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**THE MYTH OF STATEHOOD: FROM MICROSTATES TO VIRTUAL STATES**

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**Abstract**

In the XX century, the number of microstates that were products of the medieval feudal system declined sharply. The quantity of microstates in the modern world is very small. All of them, to one degree or another, have the main features of statehood. However, some of these states do not have important foundations, for example, territory (the Order of Malta), full-fledged sovereignty (for example, the Autonomous Monastic State of the Holy Mountain, autonomous states within Malaysia, the United Arab Emirates, etc.). Taking advantage of legal gaps in the basic requirements for statehood, in recent decades, some people have tried to transfer this concept to the virtual states they founded. In a fairly short period, hundreds of virtual states were formed, most of which did not last long. However, there have appeared those that not only have existed for several decades, but are also successfully developing and claim to be recognized by other states. The most famous and oldest of them is the Principality of Sealand. The purpose of the report is to examine these processes, identify their historical and legal basis, and analyze the state of the myth of the new statehood in the modern mass consciousness.

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## 1. Introduction

The period of the Middle Ages, characterized by the processes of feudal fragmentation, gave birth to many small and mid-sized states in Europe. The land tenure of that time was based on the feud, that is, the land granted by the lord to the vassal in hereditary possession on the basis of the vassal performing military or administrative service in favor of the lord. The feudal lord disposed of his land only during the period of his service (Chaglajan, 2020). However, at the same time, large feuds were often, as it were, separate states. This situation changed by the time of the end of the Middle Ages. Most of the European states were united under a strong royal authority. Small feudal states survived mainly on the territory of the Holy Roman Empire, where imperial power, on the contrary, weakened, as well as in Italy (Coy & Scales, 2017). However, these states in the XIX century were united under a single royal authority (the House of Hohenzollerns in Germany and the House of Savoy in Italy), although in Germany a number of kingdoms and small states became part of the Empire with the rights of autonomy. At the beginning of the XX century only a small number of small states existed in Europe: Andorra, Monaco, Luxembourg, San Marino and Liechtenstein. All of them, with the exception of Luxembourg, had certain restrictions on sovereignty imposed on them by neighboring states (Kurecic, 2017). In 1929, as a result of an agreement between the Holy See and Italy, the Vatican State arose (Chamedes, 2016). For a long time, the status of the Order of Malta remained unclear (the official name is «Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta»). The Order claims statehood, has diplomatic relations with 110 states, observer status at the UN and the Council of Europe, but it does not have its own territory. Thus, in the XX century, the number of microstates that were products of the medieval feudal system dropped sharply. The number of small states in the modern world is very small. All of them, to one degree or another, have the main features of statehood. However, some of these states do not have important foundations, for example, territory (the Order of Malta), full-fledged sovereignty (for example, the Autonomous Monastic State of Mount Athos, autonomous states within Malaysia, the United Arab Emirates, etc.).

## 2. Problem Statement

According to the Montevideo Convention 1933, a state, as a subject of international law, must have the following characteristics: (a) permanent population; (b) a defined territory; (c) government; and (d) the capacity to enter into relations with other states. Article 3 declares that «the political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts. The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law». Thus, the presence of a territory is one of the hallmarks of a state. However, there is a precedent in the form of the Order of Malta, which does not have its own territory, but has diplomatic relations with many states. Italy recognizes the Order as a sovereign state located on its territory. The headquarters of the Order in Rome has the status of extraterritoriality. Another possibility for the legal creation of a micro-state is to establish it on the basis

of internal autonomy. Many federal states include autonomous republics and even monarchies, the status of which is enshrined in the constitution (Nefedova, 2018). These are the emirates that make up the state of the United Arab Emirates (Khalifah al-Yousef, 2016), the Sultanate of Yogyakarta in Indonesia (Andaya, 2018; Hutchinson, 2017; Ostwald et al., 2016), the states of Malaysia (Ostwald, 2017), the kingdoms of Uganda, the oceanic islands of Wallis and Futuna (Fisher, 2020). In addition, there are monarchies within the republics, which status is recognized as a traditional institution of power (they have only socio-cultural power): the Zulu Kingdom in South Africa, the Somali sultanates of Djibouti, the institutions of traditional tribal leaders in West Africa (Cameroon, Nigeria, Ghana, Cote d'Ivoire, Burkina Faso). This second way, however, is too difficult for political and legal implementation, so the new «states» have chosen the way of de facto self-proclamation, without territory and recognition, becoming completely virtual.

### **3. Research Questions**

For a successful solution to the problem posed, the following tasks are supposed to be solved:

- 1) To study legal issues related to the problem of formation and the status of virtual states.
- 2) Consider the history of the emergence, evolution of statehood and the current status of the Principality of Sealand.
- 3) Identify the main types of existing virtual states; analyze their status and real situation.

