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Incubating New UltraStable Jurisdictions from a Single Host-State Framework Agreement

Dr. John McCone
Startup States Society
john@startupstates.swiss
ORCID 0009-0000-0526-4564

Abstract:
Across the world, an increasing number of actors are approaching governance as a startup-like endeavor, first establishing small jurisdictions and, in some cases, attempting to scale them into fully fledged countries. These initiatives frequently emerge, evolve, and disappear, suggesting that institutional fragility remains a central challenge. This paper argues that legal stability at the moment of founding is a critical design variable for such projects. It develops an exploratory framework centered on ultra-stable Legal Systems (USLS), defined as jurisdictions in which core laws become fixed once a permanent population is established. By conceptually contrasting jurisdictions operating under mutable versus ultra-stable legal frameworks, the paper examines how legal immutability may preserve institutional arrangements that would otherwise be altered or reversed through electoral cycles or legislative change. Drawing on an analogy with startup incubators and on evolutionary concepts of replication and selection, the paper introduces a country incubation model as a mechanism for lowering entry barriers in the formation of new jurisdictions. Rather than relying on internal legal amendment, the model enables institutional learning through the parallel creation, comparison, and selection of multiple jurisdictions with fixed legal codes. The paper concludes that, while USLS do not eliminate governance risk, combining legal immutability with jurisdictional replication offers a coherent pathway for expanding governance experimentation while preserving institutional predictability.
Keywords: Governance innovation, Legislative stability, Micronations, Seasteading, Special jurisdictions, Ultra-Stable Legal Systems (USLS)

Resumen:
Una jurisdicción especial es un área o comunidad con cierta autoridad normativa en la que rige y se aplica un conjunto específico de normas distinto del de su jurisdicción de origen. En la actualidad existen muchas jurisdicciones especiales. Las Zonas Económicas Especiales son algunas de ellas. Este artículo aborda la idea de que, en la era westfaliana, casi todas las jurisdicciones especiales son excepciones de autonomía recortadas dentro de los Estados, a diferencia de jurisdicciones soberanas autónomas como Mónaco, Singapur u otros microestados o ciudades-estado. A continuación, explica que la base de esa autonomía puede ser territorial, tal como se establece en los textos fundacionales o leyes de la jurisdicción y que puede encontrarse en el derecho internacional, el derecho nacional o las costumbres, o bien personal o basada en la identidad. El artículo concluye que las jurisdicciones especiales deben entenderse como "lugares intermedios" entre los campos jurídicos clásicos, en la medida en que trascienden en gran parte las distinciones jurídicas habituales entre el derecho nacional y el internacional, y dentro de cada uno de ellos, debido a su fluidez fundacional. Por ello, merecen ser estudiadas como un campo del derecho propio.
Palabras clave: carve-outs, autonomía basada en la identidad, derecho internacional, pluralismo jurídico, derecho nacional, anomalías jurídicas semiautónomas, jurisdicciones especiales, autonomía territorial.

1. Introduction

Many people believe that, as circumstances change, the law must adapt to accommodate changing circumstances. In the case of absolute monarchs, one person, usually either someone who conquered or inherited the throne, decides how the law should change with time, and everyone else has to accept the decision of the reigning monarch. Their only alternative if they do not like the person in power tends to be armed rebellion. In the case of representative governments, the idea is that if people do not like their leaders, they can wait four years on average and vote for someone better.

In practice, however, electoral mechanisms coexist with entrenched bureaucracies, organized interest groups, and structural constraints that can limit the responsiveness of representative systems. Empirical research suggests that economic elites and organized interests exert disproportionate influence over policy outcomes relative to average citizens, even in formally democratic systems (Gilens & Page, 2014). These dynamics complicate the assumption that electoral turnover alone provides effective control over governance outcomes.

Different political systems employ distinct mechanisms for legal change, ranging from centralized authority to representative amendment. Each model presents trade-offs between stability, adaptability, and accountability. The present analysis does not seek to evaluate these systems normatively, but to isolate the institutional consequences of legal mutability versus legal fixation.

The truth is that, despite all this, today most political systems have mechanisms for changing their laws. This is true for absolute monarchies, representative democracies (Anckar, 2002), and even for limited monarchies combined with a democratically elected parliament, where a certain separation of powers between monarch and parliament exist. Yet many people show dissatisfaction with the current political systems at large (Siddarth, Weyl, & Slaughter, 2024).

New jurisdictions are emerging as responses to the perceived inability of legacy state institutions to adapt to economic globalization, digital communities, and transnational forms of social organization. These are often framed as laboratories of governance that enable institutional experimentation and regulatory flexibility without requiring systemic reform at the national level (Bell, 2023; Friedman & Taylor, 2020). Bell (2023), however, emphasizes that this framing raises important ethical and epistemological questions, including concerns about consent, external validity, and the moral limits of governance experimentation. But not everyone agrees with new jurisdictions being a better system than the legacy or dominant one (Bell, 2023). Is there a better system still?

While various legal orders have attempted to entrench constitutional unamendability, no secular political system has succeeded in sustaining a fully fixed and genuinely unamendable legal order over time outside of religious canons (Lin & Chang, 2024) Such a system would have obvious disadvantages: What if there is a clear need to change laws but it is not possible? That could make the entire system and society collapse, leaving a society

governed by such a system incapable of adapting to changing circumstances. This paper is interested in the idea of having what we call here an ultra-stable Legal System ("USLS"). A USLS is defined here as a jurisdiction in which a bounded core of primary law is fixed at the moment of founding and becomes formally unamendable once a permanent population is established. Political institutions retain enforcement and adjudicative authority but lack competence to revise the protected legal core. Legal evolution occurs not through internal amendment, but through jurisdictional exit, comparison, and the founding of new jurisdictions with alternative legal codes.

