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**Between Rock and Roll and a Hard Place:  
'Pirate' Radio and the Problems of Territory in Cold War Europe**

Chapter in Christian Henrich-Franke, Andreas Fickers and Alexander Badenoch (eds) *Airy Curtains in the European Ether: Broadcasting and the Cold War*, Nomos

**Introduction: Floating Signifiers**

Pirates always tend to invoke nostalgia. This is particularly so for the offshore radio 'pirates' of the 1960s, who come pre-packaged with a soundtrack of pop hits from yesteryear that seemingly invoke a whole generation's coming of age. Now, over half a century since the Danish Radio Mercur first began unlicensed commercial broadcasting from the high seas to European mainlands, offshore 'pirate' stations are as present as ever in national canons of commemoration. The images and myths of these supposedly 'swashbuckling rock rebels' have far outlasted the stations themselves - and the national governments and public service broadcasters who once fought against them have become faithful commemorators in the general nostalgic haze that surrounds them.<sup>1</sup> The Dutch radio history magazine *Soundscape*s lists 88 sound documentaries and compilations produced since 1967 to remember offshore stations, and Michael Curtis's 2009 comedy *The Boat That Rocked* (simply called *Pirate Radio* in the US) and a 2011 stage musical surrounding the Dutch offshore station Veronica attest to their enduring relevance in popular culture.<sup>2</sup> A key part of the nostalgia for the offshore stations is their image as

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<sup>1</sup> See, for example, John Walsh, 'The swashbuckling rock rebels of Radio Caroline' *The Independent*, 18 March, 2009 <http://www.independent.co.uk/arts-entertainment/films/features/the-swashbuckling-rock-rebels-of-radiocaroline-1647240.html>, last accessed 1 March 2012. Witness a wide range of BBC documentaries and anniversaries, as well as the Danish government's proud commemoration of Radio Mercur on their website in 2007. 'Legally sunk but not forgotten: Radio Mercur' [www.denmark.dk](http://www.denmark.dk), last accessed 1 September 2008 (since removed).

<sup>2</sup> 'Soundscape Zeezender Discografie 3' Online at *Soundscape*s magazine

‘pirates’. In the closing minutes of a TV documentary on pirate stations put out by Veronica, shortly after it went from being an offshore ‘pirate’ to a legal terrestrial broadcaster, the announcer mused about the allure of this connection:

Captain Morgan and Sea-rat [*Watergeus*] de Bossu must have had something in common - the haze of romanticism surrounding their existence - the haze of romanticism that also surrounds the offshore stations. Their working in the thin margin of legal illegality, often carried by heavy waves, generates a lyrical image, where the borders between commerce and idealism are blurred by the enthusiasm of those who work for them.<sup>3</sup>

In drawing these parallels between the offshore stations and sea-robbers of bygone centuries, the announcer actually raises two cogent points also taken up in recent scholarly engagement with pirates and the varying phenomena of piracy. First, ‘pirates’ are highly imaginary figures. The evocative label of ‘pirate’ for unauthorized offshore stations invokes a long historical imaginary of non-terrestrial and non-territorial actors, as well as potentially utopian spaces.<sup>4</sup> In exploring these aspects of piracy, Martin Parker points especially to their flexibility: “the pirate can mean what we want him (or her) to mean.”<sup>5</sup> In a similar vein, Adrian Johns stresses that the flexibility of the idea of piracy is key to understanding it as a historical phenomenon. Piracy and pirates are defined and labeled - and ‘legitimate’ practices are thereby officially codified - at the moment their

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[http://www.icce.rug.nl/~soundscapes/DATABASES/ZZD/ZZD\\_3.shtml](http://www.icce.rug.nl/~soundscapes/DATABASES/ZZD/ZZD_3.shtml), accessed 12 December 2011. The musical ‘Herinnert u zich deze nog?’ (‘Do you still remember this one?’) premiered at the start of 2011: <http://www.herinnertuzichdezenog.nl/>, last accessed 1 February 2012.

<sup>3</sup> Online at ‘The Veronica Story’ <http://www.veronicastory.nl/the-day-the-music-died/> accessed 10 December 2011.

<sup>4</sup> The radical theorist Hakim Bey’s idea of ‘temporary autonomous zones’ is perhaps the best known. Bey, Hakim T.A.Z. *The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism* (Brooklyn: Autonomedia 1991) online at [http://hermetic.com/bey/taz\\_cont.html](http://hermetic.com/bey/taz_cont.html), accessed 1 December 2011. See Land, Chris ‘Flying the Black Flag: Revolt, revolution and the social organization of piracy in the “golden age”’ *Management and Organizational History* 2:2 (2007) pp. 169-192; Martin Parker, ‘Pirates, merchants and anarchists: Representations of international business’ *Management and Organizational History* 4:2, pp. 167–185; Antoine Garapon “The imaginary pirate of globalization” *Eurozine* 18 Sept 2009.

<sup>5</sup> Parker, ‘Pirates’ (see note 4), 169.

actions cause offense to established interests.<sup>6</sup> This highlights the second important link between more recent ‘media pirates’ with their seaborne namesakes: their intimate relationship with global systems of commerce as they expand beyond the boundaries of the state. As Johns puts it succinctly: “Piracy has always been a matter of place - of territory and geopolitics.”<sup>7</sup> Both sea-robbers and offshore radio stations derived their gains from following and exploiting the routes and spaces opened up by global expansion for their own ends, and thereby also demonstrated the limits of territorial actors even over their own spaces. Antoine Garapon argues in a recent essay that “[t]he figure of the pirate thus embodies a new kind of enemy who does not so much threaten one country in particular [...] so much as terrestrial nations in general. It does not threaten a specific sovereignty but rather the idea of sovereignty itself.”<sup>8</sup> As I will show here, it is in this aspect of transgressing regimes of sovereignty that ‘pirate’ broadcasters also overlapped with the Cold War in Europe, as both superpowers sought to project power over borders, not least through the airwaves.

Taking these theoretical engagements with piracy on board allows us to deploy the term ‘pirate’ in relation to the offshore stations not as a self-evident label, but as an analytical tool to guide an inquiry into the material, institutional and discursive aspects of international broadcasting. How were ‘pirates’ defined in relation to the transnational regimes of broadcasting? What boundaries did the ‘pirates’ transgress? How did the transnational flows of the globalizing Cold War shape the spheres of action, both for ‘pirates’ and territorial powers alike? Placing the offshore stations within the frame of the

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<sup>6</sup> Johns, Adrian, *Piracy: Intellectual Property from Gutenberg to Gates* (2009) pp. 6-7.

<sup>7</sup> Ibid. p. 13.

<sup>8</sup> Garapon ‘Imaginary pirate’ (see note 4)

Cold War also exploits the reflexive aspect of framing<sup>9</sup> and allows us, as Gabrielle Hecht puts it, to “attend to the Cold War as an emic category, seeking to make visible how historical actors understood, invoked or deployed it: as legitimation, resource, rupture-talk, organizational logic, or object of contestation.”<sup>10</sup> As I will show, not only did the offshore stations make use of extraterritorial spaces brought to light by the Cold War, actors on both sides also invoked the ideological struggle in a number of arenas to advance their positions.

