SEALAND AND HAVENCO: A NEW INTERPRETATION

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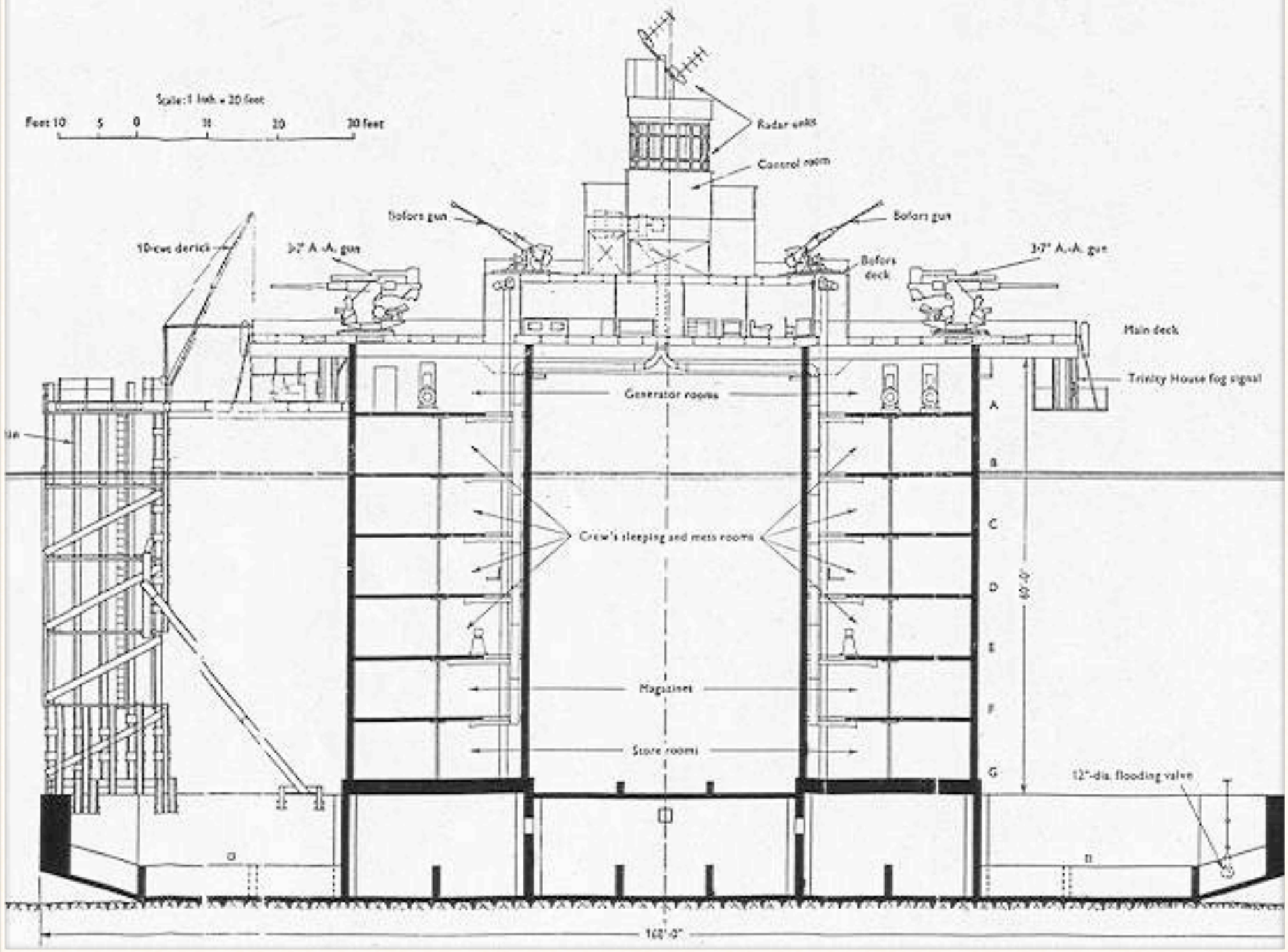
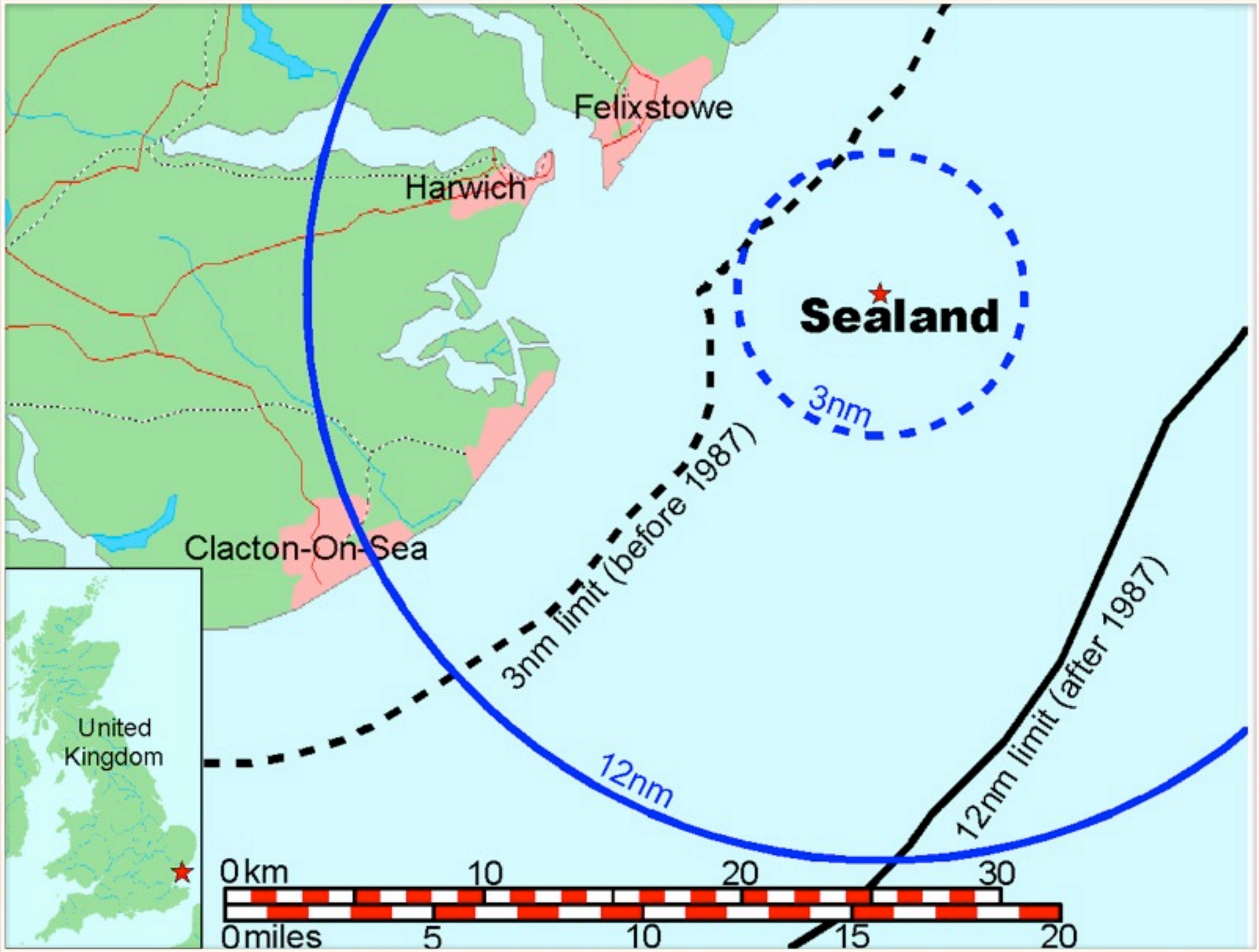
Yale ISP

