
Prince Leonard Prepares for War

On a rainy and gloomy 2 September 1967, Roy Bates, a World War II veteran and former major in the British Army, declared himself the ruler of the new Principality of Sealand. Like many political entities seeking statehood, several challenges immediately confronted the apparent nation. The difficulties facing Sealand appeared particularly grave. To begin with, the entirety of the Principality's territorial claim consisted of a 4,100-tonne decommissioned artificial naval installation located off the coast of Essex in the River Thames estuary. Initially built in 1942 to guard the United Kingdom (UK) port of Harwich from invasion, the until recently abandoned naval fort possessed no arable land. In fact, it possessed very little habitable land at all. The purportedly independent state resembled an abandoned oil rig in being comprised of a 51-by-27-metre pontoon supported by two 18-metre hollow reinforced concrete towers of around 7.3 metres in diameter.

To make matters worse, the UK government was listening.¹ Thankfully for Bates, the United Kingdom was unsure how to respond. Bates, his family, and a small band of supporters had occupied the fort since late 1966, initially intending to operate a pirate radio station from the platform, and the government had spent much of the time since considering what it should do. While some officials demanded the fort's immediate destruction, the Navy were reluctant to intervene, wary of the formidable, improvised arsenal Bates had apparently stocked. Other officials were not entirely sure what to make of the situation. The

¹ Unless otherwise cited, material in this section is drawn from Adrian Johns, *Death of a Pirate: British Radio and the Making of the Information Age* (W.W. Norton & Co, 2011) 249–53; James Grimmelmann, 'Sealand, Havenco, and the Rule of Law' (2012) 2 *University of Illinois Law Review* 405, 412–24; Dylan Taylor-Lehman, *Sealand: The True Story of the World's Most Stubborn Micronation* (Icon Books, 2020). The Principality of Sealand is explored in more detail in Chapter 3.

Ministry of Defence, for instance, considered his actions bizarre rather than threatening, remarking that his behaviour was ‘ludicrous. Mr. Bates is trespassing and it now looks as if he is being very foolish.’² Complicating matters further were difficult questions of jurisdiction. As the fort was located outside the United Kingdom’s three-mile territorial waters and the government had abandoned the site some years previously, it was not clear whether Bates’ occupation violated any law.³ Certainly, it was beyond doubt that Bates himself was causing trouble; reports suggest that he was repelling attempted intruders with homemade petrol bombs and air rifles.⁴ In light of this development, the Cabinet ultimately determined to ‘dislodge’ Bates and his supporters, apparently ‘to prevent it falling into the hands of foreign interests’.⁵

‘Operation Callow’ was relatively straightforward. Officials would remind Bates that the installation belonged to the Ministry of Defence and demand that he leave. If necessary, they would offer him an ex-gratia payment of £5,000 and assist in the removal of his property. Once the Bates family had been safely escorted off the site, the fort would be demolished to prevent them or anyone else from attempting reoccupation. However, Bates refused to cooperate. Baulking at the government’s offer, he instead demanded £90,000. When this was not forthcoming, he refused to entertain any suggestions that he relinquish possession. In the meantime, journalists discovered that a detachment of Royal Marine commandos were preparing to seize the fort. Anxious to avoid negative publicity, the government felt that it had no option but to stand down.⁶

Other strategies were actively considered. David Belasco, a disaffected Bates supporter, approached the government proposing to betray his former leader and allow the military safe entry. While the Ministry of Defence considered the plan ‘implausible’, it did let Belasco know that it was ‘prepared to take the Fort over’ if he was able to obtain possession without force.⁷ Ultimately this too did not eventuate. The Ministry backed out when it became clear that Belasco wanted the Navy to blow

² ‘Independent Isle “Ludicrous”’, *The Times* (London, 4 September 1967) 3.

³ Grant Hibberd, ‘The Last Great Adventure of the Twentieth Century: The Sealand Affair in British Diplomacy’ (2011) 4(2) *Britain and the World* 269, 271.