In what follows, I examine the emergence, definition and demise particularly of the first wave of ‘pirate’ broadcasters in Western Europe from the late 1950s through the end of the 1960s by placing them in the longer-term perspective of postwar broadcasting. In treating this period, historical accounts of offshore broadcasting, both scholarly and popular, have tended to focus primarily at national level, on the conflict between national government and public service broadcaster on the one hand, and the offshore broadcasters on the other.<sup>11</sup> The vast majority of these studies take the station entrepreneurs and DJs as their chief protagonists and, as such, their conclusions have been to do with the fates of these actors (normally cast as tragic defeat), and the changes in programming and national radio infrastructures brought about in their wake (usually cast as triumphant rebirth of the pirate actors). I invert this focus, and re-frame these

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<sup>9</sup> On this point see Bal, Mieke, *Travelling Concepts in the Humanities: A Rough Guide*. (Toronto: University of Toronto Press, 2002) 133-173

<sup>10</sup> Gabrielle Hecht, ‘Introduction’ in: Gabrielle Hecht (ed.) *Entangled Geographies: Empire and Technopolitics in the Global Cold War* (Cambridge, MA: MIT press 2011), p. 7.

<sup>11</sup> Popular histories include: Harris, Paul, *When Pirates Ruled the Waves* (London: Kennedy and Boyd [1968] 2007); Keith Skues, *Pop Went the Pirates II* (2010); Kok, Auke, *Dit Was Veronika: Geschiedenis van een Piraat* (Amsterdam: Thomas Rap 2007); For scholarly accounts see Chapman, Robert, *Selling the Sixties* (London: Routledge 1992), Lesueur, Daniel, *Pirates des Ondes* (Paris: l’Harmattan 2002); Kempainen, Pentti ‘Pirates and the new public service radio paradigm’ *The Radio Journal* 7:2 (2009)123-134; Johns, Adrian, *Death of a Pirate: British Radio and the Making of the Information Age* (New York and London: Norton 2011).

accounts of the ‘pirate’ moment within the forces and flows of international broadcasting in Cold War Europe from its earliest development after the Second World War.<sup>12</sup> The key protagonists here are the state actors and public service broadcasters in their attempts to assert agency and territorial sovereignty in an arena defined increasingly by the global flows of the Cold War. James Schwoch rightly points out that "extra-territorialities, or spaces beyond the traditionally understood borders and perimeters of nation-states, emerged continually" throughout the period.<sup>13</sup> Placing the offshore radio broadcasters within this context allows us to understand the way these spaces were being reconfigured. Following recent scholarship, I argue that the offshore stations can be read less as a radical break in European broadcasting history than as a continuation of dynamics that have marked it since its institutional establishment in the mid-1920s.<sup>14</sup> At the same time, however, I will show how the new power structures of the Cold War in the 1960s shaped the struggles surrounding the offshore stations, and how these struggles in turn helped reconfigure the intertwined geographies of radio and nation in Europe.

### **Bordering the post-war airwaves**

To grasp how offshore stations became ‘pirates’ in the Cold War airwaves means first of all looking at the way the borders were constructed in the airwaves. This requires a historical look back to the institutionalization of broadcasting in Europe. Marsha Siefert's

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<sup>12</sup> In this account, I draw largely on available secondary literature from national sources, with the added dimension of the perspective of the European Broadcasting Union.

<sup>13</sup> Schwoch, James *Global TV. New Media and the Cold War, 1946-69*, (Champaign, U. of Illinois Press) p.5

<sup>14</sup> For examples of this longer history see Johns, *Death* (note 11); Lesueur, *Pirates* (note 11); Spohrer, Jennifer “Ruling the Airwaves: Radio Luxembourg and the Origins of European National Broadcasting, 1929-1950” (PhD diss., Columbia University, 2008) Street, Sean, *Crossing the Ether: British Public Service Radio and the Commercial Competition 1922-1945* (Eastleigh: John Libbey 2006).

assertion that "[f]or most of the twentieth century, 'Europe' was a unified audiovisual space only in the eyes of Americans" holds true in a remarkable number of cases, but is not quite accurate in relation to the system(s) of broadcasting.<sup>15</sup> Even as broadcasting was increasingly, if incompletely, being institutionalized as a national medium in the 1920s, visions of a European, or even global, 'ether' not strongly defined by national boundaries abounded. Radio programme guides and tuning dials in late 1920s showed medium- and long-wave stations throughout Europe.<sup>16</sup> This paradox between the understanding of broadcasting as a national medium meant to provide uniform coverage over a national territory, and a medium to allow an individual listener to explore in the wide world, is one that has marked broadcasting in Europe since its institutionalization, and specifically has structured international agreements for ordering the airwaves. Starting in the mid-1920s, a series of international agreements, laid out by PTTs and broadcasters, set out to regulate the use of radio frequencies. Such agreements, and the maps and navigation aids that are based on them, aimed not so much at a *unified* space, but rather one that was *harmonized* via a series of rules and standards to allow the listener in control of a receiver to journey from place to place.<sup>17</sup> Before these took effect, those who tuned into early radio frequencies were often rewarded with audio 'torture' of howling interference.<sup>18</sup> The allotment of medium- and long-wave bands for state-based

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<sup>15</sup> Siefert, Marsha "Twentieth Century Culture, 'Americanization' and European Audiovisual Space" in Konrad Jarausch and Thomas Lindenberger, (eds.) *Conflicted Memories: Europeanizing Contemporary Histories* (New York and Oxford: Berghahn 2007) p. 169.

<sup>16</sup> See Fickers, Andreas, 'Sichtbar hörbar! Radioapparat und Stadt: Knoten im vernetzten Kommunikationsraum' in Clemens Zimmermann (ed.): *Die Stadt als Kommunikationsraum. Medialität und Raumgefüge der Großstädte im 20. Jahrhundert*, (Stuttgart: Steiner Verlag 2006) p. 83-103.

<sup>17</sup> Barry, Andrew, *Political Machines: Governing a Technological Society* (New York: Athlone Press 2001) 68-75.

<sup>18</sup> Fickers, Andreas and Lommers, Suzanne, 'Eventing Europe: Broadcasting and the Mediated Performances of Europe' in Alexander Badenoch, Andreas Fickers (eds.) *Materializing Europe: transnational infrastructures and the project of Europe* (Basingstoke: Palgrave, 2010), p. 227.

broadcasters and their division into regularly spaced (9 kHz apart, set in 1927) frequencies was meant to minimize interference at receiver level and political friction at the level of broadcasters and governments.<sup>19</sup> While actual regulation of the airwaves came under the remit of the national PTT administrations, the expertise for mapping ideal frequency allocations was developed by the non-governmental International Broadcasting Union (IBU). Starting in 1927, building on technical innovations of their engineering chief Raymond Braillard, the IBU established a monitoring station in Brussels to register the strength and wavelength of broadcasting stations throughout Europe. With this station, as well as his diplomatic skills, Braillard positioned the IBU as the foremost technical expert on the European airwaves, and the only authority competent to issue recommendations for - and monitor violations of - international agreements on use of the frequency spectrum.<sup>20</sup> One of the key 'violators' was Radio Luxembourg, which was set up in the early 1930s with a powerful transmitter for sending messages over the borders of the Grand Duchy. Jennifer Spohrer argues convincingly that while it was technical arguments that were key in attempting to block the station's output, these arguments were also key establishing an international order that normalized national, territorial broadcasting.<sup>21</sup>

As national uses of the radio spectrum became codified in the international arena, they were by no means universally adopted. Both at the level of transmitting and receiving, struggles over 'legitimate' use of radio waves ensued. The first president of the IBU, Arthur Burrows, already spoke of the need for government regulation and control of

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<sup>19</sup> Wormbs, Nina, 'Technology-dependent commons: the example of frequency spectrum for broadcasting in Europe in the 1920s', *International Journal of the Commons* 5:1 (2011).

