

American Samoa and Swain's Island

**A White Paper prepared by ARRL Chief Executive Officer David Sumner, K1ZZ
February 22, 2005**

The purpose of this White Paper is to set out the facts concerning an application for IARU membership on behalf of a small organization of radio amateurs recently established in American Samoa and related questions concerning the possibility of Swain's Island qualifying as a separate DXCC entity.

Formation of American Samoa Amateur Radio Association (ASARA)

On November 19, 2003 a press release was issued announcing that a formal meeting had been held on November 4, 2003 to establish the new "American Samoa Amateur Radio Association" and that "All the members present at the founding meeting voted to apply for membership in Region III of the IARU." The press release was signed by John Peters, K1ER, a resident of Hawaii, as "Adviser ASARA." Subsequently it developed that only two amateurs resident in American Samoa were actually present at this meeting.

ASARA's Approach to ARRL, and ARRL's Response

On December 9, 2003 ARRL President Haynie received a package from Kan Mizoguchi, JA1BK, including the following letter dated November 4, 2003.

Dear Jim,

Following Kan Mizoguchi, JA1BK (Founding Director of IARU Reg. III) approach regarding American Samoa Amateur Radio Association to become an IARU member. As you did not seem to have any problems with this suggestion, we request the ARRL to support our membership application to the IARU Region 3.

Due to transport difficulties from and to American Samoa, we would appreciate if the ARRL would continue to represent American Samoa Amateur Radio Association at IARU Conferences.

Many thanks in advance for your support,

Best regards

*Lawrence A. Gandy AH8LG (Signed)
President
American Samoa Amateur Radio Association*

Since the letter had come via a third party, President Haynie asked Mr. Gandy to confirm that he had sent it. Mr. Gandy sent the letter by FAX to Mr. Haynie on December 22. On the same day Mr. Haynie sent the following reply:

Dear Larry:

Thank you for sending by FAX on December 22 your letter of November 4. I did not receive the original, and previously had received copies only from third parties.

The ARRL is not able to support an IARU membership application from the American Samoa Amateur Radio Association (ASARA). Please understand that the ASARA is not being singled out in this regard. The ARRL could not support or agree to the consideration of an application from any other organization within the United States and its dependent areas, which in ITU Region 3 include Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, Baker, Howland, Jarvis, and Wake Islands, Palmyra Atoll, and Kingman Reef in addition to American Samoa.

In its dealings with federal government agencies it is essential that the ARRL continue to have the exclusive right to represent the IARU to its government. One of the founding principles of the IARU is that it is essential for a country's radio amateurs to speak with one voice to their government, and in particular to their telecommunications administration. The administration for American Samoa is of course the same as for the rest of the United States. Similarly, the U.S. government represents the interests of the Region 3 areas listed in the previous paragraph to international organizations such as the ITU.

The ARRL has long represented the interests of the radio amateurs of American Samoa. The additional spectrum at 7 MHz that you will enjoy beginning in 2009 is the direct result of the ARRL's efforts, in concert with the global efforts coordinated through the IARU. You may recall that several years ago, following a visit to American Samoa by an ARRL Director, the ARRL petitioned for you to gain access to 7100-7300 kHz on a secondary, non-interference basis; the petition was not successful, but this was not for lack of trying on our part. Within the IARU, the ARRL was a founding member of the IARU Region 3 Association, pays dues to IARU Region 3 as well as to IARU Region 2, and has sent representatives to every IARU Region 3 Conference ever held. There will be an ARRL delegation representing the American amateurs in Region 3 at the conference in Taipei in February 2004. Licensed amateurs in American Samoa are eligible for full membership in the ARRL and are eligible to vote in ARRL elections in both the Pacific Division and the Pacific Section.

While we cannot support an application for admission to the IARU, the ARRL does recognize that it is desirable for Amateur Radio to be well organized in American Samoa. In that regard there is an ARRL affiliated club, the Samoa Amateur Radio Association, which at last report had 16 members.

