

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X	
GOLDEN GATE YACHT CLUB,	:
	:
Plaintiff,	:
	:
v.	:
	:
SOCIÉTÉ NAUTIQUE DE GENÈVE,	:
	:
Defendant,	:
	:
v.	:
	:
CLUB NÁUTICO ESPAÑOL DE VELA,	:
	:
Intervenor-Defendant.	:
-----X	

INDEX NO. 602446/07  
IAS Part 54  
Hon. Shirley Werner Kornreich  
**DECLARATION OF  
VICE ADMIRAL KEVIN J. COSGRIFF  
USN (Retired)**

VICE ADMIRAL KEVIN J. COSGRIFF USN (Retired) being duly sworn,  
deposes and says:

1. I am a citizen of the United States over the age of 18. I submit this Affidavit in support of Société Nautique de Genève’s (“SNG”) Opposition to Golden Gate Yacht Club’s (“GGYC”) Motion to Enforce Compliance with the Order and Judgment Entered April 7, 2009, Regarding the Venue Location for the 33<sup>rd</sup> America’s Cup (the “Motion”) as pertains to maritime risks to a successful competition in the waters of, and adjacent to, the UAE inside the Strait of Hormuz.

**Background**

2. Until my retirement in 2008, I was the Commander of the U.S. Fifth Fleet; Commander of the Combined Maritime Forces (the “Coalition”), a 20-country coalition including the U.S., other extra-regional States and regional States to include the United Arab Emirates (“UAE”); and Commander of the U.S. Naval Forces Central Command. In those roles,

I oversaw all naval combat, combat support, and maritime security operations throughout the Middle East and Southwest Asia in 2007 and 2008.

3. In those positions, I worked with U.S. Ambassadors and local leaders to enhance the capability and capacity of regional navies and coast guards. I frequently had direct personal interaction with rulers, ministers and heads of militaries and navies in the Middle East, working to forge strong personal relationships between the U.S. Navy and the countries in the region.

4. Earlier in my 37 year career, I served as Deputy Commander of the U.S. Fleet Forces Command in Norfolk, Virginia; Director for Warfare Analysis and Integration for the Chief of Naval Operations, and Director, Office of Program Appraisal for the Secretary of the Navy. During the Clinton administration, I served as Director of the White House Situation Room, and Director of Systems and Technical Planning for the National Security Council.

5. I graduated from the U.S. Merchant Marine Academy at Kings Point, N.Y., and began active duty with the Navy directly thereafter. I was among the first to receive an M.S. in Strategic Intelligence from the National Defense Intelligence College. I also earned the Naval War College Foundation Award for Outstanding Performance.

6. I have extensive personal experience with security and intelligence issues in the Middle East generally, and UAE specifically.

**Appropriate Measures Can Be Taken to Ensure the Security of All Participants and Observers during the 33<sup>rd</sup> America's Cup**

7. In my opinion, UAE is unilaterally capable of securing the sea space encompassing the defined race course against security risks associated with the 33<sup>rd</sup> America's Cup, including the plausible risk of a speedboat attack. Such a capability includes (but is not

limited to) air and helicopter surveillance, land-based observation points and patrols by warships and patrol craft of the UAE Navy and Coast Guard.

8. In addition to being in the Coalition, UAE is a member of the Gulf Cooperative Counsel along with Bahrain, Kuwait, Oman, Qatar, Saudi Arabia.

9. The region is a vital area for shipping and commerce and is routinely under surveillance as well as being consistently patrolled by the Coalition and the U.S. Navy (which maintains a near-constant presence in and around UAE). The Strait of Hormuz is also under surveillance and patrolled by the forces of Oman on the nearby Musandam Peninsula.

10. In a given year numerous highly conspicuous U.S. Navy warships make frequent visits to UAE, and tens of thousands of U.S. Sailors, Marines and Airmen take Liberty in the country. The Coalition presence in the area includes over two dozen ships from around the globe, and a variety of naval forces and personnel from other nations frequent the area and avail themselves to port visits.

11. Al Qaeda and associated groups have demonstrated a capacity to conduct maritime attacks, the last in 2004 off Yemen, but to the best of my knowledge such capability has not been detected in the Gulf and the UAE (and such other forces as may be involved) have the means to detect, disrupt and if necessary counter such an unlikely occurrence.

12. The risk of Iran formally sponsoring a maritime attack against UAE, countries that participate in the Coalition – to include the U.S. -- the members of the Gulf Cooperation Counsel (“GCC”), or the participants and observers of the 33<sup>rd</sup> America’s Cup is minimal. The risk by a rogue element within Iran (most likely originating within the Iranian Revolutionary Guard and its “Navy”) exists but is both unlikely and manageable in that such unusual activity would be detectable by surveillance and patrol forces.

13. The risk of some sort of military strike by Israel against Iran putatively to disrupt the latter's nuclear research and development and possible weapons production is unlikely in the period of time of interest to this matter. Not only is such a course of action most strongly opposed by the U.S. and its NATO allies, not to mention regional and other Islamic countries, and the difficulty of mounting an effective attack well known, diplomatic trends are presently more positive than less.

14. In addition to the foregoing, and consistent with past high-profile sporting and other events, UAE can request that security for the 33rd America's Cup be augmented by the Coalition, the GCC, or bilaterally by the U.S. or other States, or a combination of all of these approaches. One example of a recent high-profile sports event in the region that was effectively secured, including with augmentation by the Coalition and the U.S. Fifth Fleet, is the 15th Asian Games that successfully took place in Doha, Qatar in December 2006.

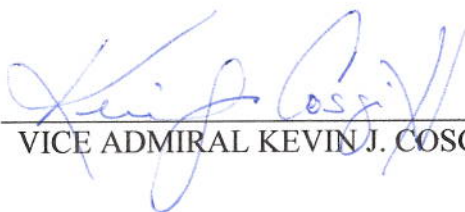
15. As a member of the Coalition, UAE could similarly request that security be augmented by the CMF. In my experience, such request from a member country would be granted as a matter of course.

16. It is my belief that most of the risks to conducting the 33<sup>rd</sup> America's Cup in the waters of and adjoining the UAE are low probability and in any event prudently manageable.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct to the best of my knowledge.

Executed on October 12, 2009, in Arlington, Virginia.

By:



VICE ADMIRAL KEVIN J. COSGRIFF USN (Retired)