

Similarities and Dissimilarities: The Inter-Korean Summit and Unification Formulae

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INTRODUCTION

In June 2000, the historic inter-Korean summit was held by South Korea President Kim Dae-jung and North Korea National Defense Commission Chairman Kim Jung-il. The significance of the Pyongyang summit can be summarized as follows: Firstly, the meeting itself was significant in that the leaders of the two Koreas met face-to-face for the first time since the nation was divided half a century ago. Secondly, holding South-North summit talks was, in one sense, an indication that South and North Korea recognize their separate political identities and accept each other as substantial dialogue partners. Thirdly, Seoul and Pyongyang reaffirmed the principle that the Korean peninsula question should be dealt with solely by the two Koreas, thereby creating a favorable climate for them to act as the main players in resolving the question.

Among other things, the most tangible outcome of the Pyongyang meeting was the five-point June 15 South-North Joint Declaration agreed to and signed by the leaders of the two Koreas. In particular, the two leaders made it clear who should be the main players in the

move toward national unification and what kind of unification formula they had in mind, opening the way for the converging, yet differing unification formulas of the South and North.

Of particular note, the specific mention of unification plans of each side regarding either confederation or federation, merits special attention. The second paragraph of the Joint Declaration¹⁾ states, "Acknowledging that there is a common element in the South's proposal for a confederation and the North's proposal for a federation of lower state as the formulas for achieving reunification, the South and the North agreed to promote reunification in that direction."

Despite its insistence on a federation, North Korea expressed its willingness in the Joint Declaration to pursue "co-existence" with South Korea. As a year has already passed since the landmark inter-Korean summit talks, the time has come to reestimate the unification formula of South and North Korea, and thoroughly analyze common elements, as well as problems, of the South's "National Commonwealth Unification" formula and the North's "Democratic Confederal Republic of Koryo."

1) Other paragraphs of the five-point June 15 Joint Declaration are: (1) The South and the North have agreed to resolve the question of reunification independently and through the joint efforts of the Korean people, who are the masters of the country; (3) The South and the North have agreed to promptly resolve humanitarian issues such as exchange visits by separated family members and relatives on the occasion of the August 15 National Liberation Day and the question of unswerving communists who have been given long prison sentences in the South; (4) The South and the North have agreed to consolidate mutual trust by promoting balanced development of the national economy through economic cooperation and by stimulating cooperation and exchanges in civic, cultural, sports, public health, environmental and all other fields; (5) The South and the North have agreed to hold a dialogue between relevant authorities in the near future to implement the above agreement expeditiously.

NATIONAL COMMONWEALTH UNIFICATION

The National Commonwealth Unification (NCU) formula was first proposed by the Roh Tae-woo administration in September 1989. It is based on the three founding principles of independence, peace and democracy, and consists of the following three stages: reconciliation and cooperation, Korean commonwealth and unified Korea.

Principles of Unification

The NCU formula features the three basic principles of Korean unification, namely independence, peace and democracy.

First, the principle of independence emphasizes that unification should be achieved through the independent efforts of the Korean people—free from any external intervention. In other words, in accordance with the spirit of self-determination, the two Koreas should consult with each other to accomplish national unification, based on their own endeavors and employing their own power.

Second, in specifying the principle of peace, the South Korean government meant that unification must be sought by peaceful means—not in a way that provokes a war or the collapse of the other side. It would not be an overstatement to say that unification is an issue that would have the most far-reaching impact on the future course of the Korean people. However, what it genuinely wants is not unification as an end in itself, but a stable and prosperous future that only a unified Korea could offer. In this sense, unification must be achieved in a way that contributes to enhancing the quality of life of the peoples of both the South and the North. For these reasons, the question of the means through which unification will be achieved is more important for the Korean people than unification itself. Simply put, no matter how significant it is for the Korean people to accomplish national unification and no matter how enthusiastic they are about it, the principle of peace must be observed at all times in

order to prevent any force or violence that could result in further sacrifice by innocent Koreans.