Why have we opted for such a fixed and counterintuitive model? It seems to be an imperative, given the dynamic nature of human societies, to have the possibility to change a society's laws when we need to. As stated above, that is something that many groups in the Startup Societies space, such as The Seasteading Institute advocate for. Indeed, the Startup Societies movement characterizes by bringing startup company energy into the political landscape, until there is a variet of special jurisdictions, special economic zones, intentional communities, etc. (Startup Societies Foundation, s.f.). Ideally with this comes a well-established governance startup sector and formal processes for forming new jurisdictions, countries and micro-nations (Friedman & Gramlich, 2009). In the Network State space, for example, many desire to create new countries (Srinivasan, 2022), and hope that starting a new nation is as easy as starting a new company or starting a new farm. However, other organizations, namely the Startup *States* Society*,* have as its mission to establish clear, orderly procedures and best practices to facilitate the formation of new countries, specifically. The organization seeks to create not a variety of special jurisdictions but new countries specifically. It wishes to reduce the barriers that aspiring new entrants, who wish to start new countries, face.

What follows narrows the scope of comparison. Rather than examining political systems that evolve through continuous internal amendment, this paper focuses on a thought experiment. What if there existed jurisdictions whose core legal frameworks are fixed at the moment of founding? How would this enable comparisons in order to determine the effects of institutional design? We are aware of the limitations of doing so and how comparisons like this would make more sense in cases where human societies were static, which they aren't. Holding the legal code constant allows jurisdictions to be evaluated as stable units, making differences in outcomes more plausibly attributable to initial legal design rather than to subsequent political intervention, drift, or capture. In systems where laws are routinely revised, it becomes difficult to distinguish the effects of the original institutional framework from those of later amendments. USLS, by contrast, function as bounded experiments: their performance can be observed over time, compared against alternatives, and assessed without the confounding effects of endogenous legal change. Selection operates externally, through exit, migration, or replication, rather than internally through legislative revision.

The relevance of this thought experiment lies not in claims about the ease of founding new polities, but in their potential to generate multiple jurisdictions operating under fixed legal conditions. These mechanisms provide the empirical context in which USLS can be

instantiated and compared, enabling systematic evaluation of institutional designs that would otherwise remain obscured in continuously mutable states.

This approach departs from several strands of thought within the startup societies and seasteading literature, which tend to emphasize fluidity and ease of jurisdictional exit. Within these perspectives, the ideal is often framed as a governance marketplace in which aspiring nation founders can acquire territory with minimal friction or even bypass territorial acquisition altogether. In the seasteading literature, for example, proponents have argued that governance experiments could be conducted aboard floating homes operating in international waters, thereby avoiding many of the constraints associated with land-based sovereignty (Friedman, 2002; Fernández, 2025). Under this view, the global market for territory becomes more fluid, enabling rapid entry, exit, and experimentation.

In its most idealized form, this vision suggests that failed jurisdictions need not impose significant costs, since individuals or groups could simply relocate, establish new entities, or migrate to alternative jurisdictions offering comparable legal arrangements. Governance failure is thus treated as relatively non-catastrophic, mitigated by mobility and choice. While this framing highlights important mechanisms of exit and competition, it risks understating the social, economic, and institutional costs associated with jurisdictional failure, even in contexts where mobility is formally available.

This paper adopts a more cautious position. Even where individuals can relocate or reorganize their legal and economic affairs across borders, the collapse of a functioning jurisdiction remains undesirable. Founders of startup societies and related initiatives typically do not pursue jurisdiction-building with the expectation of failure. On the contrary, they invest significant legal, institutional, and financial effort to ensure durability and continuity. Accordingly, the focus here is not on normalizing jurisdictional collapse as an acceptable outcome, but on designing legal systems whose performance can be evaluated and compared without relying on failure as a routine corrective mechanism

Founders of startup societies typically invest significant legal, institutional, and financial effort to sustain durability and continuity rather than to treat collapse as an acceptable outcome. Nevertheless, there is an unavoidable trade-off between increasing the probability of the society's survival and increasing the probability that the founder's original vision will survive. Mutability, might sometimes make a society better able to adapt to changing circumstances, but this comes with the possibility that society could alter itself to the point where it no longer embodies any of its original founding principles. The analysis therefore asks a narrower question: what is gained, analytically and institutionally, when the core legal code is stabilized early enough to be observed as a coherent design over time? To answer this, the paper develops USLS and a jurisdictional incubation mechanism, using an evolutionary analogy in which selection operates across jurisdictions rather than through continuous internal legal mutation. It is important to highlight that the goal of this analysis is not to advocate for immutable law as a universal model, nor to propose the replacement of existing states. Instead, the paper treats new jurisdictions as analytically useful units for examining how legal stability affects governance performance, predictability, and institutional learning.

The central question is whether such jurisdictions can function coherently within a broader governance ecosystem, or whether extreme legal stability renders them institutionally fragile or analytically uninformative.

This paper is, therefore, a conceptual design and institutional analysis, not an empirical test of existing states nor a normative defense of immutable law as a universal model. It develops a theoretical framework for jurisdictional experimentation, drawing on comparative institutional analysis, evolutionary analogies, and legal design theory. Empirical references serve an illustrative rather than evidentiary function. The paper's central aim is to specify conditions under which USLS can be instantiated, compared, and selected across jurisdictions, and to identify structural risks that limit their applicability.

It is important to note that this analysis does not treat sovereignty as an attribute that can be purchased through land ownership or investment. Under contemporary international law, territorial sovereignty remains vested in recognized states, and private actors cannot acquire it unilaterally. The cases discussed instead concern host-state framework agreements through which a state may, pursuant to its constitutional and statutory powers, delegate defined regulatory and administrative competencies to a bounded jurisdiction operating on privately held land. Such arrangements preserve the continuity of host-state sovereignty while enabling institutional experimentation within a controlled legal envelope

2. Fixed and Changing Legal Regimes

In principle, evaluating the institutional consequences of ultra-stable legal design would benefit from observing a portfolio of comparable jurisdictions operating under fixed legal cores. These jurisdictions need not be fully sovereign to be analytically informative; what matters is that they possess sufficiently credible authority, territorial administration, and legal enforceability to generate stable reliance by residents and firms over time. The goal is not to prove statehood, but to create a setting in which legal systems can be compared as coherent institutional designs rather than as moving targets.

