

State Union Theory: A Bibliographic Analysis of Comparative Federal Experiences

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Abstract

The institutional strength, political stability, and durability of unions between states vary considerably according to the historical conditions, constitutional arrangements, political interests, and sociocultural circumstances surrounding their formation. Among the most decisive factors are the genuine commitment to political integration and the voluntary consent of both governments and populations. Comparative historical experience demonstrates that some federal unions have established stable institutions, effectively balanced shared and constituent powers, and achieved their principal political and socioeconomic objectives. Other federal arrangements, however, have encountered institutional conflict, legitimacy deficits, unequal power relations, or competing national interests, resulting in fragmentation or dissolution.

This study provides a bibliographic and comparative analysis of selected interstate federal experiences to identify the principal conditions associated with their formation, consolidation, endurance, and failure. It examines the conceptual foundations of federalism, the constitutional distribution of authority, the role of political consent, and the mechanisms used to manage diversity and intergovernmental relations. The analysis indicates that durable federal unions generally depend on constitutional legitimacy, voluntary participation, institutional flexibility, equitable representation, effective conflict-resolution mechanisms, and a sustained commitment to shared governance. Conversely, coercive integration, pronounced political asymmetry, institutional ambiguity, and the absence of a common political project frequently undermine federal stability. By systematically synthesizing the relevant literature, the study offers a conceptual framework for evaluating past and contemporary federal arrangements and contributes to broader debates on state union, multilevel governance, and political integration.

Keywords: comparative federalism; federal experiences; federal state; federal system; interstate union; multilevel governance; political integration.

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Introduction

The factors conducive to union between states may exist, and numerous federal agreements may be concluded among them; nevertheless, such unions may ultimately fail due to the absence of a genuine willingness to make the sacrifices necessary for establishing a federal state or because of the lack of a popular base capable of protecting and defending the union.

This is particularly evident in the case of the Arab states. Despite possessing elements and foundations for union that arguably surpass those available to any other nation—including a shared history, a tolerant religion, a common language, a sense of shared interests and destiny, similar customs and traditions, economic complementarity, and the vast geographical expanse of the Arab world—the establishment of a lasting union has not been achieved, despite the various federal experiments and agreements concluded among certain Arab states.

History also provides successful examples of federal unions in other nations. Germany, upon achieving unification, and Italy, after consolidating its fragmented principalities, became influential and powerful states within a relatively short period. Likewise, the United States of America would not have attained its current global standing had it remained a collection of fragmented, competing, and conflicting states.

Research Problem

This study seeks to examine the theory of union between states and to provide a bibliographical survey of the federal experiences that have taken place throughout the world.

Temporal and Spatial Scope of the Study

The study covers federal experiences that occurred worldwide between 1750 and 2005. Geographically, it encompasses both the Arab world and the Western world.

Reasons for Choosing the Topic

The primary reason for selecting this topic is its direct relevance to the researcher's doctoral dissertation entitled: "The Federal System: A Comparative Theoretical and Applied Study Between the Islamic System of Government and Contemporary Systems of Government."

In addition, the researcher has a general academic interest in the subject of unions between states, which represents a common field of study within constitutional law and public law, and also falls within the framework of the researcher's doctoral project in Islamic Political Jurisprudence and Contemporary International Relations.

Significance of the Study

The bibliographical study of federal experiences among states is significant because it serves as a primary statistical and bibliographical reference for researchers. It opens new avenues for examining each federal experience individually in order to identify the factors behind its success or the reasons for its failure, thereby enabling future researchers to benefit from these experiences.

Objectives of the Study

To present the various federal experiences that have emerged throughout history.

To distinguish between unions that have ceased to exist and those that continue to exist to the present day.

To provide researchers with a comprehensive bibliographical reference that serves as primary material for the independent study of each federal experience, which is the fundamental purpose of bibliographical research.

Research Methodology

This bibliographical study adopts a descriptive approach, in which the researcher reviews federal experiences between states according to a chronological sequence.

Structure of the Study

The study consists of an introduction, two chapters, and a conclusion. The first chapter introduces the theory of union between states, while the second chapter presents a bibliographical survey of federal experiences in both the Arab and Western worlds.

Previous Studies

To the best of the researcher's knowledge, there is only one Arabic study that addresses the bibliography of federal experiences. This study, entitled "Unification Experiences in the Arab World" by Dr. Qa'id Mohammed Tarboush (2006), discusses in some detail the constitutional organization of powers, institutional competencies, rights, and freedoms within Arab federal constitutions. It also includes a descriptive appendix containing the principal projects and documents governing these unions, with particular emphasis on Yemeni unification.

However, this study was limited exclusively to Arab federal experiences, whereas many non-Arab federal experiences are equally, if not more, significant. Some of these have become outstanding models worthy of emulation, and several continue to exist to this day. Highlighting these broader federal experiences constitutes the principal contribution of the present bibliographical study.

