

related to client security and political risk in numerous cases throughout the Middle East, including the UAE, and Europe.

3. Previously, I served as a 32-year veteran of the Central Intelligence Agency (“CIA”). During my time at CIA I served in the capacities as both Acting Director and Associate Director of CIA’s operations outside the United States from 1993-1995, where I had supervisory authority over thousands of CIA employees involved in the full spectrum of sensitive missions throughout the world. This included supervisory authority over all of CIA’s counterterrorism and political intelligence collection efforts. From 1995 through 1998, I was the senior CIA representative in Great Britain, planning and coordinating intelligence operations throughout Europe and internationally. Regarding direct operational experience in the Middle East, in 1985 I was head of the CIA’s Iran operations, and from 1985-1987 I headed the CIA’s Afghan Task Force. Regarding matters of intelligence and foreign affairs, I have written Op-Ed articles for The Washington Post, The Financial Times, The Miami Herald and The World Policy Journal. Additionally, I have made guest appearances on National Press Club, CBS, NBC, MSNBC, Fox News, CSPAN as well as the History & Discovery channels, PBS, NPR & ABC Radio.

UAE Presents No Greater Risk Than Valencia as Venue for the 33rd America’s Cup

4. Conducting the America’s Cup match in February 2010 off the coast of Ras al-Khaimah (“RAK”), UAE presents no greater risk than conducting the race in Valencia, Spain. Indeed, the UAE’s security apparatus and political standing with Iran, the exact race location, lack of piracy in the Persian Gulf, more recent terrorist activities in Spain and the current geopolitical climate regarding Iran, make RAK a preferred location for the 2010 America’s Cup.

5. RAK is a secure location for both tourists and large-scale events. The emirate has one of the lowest crime rates in the Middle East, with a travel advisory from the US Department of State saying, “All US citizens should take the same security precautions in the UAE that one would practice in the United States or any large city abroad.” Indeed, RAK is almost a “crime free zone.” Additionally, there are no known Al Qaida affiliates currently operating inside the UAE. The UAE is not currently on either the US Department of State’s Travel Alert or Travel Warning lists. The UAE falls under the US Department of State’s generic advisory for all Middle East countries, which is similar for many Asian, African and some European countries. The UAE has a robust security apparatus, which would be on high-alert during the match, limiting the operational potential of any independent domestic group seeking to cause harm during the match. Also, the UAE is a member of the Gulf Cooperation Council, a trade bloc with shared defense responsibilities consisting of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE. Any aggression against one member is considered an aggression against the whole. This makes the cost of any state-sponsored action against the match likely to outweigh any minimal gain an aggressive state actor might achieve by attacking or disrupting the race, which is being held as a symbol of economic and political progress by the UAE.

6. According to the charted course of the 2010 America’s Cup match, the race will be conducted clearly and uniquely in Persian Gulf waters, off the coast of the UAE. The course is neither on, nor does it abut the Strait of Hormuz.

7. Iran and the UAE make territorial claims under the UN Convention on the Law of the Sea, stipulating that the first 12 nautical miles off their coasts are their territorial waters. The UAE makes further claims under the same convention, that the following 12 nautical miles are its contiguous waters; Iran has made no claims for contiguous waters off the coast of Abu Musa. According to these guidelines, the entire racecourse takes place in UAE

territorial or contiguous waters, with only a small portion penetrating the unclaimed “contiguous waters” off the disputed island of Abu Musa. It is also important to note for Maritime Law, the racecourse does not pass the Median Line between Abu Musa and the UAE coast. Also, the race boats will reportedly be shadowed by a flotilla of RAK security personnel and UAE Navy vessels, which would surely head off any intruder vessel approaching from outside the race course, which could be seen from miles away.

8. In 2007, the Iranian Navy seized two British naval vessels, detaining 15 sailors. However, the detention occurred in disputed international waters off the Iraqi coast, in a completely different part of the Persian Gulf, hundreds of miles from the race location. Also, the British vessels were an opportunistic military target serving the Iranian purpose of domestic political gain, and the detention occurred in a different political climate verses the one outlined below. The Iranian Navy and/or Iranian Revolutionary Guard Corps reportedly choose when and where to conduct “shows of force,” and rogue operations are rare. Attacking or detaining a participant in the America’s Cup match rather than a military target would diffuse the Iranian message and likely result in a focus of resources in and around Abu Musa, which would be an ineffective use of Iran’s limited naval resources during a time they would likely want to focus power, or the threat thereof, on the Strait of Hormuz.