Third, the principle of democracy means that unification has to be accomplished through democratic means based on freedom and rights for all Korean people. To be more specific, all the procedures and processes of unification should be decided on the basis of democratic principles. And a society in which the freedom and rights of each and every Korean citizen are fully respected should be guaranteed even after the realization of unification.²⁾

Three-phase Unification Process

With the aim to establish a single national community on a gradual, phased basis, the NCU formula presents the three unification processes of reconciliation and cooperation, the Korean commonwealth (KC) and unified state.³⁾

(1) Phase I: Reconciliation and Cooperation

First, reconciliation and cooperation is the phase in which the South and North establish a relationship of reconciliation based on mutual trust, putting an end to hostility, mistrust and confrontation. For this goal, the two Koreas must pursue peaceful co-existence by promoting substantial inter-Korean exchanges and cooperation in the initial stage. In other words, the South and the North will recognize

2) National Unification Board, *White Paper on Unification*, 1997 (Seoul: National Unification Board, 1997), pp. 60-62.

3) Three-phase unification formula of National Commonwealth maintains the fundamental frame of the Korean National Unification Formula or *Hanminjok Kongdongche Tongil Bangan* presented by the former Roh Tae-woo government. The difference, however, is found in its adoption of a gradual three-phase approach. By adding the reconciliation and cooperation phase, the National Commonwealth Unification formula emphasizes the importance of going through each phase step-by-step.

and respect each other's systems and try to manage national division in a peaceful manner, while reducing mutual animosity and mistrust through inter-Korean exchanges and cooperation in economic, civic, cultural and many other fields.⁴⁾

The three-phase unification formula is a functional integration method which aims to form a national community through inter-Korean reconciliation and cooperation, while setting the stage for a political integration based on positive progress made during the reconciliation and cooperation process. The highest priority of inter-Korean relations is placed on the "normalization of abnormal relations." Only after the two Koreas enter into a normal relationship can they address the following issues: peace settlement, alleviation (minimization) of suffering resulting from national division, and finally the restoration of the two Koreas' national homogeneity. The political integration of the two sides can be sought only after the normalization of South-North relations is achieved during the reconciliation and cooperation stage. Under the circumstances since South and North Korea still maintain hostile relations, the first phase of reconciliation and cooperation will be the most practical and important process of national unification.

After completing the first stage in which the two Koreas will be

4) The addition of the stage of reconciliation and cooperation to the National Commonwealth Unification formula aims to emphasize the significance of meeting such preconditions as an end to inter-Korean mistrust and hostility and the transition to a peace regime before the two Koreas enter into a Korean Commonwealth. The Roh Tae-woo government's unification formula ignored these preconditions, and instead intended to achieve the transition to a peace regime as well as institutionalization of inter-Korean economic and social exchanges and cooperation during a Korean Commonwealth stage. In the National Commonwealth Unification formula, however, an important task is to create mature internal and external conditions for the formation of the Korean Commonwealth during the reconciliation and cooperation stage. Park Young-ho, and Park Jong-chol, *Research on Ways to Establish a South-North Political Community* (Seoul: Korea Institute of National Unification, 1993), p.137.

able to promote inter-Korean exchanges and cooperation and build mutual trust. Based on this mutual trust, South-North relations will develop into a Korean commonwealth that institutionalizes peace on the Korean peninsula and initiates full preparations for national unification.

(2) Phase II: *Nambuk Yonhap*

The NCU formula presents a transitional unification system of “*Nambuk Yonhap*” (the Korean commonwealth; KC) in which South and North Korea seek mutual cooperation, co-existence and co-prosperity, and lay the foundation for unification. During this stage, the two sides will work hard to iron out an agreement on a legal and institutional framework. Also, a variety of measures for national integration will be examined by organizations jointly formed by the two Koreas.

The NCU formula basically suggests the establishment of a South-North Summit Conference, a Ministerial Conference, a Legislative Council and a Joint Secretariat. However, concrete matters regarding delegation of responsibilities of each organization will be decided by inter-Korean agreements.

Long years of national division have resulted in ideological and systemic differences between the South and North, resulting in deep-rooted mutual mistrust and dissension. As a consequence, it is unrealistic to argue—no matter how impelling it seems—that the two Koreas should move directly toward political unification, without going through an intermediary stage to build mutual trust and restore national homogeneity. Therefore, as an interim stage before achieving complete national unification, the KC, which is a de-facto confederation, is a very realistic approach.

(3) Phase III: The Unified Korea

The last stage of unified state is to establish a political community by integrating the two differing systems of the South and North based on the national community formed during the KC stage. It is during

this stage that the two Koreas will forge national unity by forming one nation and one state. According to a unified constitution prepared by parliamentary delegates of both sides, a unified government and legislature will be formed through democratic procedures, with the integration of organizations and systems of the South and North, completing the unification of one nation and one state.⁵⁾ The form would be a democratic state, in which a unified legislature would adopt a bicameral system.