Finally, for the record I must take exception to the statement in the first paragraph of your letter that "you did not seem to have any problems with this suggestion." No one representing the ASARA had ever discussed this matter with me prior to November 4. [Emphasis added]

If you have any questions regarding how the ARRL is representing your interests either to the U.S. government or within the IARU, I will be pleased to see that they are answered.

73,

Sincerely,

*Jim Haynie, W5JBP
President*

Later correspondence clarified that the Samoa Amateur Radio Association is not currently active.

The principles described in the third paragraph of Mr. Haynie's letter are extremely important to the ARRL. For more than 30 years the ARRL has accepted its responsibility to represent the interests of FCC amateur licensees throughout the United States and its dependent areas, including those in ITU Region 3.

The ARRL position was also communicated to IARU Region 3.

Why Was ASARA Formed?

While it was not stated in the correspondence from Mr. Gandy, the impetus for separate IARU membership for American Samoa appeared to be a desire to create a new DXCC entity of Swain's Island. Under the current DXCC rules, Swain's Island is much too close to the other islands that make up American Samoa to count as a separate DXCC entity. However, if American Samoa were a "Political Entity" a different distance criterion would apply. Under this criterion, some people are under the impression that Swain's Island would qualify. However, no official determination of the actual distance has ever been made since American Samoa did not and does not qualify as a "Political Entity." According to several maps, Swain's Island is about 320 km from Tutuila which is too close by 30 km.

The DXCC rules were rewritten in 1998 to add separate IARU membership as a basis for determining Political Entities. This solved some problems at the time but had the unintended consequence of encouraging applications for IARU membership solely for that reason.

Pitcairn Island Amateur Radio Association and Ducie Island

For example, one such application was made on behalf of the Pitcairn Island Amateur Radio Association. Before the application could be considered it had to be endorsed by the Radio Society of Great Britain, which is a member of IARU Region 3 and has long represented certain UK dependent areas including Pitcairn Island. Therefore, prior to submission of the application the following letter dated March 11, 2001 was sent to RSGB President Don Beattie, G3OZF (now G3BJ):

Dear Don,

Following Jim Smith, VK9NS approach regarding Pitcairn Island Amateur Radio Association to become an IARU member. As you did not seem to have any problems with this suggestion, we request the RSGB to support our membership application to the IARU Region 3.

Due to transport difficulties from and to Pitcairn, we would appreciate if the RSGB would continue to represent Pitcairn Island Amateur Radio Association at IARU conferences.

Many thanks in advance for your support.

Best regards

*Tom Christian VP6TC
President
Pitcairn Island Amateur Radio Association*

On April 14, 2001 Mr. Beattie replied as follows:

Dear Tom,

Many thanks for your letter of 11 March 2001 concerning the Pitcairn Island Amateur Radio Association.

I confirm that the RSGB is happy to support the application you are making for the Association to become an IARU member. I also confirm that, should your application be accepted, the RSGB would be pleased to represent you at IARU Conferences.

I have copied this letter to the Secretary of Region 3, Keigo Komuro, JA1KAB, so that he is aware of the RSGB position.

With very best wishes,

*Don Beattie, G3BJ
President*

A reasonable question is why the RSGB position is different from that of the ARRL. First, there is a long history of Amateur Radio societies, where they have existed in UK colonies, being separately represented in the IARU. There are numerous examples over time, currently including Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Gibraltar, Montserrat, and Turks & Caicos. Second, licensing there is decentralized. For example, if one wishes to apply for an amateur license in the British Virgin Islands, one addresses the Telecommunications Manager in Road Town, Tortola. Be that as it may, the RSGB could, if it wished, retain the right and responsibility of representing the interests of amateurs in the remaining UK dependent territories that are not separately represented in the IARU.

With the RSGB endorsement the PIARA application could be submitted for vote by the IARU member-societies. It was approved, but only just barely: with 57 affirmative votes required for approval, only 58 were received.

