“Marconi’s Legacy: National Sovereignty Claims in Radio”

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Sovereignty over radio: the Emperor’s New Clothes?
The Electromagnetic Spectrum

Radio        Heat                Light
Honduras

Artículo 9, Ley Marco del Sector de Telecomunicaciones” (1995, 1997):

“El espectro radioeléctrico es un recurso natural de propiedad exclusiva del Estado…”

(The radioelectric spectrum is a natural resource that is the exclusive property of the State...)
Law on Electronic Communication (2002):

“Радиочастотный спектр является собственностью Республики Таджикистан.”

(The radio frequency spectrum is the property of the Republic of Tajikistan.)
“Imperium”: the power to impose rules as a ruler or a governor of a territory. This power derives from & expresses state sovereignty.

“Dominium”: the power an owner has over his or her property.

States do not need to assert both “Imperium” and “Dominium” rights!
Other potentially useful distinctions from Roman law

“Res nullius” - a thing which is not owned by anyone but which can be claimed or appropriated

“Res derelictae” - a thing abandoned by its owner.

“Res communis” - a thing belonging to a group of people. It may be used by anyone in the group, but cannot be claimed or appropriated by anyone.
“Common Heritage of Mankind”

A legal category created in 1967 for the “sea floor” and oceanic resources beyond national jurisdiction – proposed by Arvis Prado, Malta’s Permanent Representative to the United Nations.

This goes beyond “Res communis” in granting “humanity” as a whole the right – and the duty – to organise & administer these resources.
How radio regulation began

Prince Heinrich of Prussia (1862-1929)
How radio regulation began

S. S. Deutschland
How radio regulation began

US President
Theodore Roosevelt Jr.
(1858-1919)
How radio regulation began

Marconi station,
Nantucket Island (1904)
How radio regulation began

Slaby-Arco wireless telegraphy equipment (1902)
How radio regulation began

Kaiser Wilhelm II (1859-1941)
“It may have been to radio’s advantage in a purely physical sense that it came into existence during the period of intense national rivalry which preceded the...war of 1914-1918, but the coincidence meant that radio became identified from the start with patriotic service to the state. No other means of communication provoked intervention by the state as quickly as did radio.”

---O. W. Riegel, *Mobilizing for Chaos* (1934)
Home wireless

- Audio/Video distribution
- Building & Appliance control
- Home Work
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