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**POLICING IRANIAN SANCTIONS: TRADE,  
IDENTITY, AND SMUGGLING NETWORKS IN  
THE ARABIAN GULF**

Janecek, Michael J.

Monterey, California. Naval Postgraduate School

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**NAVAL  
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**MONTEREY, CALIFORNIA**

**THESIS**

**POLICING IRANIAN SANCTIONS: TRADE, IDENTITY,  
AND SMUGGLING NETWORKS IN THE ARABIAN  
GULF**

by

Michael J. Janecek

March 2013

Thesis Advisor:  
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Ryan Gingeras  
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**POLICING IRANIAN SANCTIONS: TRADE, IDENTITY, AND SMUGGLING  
NETWORKS IN THE ARABIAN GULF**

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U.S. Special Agent  
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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(MID EAST, S ASIA, AND SUB-SAHARAN AFRICA)**

from the

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## **ABSTRACT**

There are continual debates regarding the effectiveness of United Nations Security Council Resolutions (UNSCR) 1803 and 1929 as tools for limiting the Islamic Republic of Iran's goals for a nuclear program. This thesis examines the enforceability of the maritime sections of both resolutions at the police level in the Gulf Cooperation Council (GCC) countries. Arab nations along the Arabian Gulf have had long-standing maritime trade relations with Iran and the greater Indian Ocean that extend generations into history. This relationship led to the extensive merging of Arab and Persian cultures in the GCC, as well as the growth of an immigrant workforce from South Asia. With this influx of identities and nationalities, challenges were developed in enforcing both resolutions, specifically as it relates to the inspection of Iranian maritime cargo. Alongside this merging of cultures, is the growth of successful maritime drug-smuggling networks that weapons proliferators could exploit to intentionally violate UNSCR 1803 and 1929. Based on the challenges of maritime trade, cultural and national identity, as well as criminal activity, it is argued that both resolutions are an unnatural fit in the Arabian Gulf, and are therefore questionable as policy choices in the GCC countries.

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## I. INTRODUCTION

Analyzing the overall effectiveness of a United Nations sanction at the law-enforcement level is an important endeavor. This type of focused inquiry diminishes the possibility of a stakeholder developing a false sense of security about the sanction's ability to stop the questionable activity of a targeted nation or entity. The need for examination is none more evident than with the ongoing debate related to United Nations Security Council Resolutions (UNSCR) 1803 and 1929, both of which were designed to limit the ambitions of an Iranian government nuclear program, as well as to disrupt the international financial network of Iran's Islamic Revolutionary Guard Corps. One shared theme in both resolutions is their specific targeting of Iranian activity that occurs in the maritime domain, specifically within the complexities that are present in international shipping. For example, both resolutions request that governments monitor the activity of the Islamic Republic of Iran Shipping Lines, as well as all Iranian cargo that law enforcement authorities deem suspicious.

Bruce Riedel of the Center for Strategic Studies argues that these two resolutions are so effective that they stopped foreign nations from selling, and subsequently, delivering weapons and other suspect material to Iran.<sup>1</sup> This statement is applauded for its optimism, but it is making the assumption that all countries are operating with maximum diligence in enforcing the resolution on a daily basis. Maritime cargo that could be used to deliver sanctioned items can be directly delivered to Iranian ports via various flagged vessels, or it can pass through the complicated port systems of the Gulf Cooperation Council (GCC) countries as a legitimate import, where it is then redirected to Iran on another vessel. It is the latter of these two scenarios where policy analysis needs to be focused in order to determine whether UNSCR 1803 and 1929 are being enforced on a daily basis in a manner that prevents the undermining of both resolutions.

Furthermore, many scholars are ignoring the facilitating ability of illegal drug networks in the Arabian Gulf when determining the overall effectiveness of these

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<sup>1</sup> Bruce Riedel, "Iran-U.S.: After the Iranian Bomb," Center for Strategic Research, Institute for Strategic Studies, National Defense University, September 30, 2011, 4.

resolutions. Sanctioned cargo destined for Iran can be transported through the maritime links that were established to support the Arabian Gulf drug trade, which extends to both the Arab and Persian coastlines. Not only then does the profit-making ability of drug trafficking undermine the financial restrictions of both resolutions, but the transportation structures of the illegal trade also create a hybrid where drugs and sanctioned material can be transported via the same maritime route. Additionally, the continuance of the Arabian Gulf illegal drug market reinforces that UNSCR 1803 and 1929 are challenged, and possibly inept, from their inception because stopping the transportation of sanctioned Iranian illicit cargo is ultimately dependent on countries in the region being able to eliminate the smuggling of illegal drugs via maritime means in its entirety.

#### **A. MAJOR RESEARCH QUESTION**

This thesis focuses its attention on the under-researched side of enforcing UNSCR 1803 and 1929. As background, the United Nations implemented both resolutions in response to Iran's inability to cease their suspect nuclear program. The sections listed within these resolutions focus on various aspects of the Iranian regime: the Quds Force, Islamic Republic of Iran Shipping Lines, Iranian banking, and their maritime shipping industry as some examples. U.S. law enforcement takes a very aggressive approach to supporting UNSCR 1803 and 1929. Security forces overseas take a different stance depending on their location in the world. For example, many Western European countries actively police these resolutions; however, some regions in the world do not because of various cultural factors that seem irrelevant to U.S. law enforcement.

One region in particular that has found itself in the center of illicit Iranian maritime activity, and therefore at the center of this debate, is the maritime domain that extends from Kuwait's Bubiyan Island to the Southern coast of Oman. This region is important because, based on the sharing of the Arabian Gulf with Iran, it acts as a final bulwark against illicit maritime cargo destined for the Islamic Republic. It is through this framework that this thesis questions the effectiveness of UNSCR 1803 and 1929 as useful strategies in the GCC countries. Specifically, can these two U.N. resolutions be

successfully policed in a manner that overcomes the three dominant challenges of trade, identity, and illegal networks found in the Arabian Gulf?

Many factors influence the success, or lack thereof, of an international law enforcement policy: domestic politics, local demand, and host-nation police abilities to name a few. As will be shown in this thesis, when it comes to effectively policing both UNSCR 1803 and 1929, law enforcement activity in the GCC falls victim to economic and social histories that are intertwined with Iran in everything from maritime trade to family lineages, as well as from the influx of an immigrant workforce that directly supports the security activities in the GCC port system. It is the nature of maritime trade to build connections between nations, cultures, and people; a phenomenon that ultimately makes enforcing both resolutions in the Arabian Gulf a challenged endeavor.

Furthermore, the success of the Arabian Gulf's illegal drug trade reflects the inability of effectively policing both resolutions in the GCC countries. Even though the reasons for an enforcement policy being futile transcend many levels of a nation's government and society, this thesis strictly focuses on historic trade with Iran, the mixing of national identities, and smuggling networks in the Arabian Gulf. Arab and Persian maritime trade has existed for hundreds of years, something that ultimately led to a multi-cultural workforce in the GCC. This influx of maritime workers led to ideological challenges, as well as the development of criminal smuggling networks that could be used to transport material outlawed under both resolutions. Based on these characteristics, this thesis argues in the end, that GCC countries proactively enforcing UNSCR 1803 and 1929 in the Arabian Gulf region is not realistic.

## **B. IMPORTANCE**

Department of the Navy instruction states that understanding the maritime environment is important for identifying those international threats that occur in the maritime domain that have the potential to negatively impact the United States.<sup>2</sup> Examining the effectiveness and the enforceability of UNSCR 1803 and 1929 meets that requirement because both resolutions have several sections of text that focus on Iranian

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<sup>2</sup> U.S. Department of the Navy, "SECNAV Instruction 3052.1," January 30, 2009.

maritime activity as it relates to the complete port systems of other nations. Additionally, the analysis undertaken in this thesis supports the U.S. Navy's Maritime Domain Awareness mission, specifically in regards to mitigating questionable Iranian maritime activity in the Arabian Gulf and GCC countries.

The importance of examining challenges that directly affect the enforcement and policing ability of UNSCR 1803 and 1929 is found in the potential outcomes that can occur if the overall opinion of these resolutions' effectiveness is based on misleading information. A recent article in the *Stanford Journal of International Relations* advises that due to the serious nature of Iran obtaining materials needed for a nuclear program, participating countries need to evaluate if both resolutions are making a difference in deterring illicit Iranian government activity.<sup>3</sup> Information gathered during the process of this thesis will directly contribute to that analytical process through a presentation of material on the GCC countries, which are considered partnering nations with international law enforcement efforts. When trying to find the solution to security vulnerabilities, an examination must be undertaken to find the root causes that were the catalysts or facilitators of the questionable activity to exist or flourish. In regard to this thesis, that vulnerability is the question of enforceability of both UNSCR 1803 and 1929 in the Arabian Gulf.

