

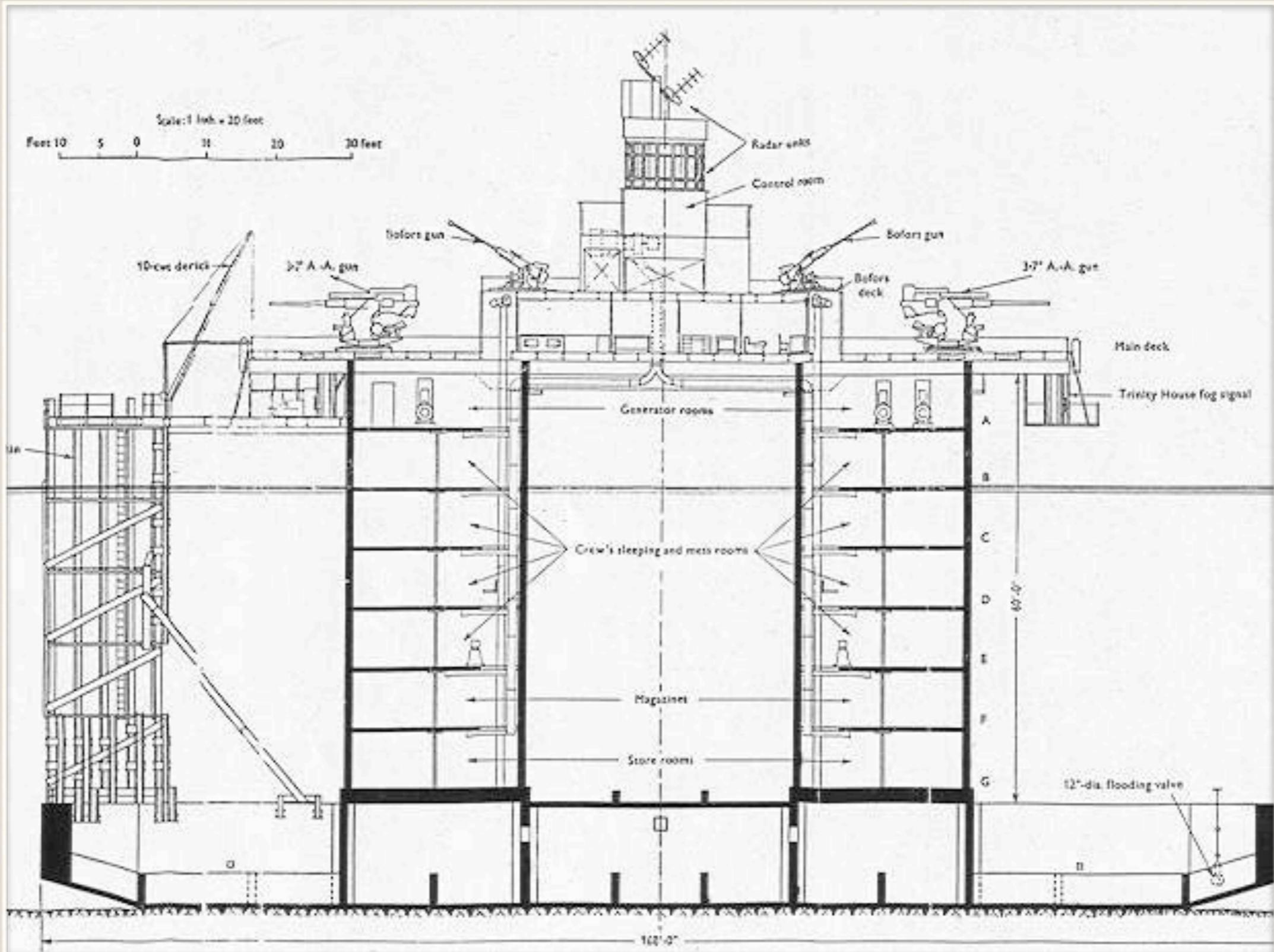
SEALAND, HAVENCO, AND
THE RULE OF LAW

JAMES GRIMMELMANN
FORDHAM LAW SCHOOL

APRIL 14, 2011



I. SEALAND



Scale: 1 inch = 20 feet
 Feet 10 5 0 10 20 30 feet

10-cwt derrick

3.7" A.A. gun

Bofors gun

Radar units

Control room

Bofors gun

3.7" A.A. gun

Main deck

Trinity House fog signal

Generator rooms

Crew's sleeping and mess rooms

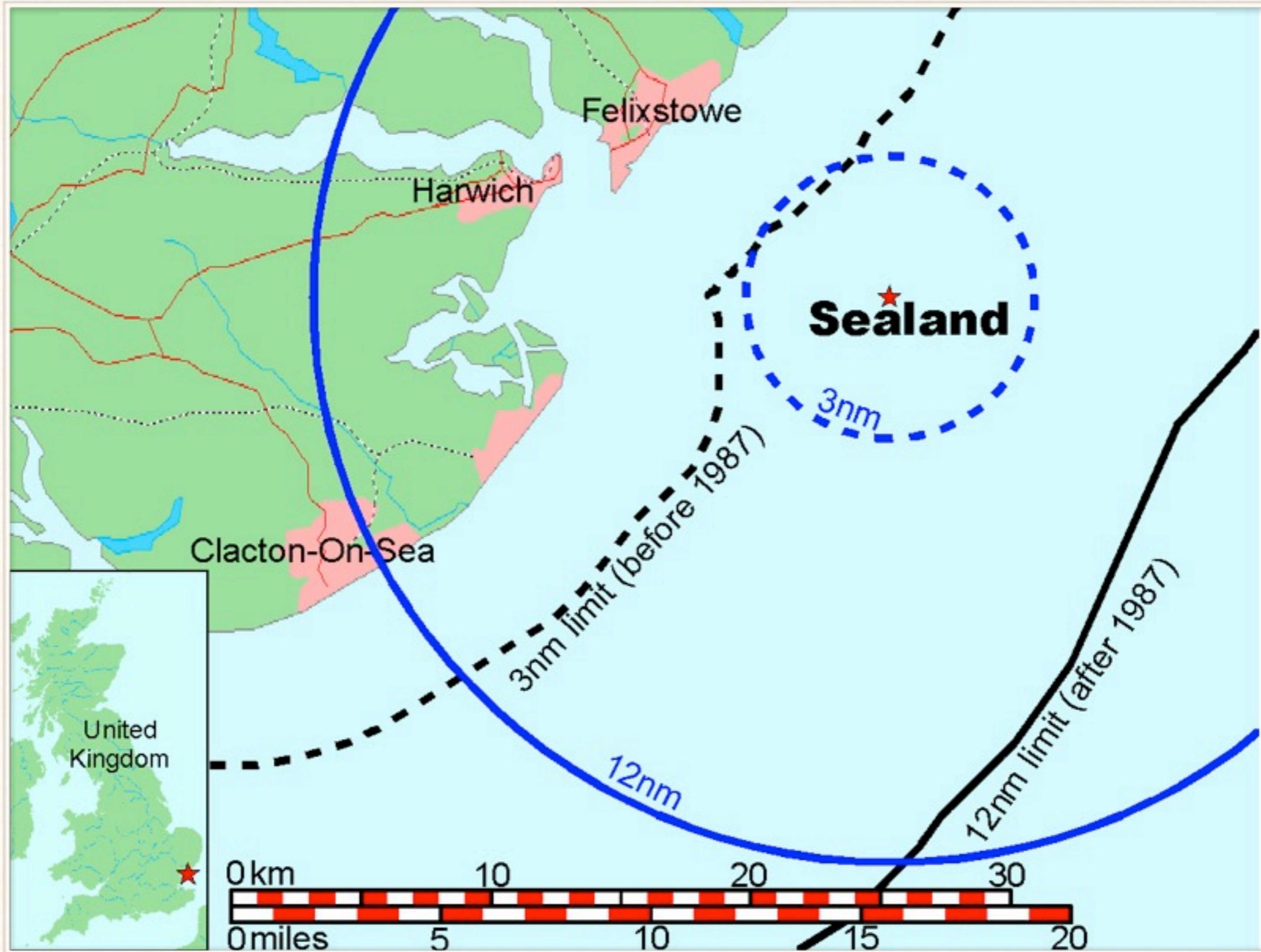
Magazines

Store rooms

12"-dia. flooding valve

100'-0"























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:
SD00000000000000

Nautical Position Of The Principality Of Sealand:
Latitude: 51°52'41" North
Longitude: 01°28'32" East

There is only one Official Government Website: www.sealandgov.org
An existing individual noble title holder who has the same name as the Certificate holder is hereby notified that the name and "coordinates" of the named individual will also be recorded on our Sovereign's State records and will be published in our official gazette.



