

# SEALAND, HAVENCO, AND THE RULE OF LAW

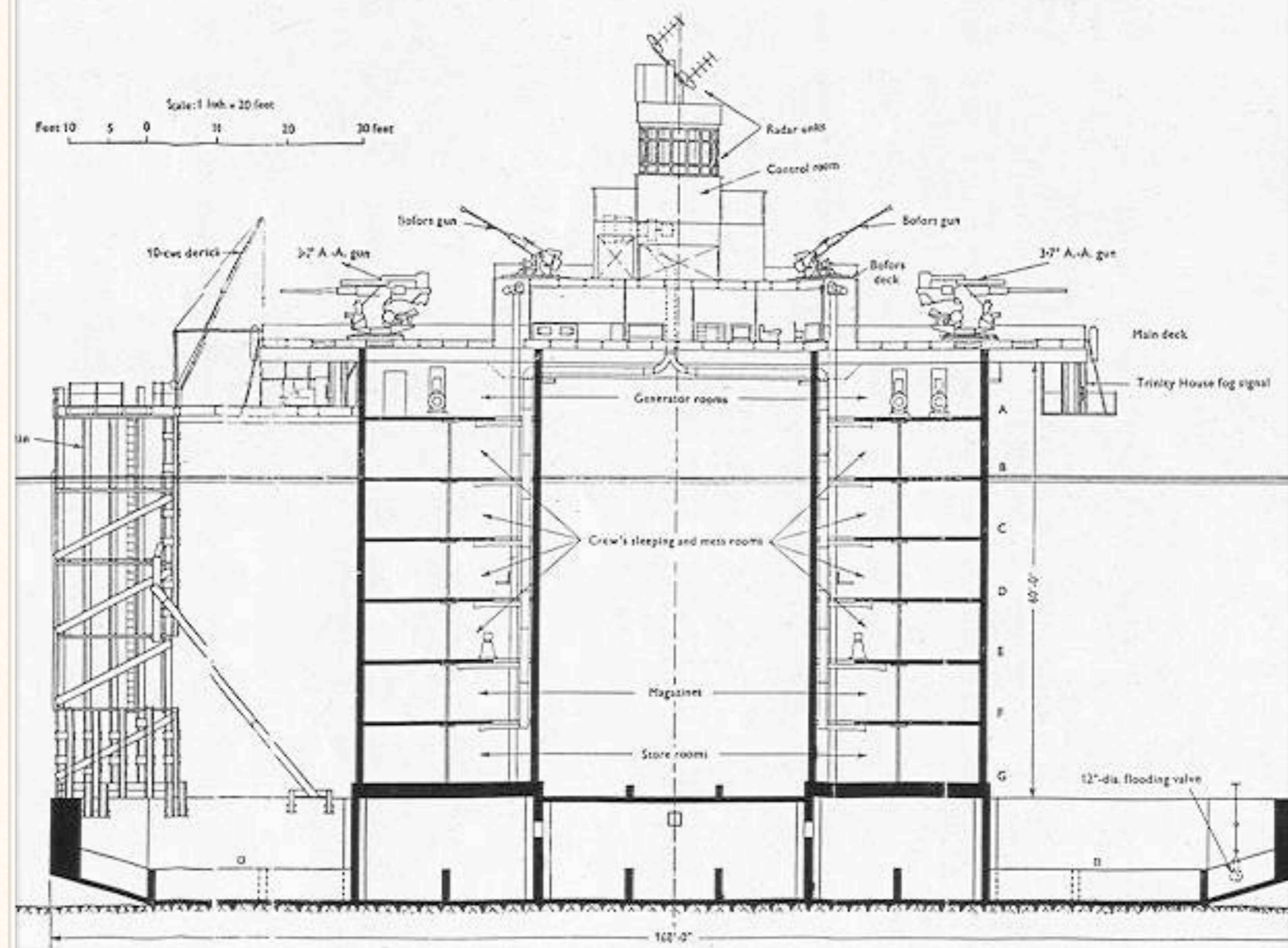
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JAMES GRIMMELMANN  
FORDHAM LAW SCHOOL