Because the contemporary international order remains structured around sovereign states, the analysis uses statehood as a reference category while remaining attentive to intermediate forms such as associated states, delegated administrations, and special-jurisdiction compacts. Article 1 of the Montevideo Convention is cited here as an analytic shorthand for classic state attributes, permanent population, defined territory, government, and capacity for external relations, rather than as a mechanical test for state creation. In practice, functional autonomy can be achieved through carefully designed non-sovereign arrangements, even where formal sovereignty and recognition remain absent. Sovereign states occupy a high-autonomy position within international law, though significant functional autonomy may also be achieved through carefully structured non-sovereign arrangements. This technically means that for people to have the most options of governance and systems of law possible, the number of the latter must be increased.

Having many of these states or countries where people can choose from means that people who resent a given system of law or a government restriction to the extent they want to move out can find a well-run sovereign state somewhere that does not impose such restrictions. The restrictions can be in any domain relevant for that person. Often people who move elsewhere, people who vote with their feet today do so in the search of a better business climate conducive to prosperity and innovation, safety, researching new medical treatments, better housing, job opportunities, etc. (Somin, 2021). But one can imagine that with a bigger governance and legal system marketplace, people could want to move in the search of more beautiful architecture, new ways to farm, more efficient systems for manufacture that make reuse and recycling easier and less wasteful, or where they can find jobs in areas of research or practice not allowed or advanced enough in most places. These can include nuclear energy research, nuclear-powered rocketships or other areas where currently existing regulation blocks innovation or where bureaucratic overload leads to people spending too much time into compliance instead of business activities.

Several books have been written about how to set up a new country, including Erwin S. Strauss's *How to Start Your Own Country*, a classic survey of micronational projects and strategies for claiming sovereignty, which has become a seminal work on micronationalism. *Seasteading: How Floating Nations Will Restore the Environment, Enrich the Poor, Cure the Sick, and Liberate Humanity from Politicians* by Joe Quirk and Patri Friedman imagines ocean-based societies as experimental new political communities. More recently, *Micronations and the Search for Sovereignty* by Harry Hobbs and George Williams offers a comprehensive academic examination of why people start their own nations and how these self-declared entities relate to international law. Additionally, *How to Rule Your Own Country: The Weird and Wonderful World of Micronations* provides a broader, illustrated overview of numerous micronational endeavors. *The Network State: How To Start A New Country* by Balaji Srinivasan further explores modern models of nation formation rooted in digital community building.

One way to create one of these new countries is to do it following the Network State book suggestion, whereby a highly aligned online community is formed first, develops internal governance, collective identity, and economic coordination in the digital realm, and only later acquires or crowdfunds physical territory while progressively seeking diplomatic recognition from existing states (Srinivasan, 2022). Another pathway involves negotiating a host-state framework agreement that allocates territorial use, delegated authority, and external-relations competencies without presuming full sovereignty transfer. Such agreements may satisfy functional aspects of defined territory and international engagement while remaining compatible with existing international legal constraints.

In the same way as someone looking to start a new restaurant might hire waitresses and cooks with previous experience working in other restaurants, for an organisation seeking to establish a new, functional government to effectively govern a newly acquired sovereign territory would probably be wise to hire individuals or companies with previous experience in governance related issues. This can be in the public sector, or in a relevant private sector.

Lawyers, judges, security personnel, policemen, former employees of food standards authorities as well as other relevant enforcement authorities, diplomats, etc. are examples of qualifications relevant for some of the positions.

Like with startups, the personnel for a minimum viable government should be hired and organised prior to acquiring the territory. The same applies to creating a registry of interested future citizens to ensure that the new government, once established in the new territory, has people to govern. (Bauböck, 2006) While population thresholds vary widely across existing states, even relatively small populations may suffice to establish permanent residency for institutional evaluation, provided that governance capacity and territorial control are credible. If such an endeavor was successful, then a permanent population on the territory, along with the government, could rapidly be established once a treaty was signed. Long term territory leases (say 199 years or even 1999 years), as opposed to the permanent transfer of territory, might be more compatible with existing International Law, although this could hinder the sovereignty claims. With those four pieces in places, a new country is established. We are aware that, unlike building a new house, or a new company, more steps need to be taken to successfully establish a new county. However, with sufficient funds, such steps do not seem beyond the realm of possibility.