The Principality of Sealand
Official Government Photographs



The Principality of Sealand
Welcome to the Principality of Sealand

Official Government Website: www.sealandgov.org

The Principality of Sealand
An Independent Sovereign State
Founded In 1967

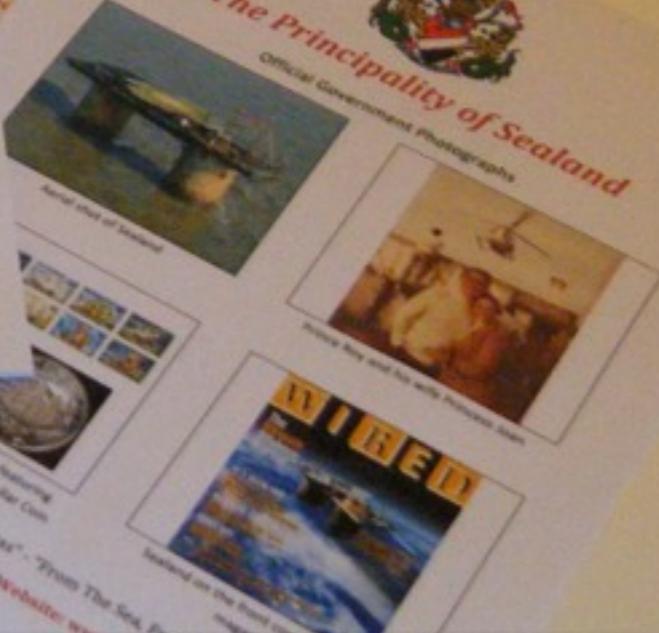
OFFICIAL DOCUMENTS
Approved & Issued By:
Prince Regent Michael of Sealand
and the Royal Family

"E Mare, Libertas" - "From The Sea, Freedom"
Official Government Website: www.sealandgov.org