⁴ ‘Struggle for Sea Fort’, *The Times* (London, 28 June 1967) 1; ‘Sea Fort Repels Boarders: Raiders Faced Flamethrower’, *The Times* (London, 30 June 1967) 2.

⁵ Grimmelmann (n 1) 420; ‘Commandos Set to Seize Fort’, *The Times* (London, 8 August 1967) 1.

⁶ ‘Commandos Set to Seize Fort’ (n 5); ‘Ministry Says Talks Over Fort Broke Down’, *The Times* (9 August 1967) 2.

⁷ Grimmelmann (n 1) 422; Taylor-Lehman (n 1) 57–8.

the fort up to provide a stunning finale to a book he was writing. In any event, the abortive plan quickly got out of hand when Belasco swore an affidavit claiming that the Ministry had asked him to capture the tower by force. This accusation was taken up by Bates and became the subject of a story in the *Daily Telegraph* and, much to the government's embarrassment, was raised in Parliament.⁸

Still other approaches were considered. In order to maintain provisions, Bates regularly sailed between the fort and his home on the UK mainland. To delay and frustrate Bates, Customs sometimes refused to clear his boat for departure, arguing that it lacked a load line certificate. Resourcefully, Bates again approached the papers, alleging that the government had 'marooned' his children who were living on the fort by dredging up 'some obscure bit of marine law'.⁹ Although Customs maintained that Bates had merely to 'hire another boat if his own does not conform to the regulations',¹⁰ they eventually relented. Another plan to prosecute Bates for failing to ensure that his 14-year-old son Michael attended school was similarly dismissed.¹¹ So too was the suggestion that the UK government pass legislation to expand Britain's territorial waters to encompass the fort. As one official noted, such a 'huge undertaking for a relatively small purpose would be "a ponderous move, inviting ridicule"'.¹²

The United Kingdom had not yet given up. After several months, legal advice was finally delivered concluding that although a civil action for possession of the fort 'would be likely to fail for lack of jurisdiction',¹³ criminal jurisdiction over offences committed by British citizens might well extend to the site. In November 1967, Michael Bates fired several shots from the fort towards HMS *Egeria*, a Royal Navy survey mine-sweeper. However, no damage was recorded, and the evidence was uncertain, so the incident was ignored. The Director of Public Prosecutions did not have to wait long for a clearer case. In May 1968, Michael Bates fired a pistol in the direction of lighthouse staff working on

⁸ Kenneth Clarke and James Allan, 'Ministry Planned to Seize Sea Fort', *The Daily Telegraph* (30 May 1968); United Kingdom, *Parliamentary Debates*, House of Commons, 18 December 1968, vol 775 col 377W.

⁹ 'Radio Man's Children "Marooned"', *The Times* (London, 7 March 1968) 3.

¹⁰ 'Children "Not Marooned"', *The Times* (London, 8 March 1968) 3.

¹¹ Taylor-Lehman (n 1) 39.

¹² *Ibid* 40.

¹³ Elwyn Jones and Dingle Foot, 'Continental Shelf Roughs Tower Fort' (21 August 1967). See further Letter from Basil Hall to Sir William Dale (8 August 1967). Sources cited in Grimmelmann (n 1) 421.

a buoy near the tower. When Roy and Michael were next ashore, they were both indicted for violations of the 1937 Firearms Act. And yet, at the moment of its triumph the government vacillated; ‘It was decided not to take advantage of Mr. Bates’ attendance in Court to try and occupy the Fort, as this smacked of sharp practice.’¹⁴

Unfortunately for the government, the case was ultimately dismissed for want of jurisdiction. Justice Chapman of the Essex Assizes held that although Parliament possessed ‘the power to make it an offense for a British subject to have a firearm with intent to endanger life in Istanbul or Buenos Aires, or where have you’, it had not done so in this case as the Firearms Act was held to ‘operate only within the ordinary territorial limits’.¹⁵ While the court did not hold that Sealand was independent – and in fact concluded that Parliament could extend its jurisdiction to encompass the offshore platform – Bates nonetheless saw the decision as providing de facto recognition of his Principality.¹⁶