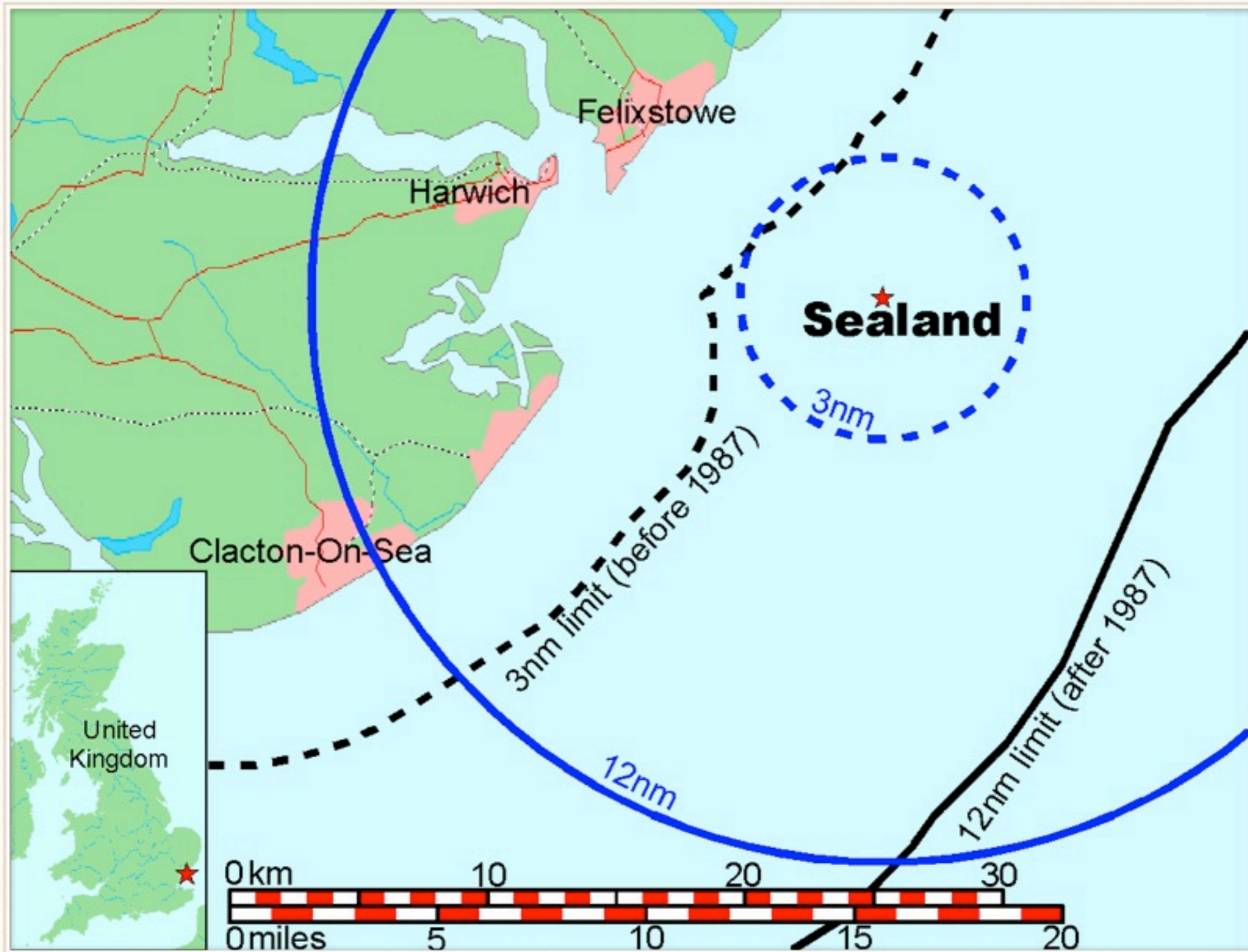
APRIL 14, 2011



# I. SEALAND



























## The Principality of Sealand REGISTRATION DEED OF INDIVIDUAL NOBLE TITLE

This Individual Noble Title Award is approved and granted by Our Sovereign, the Head of State, and the Royal Family of Sealand, according to Principality law. This Award is given in recognition of your financial support towards the welfare and development of Sealand.  
The Principality of Sealand officially declares that

**Lord Joe Bloggs of Sealand**

has been awarded this Individual Noble Title from the Royal Family.

