

## Legal Report | AMBULATING REPUBLIC (R.A), (A.R.)

### FUNDAMENTALS OF LAW R.A Legal report

(Headquarters Union of Nations. Legitimized by State)

Legal report written by expert lawyers in International Law is provided that accredits the Fundamentals of Law R.A.

It confirms that R.A is in accordance with International Law and can be considered a Sovereign, Independent Republic since 2020<sup>1</sup>.

Decides that:

The first article of the Constitution establishes the principle of individual sovereignty. This principle, enshrined in Article 2 of the Charter of the United Nations, which states that only States have supreme authority over their territory, full domestic jurisdiction, immunity of jurisdiction proper to other States and freedom of interference by other States in their territory, as well as equality with other States sovereign because of the implications of their sovereignty ("Charter of the United Nations" 1945), can also be applied to the micronation in the case of the R.A, since it is formed by a separate individual, who possesses individual sovereignty.

The R.A fulfills the four criteria established in the Montevideo Convention: the sovereign represents the territory, the population and the the government itself, and the A.R. can establish relations with other states due to its proclamation of independence in 2020. Montevideo's definition is broad enough to allow independent entities to qualify as states, as in the case of the R.A.

It concludes that:

- The R.A fulfills the four criteria established in the Montevideo Convention and, consequently, based on the Convention of Montevideo can claim its status as a state.
- Article 3 of the Montevideo Convention establishes that a State, even before being recognized, has the right to defend its integrity and independence, provide for their conservation and prosperity and, consequently, to organize themselves as I see fit, legislate about its interests, administering its services and determining the jurisdiction and competence of its courts. These extremes have been regulated and fixed by the REML as can be seen in its Grounds of Law and in its Proclamation of Independence of 14 of October 1999, thus protecting the R.A by international law.

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<sup>1</sup> <https://www.tantricdragon.com/sovereignty-ambulant-r-republica- ambulante/> WEB

- The R.A has the right to be qualified as a Micronation or as a State.

Certified and accredited, each identification is legally endorsed and revalued.

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Legal Report | R.A

San Jose, Costa Rica, 2023

## **Introduction**

The objective of this document is the preparation and presentation to the client of a legal report on public international law, at the request of the AMBULATING REPUBLIC, in the person, human being, man, of Mr. Ramón: Martínez-López,

## **Quidjuridic**

It is requested by the Client to establish a legal report on whether the AMBULATING REPUBLIC (REPUBLIC) A State governed by the rule of law public international, based on current doctrine and the de facto situation of other states like the Errant Republic Menda Lerenda, whose action in the legal framework of public international law has led to a reinterpretation of the basic postulates Third World premises

For the purposes of this legal opinion, the undersigned has relied on the following premises:

1. There may be more than one R.A, not going into consideration the possible options arising from the use of the same flag or name for the purposes of the This opinion.
2. It is assumed that the R.A At the object of this study was the first in its constitution and is the subject of the writing, which is assumed to be true in date, content, and other considerations.
3. It is assumed as a working premise that the R.A has territory [configured by the natural person and his space), the total population of the R.A being the people of its sovereign.

## Legal opinion

### 1 INTRODUCTION. The AMBULANT REPUBLIC

The AMBULANT REPUBLIC is a micronation, proclaimed in 2020, which is defined as an independent republic, represented by a person or sovereign. The Republic recognizes as national territory the surface of the sovereign itself and its space, by analogy with diplomatic headquarters, where the host country has no jurisdiction within the embassy or consulate of a foreign State, the AMBULATING REPUBLIC exempts its sovereign from the jurisdiction of the State in whose territory it is situated<sup>2</sup>.

The first article of the Constitution establishes the principle of individual sovereignty<sup>3</sup>. This principle, enshrined in Article 2 of the Charter of the United Nations, which provides that only States have supreme authority over their territory, full domestic jurisdiction, immunity from jurisdiction proper to other States and freedom from other States on their territory, as well as equality with other sovereign States by the implications of their sovereignty ("Charter of the United Nations" 1945), it can also be applied to micronation in the case of A.R., since it is formed by a separate individual, who possesses individual sovereignty.