<sup>20</sup> Wormbs, Technology-dependent, (see note 19); Lommers, Suzanne, *Europe - On Air: Interwar Projects for Radio Broadcasting* (Amsterdam: Amsterdam University Press, 2012), pp 78-9.

<sup>21</sup> See Spohrer, 'Ruling', Ch 3. (see note 14),

amateurs who were not ‘serious’ experimenters.<sup>22</sup> At that time, the British entrepreneur (and later MP) Leonard Plugge was forming alliances with such authorized amateurs particularly in France but also as far away as Madrid and Ljubljana.<sup>23</sup> From the point of view of the listener, as well, Adrian Johns has highlighted the contrast between the ‘experimental’ or exploratory listener, and a more disciplined listener as one of the defining struggles surrounding the institutionalization of the BBC, which initially had sought to be the sole provider of radio sets as well as programmes.<sup>24</sup> As part of this struggle, unruly radio *listeners* were often labelled as ‘pirates’. As radio slowly became institutionalized, a series of compromises entrenched elements of both forms of listening. Radio was constructed both for tuning in to a ‘national family,’ as symbolized by the national (or regional) broadcaster, but especially programme guides, receiving sets and adverts for them also entrenched a vision of radio listening as imaginative travel across a broad European landscape.<sup>25</sup>

During the Second World War, both the nationalization and the internationalization of the European airwaves had boomed simultaneously. All forms of broadcasting were swiftly nationalized, either by government decree or invading armies, or both. National governments attempted more than ever to bring together ‘home fronts’ with war fronts, which also meant expanding radio services over borders and into theatres of war all over Europe. In addition, propaganda stations, both overt and covert, ignored frequency allocations and set their sights over borders. Radio Luxembourg, once a key commercial

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<sup>22</sup> Lommers, *Europe* p. 85 (see note 20)

<sup>23</sup> Johns, *Death*, 40ff. (see note 11)

<sup>24</sup> Johns, *Death*, 34-6 (see note 11), Johns *Piracy* p. 357ff (see note 6); see also Geddes, Keith and Bussey, Gordon *The Setmakers: A History of the Radio and Television Industry* (London: BREMA 1991) pp. 16-18,

<sup>25</sup> On the imaginative travel of broadcasting, see Geddes and Bussey *Setmakers* p. 98 (see note 24), Fickers, Sichtbar (see note 16). On broadcasting as national family, see especially Scannell, Paddy, ‘Radio Times: The Temporal Arrangement of Broadcasting in the Modern World’ in Philip Drummond, Richard Patterson (eds) *TV and its Audience: International Research Perspectives* (London: BFI 1988) pp. 15-31.

station, became first a centre of Nazi broadcasting, then in 1944 became was retaken for the Allied effort (as well as a disguised 'black' broadcaster at night). Not only spoken propaganda, but also popular music became key aspects of foreign broadcasting, as witnessed by the 'propaganda swing' put out by Nazi Germany, and the strange case of the multi-national hit 'Lili Marleen' made popular initially on the German military station in Belgrade.<sup>26</sup>

The chaos of the Second World War as well as the tensions from the emerging Cold War cast long shadows across the fragile peacetime radio geography that emerged after 1945. At the International Radio Conference in Atlantic City in 1947, a special meeting for re-allocating European frequencies was scheduled for Copenhagen began in June of 1948. From the start, the conference was strongly marked by the Cold War. The US, present as a non-voting observer, viewed this as a necessary moment to advance its aims of counteracting what it saw as the increasing presence of the Soviet Union in European airwaves. It was lobbying not only for allocations for its German stations within its occupation zone, but also for Voice of America as well as its forces network, both of which the US State department saw as key to counteracting Soviet influence.<sup>27</sup> On the one hand, the principle of international broadcasting, that is, specifically, broadcasting over borders under the auspices of a nation, had been established and entrenched. At the same time, the right to receive information from over the border was also being established as a fundamental human right.<sup>28</sup> On the other hand, the inadequacy of

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<sup>26</sup> Bergmeier, Horst and Lotz, Rainer, *Hitler's Airwaves: The Inside Story of Nazi Radio Broadcasting and Propaganda Swing* (Yale: Yale University Press 1997); Falkenberg, Karin *Radiohören Zu einer Bewusstseinsgeschichte 1933 bis 1950* (Haßfurt: Institut für Alltagskultur 2005) p. 96 ff;

<sup>27</sup> Craig, R. Stephen 'Medium-wave Frequency Allocations in Postwar Europe: US Foreign Policy and the Copenhagen Conference of 1948' *Journal of Broadcasting and Electronic Media* 34: 2 (1990), pp. 123-4

<sup>28</sup> See Jennifer Spohrer's contribution to this volume.

frequencies also meant that violations and exploitations of gray areas were particularly rife. Denied the frequencies it had requested, the US chose actively to ignore the plan, violating particularly Eastern allocations in order to set up the transmitters for a number of stations transmitting East.<sup>29</sup> As the two rival broadcasting unions EBU and OIRT were establishing their international positions, the OIR used its measurements of the airwaves to question the legitimacy of its Western rival; a special section at the back of the first OIR bulletins was dedicated to announcing Western violations of the Copenhagen plan. Ultimately, the Copenhagen plan served not so much to lay down a rigid set of allocations, but rather to give rise to a more informal regime of ‘legalized squatting’ - as well as to establish a number of stations, often popular or commercial in nature, that went beyond national public service broadcasting.