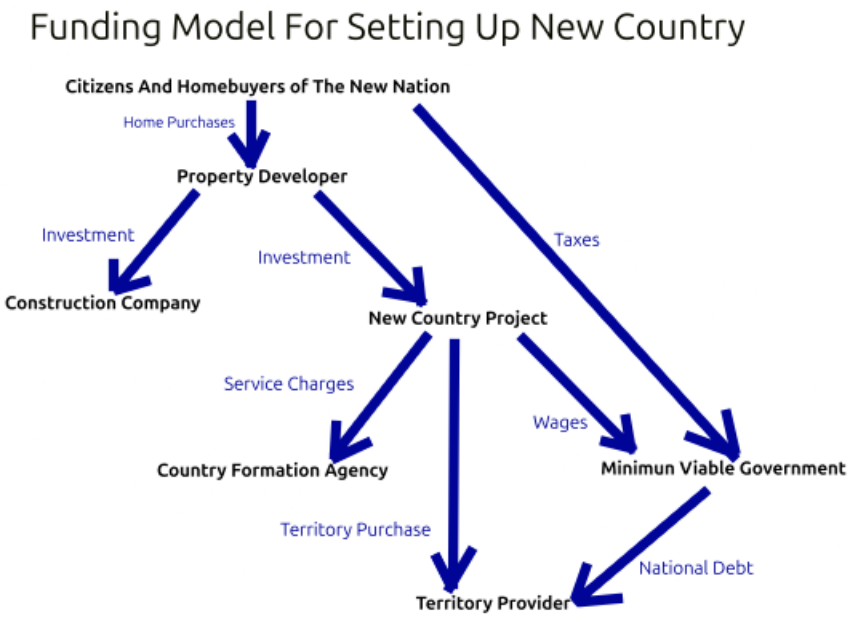
While Article 1 of the Montevideo Convention provides a widely cited description of state attributes, it does not operate as a mechanical test for state creation. In contemporary international practice, statehood and international legal personality are mediated by recognition, treaty relations, constitutional constraints of existing states, and institutional capacity. Accordingly, the model developed here treats the Montevideo criteria as analytical reference points, not as sufficient conditions. The proposed country incubation framework is therefore compatible with a spectrum of jurisdictional statuses, ranging from delegated administration and associated state arrangements to, in some cases, eventual claims to fuller sovereignty.

3. Fundraising for the New Country

Being well funded would significantly help with the endeavor in question. Funds would have to be deployed to compensate the territory provider for parting with a small portion of their territory and to hire the public sector This section discusses what the fund-raising model for amassing sufficient capital could be. We have listed several actors that would be part of the fundraising model. First, there is the territory provider (Non-Profit); the for-profit property developer; for profit construction companies; homebuyers in the new country, the country founding project that is the prospective government of the new country, and a “country formation agency to deal with miscellaneous.

The below diagram shows one way in which money could flow.

Table 1: Funds Flow Model



Source: the author

The original source of money comes from homebuyers who give, previous to moving, funds to the property development. Historical analyses of frontier formation suggest that territorial projects have often been more feasible in sparsely populated or uninhabited areas, where the costs of conflict and boundary contestation are lower (Anderson, 1996). Teams seeking to acquire land and achieve some level of governance capacity by means of treaty-based jurisdictional framework agreements, would likely be satisfied with any place that agrees to do such as business exchange with them, given the current scarcity of willing governments. For example, seasteading initiatives have historically pursued host-government arrangements rather than unilateral independence. French Polynesia's engagement with the Floating Island Project illustrates how alternative governance ventures depend on the willingness and political constraints of host authorities (Mezza-Garcia, 2020). This shows how emerging ventures in alternative governance must adapt to whatever willing host authority they can secure. . Technically it would be better to acquire land in prime urban areas rather than in uninhabited ones, but it is likely that an existing country would not want to sell prime areas of their territory. Instead, we assume that they would likely offer more inconvenient places to build on, such as swamps, sand deserts, ice deserts or even forests perhaps.

One party would provide early funding in exchange for a written commitment that the new jurisdiction will protect private property, keep construction rules minimal, and maintain low property taxes. It would also be agreed that any land transferred from the original territory or state as part of the initial agreement becomes the private property of the funder. The

agreement may allow the original territory to retain ownership of some land, but only if the founder explicitly agrees to this.

Seed funds should be sufficient to cover expenses such as hiring individuals with key skills and experience who would then form the minimum viable government for the Startup Country, shaped as a Country Incubation Agency. They should also cover marketing and promotion to attract future members. Additional funds may be raised through incorporation fees, residency permits, licensing regimes, and, where lawful and politically viable, investment-linked residency programs with transparency and integrity safeguards.

Debt instruments may also be structured to encourage incremental diplomatic engagement, without purporting to purchase recognition—by conditioning certain participation rights on the existence of formal liaison arrangements (for example, reciprocal missions or offices) where politically and legally feasible. Such mechanisms would not constitute recognition as a matter of international law, but they may create modest incentives for relationship-building and repeated interaction.

Once a stable host-state framework agreement establishes durable jurisdictional authority over an uninhabited and undeveloped territory, initial development can proceed through conventional private-sector mechanisms. Infrastructure is constructed, housing units are sold to early residents, and capital invested in development is progressively recovered through real estate sales. Ongoing public revenues, derived from property and related taxes, are then used to service the sovereign debt issued as part of the framework agreement, thereby sustaining the value of the bonds.

4. The Country Incubation Model

The Country Incubation Model (CIM) is a hypotetical framework by means of which a repeatable institutional pipeline would be created. The pipeline would consist of five stages:

(1) a framework agreement with a host sovereign defining territorial access, delegated powers, and replication rights;
(2) the drafting of multiple candidate legal cores ex ante;
(3) a founding phase in which candidate jurisdictions may revise their legal code while uninhabited;
(4) a hardening trigger upon population entry, rendering the core ultra-stable; and
(5) ecosystem-level selection through voluntary entry, exit, and further jurisdictional replication.

The strategy developed here is to use a single successful host-state framework agreement, establishing territorial access and delegated authority, as an incubator for additional jurisdiction-formation projects. The incubator lowers entry barriers by standardizing templates, concentrating expertise, and reusing institutional relationships, enabling new applicants to pursue comparable agreements under clearer procedures and lower coordination costs. This incubator would offer assistance to various new country projects. The applicant

countries would be able to enter into a similar kind of relationship as the new country in question entered into with the established state. This would drastically lower the barriers involved in forming new countries. An effective Country Incubation Agency could incrementally alter the pathways through which new jurisdictions are formed.

New country applicants, as it works best with startup founders, would need to have a clear vision as to what kind of project they wish to form, what kind of businesses they wish to accommodate and how they want that sub-country to work (Bourgon, 2010). Ideally, as with startups, founders should be committed to that one project. To maximize the creation of many new countries branching from the main one, the original new country project that enter into an agreement with the established country should ideally be a politically agnostic vehicle. Its values, however, must rely on maximizing new country formation.