Chapter One: Introduction to the Theory of the Union of States

From ancient times until modern history, the state did not consist of a homogeneous population sharing a single nationality. Rather, it was composed of diverse groups differing in their origins, languages, and social, economic, and legal conditions. Likewise, the concept of union in its broad sense—that is, the association or integration of states and political communities—is not a recent phenomenon. Instead, it is deeply rooted in the history of human societies, dating back to the period when relations among them were characterized by war, the use of force, and the subjugation of conquered peoples to the authority of the victorious state. Such unions combined domination and sovereignty on the one hand with obedience and submission on the other, based on a treaty or charter of union.¹

In its modern form, the union of states has taken various legal forms. Among these is the ideal model for achieving unity while preserving the distinct components of the constituent entities, whether on the basis of national ties, as in Germany; economic interests, as in the United States of America, Canada, and Brazil; or a shared historical background, as in Switzerland, whose constitutional system evolved over centuries through successive foreign wars and continuous civil conflicts.²

Constitutional scholars generally distinguish four types of unions: the personal union, the real union, the confederation, and the federation.

Throughout history, states have entered into various forms of union in pursuit of common objectives.³ In the contemporary era, the two most significant forms are the confederation and the federation, each of which is founded upon distinct principles and possesses characteristics that differentiate it from the other.

Section One: Unions Throughout History

The union of states has historically taken several forms, the most notable of which are discussed below.

¹ Edmond Rabbath, *Al-Wasit fi al-Qanun al-Dusturi al-'Amm* (Treatise on General Constitutional Law), Vol. 2, Dar Al-Ilm Lil-Malayin, Beirut, 1965, pp. 91–92.

² *Ibid.*, p. 59.

³ Nouri Latif, *Constitutional Law: General Theories and Principles*, College of Law and Politics, Al-Mustansiriyah University, Iraq, 1972–1973, p. 125.

First Requirement: The Personal Union

A personal union is the union of two states under a single monarch while each state retains its internal and external sovereignty and independence. Thus, the union exists solely in the person of the ruler or the royal family, without extending to governmental institutions or administrative bodies.

This type of union can only exist in monarchies. It may arise through mutual agreement between two states, dynastic marriage between royal families, or succession when the heir to the throne inherits the crowns of both states because the right of succession is vested in the same royal family. Such a union ends when the mutual agreement ceases or when the hereditary link is broken.

Only rarely does a personal union develop into a more advanced form of political union. One example is Brittany, which was incorporated into France and became one of its provinces following the marriage of the King of France to Duchess Anne.

Historical examples of the personal union include:

The union between England and Hanover (1714–1837), where the King of England simultaneously occupied the throne of Hanover. This union ended when Queen Victoria ascended the British throne, since Hanoverian succession law did not permit female monarchs.

The union between the Netherlands and Luxembourg (1815–1890), which ended for nearly the same reason.

At present, the only surviving example of this form of union, preserved as a legacy of the British Empire, is represented by certain Commonwealth states¹ united under the British Crown,² including Australia, New Zealand, Canada, and Ireland, which historically remained under the symbolic leadership of the British monarch.³

Second Requirement: The Real Union

Unlike the personal union, the real union extends beyond the person of the ruler to include the unification of public policies and the integration of numerous governmental institutions. It is a union between two states established by treaty, under which they are subject to a common head of state and a joint authority responsible for exercising external sovereign powers on behalf of the member states in pursuit of common interests. At the same time, each state retains its own independence, constitution, legislation, and domestic administration.⁴

Examples of real unions include:

The union between Sweden and Norway (1815–1905).

The union between Austria and Hungary (1867–1918).

The union between Denmark and Iceland (1918–1942).⁵

If you would like, I can also translate the remaining sections of the chapter in the same formal academic style suitable for publication in an international journal or thesis.

Chapter Two: The Confederation

¹ When states merge into a single state, the arrangement is known as a federation. When they unite within a common organization while retaining their sovereignty, it is known as a confederation. When they are united only under a common monarch, the arrangement is referred to as a personal union or a real union.

² The Commonwealth is an organization comprising the United Kingdom, its former colonies, and other member states. It seeks to strengthen economic, cultural, and political ties among its members while promoting democracy and transparency within each member state.

³ The British Crown refers to those states that recognize the British monarch as Head of State, despite enjoying varying degrees of autonomy or having independently elected democratic governments.

⁴ Alaa Al-Din Al-Sayed, Learn About the Countries Under the British Crown, Sasa Post.

⁵ Nouri Latif, op. cit., p. 125.

To present a clear picture of the confederal system, this chapter discusses the concept of a confederation and the characteristics that distinguish it from other similar systems in two sections, as follows:

Section One: The Concept of a Confederation

A confederation is an alliance of fully sovereign states established under an international treaty that obliges its members to work toward achieving specific objectives and to respect certain principles. The treaty also establishes joint institutions composed of representatives of the member states, granting them limited powers over those states, while each state retains its internal independence, external sovereignty, and authority over its own citizens.

A confederation is generally regarded as a transitional stage toward a higher form of union. This was the case with the Swiss Confederation, the United States under the Articles of Confederation, and the German Confederation, all of which later evolved into federal states.

Examples of confederations include:

The United States of America (1778–1787).

The Swiss Confederation (1815–1848).

The German Confederation (1815–1866).

The League of Arab States (1945).

The Hashemite Arab Union between Iraq and Jordan (1958).

The European Union since 1991, following its most significant development under the Maastricht Treaty.

Section Two: Characteristics of a Confederation

A confederation is not, in itself, a state; rather, it is an alliance of sovereign states.

A confederation is founded upon the full sovereignty of its member states. Each member retains its sovereignty, international legal personality, diplomatic relations, and remains subject to international law. It also preserves its own political and constitutional system, as well as its legislative, executive, and judicial authorities.¹

Every member state has the right to withdraw from the confederation whenever it chooses.