With the admission of PIARA to the IARU, Pitcairn Island became a DXCC "Political Entity" and a separate DXCC entity of Ducie Island was created.

Correcting the Unintended Consequence

While there is some virtue in new DXCC entities being created from time to time, it is clearly undesirable for the IARU, which is not the sponsor of DXCC, to have to bear the burden of dealing with applications for IARU membership that are made solely or primarily for that purpose. Such applications do nothing to further the objectives of the IARU. While the ARRL clearly has the right not to endorse an application on behalf of American Samoa or other dependent territories of the United States that are already represented in the IARU by the ARRL, it was apparent that other applications might be submitted in the future that might cause difficulties for other IARU member-societies. Therefore, at its January 2004 meeting the ARRL Board of Directors adopted the following resolution:

*WHEREAS, the DXCC 2000 program adopted by the Board in 1998 included changes to the criteria for a DXCC entity, and
WHEREAS, one of the new criteria makes separate IARU membership the basis for determination of a "political entity," and
WHEREAS, this rule has served a constructive purpose with respect to existing IARU societies, but*

*WHEREAS, the rule also has had unforeseen consequences in creating an incentive for the creation of proposed IARU societies that do not further the objectives of the IARU, and
RECOGNIZING that elimination of the rule has no effect on the DXCC entities that already have been created as a result of the rule,
RESOLVED, that the DXCC rules are hereby amended by deleting IARU membership as a basis for determination of a "political entity."*

IARU Region 3 Conference and Directors Meeting, Taipei, February 2004

The next IARU Region 3 Conference was held in Taipei on February 16-20, 2004 (postponed from September 2003 because of the SARS epidemic).

PIARA was not represented at the Taipei Conference by the RSGB as had been agreed (although an RSGB delegate was present at the Conference). Instead it was represented by Kan Mizoguchi, JA1BK, a resident of Japan who is licensed for Pitcairn Island as VP6BK. PIARA submitted several documents to the Conference including one, Document No. 04/XII/033, that called on the Directors of IARU Region 3 to forward the ASARA application to the IARU Administrative Council for its review.

As previously noted, Mr. Mizoguchi is also involved in ASARA and is listed on the ASARA roster, at an address in Hawaii and with the call sign KH6BK, as an associate member.

The documents received by the Region 3 Secretary sufficiently in advance of the Conference, such as Document 33, were distributed in advance. In response to Document 33, ARRL sent the following to the IARU Region 3 Secretary and Directors on January 26, 2004:

*Keigo Komuro, JA1KAB
Secretary, IARU Region 3*

Dear Mr. Secretary:

Article 55 of the Constitution of IARU Region 3 provides: "Neither a Conference nor the Directors will take any decision contrary to the Constitution of IARU nor will they interfere in the internal affairs of any member Society."

The ARRL is a member Society of IARU Region 3, representing American Samoa along with other dependent areas of the United States that are located in Region 3. Conference Document No. 04/XII/033 is a blatant attempt to interfere in the internal affairs of the ARRL.

The consideration of this document by the Conference would clearly be in violation of our rights as a member Society. Accordingly, the ARRL insists that Document No. 04/XII/033 be removed from the Conference agenda.

Sincerely,

*David Sumner, K1ZZ
Secretary*

In further defense of its rights as an IARU member-society the ARRL sent the following on February 10, 2004:

*Keigo Komuro, JA1KAB
Secretary, IARU Region 3*

Dear Mr. Secretary:

At the Seventh Regional Conference of the IARU Region 3 Association [1988], Motion 9-O was adopted unanimously, without objection or abstention. Motion 9-O reads:

That the Conference,

Resolved

That the principles enumerated in Administrative Council Resolutions 85-8 and 86-3 be adopted as the policy of IARU Region 3 Association,

It being further resolved that the member Societies shall mutually support each other to give full effect to their policies.

