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BRIEF COMMUNICATION

Cyber Micronations and Digital Sovereignty

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Abstract
The Internet has spurred the development of thousands of virtual nations. Located entirely online, these micronations claim sovereignty over vast stretches of cyberspace and engage in performative rituals of statehood. They draft constitutions, compose national anthems, sell citizenship, and sometimes, confuse or confound ordinary people. What are these entities and why do their founders and proponents purport to be a state? What legal and ethical challenges do cyber micronations provoke, and how do they challenge orthodox conceptions of the state? This brief communication considers these questions.

Keywords Internet · Cyber micronations · Digital sovereignty

In 2022, reports emerged that Zaha Hadid Architects had constructed a city in the metaverse. The boundaries of the virtual city were 'based on the Free Republic of Liberland', a spit of land located between Croatia and Serbia and claimed by Vít Jedlička, a libertarian politician from the Czech Republic (Architecture & Design, 2022). Jedlička founded his Free Republic 7 years earlier with the goal to create 'a society where righteous people can prosper with minimal state regulations and taxes' (Eckardt, 2016). The establishment of a digital city, existing outside the state system, could be seen as a step in this direction.

Liberland has a flag, a coat of arms, and, clearly, some funding. You would be forgiven for not having heard of this nation, however. Despite its attempts to garner international recognition, Liberland is not a state. Nevertheless, its attention-grabbing exploits provoke questions around the idea of statehood and digital sovereignty. In this brief communication, we explain how micronations differ from recognised states and outline various forms of micronationalism. Drawing on the growth of

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cyber micronations, we also examine how and why micronations perform elements of sovereignty online and in the real world. In doing so, we consider how in these performances micronations can mirror emerging practices of digital sovereignty or seek to forge alternative geopolitical imaginaries. Of course, reflecting a longer history of fraud, many others are formed simply to engage in dubious and illegal activities. Cyber micronations might seek to escape the bounds of the state, but these actions demonstrate the need for regulation and oversight.

1 What is a Micronation?

There is no clear and simple definition of what makes an entity a 'state' for the purposes of public international law, but the *Montevideo Convention on the Rights and Duties of States* provides a working definition. Under the Convention, an entity must possess territory, population, a government, and a capacity to enter into relations with other governments (1934). While Liberland might argue it meets all four conditions, closer investigation should dissuade us of any misapprehension (Rossman, 2016). What territory does Liberland possess? In the physical world, Jedlička claims to exercise sovereignty over a small island in the Danube. Alas, Croatian, and Serbian authorities have prevented any permanent occupation. Online, Liberland claims possession over a 'free standing virtual reality realm' (Architecture & Design, 2022). This may be intriguing, but it is not sufficient for international law.

The key to statehood is not territory per se but, in the words of Matthew Craven & Rose Parfitt, the 'ability to rightfully claim the territory as a domain of exclusive authority' (2018). Both neighbouring states have ignored Liberland's territorial claim. It is also not clear how it could exercise jurisdiction within the metaverse. If a Liberland parliament enacts a law, or a government passes an edict, who would be bound? And would that law need to satisfy some other terms of service agreement, itself governed by law from the state in which the servers are hosted? Other challenges exist. The Montevideo Convention's requirement of 'population' might not require many people inhabit an entity, but there is a hurdle that needs to be met. Can a population live entirely online?

If Liberland is not a state, what is it? It is a micronation. A micronation is a self-declared nation that performs and mimics acts of sovereignty and adopts many of the protocols of nations, but lacks a foundation in domestic and international law for its existence and is not recognised as a nation in domestic or international forums (Hobbs & Williams, 2021, 2022a). There are hundreds of micronations around the globe that adopt similar strategies to Liberland. They develop complex (and sometimes innovative) governance structures, enact laws according to those systems, and attempt to engage real states in formal diplomatic protocols. Sometimes, this works. Relying on the good faith of ordinary people inside and outside government, micronations can obtain informal and unofficial recognition. This might be in the form of a letter from a state department addressed to a king or queen, or when the postal service overlooks a homemade stamp. This does not constitute actual recognition of course, but it highlights the blurred lines in which micronations try to operate. They

have no legal basis for their existence, but they exist in the real world and can affect real people.