The procedures and the time needed to achieve a unified state would vary according to diverse factors, including developments in inter-Korean relations and ideologies of both sides until the KC stage, and the extent of restoring homogeneity of the political systems. In particular, developments during the KC phase may shorten or extend the period needed before entering a unified state stage. More important than the time needed to reach national unity, will be the methods by which the two Koreas minimize problems that might occur during the unification process or after unification, and whether they are able to achieve inter-Korean integration effectively after unification.

*Characteristics of the Korean Commonwealth
in the National Commonwealth Unification Formula*

Generally speaking, confederation means a form of national integration in which member states, as independent states, are guaranteed equal legal status under international law. While member states possess autonomy, they cooperate closely with one another for the common good, only within the scope agreed upon by governing treaties. As member states of a confederation transfer neither their sovereignty nor independence to the central government, they remain completely sovereign states.⁶⁾ The general characteristics (and status)

5) National Unification Board, *op. cit.*, pp.62-63.

of a confederation are defined as follows.⁷⁾

First, in foreign relations, member states of a confederation retain their separate statuses as entities under international law. Second, the relations among member states are governed by the precepts of international law. The constitution of a confederation is drawn up by an agreement among member states, while each member state retains its own independent constitution. In addition, the governments of member states are preeminent to the central government of the confederation. Third, the citizens in a confederation do not possess common nationality, but retain the nationality of their individual states. Hence, decisions made by a joint confederation organization consisting of representatives from governments of individual states are not legally binding on the peoples of member states. That confederate legislation has to be transformed into internal legislation in each member state in order for it to be binding. Fourth, the central government of the confederation cannot maintain its own military forces. When the need arises to organize confederate forces in time of war, the central government must seek the approval of each member state.⁸⁾

Differing views exist regarding the true nature of *Nambuk Yonhap* (meaning South-North confederation). Some argue that it is a system confederation, a combination of confederation and federation,⁹⁾ while

6) G. Fenwick, *International Law*, 4th ed. (New York: Appleton & Sterling, 1983), pp.241-242.

7) Jang Myong-bong, "Study of Confederations," *The Korean Journal of International Law*, Vol.33, No.3 (1990), p.32.

8) The Articles of Confederation that went into effect in March 1781 originally stipulated that in time of peace a confederation government should not maintain ground forces (confederate forces). However, the Articles of Confederation were revised in June 1784 to allow establishment of permanent ground forces in time of peace, provided that the forces were confined to one regiment (the size of the force is equal to three infantry battalions and one artillery battalion, by current definition). Ok Tae-hwan, *Study of the U.S. Confederation System* (Seoul: Korea Institute of National Unification, 1991), p.42.

others claim that it is basically closer to confederation.¹⁰ There is also a view that the KC is more similar to a confederation than a federation, but has a unique form akin to the British Commonwealth of Nations.¹¹

According to the interpretation given by the National Unification Board (former name of the Ministry of Unification), the KC is an interim stage before the complete national unification. From an international law perspective, the KC is partially similar to a confederation. But it is distinguished from a confederation, as it does not mean a confederate system of two sovereign states. Also, unlike the federation system, South and North Korea are recognized as sovereign states in terms of foreign relations, as defined by international law, during the KC stage. Moreover, the two Koreas would maintain an “intra-national special relationship” to realize a unified state during the Commonwealth stage, and thus consult with each other on unification issues and expand bilateral cooperation. In this respect, the KC differs from the generally defined concept of confederation, which presupposes the existence of relations among independent states.¹² Taking all these factors into account, the National Unification Board defined the KC as a symbolic process through which the two Koreas form a national community. It stated that the unique form of Commonwealth is an expression of political will on both sides to move toward unification on the basis of co-

9) Kim Hak-jun, “Study of the National Community and South-North System Confederation,” *The Korean Journal of Unification Affairs*, Vol.1, No.3 (Autumn 1989), pp.28-32.

10) Jang Yun-su, “Study of the Korean Commonwealth Operation System,” in National Unification Board, *Search for Realistic Ways to Establish the National Commonwealth* (Seoul: National Unification Board, 1992), pp.111-115.