This award is part of a new Worldwide initiative from the Government of Sealand to create awareness for our determination to continue our fight for freedom and independence. As our motto states: "From The Sea, Freedom"

Your Unique Principality Identification Reference:  
SD0000000000000000

Nautical Position Of The Principality Of Sealand:

Latitude: 51°53'41" North

Longitude: 01°28'32" East

There is only one Official Government Website: [www.sealandgov.org](http://www.sealandgov.org)

As awarded the Individual Noble Title Award, the recipient agrees to the Principality's policy to support the fight for freedom and independence. This award will also represent the recipient's financial support towards the welfare and development of Sealand.

## The Principality of Sealand Official Government Photographs



## The Principality of Sealand Welcome to the Principality of Sealand

The Principality of Sealand is a small, independent state located in the English Channel. It is a unique and historic site, known for its lighthouse and its role in the development of the Principality. The Principality is a member of the United Nations and has a long history of independence and self-governance. The Principality is a small, independent state located in the English Channel. It is a unique and historic site, known for its lighthouse and its role in the development of the Principality. The Principality is a member of the United Nations and has a long history of independence and self-governance.

## The Principality of Sealand An Independent Sovereign State Founded In 1967

**OFFICIAL DOCUMENTS**  
Approved & Issued By:  
Prince Regent Michael of Sealand  
and the Royal Family

"E Mare, Libertas" - "From The Sea, Freedom"

Official Government Website: [www.sealandgov.org](http://www.sealandgov.org)