October 8, 2010

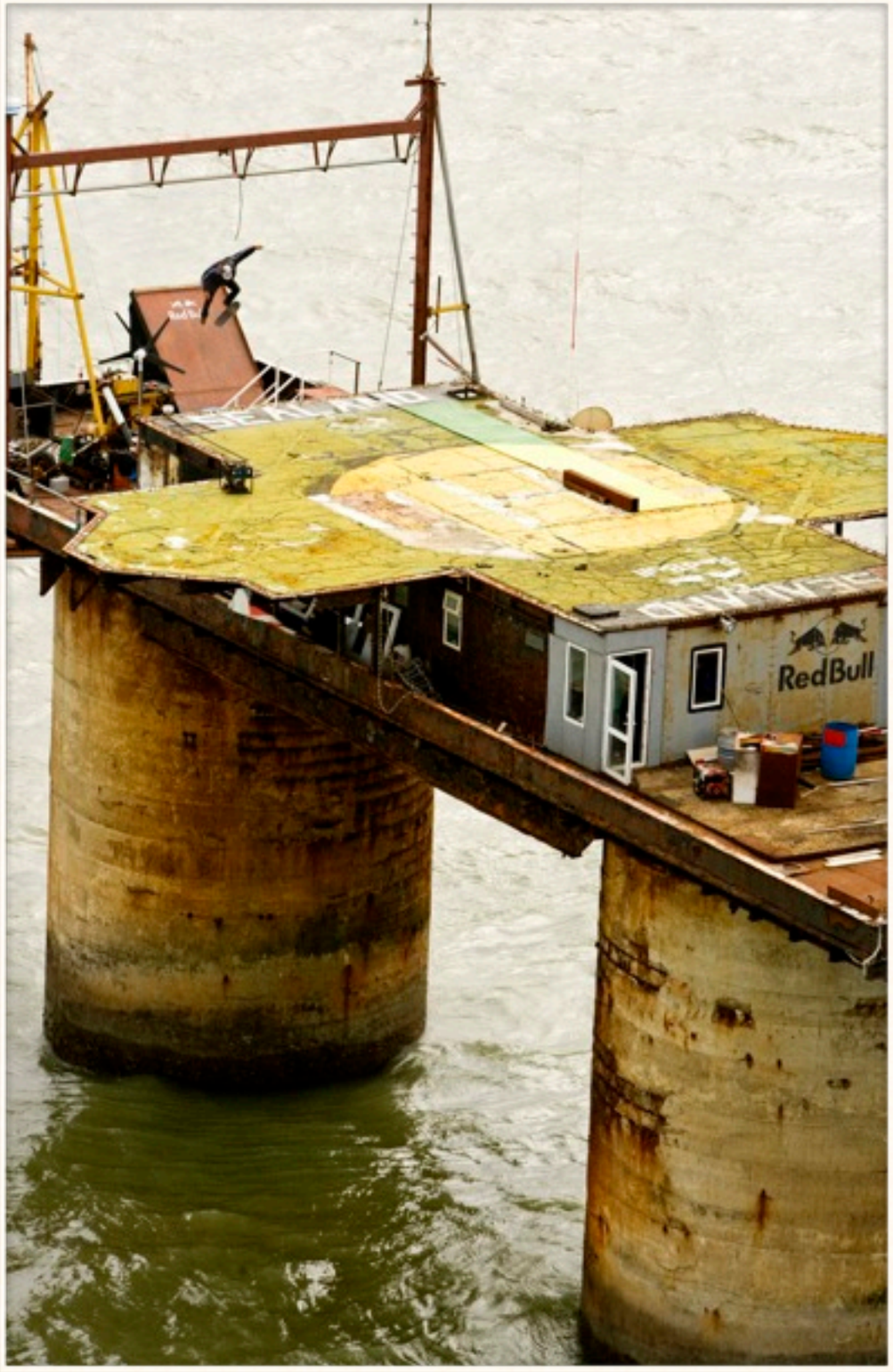

SEALAND
WWW.SEALANDGOM.COM
WWW.HAVENGOM.COM
SEALAND

I. HISTORY


Scale: 1 inch = 20 feet
Feet 10 5 0 10 20 30 feet
Radar units
Control room
Bofors gun
Bofors gun
10-cwt derrick
3·7" A.-A. gun
Bofors deck
3·7" A.-A. gun
Main deck
Trinity House fog signal
Generator rooms
A
B
C
D
E
F
G
60'-0"
Crew's sleeping and mess rooms
Magazines
Store rooms
12"-dia. flooding valve
168'-0"