Citizens of each member state retain their original nationality and are regarded as foreigners in the other member states.²

Any war between member states of a confederation is considered an international war governed by international law.³

Joint institutions of a political, administrative, and economic nature are established among the member states.

These joint institutions have no direct authority over the citizens of the member states.

The joint institutions do not possess international legal personality.

Decisions of the joint institutions are adopted unanimously, and a member state is bound only by the decisions to which it has given its consent.⁴

Chapter Three: The Federal Union or Composite State in Contrast to the Unitary State

¹ Ihsan Al-Mufraji et al., *Constitutional Law and Constitutional Union in Iraq*, Ministry of Higher Education, Baghdad, 1990, p. 94.

² Mohammed Omar Mouloud, *Federalism and the Possibility of Its Application in Iraq*, Mokryani Foundation for Printing and Publishing, Erbil, n.d., 2002, p. 321.

³ Mohammed Kamel Leila, *General Constitutional Principles and Political Systems*, Dar Al-Fikr Al-Arabi, Cairo, 1959, p. 315.

⁴ Mohammed Ahmed Fath Al-Bab, *Political Systems*, Dar Al-Nahda Al-Arabiya, Cairo, 2000, p. 94.

The composite state, as a form of state that adopts the federal system of government, has been embraced by countries across different continents. Although their number is considerably smaller than that of unitary states, the study of federal states remains of great importance. Accordingly, this chapter provides an overview of the concept of the composite state, examines the principles upon which it is founded, and discusses the methods of distributing powers within it.

The form of the state refers to the nature of the internal organization of authority within the state, particularly political authority and the exercise of sovereign powers. It raises the question of whether sovereignty is vested in a single authority or entrusted to a governing body in which powers are distributed among several centers of authority within the state.

Section One: The Unitary State

A unitary state is characterized by the simplicity and unity of its structure. Sovereignty is indivisible and belongs to the state as a whole. It has a single government and a single constitution, while individuals are subject to one authority and one body of law. It is a state in which a single authority administers both domestic and foreign affairs. Consequently, it possesses only one legislative, one executive, and one judicial authority, and its laws apply equally to all citizens throughout the entire territory of the state.

A state remains unitary even if it is divided into several local administrative units, consists of multiple regions, or grants certain regions a degree of self-government due to special circumstances.¹ Political authority remains vested in a single governing body, the political system is not based on dual authorities, sovereignty remains indivisible, and governmental authority is not fragmented into separate internal entities.

The Unitary State is characterized by unity in three respects:

In terms of the organization of political authority: Political authority is unified, and there is a single set of governmental institutions responsible for exercising all public functions derived from one constitution, the provisions of which apply throughout the entire territory of the state.

In terms of the population: The people of a unitary state constitute a homogeneous community and are subject to a single legal and political system.

In terms of the territory: Its territory forms a single entity, with all parts subject to the authority of the central government, regardless of local differences among its various regions.

A unitary state may adopt either a centralized or a decentralized administrative system. However, this does not affect the unity of political authority, since administrative decentralization is merely an administrative arrangement necessitated by the nature of local interests within different parts of the state's territory.²

Second Section: The Federal Composite State

A federal composite state is a state composed of several sovereign and independent states that unite under a common central government to achieve shared objectives. Unlike the unitary state, a federal state is characterized by the existence of multiple constitutions and public authorities corresponding to the number of constituent states forming the federation.

It also consists of a group of states or constituent units that unite under a supreme federal state exercising federal governmental powers, while the constituent units continue, to a considerable extent, to exercise their constitutional, legislative, executive, and judicial powers. They also

¹ Suhail Hussein Al-Fatlawi and Ghalib Awad Hawamdeh, *Public International Law*, Vol. 1, Dar Al-Thaqafa for Publishing and Distribution, 1st ed., 2007, p. 210.

² Tharwat Badawi, *Political Systems*, Dar Al-Nahda Al-Arabiyya, Cairo, n.d., 1972, pp. 51–52.

participate in the exercise of central governmental authority through their elected representatives.¹

In a federal state, governmental powers are divided between federal and regional authorities, each exercising specific functions of the state. The federal constitution establishing the federation determines the powers and competencies of each level of government. This form of government is known as the federal system.

First Branch: The Federal System Between Union and Division

Composite states take various forms.² A state assumes a composite structure when it is established through the union of several states, with governmental powers distributed among them to varying degrees depending on the nature of the union that binds them together. Thus, a composite state consists of two or more states, and the distribution of governmental authority depends on the type of union established among them.

The concept of the "federal system" excludes cases in which a unitary state transforms into a federal state, because such a transformation does not correspond to the notion of a union. In this case, the process cannot properly be described as a union; rather, it constitutes a federal division, since the essence of a union lies in the coming together and integration of separate states—an element absent when a previously unitary state undergoes fragmentation.

Accordingly, a federal state established through the fragmentation of a unitary state can only be described as resulting from a federal division. In its original sense, a union can exist only between independent states, whereas the formation of a federation within a single unitary state cannot be regarded as a union. A unitary state can only undergo division. Such a division is considered complete when total separation occurs, leading to independence and the emergence of entirely new sovereign states. It is described as a federal division when the constituent entities agree to adopt a federal system of government. Therefore, this form of federation is referred to as a federal division.

In other words, a federal state may arise through the union of several states that collectively establish a federation. This understanding of the origin and nature of the federal state inevitably leads to the conclusion that the federal state arises...