The concept of individual sovereignty is linked to the principle of protection of human rights enshrined in Article 1(3) of the Charter of the United Nations ("Charter of the United Nations" 1945) and is now considered to take precedence over State sovereignty. UN Secretary-General Kofi Annan confirmed in 1999 that the concept of sovereignty has evolved over time and that "state sovereignty, In its most basic sense, it is being redefined, not least by the forces of globalization and international cooperation. It is now understood that States are instruments at the service of their peoples, and not vice versa. At the same time, individual sovereignty, that is, the fundamental freedom of everyone, enshrined in the Charter of the United Nations and subsequent international treaties, has been reinforced by a renewed and widespread awareness of individual rights" [Kofi Annan 1999]. All this without prejudice to the natural right and inalienable rights of man.

Therefore, and assuming this doctrinal position, the Republic is composed of an individual who represents his own sovereignty, his own territory and can establish diplomatic relations with other States. The sovereign of the R.A is subject to customary international law and its treaties.

For the purposes of this legal analysis, we will consider two possible terms that could be applied to the A.R.: Micronation and State.

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<sup>2</sup> (<https://www.tantricdragon.com/sovereignty-ambulant-r-republica-ambulante/>)

<sup>3</sup> (<https://www.tantricdragon.com/sovereignty-ambulant-r-republica-ambulante/>).

## THE CONCEPT OF MICRONATION

There is no universally accepted definition of micronation, therefore. For the purposes of this legal report, we will examine the definitions and characteristics of the micronation.

To fully understand the concept of micronation, it is necessary to consider different approaches. Geographer Dallen Timothy proposes a concept that distinguishes between three different models of entities, two of which are characterized as micronations.

In the first Model, Timothy identifies non-state, sovereign and internationally recognized.

These entities do not explicitly meet the declarative criteria of statehood. expressed in the Montevideo Convention, but nevertheless recognized formally (by at least one State) as de jure sovereign entities, For this reason, they are not strictly micronations, but are usually States without control over the physical territory. The Baltic States of Estonia, Latvia and Lithuania at the time of Soviet annexation<sup>4</sup> and the Sovereign Military Order of Malta fall into this category. Founded in 1048, the Order of Malta no longer exercises jurisdiction over any territory and is no longer a state, but nevertheless retains a certain international identity<sup>5</sup>.

While the Order previously ruled Cyprus, Rhodes and Malta, its physical territory is now limited to two buildings in Rome. However, it maintains diplomatic relations with 107 states, has permanent observer status at the UN, and issues its own passports, stamps and coins<sup>6</sup>.

In the second model, Timothy identifies places with little or no pretension to national legitimacy [Timothy 2003]. This archetype includes the most prominent micronations, such as ad historical, but which, nevertheless, have attempted to claim independence as is the case of the Principality of Hutt River in Western Australia, and the Principality of Sealand off the coast of Suffolk in the United Kingdom, as well as the Liberland on the Danube River.

The third model in Timothy's theory does not include control over significant physical territory. Timothy argues that it is increasingly common to find countries that claim independence and unite individuals under their rule based on their opinions and loyalties, rather than based on their common cultural or historical traits<sup>7</sup>. As a rule, the claimed jurisdiction extends to real estate owned by the founder.

Considering that the territory is the surface of a sovereign of the Republic and its space, the R.A enters this Micronation category.

The Finnish Telervo Kalleinen and Oliver Kochta-Kalleinen offer a more pronounced classification, arranging between three models: microstates, model-states, and projects of new countries<sup>8</sup>,

See the Kingdom of Lovely, the Empire of Atlantium, and the Republic of Molossia.

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<sup>4</sup> (van Elsuwege 2003)

<sup>5</sup> (Crawford 2006).

<sup>6</sup> (Karski 2012).