Also, like business startups do, pitching sessions could be organized by the Country Incubation Agency. Pitchers could include property developers who are interested in investing in such projects and new countries themselves. And as incubators do, the Country Incubation Agency could offer pro-bono fund-raising assistance to aspiring country founders with a promising core team and vision. If a given new country project is successful in raising money, the Country Incubation Agency could then charge fees for subsequent services offered.

Some services the Country Incubation Agency could provide include arranging pitches between teams of country founders and property developers, rendezvous with Heads of State and other representative of both, provincial and national governments elsewhere, specially some with available territories with no population in those areas such as Deserts, Forests, Tundra. It could also promote new country projects to people interested in becoming a pioneering citizen of a new country once there has been a new country branched. Legal support is key in new jurisdiction set up. The Agency could help founders draft laws or regulations.

This process can generate informational and relational spillovers. Even when a negotiation does not result in an agreement, the willingness of a territory provider to engage signals that similar arrangements may be feasible under different configurations. Intermediaries involved in multiple negotiations can retain institutional relationships beyond individual projects and accumulate practical knowledge about what skills, institutional arrangements, and working relationships are required for a minimal governing structure. Over time, this reduces coordination costs and improves matching between projects, partners, and personnel.

Debt instruments could, in theory, be structured to encourage incremental diplomatic engagement by conditioning participation on the existence of formal liaison arrangements. Such mechanisms would not constitute legal recognition but may facilitate gradual relationship-building where politically acceptable.

Once governance capacity is achieved, the property developer may then hire a construction company to build the initial infrastructure of the new startup country, sell the houses to home buyers, thereby recouping his investment. Finally, a portion of the taxes which the homebuyers pay fund the national debt of the Startup country, thereby maintaining the

value of the initially issued sovereign bonds that were used to compensate the territory provider for parting with a small portion of their territory. This sounds simple as a proposal, but achieving what we have suggested so far in reality is incredibly challenging.

Proposals to establish new jurisdictions at sea, most prominently advanced by the Seasteading Institute, are often framed as a comparatively low-cost alternative to land-based jurisdiction formation (Friedman & Taylor, 2012; Bell, 2018). At a surface level, these proposals suggest that acquiring a seagoing structure and registering it under an appropriate flag could generate meaningful regulatory autonomy in international waters. Because vessels routinely operate beyond the territorial jurisdiction of coastal states, proponents argue that the legal and financial barriers to founding new governance arrangements may be substantially lower than those associated with acquiring land, negotiating sovereignty transfers, or constructing terrestrial infrastructure. Similar arguments have appeared in the special jurisdictions' literature, which has examined seasteads as extreme cases of jurisdictional experimentation operating at the margins of territorial sovereignty (Schmidke, 2021).

This characterization, however, often overstates the degree of autonomy available in maritime settings once flag-state jurisdiction and international legal obligations are taken seriously. The high seas are not legally ungoverned; they are regulated through a dense framework of international law, most notably the United Nations Convention on the Law of the Sea (UNCLOS), alongside the continuing jurisdiction of flag states (United Nations, 1982; Churchill & Lowe, 1999). As scholars of special jurisdictions have emphasized, seasteads remain legally embedded within existing sovereign orders, as flag states retain authority over labor law, safety standards, environmental regulation, and criminal jurisdiction (Mezza-Garcia, 202019; Lallemant-Moe, 2017Scott & Vella, 2022). Consequently, maritime governance experiments are exposed to political and regulatory shifts within the flagging state, including reclassification or withdrawal of registration, which can sharply curtail autonomy and undermine institutional stability (Schmidke, 2021).

Beyond legal constraints, the practical requirements of sustaining permanent habitation at sea further complicate claims of simplicity or durability. Continuous demands for energy generation, freshwater supply, waste management, medical access, and emergency response impose structural costs that scale poorly relative to land-based special jurisdictions (Buchanan, 2020; World Bank, 2020). These operational pressures tend to push seasteads toward arrangements that resemble sub-national regulatory enclaves rather than autonomous political units (Mezza-Garcia, 2020; Lallemant-Moe, 2017; Scott & Vella, 2022). While seasteading may reduce certain entry barriers compared to territorial sovereignty, it does not eliminate the legal, political, or infrastructural challenges inherent in establishing stable and enduring governance systems.

We include this comparison because it helps clarify where the real challenges of jurisdiction formation lie. By placing land-based incubation alongside seasteading proposals, we show that what often appears simple in theory remains deeply constrained in practice. Seasteading is useful here not as a realistic alternative route to sovereignty, but as a limiting case that reveals how persistent legal authority, political dependence, and operational fragility

remain even in spaces commonly imagined as beyond the reach of states. Even in maritime contexts, autonomy is shaped by flag-state control, international legal obligations, and the high ongoing costs of sustaining basic infrastructure (United Nations, 1982; Churchill & Lowe, 1999; Schmidke, 2021).

From this perspective, we see that jurisdictional durability does not arise from mobility or geographic novelty alone. Instead, it depends on stable legal recognition, predictable authority, and the capacity to sustain everyday governance over time. These conditions are difficult to satisfy at sea, where autonomy remains contingent and reversible, and where governance experiments remain embedded within existing sovereign frameworks (Lallemant-Moe, 2017). Rather than undermining land-based approaches, these constraints reinforce the case for carefully structured country incubation models in which sovereignty transfers, financing arrangements, and legal commitments can be explicitly negotiated and evaluated.

Ultimately, our aim is not to identify the easiest way to found a jurisdiction, but to understand which institutional arrangements are capable of producing stable, comparable, and durable legal systems. Seen in this light, the complexity of land-based incubation is not a weakness of the model, but a reflection of the conditions required for jurisdictions to persist rather than merely to begin.