Based solely on the union of states, a federal state that was formed after previously existing as a simple unitary state is, in essence, also founded upon the same principle of union. What actually occurred was that the unified unitary state was divided into separate and fully independent states, which subsequently reunited in accordance with the federal model.

This theoretical foundation constitutes further evidence of one of the essential conditions for the success of a federal system: the genuine willingness and sincere intention of states to unite voluntarily, free from coercion or compulsion.

A state that was once unitary and later transformed into a federal state has, in reality, undergone a process of division into independent states before reuniting to establish a federal system.

Accordingly, a unified unitary state that seeks to adopt a federal form of government and ensure its proper, effective, and constructive implementation must first grant its constituent regions full independence, at least hypothetically. These newly independent entities would then decide freely whether or not to enter into a federal union. Only under such circumstances can their decision to establish a federal state be regarded as valid and legitimate.

For a federal system to emerge, function, and succeed in a proper and sound manner, it presupposes the existence of fully sovereign and independent states. Therefore, the direct transformation of a unified unitary state into a federal state, as sometimes occurs in practice, represents a departure from the original nature and historical foundations of federalism,

¹ Mohammed Omar Mouloud, Previously Cited Reference, p. 233.

² Suhail Hussein Al-Fatlawi and Ghaleb Awad Hawamdeh, Previously Cited Reference, p. 211.

violating the conditions necessary for its success and thereby increasing the likelihood of failure, except in rare cases. As previously noted, federalism requires the union of several independent states.

Evidence supporting this principle can be found in the historical origins of federal states. A review of the historical development of federal unions demonstrates that the concept of union—both linguistically and substantively—precedes the establishment of federalism.

In contrast, what actually exists and is practiced in modern unitary states is the delegation of powers to different regions or the granting of a degree of self-government within the framework of the state. Examples include Spain, which granted self-government to the autonomous community of Catalonia, and the United Kingdom, which devolved powers to Scotland, Northern Ireland, and Wales.

Since sovereignty belongs to the people, who exercise it, it may be argued that the criterion for the distribution of sovereignty is determined by the existence of distinct peoples. Sovereignty becomes multiple only when there are multiple peoples, each possessing sovereignty over its own territory. These three elements—the people, the territory, and sovereignty—constitute the fundamental pillars of the state.

If the federal system of government continues to evolve and expand, it could ultimately lead to the establishment of a global federal state governed by a universal constitution encompassing all the countries of the world. At that stage, the concept of external sovereignty, as traditionally exercised by individual states, would disappear in favor of the sovereignty of the global federal state, which would represent the final stage in the evolution of federalism. If human habitation were someday to exist on another planet, it might even become conceivable to establish a federal union with that planet as well¹.

With regard to external sovereignty, therefore, it tends toward unification on the broadest possible scale. Internal sovereignty, on the other hand, may be distributed among different groups and communities according to their preferences and aspirations, without any inherent objection. This represents the reverse of the earlier assumption, whereby the system moves toward the smallest possible units of internal sovereignty, exercised by the smallest possible groups or communities.

Once the nature of federal organization is understood in this way, it becomes easier to develop a conceptual framework for the creation of future federal states. At its core, the issue is fundamentally based on the sovereignty exercised by individuals within a particular territory.

Thus, external sovereignty tends toward unity, whereas internal sovereignty tends toward plurality. Federalism, in its ultimate form, represents the coexistence of a single external sovereignty with multiple internal sovereignties within the same geographical area.

Accordingly, if sovereignty belongs to the people, it follows that a single people cannot simultaneously possess multiple internal sovereignties.

What changed between the states, or between the provinces, or even, more broadly, between the peoples, is that the legal relationship shifted from being governed by international law to being regulated by domestic constitutional law, namely the federal constitution.

Every people possesses both internal sovereignty and external sovereignty. The relationship among the members of that people is governed by domestic law, embodied in the constitution.

Section One: Examples of Federal Unions

A federal union represents the strongest form of union among states. It is a political system in which several states unite under a single central government that exercises external sovereignty, while the constituent states retain internal sovereignty. The relationship between the federal

government and the constituent states is governed by a federal constitution, which defines the distribution of powers between the federal government and the local governments.

Examples of federal unions include:

The United States of America (1787).

The Swiss Confederation (1848).

The Federal Republic of Germany (1949).

The United Arab Emirates (1971).

Section Two: Reasons for Adopting the Federal System of Government

The reasons for adopting a federal system of government are diverse. They may stem from the vast geographical size of a state and the size of its population, or from the existence of linguistic, religious, and ethnic diversity. Federalism may also be adopted to overcome regional tendencies that could otherwise develop into separatist movements. In addition, economic considerations often encourage states to unite within a federal framework in order to achieve common interests and mutual benefits.¹

Subsection Two: Principles of the Federal State

The principles upon which a federal state is based seek to reconcile the need for constituent states to preserve their autonomy with the necessity of ensuring their participation in the administration of federal affairs. Although the constituent states lose their independent international legal personality, they retain a constitutionally recognized and guaranteed degree of self-government. At the same time, they participate in the governance of the federal state in exchange for relinquishing their international sovereignty.