Let us stop for a moment. What *are* micronations? Micronations have what might be termed a ‘pre-history’ in various anomalous and/or short-lived independent jurisdictions in various parts of the world, but they emerged in their current form in the twentieth century as the result of various fanciful, libertarian and/or protest impulses. In territorial terms there were two main types, ones that claimed areas as independent enclaves within established nation states (such as the Republic of Saugeais, established in south-eastern France in 1947) and ones that claimed fringe locations, such as offshore islands, reefs, or platforms (such as New Atlantis, which operated off the south-western shore of Jamaica in 1964–66). Some, such as the Principality of Hutt River in Australia or Ladonia in Sweden, managed to gain some partial tolerance from the states they existed within, while others garnered international coverage by either attracting military action to destroy their territorial base (such as the Rose Island platform off Italy, in 1968) or else (as in the singular case of Sealand, in the North Sea, established in 1967) by managing to achieve and maintain de facto independence over a sustained duration. In all cases, however, none obtained de jure independence nor recognition from existing states.

Another type of micronation that emerged in the late nineteenth and early twentieth centuries involved the claiming of a more personal space by its occupant(s) in an attempt to assert autonomy in a similar, albeit less ideologically intense, manner to the later sovereign citizen movement. Notable examples of the residential micronation include Kugelmugel, a spherical residence in Vienna claimed as independent by artist Edwin Lipburger in 1982 and the Principality of Wy established in Sydney in 2004 on a residential block by disgruntled property owner Paul Delprat. Ben Madison’s declaration and, later, public assertion of his bedroom in a house in Milwaukee (USA) as the Kingdom of Talossa in 1979 has been identified as initiating a series of subsequent bedroom nations, including the so-called Kingdom of Lovely created by British comedian Danny Wallace for his 2007 BBC TV series *How to start your own micronation*. These entities drift further away from the orthodox understanding of a state, but they still claim physical territory.

In the late 1990s, another type of notional micronation emerged on the Internet. Unlike the first waves referred to above, which predominantly involved claims on territories that had been visited and/or inhabited by the claimants, this wave involved the assertion of micronationality for territories that the claimants often had minimal acquaintance with and/or no actual intention of attempting to physically occupy or develop. In this regard, the practice essentially involved an individual or individuals fantasising about micronational autonomy, manifesting this fantasy through representing it on a website or social media platform and then role-playing as its head (often a grandly titled emperor, king or grand duke, etc.). Such entities have been referred to as *simulationist* and/or as manifestations of *interactive geofiction*. The growing number of such entities facilitated personal contact between their creators, involving information sharing, often conducted via private messaging, and/or performative interaction, involving micronations becoming involved in public alliances, disputes, or conflicts that were enacted online.

Liberland appears to be an example of a territorial micronation that builds on simulationist ideas. It is not clear if Jedlička is genuinely interested in creating a new sovereign nation, using his idealised libertarian community as a vehicle to promote his political ideology and forge a new geopolitical vision, or simply making money by drawing on the privileges of statehood. Whatever his motivation, Liberland's virtual reality sparks questions around digital sovereignty. Despite not formally existing, it also creates real-world challenges. We will return to these in a moment.

Not all virtual micronations are in it for money but they provoke similar questions. The interest generated by both secessionist micronationalism and simultationism led to the establishment of the MicroWiki platform in 2005, which involved a number of enthusiasts facilitating the expression of micronational entities online. Some insight into the degree of interest in the online sector can be gleaned from MicroWiki's claim that it currently has 64,567 individuals accredited as editors, 200,234 separate pages, and 37,634 articles (MicroWiki, n.d. a). Even so, micronationality appears to be predominantly a developed world phenomenon, with the vast majority established by individuals and families in Australia, North America, and Europe. Although virtual nations are not bounded by the same territorial constraints, they are framed by the imaginations of their creators—these tend to combine claims to areas of the developed world that are familiar to them or to 'exotic' islands, polar reaches, or bits of outer space.