Setting what would become a precedent for the ‘pirate’ broadcasters, in 1952 the US also employed a ship, the USCGC *Courier* at anchor in the Eastern Mediterranean (mostly in the port of Rhodes), to broadcast the Voice of America into Southeastern Europe from a 150kW transmitter with a balloon-borne antenna. The ship operated both on a medium wave frequency allocated to Poland (1259 kHz), and was equipped with a shortwave transmitter as well.<sup>30</sup> Generally speaking, the *Courier* followed the US’s general policy of only violating Eastern frequency allocations: when it disturbed a station in Sweden, the ship reduced its broadcasting power accordingly. At the same time, it was fundamentally different from the ‘pirate’ station that would follow in its wake. For one, it operated from

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<sup>29</sup> Craig, Medium-wave (see note 25); Henrich-Franke, Christian ‘Property Rights on a Cold War battlefield: managing transmissions through the Iron Curtain’ *International Journal of the Commons* 5:1 (2011), pp. 110–129; Schwoch, *Global TV*, p. 34 (see note 13)

<sup>30</sup> Nelson, Michael *War of the Black Heavens*, p. 59. See also former Radio Free Europe security advisor Richard Cummings’s discussion, ‘Vagabond Able and St. Elmo’s Fire’ 30 November 2010, online at: [http://coldwarradios.blogspot.com/2010/11/vagabond-able-and-st-elmos-fire\\_30.html](http://coldwarradios.blogspot.com/2010/11/vagabond-able-and-st-elmos-fire_30.html), accessed 17 December 2011.

a different position, both legally and physically: it was not on the high seas, but rather in the territorial waters of Greece, which had that year also joined NATO. Second, it broadcast from a ship belonging to the United States Coast Guard, therefore placing it under the auspices of a nation rather than a private enterprise. Accordingly, discourse surrounding the ship, just as surrounded the other US-sponsored stations, was in the mode of ‘war’ being packaged as a mobile tactical weapon for wielding ‘truth’ against regimes of Soviet control. Harry S. Truman announced in a speech from the ship before it set sail that this was part of a new mobile strategy for the Voice of America: “It will be able to move from place to place, beaming our campaign of truth to people behind the Iron Curtain whom we have thus far been unable to reach. Its significance lies in the fact that it will carry on the fight for freedom in the field where the ultimate victory has to be won – that is in the minds of men.”<sup>31</sup>

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S U R M E R O N S E A

S. S. "COURIER" - VOICE OF AMERICA

PLAN DE COPENHAGUE COPENHAGEN PLAN			CANAL CHANNEL	SITUATION RÉELLE PRESENT CONDITIONS			
FRÉ- QUENCE KC/S	STATION	PUIS- SANCE KW		STATION	PUIS- SANCE KW	FRÉ- QUENCE KC/S	LONG. D'ONDE M
1259			82	"COURIER"	150	1259	238

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**EBU monitoring report for long- and medium-wave transmissions, June 1957**

<sup>31</sup> In: Cummings, ‘Vagabond-Able’

For state-based broadcasters in the EBU, and regulators such as the ITU, the frequency spectrum remained a constant worry, and their potential to cause tensions between the blocs was a key part of it. The EBU's own published lists of frequency measurements from the monitoring station in Brussels testify even more strongly to the increasing fragility of Copenhagen space and its tenuous situation. These lists bear a (mostly) silent but cogent witness to strained state of the airwaves during the Cold War. They faithfully record military and propaganda stations without comment. Even the GDR's 'secret stations' the *Deutsche Freiheitssender 904* and the *Deutsche Soldatensender 935*, that were meant to sound as if they came from the west, were duly noted and listed with their actual point of broadcasting, the transmitter at Burg.<sup>32</sup> These stations were made even more an open secret than they had been, especially given that the committee also routinely shared these documents with their colleagues from the OIRT.<sup>33</sup>

While the 1950s are often portrayed as a time of relative stability in radio programming in Europe, regulators and broadcasters at the international level viewed it anxiously as a fragile equilibrium that needed to be jealously defended. The insecurity surrounding the medium- and long-wave bands is well captured in a 1955 report compiled by the EBU's technical section on the present and future of VHF (FM) broadcasting in Europe. The document is noteworthy not only for its technical considerations of the European airwaves, but for the visions of content and use it also puts forward. At that point, VHF

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<sup>32</sup> See Jürgen Wilke, 'Radio im Geheimauftrag. Der Deutsche Freiheitssender 904 und der Deutsche Soldatensender 935 als Instrumente des Kalten Krieges' in Klaus Arnold and Christoph Classen, *Zwischen Pop und Propaganda. Radio in der DDR* (Berlin: Links 2004) pp. 249-266; EBU Technical Centre, *Long and Medium wave Broadcasting Stations: Conditions in the Spectrum* 1 November 1965.

<sup>33</sup> As noted in the final report of an unofficial meeting of representatives of the EBU and OIR technical committees, Helsinki February 1957, Historical Archive EBU, CA483, Appendix B.

was not yet widespread - with many countries like France investing instead in television infrastructures - but it was presented already in the 1950s as a solution to the problem of crowding in the airwaves. Already in the Federal Republic of Germany, the lack of radio frequencies granted in the Copenhagen agreement had already led to a swift expansion of VHF services, with 102 FM transmitters and 50% of the population owning FM-capable receiving sets by 1953. For countries like Finland, where noise-free medium-wave reception outside the major cities was next to impossible in the early 1950s, FM also seemed to provide a solution.<sup>34</sup> At the recommendation of the Technical Committee, the Administrative Council had alerted its members “to the *serious lack of order* in the utilization of the long-wave and medium-wave broadcasting bands in the European area” and “proposed the general utilisation of the metric wave-band as the only *rational* solution.”<sup>35</sup> VHF signals, in addition to potentially delivering higher quality sound (an aspect the report sought to downplay for not wanting to raise expectations) also do not travel very far, so in addition to creating another outlet for programming they are mostly not subject to interference, especially international interference.

The report took interested note of the French "hypothesis that the existing 'rational' structure of the programme services is largely due to the physical behaviour of medium waves." An expansion of service, with more programmes to serve different audiences could be made available. At the same time, the report took a more concerned tone with the idea expressed by the Austrian delegate that by 'relieving' long- and middle-wave broadcasting from some of their programming burden, these frequencies could go back

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<sup>34</sup> Salokongas, Raimo 'The Finnish Broadcasting Company and the Changing Finnish Society 1949-1966' in Rauno Endén, ed. *Yleisradio 1926-1996. A History of Broadcasting in Finland* (Helsinki: Yleisradio 1996), pp. 112-3.

<sup>35</sup> 'The present position and perspectives of VHF sound broadcasting in Europe' August, 1955 p. 1. Historical Archive EBU, Tech Comm 3068-E. My emphasis.

into service as national – and international – wavelengths. This also led to some concern – which no party was willing to go on record with – that if a few nations moved more strongly into VHF that others might take advantage of this to strengthen their long- and medium-wave services, raising yet again the spectre of 'unevenness' and conflict between the nations that the EBU was desperate to avoid.

Generally speaking, the view laid out in the report is that FM could best be used to provide a universal, blanket coverage of the territory to be served. A startling corollary to this vision of rationally-apportioned territorial broadcasting was the discursive construction of a radio listener that needed to be disciplined *not* to explore over borders. Germany had further suggested that improvements in receiving technologies also meant that listeners might quickly expect also to receive more distant stations. Listeners, it suggested, would also be 'surprised' at the abundance of choice, but come to expect this situation as normal. The committee worried that stations would respond and "when drawing up international plans, take into account a kind of 'right' on the part of the listener to receive relatively distant stations." The committee was unequivocal:

We, for our part, think this is a dangerous path. If VHF broadcasting follows this path, it will very soon be in the same position as long- and medium-wave broadcasting. We think that, on the contrary, the general principles should be very closely followed, according to which the listener has only the 'right' to receive signals broadcast by *his* local or regional transmitters.<sup>36</sup>

The search for 'orderly' airwaves thus not only required technical agreements between broadcasters, it required a listenership that was pre-disciplined to remain 'at home' on the VHF band.