11) Jang Myong-bong, “Oversight of the Legal Structure of the National Commonwealth Unification Formula,” *The Korean Journal of Unification Affairs*, Vol.1, No.4 (Winter 1989), pp.248-256.

12) National Unification Board, *White Paper on Unification, 1992* (Seoul: National Unification Board, 1992), p.85.

existence and co-prosperity.¹³⁾

As shown by the interpretation of the National Unification Board, “seemingly contradictory characteristics of the KC” were the result of ambiguity in its definition. When the idea of a KC was mooted, opponents were concerned that it would only prolong or perpetuate division on the Korean peninsula. To alleviate this concern, the KC was ambiguously defined as follows. “Within the Commonwealth system, South and North Korea retain their respective rights to diplomacy and defense, and remain sovereign states. However, this does not mean that the Korean peninsula is divided into two states.”¹⁴⁾

The definition offered by the National Unification Board emphasizes the intra-national special relationship between the two Koreas, while the concept of the KC is not exactly applicable to either confederation or federation as defined by international law or international politics. Yet an overriding view is that the KC is similar to a confederation.¹⁵⁾ Since a commonwealth or system confederation belongs among the categories of confederation. In other words, confederate or federal states do not have to exist in certain specified forms. Rather, the modes of their existence can be varied in accordance with authority division among the central government and regional governments.¹⁶⁾ In this regard, the KC is a looser form of confederation by the standards of the United States Confederation (1781-1789) form stipulated in the Articles of Confederation.¹⁷⁾

13) The National Unification Board defined the confederation of South Korea as a “commonwealth,” explaining that each sovereign state would become a symbolic unification entity for the common interests or goals, and would be free from regulations of international law in the areas of common concern such as economy and politics. According to this definition, the commonwealth is a special form of integration between member states that have a unique legal structure pursuant to domestic laws or laws of a similar nature. *Ibid.*, p.85.

14) *Ibid.*, p.85.

15) Kim Byung-ki, “A Comparative Study of Confederate States, Confederation, and System Integration,” in Min Byung-chon, ed., *Unification Issues in a Transitional Stage* (Seoul: Daewangsa, 1990), pp.91-95.

DEMOCRATIC CONFEDERAL REPUBLIC OF KORYO*The Rise of the Democratic Confederal Republic of Koryo*

North Korea proposed a federation system as its unification formula for the first time in 1960. Since then, several changes have been made to the contents and emphasis of the North's unification formula in accordance with changes in the international environment, inter-Korean relations and actions and counter-actions of the governments of the South and North. During the 6th plenary session of the Workers' Party on October 10, 1980, North Korea compiled its unification formulas and proposed the Democratic Confederal Republic of Koryo (DCRK).

The major contents of the DCRK proposal include first, that the South and North should recognize and accept their respective ideologies and systems in existence. And based on this recognition and acceptance, the two Koreas establish a "unified national government," represented equally by both sides.¹⁸⁾ Second, the two sides should form an organization to be called the Supreme National Confederal Assembly consisting of an equal number of representatives from the two governments and an appropriate number of delegates

16) Herbert M. Levine, *Political Issues Debated*, 4th ed. (New Jersey: Prentice-Hall, 1993), pp.207-215, refer to the Confederation of the United States in its early days of foundation, Commonwealth of Independent States of former Soviet Union and the European Union.

17) Regarding the establishment and nature of the U.S. Confederation, refer to Jack R. Rakove, *The Beginnings of National Politics* (New York: Alfred A. Knopf, 1979); Robert Kelley, *The Shaping of the American Past* (New Jersey: Englewood Cliffs, 1990); and Ok Tae-hwan, *Study into U.S. Confederation System* (Seoul: Korea Institute of National Unification, 1991).

18) Kim Il-sung, "Central Committee Work Report During the 6th Plenary Session of Korea Workers' Party, Oct. 10, 1980," in *For the independent and peaceful unification of the Fatherland* (Pyongyang: Korea Workers' Party Press, 1981), p. 515.

representing overseas Koreans. Also, the standing committee of the Supreme National Confederal Conference, permanent executive body, would govern political, diplomatic and defense matters and have the authority to form national federal forces.¹⁹⁾ Third, under the direction of the unified national government, regional governments of the two Koreas would have their own ideologies and systems, and would be allowed to pursue their own policies. In essence, North Korea's federation system is a unification formula that features one nation, one state, two systems, and three governments (two regional governments and one central).