One of the most striking aspects of MicroWiki is the manner in which debates articulated within its various pages and forums involve earnest discussions about the distinction between what might be termed 'classic' secessionist micronationalism and simulationism. MicroWiki's entry on 'Simulationism', for instance, emphasises a distinction between secessionist micronationality and simulationism that seeks to critique the latter's claim to be recognised as a variant of the former. At the same time, the entry acknowledges that the contributors to the virtual sector have become increasingly indifferent to such attempts at such demarcation. Taking this as a starting point, the entry identifies three subtypes of simulationist entities (MicroWiki, n.d. b):

- *Cultural or political simulations*, in which the running of the nation is seen mostly as a hobby; it does not formally claim sovereignty or independence from its macronation of origin but nevertheless engages in physical, 'real-world' activities, meetings, elections, etc.
- *Virtual nations*, in which the 'nation' supposedly administered by a government exists wholly or partially online or in the minds of its creators and citizens. The leaders of the nation may maintain physical embassies and attend summits with other micronational leaders, partaking in real-world activities, but the territory which they claim as their country is unable to be physically found or visited.
- *Geofiction or 'conworlding'* is a more disputed example, but members of these projects do often claim to be micronationalists. This refers to entities in which a nation is openly, explicitly, and unabashedly fictional, with no real-world activities or impact. The emphasis on projects such as these is on detailed storytelling and worldbuilding and the simulation of politics in a fictional environment.

2 Micronations and the Performance of Sovereignty

It should be clear that micronations are performative. While they might be seen to subvert and transgress upon the concept of the nation they are hosted within or have seceded from, many continue to replicate the visual and performative apparatus of statehood to be recognised as a new nation going forward. After their declarations of independence, most micronationalists invent and rewrite histories and national narratives; they design flags, medals of honour, passports, and currency. They establish entire constitutions with laws and rights for their citizens and hold elections or plan their lines of succession. Additionally, many are represented at various international summits including MicroCon (a North American conference of micronations), MicroFrancophonie (the gathering of French micronations), and the (short-lived) Micronational Olympics.

It is, therefore, not surprising that in the limited—but growing—scholarship on the topic, several researchers point to the mimetic and performative aspects inherent in the design and diplomacy of these new-nation projects. Geographer terri moreau identifies the ways in which micronations 'mimic and […] parody established sovereign nation-states' (McConnell et al., 2012); historian Lachlan MacKinnon explores the performance of gender through 'Canada's first micronation' (2014); and in their recent book, Harry Hobbs and George Williams dedicate an entire chapter to the notion of *Performing Sovereignty* (2022a). Here, a performative lens presents a means to understand micronational claims—where, without military 'hard power', nor any true legal standing, micronations become themselves and find legitimacy through *performance*. It is through the performative utterance of 'I claim this land' or 'I secede from Canada' (Austin, 1962), coupled with the sustained repetition of these mimetic acts (raising flags, singing anthems, pledging allegiance, etc.) that micronations declare their sovereignty and sustain their existence.

For contemporary micronations, a digital presence is a key aspect of sustaining this performance. Often mimicking the websites of legitimate nation-states with URLs that include 'gov' or 'org' (for instance, obsidiagov.org), these websites act as virtual embassies—providing both an online archive of the micronation's history and an interactive and performative digital portal for their audience to apply for citizenship, purchase passports, or enlist in their 'army' (see: draculgov.com). It is here where micronationalists perform the administration of their nation by issuing documents, selling 'titles' or 'peerages', and responding to requests. The micronation known as Westarctica, which purports to claim sovereignty over most of Marie Byrd Land in western Antarctica, accepts citizenship applications through a form on their website. After pledging to honour the constitution, and upon acceptance, one receives a personalised citizenship certificate and an e-book of their nation's history. With digital pages that showcase their trappings of statehood (flags, currency, etc.) outside of diplomatic venues like MicroCon, micronational websites offer a virtual space for new-nation projects to continue their performance in-between 'real-world' events. For simulationist micronations, or those without accessible land claims (like Westarctica's in Antarctica, or the

Ambulatory Free State of Obsidia's small rock of obsidian) their websites might represent the extent of their micronational performances.

