

# The Crime of Unauthorized Broadcasting on the High Seas

Assistant Professor Doctor

Nouf Abdalla Aljasmi

University of Sharjah- College of Law

[naljasmi@sharjah.ac.ae](mailto:naljasmi@sharjah.ac.ae)

Receipt Date: 26/4/2024, Accepted Date: 30/5/2024, Publication Date: 15/6/2024.

DOI:



This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/)

## Abstract

The research paper investigates the complex world of illegal broadcasting on the high seas, examining the antecedents, legal frameworks, jurisdictional difficulties, and international cooperation crucial in tackling this complex issue. Unauthorized broadcasting offers serious risks, ranging from disruption of authorized broadcasts to intellectual property violations, raising awareness across the globe and especially the countries affected by the broadcasts. The analysis starts by tracking the development of unauthorized broadcasting throughout history. It revolves around the starting point when it came to be recognized as a treaty crime by international accords. It highlights the difficulties of jurisdiction and the need for comprehensive legal systems by illuminating the crucial role that flag states play in managing ships at sea. The work uses review of various material, including legislative frameworks at the international, regional, and domestic levels.

**Keywords:** UNCLOS, Unauthorized broadcasts, ITU.

## جريمة البث غير المصرح به في أعالي البحار

أستاذ مساعد دكتورة

نوف عبد الله الجسمي

جامعة الشارقة – كلية القانون

[naljasmi@sharjah.ac.ae](mailto:naljasmi@sharjah.ac.ae)

تاريخ الاستلام: ٢٠٢٤/٤/٢٦ ، تاريخ القبول: ٢٠٢٤/٥/٣٠ ، تاريخ النشر: ٢٠٢٤/٦/١٥ .

### المستخلص

تبحث الورقة البحثية في العالم المعقد للبث غير القانوني في أعالي البحار ، وتدرس السوابق والأطر القانونية والصعوبات القضائية والتعاون الدولي الحاسم في معالجة هذه القضية المعقدة. وينطوي البث غير المأذون به على مخاطر جسيمة ، تتراوح بين تعطيل البث المأذون به وانتهاكات الملكية الفكرية ، وزيادة الوعي في جميع أنحاء العالم ، ولا سيما البلدان المتضررة من البث. يبدأ التحليل بتتبع تطور البث غير المصرح به عبر التاريخ. وهي تدور حول نقطة البداية عندما أصبحت معترف بها كجريمة تعاهدية بموجب الاتفاقات الدولية. وهو يسלט الضوء على صعوبات الولاية القضائية والحاجة إلى نظم قانونية شاملة من خلال إلقاء الضوء على الدور الحاسم الذي تؤديه دول العلم في إدارة السفن في البحر. يستخدم العمل مراجعة المواد المختلفة ، بما في ذلك الأطر التشريعية على المستويات الدولية والإقليمية والمحلية.

**الكلمات المفتاحية:** اتفاقية الأمم المتحدة لقانون البحار ، البث غير المصرح به ، الاتحاد الدولي للاتصالات

## Introduction

Territorial integrity is one of the most essential concepts in the modern world. While most of the world's land mass lies in one state or another, the rule does not apply to the sea. Although territorial waters have been a vital part of the state system for a long time, states have been unable to tame the masses far away from land.<sup>1</sup> As a result, the concept of high seas was developed to denote the areas that lie outside any nation's territorial waters.<sup>2</sup> The high seas have long been regarded as a region that welcomes exploration, business activity, and, intriguingly, the spread of information via broadcasting technologies because it is inherently beyond the control of national regulatory agencies.<sup>3</sup> However, because of the lack of sovereignty, the creators of malcontent have taken advantage of the high seas to engage in unlawful activity.

Broadcasting has played an essential role in the communication and mass infotainment question. Broadcasting is a complex transformational activity involving transmission of audio, visual, or digital content to a potentially wide-ranging and dispersed audience. It has evolved from the 19<sup>th</sup> century to become one of the most embraced and widely used methods of communication for billions of people globally.<sup>4</sup> Its usage has ranged from mass entertainment and information dispersal, such as radio and television stations meant to reach people in large expanses, to specific communications intended for security and transportation apparatuses. Thus, broadcasting goes beyond the limitations of traditional communication methods; it bravely embraces a range of technologies, such as radio wave propagation, satellite signals, and seamless integration into the vast digital platforms of the modern era.<sup>5</sup> In doing so, it grants society a unique and unprecedented method of access to the complex science of information

dissemination, smoothly spanning gaps in time and space with its tremendous ability to unite, inform, and inspire.

However, in the contemporary era of unparalleled technical development, the broadcasting environment has experienced significant transformation. The introduction of novel technologies, particularly the digital revolution and satellite-based communication, caused a paradigm shift in the distribution of audiovisual content.<sup>6</sup> With the internet providing an unmatched level of accessibility and immediacy, the line separating traditional and new media has grown increasingly hazy.<sup>7</sup> As a result, the frontiers of broadcasting are no longer constrained by national boundaries, presenting essential issues of jurisdiction, control, and responsibility.

Conversely, unauthorized broadcasting on the high seas refers to the publication of material without the necessary authorizations, permits, or observance of rules.<sup>8</sup> While some people have viewed it as a victimless crime, it has serious repercussions.<sup>9</sup> It is important to examine the effects of unrestrained broadcasting activities on the high seas, considering these revolutionary changes in broadcasting technology. Unauthorized broadcasting has serious and extensive repercussions.

International treaties, such as the United Nations Convention on the Law of the Sea (UNCLOS) and rules established by the International Telecommunication Union (ITU), are crucial in regulating broadcasting on the high seas to address these issues. On the one hand, the UNCLOS provides the rights and obligations of states, especially those relating to the high seas, and serves as the primary legal framework for maritime matters. On the other hand, ITU regulations control the distribution and utilization of radio frequency spectrum and satellite orbits to prevent broadcasting operations from interference with vital maritime communication and safety systems. National laws also play an essential role in this issue.

### **First: Research Aim**

The study aims to demonstrate that unauthorized broadcasting on the high seas to publish materials without obtaining the necessary licenses or permits or observing the rules with the advancement of technology and the digital revolution has serious effects and repercussions on the entire world and is therefore considered one of the contemporary legal issues that need legislation and treatment.

### **Second: Research Problem**

The problem of the study lies in explaining what illegal radio broadcasting on the high seas is, who is responsible for the actions of any natural person, and whether illegal radio broadcasting on the high seas is considered a crime or not

### **Third: Research Methodology**

The study will rely on the descriptive approach and the analytical approach to explain and describe what is meant by illegal radio broadcasting on the high seas and analyze the laws associated with it to arrive at whether or not the act is considered a crime.

### **Historical Overview**

The historical tapestry of unauthorized broadcasting on the high seas unfolds a compelling narrative marked by the interaction of technology, politics, and an unwavering quest for communication beyond the limitations of terrestrial borders. The origins of unlawful maritime broadcasting can be traced back to the early twentieth century when the globe was on the verge of communication revolution.<sup>10</sup> During these early stages, daring mariners and radio enthusiasts engaged in clandestine broadcasts, often for little more than the excitement of broadcasting messages across large expanses of water.<sup>11</sup> These early transmissions, primitive by today's standards, marked the beginning of unlicensed broadcasting. These forefathers of covert communication set the seed for later unlawful broadcasting ventures.

## Notable Cases and Events

The "Swinging Sixties" era in the United Kingdom also saw the growth of illegal broadcasters.<sup>12</sup> British pirate radio stations, such as Radio Caroline and Radio London, which defied the British broadcasting monopoly and won the hearts of the young audience hungry for contemporary music, were among the unlawful transmitters.<sup>13</sup> These pioneering stations signaled the arrival of American-style radio, characterized by continuous transmission, rock music, and dynamic deejays,<sup>14</sup> into the United Kingdom. They sparked the cultural revolution, challenging incumbent broadcasters' hegemony and heralding the democratization of the airwaves.