Section One: The Principle of Self-Government

The principle of self-government requires that each constituent state exercise its constitutional, legislative, executive, and judicial powers independently, without interference from the federal government. The authorities of each state derive their powers directly from the federal constitution rather than from ordinary legislation. Their autonomy is further reflected in their authority to adopt their own constitutions and enact laws governing their internal affairs, provided that such constitutions and laws do not conflict with the provisions of the federal constitution.²

Section Two: The Principle of Participation

The constituent units of the federation participate in shaping the political direction of the federal state through their representation in the competent federal institutions, particularly the bicameral federal legislature.³

The parliament consists of two chambers: one chamber is elected based on the population of each state, while the other represents the states equally, regardless of the population size of each state.⁴

Section Three: Methods of Distributing Powers between the Federal Authority and the State Authorities

The powers vested in the federal authority and the states are numerous and cannot be exhaustively enumerated in a single list. Nevertheless, the distribution of powers is generally carried out through one of the following methods:

¹ Hosni Boudiar, *Al-Wajiz fi Al-Qanun Al-Dusturi* (Concise Constitutional Law), Dar Al-Olum, Annaba, Algeria, n.d., p. 62.

² Munther Al-Shawi, *Constitutional Law: Theory of the State*, Publications of the Legal Research Center, Baghdad, 1981, p. 2 et seq.

³ Anna Gamper, *A Global Theory of Federalism: The Nature and Challenges of a Federal State*, *German Law Journal*, Vol. 6, No. 10, 2005, p. 1314.

⁴ Mohammed Omar Mouloud, *Previously Cited*, pp. 28–29.

The constitution specifies both the powers of the federal government and those of the states. However, this method is limited, as it cannot encompass all possible matters, particularly those that may arise as a result of future developments; therefore, it is difficult to envisage it as a comprehensive solution.¹

The constitution specifies the powers of the member states of the federation, while all matters falling outside this scope are considered to be within the jurisdiction of the federal government.

The constitution specifies the exclusive powers of the federal government, with all remaining powers being reserved to the states.²

The constitution may also provide for a set of concurrent powers shared by both the federal government and the states, while granting priority to one of them in the event of a conflict.³

Section Four: Characteristics of the Federal Union

A federal state is established under a federal constitution that governs the relationship between the constituent states and the central authority.⁴

The federal state is recognized as a subject of international law; it possesses international legal personality and external sovereignty, unlike its constituent states.

International responsibility rests with the federal state rather than with the member states.

Supreme federal legislative, executive, and judicial authorities are established, exercising direct jurisdiction over the member states and their citizens.⁵

Each member state enjoys internal autonomy and sovereignty, retaining its own constitution as well as its legislative, executive, and judicial institutions.

The federal constitution allocates powers between the local governments and the central authority.

Citizens of all member states hold the nationality of the federal state, which constitutes a single common nationality.⁶

Any war occurring between member states within a federal union is regarded as a civil war and is therefore governed by domestic law.⁷

Chapter Two: Bibliography of Federal Experiences

This chapter examines federal experiences in both the Arab and Western worlds through the following two sections:

Section One: Arab Federal Experiences

Several federal attempts were made in the Arab world, including confederal experiments such as the Arab Union of 1958 between the Kingdoms of Iraq and Jordan, the United Arab States between the United Arab Republic and the Mutawakkilite Kingdom of Yemen in 1958, and the Arab Maghreb Union in 1989.

The Arab Union lasted from 29 March 1958 to 14 July 1958, while the United Arab States continued, from a formal legal standpoint, from March 1958 until 27 December 1961.

In contrast, six federal attempts were established in the Arab world. The first was the Federation of the Autonomous Syrian States in 1922, followed by the Libyan Federation in 1951 under the

¹ Tharwat Badawi, Previously Cited, p. 82.

² Hosni Boudiar, Previously Cited, p. 66.

³ Ali Abboud Bahr Al-Ulum, Geographical Federalism, Al-Alamein Institute for Higher Studies, n.d., pp. 6–7.

⁴ El-Sayed Khalil Heikal, Traditional Political Systems and the Islamic System, Modern Machinery Library, 1984, p. 74.

⁵ Ibrahim Mohammed Ali & Gamal Othman Jibril, Political Systems: Foundations of Political Organization, University of Menoufia, 1996, p. 250.

⁶ Mohammed Omar Mouloud, Previously Cited, pp. 321–324.

⁷ Azhar Hashim Ahmed, Regulating the Relationship between the Central Authority and Regional Authorities in a Federal Union, National Center for Legal Publications, Cairo, 1st ed., 2014, pp. 62–63

United Kingdom of Libya, the Federation of South Arabia in 1959, the United Arab Republic, represented by the proposed tripartite union between Egypt, Syria, and Iraq in 1963, the Federation of Arab Republics in 1971, and finally the United Arab Emirates, established in 1971.¹

Two of these federal experiments eventually evolved into unitary states. The Federation of the Autonomous Syrian States was transformed in 1924 into the State of Syria, composed of the States of Damascus and Aleppo. Likewise, the United Kingdom of Libya became the Kingdom of Libya in 1963. Meanwhile, the Federation of South Arabia collapsed following the independence of South Yemen in 1967, whereas the proposed Egyptian–Syrian–Iraqi union of 1963 and the Egyptian–Libyan–Syrian union initiative of 1971 never progressed beyond the proposal stage.²

The only Arab federal experience that proved successful and endured was the United Arab Emirates, which was established in 1971.