North Korea named its proposed unified state the "Democratic Confederal Republic of Koryo (DCRK)," maintaining that the unified state should be neutral, independent and peaceful without relying on any superpowers. Meanwhile, the North attached preconditions to the DCRK formula such as the overthrow of the South Korean "fascist" government, the "democratization" of South Korea and withdrawal of U.S. troops stationed in the South. This indicates that the North's proposal, which does not recognize the South Korean government, is very similar to China's "one country-two systems" approach.²⁰⁾

North Korea's "federation of lower stage" formula was officially proposed through the Joint Declaration announced by leaders of South

19) On September 9, 1983, during the ceremony commemorating the 35th anniversary of national foundation, Kim Il-sung proposed that both South and North Korea should elect their own Chairmen who would take turns operating the unified government, in his comment on the operation of the unified government organizations. Gwak Tae-hwan, "Changes in International Environment and North Korea's Unification Formula," in Shin Jong-hyun, *North Korea's Unification Formula* (Seoul: Eulyu Culture Press, 1989), pp. 369-370.

20) In his press conference with AFP on May 31, 1975, Kim Il-sung said, "Our position is to establish a unified government in the form of a South-North federation, despite differences in systems and religions existing between the two sides, when the democratization movement succeeds and a democratic figure takes power in the South." Je Sung-ho, *Analysis and Assessment of North Korea's Federation Formula* (Seoul: Korea Institute of National Unification, 1991), p.12.

and North Korea on June 15, 2000. However, Pyongyang indicated its intention to accept such a federal system in the early 1990s. In his New Year address in 1991, Kim Il-sung proposed a loose form of federation, saying, "We are willing to discuss gradual achievement of unification through federation. The federal system can be achieved in a manner in which local autonomous governments are endowed with more authority on a temporary basis to accelerate the process of reaching a national consensus, and then the functions of the central government will be gradually enlarged."²¹⁾

Based on this modified proposal, then North Korean ambassador to the Soviet Union, Son Sung-pil elaborated in his meeting with Vice-minister of Foreign Affairs of the Soviet Union Igor Rogachev, in March 1991, that the North could grant diplomatic and military rights to local governments of South and North Korea.²²⁾ In the meantime, according to a conference held in Pyongyang, in commemoration of

21) Kim Il-sung, however, did not refer to the South Korean government as an entity with which to discuss matters of unification when he made remarks on unification. He still adhered to a traditional united front theory, as attested by his proposal to convene a national unification and political negotiation conference with the participation of representatives of South and North Korean authorities, political parties and various other groups, at which measures to finalize unification would be discussed. Kim Il-sung, "New Year Address, January 1, 1991," *The Analects of Kim Il-sung*, Vol.43, p.13.

22) In addition to Sohn's remarks, North Korea indicated the possibility of modifying the DCRK system on several occasions to include: remarks made by Chung Jun-ki, Chairman of North Korea's Committee for External Cultural Exchange during his trip to Japan on April 8, 1991; remarks made by Workers' Party Secretary Yoon, Ki-bok during his interview with the press corps covering Pyongyang during the IPU Congress on May 3, 1991; remarks made by Han, Shi-hae, deputy chairman of North Korea's Committee for the Peaceful Reunification of the Fatherland during his interview with the New York Times on June 2, 1991. In particular, Han Shi-hae indicated the possibility that the confederation system used in the early days of the U.S. foundation could be employed on the Korean peninsula on a temporary basis.

the 20th anniversary of the proposal of the “DCRK” formula, North Korea made it clear that the “lower stage federation would be based on the principle of “one nation, one state, two systems and two governments,” while forming a national unification council with the incumbent governments of South and North Korea retaining their current functions and rights, including their respective political, military and diplomatic rights.”²³⁾

Characteristics of the Democratic Confederal Republic of Koryo Formula

There are three distinctive features of North Korea’s federation formula. First, Pyongyang’s proposal is not the final form of a unified state, but a transitional form before achieving the “one state, one system.” When Pyongyang proposed the federal system for the first time in 1960, it was regarded as an optional alternative to unification, among several unification formulas.²⁴⁾ Then, in 1973, the North proposed a federal system as an interim unification formula.²⁵⁾ In 1980,

23) The Ministry of Unification, *Recent Developments in North Korea*, No.507 (September 30-October 6, 2000), p.89.