A more unusual case is that of Radio Nordzee, which was technically outside the jurisdiction of the Dutch government but within its continental shelf and broadcast to other countries. Radio Nordzee, transmitted from a fixed platform on the Dutch continental shelf in 1964, is an intriguing chapter in the intricate interplay of international law, jurisdiction, and offshore broadcasting.<sup>15</sup> The operations of Radio Nordzee raised substantial legal and jurisdictional issues, prompting a contentious response from the Dutch government and provoking debate among academics and legislators.<sup>16</sup> The location of the towers that beamed the radio waves permitted the station to operate outside of the local geographical jurisdiction of the Netherlands while remaining within its broader sovereign realm.

However, the legality of Radio Nordzee's operations was called into doubt, particularly in light of international law and jurisdiction. As a result of these concerns and rising pressure, the Dutch parliament took a dramatic move by extending national criminal jurisdiction to include platforms on the Dutch continental shelf under the North Seas Installations Act, which the nation passed explicitly to deal with the issue.<sup>17</sup> It was a significant shift in

legislative control, providing the Dutch government with the additional authority over activities on such platforms, including offshore broadcasting. Yet, the issue was not without controversy. The extension of national criminal jurisdiction to offshore platforms sparked debate among legal scholars, academics, and Dutch politicians. All of them questioned the ramifications of such a move for sovereignty, jurisdiction, and international law principles.<sup>18</sup> The critical question was whether the activities of the Dutch government followed international norms and whether they might be seen as an infringement on the high seas' freedom, a principle in the UNCLOS.<sup>19</sup> The situation illustrated the severity of the broadcasting in high seas.

Surprisingly, despite the outcry surrounding the decision of the Dutch government, other countries mostly ignored it. The absence of international repercussions suggests that expanding jurisdiction to offshore installations on the Dutch continental shelf was viewed as a specific solution to a unique problem rather than a precedent-setting measure with broader consequences for offshore broadcasting control.<sup>20</sup> The issue illustrated that states might have been wary of interfering with the Dutch regulation and criminalization of the illegal authorized broadcast on its continental shelf. At the same time, the other states feared they might need to do the same later. As a consequence, it formed one of the most interesting intersections of international law and state sovereignty.

## **First Topic**

### **The Existence of the Broadcasts: A Cacophony of Reasons**

#### **First Requirement**

##### **Profit and Economic Incentives**

Financial incentives are powerful motivators for many individuals and organizations engaged in unlicensed broadcasting. The temptation to avoid regulatory costs and advertise limits provides an avenue for large monetary rewards. The prospect of large profits serves as a motivation to draw many people into illegal broadcasting businesses. It is not uncommon to see a convergence of entrepreneurial drive and a willingness to negotiate the edges of legality in quest of financial gains in this arena. The exceptional case of Radio Caroline illustrates the issue. According to Guilfoyle, in 1964, Radio Caroline cost around 275,000 sterling pounds to run while it had revenues of more than 700,000, mostly from cigarette companies.<sup>21</sup> Thus, there was a profit motive to broadcast.

#### **Second Requirement**

##### **Influence and Propaganda**

A sector of illegal broadcasters is motivated by a strong desire to exert political influence or spread specific beliefs. The use of radio and other means of communication as propaganda vehicles has a long history.<sup>22</sup> Some players may deliberately target areas or nations to shape public opinion, undermine governments, or disrupt established political regimes. Consequently, these broadcasters' goals are inextricably intertwined with political disputes and rivalries, exhibiting an overriding goal to alter the political landscape according to their designs. The airwaves are a powerful weapon for exerting influence beyond borders in this field.



### **Third Requirement Information and Education**

Unauthorized broadcasters frequently portray themselves as champions of information dissemination and education in areas with restricted access to conventional media. Their motivation stems from confidence in their function as providers of an essential public service. Thus, they made a “critical audience to enable effective action against them” initially almost impossible.<sup>23</sup> They see their broadcasts as lifelines that promote the flow of critical information, transmit education, and amuse populations that lack media access. These broadcasters regard themselves as bridge builders in this setting, bridging information gaps that could exist in underprivileged populations. Their broadcasts empower communities by providing them with the information they need to make knowledgeable decisions about their life and the world around them.

### **Fourth Requirement Avoiding Regulations as a Motivation for Unauthorized Broadcasting**

The most important motivation for such radio stations is avoiding government regulations. The issue had been especially relevant before international and national instruments illegalized the practice, as “pirate organizations” sought to fill the gap that existed in the market.<sup>24</sup> Moreover, some countries monopolized state broadcasters, making it only viable for other parties to broadcast outside the territorial waters.<sup>25</sup> The deliberate evasion of laws that govern broadcasting activities is a widespread robust incentive for unlicensed broadcasting in international waters. The motive is significant for many individuals and organizations involved in unlawful broadcasting. It demonstrates a willingness to operate outside the existing legal system, frequently pursuing specific goals.

In this vein, the desire to avoid the financial restrictions connected with obtaining broadcasting licenses and paying regulatory fees is one of the critical motivations for unlicensed broadcasting. In many countries, obtaining a broadcasting license can be complicated and expensive, as it requires significant costs and faces administrative difficulties.<sup>26</sup> Avoiding these fees can motivate anyone focused on the financial gain to engage in unlawful broadcasting.

The need to avoid restrictions on advertising could have served as a purpose for the existence and successful development of authorized high seas broadcasting. Advertising content, duration, and frequency are regularly subject to broadcasting restrictions. Unauthorized broadcasters may consider these regulations as barriers to business if they want to maximize income and advertising opportunities. They can air adverts more freely and perhaps attract a more extensive advertiser base by operating beyond the confines of legislation, which fuels their economic objectives.

The need to operate in legally grey areas also motivated some of those activists who sought to establish broadcasting stations on the high seas. Some illegal broadcasters intentionally operate in legal grey regions, taking advantage of ambiguities or loopholes in existing legislation. This strategy permits them to occupy a space where enforcement is difficult, providing some shelter from legal penalties. This planned risk-taking approach may be driven by the assumption that the benefits of operating outside the law outweigh the legal consequences.

Lastly, some illegal broadcasters are motivated by a broader anti-regulation sentiment. They may see broadcasting laws as tools for censorship, political control, or commercial gain while not regarding themselves as pirate radios, but as microbroadcastors.<sup>27</sup> Unauthorized broadcasting can be perceived as resistance against

what they consider unjust or repressive regulatory regimes. In this sense, it seeks to serve as an instrument of resistance to legal regulations on the freedom of expression via this medium.

## **Second Topic**

### **Types of Unauthorized Broadcasting over High Seas**

Unauthorized broadcasting activities at sea cover various techniques that can be methodically classified depending on their underlying nature and goals. A comprehensive understanding of different types of illegal broadcasting is necessary to discover and explicate various motivations, fueling such acts and evaluating their potential ramifications and risks.

#### **First Requirement**

##### **Pirate Radio Aimed at the General Public**

Pirate radio stations are among the most prevalent manifestations of unauthorized broadcasting within international waters. These clandestine operators function without the requisite licenses and frequently transmit a medley of content, spanning music, news, or other forms of entertainment to a discernible target audience. Thus, their services are hard to regulate.<sup>28</sup> The motivations behind these operations exhibit a considerable degree of heterogeneity, ranging from the expression of cultural identity to unbridled profit pursuit.

#### **Second Requirement**

##### **Political Propaganda and Unauthorized Broadcasting**

Unauthorized broadcasters occasionally use the enormous expanse of the high seas as a platform to disseminate political propaganda. These transmissions could be purposefully aimed toward specific regions or countries to shape public opinion, propagate the chosen ideologies, or sow seeds of strife.<sup>29</sup> The objectives for such broadcasts are frequently inherently tied to promoting political goals or undermining and competing governments' stability and credibility.

### **Third Requirement Cultural Broadcasts for Niche Audiences**

There is a subclass of illegal broadcasters driven by a fervent desire to preserve cultural linkages, engage in religious outreach, or protect the history of languages and traditions. These activities usually appeal to overseas populations, which see these broadcasts as critical in preserving and experiencing culture. For example, Radio Caroline was essential in making British audience acquainted with American-style rock and roll music.<sup>30</sup> It implies that the broadcasts specifically cater to this audience.