Some journalists and lower level officials were also uncertain of this distinction. In a feature on ‘the beautiful Princess Joan of Sealand’¹⁷ published in the aftermath of the decision, the *Sunday Mirror* reported: ‘Last week a British judge ruled that the tower was outside British legal jurisdiction, which means that Mr and Mrs Bates have sovereignty over their island fort.’¹⁸ Customs officials in Essex also apparently began ‘treating Sealand ... as a foreign country’ informing journalists that they were ‘awaiting directives about the necessity of passports’.¹⁹ Amidst the confusion, the Foreign Office remained firm: ‘Of course we don’t recognise it as a foreign state. It’s a fort in the North Sea, that’s all. It’s not a state ... it’s a building.’²⁰

Following Justice Chapman’s ruling, the issue was returned to Cabinet, which eventually reached a practical resolution. Bates’ continued occupation may have been undesirable, but as he was ‘doing no actual

¹⁴ Grimmelmann (n 1) 423.

¹⁵ *R v Bates*, The Shire Hall, Chelmsford (25 October 1968) 8 (Chapman J); ‘Sea Tower Outside Court Limit’, *The Times* (London, 22 October 1968) 3. The United Kingdom extended its territorial jurisdiction to 12 miles, encompassing Rough Towers, in 1987: *Territorial Sea Act 1987* c 49, s 1(a) (UK).

¹⁶ Sealand, *About the Principality of Sealand* (2019) www.sealandgov.org/about/.

¹⁷ As befitting a Principality, Sealand enjoys its own system of royal titles. Princess Joan was the wife of Roy Bates (otherwise known as Prince Roy).

¹⁸ Gordon McGill, ‘The Princess on Sentry Go’, *The Sunday Mirror* (London, 27 October 1968) 11.

¹⁹ *Ibid.*

²⁰ *Ibid.*

harm . . . and the Ministry of Defence had not need of the Fort themselves', 'there were no pressing reasons for evicting Mr Bates, certainly none that would justify the use of force or the passage of special legislation'.²¹ It was also agreed that in any case, 'there was some advantage in refraining from prosecutions which would enhance Mr Bates's local reputation as a colourful adventurer prosecuted by authority'.²²

The decision set in place the United Kingdom's approach to the Principality over the following decades. The United Kingdom generally ignores Sealand on the basis it is a non-state actor with no legitimate claim to jurisdictional authority – provided that it does not cause too much trouble. This approach has much wisdom to commend it, but it has allowed Sealand space to attempt to develop into a fully fledged entity. In 1975, Bates introduced a constitution for his Principality. Consisting of twenty-three articles and purportedly based on the common law, its preamble reads:

In consciousness of his responsibility before God and before man, and inspired by the will to serve the cause of Peace for his People and for all peoples in the world, the sovereign ruler of the PRINCIPALITY OF SEALAND, His Majesty Prince Roy of SEALAND, for himself and for his successors to the throne, by virtue of his constitutional authority resolves, swears and proclaims:²³

Bates has adopted further state symbols. The Principality has its own flag, coat of arms, national anthem (in 2005, the anthem was recorded by the Slovak Symphony Orchestra as part of its series on national anthems of the world)²⁴ and motto – E Mare, Libertas (From the Sea, Freedom). It also mints its own currency, commissions postage stamps, issues its own national passport and sells noble titles. The Principality has also often pursued diplomatic relations with other sovereign states.

* * *

On the other side of the world, a former UK colony soon found itself tangling with a similarly stubborn and eccentric individual, though it adopted a different approach. At 5.10 p.m. on Friday 2 December 1977,

²¹ *Minutes of Meeting Re: Roughs Tower* (5 November 1968) cited in Grimmelmann (n 1) 423.