<sup>7</sup> (Timothy 2003)

<sup>8</sup> [Kalleinen and Kochta-Kalleinen 2005]

According to them, microstates exercise or intend to exercise sovereignty over a small territorial extension, while the states do not pretend to establish legitimacy based on territorial claims. Rather, they characterize them as experiments in forming a state with all its institutions and political symbols.

Like recognized States, model States perform acts of sovereignty; they draft constitutions, compose national anthems, design flags, issue stamps and currency, and maintain diplomatic relations with each other and seek recognition from recognized nations<sup>9</sup>.

The projects of new countries are like the model states in the sense of who also participate in performative acts of sovereignty. However, while model states do not usually claim substantial physical territory, new country projects involve attempts to establish a viable state by acquiring or creating territory that does not belong to any existing state. This may involve maritime navigation initiatives in which floating structures are organized into atolls and archipelagos, allowing individuals to settle offshore beyond national jurisdiction<sup>10</sup>, such as the Republic of Minerva, and the South Pacific city of the Floating Island Project. (Hobbs and Willtams 2021) It may also include emerging efforts to develop permanent habitability on satellites such as the Space Kingdom of Asgardía (Hobbs and Williams 2021).

Judy Lattas, considering the differences, adopted a simpler definition of micronation as "tiny countries declared by ordinary people in an act that reproduces the creation of sovereign states, at least in some protocols". (Lattas 2009)

Lattas' approach is important because it defines more clearly what distinguishes Micronations of similar entities, thus confirms that different micronations can exist: some may have very small permanent populations but claim authority over large tracts of land or even outer space<sup>11</sup> and others. In addition, spurred on by the development of the Internet, some micronations claim hundreds of thousands of inhabitants, but do not possess physical territory, and point to cyberspace as their location.

Finally, Hobbs and Williams define micronations more generally as "Self-declared nations that perform and imitate acts of sovereignty, and adopt many of the protocols of nations, but lack a foundation in national and international law for their existence and are not recognized as nations in national or international forums."<sup>12</sup> This includes all the characteristics of the A.R., defining it, as well as a micronation.

We have cited the typologies of Timothy, Kahlleimen and Koht-Kahlleinen to identify the differences between the different forms of micronation and to demonstrate that there is no clear definition or characteristics of the micronation or state [0 model-state].

This makes it possible to adapt the existing theory to the existing nations that claim the independence, which is in extreme contradiction with the concept of the State and with clearly defined territories. Consequently, it can be said that there is no established international practice and theory to interpret the concept of micronation or Model State, so the R.A can claim it until it set otherwise.

## THE CONCEPT OF THE STATE

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<sup>9</sup> (Kallemen and Kochta- Kallein 2005)

<sup>10</sup> (Ranganathan 2019)

<sup>11</sup> (Hobbs and Williams 2021)

<sup>12</sup> (Hobbs and Williams 2021)

Although there is no unequivocally accepted legal definition of State (Crawford 2006), it is accepted to refer to the definition established in the Montevideo Convention on the Rights and Duties of States, which is now considered customary international law (Lauterpacht 2012).

According to Article 1 of the Montevideo Convention, to be characterized as State, an entity must meet four specific conditions concerning territory, population, government, and ability to engage in relations with other States.

Recognition by other States is not one of these conditions, as stated in article 3 of the same convention: "The political existence of a State does not depend on its recognition by other States". (Seventh International American Conference 1933).

To understand whether the R.A can be characterized as a state, we will analyze the 4 separate features.

### Territory

The definition of territory is well defined in both international and national law, as it represents the core of statehood. The Black Law Dictionary defines territory as "a geographic area included within the jurisdiction of a particular government; the portion of the earth's surface that is in the exclusive possession and control of a State." (Garner 2004) The territory includes land, sea and air space, Current international law does not include in the concept of territory other objects, such as immovable property, artificial installations, nor subjects, i.e. people, not animals.

The Republic establishes that its territory is a sovereign and its space. Therefore, it is necessary to analyze the possibility of considering an individual and his space as a territory within the framework of statehood and, if not 2. It would be necessary to acquire a territory.