### **Fourth Requirement Media Accessibility**

Individuals or groups in areas with restricted access to traditional media outlets may resort to unlicensed broadcasting to fill the information gap. They strive to provide people with important information, varied kinds of entertainment, or educational content. For example, the British pirate radio stations show themselves as providers of the access to the media in the form of music that the BBC failed to, or was unable to provide.<sup>31</sup> These broadcasters frequently intend to fill the gap left by traditional media, allowing underrepresented people better access to knowledge and entertainment.

### **Third Topic**

#### **Legal Framework for the High Seas Broadcasting**

Broadcasting occurs in a unique and complex environment on the high seas, outside sovereign states' control, and territorial waters. The lack of a single regulating body in this vast unexplored area calls for creating a comprehensive legal system that can balance governmental rights and obligations while also addressing the problems caused by unlawful broadcasting. Special international and national laws have been developed to deal with the issue comprehensively because they fall outside the general jurisdictional limits of states.

#### **First Requirement**

##### **Overview of UNCLOS**

The United Nations Convention on the Law of the Sea (UNCLOS), recurrently called the "Constitution for the Oceans," is the most important legal document that regulates operations in all the world's oceans, including the high seas.<sup>32</sup> A comprehensive treaty known as UNCLOS, adopted in 1982 and enacted in 1994, lays out the rules for the administration of maritime areas outside of sovereign borders.<sup>33</sup> Regarding the high seas, UNCLOS constitutes a complex balancing act between the rights and interests of coastal governments and those of the international community. The idea of "freedom of the high seas," which affirms that the high seas are accessible to all governments and cannot be claimed as one country's domain, is one of its core concepts.<sup>34</sup> This underscores UNCLOS's fundamental goal: to manage and regulate the vast marine spaces with an unbroken dedication to equity and inclusivity. It unmistakably emphasizes the general idea of universality in the context of maritime issues. Two-thirds of the Earth's surface is made up of the high seas, which serves as evidence of the shared responsibility of all countries to ensure wise management and protection of these priceless resources for both present and future

generations.<sup>35</sup> This idea supports the freedom of navigation, overflight, fishing, and even broadcasting in international waters.

## **Second Requirement**

### **Provisions Regarding High Seas Broadcasting**

The UNCLOS's provisions on high seas broadcasting offer a complex legal framework, implicitly allowing for broadcasting activities while reiterating the fundamental value of high seas' freedom. The convention defines high seas as "beyond the limits of national jurisdiction."<sup>36</sup> The article serves as the cornerstone for understanding the high seas. The essential idea of the high seas' independence is implied in this term, highlighting that they are international waters free from territorial claims from any country and, therefore, open to all lands. It is also determined that the seas' natural resources and the ocean's overall size make up humanity's collective heritage. Regardless of the geographical location of individual states, the discovery and usage of any natural resources at high seas should be carried out for the benefit of the human society.<sup>37</sup> In this regard, the high seas are meant for the benefit of all mankind, but it does not turn into a license for parties to engage in illegalities.

The UNCLOS's acknowledgment of flag nations' control over their ships traveling the high seas, including those involved in broadcasting, is of utmost importance. The disclosure emphasizes flag states' role in policing and monitoring the operations of ships flying their flags on the high seas. By doing so, UNCLOS affirms the requirement that flag states exercise their jurisdiction and control by the norms of international law, implicitly confirming their obligation to follow the relevant treaties governing broadcasting. Hence, there is a central role for flag states in this instance.

The obligation is further emphasized by UNCLOS Article 94, which requires each state to ensure adherence to the rules and laws resulting from the convention. First, each State is required to keep a

complete record of all ships flying its flag, except those exempt due to their small size.<sup>38</sup> Second, the State must assume control over every vessel flying its flag, including its master, officers, and crew, in line with domestic law regarding all the vessel's administrative, technical, and social aspects.<sup>39</sup> Additionally, each State must put in place measures to guarantee maritime safety, including those related to ship design, equipment, seaworthiness, labor conditions, crew training, navigational procedures, and collision avoidance.<sup>40</sup> These precautions include hiring qualified employees, appointing competent surveyors to conduct routine ship inspections, and adhering to international rules that govern safety, collision avoidance, marine pollution management, and radio communications. The purpose of these rules is to ensure safety of all aspects.

Adherence to generally established international laws, protocols, and practices is essential while implementing these measures. The State must also take necessary steps to guarantee compliance with these standards.<sup>41</sup> Importantly, it is the reporting State's responsibility to tell the flag State if it has reasonable grounds to believe that another State has failed to exercise proper authority and control over a ship. The flag State must delve into the situation after receiving such notification and, if necessary, take corrective measures.

Article 94 emphasizes the obligation of each State to investigate maritime accidents or navigation incidents involving ships flying its flag that result in fatalities, severe injuries to foreign nationals, significant damage to alien ships or installations, as well as harm to the marine environment. Such investigations are conducted in collaboration between the afflicted State and the flag State, reaffirming the dedication to openness and accountability in marine safety and environmental protection concerns.

The most critical aspect of UNCLOS regarding illegal broadcasting on high seas lies in Article 109 of the Convention. Article 109 defines a thorough framework for policing, repressing, and holding accountable individuals engaged in broadcasting activities that violate international law inside the vast marine area of global waters in its four distinct clauses. All states, without exception, are responsible for active cooperation in suppressing unauthorized broadcasting activities that occur on the high seas.<sup>42</sup> The cooperative imperative indicates the global community's commitment to combating illegal broadcasting that could have broad repercussions, such as interfering with official communication or cultural diffusion.

Article 109 introduces an essential definitional element. It explains the meaning of "unauthorized broadcasting" in terms of UNCLOS. It defines this type of broadcasting as the transmission of sound radio or television broadcasts coming from either a ship or a facility located on the high seas to reach the general public. Importantly, unlicensed broadcasting is identified as being against recognized international laws.<sup>43</sup> Thus, to distinguish unlawful broadcasting activities on the high seas from other types of communication that can be subject to various legal considerations, this definition offers the fundamental framework.

One of the most important provisions of Article 109 is Clause 3, which describes the legal channels and venues available for legal action against those who engage in unlicensed broadcasting. The distinction enables governments and legal agencies to hold illegal broadcasters accountable for their activities. Potentially prosecutable jurisdictions primarily include the flag state of the ship.<sup>44</sup> The State, which registered the facility engaged in illegal broadcasting, may also conduct the prosecution.<sup>45</sup> Moreover, the country of nationality of the person who broadcasts illegally can also perform the



prosecutions.<sup>46</sup> Any state where illegal radio signals are received can enact the trial.<sup>47</sup> The last category that can prosecute illegal broadcasters from the high seas is any state where unlawful broadcasting interferes with authorized radio communication.<sup>48</sup> The numerous jurisdictional choices ensure that those involved may be held accountable under the auspices of pertinent national and international laws, reflecting the severity with which the international community takes unlawful broadcasting on the high seas. Article 109(3) emphasizes the worldwide scope of the issue and the importance of international cooperation in combating unlicensed broadcasting.

Lastly, when jurisdiction is established in line with paragraph three, the fourth paragraph of Article 109 grants States the power to act directly on the high seas. Following Article 110 of the UNCLOS, States with authority are specifically entitled to arrest people or ships engaging in unlicensed broadcasting and seize the broadcasting equipment.<sup>49</sup> The clause gives states the power to prevent and deal with unlicensed broadcasting operations, which can take many forms, from broadcasting without the appropriate authorization to interfering with communication systems. It is crucial to note that this action is subject to the State's jurisdictional authority under Paragraph 3. Besides, it is guided by the requirements outlined in Article 110 of the same legal framework. The international community is committed to controlling and regulating radio and broadcasting operations on the high seas to ensure law, order, security, and adherence to international norms.