## The Principality of Sealand Extract from The World Fact Book Entry Submission

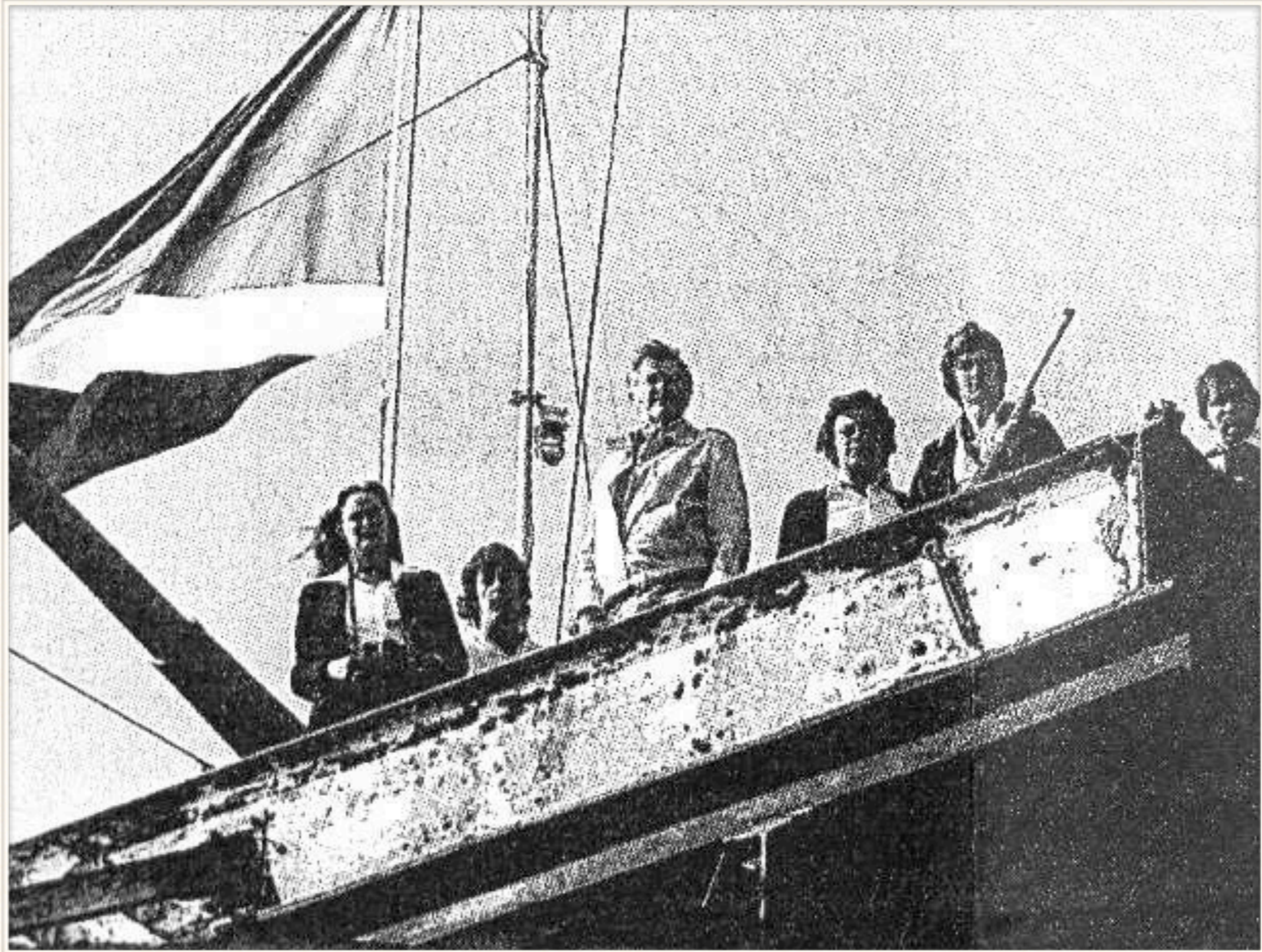
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## The Principality of Sealand Official Government Photographs