The probability of these resolutions failing is directly correlated to the ability of GCC law enforcement to be proactive in supporting the sections listed in UNSCR 1803 and 1929. If both these resolutions were not enforced on a daily basis to their maximum potential, the possibility exists for Iran to obtain sanctioned items and materials that are required to further a nuclear weapons program, as well as dual-use technology that could be manipulated into equipment for Iran's armed forces. In the GCC region, like elsewhere, the responsibility of limiting this activity belongs to the Customs Division and Coast Guard; both of which are part of their respective countries' Ministries of Interior. Additionally though, it is also incumbent upon all maritime shipping companies in the Arabian Gulf to police themselves and their trade transactions in order to ensure that they

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<sup>3</sup> Regan Thompson, "The Effectiveness of the Fourth Round of Sanctions Against Iran," *Stanford Journal of International Relations* 13, no. 1 (2011): 7-8.

are not inadvertently, or intentionally, violating both resolutions through the common business practices that occur between the GCC countries and Iran every day. At the advanced level, there should be a marriage of law enforcement and maritime businesses that acts as a community-policing model with the specific goal of limiting activity within a port environment that is contrary to both resolutions. Criminal justice scholars describe this concept as focusing on “hotspots” or “location targeting”, which involves law enforcement entities using a regional approach to identify suspicious activity in order to develop tactics to deter or limit it.<sup>4</sup>

Any disclosed or discovered challenges to the effectiveness of policing these resolutions can allow GCC law enforcement leadership the opportunity to make the necessary adjustments in their overall strategies and priorities in order to have a more positive impact on international resolutions related to Iran. The same is true for U.S. law enforcement strategies that function alongside as part of global partnerships. If a weakness is identified in a partnering nation, adjustments can be made to U.S. security policies. For example, U.S. law enforcement agencies can initiate more foreign law enforcement training and joint operations, initiate unilateral enforcement programs, or pursue other proactive diplomatic measures. As Professor John Mearsheimer of the University of Chicago states, the resolutions that international organizations produce are challenged because they lack a specific enforcement arm that can ensure nations are doing their part in deterring questionable activity.<sup>5</sup> In the Arabian Gulf, the success of UNSCR 1803 and 1929 is reliant upon GCC police forces acting proactively in an enforcement capacity without allowing trade, identity, and successful smuggling networks to undermine their efforts.

### **C. KEY FINDINGS**

Historic trade with Iran, identity, and criminal smuggling networks all negatively impact the ability for GCC law enforcement to effectively police Iranian sanctions in the

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<sup>4</sup> Roger Gaspar, “Tackling International Crime, Forward into the Third Era,” *Combating International Crime: The Longer Arm of the Law*, ed. Steven D. Brown (New York: Routledge, 2008), 13–14.

<sup>5</sup> John Mearsheimer, “The False Promise of International Institutions,” *International Security* 19, no. 3 (1994-95): 5–49.

Arabian Gulf maritime domain. Based on global partnerships, these challenges also transcend themselves to the policing efforts of other nations because as common practice, foreign law enforcement is reliant upon the success and proactivity of their GCC counterparts. The level of these challenges is not the same throughout each Gulf country, but if even one obstacle is significant, the ability to police UNSCR 1803 and 1929 is diminished. For example, if criminal smuggling networks do not drastically affect one country, the ability to enforce Iranian sanctions may be limited because that nation may conduct legitimate trade with Iran, which as will be shown can provide benign avenues for smuggling illicit material.

In regard to maritime trade, the ability of GCC law enforcement to proactively enforce UNSCR 1803 and 1929 is limited because of the significant maritime economic connections that exist between the Arabian Gulf countries and Iran. Civilizations found on the Arabian Peninsula have been using the waters of the Gulf to exchange goods for centuries. Through this commerce, residents of both coasts emigrated to the other, bringing with them their specific cultural and religious identities. This cross-culturalization occurred not only through peaceful means. The Sassanid Dynasty of the Persian Empire expanded its territory to include the Musandam Peninsula in modern Oman through conquest. Naval warfare between Islamic tribes in Arabia against Persian fighters led to transplanting an Arab presence on modern Iran.

Years of Arabian Gulf trade and conquest led to some citizens of the GCC countries having extensive generational family lineages that return to Iran. This community is known as the Ajam community. The Arabic term Ajam is the plural form for Persians, and stems from the Arabic verb Ajm, which translates to becoming unintelligible or un-Arab. Ajam can be used in the singular form Ajami, which is also the word used to specifically describe something that is of Iranian origin.<sup>6</sup> In the modern Arabian Gulf dialect, Ajam is commonly used to describe GCC citizens that are of Iranian descent and heritage. Some GCC citizens argue, and Iranians as well, that the term Ajam can be used to describe GCC citizens of Arab origin that married Iranian

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<sup>6</sup> Hans Wehr, *Arabic-English Dictionary: The Hans Wehr Dictionary of Modern Written Arabic*, ed. JM Cowan (Urbana: Spoken Language Services, 1993), 694.

citizens, GCC citizens of Arab origin that married GCC citizens of Iranian heritage, therefore linking an Arab family to that of an Ajam, and finally, to all Iranian citizens who reside in a GCC country.

Some members of the Ajam community work in GCC law enforcement, as well as shipping companies that directly operate with Iranian businesses as part of an Arab-Iranian intertwined maritime economy. Many of those Ajam families are senior executives at shipping agencies that do business with Iranian companies directly targeted under UNSCR 1803 and 1929. Others work in law-enforcement positions that are charged with policing the maritime domain. This thesis does not intend to show any particular person or Ajami family being suspected of violating these resolutions, but it will show how the GCC's natural and historic commerce with Iran, combined with interlocking heritages, does facilitate activities that undermine both resolutions both intentionally, as well as inadvertently.

Furthermore, the GCC law-enforcement policy of using the South Asian immigrant workforce to complement policing activities in the maritime domain is an additional layer that undermines both resolutions. This policy is not designed to specifically degrade the effectiveness of UNSCR 1803 and 1929; however, through its implementation it inadvertently does. After a flourishing oil industry created a demand for workers, GCC countries developed a significant population that fits into this category. Some of these workers do find themselves in positions where both resolutions need to be proactively enforced on a daily basis. It is no fault of their own, but as a workforce they are not trained in the necessary enforcement skills needed to execute both resolutions, and in the most extreme example, some are not concerned about the overall goal that both resolutions were designed to accomplish.

As a byproduct of this multi-national immigration, networks were developed in the Arabian Gulf to facilitate the continual maritime drug trade that exists between the GCC and neighboring countries. These criminal structures directly weaken law enforcement efforts to support UNSCR 1803 and 1929. The demand in the GCC for illegal drugs is growing, and the supply is provided through trafficking networks that Ajam, Iranians, Pakistanis, GCC citizens, and other Arab nationalities all coordinate.

Through established linkages between supplier, trafficker, and distributor, the ability to enforce both resolutions is challenged from the beginning because outlawed material can simply follow the routes that are coordinated within these illegal drug networks, or they can simply be trafficked through criminal organizations that operate in the Arabian Gulf maritime domain.

#### **D. SOURCES AND METHODS**

This thesis is a result of two years of fieldwork conducted by the author in the GCC supporting UNSCR 1803 and 1929. Based on a lack of published information and research pertaining to the enforceability of these resolutions at the various levels of law enforcement, as well as within the different sections of maritime shipping, much of the primary evidence presented comes from firsthand accounts based on supporting the U.S. Navy's Maritime Domain Awareness mission. This is mostly the case in those sections where cultural identity undermines the effectiveness of both resolutions, as well as with the section pertaining to the illegal drug trade. This strategy results in a unique opportunity: the marriage of scholarship with international policing at the street level in order to determine the effectiveness of an international policy. Additional sources used in this thesis come from published books and journals on the historic maritime trade in the Arabian Gulf, as well as from similar works that relate to identity and the GCC's history as it relates to Iran. In regard to maritime shipping and violations of UNSCR 1803 and 1929, information provided came from journal articles, news reports, and official U.S. government documents from the Congressional Research Service, U.S. Department of Treasury, and other agencies. Of additional importance was the use of certain Arab media as it relates to security concerns in the GCC, as well as information that Arabian Gulf research centers provided on illegal drug networks.

#### **E. THESIS OVERVIEW**

This thesis focuses on the enforcement vulnerabilities of UNSCR 1803 and 1929 in the Arabian Gulf maritime domain. To support the arguments presented, Chapter II of this thesis will provide an overview of the historic maritime trade in the Arabian Gulf, specifically the developed links between Iran and the GCC. Chapter III of this will

examine the identities that emerged as a result of trade and oil development in the GCC. Additionally, Chapter III will examine incidents where identity has inadvertently, as well as intentionally, undermined the enforcement of UNSCR 1803 and 1929. Chapter IV examines the maritime smuggling networks that exist in the Arabian Gulf, as well as the overall drug trade atmospherics that exist in the region and their role in undermining both resolutions. Chapter V will discuss the use of sanctions as an enforcement tool within a nation's choices for using force in order to guarantee compliance, as well as discuss the policing mechanisms associated with UNSCR 1803 and 1929 that are needed to overcome trade links and identity. To conclude, Chapter VI will summarize the key points from each proceeding chapter in order to support the arguments presented in this thesis.

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## **II. MARITIME TRADE IN THE ARABIAN GULF'S HISTORY**

This chapter examines the multinational characteristics of the Arabian Gulf maritime trade industry in a historical context. Over generations this merging of nations led to the creation of Arab social and cultural linkages with not only the countries of the greater Indian Ocean, but with the Islamic Republic of Iran as well. The most germane to UNSCR 1803 and 1929 are the connections that exist with Iran, connections that remain strong to the present day. From this research, it will be shown that the historical level of maritime interactions between the GCC and Iranian lands are so pronounced, that it makes modern GCC law enforcement efforts in policing UNSCR 1803 and 1929 an extremely challenged, and sometimes impossible, endeavor. The Arabian Gulf is historically a focal point for maritime trade between the GCC and the Islamic Republic. If a U.N. resolution is issued that attempts to thoroughly police that trade, then the everyday benign shipping transactions are now viewed through a criminal lens. This implementation of an unnatural policy results in port workers, maritime shipping companies, and even local port authorities arguing that both resolutions hinder the normal profit-making aspects of their regional maritime economy.