²² Taylor-Lehman (n 1) 61.

²³ Wikisource, 'Principality of Sealand: *Constitution of 1975*' https://en.wikisource.org/wiki/Constitutions_of_1975 and of 1989/*Constitution of 1975*.

²⁴ Slovak Symphony Orchestra, 'Sealand' www.youtube.com/watch?reload=9&v=ENwjBz3m5Y8.

Prince Leonard Casley of the Hutt River Province cabled a telegram to Sir John Kerr, the Governor-General of Australia. The telegram's contents were ominous:

Confirming my letter of 28th November re your Governments [sic] lack of respect of the laws not only on my people but also on people of your own country and Mr. Keatings [sic] further disrespect to the courts. Previous acknowledgement of duress having been applicable it is my official responsibility to declare that a state of war now exists between our respective countries and diplomatic relations are at this time now severed.²⁵

With a permanent population of fewer than twenty residents, no standing army, and the Province's 75-square-kilometre territory entirely enclosed by the state of Western Australia, Prince Leonard was unprepared for war. Two days later, at 3.30 p.m. on Sunday 4 December 1977, he cabled a second telegram announcing, 'that the state of war between our countries has now ceased'.²⁶ The Australian government responded to neither correspondence, but Prince Leonard nonetheless claimed victory. According to his reading of the Geneva Conventions of 1949, a state should show full respect to a nation undefeated in war. As the Hutt River Province was undefeated, Australia must recognise its sovereignty.

Australia has never recognised the sovereignty of the Hutt River Province, but its founding reveals how a combination of frustration with government regulation and anxiety over the ability to secure a safe and prosperous life for one's family can set people on a curious path. Australia's response, or lack thereof, also illustrates the diversity of approaches that can be adopted when dealing with self-declared states.

In the 1960s, Leonard Casley bought a property in the Australian state of Western Australia. Situated at Hutt River in the district of Yallabatharra, about 500 kilometres north of the state capital, Perth, Casley intended to establish a wheat farm. The Australian wheat industry had undergone a significant transition over the previous decades that had generated long-term resentment amongst many farmers. The Great Depression led to the failure of countless small farms across the country. Seeking to counteract the nation's adverse trade balance and restore economic prosperity, the Australian government initiated a campaign

²⁵ 'Telegram from Prince Leonard Casley to Sir John Kerr (Governor General of Australia)' (2 December 1977).

²⁶ 'Telegram from Prince Leonard Casley to Sir John Kerr (Governor General of Australia)' (4 December 1977).

to ‘Grow More Wheat’. Although leading to a 30 per cent increase in production, the program quickly turned into ‘one of the greatest disasters in Australian economic history’.²⁷ Political bickering meant that the government could only pay 40 per cent of what it had initially promised, leaving up to 20,000 small farmers who had borrowed heavily to plant larger acreage bankrupt.²⁸ A subsequent ‘Eat More Bread’ campaign, launched in an effort to absorb 1 million bushels of wheat unsold from the previous harvest,²⁹ did little to rectify these issues.

Industry consolidation and rising production levels through the 1930s began to challenge the capacity of smaller, independent farmers to compete in a global market. Large-scale grain producers were able to leverage their size to better negotiate with domestic and international wheat buyers and drive down prices. Emerging state intervention aimed at standardising prices was fast-tracked by the outbreak of World War II. In 1939, the government established the Australian Wheat Board (AWB) to oversee the marketing, storage, shipping, pooling and payment of the country’s wheat output. Throughout the war, the AWB implemented price stabilisation measures, including by guaranteeing prices, creating a stabilisation fund and regulating the issuing of new growing licences. By the end of the war, both industry and government accepted the necessity and desirability of maintaining a policy of stabilisation during peacetime.