The impact of Article 109 is to delineate the jurisdiction regarding the high seas' crime from the perspective of the law of nations. In somewhat ambiguous terms, it defines crime in Clause 2 of the crime itself. However, UNCLOS's rules on the high seas broadcasting are not isolated; instead, they are part of a more

extensive system of connected international laws and regulations. The International Telecommunication Union (ITU), a specialized agency of the United Nations, plays a crucial role in enhancing this framework.<sup>50</sup> An area that is extremely important to broadcasting activities, particularly those on the high seas, is the regulation and coordination of the distribution of radio-frequency spectrum and satellite orbits, a significant function that the ITU performs. In practice, ITU rules predate the UNCLOS but UNCLOS has gained more prominence because it is modern.

### **Third Requirement**

#### **International Telecommunication Union (ITU) Regulations**

ITU is a critical player in charge of controlling broadcasting operations at sea. To maintain order and compliance among countries involved in marine broadcasting, it is responsible for creating and enforcing regulations that govern the distribution and use of radio-frequency spectrum.<sup>51</sup> A crucial challenge in high seas broadcasting is the global coordination of the radio-frequency spectrum and satellite orbits, which falls within the purview of the ITU.<sup>52</sup> Thus, the Radio Regulations, a comprehensive treaty outlining governments' rights and obligations for using the radio-frequency spectrum, contain the ITU's guidelines regarding high seas broadcasting. An appendix to the Radio Regulations, called "Service Regulations," describes these rules. They specify frequency ranges and technical requirements for various radio services, including maritime radio services.<sup>53</sup> The ITU ensures that all its member states can use this essential resource for broadcasting by upholding the principle of equal access to the radio-frequency spectrum.

However, Article 28(6) of the 1959 Radio Regulations was the definitive ITU pronouncement on the issue. Article 28 defined a critical constraint on the telecommunications environment in marine zones. It expressly prohibited mobile stations at sea from broadcasting while traversing the aquatic expanses of the maritime

realm. The prohibition had far-reaching implications since it underscored the ITU's intentional attitude to conserving the radio-frequency spectrum's holiness while protecting against the unwarranted expansion of broadcast signals emerging from ships transiting international seas. The restriction was justifiable on multiple levels, including spectral efficiency, interference mitigation, and the preservation of maritime communication routes. Article 28 attempted to avoid the possible maelstrom of radio interference that could affect crucial marine communication systems by prohibiting broadcasting services via mobile stations in maritime situations. Such interference could jeopardize the safety and dependability of marine navigation, putting both human lives and maritime infrastructure at risk.

Individual governments were responsible for compliance because the ITU had no inherent enforcement capabilities. The relevant convention did not specify any approaches or tools that governments were to use to perform this enforcement duty. In essence, the lack of enforcement authority inside the ITU served as a reminder of the decentralized nature of enforcement operations, where each sovereign state was tasked with respecting and putting the convention's rules and principles into effect within its borders. Thus, the convention refrained from outlining a one-size-fits-all enforcement design, recognizing the variety of legal and administrative frameworks across member states.

#### **Fourth Requirement**

#### **Regional Agreements: European Agreement for the Prevention of Broadcasts Transmitted from Stations outside National Territories**

Unauthorized broadcasting was first classified as a treaty infraction in 1965 as part of the European Agreement, which closely followed Nordic legislation. Nordic states suffered incessantly from unauthorized high seas broadcasting, thus enacting a range of

regulations on the issue which precedent the European Convention. The transmission of broadcasts that can be received in the territory of any party is defined as an offense under the Agreement.<sup>54</sup> However, it requires parties to establish jurisdiction based principally on the offender's country, vessel, or territory where ancillary offenses, which enabled unlicensed broadcasting, occurred.<sup>55</sup> While parties retained the option of establishing jurisdiction on alternative grounds, the proposed jurisdictional framework was neither universal nor comparable to piracy. The prosecution authority was based on jurisdiction over citizens, actions taken aboard flagged boats, and territorial jurisdiction over accessory offenses related to aiding unlicensed broadcasting.<sup>56</sup> While banned activity could occur extraterritorially in some cases, the ability to enforce jurisdiction was unquestionably dependent on the availability of recognized bases of jurisdiction and the physical presence of the offender inside territorial jurisdiction. Thus, the framework includes no provision for reciprocal rights for high-seas boarding.

Specifically, the convention aims to regulate and prevent unlawful broadcasts from stations outside the signatory countries' national territory and references the ITU Regulations.<sup>57</sup> The Agreement aimed to resolve concerns about cross-border broadcasting interference and the unregulated transmission of radio and television signals across national borders. The preamble establishes that within the intricate tapestry of international telecommunications governance, the prohibitions enshrined in the Radio Regulations annexed to ITU cast a clear light on the establishment and use of broadcasting stations aboard maritime vessels, airborne craft and any other ethereal or aquatic entities located beyond the borders of national territories.<sup>58</sup> Simultaneously, the urge emerges to broaden the scope of factors in the marine

expanse outside the sovereign grasp of nation-states, whether fastened to or gently cradled by the seafloor.<sup>59</sup> Consequently, its role contextualizes Article 28(6) of the ITU radio regulations within Europe.

Article 1 of this crucial Agreement highlights a critical concern around the complex realm of broadcasting stations. These stations are typically located on ships navigating the high seas, aircraft soaring through the boundless skies, or other ethereal and aquatic entities traversing realms beyond the confines of national territories. All of them significantly impact the contours of international telecommunications governance. Thus, it concerns broadcasting stations that project their transmissions into the ether, extending their reach to far lands where eager receivers await the aural and visual spectacles they provide.<sup>60</sup> It acknowledges the far-reaching ramifications of such broadcasts, which, whether intentionally or unintentionally, cross sovereign lines. Furthermore, it states that broadcasting stations, which dare to trespass on a Contracting Party's electromagnetic airspace and cause disruptive interference to radio-communication services sanctioned by that party, would be held accountable.<sup>61</sup> This commitment to eliminate harmful interference acts as a safeguard, preserving the integrity of radio-communication services that operate under the auspices of the Contracting Parties and in strict accordance with the Radio Regulations adopted for the public welfare.

The fundamental aspect of the Article 2 resounds with each Contracting Party's solemn commitment to maintain the embodied principles and translate them into robust, practical actions within their domestic legal frameworks. In unrelenting pursuit of these objectives, each Contracting Party accepts the mantle of responsibility by agreeing to establish the required legislative requirements.<sup>62</sup> Therefore, they enforce the punishment of specified

activities of paramount concern, deeming them as offenses under their domestic laws. The establishment or operation of transmitting stations, as defined in Article 1, is the most important of these actions.

Article 3 of the Agreement serves as a reminder of legal obligation and demonstrates the scope of its regulatory jurisdiction. In this part, each Contracting Party adopts a firm commitment to conduct the Agreement's contents within the confines of its domestic legal framework.<sup>63</sup> The commitment encompasses various events and players, reflecting that accountability knows no boundaries.

The exercise of authority over its nationals is one of the pillars of Article 3(a). Each Contracting Party earnestly promises to apply the requirements of this Agreement to its nationals who have committed any of the actions.<sup>64</sup> The jurisdictional reach is broad, encompassing acts committed on its sovereign land and acts committed aboard warships or airplanes flying its flag. Furthermore, it includes actions committed outside its national borders on vessels, aircraft, or other floating or airborne items.<sup>65</sup> The Article emphasizes the Government's steadfast commitment to ensuring that nationals are subject to the rules and regulations outlined in the Agreement, regardless of their geographical location or mode of transportation.<sup>66</sup> Thus, the article ties the jurisdiction to the nationality in this case.

Article 3(b) broadens the scope of legal jurisdiction to include non-nationals on a Contracting Party's land, ships, or aircraft and any floating or airborne objects to its jurisdiction. In essence, it means that the scope of this Agreement extends beyond the boundaries of nationality. It includes individuals from other countries who perform the acts outlined in the Agreement within a Contracting Party's territorial ambit or jurisdiction.<sup>67</sup> The legal assertion of jurisdiction over non-nationals emphasizes the common duty to preserve the

ideals of the Agreement, regardless of the individual's citizenship or origin.