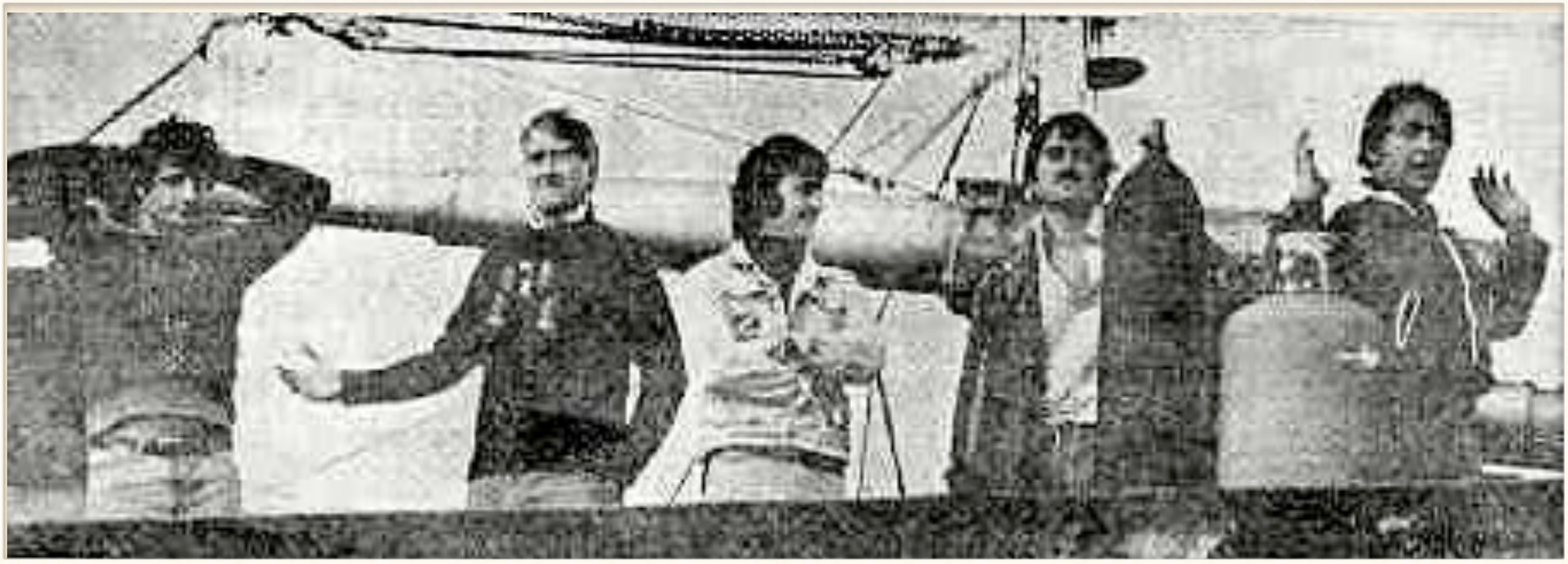

Felixstowe
Harwich
Clacton-On-Sea
Sealand
3nm
3nm limit (before 1987)
12nm
12nm limit (after 1987)
United Kingdom
0 km
10
20
30
0 miles
5
10
15
20