The Principality of Sealand
Extracts From The World Fact Book Entry Submission

Official Government Website: www.sealandgov.org

The Principality of Sealand
Official Government Photographs

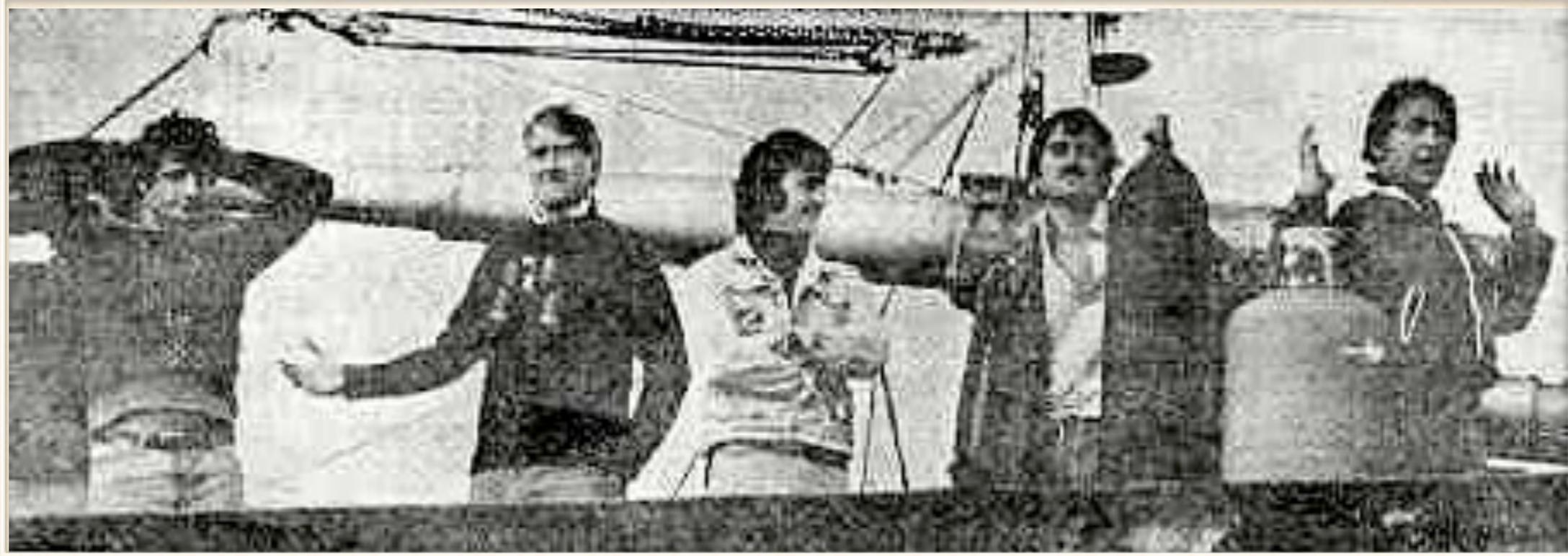


"E Mare, Libertas" - "From The Sea, Freedom"
Official Government Website: www.sealandgov.org











SEALAND
PASSPORT



ANDREW PHILLIP CUNANAN

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

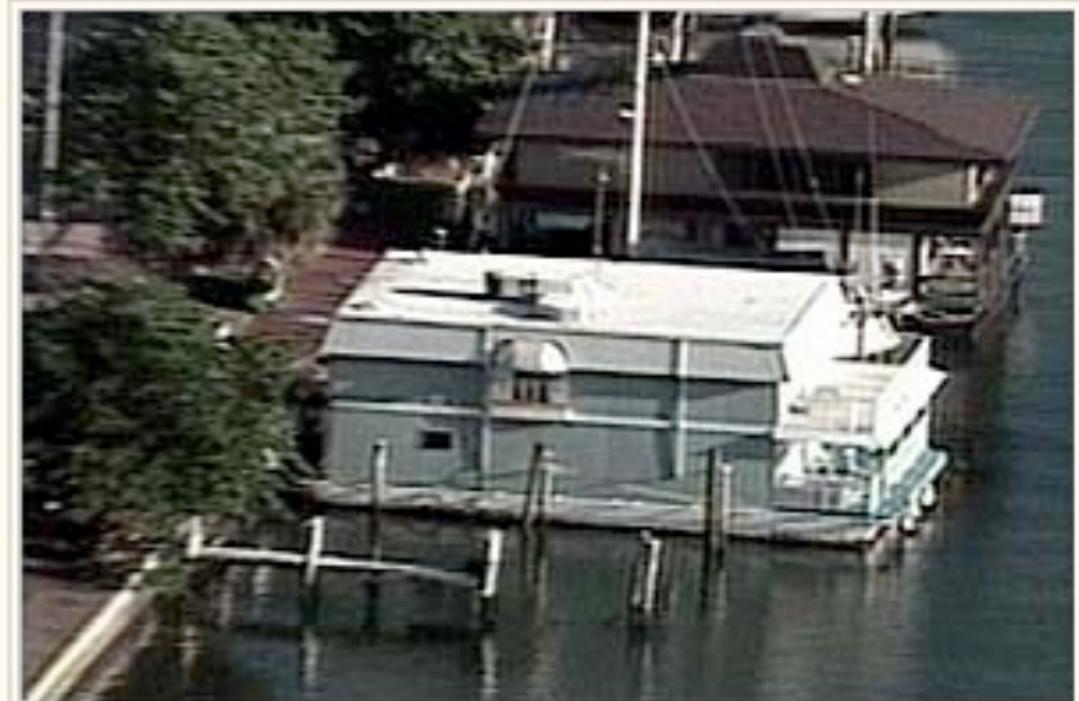
Alias: ANDREW PHILLIP DE SILVA



Photo taken about 1997



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

- ❖ 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?