederations had independent diplomatic rights, as do Senegal and Gambia. The Swiss states were granted the right to sign treaties with foreign countries without confederation intervention.²¹ The German confederative assembly nominally had diplomatic rights but was unable to exercise them;²² the only behavior member states were disallowed in the diplomatic arena was to declare neutrality or ally with foreign countries.²³ In Senegambia each state exercises independent diplomacy.²⁴

Defense—In general, confederative assemblies exercised rights to conduct and to declare war, and to sign truce treaties.

Neither the Swiss nor German confederations possessed regular armed forces; the member states exercised independent rights to conscript and maintain regional armies. Only during wartime, with the support of the member states, were unified militaries permitted to be formed; after the war they would be dismantled. The American Articles of Confederation did allow a peacetime confederative army and in June 1784 one was established.²⁵ Individual American states were allowed no standing

appoint others to fill the rest of the term—and they were paid by their home states. The delegates conformed their votes strictly to the orders of their state governments.

21 Chang, *Confederation*, p. 40.

22 *Ibid.*, pp. 40, 46, 182.

23 *Ibid.*, p. 46.

24 *Ibid.*, p. 182.

25 Wright, *Constitution*, pp. 28–29; After the War of Independence in 1783, arguments were raised as to the appropriateness of maintaining a peacetime standing military at a congressional committee launched by Alexander Hamilton in April 1783. The committee asked George Washington, commander in chief of the Continental Army, about the matter. On 2 May he proposed formal maintenance of the Continental Army with a defense backup from the well-organized state militias, and on the basis of his proposal the Hamilton committee submitted the agenda to the Continental Congress in May 1783. It was rejected. In October and April of the next year, the committee submitted a revised version more moderate than the previous, but it also failed to pass. On 3 June 1784, a day after the Continental Army was dismantled, the Congress resolved to establish a peace-

army nor any sea forces but they could keep a militia for regional defense and maintenance of public order.²⁶ Senegambia fully unified the military and police forces of both countries; neither has its own army.²⁷

Military command in the American and Swiss confederations was under the commander-in-chief appointed by the assembly. In Germany commanding rights were vested in the member states.²⁸ In Senegambia, the unified military and police come under the president of the confederation.²⁹

The economy—Individual member states generally had control of their own economic matters; confederative assemblies have had mainly titular authority. Both the American and the Swiss confederations issued a unitary currency under the authority of their confederative assemblies;³⁰ the other three maintained separate currencies.

The right to tax, impose tariffs and enact laws of trade and navigation were vested in member states of the American,

time standing army with the size of one regiment composed of eight infantry battalions. Its first commander was Lieutenant Colonel Josiah Harmer.

26 Ok, *America*, p. 44.

27 National Unification Board, *Divided Countries*, pp. 175–86. Senegambia is a rare case in which the confederation was able to unify the military prior to political, economic and social integration. The main reason may have been the inevitable Gambian dependence upon Senegal for defense and internal stability due to frequent leftist military coups. Revolutionary activities in Gambia stimulated the leftists in Senegal and the Senegalese government suggested military unification probably to cope with internal security threats. In 1981 Gambia accepted the proposal following severe instability from the coups; military unification proceeded rapidly. The population of Senegal was 5.8 million with 9,700 troops and Gambia only sixty thousand with 450 soldiers.

28 Chang, *Confederation*, p. 46.

29 *Agreement of the Senegambia Confederation*, Chapter 2, Articles 8.

30 A. C. McLaughlin, *The Confederation and the Constitution* (New York: Harper and Row, 1905), pp. 55–56. Both confederations failed in unified monetary policies. In the American case, during the War of Independence the Continental Congress issued more money than existed gold and silver in the treasury, that is, without currency guarantee. This resulted in inflation and a severe economy crisis.

German and Swiss confederations.³¹ The Americans and Germans rendered to their confederate assemblies all decisions over standardization of weights and measures and management of the mail and other matters of communication.³² Meanwhile, the central government of the Arab Republics, as does that of Senegambia, had authority over the economy and financial issues and matters of communication.

Analysis and Appraisal of the Institutional Management of Confederations

Political Aspects

Although a confederation is not a subject of international law, peace and stability were provided for a period as member states made concerted efforts to improve their positions in international society.

Before its dissolution in 1789 the American Confederation unified its negotiation table vis-à-vis Europe and secured military support from France and other major European countries. As for the Swiss, the confederation furnished an official guarantee of independence and neutrality among surrounding big powers. When the German nations decided to form a confederative state, Europe gave full support in consideration of the pan-European balance of power.

In the meantime, however, in its institutional aspect, confederation comprising independent states with political, social and

31 Taylor, *Germany*, pp. 48–57; Ok, *America*, p. 43. In the case of Germany, authority to break down tariff barriers among member states was bestowed on the confederative assembly but the assembly could not really exercise its rights. As for the American Confederation, member states refused to bestow authority on the Continental Congress to impose taxes and enact regulations on trade and commerce due to their former experience as colonies of England. Therefore the Congress attempted to intervene indirectly by means of trade and commerce treaties on tariffs among the states, but failed.