### **Fifth Requirement Domestic Laws: UK**

Some countries passed legislation to ensure the limit of authorized broadcasting on the high seas. The UK instigated a comprehensive law on the issue that has even undergone updating via repeal and passage of new legislation. The first law in the UK was the repealed Marine and Broadcasting (Offences) Act of 1967. Its Sections 3 and 4 established a legal framework for regulating and controlling broadcasting activities from diverse platforms within and outside the United Kingdom's national boundaries.<sup>68</sup> The comprehensive legislation demonstrated the country's determination to maintain sovereignty over its broadcast spectrum, even when transmissions occur outside its borders.

Section 3 of the Act expressly defined its jurisdiction over broadcasting activities emanating from ships, airplanes, marine structures, and other items outside the United Kingdom's territorial jurisdiction. The section prohibited broadcasts from ships not registered in the United Kingdom, unregistered aircraft, constructions on the high seas fastened to or supported by the seabed, and any other items on the high seas not falling under the preceding categories.<sup>69</sup> The prohibition was extended to people who run or participate in the operation of broadcasting apparatus on these platforms.<sup>70</sup> The clause placed legal sanctions on those who engage in such broadcasting operations, regardless of nationality.

Section 4 of the Act broadened its regulatory scope to encompass acts that permit broadcasting from ships, aircraft, and other high-seas objects. It expressly targeted persons or businesses who engage in actions within the United Kingdom or on British-registered boats or aircraft that contribute to the illegal broadcast of radio and television signals on the high seas.<sup>71</sup> Furthermore, it

applied to British subjects who commit these actions on the high seas, as defined in Section 3(3). The actions covered by Section 4 included providing or agreeing to provide platforms for broadcasting, transporting wireless telegraphy equipment, delivering or installing such equipment, supplying equipment for buildings or other objects, repairing or maintaining wireless telegraphy equipment, and offering products, materials, or services to make these platforms more convenient for broadcasting.<sup>72</sup> For this reason, the Act was meant to ensure that broadcasting by radio stations from outside the UK meant for the British audience would be prohibited.<sup>73</sup> Thus, it gave a wide jurisdiction thus illegalizing high seas broadcasting.

In contrast, the Wireless Telegraphy Act of 2006 repealed the law. Part 5 of the new law prohibits broadcasting from sea or air, with a specific prohibition of broadcasting from high seas in section 79. The Act's Section 79 expressly declares that broadcasts that can be received inside the United Kingdom or those that cause interference with wireless telegraphy inside the country are illegal. Such broadcasts are forbidden while high seas vessels navigate within designated regions when they are made from ships not registered in the UK.

Section 79(2) notably blames several parties for broadcasting violations. These parties include the master of the ship, the owner of the ship from which the broadcast originated, and anybody who uses or contributes to the usage of the broadcasting gear. Additionally, Section 79(3) makes obtaining a broadcast that violates the provisions of this section a crime. Notably, Section 79(4) establishes an exception to this rule, stating that transmissions that violate this section shall not be regarded as illegal if they can show authorization under the laws of a country or territory other than the United



Kingdom. The Secretary of State has sole power over the designation of "prescribed" areas.<sup>74</sup>

Section 80 of the Act is intended to govern broadcasting activities from various platforms on the high seas. It specifies the conditions under which British nationals may be held accountable for broadcasting offenses. The Act makes it a crime for a British citizen to operate or assist in transmitting gear.<sup>75</sup> First, while on the high seas, it is forbidden to transmit from a ship not registered in the United Kingdom. Second, while on or over the high seas, it is forbidden to broadcast from an aircraft not registered in the United Kingdom. Moreover, it further specifies that it should be no other construction than a ship that is attached to or supported by the seabed. Section 80(2), on the other hand, makes exceptions to this ban. Section 80(1) does not apply when broadcasts are produced in violation of Section 79(1) or originate from structures or other objects located in waters within a defined region. The law further makes it illegal to use structures to facilitate broadcasting from the high seas.<sup>76</sup> Thus, the UK law elucidates the European position on the issue.

#### **Fourth Topic**

### **The Necessity of the Criminalization of Unauthorized Broadcasting on the High Seas: Obvious Necessity or State Overreach?**

Authorized broadcasting from the high seas, conjuring up visions of unsanctioned and clandestine broadcasts and unregulated signals, provides multidimensional issues with far-reaching consequences. While the allure of unlicensed radio operations is typically based on the ability to seize broadcasting frequencies arbitrarily, the consequences of such activities cast a long shadow over the world of telecommunications, both domestically and internationally.

## **First Requirement Interference with Emergency and Other Legitimate Transmissions**

The most significant risk connected with radio piracy—a risk that extends beyond ordinary discomfort to become a clear and present danger: interference with emergency transmissions. When radio pirates use the airwaves without the necessary licenses or authorizations, they have unrestricted power to choose the wavelengths on which they send their illicit messages.<sup>77</sup> These vital communication wavelengths are not a blank canvas on which radio pirates can freely paint their messages. Instead, they are carefully allotted resources subject to national licensing and international agreements to assure efficient and interference-free broadcast propagation.

When one considers that these hijacked frequencies may overlap with those already designated to legitimate, licensed broadcasters, the enormity of this scenario becomes apparent. As a result, a cacophony of conflicting signals causes chaotic interference that can impair emergency broadcasts, which are frequently sent on specialized frequencies to ensure speedy and unobstructed delivery of crucial information.<sup>78</sup> The repercussions of such interference are severe and far-reaching, jeopardizing authorities' ability to deliver critical instructions during emergencies, threatening lives, and slowing rapid reaction to disasters.

The interference goes beyond broadcasting into the realms of sea- and air-navigation signals, becoming a global concern with ramifications for international agencies. Radio Andorra, a pirate station broadcasting to British listeners, is a dramatic example of this transnational threat.<sup>79</sup> Radio Andorra unexpectedly disrupted licensed broadcasts in the United Kingdom, Italy, and Sweden in its daring drive for audibility, demonstrating the complicated web of interconnectedness at the global telecommunications scene.<sup>80</sup>

Accordingly, interference with legitimate transmissions is a prominent issue.

### **Second Requirement Evasion of Legitimate Fees and Violation of Intellectual Property**

However, the damage caused by radio piracy does not stop with interference in legitimate broadcasts. The underground world of unlicensed radio broadcasts provides fertile ground for evasion, including taxes, royalties, copyright fees, and performance rights costs. The sphere of financial wrongdoing and unaccountability casts a long and ominous shadow over the economic landscape, raising concerns about justice, accountability, and intellectual property protection.<sup>81</sup> Tax evasion is a more destructive aspect of radio piracy, which has far-reaching ramifications for a country's financial stability. Radio pirates effectively avoid their fiscal commitments by operating beyond the scrutiny of regulatory agencies and tax authorities, contributing to a loss of income that could otherwise fund critical public services and infrastructure. This financial misconduct, while appearing isolated inside the world of broadcasting, has ramifications beyond society, harming citizens' well-being, and the strength of national economies.

Similarly, non-payment of royalties, copyright fees, and performance rights raises serious questions about how artists and creators are treated.<sup>82</sup> These people, whose creations grace the airwaves and add to the rich tapestry of broadcasting content, deserve fair pay for their efforts. However, radio pirates operating outside legal and ethical boundaries frequently avoid these financial duties, robbing artists and inventors of their legitimate earnings. It does not only jeopardize the lives of creative workers but also the ideals of intellectual property and fair pay that modern societies are built on. Given the complex influence of unregulated broadcasts on national and international concerns, the governance issue becomes

critical. Choosing the best appropriate jurisdiction for regulating radio piracy is critical—a jurisdiction that can successfully address the complex concerns raised by such transmissions.

### **Third Requirement**

#### **Is Criminalization an Affront to Freedom?**

A strong counterargument demands a more in-depth investigation within the complex web of legal discourse around the punishment of unlawful broadcasting on the high seas. A real conundrum is created by the impending threat of state overreach against the background of the high seas, which are unmistakably international waters and beyond the purview of any state's territorial sovereignty. The idea of government overreach takes central stage in this dialogue. By their very nature, the high seas are outside the sole purview of any nation-state. The concept of the global commons is embodied in this distinctive quality of international seas, protected by customary international law.<sup>83</sup> As a result, applying domestic criminal law to conduct in this vast ocean region raises severe concerns about the extraterritoriality principle. Such a step usually raises concerns about violating other countries' sovereignty and their right to control and monitor activity within their territorial seas.