### **A. OVERVIEW OF ARAB-IRANIAN MARITIME TRADE**

Throughout history, the traditional dhow fleets of the Arab Peninsula and Persian lands participated together in a robust regional trade. As time progressed, the maritime transportation of goods began to include the use of modern merchant vessels; however, many sailors held-fast to the classical modes of Arabian Gulf seafaring. Regardless of the means of travel, maritime trade in the region did connect Arab traders and merchants with their Persian equivalents. In his book *Monsoon*, Professor Robert Kaplan emphasizes the historic maritime connections of the GCC countries with the greater Indian Ocean through his description of the region as being “a world of trade.” Kaplan

further describes that within this framework, Arab and Persian traders “mingled together to do business” in a structure of different “civilizations.”<sup>7</sup>

Dr. Lawrence Potter, an Arabian Gulf historian, argues that “for millennia” the countries surrounding the Gulf have been interconnected through extensive maritime trade networks. This combining of cultures led to a seafaring identity that involved the “interchange of people, commerce, and religious movements.”<sup>8</sup> This description of Gulf maritime activity has survived to the present day, and shows no signs of diminishing. A person need only take a couple of steps in a GCC port to hear the language of their Persian neighbor conducting business transactions prior to loading either an indigenous dhow or modern cargo vessel.

Maritime economics scholar Dr. Martin Stopford explains that the Arabian Gulf is part of the larger Indian Ocean maritime territory, which connects the Arabian Peninsula and Iran to India, Pakistan, and the Eastern countries of Africa. The Gulf’s primacy as a center for maritime trade emerged approximately five thousand years in history through the sea routes that encircled modern day India, Iran, Iraq, and Bahrain. During this period, the trade commodities of choice were oils, dates, and copper. This market flourished because of the Gulf’s geographical features of being a protected coastal area. Optimistic of the benefits of a developed maritime trade network, the Persian Empire ultimately established a direct link from the Arabian Gulf region with the greater Mediterranean Sea.<sup>9</sup> During the Persian Achaemenid period, the southern borders of their territory straddled the lines of what would now be considered the ports of Kuwait.<sup>10</sup>

Many scholars point to the impact of Persian shipping on the Arabian Gulf as a clear indication that maritime trade between the coastlines flourished. During the Sassanian period, Persian vessels conducted circular trade routes that transported their crew and cargo to modern-day Iraq, the GCC countries, and across the Straits of Hormuz.

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<sup>7</sup> Robert Kaplan, *Monsoon: The Indian Ocean and the Future of American Power* (New York: Random House, 2010), 22–27.

<sup>8</sup> Lawrence G. Potter, *The Persian Gulf in History* ed. Lawrence G. Potter (New York: Palgrave Macmillan, 2009), 1.

<sup>9</sup> Martin Stopford, *Maritime Economics*, 3rd ed. (New York: Routledge, 2009), 7, 362–364.

<sup>10</sup> Michael Axworthy, *Empire of the Mind: A History of Iran* (New York: Basic Books, 2008), 11.

Of most significance was the Sassanian influence that developed within the borders of Oman, where maritime characteristics from antiquity can still be found.<sup>11</sup> Other scholars assert that Persian control over maritime activity in the Arabian Gulf was so powerful that their empire established successful trading ports on both sides of the Gulf.<sup>12</sup> Late 19th century traveler reports indicate evidence of Arab-Persian maritime connections being found as far away as the East African nations where the “fishermen are of Arab descent, the cultivators Persian.”<sup>13</sup>

According to Middle East historian, Dr. John Townsend, the influence of the Persian Empire in Arabia is evident through the complex network of a “Persian irrigation system” that is present in Oman today. Furthermore, Dr. Townsend states that when the Portuguese navy embarked on a conquest of Oman in the 16th century, many indigenous Omanis gave tribute and “allegiance to a Persian orientated monarch,” and later generations still felt as though some Omani citizens were ideologically torn between their homeland and Persia. One of the primary reasons for this connection was maritime trade. According to Dr. Townsend, in the early 1800s the Imam of Oman desired to “expand Oman’s trade and influence, not hesitating to use force against the Persian coast when he thought it would strengthen his argument.”<sup>14</sup>

Dr. Hala Fattah builds on these historic Arab and Persian linkages in her book *The Politics of Regional Trade*, wherein she states that in the mid-18th and early 19th centuries, the Northern Arabian Gulf was a “regional market” that included Basra, Iraq, Kuwait, and Southwest Iran (Arabistan). The ports in this region were known as loading centers for cargo destined for India. Furthermore, Dr. Fattah argues that many scholars

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<sup>11</sup> H.M. al-Naboodah, “The Commercial Activity of Bahrain and Oman in the Early Middle Ages,” *Proceeding of the Seminar for Arabian Studies* 22 (1992): 81; Bertold Spuler, “Trade in the Eastern Islamic Countries in the Early Centuries” in *Islam and the Trade in Asia* ed. D.S. Richards (Philadelphia: University of Pennsylvania Press, 1970), 14.

<sup>12</sup> Andrew Williamson, “Persian Gulf Commerce in the Sassanian Period and the First Two Centuries of Islam,” *Bastan Chenasi wa Honar-e-Iran* 9–10 (1992): 97–109.; Touraj Daryaee, “Bazaars, Merchants, and Trade in Late Antique Iran,” *Comparative Studies of South Asia, Africa, and the Middle East* 30, no. 3 (2010): 405–409.

<sup>13</sup> A.W. Stiffe, “Former Trading Centres of the Persian Gulf,” *The Geographical Journal* 13, no. 3 (1899): 294.

<sup>14</sup> John Townsend, *Oman: The Making of the Modern State* (London: Croom Helm, 1977), 26–27, 38–41.

view the Northern Arabian Gulf as being divided through man-made barriers; however, these judgments ignore what she references as the broader context where the interaction was so strong between Arabs and Persians that a phenomenon of “social and commercial links” developed.<sup>15</sup> These commercial ties remain steadfast, as it is a daily occurrence to see an Iranian cargo vessel loading and unloading various goods in a GCC port for transport to the Islamic Republic.

Years have passed since this time period; however, the circular maritime trade route in this region still exists, and it is because of this continuance, that cargo is transported from the GCC countries to Iran on a daily basis. Yet this benign trade industry does create avenues for illicit cargo to integrate itself with legitimate cargo. Some scholars assert that in today’s global society, illicit networks have morphed into those that would be considered legitimate. In a recent article in *Asia Pacific Defense Forum*, it is argued that many illicit networks operate in the same manner that a global corporation would through influence in “transnational supply chains.” The same article states that it would benefit international law enforcement if attention was placed on those sections of the shipping and transportation processes that play both a legitimate, as well as suspect, role in facilitating the movement of illicit goods.<sup>16</sup> Meaning, not only should law enforcement focus efforts on a vessel’s cargo, but also on the structures of a port system where criminality may co-exist with benign trade transactions: company executives, shipping agents, etc. This concept has merit in regards to UNSCR 1803 and 1929, and should be implemented in the GCC; however, this tactic directly contradicts and disrupts the historic trade connections that existed between the GCC and Iran prior to the implementation of both resolutions.

In his studies on maritime trade in the Arabian Gulf via the traditional dhow fleet, Dr. Dionisius Agius states that the maritime trade centers and ports of the region consisted of different cultures and nationalities. Arabs who participated in maritime trade began to merge with those of the same occupation from other countries, ultimately

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<sup>15</sup> Hala Fattah, *The Politics of Regional Trade in Iraq, Arabia, and the Gulf: 1745–1900* (Albany: State University of New York Press, 1997), 1.

<sup>16</sup> Gretchen Peters and Charles Gardner, “Breaking Supply Chains: New Tactics to Combat Illicit Trade Target Network Infrastructures,” *Asia Pacific Defense Forum* 37, no.4 (2012): 36-39.

creating a mix of identities working together to further maritime trade. Some of the prominent nationalities were Iranian and Indian. As time progressed, those small inlets and harbors where the goal of commerce was priority, were transformed into the modern port structures of the GCC.<sup>17</sup> For example, Shuwaikh Port in Kuwait where passenger and general cargo vessels transit the Arabian Gulf to Iran's northern ports on a weekly basis, as well as Jebel Ali in Dubai where general cargo is re-exported to the central and southern Iranian ports. Yet, with the development of modern port authorities and megaports, the small dhow harbor still exists. For example, Doha Port in Kuwait on-loads and offloads Iranian dhows twice a day, and Deira Creek heavily services the dhow fleets of Iran and India. Regardless of size, both types of GCC maritime centers are equally vulnerable to being criminally, as well as governmentally, exploited.

For example, in 2011 Mohammed Reza Vaghari was convicted for illegal trade activities with Iran between 2005 and 2008. Primarily Vaghari was involved in exporting restricted technology via his U.S. company to shipping companies in the larger Dubai ports that were operating as front companies for the Iranian government.<sup>18</sup> In another incident described in *Arabian Business*, Iran has developed a successful means around international sanctions. Reportedly, gold is shipped from Turkey to Iran at a rate of several million USD per month via Dubai. Analysts opine that this activity assists Iran's economy because it gives the Iranian government another path around the banking restrictions of UNSCR 1803 and 1929. Allegedly, the smuggled gold is transported from Dubai to Iran via the indigenous dhow fleet and smaller cargo vessels that cross the Arabian Gulf daily.<sup>19</sup>

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<sup>17</sup> Dionisius Agius, *Seafaring in the Arabian Gulf and Oman: The People of the Dhow* (London: Routledge, 2005), electronic Kindle edition.

<sup>18</sup> Federal Bureau of Investigation, "Broomall Man Convicted of Illegal Trading with Iran," U.S. Attorney's Office *press release*, February 24, 2011. <http://www.fbi.gov/philadelphia/press-releases/2011/ph022411.htm>. U.S. District Court, Memorandum in regard to Mohammad Vaghari, July 7, 2010, accessed November 13, 2012, <http://www.paed.uscourts.gov/documents/opinions/10D0649P.pdf>.

<sup>19</sup> Reuters, "Turkish Gold Trade Booms to Iran, via Dubai," *Arabian Business*, October 29, 2012, accessed December 18, 2012, <http://www.arabianbusiness.com/turkish-gold-trade-booms-iran-via-dubai-477820.html>.