32 Taylor, *Germany*, pp. 48–57; Ok, *America*, p. 43. The German confederative assembly took no actual measures to standardize weights and measures.

economic autonomy often became cause for political crisis among member states, who of course had conflicting interests.

In the case of the American Confederation, New York and New Hampshire were involved in territorial disputes over the Vermont region; Pennsylvania and Connecticut over property rights of the Wyoming valley; and Virginia and Maryland over navigating rights on the Potomac River. These states sometimes even went to the brink of war.³³ Religious issues and demands for freedom and participation created incessant disputes among member states in the Swiss Confederation. In 1847 Luzern, Uri, Schwyz, Unterwalden, Zug, Fribourg and Valais withdrew from the Confederation and war broke out over their attempts to establish a new union. The confederative army led by General Dufour suppressed the rebels within a month. The Swiss Confederation, however, disintegrated.³⁴ The German Confederation broke up in 1866 due to a war between Austria and Prussia, who confronted each other over differences in political and economic interests. The Confederation of the United Arab Republics did not survive a year of its founding. Syria and Libya nullified the treaty when Egyptian President Anwar Sadat violated his anti-Zionist pledge by attempting to enter peace negotiations, mediated by President Carter, with Israel for the return of the captured Sinai peninsula.³⁵

In addition, confederations have usually lacked a standing administrative body in the central government, which led to an inability to implement state affairs responsibly. They could not exercise unified leadership in formulating policies. Difficulties in securing budget also limited the functions of the central government.

33 Ok, *America*, pp.51-52.

34 In September 1848 the Swiss developed into a new Confederation with the Swiss Confederative Constitution.

35 Chang, *Confederation*, p. 107.

The American, Swiss and German confederative assemblies administered state affairs by forming committees when necessary. In 1781 the American Confederation under pressure of the Nationalists established three standing administrative bodies in the Continental Congress, in charge of diplomacy, military and finance, but lacking sufficient finance they became powerless figurehead organizations.³⁶

Confederative assemblies have also undergone political conflict due to unequal representative rights of member states. As members of the American and the Swiss confederations exercised equal representative rights irrespective of population size, states with relatively large population and territory expressed grievances over having to exercise equal rights while paying more than other small states. In Germany, the small states together had more votes than the seven states who occupied five-sixths of the population, giving an advantage to the minority. Two-thirds of the representatives of the confederative assembly of Senegambia are from Senegal, giving it the initiative in political affairs—and the Gambians even though a tiny minority have felt dissatisfied.

Economic aspects

Smoothed flow of personnel and material resources have contributed to economic development. In the American Confederation, the industrial north and the agricultural south found mutual advantages, thus advancing the economy of the entire

36 J. A. Rickard and J. H. McCrokin, *Our National Constitution* (Harrisburg: The Stackpole Company, 1960), p. 18; Jack R. Rakove, *The Beginning of National Politics* (New York: Alfred A. Knopf, 1979), pp. 331–42; Taylor, *German*, p. 57. As the member states did not properly pay their due portions of the budget, the American Confederation deficit ranged up to US\$ 3.5 million by 1784. The committee could not even pay the interest not to mention the principal, so the Continental Congress proposed a bill to impose a five-percent tax on imports, but the states rejected it. In the case of Germany, the confederative assembly maintained the government for fifty years by money lent from Austria because member states did not pay their due shares of the budget.

confederation. The Swiss Confederation made noteworthy growth in communication, finance and trade sectors during its confederation period; the first Swiss railway came in 1847. During the period of the German Confederation 7,000 miles of railroad was built, contributing to a great expansion of the textile and agricultural industries. The German postal system also reached the highest level in the world and overall German industry leaped forward.³⁷ As a result of the Senegambia Confederation, routes between the north and south of Senegal that had been blocked by Gambian territory were opened, and the co-development of the Gambia River quickly advanced the economic development of both countries.

Meanwhile, as member states emphasized autonomy in trade, industry and commerce, they sometimes imposed tariffs even on intra-confederation trade. Excessive emphasis on autonomy were thus an obstacle to economic development among member states. The American states imposed tariffs upon each other and distorted the trade order; this harmed the entire confederation and the Continental Congress could not prevent it.³⁸ An emphasis on autonomy in the Swiss Confederation led to disunity over weights and measures and differences in custom matters, thus blocking economic development of the Confederation.³⁹ The German Confederation had no unified regulations over navigation nor trade and commerce. Unit measurements and currency also differed among the states.⁴⁰

37 Synder, *Germany*, pp. 32-33.

38 Ok, *America*, pp. 48-57.

39 Chang, *Confederation*, p. 42.

40 Taylor, *German*, pp. 48-57. There were thirty-eight tariff zones and 2,775 items under tariff in the German Confederation. There were about 8,000 custom officers and for a single item to pass from Austria to Berlin, the item was taxed ten times. After 1818 under Prussian initiative there were moves to lower the tariff barriers.

Social and cultural aspects

Confederations have awakened homogeneity among member states due to active cultural exchanges through freedom in travel and living. This also nurtured nationalism and patriotism, which were conducive to the realization of full political integration.