### **4. Purpose of the Study**

In the second half of the XX and the beginning of the XXI centuries, the problem of the emergence of self-proclaimed virtual states became urgent. If earlier this process was quite complicated and was associated with the struggle of nations for self-determination, now state independence has begun to be proclaimed by individuals or families. Taking advantage of legal gaps in the basic requirements for statehood, in recent decades, some people have tried to transfer this concept to the virtual states they founded. In a fairly short period, hundreds of virtual states were formed, most of which did not last long. The vast majority of these states have chosen the monarchical path of development. Their heads proclaimed themselves emperors, kings, princes, dukes, earls and barons. They began to actively form a virtual feudal society, giving titles to other people. Some of these virtual states began to print their own banknotes and mint coins. Such virtual states have appeared, which not only have existed for several decades, but are also successfully developing and claim to be recognized by other states. The most famous and oldest of these is the Principality of Sealand, which has existed since 1967. Sealand is very different from truly virtual states. Rather, we can say that other virtual states were founded as a parody of Sealand. This Principality has all the features of a state, including some semblance of territory. Virtual states do not legally have their own territory, since they are located on the territory of other sovereign states, mainly the USA, Canada and Australia, which are most tolerant of the proclamation of state-like entities by their citizens. This article is devoted to the analysis of the mechanisms of self-proclamation of virtual states, their types, and legal aspects of this process. The history, current situation and legal status

of Sealand are investigated; the main currently existing virtual states (micronations) are briefly characterized.

## 5. Research Methods

The basis of the study is the principle of historicism, which requires the study of phenomena and processes in connection with the specific conditions that gave rise to them, the identification of both common and peculiar features inherent in these phenomena, the disclosure of objectively existing relationships between facts and their specificity taking into account spatio-temporal relationships.

General scientific methods were applied: analysis and synthesis (dividing the problem into separate components, followed by their reduction into large picture); induction and deduction (the transition from specific facts to general laws and the application of general laws to specific facts); historical and logical method (the study of historical material in the designated chronological framework based on logical operations); comparison and analogy. The methods of historical research proper are chronological (consideration of events in their sequence); historical-genetic (analysis of the historical background of the studied processes) and historical-comparative. These methods made it possible to study in detail the process of the genesis of both microstates and virtual states, the dynamics of their development and the present situation. In addition, the methodological theory of the study of microstates, developed by the Russian scientist Nefedova (2018), was used.

## 6. Findings

One of the first virtual micro-states to claim independence and their own territory was Sealand. The Principality of Sealand is located approximately 10 km off the coast of East Anglia. The size of this self-proclaimed state is 550 square meters. It is located on the Fort Roughs platform, which is one of the fortresses built in 1942 on the sea approaches to Great Britain. The platform, garrisoned about 100 men, covered the port of Harwich. In 1956, the military personnel left the fort and it was abandoned.

In late 1966, the platform was occupied by former British military major Roy Bates and his family. Initially, Bates wanted to establish an amusement park there, but on September 2, 1967 he proclaimed the creation of a new state – the Principality of Sealand, and himself as Prince Roy I. At that time, the platform was outside the territorial waters of Great Britain, but, worried about Bates's activities, the government sent patrol boats. The family barricaded themselves on the platform, and did not come to a violent action. On October 25, 1968, the issue was tried in the court of the city of Chelmsford. The judge ruled that the case was outside British jurisdiction.

The Bates family put the platform in order and began to position it as an independent state. The flag and coat of arms appeared, since 1969 passports were introduced, stamps began to be printed and souvenir coins were minted. Everything indicated that Bates intended to make money from his principality as an entertainment project. In this situation, problems could not be avoided. In 1975, Roy's assistants tried to seize power on the platform, and when they failed, they kidnapped the Prince's son Michael, who managed to escape from captivity. After that, Bates adopted a new Constitution for the state (Cogliati-Bantz, 2012).

In September 1987, Great Britain and Sealand simultaneously announced the expansion of their territorial waters from 3 to 12 nautical miles. London has not officially announced its territorial claims to Sealand. From the point of view of international law, this means that the sea zone between the two countries should be divided equally. In 1990, Sealand opened warning fire on a British warship approaching the platform. In 1999, when Roy Bates turned 78, his son Michael was proclaimed Prince Regent of the State. In recent years, Roy has lived mainly in Spain. He died in 2012.

Sealand was actively involved in business. Postage stamps and other souvenirs associated with this state were sold. Groups of tourists visited the platform from time to time. After the emergence of the Internet, the Principality began to actively operate there. Souvenir certificates of titles of nobility and pieces of the platform territory began to be sold. In 2000, the Internet Company HavenCo established its control center in Sealand (Hogan & Shepherd, 2015). Online casino and online university have been operating for some time.