First Requirement: The Federation of the Autonomous Syrian States

This federation was established on 28 June 1922, comprising Damascus, Aleppo, and the Alawite State. It remained in existence until Decision No. 398, issued on 25 December 1924, established the State of Syria by unifying the States of Damascus and Aleppo into a unitary state.

However, the decision to establish the Federation of the Autonomous Syrian States was issued by the French High Commissioner during the French Mandate period.

Second Requirement: The United Kingdom of Libya

The United Kingdom of Libya represents the second federal experience in the Arab world. It was established on 7 October 1951, following Libya's independence and the end of the United Nations trusteeship imposed after Italy's defeat in the Second World War. The Constitution of the United Kingdom of Libya stipulated that the Kingdom consisted of the three provinces of Cyrenaica, Tripolitania, and Fezzan.

The Libyan federation was founded on the basis that the Constituent Assembly of the three Libyan provinces was responsible for drafting and promulgating the Constitution following independence.

The Libyan Constitution determined the form of the state, its system of government, the rights of the people, the powers of the federation, and the shared functions of the federal authorities and the authorities of the constituent states, as well as the responsibilities of these authorities.³

Section Three: The Arab Federation between Iraq and Jordan (1958)

Iraq and Jordan are neighboring countries that were formerly under the British Mandate. Both countries were ruled by cousins from the same family, namely the family of Sharif Hussein bin Ali, the former ruler of Mecca.

The agreement establishing the federation was issued on 14 February 1958. It provided for the creation of an Arab Federation between the Kingdom of Iraq and the Hashemite Kingdom of Jordan under the name the Arab Federation. The federation was to remain open to other Arab states wishing to join it. Each member state retained its independent international legal personality, sovereignty over its territory, and its existing system of government.

This confederal union came to an end following the 14 July 1958 Revolution, which overthrew the monarchy in Iraq. Subsequently, the Iraqi Prime Minister issued a decision withdrawing the Republic of Iraq from the Arab Federation.⁴

¹ Qa'id Mohammed Tarboush, *Unification Experiences in the Arab World*, Modern University Office, Alexandria, 2006, p. 180.

² Qa'id Mohammed Tarboush, *ibid.*, p. 181.

³ *Ibid.*, p. 182.

⁴ Qa'id Mohammed Tarboush, *op. cit.*, p. 183

Section Four: The United Arab States (1958)

The United Arab States was established as a confederal union between the United Arab Republic, which had been formed during the same period by Egypt and Syria, and the Mutawakkilite Kingdom of Yemen on 8 March 1958.

Legally, this union existed from 8 March 1958 until 27 December 1961, although Syria had already seceded from Egypt on 27 September 1961.¹

Section Five: The Federation of South Arabia (1959–1967)

This federation was established under British protection in the southern Arabian Peninsula. The draft constitution of the federation was prepared by the British administration in Aden.

The Constitution of 1959, as amended in 1962, remained in force until the territories of the federation and other neighboring sultanates were transformed into a unitary state upon gaining independence on 30 November 1967, the date on which South Yemen declared its independence and the People's Republic of Southern Yemen was established. In 1969, its name was changed to the People's Democratic Republic of Yemen, a designation it retained until 1990, when an agreement was reached to proclaim the Republic of Yemen and organize the transitional period.

Section Six: The United Arab Republic

The establishment of the United Arab Republic as a federal state was announced pursuant to the Tripartite Unity Agreement concluded between Egypt, Syria, and Iraq, issued in Cairo on 17 April 1963.

This federation was formed among republican states, all of which were governed under provisional constitutional arrangements. Political authority was effectively monopolized by the single ruling organization in Egypt and, unofficially, by the Ba'ath Party in both Syria and Iraq. During this period, legislative institutions were absent and constitutions were suspended.

The federation never progressed beyond the stage of a political declaration.

Section Seven: The Federation of Arab Republics

The Federation of Arab Republics was established between Egypt, Syria, and Libya on 20 August 1971, following a series ²of communiqués, declarations, agreements, and the promulgation of a constitution.

The documents relating to this federation were issued sequentially, beginning with the Benghazi Declaration of 17 April 1971, followed by the statements of the Syrian Council of Ministers on 27 April 1971, the statement of the Central Committee of the Arab Socialist Union in the United Arab Republic on 30 April 1971, and the signing of the draft constitution by the Presidents of Egypt, Syria, and Libya on 20 April 1971.

Section Eight: The United Arab Emirates

The United Arab Emirates succeeded in establishing a federal state after several previous attempts, including the Abu Dhabi–Dubai Union Agreement of 18 February 1968 and the Joint Statement issued by the Arab Emirates of the Gulf on 27 March 1968. The establishment of the United Arab Emirates on 2 December 1971 brought together the Emirates of Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al Quwain, and Fujairah, with the Emirate of Ras Al Khaimah joining the federation on 1 February 1972.³

Section Nine: Sudan

¹ Ibid., p. 184.

² Ibid., p. 185.

³ Amr Ahmed Hasbo, *The Federal System in the United Arab Emirates: A Theoretical and Practical Study in Light of Comparative Federal Systems*, Dar Al-Nahda Al-Arabiya, Cairo, 1995, p. 44.

The 1998 Constitution of Sudan transformed the state's structure from a unitary state into a federal one, marking the first attempt of its kind in the history of governance in the Arab world.

The Sudanese Constitution, promulgated on 30 June 1998, divided the Republic of Sudan into states, each with its own capital. At that time, the country consisted of 25 states.