When Casley bought his property, the AWB still regulated and managed the industry. National and State Boards sought to shelter growers from volatility by stabilising prices and incomes. The Board compulsorily acquired and pooled all wheat produced in Australia, established a home consumption price, and had the sole authority to market wheat domestically and internationally. Following a bumper harvest in 1968, industry sought the introduction of production quotas to reduce stock build-up and maintain pricing levels. The Western Australian government agreed, imposing quotas for the summer harvest.

The quotas had a deleterious effect on many farmers, including Casley. In November 1969, while preparing to harvest around 6,000 acres of wheat, Casley received a letter notifying him that he would be permitted

²⁷ Edgars Dunsdorfs, *The Australian Wheat Growing Industry 1788–1948* (Melbourne University Press, 1956) 270–5.

²⁸ Wendy Way, *A New Idea Each Morning: How Food and Agriculture Came Together in One International Organisation* (Australian National University Press, 2013) 140.

²⁹ ‘Endorsement by Minister; Whole Community Will Benefit’, *Evening News* (Sydney, 26 May 1930) 10; ‘“Eat More Bread” Campaign in NSW’, *Barrier Miner* (Broken Hill, 15 August 1930) 1.

to sell only 100 acres. As Casley explained in a letter to the Governor of Western Australia,

Under this new quota, it would have taken five hundred years to crop the same average amount of wheat that had been harvested in the previous twenty years. The gross proceeds would not have even paid the interest on the hire purchase on two four-wheel drive tractors that were in use. This did not allow any return for maintenance of their homes and families, no income on which to survive let alone profit.³⁰

Considering the quotas illegal, Casley called for compensation in the form of 1.8 million acres of land, 'whose rentals will thus be a fair settlement of our losses thus being brought about by the Wheat Quota'. He also sought that the Governor 'grant us our independence, under the Queen and a part of the British Commonwealth'.

Casley's call fell on deaf ears. Despite filing complaints with the Wheat Quota Board, as well as the Premier and Governor of Western Australia, he was informed that there would be no change to the quota. Concerned that the state might resume or forcibly acquire his property, he served a formal notice of secession to the Commonwealth and State governments on 21 April 1970. After observing what he considered a legally required two-year notice period, Casley officially declared the formation of a new state on 21 April 1972.

Casley purported to establish his nation based upon 'the rights of the Magna Carta and the rights of the Atlantic Treaty and the International rights to' create 'Self Preservation Governments'.³¹ However, neither document supports the assertion of independence, meaning that there is no sound legal basis for Prince Leonard's action. For this reason, neither the Australian nor the Western Australian government responded.

Nonetheless, Casley continued to act as though his claim was lawful. Consistent with the British diplomatic laws of recognition, following independence a flag was chosen and correspondence delivered to the Governor-General of neighbouring Australia. In March 1971, a Bill of Rights was adopted promising all persons the full protection of the law. Hutt River coins were minted, postage stamps and passports issued and

³⁰ 'Letter from Leonard Casley to Sir Douglas Kendrew, Governor of Western Australia', 3 November 1969.

³¹ 'Fate Accompli: Declaration from Leonard Casley to Sir David Brand, Western Australia Premier', 21 April 1970.

a national anthem recorded. Casley also sent numerous letters to representatives of various states seeking diplomatic recognition.

In the months following his purported declaration of independence, Casley was anxious that the Australian government might act to dissolve his aspirant state. Casting around for a more secure legal basis for its existence, Casley identified a law passed during King Henry VII's reign as critical to shoring up the independence of Hutt River. The Treason Act 1495 was passed to heal lingering resentment following the War of the Roses. Aiming to encourage former advocates of Richard III to support Henry VII against any potential attempt by the House of York to retake the throne, it provided that anyone serving or fighting for the king *de facto* (Henry) against the king *de jure* (potentially those with a rival claim through Richard) would not be guilty of any offence. Drawing on this provision, Casley invested himself as His Royal Highness Prince Casley and transformed the Hutt River Province into the Principality of Hutt River. As he (wrongly) understood it, because he was a *de facto* prince, the law would preclude Australia prosecuting him or his family for any offences they committed while he attained his throne and would prevent the Australian government from interfering with him 'in the discharge of his Princely duties'.³² Prince Leonard need not have worried. Australia largely ignored the Principality over the fifty years following its founding, save only to ensure that it complied with taxation laws.