In June 2006, a fire broke out on the platform, which severely damaged its territory. One person was injured. By November, Sealand was renovated. The platform has been expanded and redesigned. A helipad was made. In 2008, a new generator was installed. Today on the platform there are about 10 rooms for various purposes (including a chapel), as well as several rooms in pillars. Sealand is actively developing. The Prince is still Michael Bates. He bears the title of His Royal Highness the Prince of Sealand. There are three ministries in the structure of the executive branch: internal affairs, foreign affairs and telecommunications and technology. The legal system is based on British law. Thus, Sealand has shown itself to be a successful government, economic and tourism project that has existed for over 50 years (O'Donovan, 2009).

At the end of the XX century, dozens of other virtual states were founded, most of which did not last long. The likelihood that a microstate will succeed in obtaining constitutional status from the state on whose territory it is located is negligible. Much more probable is the option in which a microstate, carrying out social and cultural activities on its territory, will be able to achieve the status of a traditional institution of power (or, rather, a local landmark). For example, in Australia, the Principality of the Hutt River, which has existed since 1970, acts as such. Such are also the Empire of Atlantium and the Grand Duchy of Avram in Australia, the Aerican Empire and the Kingdom of Vikesland in Canada, the Kingdom of Talossa in the USA (Nefedova, 2018).

Seeking a peaceful solution to international problems, micronation can position itself as a state, government or national liberation movement. In the latter case, the principle of the right of nations to self-determination is involved, that is, the right of peoples to determine the form of their state existence as part of another state or in the form of a separate state. The principle of territorial integrity is inapplicable to states that do not ensure the equality of peoples living in it. In this case, you can position yourself as a nation, but there is little chance of gaining international recognition. A number of self-proclaimed state formations are trying to position themselves in a similar way. The most famous is Orania, founded in 1990 by Boer families fleeing discrimination against the White Boer population in South Africa. The city and surrounding lands were officially purchased from the government. Orania's area is about 3000 hectares. Today 546 families (1523 people) live there. The state has its own flag and monetary system. The economy is based on agriculture (Kirchick & Rich, 2008).

A number of virtual states are attempting to position them as part of Antarctica, although the 1959 Antarctic Treaty prohibits the creation of states on the territory of this continent. These are the Federated States of Antarctica, the Kingdom of Kip Voch, the United Republic of the Western Arctic, the Landshire Community, and the Russian Empire founded in 2011 by the Russian millionaire Anton Bakov. In 2008, Wirtland was founded, becoming the first fully virtual state. It only exists on the Internet. Citizenship is open and free to anyone over the age of 18. Wirtland mints its own coins (Nefedova, 2018).

## 7. Conclusion

According to modern international law, the small size of a state cannot be an obstacle to its recognition. The Roughs Tower platform was abandoned by British forces, removed from the lists of military bases. It was located outside British territorial waters. Thus, its occupation by Roy Bates in 1966 can be seen as the colonization of Terra nullius (the right to occupy those lands that do not belong to any State, are not inhabited or abandoned by their owners). In the case of Sealand, we are not even dealing with a fictitious one (raising the flag), but with an effective occupation (the creation of a permanent settlement, administrative authorities, the formation and development of the economy) (Cogliati-Bantz, 2012). Legally, Sealand has all the signs of statehood specified in the Montevideo convention, and could be considered an unrecognized state if other states considered it as something more important than just a tourist and entertainment project. Sealand was founded in neutral waters prior to the entry into force of the 1982 UN Convention on the Law of the Sea, which prohibits unauthorized activities at sea without permission from nearby coastal states and establishes a 12-mile territorial sea boundary. This Convention also closed the legal possibility for the founding of new states on the high seas, proclaiming the freedom of the high seas for all countries. The Montevideo Convention declares that states have the right to exist and to defend themselves, regardless of official recognition. These states today include the Republic of China (Taiwan), a number of self-proclaimed states on the territory of the former USSR and other countries. In 1968 and 1990, British courts declared the Sealand question to be outside British jurisdiction. Diplomatic negotiations with the Principality in 1975 were conducted by the governments of West Germany and the Netherlands. For some time, a number of European countries recognized the postage stamps of Sealand, and it was also possible to actually cross the borders with a Sealand passport, which was declared illegal. In 1997, Sealand's passports were replaced by ID cards. Thus, Sealand is the only virtual state that claims to be a real State. If Sealand was recognized, it would become the smallest state in the World.

The rest of the virtual states do not have statehood, but only exploit the myth about it. They earn by selling souvenirs and coins, and at best they are a local landmark. The legal creation of new states by private people is no longer possible, and, therefore, the problem of virtual states is finally transferred to the virtual space, becoming one of the methods of conducting an entertainment Internet business. The myth of statehood has finally become a part of the digital civilization.

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