Most of these states had previously been administrative provinces. This restructuring was closely linked to Sudan's internal situation and represented an attempt by the legislature to resolve one of the country's most complex and longstanding issues since independence in 1956: the problem of Southern Sudan. Successive Sudanese governments had been unable to establish full state authority in this region due to the armed movements led by southern groups. During the 1970s, the Sudanese government attempted to establish a system of self-rule for Southern Sudan ¹but this effort ultimately failed.²

Although, at the beginning of 2005, the Sudanese government and the Sudan Liberation Front reached an agreement providing for the adoption of a new constitution, the sharing of wealth and political power between the parties, and the organization of a referendum on the self-determination of Southern Sudan six years after the agreement, this was reaffirmed by the Interim Constitution of Sudan, approved by the National Assembly on 30 June 2005, without specifying the number of states established under the 1998 Constitution.

However, the result of the 2011 self-determination referendum led to the secession of South Sudan from the parent state and its complete independence.

Section Ten: Iraq

The Law of Administration for the State of Iraq for the Transitional Period, issued in June 2004, stipulated that Iraq's system of government would be a federal, republican, democratic, and pluralistic system. Powers were to be shared between the federal government, regional governments, governorates, municipalities, and local administrations. The Iraqi federal system is based on geographical and historical realities, as well as the principle of the separation of powers, rather than on race, ethnicity, nationality, or sect.³ Furthermore, the design of Iraq's federal system aims to prevent the concentration of power in the federal government.

Accordingly, the Republic of Iraq became the second Arab country to officially transition from a unitary state to a federal state.

The following presents the Arab federal experiences in chronological order, noting that some of them continue to exist to this day, while others were dissolved and did not endure.

Name of the Union	Year of Establishment	Type of Union (Federal/Confederal)
Union of the Syrian Independent States	1922	Federal
League of Arab States	1945	Confederal
Arab-African Union between Libya and Morocco	1984	Confederal
United Kingdom of Libya (Libyan Federation)	1951	Federal

¹ The draft law on self-government for the Southern Provinces of Sudan was issued on 3 February 1972.

² Ibrahim Al-Bashir Othman, *Federalism and the Sudanese Settlement Project: A Comparative Study of Federalism and the Extent of Its Realization in Practice*, n.p., n.d., n.l., p. 100.

³ Article 4 of the Law of Administration for the State of Iraq for the Transitional Period (2004).

Hashemite Arab Union between Iraq and Jordan	1958	Confederal
United Arab States between the United Arab Republic and the Mutawakkilite Kingdom of Yemen	1958	Confederal
Federation of South Arabia	1959	Federal
United Arab Republic between Egypt, Syria, and Iraq	1963	Federal
United Arab Emirates	1971	Federal
Federation of Arab Republics between Egypt, Libya, and Syria	1971	Federal
Arab Maghreb Union	1989	Confederal
Sudan	1998	Federal Division
Iraq	2004	Federal Division

Section Two: Western Federal Experiences

The numerous Western federal experiences have shown that the most successful models of federal unions are those that evolved through a confederal stage. This represents a common characteristic shared by these federal models, while both methods of establishing a federal system are evident in these states: formation through union and formation through division.

Political history demonstrates that the majority of federal unions emerged as a development of confederal unions. Thus, Switzerland, the United States, and Germany all adopted the confederal model during specific historical periods due to political, economic, and social circumstances. However, the bonds of these confederal arrangements were relatively weak. Over time, federal ties were strengthened, and these confederations gradually evolved into federal systems under the United States Constitution of 1787, the Swiss Constitution of 1848, and the German Basic Law of 1949.

It is noteworthy that these federal states—Switzerland, Germany, and the United States—were all established through union, that is, by bringing together independent entities, territories, or states that had previously existed separately to form a single federal state. This contrasts with federal states that were created through the fragmentation or division of a previously unified unitary state.

First Requirement: The United States of America (1787)

Before gaining independence from England, the United States consisted of thirteen colonies that were subject to the British Crown in all matters, although they enjoyed a certain degree of self-government in some internal affairs.¹ Following the Wars of Independence against the colonial power, which lasted from 1764 to 1774, these colonies succeeded in unifying their policies against the British government and its colonial legislation. They achieved their independence on December 4, 1776, and subsequently established a form of confederal union among themselves. Later, the intention of these states shifted toward creating a stronger union. Consequently, the Philadelphia Convention convened on May 25, 1787, where agreement was reached on establishing a federal union among the thirteen states, and the draft Federal

¹ Shamran Hammadi, *Political Systems*, 4th ed., Baghdad, 1975, p. 212.

Constitution was adopted.¹ However, the Constitution did not enter into force until January 1789, after it had been ratified by all the states.

The federal union within the American system was therefore the product of two stages. The first was the stage of the Revolution, commonly known as the War of Independence, which represented the confederal treaty system among the American states. The second was the post-independence stage, which marked the establishment of the federal system.

Second Requirement: The Swiss Confederation

Federal systems are generally found in large countries. However, despite its small geographical area and limited population, Switzerland has adopted a federal system. This is largely because the country is composed of three distinct peoples speaking three different languages and adhering to different religious denominations. Unity and cohesion among these diverse groups could only be achieved by recognizing and respecting their differences. Such respect was ensured by granting the cantons that constitute the federal state a broad degree of internal sovereignty, allowing the population of each canton to live and develop according to its own particular circumstances, while observing the limitations imposed by the security and public peace of the federal state.