### **Commercial cracks**

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<sup>36</sup> Ibid. p. 28

While the EBU was debating about FM as a solution to the 'full' spectrum, a new crack was appearing in the shaky regime of broadcasting. Following the lead of its neighbour (and in many ways twin) Radio Luxembourg, the commercial long wave station 'Europe No 1' began operations in the Saar in December of 1954.<sup>37</sup> Operating on a squatted frequency with a power of no less than 400kw, station had taken advantages of a moment of extra-territoriality (as well as a good position on the border, not far from Luxembourg) to establish a new anomaly in the airwaves. The special status of the Saar between France and Germany had created a situation whereby French commercial interests could take over from Radio Saarbrücken (formerly under the control of French government) to establish commercial broadcasting for the region. The goal of the radio station was officially to provide revenue to Telesaar, the commercial TV broadcaster that was established at the same time, by broadcasting commercial radio to France. Europe 1 thus became the latest in a series of 'peripheral' commercial stations, including Luxembourg, Radio Andorra and Radio Monte-Carlo surrounding France, which before the war had been the haven for 'peripheral' commercial stations broadcasting to Britain. French commentators announced that French territory was "surrounded" by threats and that "the new Wehrmacht" was at the gates.<sup>38</sup> The Luxembourg PTT also sent an outraged note to the station head Louis Merlin (who had left Radio Luxembourg to start the station), informing the station that without recognition from the EBU, it was "nothing but a pirate

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<sup>37</sup> Fickers, Andreas 'Die Anfänge des kommerziellen Rundfunks im Saarland: Die Geschichte der Saarländischen Fernseh AG (Tele-Saar und Europe Nr. 1)', in: Clemens Zimmermann, Rainer Hudemann, Micheal Kuderna (eds), *Medienlandschaft Saar von 1945 bis in die Gegenwart. Band 1: Medien zwischen Demokratisierung und Kontrolle (1945-1955)* (Munich: Oldenbourg Verlag 2010), pp. 241-310.

<sup>38</sup> In Maréchal, Denis *Radio Luxembourg 1933-1993: Un Media au coeur de l'Europe* (Nancy: Presses Universitaires de Nancy) 1994, p. 158.

station!"<sup>39</sup> In the months leading up to the start of the station, there had already been protests from a number of Nordic countries that the station would interfere with their transmissions, as well as intense diplomatic negotiations with Luxembourg.<sup>40</sup> In 1955, the EBU's administrative council took up the cause as well, and had instructed the legal committee to look into what could be done to combat the station. The legal committee, in reference to an opinion prepared by the Norwegian Ministry of Foreign Affairs, put forward the opinion that the transmissions from "Europe No 1" interfered with Swedish domestic broadcasting (it broadcast on 182m, which was allocated to Lulea in Sweden), "and caused jamming of Icelandic broadcasts, particularly with Icelandic territorial waters," where it posed a danger to the fishing industry.<sup>41</sup> Not able to act on this information itself, the legal committee recommended that the EBU president inform the governments of France and Germany that they might be liable to be brought before the International Court, and for the "member organizations whose stations are being interfered with" to inform their respective governments that they might have recourse to action.<sup>42</sup> Andreas Fickers also notes that the interference with the East German longwave station at Königswusterhausen (home of German international broadcasts since the early years of broadcasting) did not figure into these complaints at all. This was, however, relatively easily resolved through negotiations between the French broadcasters and their East German counterparts.<sup>43</sup> In the end, however, nothing came of these efforts and the station remained in place, having received a legal mandate to broadcast in 1957.

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<sup>39</sup> Ibid. 163.

<sup>40</sup> Fickers, *Die Anfänge* pp.283-288 (see note 37),

<sup>41</sup> Report of the meeting of the president of the legal committee to the Administrative Council EBU CA 419/Com J. 218 pp. 1-2

<sup>42</sup> Ibid.

<sup>43</sup> Fickers, *Die Anfänge* p. 290 (see note 37).

The French took a different line in dealing with the stations on its periphery. Notably, neither the ‘popular’ content of the stations nor the frequency issues worried the government nearly as much as their potential to spread news unfavourable to the government, such as interviews with opposition candidates.<sup>44</sup> In 1948, the French government had actually jammed the peripheral station Radio Andorra until reigned in by parliament.<sup>45</sup> As the peripheral stations had studios in Paris connected to their transmitters via cables rented from the French PTT, the government could also threaten to disconnect them.<sup>46</sup> Generally speaking, however, the government took a ‘softer’ tack, and bought controlling interests in the stations via SOFIRAD, the state company initially established (as SOFIRA) by the Vichy regime in 1942 initially to control the ‘private’ propaganda station in Monte Carlo.<sup>47</sup> Monte Carlo, much like Radio Luxembourg, was re-established after the war as a ‘peripheral’ commercial station. In the case of Europe 1, it did not succeed in this immediately, partially due to opposition in the French parliament.<sup>48</sup> In the years that followed, the French government also used SOFIRAD to obtain controlling interests in various other peripheral stations, such as Andorra and its great money-losing venture Radio Sud. At the same time, however, political suspicion of the stations remained in place for many years to come.

### **The ‘pirates’ take their places**

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<sup>44</sup> Lesueur, Daniel, *Les Années Transistor* (Lyon: Aléas) 2009, pp. 52-56.

<sup>45</sup> Hunnings, N. March ‘Pirate broadcasting in international waters’ *International and Comparative Law Quarterly* 14 (1965) p. 417.

<sup>46</sup> In 1962 it did actually disconnect Radio Luxembourg for two hours in retaliation from broadcasting an interview with Algerian leader Ferhat Abbas. Lesueur, *Les Années* (see note 41). p. 55.

<sup>47</sup> Boyd, Douglas A. and John Y. Benzie, ‘SOFIRAD: France's International Commercial Media Empire’, *Journal of Communication*, 33:2 (1983); Marechal, *Radio Luxembourg*, 197ff (see note 38).

<sup>48</sup> Fickers, *Die Anfänge*, pp. 273-5 (see note 37).

Set against this crowded backdrop, growing confusion and budding commercialization in the airwaves, the arrival of 'pirate' commercial broadcasting offshore some three years after Europe No. 1 was founded hardly appears as a radical break in European broadcasting history. The 'pirate era' dawned on August 2, 1958, when Radio Mercur, a station broadcasting on 88 MHz (FM) from the ship *Cheetah Mercur* in international waters between Copenhagen and Malmö made its first broadcast, though with a relatively weak signal and plagued by technical difficulties. The station, the initiative of young Danish entrepreneur Peer Jansen, backed by the owner of a local silverware company, was genuinely a bold (and somewhat risky) undertaking, but it clearly built on established styles of radio, as well as the 'holes' in the broadcasting order that Cold War considerations had left and made visible. The studios and offices of the station were on land, and recordings were flown out to the vessels for broadcast. Jansen claimed that his inspiration for the ship had come from seeing the VOA ship *Courier*, as well as the well-known example of Radio Luxembourg. Unlike Luxembourg – and far more like public service broadcasters – the station even had its own big band, which played light jazz tunes, as well as the station's identifying jingle.<sup>49</sup> Though building on the examples of the two long-range international stations, the scale of Mercur's operation was far smaller, and largely aimed at the Danish metropolis, where it had its studio and advertising agency. Within a short time, Skånes Radio Mercur, which broadcast in Swedish to the opposite coast also began broadcasting on FM. Danish Commercial Radio (founded by a break-off group from Radio Mercur, that later merged back with the station), started up in 1961.