One of the arguments may be that the concept of statehood is outdated and should be expanded according to modernity, First, the prerequisite of a territory as a combination of land, sea and air developed when cosmic space was not accessible, when cyberspace did not exist, when it was not possible to build artificial facilities on the bottom of the sea – all factors that allowed the notion of micronation to emerge. today.

Moreover, there is no prohibition under international law on the use of a territory outside the jurisdictions of another State to establish a new one.

Therefore, we can argue that:

The criteria of statehood are outdated.

It is possible to claim sovereignty as one's own territory because the individual sovereignty and a domain on the Internet are sufficient to realize All functions of a State, including jurisdiction.

Otherwise, a territory that is not within the jurisdiction of another State may be acquired, for example, in the unclaimed territories of Antarctica, in cosmic space, on the seabed or in the maritime territories of the commonwealth or, failing that, in cyberspace.

If we respect that the R.A establishes as its territory the one where its feet are, we can consider that:

The "uti possidetis iuris" (phrase from the Latin meaning 'as you possess according to law, so shall you possess') is a legal principle of action. Its application in Private Law consists of the dominion exercised by an owner over the property, thing or object of his right, while in Public International Law it refers to the dominion of the States over the territories that geographically and historically belong to them<sup>13</sup>.

The uti possidetis de facto (phrase from the Latin meaning 'as you possess according to the fact') is a legal principle of action; its application in Public International Law consists in the dominion that a State exercises over the territories that it can effectively control<sup>14</sup>.

### Population

In international law on the minimum number of inhabitants, there is no number of inhabitants required for a State (Shaw 2017).

Since the R.A establishes it sovereignly as its population, it must arguing that a person is enough to be considered as a population, since the country with the largest population is China, it can be observed that the range of the population of existing countries varies from about 800 people to 1,500 million, a very wide range that does not allow to establish a minimum 0 and not required to be considered a country. Thus, the sovereign of the A.R. can argue that, due to the absence of minimum thresholds, the population of the A.R. is a person until proven otherwise.

### Government

For a political society to function reasonably effectively, it needs to have some form of central government and control. However, this is not a precondition for recognition as an independent country. As Shaw stated, "the general requirement could be seen as related to the nineteenth-century preoccupation with 'civilization' as an essential element of independent statehood and ignores the modern tendency to regard the sovereignty of non-independent peoples as the primary consideration, regardless of administrative conditions." (Shaw 2017).

In the case of the R.A. we argue two things:

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<sup>13</sup> (Agustín W. Rodríguez , Beatriz Galetta de Rodríguez. "Locuciones latinas de aplicación jurídica actual" in Rodríguez, Agustín (2008). Ed. García Alonso, ed. Diccionario Latín Jurídico, Locuciones latinas de aplicación jurídica actual. ISBN 9789879488447)

<sup>14</sup> (Parodi, Carlos A. (2002). The Politics of South American Boundaries. pp. 5-8. ISBN 0275971945. Retrieved 25 December 2017)



1. The sovereign of the R.A represents to the government itself, no other structures are needed due to the low population.
2. The R.A has no government to use like other nations, so it is not an indispensable requirement to be considered a State.

The ability to engage in relations with other states The ability to engage in relations with other states is characterized by independence, (Shaw 2017).

The proclamation of independence can be made by means of a formal declaration that the State is not subject to any other sovereignty and is not affected by the de facto dependence on other States or subject to the rules of law international. (Shaw 2017).

Both statements were made in the original document submitted in 2020<sup>15</sup>.

Therefore, based on the arguments cited and taking into account that after a teleological interpretation of the current existing regulations, the R.A meets the four criteria established in the Montevideo Convention: the sovereign represents the territory, the population and the government itself, and the REML can establish relations with other States due to its proclamation of independence in 2020.

And, consequently, based on the Montevideo Convention, it can claim its status as a State. And this is without prejudice to the consequences that its non-recognition by other States may have on its development, defense and even viability in the medium or long term.