Switzerland began its federal development with a treaty concluded in 1291 between three Swiss cantons for the purpose of mutual defense.² Since then, the Swiss have continuously refined and strengthened their confederal system, gradually expanding it beyond its traditional commercial framework into a broader political structure. Although Switzerland gained its independence in 1648, the characteristics of the confederal system continued to bind its territories for nearly two centuries. Finally, in 1848, the federal system was formally adopted as the system of government. Accordingly, Switzerland also passed through two stages: the first being the confederal stage and the second the federal stage.

Third Requirement: The Federal Republic of Germany

The German political union is regarded as a model of a stable state, and the federal nature of the country is one of the defining characteristics of its political system.

Germany originally existed as a highly flexible confederation of independent principalities in 1806. It was subsequently reorganized into a federal system under the German Basic Law of 1949, through which political authority was divided between the federal government and the governments of the constituent states. Initially, the powers of the federal government were exercised indirectly, while the powers of the member-state governments were reserved exclusively to them and were not specifically limited. Over time, constitutional amendments and governmental practice contributed to defining and clarifying the powers of the federal authority.³

In the following sections, the Western federal experiences will be presented in chronological order, noting that some of these unions continue to exist to the present day, while others have been dissolved and no longer exist.

Name of the Union	Date of Establishment	Type of Government
United Netherlands	1750	Federal Union
American States	1778	Confederation
United States of America	1787	Federal Union

¹ F. A. Ogg and P. O. Ray, *Introduction to American Government*, 10th ed., New York, 1959, p. 15.

² The three cantons that formed the union were Uri, Schwyz, and Unterwalden. Muhammad Kazim Al-Mashhadani, *Political Systems*, Dar Al-Hikma Press, Mosul, 1990, p. 184.

³ Almer Belishka, *The Government of Contemporary Germany*, trans. Muhammad Al-Haqqi, Cairo, 1973, p. 81.

Chile	1810	Federalized by Devolution (Federal Division)
Swiss Confederation	1815	Confederation
German Confederation	1815	Confederation
Republic of Central America	1823	Federal Union
Venezuela	1830	Federalized by Devolution (Federal Division)
Colombia	1830	Federalized by Devolution (Federal Division)
New Zealand	1841	Federal Union
Swiss Federation	1848	Federal Union
Argentina	1853	Federalized by Devolution (Federal Division)
Brazil	1857	Federalized by Devolution (Federal Division)
Mexico	1857	Federalized by Devolution (Federal Division)
Canada	1867	Federal Union
Australia	1901	Federal Union
South Africa	1910	Federal Union
Czechoslovakia	1918	Federal Union
Austria	1920	Federal Union
Soviet Union	1922	Federalized by Devolution (Federal Division)
Indonesia	1945	Federalized by Devolution (Federal Division)
Yugoslavia	1945	Federal Union
Nigeria	1960	Federalized by Devolution (Federal Division)
Pakistan	1947	Federalized by Devolution (Federal Division)
Burma (Myanmar)	1948	Federalized by Devolution (Federal Division)
India	1948	Federalized by Devolution (Federal Division)
Federal Republic of Germany	1949	Federal Union
West Indies Federation	1958	Federal Union

Democratic Republic of the Congo	1960	Federalized by Devolution (Federal Division)
Republic of Cameroon	1960	Federal Union
Mali	1960	Federal Union
Somalia	1960	Federalized by Devolution (Federal Division)
Malaysia	1963	Federal Union
Tanzania	1964	Federal Union
Rhodesia	1965	Federalized by Devolution (Federal Division)
Spain	1978	Autonomous Communities System
Micronesia	1979	Federal Union
Saint Kitts and Nevis	1983	Federal Union
Russia	1991	Federal Union
European Union	1991	Confederation
Bosnia and Herzegovina	1992	Federal Union
Kingdom of Belgium	1993	Federalized by Devolution (Federal Division)
Palau	1994	Federalized by Devolution (Federal Division)
Ethiopia	1995	Federalized by Devolution (Federal Division)
Comorian Union (Union of the Comoros)	2001	Federalized by Devolution (Federal Division)

Conclusion

Following the bibliographical review of the federal experiences that have taken place in both the Arab and Western worlds, and observing that some of these experiences have endured and continue to exist to the present day while others were dissolved and failed to continue, the following conclusions can be drawn:

A federation that is not founded upon a genuine desire for its establishment and a popular will that supports and protects it cannot survive or endure.

Federal experiences that were not established through the contribution of the popular will, or that resulted solely from agreements among rulers, or merely from the declaration of the establishment of a federal state among a group of Arab countries without proper prior preparation, are bound to encounter difficulties and challenges, ultimately leading to failure, as demonstrated by most previous Arab federal experiences.

Federal experiences in Western countries—particularly those that initially passed through a confederal stage before evolving into a federal union—have been relatively successful. Their federal systems have achieved stability in a manner consistent with their historical, political, and social circumstances.

Recommendations

Encouraging states to form regional and international blocs that unite to achieve common objectives and shared interests.

Adopting a confederal system of governance among states to promote cooperation and integration in various fields as a preliminary step toward establishing a stable federal system.

Respecting the genuine aspirations of peoples and ensuring that union is based on voluntary choice rather than coercion or compulsion resulting from internal or external pressures.

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