24) In his speech marking the 15th anniversary of the August 15 Liberation Day in 1960, North Korea’s President Kim Il-sung proposed holding a South-North general election, based on political and economic confidence, without interference of foreign powers. If the proposal was not acceptable to the South Korean government, he proposed a federation system as an alternative. If the South still did not accept the federal plan, he proposed establishing an economic committee consisting of business leaders of South and North Korea to promote inter-Korean economic cooperation, setting aside political issues, thereby addressing hunger and poverty in South Korea.

25) The formula was proposed through Kim Il-sung’s speech at a public rally held in Pyongyang on June 23, 1973 to welcome Gustav Husak, First Secretary of the Czech Communist Party. During the speech, Kim Il-sung announced “The Five-point Policy for Independent and Peaceful Unification.” The Five-point Policy includes the following: (1) Dissolution of military confrontation and easing of tension between the North and South, (2) Realization of diverse joint ventures and exchanges between the North and South, (3) Convening the National Conference,

the North proposed the “DCRK” as a final unification formula. Yet, this position was reversed again from the early 1990s when the North started to present it as a transitional form of unification plan.²⁶⁾ In other words, the North does not elaborate on the timing or the methods to achieve a complete unification through “one system and one state,” leaving the issue for future generations to resolve.

Second, the federal system proposed by the North in the 1990s is closer to confederation rather than federation, both in form and substance. In its recent proposal, North Korea emphasized that the “two governments and two systems” principle should be recognized and that local governments should possess independent rights to manage not only economic and cultural matters but also diplomatic and military affairs. This refers to a loose form of unified state where the central government plays a symbolic role of unification without much autonomy or sovereignty.

Third, North Korea’s federation formula was designed to prevent absorption by the South and preserve Pyongyang’s socialist system for the time being, in contrast to an active unification plan.

(4) Establishment of North-South Federation under the single state name of “Democratic Confederal Republic of Koryo,” (5) Joining the U.N. under the single state name of Democratic Confederal Republic of Koryo. Kim Il-sung, “Five-point Policy for Reunification of the Fatherland: Speech at an Expanded Conference of the Political Committee of the Central Committee, Korean Workers’ Party, June 25, 1973,” *For the Independent and Peaceful Unification of the Fatherland* (Pyongyang: Korea Workers’ Party Press, 1981), p.414.

26) Je Sung-ho, “Analysis and Assessment of North Korea’s Federation Formula,” (Seoul: Korea Institute of National Unification, 1991).

**THE KOREAN COMMONWEALTH VERSUS
THE DEMOCRATIC CONFEDERAL REPUBLIC OF KORYO**

Common Features of the Korean Commonwealth and Lower Stage Federation

Common features of the Korean commonwealth (KC) and the federation of lower stage are as follows:

First, the two proposals are both based on “peaceful” unification.

Second, the two systems are both a “transitional” form of state in the process of achieving unification—not a final form of unification. The loose form of federation proposed by Kim Il-sung in his New Year address in 1991 appears to establish a single country, but, in fact, recognizes the existence of both countries. This indicates that North Korea has placed a high priority on co-existing systems rather than on a Pyongyang-led unification strategy, due to its declining national strength and the collapse of the socialist bloc since the late 1980s. In other words, the North appears to be promoting a loose form of the “DCRK” system under the different term, “federation of lower stage,” through the Joint Declaration announced at the South-North summit.

Third, North Korea granted more authority to local governments by endowing them with diplomatic and defense rights in its modified federation formula. This demonstrates that the North’s “federation of lower stage” plan, along with the “Korean commonwealth,” can be understood as a form of confederation, similar to the Commonwealth of Independent States (CIS) of the Soviet Union.

Fourth, under the two systems, local governments of the South and the North would participate in the central government on an equal basis. One of the biggest reasons why the South and the North failed to reach a compromise in terms of their unification formulas was the issue of who would take charge of negotiations. Until now, Seoul has called for unification through government-level dialogue, while Pyongyang has insisted on unification through united front organizations such as the Grand National Conference. However, it

appears that the two sides have reached an agreement on achieving unification through government-level dialogue at the inter-Korean summit.

Issues to be Resolved

(1) The Ambiguity of the Korean Commonwealth Concept

It is true that there is much controversy over the nature of the “KC” proposed as an interim state of unification of the National Commonwealth Unification formula. Although it is called “Korean commonwealth” in English, there is no explanation on which historical precedents or theories the formula is based. Moreover, regarding the issue of how the South and the North recognize each other, the two sides have been overly preoccupied with a nominal “intra-national special relationship,” rather than real state-to-state relations, resulting in ambiguity in the nature of the “KC” system.