The defense of individual liberty and freedom of expression is also vital to this argument. Even on the high seas, criminalizing unlawful broadcasting could be seen as an unjustified restriction on the right to free expression and information transmission. The high seas' inherent characteristics as a region with few jurisdictional restrictions have historically supported a culture that encourages open sharing of knowledge.<sup>84</sup> It is possible to criminalize such behavior as a repressive tactic that opposes the values of free speech and individual liberty.

## **Fifth Topic**

### **Enforcement and Jurisdiction**

The international community has a complicated and multidimensional dilemma regarding enforcement and jurisdiction on the high seas. The large area of unclaimed open waters creates a jurisdictional void where several legal and regulatory frameworks interact. This complex network of international law, maritime conventions, and collaborative endeavor manages high-seas activity while maintaining order, security, and the rule of law. In this investigation, we look at the issues faced by jurisdiction, the critical role of flag nations, the importance of international collaboration, the processes and institutions tasked with enforcement, and instructive case studies of successful enforcement actions on the high seas.

#### **First Requirement**

##### **Jurisdictional Challenges on the High Seas**

The high seas, generally defined as international waters outside coastal states' exclusive economic zones and territorial waters, present a unique jurisdictional conundrum. These regions, which account for more than two-thirds of the world's oceans, are distinguished by their size and absence of state ownership. As such, they are subject to the collective jurisdiction of all nations and are governed by special international laws and conventions. The lack of a single controlling entity is one of the key obstacles in enforcing regulations on the high seas. While the United Nations Convention on the Law of the Sea (UNCLOS) establishes guidelines for their use and conservation, enforcement procedures remain complicated. Coastal governments impose jurisdiction over their boats sailing on the high seas. The obligation for policing activities is frequently delegated to flag states, which are the nations whose flag vessels fly. Moreover, as the case of SARAH in the United States shows, even where there may be national laws, it is not always clear that the UNCLOS and domestic law justify action

against such broadcasts.<sup>85</sup> Without legally well-defined jurisdiction, the enforcement of the law on the high seas may be problematic.

### **Second Requirement**

#### **Flag States**

Flag nations play a critical role in regulating and enforcing maritime activity. Regardless of location, a vessel is subject to the laws and rules of the nation whose flag it flies. This notion, known as flag state jurisdiction, emphasizes flag states' responsibilities to ensure their vessels comply with international agreements and conventions.<sup>86</sup> Flag nations are responsible for implementing and enforcing maritime legislation, including safety, environmental preservation, and security. They must inspect ships, grant licenses and permits, and prosecute vessels that break international regulations. The efficiency of flag state enforcement, on the other hand, varies greatly and is frequently determined by factors such as national capacity, political will, and economic interests.

### **Third Requirement**

#### **States Affected by the Broadcasts**

While the broadcasts mostly happen in international waters on the high seas, they primarily aim at audiences in national and neighboring states. Thus, international law would not permit individuals to operate outside of all national jurisdictions. The state closest to their activities, if those activities affected its legal interests, might assert authority as UK law shows.<sup>87</sup> These states can carry out the prosecutions.

#### **Nationalities of the People Carrying or Facilitating the Broadcasts**

The nationalities of those involved in executing or aiding the broadcasts can also be the basis for determining the jurisdiction for criminal prosecution and the confiscation of broadcast equipment. For example, the Wireless Telegraphy Act specifically deals with the UK citizens involved in such broadcasts.<sup>88</sup> The crucial element of

jurisdiction underlines the right to prosecute and seize broadcasting equipment, and the citizenship or nationality of the people involved in illegal broadcasting operations are interconnected. The principle recognizes the potential transnational aspect of broadcasting violations in the context of international law and telecommunications regulation. It implies that a country may use its legal authority to prosecute people and seize the equipment used in unauthorized broadcasting if individuals of a particular nationality are involved in such activities on the high seas or inside its territorial waters. The jurisdiction is crucial for safeguarding the rule of law and guaranteeing adherence to global broadcasting laws.

### **Forth Requirement**

#### **International Cooperation and Coordination**

Considering the global scope of the high seas operations, international collaboration and coordination are critical for effective enforcement. Nations must collaborate to handle concerns that cross national borders. Regional organizations like the European Union are also crucial in encouraging cooperation among member nations and solving common concerns in shared waters. Collaboration extends to several sectors of high seas governance, such as fishing, shipping, environmental protection, and security. International accords and conventions, such as UNCLOS, create laws and processes for the sustainable use and conservation of marine resources and preservation of the maritime environment.<sup>89</sup> The willingness of states to cooperate is essential to the success of prosecutions for unauthorized broadcasting in international waters. All countries can safeguard their radio spectrum, maintain maritime security, and enforce the rule of law on the globally open oceans by working together effectively. This attitude of collaboration makes sure that illegal broadcasting is not only discouraged but also successfully dealt with whenever and wherever it occurs.

## Conclusion

The tangled web of international law, jurisdictional issues, and cooperation efforts emerges as a dynamic interplay in the complex world of unlawful broadcasting on the high seas. Exploring this complicated environment illustrates the difficulties and the fundamental components needed to protect the rule of law in this vast and frequently lawless environment. The evidence has been shown through such global agreements as the ITC and the European Agreement. The international agreements illustrate jurisdiction, and it depends on flag states to regulate ships and their transmissions. There is also the jurisdiction based on the broadcasts-violating states, as well as the nationality of the involved parties. The UK legislation is an example of domestic legislation meant to address the issue. The demand for efficient governance and enforcement systems grows more urgently as technology advances and the marine realm expands. The high seas will continue to be a space for legal and orderly communication in the future, protecting the interests of all countries and the integrity of the radio spectrum despite the ongoing problems.



## Footnotes

- <sup>1</sup> Glen Wright, Julien Rochette, Elisabeth Druel, and Kristina Gjerde. "The long and winding road continues: Towards a new agreement on high seas governance," *Paris: IDDRI* (2016): 1. [https://www.iddri.org/sites/default/files/import/publications/st0116\\_gw-et-al.\\_high-seas.pdf](https://www.iddri.org/sites/default/files/import/publications/st0116_gw-et-al._high-seas.pdf)
- <sup>2</sup> Crespo, Guillermo Ortuño, Daniel C. Dunn, Matthew Gianni, Kristina Gjerde, Glen Wright, and Patrick N. Halpin. "High-seas fish biodiversity is slipping through the governance net." *Nature Ecology & Evolution* 3, no. 9 (2019): 1273.
- <sup>3</sup> Frédéric Mégret, "Activists on the High Seas: Reinventing International Law from the Mare Liberum?" *International Community Law Review* 23, no. 4 (2021): 367, doi:10.1163/18719732-12341454.
- <sup>4</sup> Anne F. MacLennan, "Celebrating a Hundred Years of Broadcasting – An Introduction and Timeline," *Journal of Radio & Audio Media* 27, no. 2 (2020): 192, doi:10.1080/19376529.2020.1831865.
- <sup>5</sup> Xianzhe Wang, "Research on the Transformation and Development of Traditional Media in the New Media Era," *Open Journal of Social Sciences* 9, no. 3 (2021): 460, doi:10.4236/jss.2021.93029.
- <sup>6</sup> Ibid.
- <sup>7</sup> Jiang Ling and Zhang Yue, "Research on the Displacing Effect of the Internet on the Traditional Media," *International Journal of Social Science and Humanity* 5, no. 7 (2015): 590, doi:10.7763/ijssh.2015.v5.523.
- <sup>8</sup> Horace B. Robertson, "The Suppression of Pirate Radio Broadcasting: A Test Case of the International System for Control of Activities outside National Territory," *Law and Contemporary Problems* 45, no. 1 (1982): 72, doi:10.2307/1191296
- <sup>9</sup> Ibid.
- <sup>10</sup> Douglas Guilfoyle, *Shipping Interdiction and the Law of the Sea* (Cambridge: Cambridge University Press, 2009): 170.
- <sup>11</sup> Ibid. 170-171.
- <sup>12</sup> Colin Drury, "Armed Raids, a Killing, Drugs and Sex Abuse - the Dark Side of 60s Pirate Radio," *Mirror*, last modified August 15, 2017, <https://www.mirror.co.uk/news/uk-news/armed-raids-shotgun-killing-drugs-10993196>.
- <sup>13</sup> Rachel Lewis, "How Pirate Radio Ships Paved the Way for Britain's Rock 'n' Roll Revolution," *Time*, last modified September 28, 2017, <https://time.com/4955482/pirate-radio-bbc-1-rock-history/>.
- <sup>14</sup> Ibid.
- <sup>15</sup> J. C. Woodliffe, "Some Legal Aspects of Pirate Broadcasting in the North Sea," *Netherlands International Law Review* 12, no. 04 (1965): 365, doi:10.1017/s0165070x00030175.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> H. F. Panhuys and Menno J. Van Emde Boas, "Legal Aspects of Pirate Broadcasting," *American Journal of International Law* 60, no. 2 (1966): 304, doi:10.2307/2197574.