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<sup>49</sup> Hendrik Norgaard, 'When Mercury got wings: remembering Radio Mercur after fifty years' *Soundscapes* Vol 11 (Aug 2008), p. 2 ([www.soundscapes.info](http://www.soundscapes.info)).

The broad and immediate international attention Mercur received, especially in proportion to its shaky start and signal strength, speaks volumes about the delicate state of radio geography at the time. Apart from swift reactions from the Danish government and public service broadcaster, the most immediate international arena where the issue of the offshore stations was addressed was at the International Telecommunications Union (ITU), at its 1959 World Administrative Radio Conference in Geneva. This conference was scheduled to undertake a complete revision of the radio regulations, not least in view of the untenable crowding of the airwaves in Europe. As a global intergovernmental conference, however, this was also forum where the United States was also represented, as it had been at Copenhagen, but also with voting power. If the Berlin blockade had been strongly in the background of Copenhagen, the possibilities of broadcasting from space, demonstrated by Sputnik in October 1957 and the US SCORE satellite in December 1958, hung very much in the background of the proceedings in Geneva. The Nordic countries led the way in putting together a strategy and legal framework to combat the pirates that they presented to conference. In his account of the meeting Christian Henrich-Franke highlights how they explicitly invoked the possibility of sharpened East-West propaganda wars, also in the free realm of space in the form of the immanent satellite broadcasters. By contrast, the US delegation sought to downplay the situation and argued that more regulation was not necessary.<sup>50</sup>

As it had with Europe No. 1, the EBU also took immediate and alarmed note of the arrival of the Danish ship and the counterparts that soon followed. In reporting to the

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<sup>50</sup> Henrich-Franke, Christian, *Globale Regulierungsproblematiken in historischer Perspektive: Der Fall des Funkfrequenzspektrums 1945-1988*, (Baden-Baden: Nomos 2006). p. 182

Administrative Council in 1960, the EBU's technical committee's judgment similarly evoked the descent into propaganda war as the possible outcome:

The Bureau was unanimously of the opinion that situations such as that created by the vessel moored off the Danish coast were likely to produce chaotic overcrowding of the ether, to injure legally established broadcasting organisations and to lead to political complications if, instead of giving commercial broadcasts, such stations were to transmit news and propaganda programmes.<sup>51</sup>

In spite of the alarmed note about the station, none of the scenarios envisaged during the ITU deliberations had actually materialized. The FM stations did not pose a threat to the crowded MW and LW spectrum that were the focus of anxiety. Very soon, however, new offshore vessels did make the move into the medium wave to take advantage of the greater spatial coverage possible, which made the stations more attractive to advertisers. Some short weeks before the EBU report cited above, the Dutch Radio Veronica had made its first test transmissions on medium wave, initially on 1620kHz/185m, and in the same week made its first full broadcasts. The Swedish Radio Nord, which began broadcasting in 1961, also set up an operation with a broader focus. Many 'pirates' soon discovered for themselves why the medium-wave spectrum in Europe caused such headaches. Starting on medium wave (AM) on 495m, Nord then moved to 498, as it was discovered to have been interfering with Radio Lyon - thus providing an odd mirror image of the situation with Europe No. 1 a few years before, when a French commercial station interfered with Swedish allotments. Radio London, which was backed by the same US entrepreneur as Radio Nord, also began on a frequency allocated to Zagreb

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<sup>51</sup>Report of the Technical committee, 2 May 1960, EBU, Admin Council meeting CA PV 1957-1960, CA/597 p. 16.

(266m), which often faced interference at night.<sup>52</sup> Perhaps an anomaly, off the coast of the Netherlands, a consortium of business leaders, the *Reclame Exploitatie Maatschappij* [Advertising exploitation corporation, REM] built an artificial platform off the coast for both commercial radio and television programming that began broadcasting on 29 July 1964.<sup>53</sup>

Of themselves, the public service broadcasters who were the members of the EBU were powerless to take action against their new rivals. When addressing the problem, the recommendation of the EBU's legal committee what that members should lobby their governments to use diplomatic means to get the states where the vessels were registered to revoke their registration, and to pass domestic legislation making it illegal to 'aid and abet in the operation of such stations, whether by providing supplies, victuals, technical services, capital, advertising matter or programmes, or by performing work or services.'<sup>54</sup>

The powerless alarm expressed in the report to the EBU's technical committee at the start of Radio Mercur is echoed in the EBU's medium- and long wave monitoring lists from the 1960s, which show 'pirate' stations in the separate section once the sole reserve of the *Courier's* VOA broadcasts. The report now cites chapter and verse fresh from the Geneva regulations:

The stations listed under this heading are functioning in contravention of the Radio Regulations (Geneva, 1959, Chap II, Art. 7. §1(1) – No 422 and Chap VII, Art 28 § 6 – No 962). These stations, which are installed in vessels anchored outside territorial waters of the near-by countries for which their programmes are intended, are not being exploited under the jurisdiction of the

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<sup>52</sup> Chapman, *Selling*, p. 48 (see note 11), states it was East Germany. The EBU's measurements show Radio London measured as on the same frequency as Zagreb. See EBU Technical Centre *Broadcasting Stations on Medium and Long Waves, European Area. Report 42* (Measurements 1 November 1965).

<sup>53</sup> See Knot, Hans, *Van REM naar TROS*. (Amsterdam: Stichting Media Communicatie 1985)

<sup>54</sup> Administrative Council Meeting, Vienna, 30 May 1960 Archives of the European Broadcasting Union, Geneva, CA/611 p. 7.

Administrations of these countries. The technical characteristics of these stations are given with reservations.<sup>55</sup>

Underlining the position of the ‘pirates’ outside of the territorial regime, the report inadvertently highlighted the ways in which they functioned as a strange mirror image of the helplessness of national regimes in Cold War Europe. Placed underneath the ‘high seas’ section of the report is a list of the other ‘unidentified’ stations in the airwaves: jamming stations.

The special section at the end of the frequency report could mark both the ‘pirates’ as well as the jamming stations as outside the law - but that was all. ITU regulations carried no mandate for enforcement outside of national territories.<sup>56</sup> Eventually the matter was handed over to the Council of Europe, where it would remain for the next few years.<sup>57</sup> Not all governments were equally swift to act. The Dutch government, in particular, raised very particular objections to enforcing the statute with regard to ships (due to issues with freedom of the seas that might arise), though was far more willing to act to take action against the artificial island that had been built off the coast of the Netherlands, for which it passed a law in December of 1964.<sup>58</sup> Its argument – perhaps quite pertinent to the Dutch habit of creating new land – was that when new land is created, it falls under the jurisdiction of the coastal state to which that portion of the continental shelf is assigned.