## B. GCC COUNTRY PERSPECTIVES

When examining the maritime history of the GCC countries individually, Arabian Gulf maritime scholars state that in the mid-1950s Kuwait emerged as a regional trade center with activity traversing to Iran, and as far away as India. Like the structure of ports worldwide, the immigration of permanent and transient workers increased in Kuwait, which led to the maritime community becoming diverse “ethnically, religiously, and culturally.” Many of those who arrived originated in Iran, and traveled to Kuwait to participate in the growing maritime opportunities. Common to many of the new Iranian immigrants, some also arrived with their religious belief in Shia Islam, which is the minority faith in Kuwait. By the 1990s, the majority of trading dhows that were found in Kuwaiti harbors were Iranian flagged.<sup>20</sup> This amount has ebbed and flowed through time as regional conflicts occurred, but today in Kuwait an entire port is dedicated to the Iranian dhow community. Twice a day with the tide, dhows transporting agricultural products, fish, and small general cargo arrive from Iran, and subsequently depart with goods for the Iranian market.

When looking at the historic and recent events in Bahrain that center on Iran and Shi'ism, it is difficult to believe that a maritime trade economy between the two countries would exist. In his book on Bahrain's military, Sheikh Hamad bin Isa al-Khalifa emphasizes this point through descriptions of maritime conflicts that occurred between Arab and Persian commanders, which ultimately established an Arab footprint on the Persian side of the Arabian Gulf after several Arab victories.<sup>21</sup> 19th century Western military journals point to evidence of Persian architecture on Bahrain that is articulated as being from Persian Empire control of the Island in the 16th century.<sup>22</sup> Yet, pearl fields located between Bahrain and the Iranian coast brought the two regions together. Arabs living on the Persian side of the Gulf would travel to Bahrain to participate in the growing pearling trade. This market further led to an influx of Iranian Shia into Bahrain,

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<sup>20</sup> Agius, *Seafaring*, electronic Kindle edition.

<sup>21</sup> Hamad Bin Isa al-Khalifa, *First Light: Modern Bahrain and its Heritage* (London: Kegan Paul International, 1994), 9–10.

<sup>22</sup> A.W. Stiffe, “Ancient Trading Centres of the Persian Gulf: VII Bahrain,” *The Geographical Journal* 18, no. 3 (1902): 292.

as well as led to the departure of tribal Arabs and “Arabized Iranians” who left Bahrain to establish maritime trade links in Southern Iran. Today, evidence of this multi-national and multi-ethnic interconnectedness is visible in Bahrain’s local dhow fleet, which travels to Iran extensively via a circular course from Qatar and Dubai transporting cargo that is being re-exported to Iran from the larger shipping vessels.<sup>23</sup>

According to the book *Cargoes of the East*, the dhow fleets of Saudi Arabia in the 1970s participated heavily in trade with Iran of everything from electronics to luxury cars as part of efforts to get banned goods to buyers in the Islamic Republic. During the same period, Iranian dhows would cross the Arabian Gulf carrying slabs of stone that would be used in Saudi construction, as well as illegal immigrants who would be used in the GCC labor force.<sup>24</sup> All three activities are still practiced today. Throughout the GCC dhows depart daily carrying goods that are needed in Iran. The majority is harmless, but it is that 1% that could be used for purposes documented under UNSCR 1803 and 1929. In his study on Iran’s Islamic Revolutionary Guard Corps, Emanuele Ottolenghi describes this as “separating diapers from missiles.”<sup>25</sup>

In regard to Qatar, prominent maritime scholars state that the dominant feature of the various Qatari ports is the large presence of Iranian dhows, followed second by those from India and Pakistan carrying benign general cargo. Yet scholars further explain that it is common for some of the dhows to transport large automobiles to ports in Iran.<sup>26</sup> Scenarios like this are where the routine trade that is common to the Arabian Gulf straddles the line of being illicit cargo. UNSCR 1803 and 1929 are specific in their sections about what material needs to be monitored to ensure the end-user is not an entity affiliated with Iran’s nuclear program or military. Even though it may seem benign, automobile engines and parts could be diverted and used in Iranian military equipment. If one were to examine the actual amount of maritime trade that occurs between the two

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<sup>23</sup> Agius, *Seafaring*, electronic Kindle edition.

<sup>24</sup> Esmond B. Martin and Chrysssee P. Martin, *Cargoes of the East* (London: Elm Tree Books, 1978), 199, 224.

<sup>25</sup> Emanuele Ottolenghi, *The Pasdaran: Inside Iran’s Islamic Revolutionary Guard Corps* (Washington D.C.: FDD Press, 2011), electronic Kindle edition.

<sup>26</sup> Agius, *Seafaring*, electronic Kindle edition.

countries, the vulnerabilities in enforcing both resolutions would easily be observed. According to Dr. Nader Habibi of Brandeis University, in the mid-1990s Qatar exported to Iran approximately 1 million USD worth of goods. In 2008 that number rose to 76 million USD, and subsequently dropped in 2009 to 52 million USD.<sup>27</sup>

The ports of the United Arab Emirates are known in the maritime community for their abundance of international interaction via shipping; however, this characteristic has also led to the ports being quite notorious in law enforcement communities. In Dubai, vessels flagged in China, Russia, and various African nations are found unloading large amounts of containers for the domestic market, as well as for re-export. Historically, the various Emirates were known for their extensive trading networks that emerged from their coastlines. Other than basic transactions of general cargo, these maritime communities also based their economies on fishing and pearling, with ports in Iran being key trading partners. For example, Emirati dhow fleets conducted regular port calls in Iran's Bandar Abbas for cargo exchanges.<sup>28</sup> These Arab-Iranian transactions continue today; however, their benign nature can lead to Iranian government exploitation. For example, in 2011, the U.S. Department of Treasury issued restrictions on the Iranian company Tidewater Middle East Co. because Iran's Islamic Revolutionary Guard Corps owns and operates the maritime activities of that company. One of the ports Tidewater controls is Shahid Rajaei Container Terminal in Bandar Abbas. In recent years several incidents have occurred where foreign law enforcement outside of the Arabian Gulf have interdicted several vessels for transporting Iranian weapons in violation of Iranian sanctions. During those incidents, all of the arms related material was loaded in Bandar Abbas for ultimate delivery to conflicts in the Levant.<sup>29</sup>

In the early 1900s, many Persian maritime traders and merchants departed Iran and came to Dubai because of it being a major part of Arabian Gulf trade. One location

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<sup>27</sup> Nader Habibi, "The Impact of Sanctions on Iran-GCC Economic Relations," *Middle East Brief* 45, (2010): 5-6.

<sup>28</sup> Agius, *Seafaring*, electronic Kindle edition.

<sup>29</sup> U.S. Department of Treasury, "Fact Sheet: Treasury Sanctions Major Iranian Commercial Entities," June 23, 2011, accessed January 25, 2012, <http://www.treasury.gov/press-center/press-releases/Pages/tg1217.aspx>.

in particular that caters to the international trading vessel fleet is Dubai's Deira Creek. This location is known as being a bustling maritime center where dhows from not only Iran are found, but also Pakistan, India, Somalia, and Yemen. According to Dr. Dionisius Agius, these fleets are lifelines for the "trade links between the impoverished non-Arab communities of other countries," where everything from electronic equipment to building supplies are transported to the Persian side of the Arabian Gulf through smuggling networks of various nationalities. Dr. Agius states that many Iranian seafarers in Dubai conduct transactions in basic Arabic, which represents the "cross fertilization of ideas as a result of the settlers interacting with their neighbors" in the Arabian Gulf.<sup>30</sup>

Karim Sadjadpour of the Carnegie Endowment for International Peace argues that Dubai's main challenge in regard to Iran is the historical trade and immigration ties that exist between the two regions. That same security challenge is shared throughout the GCC since trade relations with Iran are common in the Arabian Gulf. This intertwining makes it difficult to enforce resolutions like UNSCR 1803 and 1929, which are heavily focused on maritime economic activities. Additionally, many GCC law enforcement personnel do not see the reasoning behind sanctioning efforts because they are accustomed to maritime trade with Iran for generations. Sadjadpour further asserts that for years more progressive Iranians have moved to Dubai to capitalize on the growing Dubai economy. With this expansion, Dubai has developed a community of businesses that are either partially Iranian owned or have a service that is associated with Iran, the dominant examples being those in the maritime shipping community.<sup>31</sup> This influx of Iranian economic activity creates opportunity for what some scholars argues is Iran's growing "influence" in Dubai.<sup>32</sup> Dr. Fatma al-Sayegh describes Dubai as being a place where not only Persians, but also Indian merchants, have extensively traded with Arabs, leading to no observable division based on identity or nationality. Maritime trade and

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<sup>30</sup> Agius, *Seafaring*, electronic Kindle edition.

<sup>31</sup> Karim Sadjadpour, "The Battle of Dubai: The United Arab Emirates and the US-Iran Cold War," *The Carnegie Papers Middle East*, (2011): 4-7.