<sup>19</sup> Ibid.

<sup>20</sup> Guilfoyle, *Shipping Interdiction and the Law of the Sea*: 172.

<sup>21</sup> Ibid., 173

<sup>22</sup> Erik Barnouw, "Propaganda at Radio Luxembourg," *Film & Radio Propaganda in World War II*, 2021: 192, doi:10.4324/9781003208457-8.

<sup>23</sup> Horace B. Robertson, "The Suppression of Pirate Radio Broadcasting" 71

<sup>24</sup> Rodolphe Durand and Jean-Philippe Vergne, "No territory, no profit: The pirate organization and capitalism in the making," Numero, last modified 2017, <https://www.cairn.info/revue-management-2012-3-page-265.htm>.

<sup>25</sup> John Pidgeon and Michael Ray, "Pirate Radio | History, Impact & Legality," *Encyclopedia Britannica*, last modified November 11, 2009, <https://www.britannica.com/topic/pirate-radio>.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Robertson, "The Suppression of Pirate Radio Broadcasting: A Test Case of the International System": 71.

<sup>29</sup> "Clandestine Propaganda Broadcasting," *The Encyclopedia of World Problems*, accessed September 10, 2023, <https://encyclopedia.uia.org/en/problem/142288>.

<sup>30</sup> Lewis, "How Pirate Radio Ships Paved the Way for Britain's Rock 'n' Roll Revolution."

<sup>31</sup> Ibid.

<sup>32</sup> UNGA, "General Assembly Lauds Success of Law of Sea Convention, But Deplores Sea-Level Rise, Lack of Support for Small Island Nations, Increased Maritime Risks," last modified 2022, <https://press.un.org/en/2022/ga12479.doc.htm>.

<sup>33</sup> Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397.

<sup>34</sup> Anastasia Telesetsky, "Keeping UNCLOS Relevant," *The Korean Journal of International and Comparative Law* 9, no. 1 (2021): 18, doi:10.1163/22134484-12340143.

<sup>35</sup> Michele Metych, "High Seas," *Encyclopedia Britannica*, last modified 2022, <https://www.britannica.com/topic/high-seas>.

<sup>36</sup> Para. 6 Preamble, and Article 1

<sup>37</sup> Para. 6.

<sup>38</sup> Article 94(2)(a)

<sup>39</sup> Article 94(2)(b)

<sup>40</sup> Article 94(3)

<sup>41</sup> Article 94(4)

<sup>42</sup> Article 109(1)

<sup>43</sup> Article 109

<sup>44</sup> Article 109(3)(a)

<sup>45</sup> Article 109(3)(b)

<sup>46</sup> Article 109(3)(c)

<sup>47</sup> Article 109(3)(d)

<sup>48</sup> Article 109(3)(e)

<sup>49</sup> Article 109(4)

<sup>50</sup> UN Department of Economic and Social Affairs, "International Telecommunication Union (ITU) | Department of Economic and Social Affairs," Sustainable Development, accessed September 13, 2023, <https://sdgs.un.org/un-system-sdg-implementation/international-telecommunication-union-itu-24522>.

<sup>51</sup> Xiang Wang, Jingxian Liu, and Zhao Liu. "Experimental research on marine digital navigation system." In *ISOPE International Ocean and Polar Engineering Conference*, pp. ISOPE-I. ISOPE, 2019. Accessed September 10, 2023. <https://onepetro.org/ISOPEIOPEC/proceedings-abstract/ISOPE19/All-ISOPE19/ISOPE-I-19-630/21713>

<sup>52</sup> Jean C. Mahoro and Agus Pramono, "Regulation of Radio Frequency Spectrum and Its Implementation Challenges in the Perspective of International Law," *Diponegoro Law Review* 4, no. 1 (2019): 21, doi:10.14710/dilrev.4.1.2019.21-33.

<sup>53</sup> International Telecommunications Union. *Radio Regulations (RR-20)*, 2020. Accessed September 10, 2023. <https://www.itu.int/hub/publication/r-reg-rr-2020/>

<sup>54</sup> Kimberley Peters. "Regulating the radio pirates: Rethinking the control of offshore broadcasting stations through a maritime perspective." *Media History* 19, no. 3 (2013): 337-353.

<sup>55</sup> European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories, Articles 2 and 3. Accessed September 10, 2023. <https://rm.coe.int/168006ff50>

<sup>56</sup> Article 3.

<sup>57</sup> European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories, Articles 2 and 3. Accessed September 10, 2023. <https://rm.coe.int/168006ff50>

<sup>58</sup> Ibid. Preamble and Article 1.

<sup>59</sup> Article 1.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid

<sup>62</sup> Article 2

<sup>63</sup> Article 3.

<sup>64</sup> Article 2

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Article 2

<sup>68</sup> Marine and Broadcasting (Offences) Act 1967. Accessed September 10, 2023.

<https://www.legislation.gov.uk/ukpga/1967/41/enacted>

<sup>69</sup> Section 3

<sup>70</sup> Section 3

<sup>71</sup> Section 4

<sup>72</sup> Ibid.

<sup>73</sup> Frances M. Miley and Andrew F. Read, "Financial control, blame avoidance and Radio Caroline: Talkin' 'bout my generation," *Accounting History* 22, no. 3 (2017): 3, accessed September 10, 2023.

<https://core.ac.uk/download/pdf/82915302.pdf>.

<sup>74</sup> Section 79.

<sup>75</sup> Section 80(1)

<sup>76</sup> Section 83

<sup>77</sup> Robertson, "The Suppression of Pirate Radio Broadcasting: A Test Case of the International System":75.

<sup>78</sup> Guilfoyle, *Shipping Interdiction and the Law of the Sea*, 171.

<sup>79</sup> Robertson, "The Suppression of Pirate Radio Broadcasting: A Test Case of the International System": 72.

<sup>80</sup> Ibid.

<sup>81</sup> Sophia Theodosiadou, "Pirate radio in the 1980s: a case study of Thessaloniki's pirate radio," *Radio Journal: International Studies in Broadcast & Audio Media* 8, no. 1 (2010): 37, doi:10.1386/rjao.8.1.37\_1.

<sup>82</sup> Ibid.

<sup>83</sup> Taisaku Ikeshima, "The Notion of Global Commons under International Law: Recent Uses and Limitations within a Security and Military Context," *Transcommunication* 5, no. 1 (2018): 39, <https://core.ac.uk/reader/286958330>.

<sup>84</sup> Serhii Kuznietsov, "Status obligations of a "flag state": counteraction to unauthorized broadcasting from the high seas," *Cuestiones Políticas* 40, no. 72 (2022): 432

<sup>85</sup> Howard A. Bender, "The Case of the SARAH: A Testing Ground for the Regulation of Radio Piracy in the United States," *Fordham International Law Journal* 12, no. 1 (1988): 67, <https://core.ac.uk/reader/144226810>.