JUST A MINUTE


RedBull


SEAND


Sealink



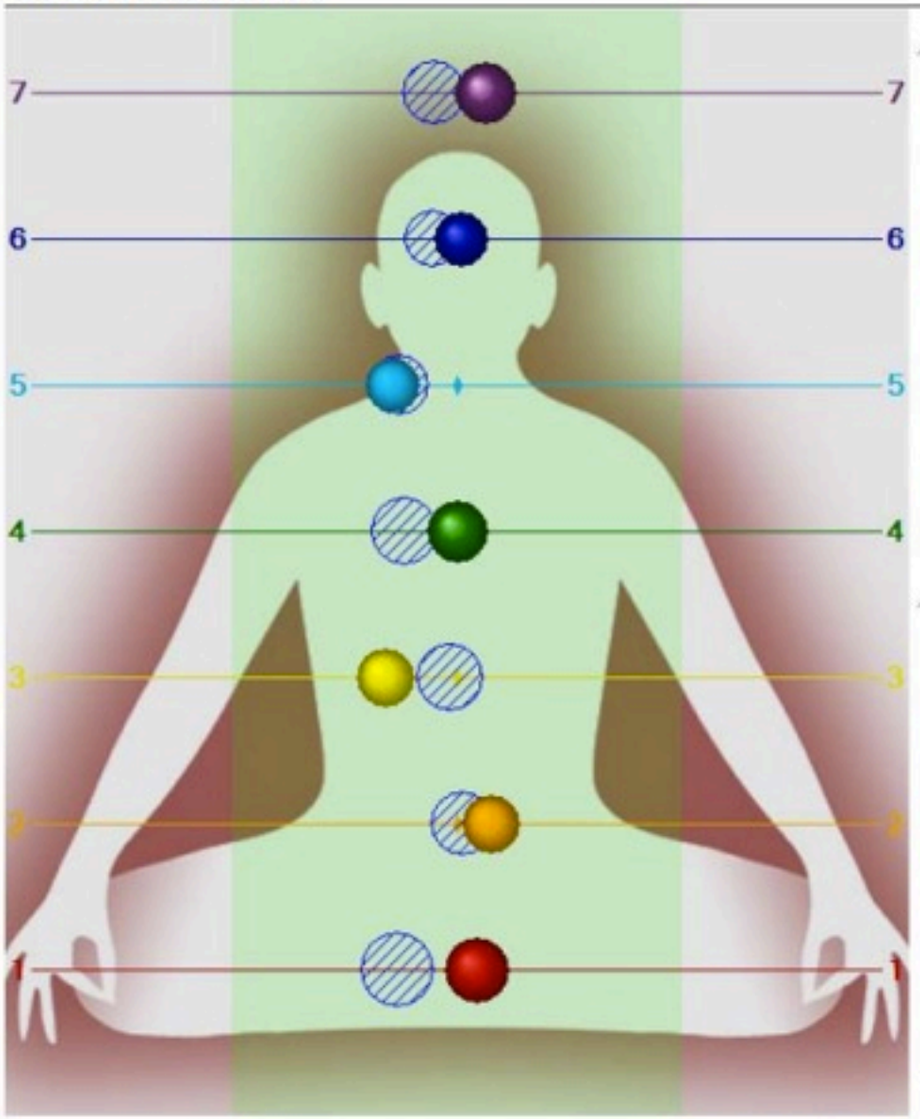

PRIME MINISTER OF SEALAND
JOHANNES SEIGER

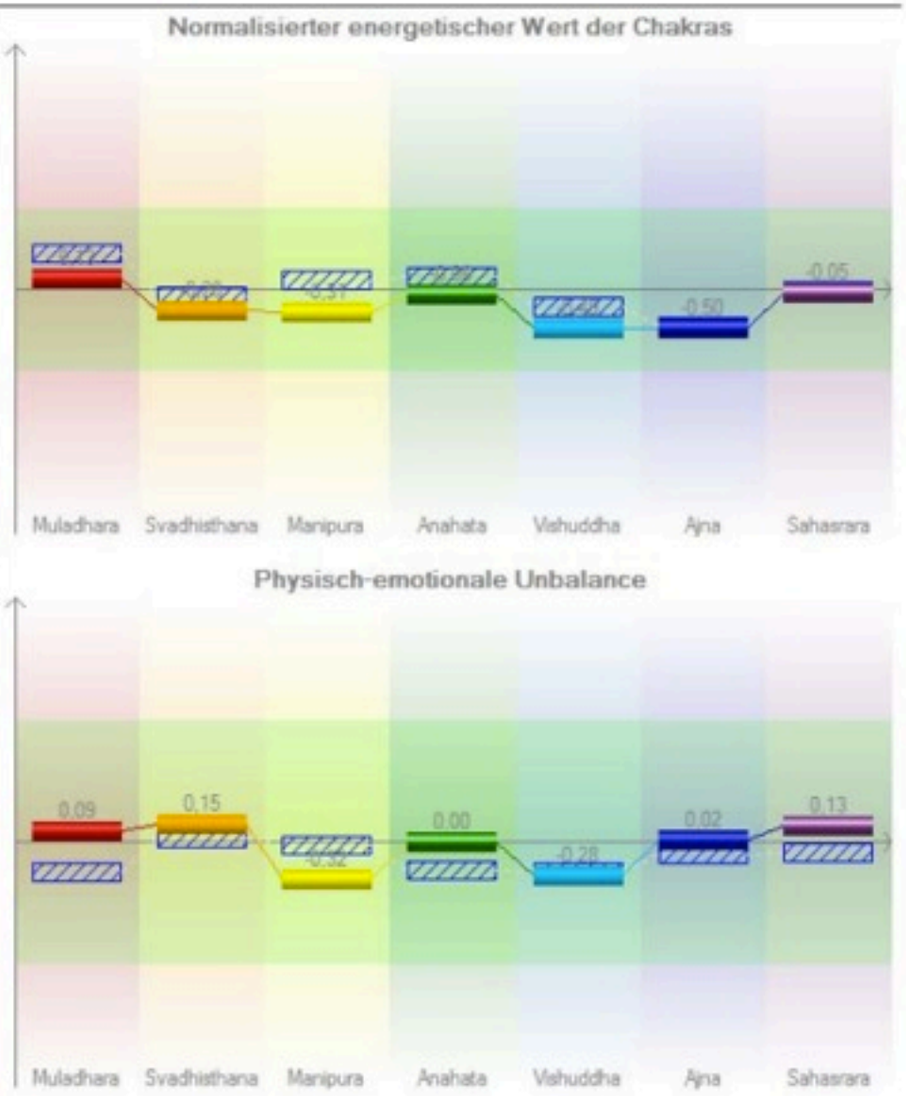

Kosmos-Dynamik
Sealand Generator

GDV Virtual Chakra - Herrn Johannes Seiger; Alter: 68 Jahre

Ergebnisse **VOR** der Einwirkung des Vrilstabes

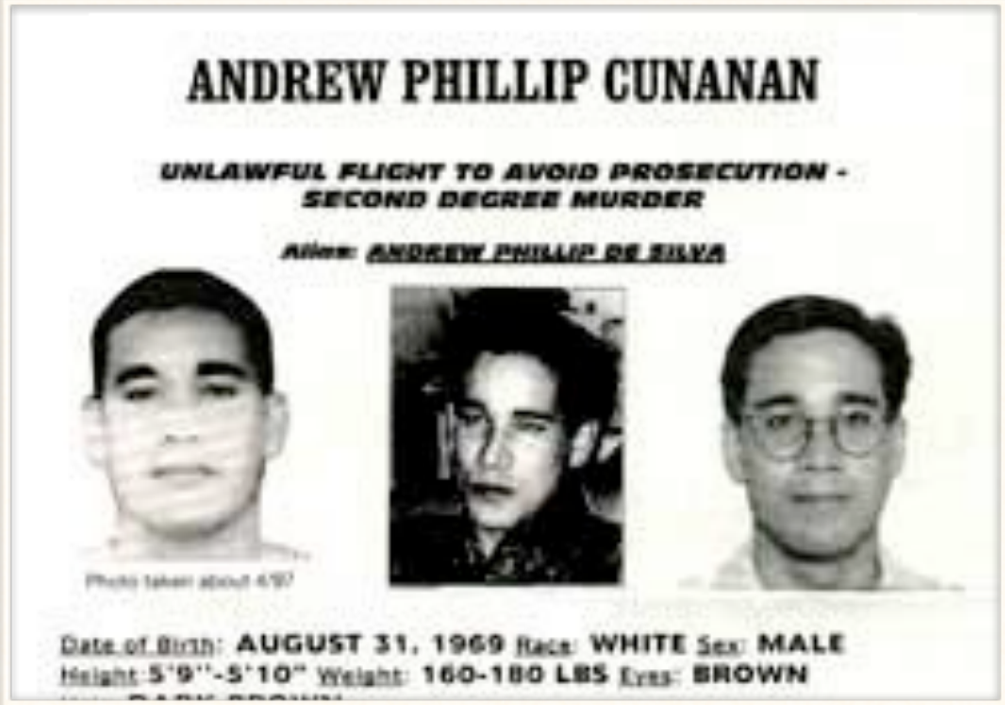
GDV Virtual Chakra

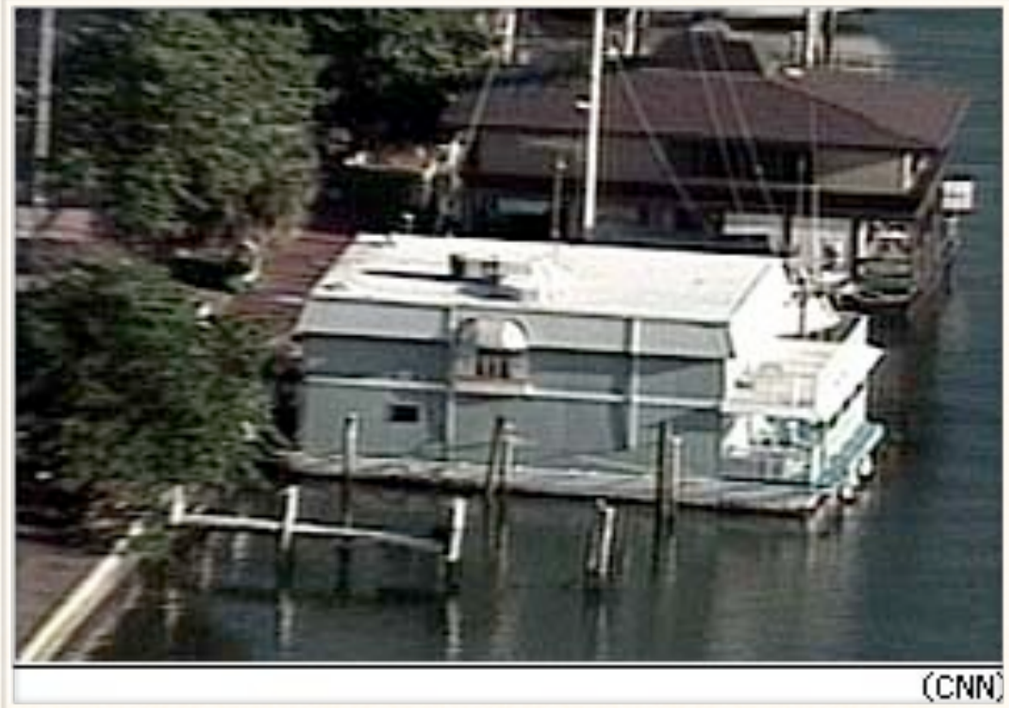




Anzeige der numerischen Diagrammdaten für:
Seiger Johannes W. F. - 15.05.2009 14:23:55 - GDV-Aufnahmen ohne Filter


SEALAND
PASSPORT


ANDREW PHILLIP CUNANAN
UNLAWFUL FLIGHT TO AVOID PROSECUTION -
SECOND DEGREE MURDER
Alias: ANDREW PHILLIP DE SILVA
Photo taken about 4/97
Date of Birth: AUGUST 31, 1969 Race: WHITE Sex: MALE
Height: 5'9"-5'10" Weight: 160-180 LBS Eyes: BROWN


(CNN)


The Principality of Sealand
REGISTRATION DEED OF INDIVIDUAL NOBLE TITLE
The Principality of Sealand officially declares that
Lord Joe Bloggs of Sealand