With both the new ITU regulations and the recommendations of the EBU in hand, the Nordic countries did not wait for the Council of Europe, but already passed legislation

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<sup>55</sup> EBU Monitoring centre, "List of VHF Sound Broadcasting Stations, European Area, Number 7 (Situation January 1962)" p. 64

<sup>56</sup> van Panhuys, H. F. and van Emde Boas, Menno J. "Legal Aspects of Pirate Broadcasting. A Dutch Approach" *The American Journal of International Law*, 60: 2 (1966), pp. 303-341

<sup>57</sup> Henrich-Franke, *Globale* (see note 50)

<sup>58</sup> Panhuys and Emde Boas, 'Legal Aspects' p. 327ff. (see note 56).

that would effectively ban the offshore stations. In a meeting at the start of July, ministers of Norway, Sweden, Finland and Norway harmonized the laws to go into effect at midnight of 31 July 1962.<sup>59</sup> The harmonized laws were not entirely matched by a harmonized result: the Swedish Radio Nord dutifully went off the air in advance of the law (as did the American entrepreneur's Gordon McLendon's next venture, Radio London, when Britain passed similar legislation). Radio Mercur defied the law but was boarded and forcibly impounded by the Danish police two weeks after the law went into effect. Radio Syd's owner Britt Wadner took a far more idealistic line (mirroring the line that would later be taken by Radio Caroline off the coast of the UK) and continued to broadcast, having been fined and even sent to prison briefly in 1965, before the station finally closed down in 1966.

STATIONS DE RADIODIFFUSION EN HAUTE MER BROADCASTING STATIONS ON THE HIGH SEAS				
9	28	RADIO 390	50,00	773,028
10	36	RADIO BRITAIN	150,00	844,990
11	57	RADIO CITY	10,00	1034,000
12	66	RADIO 270		1114,7
13	68	RADIO LONDON	50,00	1137,428
14	74	RADIO CAROLINE SUD	50,00	1126,985
15	82	RADIO SCOTLAND		1259
16	85	RADIO ENGLAND		1319,992
17	92	RADIO ESSEX	5,00	1349,105
18	111	RADIO CAROLINE NORD	20,00	1520,000
19	116	RADIO VERONICA	10,00	1562,019
Stations non identifiées - Unidentified stations				
20	18	BROUILLAGE-JAMMING		683
21	22	BROUILLAGE-JAMMING		719
22	24	BROUILLAGE-JAMMING		737
23	30	BROUILLAGE-JAMMING		751
24	30	BROUILLAGE-JAMMING		753
25	37	BROUILLAGE-JAMMING		854
26	44	NON IDENTIFIEE-UNIDENTIFIED		914,7
27	52	BROUILLAGE-JAMMING		959
28	63	BROUILLAGE-JAMMING		1088

**In 'good company'? EBU Technical Centre Long and Medium Waves, September 1966**  
**At this point only British stations and Dutch Veronica were in operation. Note the listing just above 'jamming'**

<sup>59</sup> Kempainen, Pirates, 128-9 (see note 11).

Members of the EBU's Legal Committee met with experts from the Council of Europe in 1962 to discuss the legislation being drafted. Having reviewed the report, without discussion, the administrative council decided strongly to recommend member organizations belonging to a member state of the Council of Europe to inform their governments that it is urgent and necessary that their representatives on the Committee of Ministers should adopt a favourable attitude towards the draft European Agreement.<sup>60</sup> The Dutch, in particular, proved hesitant to take any harsh measures, a fact which the EBU's Administrative Council had taken note of and put pressure on their Dutch members to lobby more strongly at home.<sup>61</sup> As they had at the Council of Europe, the Dutch delegation on the one hand felt under pressure to express their dedication to combating the offshore stations. The Council of Europe's "European Agreement for the Prevention of Broadcasts Transmitted from Stations Outside National Territories" was passed in January of 1965, laying out a template for anti-pirate legislation.<sup>62</sup> Article 2 of the agreement takes up essentially the same provisions suggested in the 1960 EBU recommendations. The Council's delay, had also given national governments such as the UK's an excuse to stall for time at least until after the general election before they took action they knew would be unpopular.

### **Assuming positions 'in good company'**

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<sup>60</sup> Meeting of the Administrative Council, 11 Dec 1962, Archives of the European Broadcasting Union, Geneva, CA/703, p. 44

<sup>61</sup> Meeting of the Administrative Council, London 13,14, 16 November 1964, Archives of the European Broadcasting Union, Geneva, CA 785, p. 31.

<sup>62</sup> Online at the Council of Europe, <http://conventions.coe.int/Treaty/en/Treaties/Html/053.htm>, accessed 1 December 2011.

As a legal scholar observed in 1965, one of the thorniest issues confronting governments who wanted a solution to ‘pirate’ broadcasting was defining precisely what the *problem* was. ‘The basic problem is, therefore, one of jurisdiction but its solution can only be envisaged if the motives of the coastal States in claiming jurisdiction are also examined’.<sup>63</sup> Indeed, he lists four different areas of territorial violation: squatting of frequencies and therefore violating international agreements, challenging national broadcasting monopolies or bans on commercial broadcasting, failing to pay licence fees for recordings played, or failing to pay tax on income earned.<sup>64</sup> In arguments against the ‘pirate’ stations, all of these arguments were used, to varying degrees in varying places. In the Netherlands, for example, Radio Veronica had done perhaps more than other pirates to establish a legal base for its operations, including paying its taxes, as well as paying fees to the music publishers’ association BUMA for the music they played, which made them fundamentally less assailable on such grounds.<sup>65</sup>

Precisely in the face of often ill-defined opposition, the ‘pirates’ were more in a position to frame themselves. This they did both sonically, in terms of popular appeal (which they often backed with real demonstrations of fan base and trumped-up statistics), and later also through the ‘heroism’ of DJs adventuring on the high seas. These two images combined created above all a defiant, yet ultimately harmless image. The visual manifestations of the situation were perhaps the most telling for the problematical situation. One of the most common cartoon motifs surrounding the offshore stations was

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<sup>63</sup> Hunnings, N. March ‘Pirate broadcasting in international waters’ *International and Comparative Law Quarterly* 14 (1965) 4

<sup>64</sup> *Ibid.*

<sup>65</sup> Some of the British stations had also made gestures in this direction, but their payments were far from regular, and their relationship with record companies remained rife with contradiction and confusion. Chapman, *Selling*, 38-9 (see note 11).

of a harmless-looking ‘pirate’ ship threatened by more or less effective looking cannons being aimed by more or less effective-looking politicians.<sup>66</sup>