Domestically, a question was raised over the meaning of “confederation” in the second paragraph of the 2000 Joint Declaration, whether it refers to the “KC” of the second phase of the National Commonwealth Unification formula or to the Inter-Korean Confederation--the first phase of the Three-Stage Unification formula proposed by President Kim Dae-jung in 1995. The “KC,” as presented by the Roh Tae-woo government as an official unification formula since 1989, and the “Inter-Korean Confederation” put forward by President Kim are similar in that both proposals set forth “one confederation, two states, two systems, and two governments.” However, under the former formula, the “KC” stage is preceded by a reconciliation and cooperation phase, thus, placing the focus on the KC stage to foster an environment favorable for political integration, rather than to promote economic exchanges and cooperation between the two Koreas. On the other hand, under President Kim’s formula, the inter-Korean Confederation would be achieved through political determination without preceding stages. Exchanges, cooperation and arms reductions should thus be pursued on a sustained basis even

after the inter-Korean Confederation phase.²⁷⁾ In other words, the two formulas greatly differ in how the confederation should be achieved.²⁸⁾ According to the “Three-stage Unification Formula” of President Kim Dae-jung, a confederation would be achieved even though normal relations such as communications, freedom of movement and trade have not been fully established.

(2) The Ambiguity of North Korea’s Federation Formula

It is not clear whether the DCRK formula proposed by North Korea refers to a federation or a confederation system. North Korea refers to its unification formula as a federation in the sense in which it is written in Korean, as “*Koryo Minju Yonbang* (meaning “federation”) *Gonghwaguk*.” Yet, its English name is “Democratic Confederal Republic of Korea,” indicating that it is a confederation.²⁹⁾ Such ambiguity is often criticized as opportunistic, since the North could use “Yonbang,” or federation, in terms of unification-oriented inter-Korean relations, while referring to the term “confederation” in the context of foreign relations, which demand a more realistic and feasible approach. In addition, by capitalizing on the dual meanings, Pyongyang could intend to use its unification formula as a strategy, expressing its will to pursue peaceful co-existence on one hand, and as a unification formula on the other.

Meanwhile, the North’s “federation of lower stage” is closer to

27) Regarding President Kim Dae-jung’s unification policy, refer to the following: Asia-Pacific Peace Foundation, *Kim Dae-jung’s Three-stage Unification Formula with Emphasis on the Korean Commonwealth* (Seoul: Asia-Pacific Peace Press, 1995).

28) In general, the South Korean government’s official unification formula is the National Commonwealth Unification formula and the confederation proposed by the South refers to the Korean Commonwealth. However, Professor Suh Dong-man places more weight on President Kim Dae-jung’s Three-stage Unification formula. Suh Dong-man, “Convergence of unification formulas of the South and North,” presented at a seminar held by the Research Institute for Asian Affairs at Korea University, “The South-North Summit and Paradigm Shift,” June 26, 2000, pp.46-47.

confederation in nature since the system grants more authority, including diplomatic and defense rights, to local governments. Yet, it is still considered federation, albeit at a “lower stage.” Yet, no matter how lower the stage is, in a federation the independence of each state is not recognized. On the other hand, in a confederation—no matter how higher the stage is—the independence of member states is recognized. Given this, the nature of “federation of lower stage” proposed by the North is far from clear.

(3) The Gap Between the Unification Formulas and the Constitutions of Each Side

Whereas the basic law of West Germany was enacted based on the reality of division of the country, the Constitution of the Republic of Korea stipulates that the Republic of Korea is the sole legitimate government on the Korean peninsula and its islands, and is the sole representative of all the residents of the territory.³⁰⁾ It is an undeniable fact that international law recognizes two states on the Korean peninsula, although the domestic laws of the South and the North stipulate that there is only one state on the Korean peninsula. This presents the contradictory, dual nature of domestic and international law. The National Commonwealth Unification formula recognizes

29) In theory, North Korea makes a clear distinction between a federal state and a confederation: “A federal state is different from a confederation, which is formed for a specific purpose. Confederation is a type of alliance forged by agreements among countries. Under the confederate system, there is no supreme autonomous entity representing the sovereignty of member-states of the confederation. Rather, each member-state exercises its own sovereignty.” *Political Dictionary* (Pyongyang: Social Science Press, 1973), p.313.