<sup>86</sup> Serhii Kuznietsov, "Status obligations of a "flag state": counteraction to unauthorized broadcasting from the high seas," *Cuestiones Políticas* 40, no. 72 (2022): 423, doi:10.46398/cuestpol.4072.24.

<sup>87</sup> Wireless Telegraphy Act 2006, Section 79. Accessed September 10, 2023.

<https://www.legislation.gov.uk/ukpga/2006/36/contents>

<sup>88</sup> Section 79.

<sup>89</sup> Preamble

## References

- I. Barnouw, Erik. "Propaganda at Radio Luxembourg." *Film & Radio Propaganda in World War II*, 2021, 192-198. Doi: 10.4324/9781003208457-8.
- II. Bender, Howard A. "The Case of the SARAH: A Testing Ground for the Regulation of Radio Piracy in the United States." *Fordham International Law Journal* 12, no. 1 (1988), 67-89. <https://core.ac.uk/reader/144226810>.
- III. Clandestine Propaganda Broadcasting. The Encyclopedia of World Problems. Accessed September 10, 2023. <https://encyclopedia.uia.org/en/problem/142288>.
- IV. Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397.
- V. Crespo, Guillermo Ortuño, Daniel C. Dunn, Matthew Gianni, Kristina Gjerde, Glen Wright, and Patrick N. Halpin. "High-seas fish biodiversity is slipping through the governance net." *Nature Ecology & Evolution* 3, no. 9 (2019): 1273-1276.
- VI. Drury, Colin. "Armed Raids, a Killing, Drugs and Sex Abuse - the Dark Side of 60s Pirate Radio." *Mirror*. Last modified August 15, 2017. <https://www.mirror.co.uk/news/uk-news/armed-raids-shotgun-killing-drugs-10993196>.
- VII. Durand, Rodolphe, and Jean-Philippe Vergne. "No territory, no profit: The pirate organization and capitalism in the making." *Número*. Last modified 2017. <https://www.cairn.info/revue-management-2012-3-page-265.htm>.
- VIII. European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories, Strasbourg, 22.I.1965, European Treaty Series - No. 53. Accessed September 10, 2023. <https://rm.coe.int/168006ff50>
- IX. Guilfoyle, Douglas. *Shipping Interdiction and the Law of the Sea*. Cambridge: Cambridge University Press, 2009.
- X. Ikeshima, Taisaku. "The Notion of Global Commons under International Law: Recent Uses and Limitations within a Security and Military Context." *Transcommunication* 5, no. 1 (2018), 37-46. <https://core.ac.uk/reader/286958330>.

- XI. International Telecommunications Union. *Radio Regulations (RR-20)*, 2020. Accessed September 10, 2023. <https://www.itu.int/hub/publication/r-reg-rr-2020/>
- XII. Kuznietsov, Serhii. "Status obligations of a "flag state": counteraction to unauthorized broadcasting from the high seas." *Cuestiones Políticas* 40, no. 72 (2022), 423-434. doi:10.46398/cuestpol.4072.24.
- XIII. Lewis, Rachel. "How Pirate Radio Ships Paved the Way for Britain's Rock 'n' Roll Revolution." *Time*. Last modified September 28, 2017. <https://time.com/4955482/pirate-radio-bbc-1-rock-history/>.
- XIV. Ling, Jiang, and Zhang Yue. "Research on the Displacing Effect of the Internet on the Traditional Media." *International Journal of Social Science and Humanity* 5, no. 7 (2015), 589-595. doi:10.7763/ijssh.2015.v5.523.
- XV. MacLennan, Anne F. "Celebrating a Hundred Years of Broadcasting – An Introduction and Timeline." *Journal of Radio & Audio Media* 27, no. 2 (2020), 191-207. doi:10.1080/19376529.2020.1831865.
- XVI. Mahoro, Jean C., and Agus Pramono. "Regulation of Radio Frequency Spectrum and Its Implementation Challenges in the Perspective of International Law." *Diponegoro Law Review* 4, no. 1 (2019): 21. doi:10.14710/dilrev.4.1.2019.21-33.
- XVII. Marine and Broadcasting (Offences) Act 1967. Accessed September 10, 2023. <https://www.legislation.gov.uk/ukpga/1967/41/enacted>
- XVIII. Mégrét, Frédéric. "Activists on the High Seas: Reinventing International Law from the Mare Liberum?" *International Community Law Review* 23, no. 4 (2021): 367-402. Doi: 10.1163/18719732-12341454.
- XIX. Metych, Michele. "High Seas." *Encyclopedia Britannica*. Last modified 2022. <https://www.britannica.com/topic/high-seas>.
- XX. Miley, Frances M., and Andrew F. Read. "Financial control, blame avoidance and Radio Caroline: Talkin' 'bout my generation." *Accounting History* 22, no. 3 (2017): 1-23. Accessed September 10, 2023. <https://core.ac.uk/download/pdf/82915302.pdf>.
- XXI. Panhuys, H. F., and Menno J. Van Emde Boas. "Legal Aspects of Pirate Broadcasting." *American Journal of International Law* 60, no. 2 (1966): 303-341. doi:10.2307/2197574.
- XXII. Peters, Kimberley. "Regulating the radio pirates: Rethinking the control of offshore broadcasting stations through a maritime perspective." *Media History* 19, no. 3 (2013): 337-353.
- XXIII. Pidgeon, John, and Michael Ray. "Pirate Radio | History, Impact & Legality." *Encyclopedia Britannica*. Last modified November 11, 2009. <https://www.britannica.com/topic/pirate-radio>.

- XXIV. Robertson, Horace B. "The Suppression of Pirate Radio Broadcasting: A Test Case of the International System for Control of Activities outside National Territory." *Law and Contemporary Problems* 45, no. 1 (1982): 71-101. Doi: 10.2307/1191296.
- XXV. Telesetsky, Anastasia. "Keeping UNCLOS Relevant." *The Korean Journal of International and Comparative Law* 9, no. 1 (2021): 18-34. Doi:10.1163/22134484-12340143.
- XXVI. Theodosiadou, Sophia. "Pirate radio in the 1980s: a case study of Thessaloniki's pirate radio." *Radio Journal: International Studies in Broadcast & Audio Media* 8, no. 1 (2010): 37-49. doi:10.1386/rjao.8.1.37\_1.
- XXVII. UNGA. *General Assembly Lauds Success of Law of Sea Convention, But Deplores Sea-Level Rise, Lack of Support for Small Island Nations, Increased Maritime Risks*. Last modified 2022. <https://press.un.org/en/2022/ga12479.doc.htm>.
- XXVIII. Wang, Xiang, Jingxian Liu, and Zhao Liu. "Experimental research on marine digital navigation system." In *ISOPE International Ocean and Polar Engineering Conference*, pp. ISOPE-I. ISOPE, 2019. Accessed September 10, 2023. <https://onepetro.org/ISOPEIOPEC/proceedings-abstract/ISOPE19/All-ISOPE19/ISOPE-I-19-630/21713>
- XXIX. Wang, Xianzhe. "Research on the Transformation and Development of Traditional Media in the New Media Era." *Open Journal of Social Sciences* 09, no. 03 (2021): 457-462. doi:10.4236/jss.2021.93029.
- XXX. Wireless Telegraphy Act 2006. Accessed September 10, 2023. <https://www.legislation.gov.uk/ukpga/2006/36/contents>
- XXXI. Woodliffe, J. C. "Some Legal Aspects of Pirate Broadcasting in the North Sea." *Netherlands International Law Review* 12, no. 4 (1965): 365. doi:10.1017/s0165070x00030175.
- XXXII. Wright, Glen, Julien Rochette, Elisabeth Druel, and Kristina Gjerde. "The long and winding road continues: Towards a new agreement on high seas governance." *Paris: IDDRI*, 2016. Accessed September 10, 2023. [https://www.iddri.org/sites/default/files/import/publications/st0116\\_gw-et-al\\_high-seas.pdf](https://www.iddri.org/sites/default/files/import/publications/st0116_gw-et-al_high-seas.pdf)