**SEALAND**  
**PASSPORT**



**ANDREW PHILLIP CUNANAN**

**UNLAWFUL FLIGHT TO AVOID PROSECUTION -  
SECOND DEGREE MURDER**

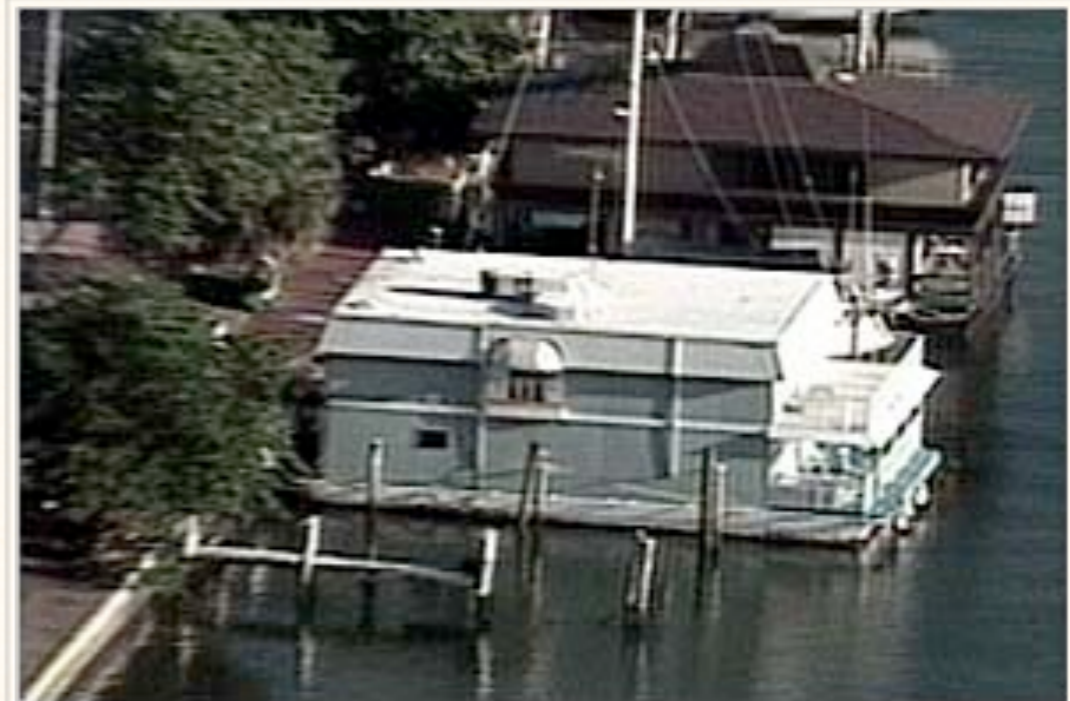
**Alias: ANDREW PHILLIP DE SILVA**



Photo taken about 1987



**Date of Birth: AUGUST 31, 1969 Race: WHITE Sex: MALE**  
**Height: 5'9"-5'10" Weight: 160-180 LBS Eyes: BROWN**



(CNN)

## II. HAVENCO



# HAVENCO: THE RISE

- ❖ Data haven subject only to (minimal) Sealand law
- ❖ Strong crypto-libertarian *bona fides*
- ❖ First-world infrastructure, third-world regulation
- ❖ Legal sovereignty, redundant links, physical security
- ❖ Launches in 2000 with a *Wired* cover story



# HAVENCO: THE FALL

- ❖ Never more than a dozen customers, mostly gambling
- ❖ The huge server racks are a myth; bandwidth is low
- ❖ Relationship with Sealand deteriorates
  - ❖ Sealand advisors have low tolerance for copyright risks
- ❖ Transition to Sealand control at first amicable, then not
- ❖ “Under new management” HavenCo gradually peters out

# III. RULE OF LAW

# TWO RELATED QUESTIONS

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- ❖ What was HavenCo's relationship to law?
  - ❖ National law
  - ❖ International law
  - ❖ Sealand law
- ❖ Why did HavenCo fail?

# NATIONAL LAW (SELF-GOVERNANCE)

- ❖ HavenCo existed to undermine national laws and policies
- ❖ Its business model was extreme regulatory arbitrage:  
“Our customers don’t want to break the law; they want a different set of laws they can comply with.”
- ❖ But arguably, there wasn’t much demand for its product:
  - ❖ Offshoring data doesn’t suffice for real-world businesses
  - ❖ And true scofflaws don’t need the veneer of legitimacy

# INTERNATIONAL LAW (FORMAL LEGALITY)

- ❖ HavenCo was a reseller of Sealand's sovereignty
- ❖ Clients may pragmatically have concluded that Sealand's claims to independence were unlikely to stand up
- ❖ The one court that squarely faced the issue rejected them
- ❖ Sealand's theory of statehood is highly formalist:
  - ❖ One person suffices for a "population"
  - ❖ A passport stamp constitutes *de facto* "recognition"

# SEALAND LAW (RESTRAINT ON GOVERNMENT)

- ❖ In the end, Sealand nationalized HavenCo
  - ❖ HavenCo couldn't object without undermining itself
- ❖ Sealand's legal system is thin to nonexistent
  - ❖ An absolute monarch surrounded by courtiers
  - ❖ Frequent but irregular state violence
  - ❖ No professional judiciary, independent press, parties, etc.

# ON THE RULE OF LAW

- ❖ HavenCo got exactly what it wanted in Sealand:
  - ❖ A minimal state, supposedly shielded by international law, but with no domestic legal system of its own
  - ❖ Sealand “law” was as thin and formalistic as it could be
- ❖ But this thin version of the rule of law *doesn't work*
- ❖ Laws don't protect people; people (using law) protect people

# EPILOGUE





QUESTIONS?