9. Regarding the threat of piracy, according to the International Chamber of Commerce Commercial Crime Services division, there have been no reports of piracy in the Persian Gulf in 2009. The closest reports of piracy to the site of the 2010 America’s Cup race have taken place off the southern coast of Oman, but this is on the Arabian Sea side and has no relation to events or threat level in the Persian Gulf.

10. Spain has had far more occurrences of both domestic and international terrorism in recent years than the UAE. One major example includes the Al Qaida bombings of

Madrid commuter trains on March 11, 2004, which killed 190 people and wounded approximately 2,000. As stated in the US Department of State's Threats to Safety and Security regarding international travel, "Spain's open borders with its Western European neighbors allow the possibility of terrorist groups entering and exiting the country with anonymity." Domestic terrorists are also active in Spain. This year marks the 50th anniversary of the Euskadi Ta Askatasuna or "ETA," Spain's domestic terrorist Basque separatist movement. The anniversary was accompanied by several bombings in July and August 2009, resulting in the deaths of several Spanish citizens, indicating increased operational frequency by the ETA, which will likely continue with additional attempted terrorist attacks through and beyond February 2010. Regarding marine-based threats, the southern coast of Spain is situated directly across the sea from Algeria, where the active terrorist group Al Qaida in the Islamic Maghreb is based, a group that might welcome the opportunity for a high-profile marine-based attack. The America's Cup match and associated events, if held in Valencia, Spain could present a high-profile target of opportunity for both Spain's domestic terrorist groups and operational Al Qaida cells operating within and in the vicinity of Spain.

11. Iran has a positive and constructive relationship with the UAE. Several large deals including an August 2009 deal to develop an Iranian natural gas field in the Persian Gulf and export the gas to the UAE for 25 years, and a 2007 agreement between the countries which set a framework for dealing with political and economic issues affecting relations, illustrate the spirit of economic and political cooperation between Iran and the UAE. This type of Arab-state cooperation is not unusual for Iran. Iran has a history of cultivating several of its Islamic neighbors, including the UAE, for the purpose of economic gain and support for Iranian programs. Additionally, Iranian nationals account for approximately 10% of the UAE's population, with nearly 400,000 Iranians running approximately 10,000 small business firms in

the country. Any interference in an Arab state-sponsored event, such as the 2010 America's Cup, could jeopardize Iran's political relationship with Arab nations in a time they would seek Arab support in the event of any confrontation with Israel or the US.

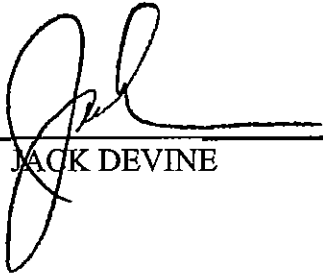
12. Iran's current political climate can be characterized as one of internal strife and a greater level of external engagement. The September 2009 allowance of UN inspectors to conduct inspections of the previously secret Iranian nuclear enrichment facility at Qum indicates more of a willingness to cooperate with the global community, and illustrates the Iranian leadership's desire to decrease the likelihood of economic sanctions or attack by Israel. Iran's interests would seemingly not be served by kidnapping a vessel from the America's Cup as it would: further isolate it diplomatically; antagonize the international community; aggravate its relationship with key associates, including its UAE neighbor and the Swiss diplomatic mission in Tehran; and embarrass the numerous Iranian nationals living in RAK. Also, Iran is currently faced with continuing civil unrest and discord, even amongst the ruling religious leadership.

13. The Iranian government is reportedly more focused on calming internal political unrest than projecting Iranian power abroad. The Iranian government recognizes the military challenge presented by Israel and the US, and can be expected to tread carefully in its international relationships. These circumstances mitigate the risk of sanctioned Iranian interference in the match, which would create severe international backlash during a time the Iranians are trying to manage a delicate internal political situation and external pressure relating to its nuclear energy program.

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 New York, NY.

By:



A handwritten signature in black ink, appearing to read 'J. Devine', is written over a solid horizontal line. The signature is stylized with loops and a long horizontal tail.

JACK DEVINE