

# LAW AND CONTEMPORARY PROBLEMS

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Volume 45

Winter 1982

Number 1

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## FOREWORD

As a result of the astounding technological advances of the 20th century, Earth has become and will continue to become an ever-smaller planet. For centuries man communicated by word of mouth or by the written word. In modern times marvels such as radio and television have become commonplace, and now the vast majority of the world's information is disseminated electronically. This trend is not likely to abate.

The nebulous and somewhat mystical qualities of radio waves make telecommunications a perpetually knotty problem in the realm of international law. Unlike the movement of people, tanks, or even newspapers, the free passage of radio waves across national boundaries may not effectively be inhibited by walls or other physical barriers. This inability to isolate a populace from foreign ideas has long baffled national leaders.

Concern over the intrusion of foreign broadcasts has heightened in recent years. The wide-scale use of satellites has greatly expedited international communication. In addition, the mass production of low-cost home receivers has greatly increased the number of potential listeners, particularly in the Third World. Of even greater concern, however, are the technological advances waiting just over the horizon. Before long, low-cost receiver and antenna combinations will allow direct television broadcasts from space satellites to individual home receivers.

It is generally conceded that the impact of a television program is far greater than that of a radio transmission. The prospect of international television programming beamed directly into the home has led world leaders to envision all sorts of potential abuses. To be sure, the possibility of manipulation does indeed exist. Under this threat of direct television broadcasts by satellite, world leaders have expressed a renewed interest in developing a workable system of international cooperation and control with regard to telecommunications.

This symposium provides a discussion of some of the mechanisms and forums available for the establishment of an international law of telecommunications, and a perspective on how some of these problems have been approached in the past.

Perhaps the greatest danger of international broadcasts lies in the persistent presence of propaganda. During times of both war and peace, national leaders

have found a direct appeal to the people of the opposite allegiance to be quite an effective way of influencing opinion. The very conflicts of ideology that precipitate these broadcasts, however, make it nearly impossible to reach any consensus as to what does and does not constitute "propaganda." The search for such a consensus is the subject of this symposium's lead article by Professor Jon T. Powell.

An international forum has long existed for the discussion and resolution of issues relating to broadcasting. This organization, possibly the oldest of its kind in terms of continuous operation, is known as the International Telecommunication Union and sits in Geneva, Switzerland. Presently an arm of the United Nations, the ITU, under various prior names, has been in existence since long before World War II. The evolution of this organization and its future direction are discussed in an article by Donna C. Gregg.

Outside of a standing international body like the ITU, international law is often created in treaties or compacts between groups of nations. One such agreement resulted from an international conference held in Helsinki, Finland, in 1975 and is commonly known as the "Helsinki Final Act." The portions of this agreement dealing with telecommunications are discussed in an article by Professor Jordan J. Paust. His discussion of the Final Act touches upon the difficulties inherent in interpreting and enforcing such international agreements. Since enforcement depends largely upon the cooperation of the signatory nations, such agreements amount in effect to little more than statements of policy and intention.

Although enforcement of international laws and agreements is not as simple nor as certain as the enforcement of domestic laws, various problems have been met and resolved to a greater or lesser degree by international agreement. One area in which substantial success has been achieved is "pirate broadcasting," which is broadcasting from sea-based locations outside the territorial jurisdiction of any country. This problem and the means devised to control it are discussed in an article by Professor Horace B. Robertson, Jr.

Finally, there is the question of America's role in the propaganda business. "Propaganda" is generally a pejorative term used to refer to the activities of the enemy. The inescapable fact, however, is that every member of the world community engages in such activity to a greater or lesser degree. The major organs of American propaganda are its radio stations broadcasting under the names of Voice of America, Radio Free Europe, and Radio Liberty. The history as well as the legal and moral implications of American propaganda activities are discussed in an article by this author.

While by no means exhaustive, this symposium attempts to provide a basic framework within which to understand a current and continuing problem of great international concern.

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