has been awarded this Individual Noble Title from the Royal Family
There is only one Official Government Website: www.sealandgov.org
The Principality of Sealand
Official Government Photographs
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
Welcome to the Principality of Sealand
The Principality of Sealand
Extract From The World Fact Book Entry Submission
The Principality of Sealand
Official Government Photographs
WIRED


SARAH

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 were a myth; bandwidth was 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

II. INTERPRETATION

TWO RELATED QUESTIONS

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

NATIONAL LAW

- 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

- 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 to face the issue squarely rejected them
- HavenCo's theory of government was minimalist:
  - One person suffices for a state
  - A passport stamp constitutes diplomatic recognition

INTERLUDE

- HavenCo rejects essentially all forms of national law
  - But is completely dependent on international law
- These two positions can be reconciled, *if*
  - Law is an autonomous system of binding rules
  - Human, political institutions are normatively irrelevant
- This is a thin vision of the rule of law

SEALAND LAW

- In the end, Sealand nationalized HavenCo
  - HavenCo couldn't object without undermining itself
- Sealand is a rule-of-law failure
  - 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, shielded by international law from interference, 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

III. IMPLICATION

LAW AND LEVIATHAN

- HavenCo is motivated by the fear of Leviathan
  - Since Madison, the standard response to that fear has been the rule of law, implemented via constitutionalism
- HavenCo assumes the failure of the Madisonian project
  - But it's hardly alone in doing so
  - What can it tell us about other attempts to escape?