5. Political Evolution And USLS

At first glance, USLS may appear to inhibit evolutionary processes, since evolution is commonly associated with change. However, biological evolution does not operate through continuous mutation within a single organism, but through the differential survival and reproduction of organisms whose genetic makeup remains sufficiently stable during development (Wilkins, 2001). Natural selection tests phenotypes over the course of an organism's life, while genetic variation is primarily introduced between generations. In biological systems, a fertilized egg begins as a specific genetic configuration that is conserved throughout embryonic development and maturation. For phenotypic traits to be meaningfully expressed and evaluated by environmental pressures, the underlying genotype must remain largely stable during this process. Excessive mutation during development would undermine organismal viability rather than accelerate adaptation. Accordingly, organisms possess robust mechanisms of genetic maintenance, including DNA proofreading and repair pathways, as well as intracellular checkpoints that can trigger apoptosis in response to severe genomic damage in somatic cells.

While sexual reproduction increases genetic diversity at the population level by recombining parental genomes, the internal regulation of genetic stability within individual organisms is highly conservative. Evolutionary change thus depends on the coexistence of two conditions: variation across individuals and stability within them (Wilkins, 2001). This distinction motivates the analogy developed in this paper. USLS do not prevent evolution; rather, they provide the fixed institutional substrate necessary for meaningful selection and

comparison to occur across jurisdictions, rather than through continuous internal mutation within a single system.

In other words, evolution works best when a wide variety of genetically diverse individuals coexist and compete alongside each other in parallel, but where each individual organism is genetically stable. For evolution to work, the core genotype must remain stable for the entire fitness testing process. Analogously, a constitution, and more broadly, a society's core legal framework, can be understood as the institutional equivalent of a genetic code, or genotype. This is because it establishes the foundational rules under which social and economic behavior unfolds. In the early stages of a newly founded jurisdiction, population levels are typically low. Over time, as individuals and firms enter, the population expands, allowing the institutional framework to begin shaping observable social and economic outcomes (Acemoglu, Johnson, & Robinson, 2005). This process is analogous, in a limited and metaphorical sense, to biological development, in which a stable genotype gives rise to increasingly complex phenotypic expression as an organism matures.

Importantly, the effects of a legal system are not instantaneous. New entrants often arrive with norms, expectations, and practices shaped by other institutional environments, creating a period of cultural adaptation during which responses to local incentives evolve gradually. Language coordination, social conventions, and business practices may take time to converge, particularly in jurisdictions formed through migration rather than historical continuity. This similarly applies to capital formation. Investment decisions, firm creation, and infrastructure development respond over time to the incentives and constraints embedded in the legal framework. While laws do not determine economic outcomes directly, they condition the range of viable strategies available to individuals and organizations. As a result, the full effects of a given legal genotype can only be evaluated after sufficient time has elapsed for population composition, cultural practices, and capital structures to adjust. This is why we advocate for core ultra-stable legal systems.

Clearly all this takes time. It takes time to determine whether the final mature society produced by an underlying legal code better suits the needs of its human inhabitants, when compared to other legal codes

Consider an evolutionary analogy at the level of development rather than mutation. In biological systems, successful development depends on the consistent execution of a coherent genetic program over time (Wilkins, 2001). When developmental pathways are repeatedly interrupted or redirected before maturation, organisms fail to reach stable or functional forms. Evolution does not proceed by repeatedly rewriting developmental instructions mid-process, but by allowing organisms to fully develop and then selecting among outcomes across generations (Wilkins, 2001).

An analogous problem arises in political systems characterized by frequent and substantial ideological reversals. When core legal and economic frameworks are repeatedly reoriented, toward incompatible objectives, before prior reforms have had time to mature, institutional development is continually disrupted. Each new governing agenda inherits partially implemented structures shaped by earlier, contradictory priorities, making it difficult

for any system to reach an internally coherent or optimized state. From this perspective, instability in governing frameworks does not merely slow institutional learning; it can actively undermine it. Policies designed to support one set of incentives may be dismantled or repurposed before their long-term effects become observable, confounding evaluation and adjustment. The result is not adaptive evolution, but persistent institutional incompleteness. This dynamic helps explain why USLS emphasize temporal consistency: stability is not opposed to evolution, but a precondition for meaningful institutional development and comparison.

Now consider a stylized society composed of multiple micro-nations whose core legal frameworks are fixed over time, while the creation of new jurisdictions remains open. New nations may be founded with the assistance of the Country Incubation Agency, provided they begin with a population of zero. While uninhabited, founders may revise the legal framework freely; once the first resident enters, however, the legal code becomes fixed for the lifetime of the jurisdiction. Elements of this structure already appear in administrative and charter-based regimes, such as special economic zones, corporate charters, and rulemaking procedures in administrative law, where rules are freely specified prior to adoption but become binding once participation begins. The present model extends this familiar logic from individual regulatory instruments to entire jurisdictions, combining ex ante design freedom with ex post legal stability.

A closely related logic already appears in the administrative procedure framework governing the Catawba Digital Economic Zone. Under the Zone's administrative regulations (Zone Authority, 2022), rules are developed and revised through a formal pre-adoption process, during which proposed provisions may be adjusted through consultation and internal review. Once regulations are adopted and become effective, however, they acquire legal force and generate reliance by regulated users, including firms that incorporate, obtain licenses, or structure investments under the Zone's framework. From that point onward, regulatory change is no longer discretionary: amendments must proceed through defined procedures, are subject to justification requirements, and are constrained by principles of legal certainty and non-retroactivity. In practical terms, the incorporation of users under an operative rule changes the legal character of amendment, shifting the regime from flexible design to constrained modification. While the Catawba framework does not render its rules immutable, it already reflects a clear institutional distinction between a pre-use phase of legal design and a post-use phase in which stability and reliance interests take precedence. The model developed in this paper formalizes and strengthens this familiar administrative logic by tying the hardening of legal rules explicitly to population entry and jurisdictional founding, rather than to individual regulatory instruments.