* * *

Prince Leonard's declaration of war indicates that self-declared states can be particularly inventive in seeking to have their sovereignty recognised. But not all attempts to ground international recognition need be so hostile. In 1992, Dean Kamen, the inventor of the Segway and mobile insulin pump, as well as self-appointed ruler of the Kingdom of North Dumpling, convinced his friend, President George HW Bush, to sign a non-aggression pact between their two countries – though the United States does not formally recognise the Kingdom.³³

The Kingdom of North Dumpling is also known as North Dumpling Island. It is a privately owned, three-acre island in Fishers Island Sound, around one mile off the coast of Connecticut. Originally within the traditional lands of the Pequot Indians, the island was acquired by John Winthrop, son of the governor of the Massachusetts Bay Colony, in 1639. The island was owned by the Winthrop family until 1847, when it was

³² Hutt River Province, 'Formation of the Hutt River Province'.

³³ Clarice Butkus, 'North Dumpling Island: Micronationality, the Media and the American Dream' (2014) 8 *Shima: The International Journal of Research into Island Cultures* 84.

sold to the federal government to construct a lighthouse. In 1959, the lighthouse beacon was automated, and the island sold to a private party. In 1986, Kamen bought it for USD 2.5 million.

The following year, Kamen sought permission from authorities in New York State's Suffolk County to construct a 100-foot wind turbine on his property. Permission was denied, as regulations restricted structures more than 40 feet tall in residential areas. Rather than amend his plans, Kamen purported to secede from the United States. As *The New York Times* reported at the time:

Although owning an island in the Sound and considering it to be a land apart is not an unheard of notion, few people have gone to such theatrical lengths to establish a semblance of sovereignty.³⁴

Theatrical is the correct word. Styling himself as Lord Dumpling II, Kamen has staged 'various tongue-in-cheek performances of sovereignty'.³⁵ He drafted, or rather claims to have unearthed, a constitution that bears striking resemblance to the US Constitution, 'which is why the Dumplonians and Americans have gotten along for so many years'.³⁶ He also composed a national anthem, designed a flag and created a currency 'which features a 250,000 Dumpling note bearing a portrait of Kamen in bowtie and propeller-donned cap'.³⁷ Kamen also named a Cabinet, appointing several of his friends to important positions, including the founders of Ben and Jerry's ice cream, Ben Cohen and Jerry Greenfield, as Ministers of Ice Cream.³⁸

The Kingdom of North Dumpling clearly differs from both the Principalities of Sealand and Hutt River. While all three self-declared states trade on a currency of popular fasciation or bemusement, Kamen has used his personal fiefdom to garner media exposure and attention for his various endeavours and scientific activities. In hundreds of interviews with national and international media, Kamen has characterised the Kingdom as 'a proof of concept center' for his inventions,³⁹ or a 'working model for how the

³⁴ Nick Ravo, 'From L.I. Sound, A New Nation Asserts Itself', *The New York Times* (22 April 1988).

³⁵ Butkus (n 33) 87.

³⁶ *How to Start Your Own Country* (Everyday Pictures, 2010).

³⁷ Butkus (n 33) 87.

³⁸ Michael Inbar, 'Welcome to Secret Island of an Eccentric Genius', *Today* (22 October 2010) www.today.com/news/welcome-secret-island-eccentric-genius-wbna39775733.

³⁹ John Richardson, 'How Dean Kamen's Magical Water Machine Could Save the World', *Esquire* (24 November 2008) www.esquire.com/news-politics/a5319/dean-kamen-1208/.