Interestingly, an early article on the topic of micronations centres on similar virtual projects. Writing in 2008 and depicting micronations as 'an offshoot of the literary genre of the utopia', literary scholar Marie-Laure Ryan argues that 'micronations are collections of mainly descriptive documents, and it is the user exploring the website who plays the role of traveler'. She suggests that:

> [m]icronations are not dynamic environments but collections of static texts that express the creativity of their founder, and once you have taken a tour there is not much else to do (Ryan, 2008, 250).

While websites—like Westarctica's and Obsidia's—still contain large textual archives that highlight their founding, constitutions, and laws, they also present as active portals to engage citizens and non-citizens alike. The micronational websites of today position the user as both audience member: in reading a narrative history or watching videos from the nation's founder; and participant: in engaging in diplomacy through the website, or on Facebook, Reddit, or Discord. The 'Citizens of Westarctica' Facebook page has over 730 members, and Obsidia's annual 'Succession Day' garners dozens of posts on social media.

Why would someone spend many hours of their life playing a nation on the Internet? In many cases, the answer is simple: for fun. Founders draft rich and detailed national histories, creative cultural traditions, and a range of state symbols such as flags, national anthems, and currency, as ways to connect with others who share similar interests. As we have seen, sometimes, these micronationalists meet up in real life at conferences and conventions. In many respects, these are forms of live action role playing. They are a means to find and build a community.

Online micronational forums reveal the close relationship micronations have with states. These forums mimic the development of multilateral institutions among independent sovereign states. They provide unrecognised communities with a global audience and confirm the value of ritualised statehood protocols and performative aspects of diplomacy and statecraft. Micronations may not be officially recognised outside their community, but within their own society, they perform and assert their sovereignty in ways that are recognised—and respected—by their peers.

3 Ethical and Legal Challenges

Micronations may be seen as fun or light-hearted expressions of personal identity and good humour, but in operating in the real world, they do raise ethical questions. Micronational websites might be seen to encourage a type of community around a project, but several micronationalists point to a concerning trend. Since micronational websites mimic those of legitimate nations and use authoritative language around their claims to sovereignty, micronationalists receive frequent requests from individuals who, due to political crises, war, or climate change, have been displaced from their home countries and hope to migrate to their micronation (Noble, 2017). Although some micronational websites, like that of Sweden's Ladonia, thoroughly

explain that 'citizenship is a symbolic gesture [...] with no tangible benefits [...] or residency' (Ladonia, n.d.), other micronations are not as clear. In a personal interview with the leader of Westarctica, Travis McHenry noted that due to the number of citizenship requests from this community, he removed Westarctica's citizenship exam—which formerly included video modules for applicants. While this certainly raises significant ethical concerns as to how micronational performances might deceive vulnerable populations, it resonates with the widespread displacement of individuals occurring at the present moment and demonstrates the imaginative power—the *hope* and safety—that even 'fake', virtual borders can instil.

It also dovetails with practices of digital sovereignty offered by recognised states. Since 2014, Estonia has allowed non-citizens to apply for virtual or e-residency, which entitles the holder to access Estonian services (de Castro & Kober, 2019, 129). While the Estonian program does not grant rights of citizenship, at least 20 states offer forms of citizenship by investment (Kim, 2023), where wealthy individuals can obtain citizenship by investing in real property and contributing to the state's development fund. The small Pacific nation of Tuvalu, threatened by climate change, is even contemplating creating a digital clone of itself (Fainu, 2023).