Under the USLS arrangement, adaptation occurs primarily through exit rather than voice. Because laws cannot be revised once a population is established, residents lack the ability to alter rules through internal political processes. Instead, individuals dissatisfied with a given legal framework must leave and relocate to a jurisdiction whose fixed rules better match their preferences, while founders wishing to experiment with alternative legal

arrangements must do so by creating new jurisdictions rather than modifying existing ones. This structure closely aligns with Hirschman's distinction between exit and voice, reallocating adjustment away from internal contestation and toward jurisdictional choice (Hirschman, 1970).

Population growth, hence, occurs only through voluntary entry. Assuming individuals act in their own interest, they will migrate only after assessing either the legal framework itself or the observable outcomes it produces. Early entrants are likely to be highly attentive to legal design, investing significant effort in evaluating whether the rules provide predictability, security, and protection from arbitrary treatment. Later entrants may rely more heavily on observed experiences, asking whether people similar to themselves appear better off, rather than on detailed legal analysis. This shift from theory-based to outcome-based evaluation does not undermine protection; because the legal code remains fixed, the conditions that generated favorable outcomes for earlier residents continue to apply to later arrivals.

In this sense, USLS substitute jurisdictional competition for political bargaining. The inability to revise laws internally limits opportunities for rent-seeking through voice, while the availability of exit constrains founders' incentives to design exploitative rules. Provided basic enforcement is maintained, such systems are likely to reduce uncertainty about future treatment under the law and to limit systematic disadvantage arising from shifting political majorities. Stability does not guarantee optimality, but it establishes a predictable environment in which individuals can make informed, durable choices about where to live and operate.

Consider, by contrast, a society in which the legal framework remains subject to ongoing amendment. Individuals and firms may initially choose to enter such a jurisdiction because its laws appear predictable and fair (Lindquist & Cross, 2010). Over time, however, successive legislative changes may alter the incentive structure under which those entry decisions were made. Tax burdens may increase, regulatory requirements may expand, and activities that were previously permissible may become contingent on costly licenses or compliance procedures. As new rules accumulate, administrative obligations often multiply, requiring recurring filings, disclosures, and approvals, frequently accompanied by penalties for noncompliance.

While legal change is sometimes necessary, its distributional consequences are rarely neutral. Amendments that benefit concentrated interests can impose diffuse costs on others, particularly when affected individuals lack effective means of resistance (Lindquist & Cross, 2010). In principle, those disadvantaged by new legislation retain the option of exit. In practice, however, relocation across jurisdictions entails significant economic, social, and psychological costs. For the average person, moving typically requires securing new employment, liquidating or transferring assets, adapting to a different regulatory environment, and rebuilding professional and social networks. For households, these costs are compounded by considerations such as schooling, language, spousal coordination, and even the friends network of the youngest members. As a result, many individuals tolerate incremental legal deterioration rather than incur the high fixed costs of exit, even when the long-term trajectory of governance becomes unfavorable (Hirschman, 1970).

This asymmetry helps explain why jurisdictions with mutable legal frameworks can experience gradual institutional drift. Although few people deliberately migrate into poorly governed systems, many remain in jurisdictions that deteriorate over time because the costs of leaving exceed the immediate costs of compliance (Hirschman, 1970). Legal change therefore tends to operate as a one-way ratchet: rules that impose additional burdens are easier to introduce than to reverse, particularly once affected parties have already made location-specific investments.

By contrast, in a system with unchangeable core legislation like the ones proposed by this paper, individuals enter only after assessing either the legal framework itself or the observable outcomes it has produced in time. Because the rules under which they enter cannot later be altered, those individuals are protected from post hoc redistribution through legislative change. Stability does not guarantee optimal governance, nor does it eliminate the possibility of failure arising from poor initial design or inadequate enforcement. However, by enhancing predictability and reliance, it constrains the scope for gradual legal degradation driven by shifting political coalitions and rent-seeking behavior, as argued by Lindquist and Cross (2010).

The quality of the initial legal code is therefore decisive. Some fixed-law jurisdictions will fail, whether due to poor drafting, weak enforcement, or external shocks. Yet an institutional environment in which several jurisdictions with fixed legal codes can be founded, evaluated, and abandoned allows legal systems to evolve at the ecosystem level rather than within individual states. Founders are likely to draw heavily on existing legal frameworks that have demonstrated success, adapting proven institutional arrangements rather than inventing entirely novel ones. Over time, such a system favors the replication of effective legal designs while allowing ineffective ones to disappear, even as the laws within each individual jurisdiction remain fixed.

In this sense, unchangeable legal systems may be comparatively resistant to forms of opportunistic or extractive legislation whose primary effect is to transfer resources toward insiders. While no legal framework can eliminate abuse entirely, the absence of legislative mutability substantially limits the scope for endogenous legal accretion that undermines predictability and erodes the conditions under which voluntary entry originally occurred.

6. Individual Freedom In USLS

A central objection to USLS is that the absence of internal legal change may undermine individual freedom by eliminating political voice. This concern is understandable, as many contemporary accounts of political liberty equate freedom with participation in lawmaking (Urbinati, 2012). However, this interpretation conflates freedom with influence over collective outcomes. USLS replace internal political voice with jurisdictional exit, thereby altering, not eliminating, the mechanisms through which individual autonomy is exercised.

When laws are mutable, political disagreement carries high stakes: changes in opinion can translate directly into changes in legal obligations, redistributive outcomes, or permissible

behavior (Urbinati, 2012). Under such conditions, political contestation becomes zero-sum, and incentives emerge to control speech, suppress dissent, or capture institutions in order to secure favorable legal outcomes. By contrast, when core legal rules are fixed, political disagreement loses its capacity to reshape the legal environment (Lindquist & Cross, 2010). Opinions no longer threaten to impose costs on others through legislative change, and as a result, the incentive to police beliefs or restrict expression is substantially reduced.