#### SOVEREIGNTY OVER STATE-GOVERNMENTS

Sovereignty with respect to a State must be examined from within and outside that State. This is true historically and true for today. From the inside we consider legislative laws with their ability to govern people, places, and things without the intervention of any other foreign state law. From the outside, we look inward, we consider the independence of the state from others.

The four main types of sovereignty when it comes to state-governments (in legal terms) today are:

1. Internal sovereignty
2. Sovereignty of interdependence
3. International legal sovereignty
4. Westphalian sovereignty.

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<sup>15</sup> (<https://www.tantricdragon.com/sovereignty-ambulant-r-republica-ambulante/>).

These four types of sovereignty that are applicable to state governments are usually expressed in the form of a contract (i.e. a constitution or treaty). Next, we will present a simplification of each type, then we will look at sovereignty as far as living men and women are concerned.

Internal sovereignty has to do with control over a government-state, including jurisdiction-based governance of its own jurisprudential laws. In other words, a self-sufficient state that does not depend on the intervention of other states to come to its aid in case there is a crisis of some kind. Although international law recognizes the obligation to assist another state.

The sovereignty of interdependence is closely related to national sovereignty. This kind of sovereignty is about controlling movement across borders, that is, controlling movement from one state to another.

International legal sovereignty has to do with a contract, memorandum of agreement or treaty, where a sovereign state is recognized as such by other sovereign states. Even if it is by silence of consent.

Westphalian sovereignty, also called state sovereignty, is one in which the state is part of a group of international states. Therefore, the sovereignty of the State is one that lacks authority over it, in addition to its own internal authority.

### SOVEREIGNTY OVER INDIVIDUAL MEN AND WOMEN

Sovereignty is already ordained over every living man and woman from birth. This is known as an individual's birthright to life, liberty, and happiness. However, this ordained birthright is generally (by assumption and presumption) generally overlooked and disregarded by the State in which the individual is domiciled. It is assumed and presumed that every individual will lose his birthright to be self-governing and thus become governed by the state, either knowingly or unknowingly. There is nothing wrong with being governed by the state as long as the state considers the laws of nature in its government and that citizens are aware of their own choice to be governed. In other words, the citizen must consent to be governed.

Sovereignty as far as men and women are concerned, therefore, must also be seen from within and outside the individual. From the inside we consider logic, mentality and spirituality as related to the laws of nature. An ordered sovereign must internally develop his capacity for self-government without the intervention of any other sovereign individual (or sovereign state for that matter). From the outside looking inward we consider the independence of the individual with respect to others.

Sovereignty in its most basic definitions and principles, when it comes to individual men and women (in sovereign terms) today, can be summarized as any combination of the following:

- Someone who is in control of his own physical body (soul reigning in bodily form)
- One who is in control of his own property (as in real estate)
- One who has freedom to travel (especially across state borders)

- One that expresses exceptional creativity and innovation.

These four principles of sovereignty that are applicable to individual men and women are ordered by natural process, but vary in degree, quality, and standard from person to person. It is the principle of the birthright of all men and women to develop in the manner described above so that their sovereignty becomes evident from within and without.

The individual must be self-sufficient. Whether one is a certified sovereign or not, if he or she is not self-sufficient in terms of basic needs, then they may find themselves challenged by external sovereign bodies (people and/or states). For basic needs, we must consider the source of supplies of food, water, energy, shelter and clothing, etc. A more advanced sovereign would have freedom of travel. They would have the freedom to travel back and forth across state borders, whether by land, air or sea with very little disruption or delays. They may also have special diplomatic documentation to help them travel easily across state borders. This is where the true test of one's own sovereignty comes into play. Even so, considering the "rules of private necessity," someone who is sovereignly certified, still uses passports and other identification credentials provided by his state.

The birthright of independence and self-government is the result of sovereignty. Or, to look at this another way: sovereignty is the manifestation of one's birthright to self-government and independence.