Some micronations seek to take advantage of these developments, further eliding the divide between recognised and unrecognised political communities. In the midst of the 2015 European refugee crisis, for example, the founder of Liberland offered to provide citizenship to any person willing to pay USD 10,000. In September 2015, he claimed that 378,000 people registered their interest, including 9647 people from Syria and 1922 from Libya. Pointing to these figures, Jedlička noted that his country may be 'especially attractive to those from troubled nations' (Hobbs & Williams, 2022a, 167). In another imitation of statehood, Jedlička's action prompted a multilateral response. Olivier Touzeau, Emperor of Angyalistan (a micronation whose territory extends along the horizon), drafted an official communiqué on behalf of the Organisation of Microfrancophony condemning his actions:

> The micronations who publish passports are faced with the serious problem of the refugee crisis and the actions needed to give hope to humanity without fooling anyone. Liberland just did exactly the opposite of what can be hoped from a serious micronational project. We strongly condemn the despicable initiative of the leader of the free Republic of Liberland (Hobbs & Williams, 2022a, 168).

No one from Liberland has been formally charged with criminal activity, but some Internet-based micronations appear to have been set up with the aim of defrauding unsuspecting people. The Dominion of Melchizedek is a micronation that operated from the early 1990s. According to one close observer, the micronation seemed to be based 'more on tax laws than territory' and 'exist[s] mainly so that money can be whisked through shell banks' (Leiby & Lileks, 1995). Several people connected to the Dominion were convicted of financial crimes (Hobbs & Williams, 2022b, 246–254; Tillman, 2002). The breadth of criminal activity connected to the Dominion drew comparison to Scottish adventurer Gregor MacGregor's nineteenth century's Poyais scheme. Described as the 'most audacious fraud in history', MacGregor encouraged more than 250 colonists to settle

in the fictional Central American country of Poyais (Sinclair, 2003, 19). While all 'fake' countries can defraud unsuspecting people, the growth of cyber micronations poses particular risk. Attempts to operate outside the state system will likely be jealously guarded by those already within it (Steinberg et al., 2012).

There are other ethical challenges. While the online environment in which simulations and virtual nations operate is usually seen as a closed system with little connection to or relevance for 'real world' situations, there is a rarely discussed dilemma about the fanciful assertion of micronationality for a locale that may have either a history of (quasi) micronationalist ventures, such as Lundy island (Hayward & Khamis, 2015), and/or be part of a region that is seeking official recognition as autonomous, such as the Shetland archipelago (Grydehoj, 2014). While online micronational gaming may not have adversely impacted such territories to date, the lack of community consent to being represented in particular ways online runs counter to current socio-political trends and signals a degree of insensitivity on the part of those involved in online fantasy gaming.

Putting these challenges to one side, what then is the future of virtual or cyber micronations? Could an online community like this ever become a state? Is there a chance that a virtual micronation like Liberland could establish some form of authority and sovereignty online, in their metaverse? Under existing international law, the answer is no—that territory conundrum strikes again. But there are many who are trying. One of the defining features of a micronation is its ingenuity. Proponents scour international conventions and agreements looking for loopholes in the law. Could an online micronation find a crack to exploit? It appears unlikely, but technological developments outpace the law. If, for example, the Liberland Metaverse becomes a genuine site of commerce, relationships, and political community, might people vote with their feet (or hands) and move to the internet page? Could Tuvalu or Barbados—two states replicating themselves on the metaverse (EuroNews, 2022)—build an embassy in the Liberland Metaverse, as a precursor to formal recognition? Is formal recognition even necessary as a matter of practice?

The more significant question to us is why claim to be a state? What is it about the 'state' as a subject of international law that attracts people? Why not simply operate a web forum, political action group, or join a massively multiplayer online role-playing game (Waguespack et al., 2018)? We have seen that some are interested in material advancement. Many states profit by selling stamps, citizenship, diplomatic recognition, and even votes in international forums. Creating your own virtual nation and selling virtual residency could be a good way to turn a profit. Many others may be focused on developing new geopolitical imaginaries. Liberland and its virtual city appears to offer a new understanding of community and citizenship, while the Sea Steading Institute promotes an entrepreneurial cocktail of bohemian libertarianism (Steinberg et al., 2012). Many might also simply be interested in relevance. To be a state is to matter. Perhaps that is all that anyone wants: attention.

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