Resolution 85-8 in turn reads:

RESOLUTION 85-8

concerning guarantee of the exclusive right of a member-society to represent the IARU in its country or territory

resolved, by the IARU Administrative Council, Auckland, November 1985, that no member-society nor regional organization, nor the Administrative Council, shall recognize any amateur radio society in another country or territory which is represented by an IARU member-society; and

further resolved, that no member-society nor regional organization, nor the Administrative Council, shall have any communication with such society which in any way detracts from or interferes with, the sole and exclusive right of an IARU member-society to represent the IARU in its country or territory. Should any doubt arise as to such communication, the wishes of the IARU member-society in the country or territory concerned shall prevail.

Please be advised that the ARRL regards any communication with an amateur radio organization within its operating territory as a violation of this policy. The operating territory of the ARRL includes the following areas of Region 3: Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, Baker, Howland, Jarvis, and Wake Islands, Palmyra Atoll, and Kingman Reef. The only exception is with regard to communication with recognized specialty organizations such as AMSAT where there is an established cooperative relationship between the specialty organization and the ARRL.

Please ensure that all officials of Region 3 and all member-societies within the Region are aware of and abide by this Region 3 policy.

Sincerely,

*David Sumner, K1ZZ
Chief Executive Officer*

At their meeting just prior to the Taipei Conference, the Region 3 Directors decided to return the ASARA application and did so on February 13, 2004.

John Peters, K1ER, who has previously been mentioned, was present at the Conference as the delegate of the Fiji Association of Radio Amateurs (FARA). As the delegate from FARA Mr. Peters submitted a document, No. 04/XII/075 dated February 13, 2004, calling for a vote of no confidence in the Region 3 Directors, among other reasons for their having returned the ASARA application. Other documents were submitted by PIARA relating to proposed changes to the IARU Region 3 Constitution.

The Conference thus faced the dilemma of how to deal with the issues of the handling of the ASARA application and the Region 3 Constitution without detracting from its principal work. A Special Committee was created under the chairmanship of Conference Chairman Ralph Jer-Kei Yang, BV2FB. The Special Committee reported to the Final Plenary of the Conference and noted that during the course of its work, PIARA and FARA had withdrawn the previously mentioned Documents 33 and 75. Among the Recommendations of the Special Committee were:

The Special Committee has reviewed the correspondence between ARRL and Region 3 concerning the application by ASARA, and finds it to be in keeping with the provisions of the relevant Constitutions and IARU Resolutions. We recommend to the Final Plenary that the release of this correspondence is a matter for the ARRL to decide.

We encourage ASARA to engage in a dialogue with the ARRL over the areas of contention.

The recommendations of the Special Committee were adopted by the Final Plenary. The Final Plenary also unanimously adopted a vote of confidence in the Directors. On March 12, 2004 the Region 3 Secretary circulated the following message to the Region 3 Member Societies, not all of which were present at the Conference:

Dear Colleagues:

Your Directors have asked me to transmit the following message to you:

“The documents of our recent 12th IARU Region 3 Conference are displayed on the Region 3 Web page at: <http://www.jarl.or.jp/iaru-r3/12r3c/docs/docs.htm>

The Reports of the Working Groups are also displayed there including the Report from a Special Committee.

This letter to you is necessary because it will be some time before the minutes of the Conference, the official means by which events of the conference will be made known, are ready for distribution.

Paper 67 [from PIARA, withdrawn] was equivalent to a vote of no confidence in the Directors and was raised at the initial Plenary session of the Conference. Following objections to the Paper by several Delegates the matter was referred to a Special Committee for review.

Paper 75 [from FARA, also withdrawn], also proposing a vote of no confidence in the Directors, was received by participants during the Conference.

The Special Committee found that the Directors had acted correctly and that no fault or wrongdoing whatsoever had been made by them. They were exonerated from any improper act.

A vote of confidence in the Directors proposed by a Member Society was carried unanimously by the conference thus vindicating the action of the Directors.

This letter is for early clarification because your Directors have found some incomplete news reports circulating in the electronic media. These actions will be completely recorded in the minutes of the conference.”