<sup>32</sup> John C. Shenna, "The Case Against the Case Against Iran: Regionalism as the West's Last Frontier," *The Middle East Journal* 64, no. 3, (2010): 349.

seafaring united populations to the point where intermarrying occurred between people of separate national identities.<sup>33</sup>

Middle East scholar Ian Skeet states that in Oman there is a class of merchants that live with a dual heritage of being Omani Ajam. As mentioned in Chapter I of this thesis, the Ajam community consists of Arabs that have extensive familial, social, and cultural links to Iran. In Oman these Ajam are even dual citizens, a scenario that is common in some GCC countries. Skeet further asserts that Iranian families have lived and assimilated into Omani society for generations.<sup>34</sup> Common to many Omani Ajam is a history, and current participation in, maritime trade. According to Dr. Dionisius Agius, in the early 1700s Persians attacked Oman, and after conquering Muscat, established trade links between Persia, the Arabian Peninsula, and the Red Sea. Further north on the Musandam Peninsula, fishing and transportation networks were established to link Arabia with Iran. In this region, mariners began to speak dialects of Farsi, indicating an emphasis on Iranians as trading partners. 19th century traveler reports describe a presence of Persian water-wheels in Oman, something that is attributed to Persian control of Oman in the 2nd century, as well as in the 1700s.<sup>35</sup>

In Sur, Oman the Arab-Iranian trade connections were so strong that in the mid-1800s Omani dhows spent part of the year moored in ports on the Iranian coast. Sur also became known as a launching port for goods arriving from India and Africa before being re-exported to Iran.<sup>36</sup> Dr. Beatrice Nicolini explains that many Baluch living in Oman transplanted from the Southern Iranian region many generations prior, and are now integrated into the Omani culture.<sup>37</sup> This characteristic holds true for other countries in the GCC as well. For example, in Kuwait many Baluch live in the Ahmadi region, which

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<sup>33</sup> Fatma al-Sayegh, "Merchant's Role in Changing Society: The Case of Dubai, 1900-90," *Middle East Studies* 34, no. 1 (1998): 88.

<sup>34</sup> Ian Skeet, *Muscat and Oman: the End of an Era* (London: Faber and Faber, 1974), 114, 191–192.

<sup>35</sup> Agius; Arthur W. Stiffe, "Ancient Trading Centres of the Persian Gulf: IV Maskat," *The Geographical Journal* 10, no. 6 (1897): 609, 614.

<sup>36</sup> Agius, *Seafaring*, electronic Kindle edition.

<sup>37</sup> Beatrice Nicolini, "The Baluch Role in the Persian Gulf During the Nineteenth and Twentieth Centuries," *Comparative Studies of South Asia, Africa, and the Middle East* 27, no. 2 (2007): 384–392.

is known for its connection to the port systems. These Baluchi families have integrated into Kuwait society for generations, and many work in Kuwait's bureaucracy and various ministries as full citizens of the country. In the late 1940s, Dr. Alan Villiers described Oman as a country where the individual port held over 100 dhows, many of which would travel to the ports of Lingeh and Qishm, Iran, and that "the flag of Iran" was commonplace aboard merchant fleets.<sup>38</sup>

Dr. John Duke Anthony states, "Iranians are among the most important in terms of their overall impact on the local societies" of Arabian Gulf countries. Dr. Anthony further explains that the Iranians found in the GCC are encompassed in three groups: Southern Iranians that have blended for generations into the local population, and have developed into the rich merchant class that is found throughout the GCC countries; Iranian Baluch, which primarily includes the labor force in some GCC countries; and Northern and Central Iranians, which includes merchants that work primarily in import and export businesses as managers, port workers, and stevedores. Anthony further argues that the ethnic and trade connections are so strong between the GCC and Iran that the Farsi language is routinely used as the language for business transactions and negotiations.<sup>39</sup> Like elsewhere in the world, the ports, harbors, and inlets of the GCC countries are a hybrid of nationalities. Yet, those maritime centers in the GCC are in a difficult position. Maritime trade between Arab countries and Iran has been present for generations, making it a natural activity for many in the GCC. How then do GCC governments and law enforcement agencies make the choice to proactively police UNSCR 1803 and 1929 when it contradicts common economic tendencies? As will be shown in the next chapter, those historic trade connections not only influenced the GCC maritime economies, but also led to hybrid identities and an influx of guest workers that directly impact the enforceability of UNSCR 1803 and 1929 today.

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<sup>38</sup> Alan Villiers, "Some Aspects of the Arab Dhow Trade," *Middle East Journal* 2, no. 4 (1948): 400

<sup>39</sup> John Duke Anthony, *Arab States of the Lower Gulf: People, Politics, Petroleum* (Washington DC: The Middle East Institute, 1975), 16–17, 164.

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### **III. ARABIAN GULF IDENTITIES**

Intertwined with trade is identity, which also challenges the enforcement of both resolutions. Examples of these obstacles can be found in the Ajam and South Asian communities. Some members of the Ajam community have intentionally not policed UNSCR 1803 and 1929 because of their social and ideological connections to Iran; an action that does contain specific pro-Iranian intent. Others within this community have created benign trade connections with Iran as part of historic and legitimate shipping networks, which does violate both resolutions inadvertently. Their transactions though, are without pro-Iranian intent, and are therefore free of culpability. The same is true for the South Asian immigrants, who arrived to accommodate the need for a workforce to complement the GCC's developing oil industry; however, this need led to unintentional obstacles in enforcing both resolutions in the various GCC port systems.

The identities that comprise the culture of the Arabian Gulf maritime domain are diverse. Dhow crews routinely consist of Iranians, Indians, Pakistanis, Africans, as well as Arabs from outside of the Gulf. Local GCC residents of Arab origin, the Ajam community, Westerners, and Indians routinely form the nucleus of the maritime shipping industry at the corporate level. As stated previously, this thesis only focuses its attention on the Ajam community at the law enforcement and business levels, and the South Asian workforce at the basic enforcement level. It is impossible to reduce problems in enforcing UNSCR 1803 and 1929 to single entities because political events and national policies have an influence on policing within a nation as well; however, this thesis only focuses its attention on those characteristics that predominately stand out as enforcement obstacles in the maritime domain.

#### **A. THE AJAM COMMUNITY**

Dr. Shahnaz Nadjmabadi states that a comprehensive picture of the Ajam population in the GCC requires an examination of the Shia sect of Islam in modern GCC society, since overwhelmingly the Arab Sunni population views Shi'ism and the Ajam as

synonymous.<sup>40</sup> It is this link between the Ajam, Shi'ism, and roots in Iran that leads to suspicion within GCC law enforcement about some members of the Ajam populace and their loyalty. Furthermore, it is the purposeful illegal acts of some members of the Ajam population that exaggerates those suspicions. For example, in 2010, the U.S. Department of Justice brought charges against Mahmoud Reza Banki, a naturalized U.S. citizen, for making illegal money transfers to Iran via an informal network outside normal banking. Reportedly, for three years Banki used the hawala system, which is common in the Middle East, to collect funds in one country and subsequently disperse the values of those funds in Iran. One piece common to the hawala system is the concept that money never physically transfers over borders; it is simply dispersed based on the amount given in another country. According to reports, Banki solicited money from residents of Kuwait, as well as other Gulf countries, for distribution to undisclosed assets in Iran.<sup>41</sup> Several Ajam residing in the United States and the GCC were identified as being co-conspirators in Banki's illegal activity.<sup>42</sup>

Dr. Nadjmabadi further argues that a complete understanding of Iran today cannot be fully accomplished without understanding Iran's strong social relationship to the GCC countries, thereby stressing the influence of this link between religion, ethnic population, and Iran,<sup>43</sup> The same argument can be made about the GCC's history; it cannot be fully understood without examining those GCC citizens that have a strong social and cultural bond to Iran. As many Ajam and Arab citizens emphasize today, the GCC countries are a window for Iran to the rest of the world because of their intertwined history, and many residents in the GCC fully accept this characteristic as part of their known past.

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<sup>40</sup> Shahnaz Razieh Nadjmabadi, "The Arab Presence on the Iranian Coast of the Persian Gulf," in Lawrence G. Potter (ed.), *The Persian Gulf in History* (New York: Palgrave MacMillan, 2009), 140.

<sup>41</sup> U.S. Department of Justice, "Manhattan U.S. Attorney Charges Management Consultant for Criminal Violations of Iran Trade Embargo," *press release*, January 7, 2010, <http://www.justice.gov/usao/nys/pressreleases/January10/bankimahmoudrezaarrestindictmentpr.pdf>.

<sup>42</sup> Benjamin Weiser, "To Defendant, a U.S. Success Story; to Prosecutors, a Money Broker to Iran," *New York Times*, May 12, 2012, accessed November 12, 2012, [http://www.nytimes.com/2010/05/13/nyregion/13hawala.html?\\_r=0](http://www.nytimes.com/2010/05/13/nyregion/13hawala.html?_r=0).

<sup>43</sup> Nadjmabadi, *Arab Presence*, 129.

Much of the GCC's Ajam population left Iran within the past 200 years. Some of those families who arrived brought with them their skill-set in maritime trade, something that is still prevalent in the present Ajam generation.<sup>44</sup> Regardless of the reason for immigration, what developed from this initial arrival was a class of people in the GCC that have both a religious tie through Shi'ism, as well as an economic connection to Iran through business transactions. Yet, the interconnectedness between Iran and the GCC created the foundation for the security challenges that exist in the Arabian Gulf maritime domain today. One of those families that arrived during these times of Iranian to Arab migration, and is still prominent today, is the al-Ma'rafis of Kuwait. Like many from Iran, the al-Ma'rafis came to Kuwait to capitalize on economic opportunities that were non-existent in Iran.<sup>45</sup>

Other influential Ajam families present in Kuwait today, like the Ashkanani, Dashti, and Bahbahani, came to Kuwait for similar economic reasons, while other families fled Iran after unfavorable agriculture conditions hit the Persian lands.<sup>46</sup> It is reported that a great drought hit Iran, which forced many Iranians to the GCC in order to find opportunities in the growing business and trade sectors of their economies.<sup>47</sup> As time progressed other Iranians came to the GCC in order to escape crippling government regulations on trade that the Pahlavi dynasty established, allowing many new arrivals to find employment in the blossoming oil production industry of the GCC countries, as well as in the developing national bureaucracy.<sup>48</sup> Regardless of the specific employment field, through subsequent generations those newly arrived Iranian families began to absorb into their new Arab societies, finding permanent positions in the police, military,

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<sup>44</sup> Laurence Louer, *Transnational Shia Politics: Religious and Political Networks in the Gulf* (New York: Columbia University Press, 2008), 46–47.