30) The Basic Law of West Germany took effect only within Germany, formerly occupied by the United States, Britain and France. In other areas such as East Germany, the law takes effect only after going through certain admission procedures. The preamble of the Basic Law states that it is an interim constitution which loses effect when the Constitution, enacted by the free will of the entire German population, takes effect.

North Korea and assumes that the North would participate in the Korean commonwealth with South Korea on an equal basis. It opposes also the Constitution of the Republic of Korea.

(4) Status of the Central Government

Whether it be a federation or a confederation, the most important and sensitive issue in achieving state integration is the role of the central government. The structure of representation, authority and decision-making processes of the central government should be manifest at the outset. In this sense, it is necessary for both South and North Korea to clarify the nature and status of their central government proposals in the KC and the Lower Stage Federation respectively. To this end, a comparative study of the confederation in the early days of the U.S. foundation, the CIS and the EU would be useful.

(5) The Possibility of a Civil War

If local governments are allowed to operate their own armies or maintain the right of self-defense under the federation system (one state externally), there is a possibility of civil war when differences in opinion or disputes between local governments are not resolved peacefully, as in the case of South and North Yemen. The possibility of a civil war becomes greater if the federation is composed not of multiple, but of just two local governments. Still more problematic is the fact that the DCRK is proposed as a federal system based on the assumption that the systems of the South and the North are different.

CONCLUSION

Unquestionably, the inter-Korean summit represents a significant opportunity to dismantle the Cold War structure on the Korean peninsula. However, considerable time and effort will be required to change the fundamental environment on the peninsula. Despite

several significant agreements reached at the summit, there are still many challenges in implementing follow-up measures. One of the challenges is whether the unification methods of the South and North could converge, and whether they would be feasible.³¹⁾

In order to find a common ground between the unification formulas of the South and the North and promote unification, Seoul and Pyongyang need to clarify the details of their respective formulas. Based on these efforts, the two Koreas need to consult with each other on diverse issues ranging from how to proceed to an interim stage of unification, preconditions, timing, establishment and operation of a joint body.

In the meantime, in order to achieve a “unification on a human level” for the citizens in the South and North, functional integration should be implemented in the areas of economy, transportation, communications, environment, science and technology, health and culture. It is recommended to proceed to a unified state (a unitary state or a federation) from a long-term perspective, after undergoing an interim contract community stage (*Vertragsgemeinschaft*) and a confederation stage. If federation is selected as the form of state for a unified Korea, a “macro-federation”—where two government entities

31) Concerning the second paragraph of the Joint Declaration announced at the inter-Korean summit, some interpret that it was intentionally ambiguous in order not to undermine mutual reconciliation, which would immediately benefit both South and North Korea despite the recognition that the differences between confederation and low level of federation would make ultimate unification difficult. In other words, it is assessed that the way to satisfy both South Korea, which seeks to promote exchanges and cooperation with the North while avoiding discussion on unification, and North Korea, which wants improved inter-Korean relations and economic cooperation with the South, but has to raise the issue of unification, was to strategically leave the second paragraph ambiguous. Park Gun-young, “Three-stage Unification Formula and the Future Direction of Implementing the Joint-Declaration,” presented at a conference hosted by Korea Unification Forum, “Seeking Unification Formulas for the South and North,” July 15, 2000.

of the South and the North themselves form a federal state—would be unstable. Since, under the macro-federation system, there would be no buffer zone to coordinate and mediate the two opposing governments, if the two autonomous governments of the South and the North were to confront each other, it would very likely lead to violent confrontation and collapse of the federation. Thus, a federation system as seen in Canada and Germany where about ten member states form a federal state, would be more desirable.

Most important, however, is expanding the basis for national consensus so as to faithfully implement agreements reached at the South-North summit. In order to reach a national consensus, restoring social trust in implementing unification policy is more urgent than reaching unanimity. Toward this end, a social community should be formed where conservative views and rational and progressive views on unification can freely compete with, and complement one another. In other words, co-existence and unification of the South and the North can be achieved only after the awareness of co-existence takes root and subsequent actions follow in South Korean society. Lastly, to promote early unification of the Korean peninsula, efforts to promote reconciliation and cooperation, along with confidence building, are more essential than mere discussion of unification formulas.