In ultra-stable systems, dissatisfaction with the prevailing legal framework is addressed through exit rather than internal contestation. Individuals who find a given legal regime undesirable are free to relocate to jurisdictions whose fixed rules better align with their preferences, while founders seeking alternative arrangements must instantiate new jurisdictions rather than revise existing ones. This decoupling of belief from coercive authority could in principle lower the political stakes of disagreement and shifts competition from persuasion and control to institutional performance and voluntary choice (Hirschman 1970).

From this perspective, legal immutability would not imply political domination or repression. Instead, it would technically and theoretically constrain the scope of political power by preventing majorities or organized interests from using legislative change to impose evolving obligations on unwilling participants. Provided that enforcement institutions are limited to upholding the fixed legal code and maintaining basic order, individuals retain predictable rights and obligations that cannot be altered ex post. Freedom, in this context, is grounded less in the ability to change rules and more in the assurance that the rules governing one's life will not change without consent.

Two objections are central. First, exit is not costless; high mobility costs risk making jurisdictional choice unequal in practice. Second, ultra-stable systems risk entrenching poorly designed or unjust rules. The CIM mitigates these risks at the ecosystem level through: (i) transparency and ex-ante publication of legal cores; (ii) minimum rights floors embedded in framework agreements; (iii) independent adjudication with due process guarantees; (iv) explicit exit and portability provisions; and (v) low barriers to founding improved successor jurisdictions. The model therefore does not deny the risks of lock-in but relocates error correction from coercive internal politics to competitive institutional replication.

7. Coordination and Norm Convergence in USLS

This section explains how ultra-stable legal systems achieve social coordination and shared norms through voluntary sorting and legal stability, rather than through ongoing political contestation or enforced moral consensus. A persistent challenge in political organization is not the absence of desirable values, but the difficulty of coordinating heterogeneous populations around a coherent and stable set of rules. In large, mutable legal systems, competing normative visions are continuously negotiated through political processes, often producing fragmented and unstable outcomes. Frequent legal revision undermines predictability and incentivizes political contestation rather than long-term cooperation (Olsen, 2009).

Ultra-stable legal systems would address this coordination problem through ex ante sorting rather than ex post compromise. Because a jurisdiction's core legal framework is fixed once inhabited, individuals and firms must decide whether to enter based on the rules as they exist, not on the expectation that they can or will later be reshaped to favor them more. This encourages populations with broadly compatible expectations and normative preferences to cluster within the same jurisdiction, while those who find the framework unsuitable seek alternatives elsewhere.

The feasibility of this sorting mechanism depends critically on the availability of alternative jurisdictions. Without a means of founding new legal systems, ultra-stability would merely entrench initial choices and risk locking incompatible populations into a single framework. The country incubation mechanism, therefore, becomes an important mechanism to resolve this by lowering the cost of creating new jurisdictions, allowing multiple ultra-stable legal systems to coexist in parallel. Incubation ensures that disagreement is expressed through jurisdictional differentiation rather than internal conflict.

Within this framework, shared norms would emerge as a consequence of stability and selection rather than moral consensus. Stable legal constraints would, likewise, shape behavior and expectations over time, allowing informal institutions and cooperative equilibria to develop among participants who have voluntarily accepted the same rules. Norm convergence thus reflects sustained participation under known conditions, not ideological uniformity or enforced agreement.

By relocating normative conflict from within jurisdictions to between them, the combined system of ultra-stable law and country incubation transforms coordination into a competitive process. Jurisdictions that generate workable social and economic outcomes attract residents and investment, while those that fail lose participants or are abandoned. In this way, the incubator is not ancillary to norm convergence but essential to it: it provides the institutional infrastructure through which legal stability, voluntary sorting, and social coordination can coexist. It does so by enabling the parallel creation, comparison, and selective abandonment of jurisdictions with fixed legal frameworks, thereby externalizing normative conflict from internal political processes to inter-jurisdictional choice.

8. Conclusion

This paper has argued that governance innovation should not be equated with deregulation per se, but rather with the design of regulatory systems that are proportionate, predictable, and fit for purpose. USLS, combined with a country incubation model, offer a framework in which regulatory experimentation can occur without the instability associated with continual legal revision. By fixing core legal rules at the moment of founding while allowing new jurisdictions to be created in parallel, this approach seeks to preserve beneficial institutional arrangements long enough for their effects to be observed, compared, and evaluated.

The emergence of a limited but plural ecosystem of sovereign micro-jurisdictions could enable more tailored regulatory environments for specific industries, services, and

forms of economic organization. Even if such jurisdictions occupied only a small fraction of global territory, their existence could expand the range of viable governance models and create new opportunities for investment, employment, and institutional learning. Analogous to the role of startups in economic innovation, newly founded jurisdictions are likely to exhibit heightened demand for labor, capital, and expertise during their formative stages, potentially widening access to economic opportunity across borders.

At a systemic level, the development of standardized, peaceful procedures for founding new sovereign entities may also carry implications for political stability. Historically, new states have often emerged through conflict, reflecting the absence of orderly alternatives. By lowering the barriers to lawful and nonviolent jurisdictional formation, a sovereign startup sector could offer an institutional outlet for groups seeking alternative governance arrangements, reducing incentives for violent or extralegal action. While no legal framework can eliminate conflict entirely, ultra-stable systems that explicitly constrain internal legal mutation and commit to peaceful external relations may limit the scope for abrupt shifts toward coercive or expansionist policies.

Taken together, the combination of legal immutability, jurisdictional replication, and voluntary exit suggests a pathway for governance innovation that prioritizes predictability, choice, and peaceful evolution. Rather than aspiring to create permanent or universally optimal states, this framework treats political organization as an ongoing, decentralized process, one in which stability within jurisdictions coexists with adaptation across the entire system.

9. References

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