<sup>45</sup> Sami Naser al-Khaldi, *The Islamic Parties in Kuwait: The Shias, the Muslim Brotherhood, the Salafis* (Kuwait: 1999), 91.

<sup>46</sup> Hanan Taqi, "Two Ethnicities, Three Generations: Phonological Variation and Change in Kuwait" (PhD diss., New Castle University, 2010), 9, 14.

<sup>47</sup> Louer, 48.; Nelida Fuccaro, "Mapping the Transnational Community: Persians and the Space of the City in Bahrain, 1869-1937," in Madawi al Rasheed (ed.), *Transnational Connections and the Arab Gulf* (London: Routledge, 2005), 45.

<sup>48</sup> Louer, 48–49.; M Reza Ghods, "Government and Society in Iran, 1926–34," *Middle Eastern Studies* 27, no. 2 (1992): 223-226.

and as leaders of multi-national corporations involved in maritime trade. According to Arabian Gulf historian J.E. Peterson, in Oman the Ajam have come to marry citizens with Arab identities taking “Arab names” for their family.<sup>49</sup>

Using Kuwait as an example, some scholars argue that historically Kuwait was a center for Persian immigration because its location in the Northern Arabian Gulf made the nation a hub for trade and fishing.<sup>50</sup> Today, that historic influence is still present as Kuwait runs a complex maritime system that consists of three major trading ports, all of which are heavily involved with Iranian imports and exports. As previously mentioned one of those newly arrived Iranian Ajam families that established roots in Kuwait’s port system is the Dashti family who are heavily involved in shipping between Kuwait and Iran. Their family business KGL is highly successful in this arena; however, that success came at the expense of UNSCR 1803 and 1929 because of their joint business venture with a sanctioned Iranian shipping company that these resolutions targeted.<sup>51</sup>

Middle East scholars Graham Fuller and Rend Francke advise that the Ajam in Kuwait are routinely a part of the corporations that are involved in international trade with Iran, and describe those business relationships as being strong.<sup>52</sup> It is these large-scale maritime trade corporations that exist as a bridge between Iran and Kuwait that present a major challenge for enforcement agencies who are trying to limit Iranian activity. For example, national security analyst Anthony Cordesman states that the Kuwaiti government has made it their foreign policy platform to work with the Iranian government as opposed to confrontation, as well as attempted to increase imports and exports between the two countries. Reports indicate that in the early 1990s Kuwait imported a large amount of products from Iran, and the amount has only increased since then. In 2004, the number of exports to Iran reached 4.5 million Kuwaiti Dinar, and the

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<sup>49</sup> J.E. Peterson, “Oman’s Diverse Society: Northern Oman,” *Middle East Journal* 58, no. 1 (2004): 45.

<sup>50</sup> Taqi, “Two Ethnicities,” 4, 9–12, 14.

<sup>51</sup> Claire McCaskill, Official correspondence from U.S. Senate Committee on Homeland Security and Governmental Affairs to Office of the Secretary of Defense, April 8, 2011.

<sup>52</sup> Graham E. Fuller and Rend Rahim Francke, *The Arab Shi’a: The Forgotten Muslims* (New York: St. Martin’s Press, 1999), 155–157, 174.

number of imports reached as high as 35.3 million Dinar, placing Iran as Kuwait's number seven trading partner worldwide.<sup>53</sup>

Adding to the challenge of economic ties, it is reported that from 1965 to 1970 the number of Iranian citizens that moved to Kuwait increased from approximately 31,000 to 39,000 as a result of Kuwait's modernization from oil revenue; however, this rise in foreign population created a scenario that some Middle East scholars describe as being "dangerous" for overall security.<sup>54</sup> Regardless of the reason for their departure from Iran, the Ajam in Kuwait have maintained a cultural hold on their former homeland. Dr. Laurence Louer argues that for some, the personal Ajam identity is heavily reliant on this link to Iran, to the point that their spiritual Shia guidance is also centered in the teachings of Iranian religious leaders. With this connection, some Ajam make specific choices to ensure that their Iranian link is never severed. For example, some marry Persians who physically live in Iran, others maintain seasonal homes in Iran, and several escape to Iran during times of crisis in an Arab Gulf country, while some make Farsi the language of the household.<sup>55</sup> A Kuwaiti news publication depicts the commonality of this travel best in a recent article in which it reports that in 2011, approximately 45,000 Kuwaitis traveled to different parts of Iran, which is an "indication of deep-rooted brotherly ties between the two countries."<sup>56</sup> As the research in this thesis shows, that travel creates another challenge for those in Kuwait's security services in maintaining the domestic stability of their nation, as well as directly creates vulnerabilities in protecting US assets and interests in the Arabian Gulf.

As stated previously, one result of Ajam families in the GCC maintaining a grip on their Iranian past is contact with relatives living on the Persian side of the Arabian

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<sup>53</sup> Anthony H. Cordesman, *Kuwait: Recovery and Security After the Gulf War* (Oxford: Westview Press, 1997), 15, 61; Lucy Dean, *The Middle East and North Africa 2004* (New York: Taylor & Francis, 2004), 697.

<sup>54</sup> Walid Elias Moubarak, "Kuwait's Quest for Security: 1961–1973" (PhD diss., Indiana University, 1979), 132–134, 137.

<sup>55</sup> Louer, *Transnational Shia Politics*, 47.

<sup>56</sup> Arab Times, "45,000 Kuwaitis Visited Iran in '11," *Arab Times Online*, February 2012, accessed October 29, 2012, <http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/179388/reftab/96/Default.aspx>.

Gulf. Dr. Shahnaz Nadjmabadi uses the example of one Arab family residing for several generations in Iran, and during a tumultuous period following the Islamic revolution in 1979, some of the family members returned to the Arab side of the Gulf, while others stayed in Iran, married into Persian families, and converted to Shi'ism.<sup>57</sup> Dr. William Beeman describes this phenomenon as a “Khaliji” or “Gulf Community” that has cemented the Arab and Persian sides of the Gulf through generations of experience; creating an identity that supersedes individual nationalities. This idea is fully evident when one hears “Khaliji” dialect of Arabic being spoken with a blend of Farsi; something that developed over years of maritime trade between the two regions facilitated through traditional dhow travel.<sup>58</sup>

Dr. Beeman provides further evidence of this cross border family linkage with the example of the Iranian Karmati family that through marriage extended their lineage directly to Bahrain. Another example Dr. Beeman offers is the Khamadi family from Iran, which has one brother working in Dubai, one in Oman, one in Kuwait working in the oil industry, and one living in Iran as a maritime trader with Dubai. It is family networks like the aforementioned that make enforcing security resolutions involving Iran extremely difficult, and therefore, increasing the level of suspicion among Sunni government authorities about where national loyalty is centered. How do state security services convince family members to support UN decisions over potential financial gains through family trade? Obviously, this concern is not centered on the entire Ajam population as a whole; however, there are members of the Ajam community where this suspicion is warranted. Dr. Beeman provides insight into the potential obstacles and challenges with his statement, “the strength of the economy and social fabric of the region depends on this freedom of interchange” between Iran and the Arabian countries.<sup>59</sup>

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<sup>57</sup> Nadjmabadi, *Arab Presence*, 139.

<sup>58</sup> William O. Beeman, “Gulf Society: An Anthropological View of the *Khalijis*—Their Evolution and Way of Life,” in Lawrence G. Potter (ed.), *The Persian Gulf in History* (New York: Palgrave MacMillan, 2009), 148–149.

<sup>59</sup> *Ibid.*, 155–157.

If being of Iranian heritage is one part of the Ajam identity, the other part of Shi'ism creates its own set of challenges. Some scholars argue that in GCC countries where power and influence is in the hands of those that follow the Sunni sect, absorbing into GCC society is difficult for the Shia.<sup>60</sup> Of course the level of non-integration varies from each GCC country to the next, as well as from each family to the next. For example, in Bahrain Shia integration into the state system is difficult; however, in Kuwait it is common to see an Ajami Shia working as a business executive or as a member of the Kuwait military. It is further asserted that in order to bring the Shia into society's fold, Sunni led governments need to embark on a path of making their nation equal to both sects. The problem that develops is the potential for Iranian influence to spread if Sunni governments continue to marginalize the Shia populations. To counter the marginalization that is created, Drs. Fuller and Francke argue that the Shia population needs to have the same opportunities and representation as that of the Sunni population.<sup>61</sup> The problem with this argument is that it requires Gulf security services to overcome the suspicion that is created when an Ajam member of the population violates the law in favor of Iranian entities, something that has occurred in the GCC to the detriment of the internal security. For example, according to a U.S. Congressional Research Service report several members of a GCC military were arrested for conspiring to sabotage Arab industrial and energy complexes.<sup>62</sup>

Furthermore, Drs. Fuller and Francke assert that when some members of the Shia population embark on a path of voicing their frustrations of inequality *vis-à-vis* the Sunni population, the nation's security services assume that they are acting as a domestic destabilizing force.<sup>63</sup> Using Kuwait again as an example, those accusations and suspicions originate from travesties that occurred in Kuwait during the Iran-Iraq war when Kuwait was exposed to several Iranian influenced terrorist attacks because of Kuwait's support to Iraq. It is because of these suspicions that some scholars believe that

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<sup>60</sup> Fuller and Francke, *The Arab Shi'a*, 33–34.

<sup>61</sup> Ibid.

<sup>62</sup> Kenneth Katzman, "Kuwait: Security, Reform, and US Policy," *Congressional Research Service Report for Congress* (Washington, DC: June 2012), 19.