While ultimately their fates would be decided by action by their national governments, the offshore radio stations were well aware of the international political waters they were sailing. A ‘memorandum of objection’ submitted to the Council of Europe in support of the offshore stations sought to create a distinction

between, on the one hand, those vessels which broadcast entertainment manifestly supplementing the output of land-based stations and clearly welcomed by major sections of the listening public in all territories within range of the stations concerned and on the other, those vessels (which as yet happily do not exist) which broadcast scurrilous, seditious, obscene or inflammatory matter of a political, religious or social nature.<sup>67</sup>

Indeed, ‘offshore’ stations mostly intervened in political debates and processes to the extent that they were defending their own interests, particularly lobbying for commercial broadcasting on land, or against governments who opposed them. On the flip side, in the sphere of public opinion, station owners also attempted to use their position within Cold War binaries as leverage. In a statement reacting to Radio 390’s prosecution under the Wireless Telegraphy Act (it was operating from a sea fort, which allowed for prosecution before the passing of the Marine Offenses Act) in November of 1966, director Ted Allbeury pointed out that there were over ‘300 unauthorised stations on the medium waveband, including Vatican Radio, The Voice of America and the American Armed Forces Network. We are in good company’.<sup>68</sup> Radio Veronica also defended itself before a committee from the Dutch parliament in 1973 against accusations of frequency

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<sup>66</sup> See van Elteren, Mel, ‘Radio in het televisietijdperk’ in Huub Wijfjes, (ed.) *Omroep in Nederland: Vijfenseventig jaar medium en maatschappij, 1919-1994* (Zwolle: Wanders, 1994) p. 108; For cartoons surrounding Radio Mercur see Hans Knot, ‘Rare Pictures from radio’s past’ *Soundscapes 2* (1999) online at: <http://www.icce.rug.nl/~soundscapes/DATABASES/RP2/Mercur01.shtml> last accessed 24 June 2012.

<sup>67</sup> ‘Memorandum of Objections to the Proposed European Agreement for the prohibition of Radio Broadcasts from Stations Outside National Territories’ (no date) BArch Koblenz B 257/5532

<sup>68</sup> Cited in Paul Harris, *When Pirates Ruled*, p. 147; See also Chapman, *Selling*, p. 177ff. (see note 11).

squatting using the precedent of these other international stations.<sup>69</sup> While they were ultimately ineffective in the fight for legal survival, such arguments nevertheless brought home both the strength and weakness of national administrations within Cold War regimes of circulation. To act against the 'pirate' broadcasters was physically (and legally) possible, but exercising those rights also involved stepping into the wrong side of the discursive divide of the Cold War.

This ironies involved were brought forward perhaps most strongly toward the end of the pirate era. As of 1967, the Dutch coast and the Netherlands became more or less the last place where offshore vessels were still viable, as the Dutch parliament had not passed a law conforming to the Council of Europe treaty (in fact they would not do so until June of 1973). In addition to Veronica, a new station, Radio North Sea International (RNI) backed by two Swiss entrepreneurs, began in 1970, just down the coast from Veronica, a short time later moving close to the coast of England. The ship struggled to find a frequency that did not interfere with stations on the continent. Following complaints from Norway and Italy - as well as from Czechoslovakia - the British Navy resorted to the currency of the Cold War airwaves and jammed the station.<sup>70</sup>

## **Conclusion**

I began this chapter looking at the watery nostalgia that surrounds the offshore stations of the 1960s. Complete with their rocking boats and upbeat soundtrack, they have captured popular imagination as romantic and popular renegades. This imagination has conjured a necessary imaginary foil of national governments and broadcasters, who generally appear

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<sup>69</sup> Scholten, Berry Zand and Frans van den Beek, *Veronica, Speelbal van den Golven* (Bussum: Centri Press 1973), p. 24.

<sup>70</sup> Skues, *Pop* (see note 11), 522-3.

as aging Reithian fuddy-duddies with a cultural axe to grind. While there is a grain of truth to such caricatures, like all such images, it is only a partial sketch. To make sense of the offshore stations in their Cold War context, I have chosen here a somewhat ‘drier’ route that bypasses their story as musical stations in national radio landscapes almost entirely. Taking this transnational perspective, the notion of the offshore stations as ‘pirates’ takes on new - and no less imaginary - meaning as we follow them through the long history of the European airwaves. We have seen here how national governments and broadcasters tried to establish and maintain control of their own places in a technologically, politically and symbolically unstable radio landscape. In the struggle to (re-)codify legitimate use of the airwaves after the war within a (mostly) territorial regime, the threatening image of the unruly ‘pirate’ of the wavelengths, rather than ocean waves, was codified in the maps, reports and international discussions. Following these transnational processes, even while taking public service broadcasters as central actors paradoxically allows us to de-centre those same broadcasters from their traditional place in broadcasting history and show their struggles to maintain and legitimate their places in a wider broadcasting environment and assess the role of the Cold War in new ways. Like their 18<sup>th</sup>-Century namesakes, the offshore ‘pirate’ broadcasters of the 1960s and 1970s operated in the grey areas between territorialized and regulated realms within expanding global flows. For the offshore stations, those realms were not terrestrial realms of expanding empires but the overlapping territorial regimes of states, PTTs and broadcasters and the international agreements that supported them. The offshore stations found these grey areas by following the global flows of commerce and political power that cut across territorial spaces - again like their historical predecessors - here the

expanding international culture industry on the one hand, and the mobilization of broadcasting as an instrument of Cold War power on the other. While extraterritorial broadcasters such as Radio Luxembourg and Radio Normandy had been part of the European broadcasting landscape since the 1930s, both the dissolution of many national broadcasting regimes by the war and the entrenchment of international broadcasters in the emerging Cold War conflict exerted new pressures and opened up new cracks in those regimes. Both the American Forces Networks as well as propaganda networks such as Voice of America and Radio Free Europe exploited apparent grey areas - including open waters - that the US worked to keep open whenever possible. In this, perhaps far more than the supposedly 'Americanized' pop from the pirates, the impact of the Cold War on European broadcasting can be observed.

Observing this process in its material, institutional, and discursive layers highlights above all the ironies in the processes of international harmonization of the airwaves during the Cold War. In their material and institutional dimensions, the physical crowding of the medium-wave spectrum, coupled with the lack of a mandate for enforcing agreements meant that harmonization depended on a more informal set of rules and, where possible, conflicts and interferences were resolved via technified, de-politicized discussion.<sup>71</sup> It is clear that those involved in regulating the spectrum also had a grasp of how fragile such a situation was in the shaky political arena and sought to avoid conflict where possible. A key dimension of these discussions was the general and tacit understanding of broadcasting as territorial: broadcasters had a right to exclusive use of their own frequencies without interference in their own territory. The process of harmonizing the airwaves, however, has long overlapped with another vision of the airwaves: of a listener

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<sup>71</sup> Henrich-Franke, Property rights,(see note 29).

who is able to navigate cleanly to stations throughout Europe, and indeed throughout the world. Such visions of the airwaves were captured in receiving sets and programming guides, as well as in sources such as the Declaration of Human Rights with its protection of the freedom of information, which in turn was a key element in the West's self-portrayal toward the East. The response to the offshore stations, while it was based primarily on the processes and visions of harmonizing the airwaves, forced nations into dramatizing their territorial nature in ways that seemed to violate those principles.

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