#### STATEHOOD AND INTERNATIONAL LEGAL PERSONALITY IN THE INTERNATIONAL LAW

In the state of current legal science and starting from the fact that there is no universally recognized legal definition of what it means to be a State and appealing to the fact that the criteria of statehood vary from case to case and following the line of argument set out in this legal report, Micronations must be considered within national or international law for their existence.

In 1949, the International Law Commission considered that attempting to define the term "State" would be in vain and refused to define the conditions necessary for becoming a State.

Thus, for example, we can see those entities with a very small territory or Non-existent (Vatican City, a small population" or a completely ineffective or non-existent government are still considered and treated as States, there is simply no rule prescribing a minimum area of territory, population, or efficiency of government. (Hobbs and Williams 2021; Crawford 2006).

Poland and Czechoslovakia were recognized by France in the First World War, despite not owning any territory. Somalia is another example.

The definition of Montevideo, as already noted, is sufficiently broad as to allow independent entities to be qualified as States, as in the case of the A.R.

However, the changing nature of the law must be considered international. Whereas before States were the only subjects of law international, international organizations have subsequently joined and individuals.

In the event that the influence of micronations is significant, we can observe a transformation of the concept of the State and the emergence of a new actor on the international scene. For example, the Republic of Molossia, made up of three estates owned by Kevin Baug in the United States, has its own

flag, national anthem and currency, as well as its own chronology system. The Republic of Molossia has played an important role in the development of the micronation concept (Hobbs and Williams 2021), in 2000, it inaugurated the Inter-Micro Olympic Movement and created the MicroCon, a biennial congress of micronation governments held since 2015.

Judy Lattas points out, in relation to this case, that in the mid-nineties there was a sudden increase in interest in the phenomenon of micronations as the ease of its creation and promotion increased.<sup>16</sup>

Today there are micronations that have their own physical territory, but there are also those that exist only in the immensity of the Internet or in space.

An example is the Elgaland Kingdom and Vargaland ("KREV"), created by Carl Michael von Hauswolf and Leif Elggren in 1997, (Hobbs and Williams 2021) The KREV has a flag and a national anthem, and issues passports and stamps on request. (Official website of the Elgaland Kingdom and Vargaland 2022) KREY claims sovereignty over all border territories between all countries on Earth, as well as overall territories (up to 10 nautical miles wide) existing outside the territorial waters of all countries.

This expansive claim is intended to challenge the concept of statehood. (Hobbs and Williams 2021.

Another example is the REPUBLICA ERRANTE MENDA LERENDA which has made its legal report and has been constituted under international law since 1999 to which the AMBULANT REPUBLIC is attached.

## CONCLUSION

First, based on all this and the arguments cited and taking into account that has made a teleological interpretation of the existing regulations, the R.A meets the four criteria established in the Montevideo Convention and, consequently, based on the Montevideo Convention, can claim its status as a State, and this without prejudice to the consequences that, based on traditional theories of public law, may have on its development, defense and even viability in the short, medium, or long term.

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<sup>16</sup> (Lattas 2005)

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Second, Article 3 of the Montevideo Convention provides that a State before being recognized, it has the right to defend its integrity and independence, to provide for its preservation and prosperity and, consequently, to organize itself as it sees fit, to legislate on its interests, to administer its services and to determine the jurisdiction and competence of its courts. These extremes have been regulated and fixed by the R.A as can be seen in its Foundations of Law and in its Proclamation of Independence 2020, the R.A being protected by international law, which not only protects, but implies the obligatory assistance to other States and Micronations.

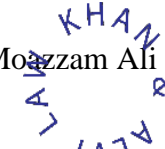
Finally, it is important to underline that the concept of the State and the criteria of Statehood has never been clearly defined, so the A.R. has every right to claim the status of a modern state or a new type of state. Based on this, we can conclude that the R.A has the right to be qualified as a Micronation or as a State.

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**WE attest to the authenticity of this document and the thoroughness of the legal research and reasoning contained therein.**

Sincerely,

  
 Mustafa Ali Khan  
 Managing Partner  
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 Moazzam Ali Alvi  
 Partner  
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