<sup>63</sup> Fuller and Francke, *The Arab Shia*, 35.

Shia do not rise to senior ranks in the military or security forces and are prohibited from sensitive positions; however, in Kuwait, this is not the case.<sup>64</sup> The threat is compounded when added with what Drs. Fuller and Francke assert is the Iranian government's continual involvement with Shia populations outside of Iran, increased domestic political involvement among Shia young because of feeling disassociated with society, as well as what Dr. Matthew Levitt states is Iran's intelligence service continual use of "clandestine assets abroad."<sup>65</sup>

Dr. Jill Crystal states that in the mid-1970s, approximately 30 thousand Iranians had resettled in Kuwait. As the Iranian regime under the Shah of Iran toppled, bringing in the era of Ayatollah Khomeini, many of those Iranians living in GCC countries began to openly display their support for the new regime. These new Ajam became politically involved in the events of Iran, something that is seen today in the GCC countries as many Ajam are active in the politics of Iran through voting in their elections. To lower the risk posed by some of this new population, GCC governments began to prevent some Shia from not filling certain government positions that were considered "sensitive". This policy decision was emphasized even more when, as Dr. Crystal explains, several suspects in a 1980s attack on Kuwait's oil industrial area were identified as being from the aforementioned Ajami Dashti family.<sup>66</sup> Over time though, the removal of Shia from "sensitive" positions diminished, as seen in recent years with the assigning of Shia to positions in the military and law enforcement of some GCC countries.

As shown, the current presence of the Ajam community in the GCC owes its roots to Arabian Gulf history; however, that presence has created specific vulnerabilities in enforcing UNSCR 1803 and 1929. One area where the Ajam identity has presented enforcement challenges is within the ranks of those law enforcement agencies whose task centers on limiting Iranian influence in the maritime domain. GCC security services maintain a diverse enforcement mission that covers everything from drug smuggling,

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<sup>64</sup> Ibid, 36–38.

<sup>65</sup> Fuller and Francke, 42-43, 158.; Matthew Levitt, "The Iranian Security Threat in the Western Hemisphere: Learning from Past Experience," *SAIS Review* 32, no. 1 (2012): 157.

<sup>66</sup> Jill Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (Cambridge: University Press, 1990), 100-101, 106-107.

general crimes, internal stability, and national defense. Depending on the specific task, either the Ministry of Interior or the Ministry of Defense will be the primary enforcement arm. For example, stopping drug smuggling from Iran via maritime means would be the responsibility of either the Coast Guard or the Customs Division; both directorates that fall under the Ministry of Interior. Stopping the incursion of Iranian naval boats into disputed oil territory in the Arabian Gulf would be the responsibility of the Naval Force, a division of the Ministry of Defense. In regard to policing Iranian sanctions, the Customs Division is responsible for inspecting general cargo that is being imported into, or exported out of the GCC. Additionally, the Customs Division routinely assists the Coast Guard in preventing and investigating the trafficking of illegal drugs into the GCC; however, the Coast Guard has an additional task of stopping illegal immigration of Iraqis and Iranians. Depending on the specific country, members of the Ajam population can be found in various jobs and ranks of all these departments.

Within the various ports of the GCC, the Customs Division has the responsibility of inspecting maritime cargo, meaning that this division would be the last enforcement authority to examine containers, equipment, or other products being loaded in the GCC for delivery to Iran. The problem that has developed within GCC countries is some Ajam employees within the Customs Division hold the opinion that the cargo being loaded for Iran does not need to be inspected with any more scrutiny than cargo going to any other country. This means that when Iranian cargo enters the port, it is simply ignored. These Ajam maintain these views because in their opinion Iran is not seen as a threat, they have family lineage that directly correlates to Iran, or because of their religious preference of following Shi'ism; meaning that their Ajam identity outweighed their dedication to enforcing and supporting UNSCR 1803 and 1929. This dedication to their Iranian lineage inadvertently collides with their Sunni counterparts, who make the decision to ignore the Ajam activity because they do not want to develop a fitna, or strong division, within the workplace. What does this phenomenon result in? A vessel taking on cargo in a GCC port for subsequent transport to Iran can depart without any law enforcement authority inspection, thereby weakening the effectiveness of both resolutions.

Based on the incidents mentioned above, it is difficult to argue against identity playing a role in enforcing UNSCR 1803 and 1929. The Customs Division examples provided clearly show that to some people, their Ajam identity led to a specific intent to not proactively police either resolution, which ultimately led to the goals of both resolutions being thwarted. Logically not all Ajam members in the Customs Division, or other section of the Ministry of Interior for that matter, place dedication to duty as a secondary priority, but when some members do actively ignore these resolutions, it results in significant obstacles in these resolutions being effective. For the policy maker, scholar, or analyst, this challenge is important because it sheds light on vulnerabilities that can make these resolutions futile, thereby affording governments the opportunity to establish possible alternatives. U.N. resolutions do not enforce themselves, and the U.N. is not going to send a force to each individual country to ensure UNSCR 1803 and 1929 are being followed. The security services of the individual nation are the bulwark against these resolutions failing, and if some members of a host nation police force are not interested in these resolutions because they stand opposite to an individual's identity, then these resolutions are not going to work as an effective strategy.

## **B. THE SOUTH ASIAN COMMUNITY**

According to Dr. Patricia Risso, South Asian immigrants were found in the GCC countries as far back as the 16th century in order to support the maritime trade that existed with India. Primarily, this relatively small group of people focused their efforts in “import and export, commercial agents, and bankers,” characteristics that existed well into the 19th century. Dr. Risso further states that this focus on “elite” traders ignores “ordinary and often poor people,” which make up most of the manual labor workforce in the GCC today.<sup>67</sup> Overtime this workforce has expanded to include all of the countries in South Asia. It is commonplace today to see members of this immigrant workforce employed as low-wage supplements to the various GCC Customs Divisions' cargo inspection regimes, which as will be shown, has led to scenarios where UNSCR 1803 and 1929 are not enforced on a daily basis.

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<sup>67</sup> Patricia Risso, “India and the Gulf,” *The Persian Gulf in History*, 195–197.

After World War II, the GCC's oil industry grew rapidly to keep pace with the increasing need of developed nations. It was the discovery of oil in the first place that transformed the GCC countries from international trading areas that thrived on the Arabian Gulf's richness in pearls, to an economic hub for the world's oil market. During this time came one of the quickest growth rates of national and personal wealth ever recorded, which directly led to a quality of life and standard of living that was equally luxurious. Also with this growth came the need for buildings, oil refineries, and deep-water ports to transport oil to foreign shores, as well as the need for people to do the construction and subsequent workload.<sup>68</sup>

The workforce of the GCC countries is a financial lifeline for those in underdeveloped countries that are looking for monetary opportunities that are absent in their native homelands. In the GCC this diaspora consists of workers from the Philippines, Egypt, and the Horn of Africa, but it is immigrants from South Asia (Pakistan, India, Nepal, Sri Lanka, and Bangladesh) that are predominant. The majority of positions these nationalities hold center on manual labor and domestic work, which is organized under the Kefala system; a system which has been criticized for its reputation as forcing people to find secondary employment to accommodate low income. For example, as Dr. Pardis Mahdavi states, in Dubai it is understood that many female South Asian workers find additional work in prostitution as a way to pay back their debts incurred under the Kefala system because their domestic job does not pay enough. In the GCC, that additional income sometimes comes from the criminal underworld through participation in the illegal drug trafficking sector.<sup>69</sup>

When operated morally, the Kefala system is a useful tool for immigrant workers that are looking for employment in the GCC countries; however, the program is susceptible to those people that make the decision to operate outside of the law. Many incidents have occurred where groups of people will run the system in a manner that

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<sup>68</sup> Lucy Dean, *The Middle East and North Africa 2004*, 50<sup>th</sup> Ed (New York: Europa Publications, 2004), 676.; Allan Hill, "The Demography of the Kuwaiti Population of Kuwait," *Demography* 12, no. 3 (1975): 537.

<sup>69</sup> Pardis Mahdavi, *Gridlock: Labor, Migration, and Human Trafficking in Dubai* (Stanford: University Press, 2011), electronic Kindle edition.

exploits money from the South Asian workers through raising costs of necessary paperwork to an exorbitant price that must be paid back. Leverage is used as these migrants sometimes have their passports seized in order for compliance. Arriving job seekers usually take the path of a local sponsor in order to obtain the necessary documents to enter the country. The Kefala agent subsequently purchases the documents, and then the papers are ultimately sold to an incoming worker. Another path involves the migrant entering the country on a tourist visa, finding a local GCC sponsor through associates, and then paying the sponsor directly for the needed documents. Even though wages vary, a South Asian worker paying back the almost two thousand dollars in expenditures can take some time, and when a passport is being withheld, comes the need to make money through any means possible.<sup>70</sup>

The employment opportunities available in the GCC have a tendency to be biased based on a candidate's citizenship and identity. Government and high-level jobs in the business community are normally reserved for GCC citizens; however, citizens from Western and some Asian countries, as well as some countries of the Levant, find positions in this sector because of specific skill or education. South Asians tend to find employment in construction, oil fields, and loading and unloading ships. It is reported that approximately 80% of the workforce in the GCC countries is a foreign worker, and that the local economy succeeds because of this group.<sup>71</sup>

According to Dr. John Duke Anthony, many Indians find work in "white collar" positions, some of which include shipping agents in the various GCC ports.<sup>72</sup> This puts them in a significant position when it comes to supporting UNSCR 1803 and 1929. Based on the text of both resolutions, shipping agents play a role in ensuring that sanctioned material is not loaded aboard vessels transiting to Iran. If these agents are not educated on either resolution simply because it is irrelevant to the Arabian Gulf's maritime economy, then logically both resolutions are deemed ineffective. Furthermore,

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<sup>70</sup> John Willoughby, "Ambivalent Anxieties of the South Asian-Gulf Arab Labor Exchange," in John Fox, Nada al-Sabah, and Mohammed al-Mutawa's, *Globalization in the Gulf* (New York: Routledge, 2006), 233-235.