MICRONATIONS

- Sealand is the *most successful* micronation to date
  - Small = weak
    - Don't even get me started on the Kingdom of Lovely, Whangamomona, or the Aerican Empire
- Seasteads can run away, but they can also sink
- Starting again doesn't so much avoid the governance problem as recreate it in a new geographical setting

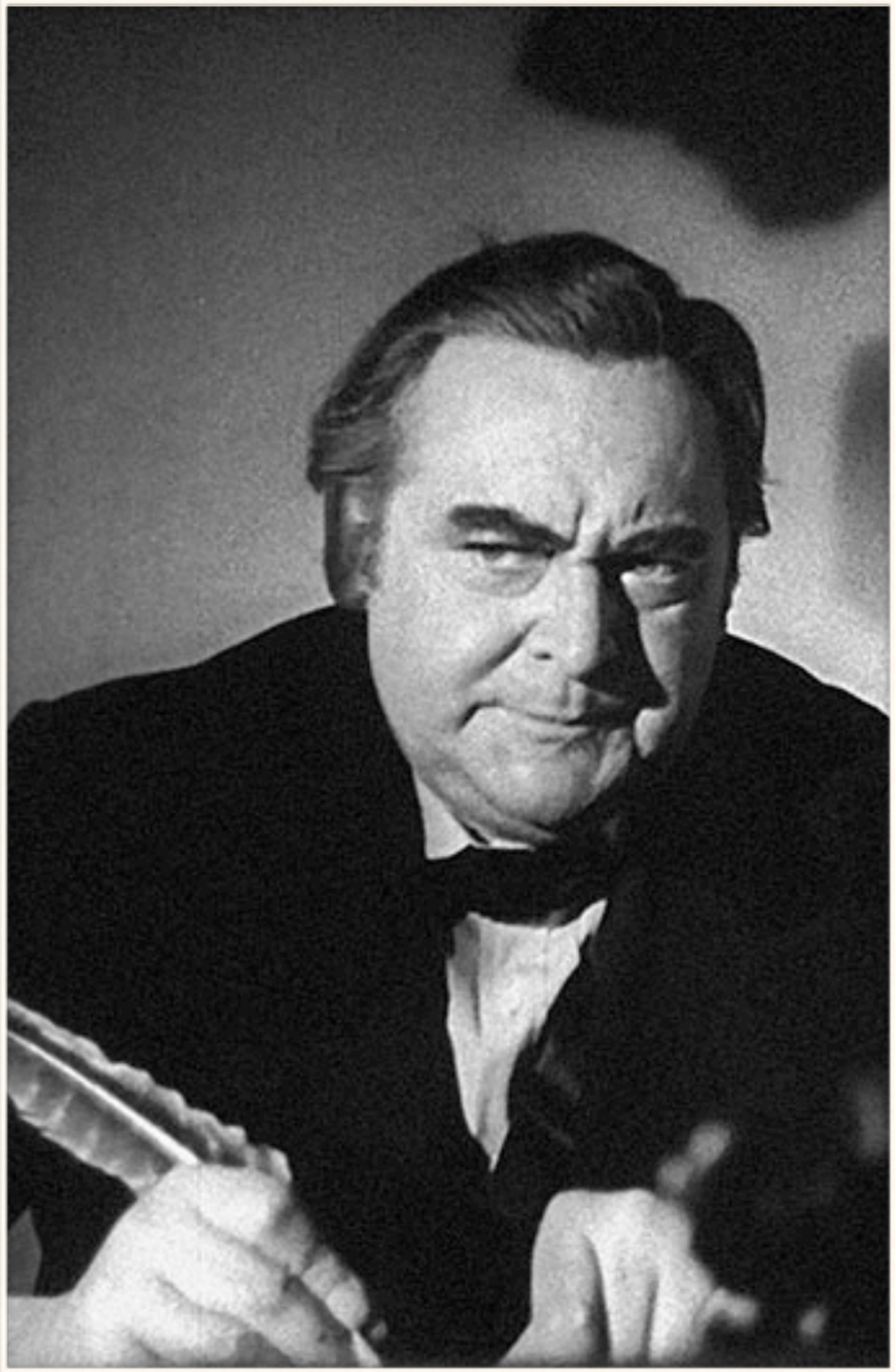
DATA HAVENS

- Neal Stephenson's *Cryptonomicon* gets it more right
  - Kinakuta is large, old, and oil-rich
    - *Cf.* Iceland: a real nation-state with real democracy
- For cyberlibertarians, the physical body is an embarrassment
  - HavenCo's territoriality was theoretically anomalous
  - Even its founders saw HavenCo as transitional

VIRTUAL WORLDS

- E.g., virtual worlds present a double problematic:
  - Leviathan threatens to control them from without
    - Leviathan reappears inside, in the form of the game gods
- We can solve either, but never both at the same time
  - Some form of law is inevitable for online spaces
- The Internet needs its Madisons

EPILOGUE



QUESTIONS?