The American movement proliferated as a result of east-west and north-south exchanges during the Confederation period. After eight years the Federalists gained victory, a constitution was written in 1789 and a federation emerged—the USA. A new middle class in the Swiss confederation, who demanded more freedom in speech, trade, religion and participation, initiated increased exchanges of personnel and goods. Development of the liberal movement finally led to disintegration of the Confederation and gave birth to a new Federation. In the German Confederation, a wave of liberalism sweeping in Europe was subjugated by German nationalism. The Confederation finally developed into the Northern German Federation under Bismarck.

On the other hand, differences in regional interests resulted in many problems among regions. In the American Confederation, conflicts intensified between industry-centered New England demanding high tariffs and the agricultural southern states who insisted on low tariffs. Issues on Mississippi river navigation rights led to severe conflicts between commercial northeastern states wanting trade-favored treaties with Spain and others who needed the river to help pioneer the western part of America.⁴¹

From the outset of the German Confederation, Austria and Prussia confronted each other severely over the effects that German nationalism might have had on their vested interests. The conflict intensified as Prussia gathered German forces within the Confederation through the Zollverein treaties. The German

41 Richard, *Constitution*, p. 34; Ok, *America*, pp. 57–58.

Confederation finally collapsed in 1866 due to Austro-Prussian war.⁴²

When Senegal took advantage of its influence to dominate state affairs, the Gambian people began to feel grievances, and regional conflicts may well intensify as Gambian consciousness of inferiority combines with political grievances.

Conclusion

Confederations are formed through agreements or written articles among states with a common objective. A confederation represents member states in their diplomatic and security matters within international community. Confederations, however, are not states or subjects of international law. They have no sovereignty. The fact that confederations possess standing central political institutions, albeit in a formal sense, differentiates them from alliances or international institutions. Central governments of confederations are not centralized power institutions exercising direct sovereignty over member states or their citizens. The central governments exercise indirect sovereignty only. Therefore confederations are less centralized than federations but more centralized than alliances and leagues.

From the Ancient to Modern periods, confederations were formed to maximize economic and security interests from the threats of surrounding countries. Although enlivened personnel and goods exchange among member states did usually facilitate economic development, differences in interests among states intensified conflicts, and in many cases led to the demise of the confederations.

Depending upon historical, political, economic, social and cultural situations, confederations took on different forms. The American, Swiss and German Confederations had only confederative assemblies with neither administrative nor judiciary

42 Taylor, *German*, pp. 99–115; Passant, *Germany*, pp. 62–72.

bodies in the central government. The Arab Republics and Senegambia Confederations had the form of confederation with some color of federal system.

The confederative assemblies were mainly unicameral systems with the exception of Germany. Representatives of confederative assemblies had pleni-potentiary power and were appointed by the heads of member states or elected by individual assemblies of states. Representatives of Swiss, Arab Republics and Senegambia Confederations exercised one vote by each representative and those of America and Germany exercised one vote by each state. Neither case was able to satisfy all the member states, and conflicts could not be fully resolved.

When there were disputes among member states, either confederative assemblies or unconcerned third parties mediated disputes. When the confederative assembly failed in mediation, the assembly established arbitrary courts through legal procedures. The Arab Republics arbitrated disputes through a constitutional court. In Senegambia, when confederative president or vice president failed to mediate disputes, they set up arbitrary courts based on protocol signed between the two countries.

Central confederation governments represented titular diplomatic rights of the member states within international society. Usually, confederative assemblies were endowed with diplomatic rights in the agreements but were unable to exercise real diplomatic functions because confederation representatives were delegates of member-state governments rather than of the people as a whole. Actual diplomatic powers were in the hands of the members.

Central rights to conscription and possession of regular armies were basically allowed only in time of war and with the support of member states. After the wars the unified armies disintegrated and defense rights remained vested in the member states. The Senegambian case was exceptional in that the confederation did have a unified military due to military coups.

Confederations have both functional and dysfunctional aspects in political, economic, social and cultural realms. Therefore, based upon trust of the people a confederation may develop into a federation as in the American case or, such as in the case of Arab Confederation, disintegrate, due perhaps to war or member-state confrontations.

The North Korean nuclear issue is blocking progress in inter-Korean relations. When it is finally resolved one way or another it is anticipated that to recover its economy the new regime will opt for an opening more active than that under Kim Il Sung. In the near future, therefore, inter-Korean exchange and cooperation will be enhanced, thereby rekindling hot debates over methods of unification. Given a highly heterogeneous system, economy and culture between the two Koreas, it will be necessary for both Koreas to yield positions and wisdom will be required to prevent disputes and achieve peaceful unification.

Rather than a rapid unification, it is vital for both North and South Korea to take time in gradually narrowing economic, social and cultural gaps by means of promoting exchange and cooperation. It would then be desirable for the two Koreas to pass through a stage of North-South Korean Confederation prior to creating a unified Korea.

In formulating the idea of North-South confederation, problems inherent in various power structures and their managements, as discussed earlier, should be taken into full account. Considering the current situation on the Korean peninsula, it would be better to maintain a loose American-type confederation for a due course until conditions for unification mature.