Yours sincerely,

*Keigo Komuro, JA1KAB
Secretary, IARU Region 3*

For an independent view of what happened in Taipei, refer to the March/April 2004 issue of *Break-In*, the journal of the New Zealand Association of Radio Transmitters. A report on the conference written by Peter Lake, ZL2AZ, includes the following:

A key issue that emerged in the documents published prior to the conference was a call by Kan Mizoguchi VP6BK/JA1BK representing PIARA (Pitcairn Island, the newest member of Region 3) for constitutional change. He was supported by John Peters 3D2AM/K1ER, who held the FARA (Fiji) vote. It became clear that it was a move to get a new society established in American Samoa (ASARA), which required a change to the Constitution. Amateur radio in American Samoa is regulated by the FCC and covered by the ARRL that represents all US territories in the Pacific and elsewhere. Creating a new society within their jurisdiction would be direct interference in another countries affairs. Apparently the end goal was to have Swains Island much further out in the Pacific declared a new “entity” under DXCC rules. However, the DXCC rule under paragraph 1(c) allowing this criteria was rescinded by the ARRL Board of Directors on January 20, 2004, prior to the conference, making this action pointless.

In an effort to guide societies prior to the conference, the Directors obtained a legal opinion from Michael Owen VK3KI, one of the original architects of the constitution. This action was the subject of complaint by Mizoguchi and Peters. On analysis, the changes proposed were essentially unworkable as presented, and would create as many problems as they fixed.

Early in the proceedings PIARA unsuccessfully requested a debate on their document calling for constitutional change. Soon other documents were tabled under their name accusing the Directors and the Secretary of acting outside their authority, and one threatening legal action against the ARRL. Such actions are unprecedented in Region 3. The delegate representing FARA was noticeably vocal in support. Our team was left to wonder if these usually supportive and friendly societies knew of their agenda.

Considerable debate occurred from the outset, and the Chairman set up a Special Committee to advise him on the issues. These issues and

allegations unfortunately dragged on until the Friday, wasting a lot of time and causing unnecessary ill-feeling. In the end all the allegations were withdrawn, and the Directors and Secretary were declared to have acted completely correctly and honourably in the interests of Region 3. An examination of the Constitution for possible changes, along with harmonization with the other Regions and the IARU itself, was referred to the incoming Directors. It could take considerable time to effect any major changes, even if required.

The Conference actions supporting the Region 3 Directors and finding the ARRL position to be consistent with the Constitutions of IARU and Region 3 should have put an end to the matter. Unfortunately, apparently relying on poor advice from outside American Samoa, ASARA has not engaged in a dialogue with the ARRL as recommended by the Conference but has continued its quixotic effort to be recognized internationally. The appropriate way for a club such as ASARA to be involved in organized Amateur Radio is as an ARRL affiliated club participating in the Pacific Section.

KH8SI News Release

On February 18, 2005, a full year after the Conference, a news release over the name of Kan, JA1BK, was distributed announcing a DXpedition to Swain's Island using the call sign KH8SI. The release claims that at the Taipei Conference, ARRL Chief Executive Officer David Sumner, K1ZZ, "withdrew his objection" to the ASARA application. **That statement is false.** At no time was the ARRL's objection to the ASARA application withdrawn by Mr. Sumner or anyone else representing the ARRL at the Conference. Had the suggestion been made that the ARRL do so, it would have been rejected. The release goes on to say that Mr. Sumner "reneged on the agreement." **That statement is also false.** There was no agreement, so there was nothing to renege. The ARRL position has been absolutely consistent and has never wavered throughout this affair. Any claims to the contrary are utterly without foundation.

Contacts with KH8SI operating from Swain's Island will count for American Samoa for DXCC purposes and for OC-200 for the RSGB's Islands on the Air (IOTA) program. May it be a safe and enjoyable operation for all concerned, conducted in the spirit of goodwill that generally marks Amateur Radio.