<sup>71</sup> Ibid, 223 – 225.

<sup>72</sup> John Duke Anthony, *Arab States of the Lower Gulf*, 14–16.

Dr. Anthony states that the majority of unskilled laborers in the GCC are Pakistanis and Indians from the lower classes. These immigrants routinely find work as manual laborers, stevedores, etc. in the various ports and receive low wages.<sup>73</sup> Again, based on the sections of both resolutions, a stevedore does play a supporting role; however, this is incumbent on GCC law enforcement establishing a community policing relationship to educate that stevedore on how they can assist in enforcement. Going back to the Ajam, if you have GCC Customs inspectors that do not want to proactively enforce UNSCR 1803 and 1929 for identity reasons, then how can the international community rely on them to work with a Pakistani stevedore in ensuring Iran does not receive sanctioned material. It simply will not happen, and these resolutions will continue to be unenforced. In the mid-1980s, estimates put the number of South Asians in the GCC at over 40%.<sup>74</sup> With immigration continuing because many GCC cities have greatly expanded since the 1980s, the South Asian workforce has been able to find more opportunities in the maritime environment. Based on these amounts, the creation of opportunities where enforcing UNSCR 1803 and 1929 can be missed has increased alongside.

The GCC foreign workforce has grown rapidly to match the need of the local population, at times reaching a level of over 120%. It is reported that this mass influx led to the importation of new crime into the country, and gave birth to the roots of the modern day smuggling networks. In regard to illegal smuggling cases undertaken by GCC law enforcement, historically there have been times where the number of investigations grew at a rate of over 100% in a five-year period with blame being placed on the immigrant workforce; South Asian being a significant member of. As a result of this influx a concern grew among GCC citizens on how to protect their traditional culture that was under attack from foreign criminal interests, a concept that was similar to post-

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<sup>73</sup> Ibid.

<sup>74</sup> Karen Leonard, "South Asians in the Indian Ocean World: Language, Policing, and Gender Practice in Kuwait and the United Arab Emirates," *Comparative Studies of South Asia, Africa, and the Middle East* 25, no. 3 (2005): 679.

Gulf War I fears wherein it is believed that the exposure of Kuwaiti citizens to more Western influences directly led to some people opening up to criminal activity.<sup>75</sup>

According to Dr. Myron Walker, estimates in the early 1980s put the amount of remittances from Indian workers in the GCC at well over a billion USD. The majority returned to Kerala, India where it assisted in easing rampant unemployment. Remittances also returned to Karnataka, Goa, Maharashtra, and Gujarat in India. GCC attempts to limit Indian migration out of fear of overpopulation, led to backlash from the Indian government. Like other nationalities, many of the arriving unskilled labor found work in construction; some even in dry-docks for vessel building and repair. Others found work in mid to high level trading jobs in the shipping industry<sup>76</sup>

In regard to the South Asian workforce in GCC law enforcement, some GCC Customs Division offices have workers from Bangladesh, Pakistan, India, etc., performing the actual searches of maritime cargo because the local personnel delegate the work. In these arrangements, a South Asian routinely supervises the searches alongside a Customs officer. The problem though, is these workers are only advised to search for alcohol, narcotics, or people. They are not trained Customs or other Ministry of Interior personnel, not trained in advanced search techniques, and are paid extremely low wages. Most importantly, they are not trained in searching for machinery that could be dual-use, and therefore having the potential to be used in either Iran's nuclear program or military forces. With GCC ports being a middle point for cargo to Iran, a container could arrive from a European or Asian port and never be thoroughly inspected by any law enforcement entity before going to its final destination. Furthermore, for no fault of their own, these workers do not understand the legal authority they possess when dealing with a foreign flagged vessel that arrives in a GCC port. Based on international maritime law's twelve nautical mile standard, GCC countries can set necessary enforcement

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<sup>75</sup> Adnan, Al-Doury, "Migratory Fluctuation as a Causative Factor in Adult Criminality in Kuwait," Fifth UN Congress on the Prevention of Crime and the Treatment of Offenders, 1975.; Sharon Russell and Muhammed al-Ramadhan, "Kuwait's Migration Policy Since the Gulf Crisis," *International Journal of Middle East Studies* 26, no.2 (1994): 572.

<sup>76</sup> Myron Walker, "International Migration and Development: Indians in the Persian Gulf," *Population and Development Review* 8, no.1 (1982): 4-8.

guidelines for vessels entering their harbors. With UNSCR 1803 and 1929 there is enough probable cause for law enforcement entities to act proactively towards Iranian vessels, therefore allowing the South Asian Customs Division workforce to operate more aggressively towards Iranian cargo.

Similar to understanding the role of the Ajam in Iranian sanctions, understanding the impact the South Asian community has on enforcement is equally important. For those people charged with understanding UNSCR 1803 and 1929 in the maritime domain, the implications of identifying another vulnerability in the enforcement of these resolutions cannot be measured. Not only then do these resolutions get weakened from the specific actions of some Ajam, they are now deemed ineffective because of the use of an immigrant community that should probably not be inspecting cargo in the first place. For the GCC, this is an opportunity for policy changes. Increase the size of the Customs Division to have more workers from that country, or introduce a policy that makes this South Asian immigrant workforce a fully trained and sworn arm of the law enforcement community. As will be shown in the next chapter, not only does national identity assist in limiting the enforceability of both resolutions, the success of each has also been undermined because of the international maritime smuggling networks that grew out of immigration, the movement of people, and the trade industry that bridged the Arab world to the Persian, South Asian, and African regions.

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## **IV. MARITIME SMUGGLING NETWORKS**

This chapter examines the development of Arabian Gulf smuggling networks, and their overall impact on enforcing UNSCR 1803 and 1929. The historic trade the GCC countries had with the outside world, both the Persian as well as surrounding areas of India and Africa, formed the foundations for maritime criminal activity. Immigration from those regions, combined with Arab facilitation, provided the means to further these networks. As will be shown in the chapter, these smuggling networks make enforcing both resolutions a challenged endeavor. Not only is it possible for illicit cargo to be transported to Iran via these maritime networks, and therefore without law enforcement scrutiny, it can also introduce the intertwining of criminal organizations and the Iranian weapons procurers as partners.

Emphasizing the influence of illegal drug importation, a recent Arab media report on Kuwait asserts that there are approximately five thousand illegal drug users in Kuwait, and on average, four drug related arrests per day. Furthermore, there has been an overall increase in the amount of deaths and hospitalizations from overdoses. As shown in the same media report, Kuwait's illegal drug trade has become a combination of a transit point and destination point for importation.<sup>77</sup> Kuwait is not known for its ability to produce illegal drugs. The majority of drugs found in the region originate in Afghanistan. Focusing strictly on the maritime domain, criminal groups transport opiates and hashish from Iranian coastlines, as well as from outside the Arabian Gulf in India and Pakistan in order to fulfill local demand. The same is true for the rest of the GCC countries; however, this demand creates means of transport that procurers of illicit material can easily exploit.

### **A. OVERVIEW OF ARABIAN GULF SMUGGLING NETWORKS**

Maritime trafficking is one of the routinely used modes of transporting illegal drugs into the Arabian Gulf, and South Asian narcotics and hashish are the products of

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<sup>77</sup> Kuwait Times, "50,000 Addicts in Kuwait-Porous Borders Blamed for Thriving Drug Business," September 25, 2012, accessed January 2, 2012, <http://news.kuwaittimes.net/2012/09/25/50000-addicts-in-kuwait-porous-borders-blamed-for-thriving-drug-business>.

choice. This seafaring enterprise is not a new phenomenon, maritime smuggling networks operated for years assisting Saddam Hussein's regime overcome international sanctions in the 1990s. Similar scenarios exist in the Mediterranean Sea. Narcotics traffickers have used the water to transport large amounts of hashish to countries in Western Europe. According to international trafficking scholar, Pierre Arnaud Chouvy, these Moroccan networks have become so significant that they now transport other illicit cargo. Two of the most routinely used smuggling modes in this region are "fishing vessels and private yachts," as well as "Zodiac speedboats."<sup>78</sup> Similar tactics are used throughout the Arabian Gulf in order to transport narcotics into the Middle East region from South Asia.

Pierre Chouvy states that the Arab origin of trading in drugs can be traced back to caravans in the 7th century transporting poppy plants to South Asia, specifically India. Between the 14th and 19th centuries, opium trading fell into the hands of the Venetians, Portuguese, Dutch, and British with the East India Company.<sup>79</sup> Undoubtedly, through British maritime activity, drugs reached the Arabian Gulf because of their extensive presence in Dubai as a regional trading center. The same is true with the Portuguese, whose vessels traveled throughout the Arabian Gulf, specifically Oman.

Dr. Ryan Gingeras asserts that historically opium use in the Middle East can be traced to "several millennia." For Iran and Afghanistan, their significance as an opiate producer emerged after the 16th century. In the 19th century, usage and demand of opiate derived drugs grew throughout the world. In the 20th century Iranian addiction to both local and Turkish opiates reached dire proportions. As restrictions in Iran grew because of Western influence, Afghan smuggling across borders increased as global demand continued.<sup>80</sup> Dr. Hermann Kruetzmann asserts that between 1994 and 2000, Afghan opiate production reached 21,337 tons, or over 62% of global production.

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<sup>78</sup> Pierre Arnaud Chouvy, "Morocco's Smuggling Rackets: Hashish, People, and Contraband," *Jane's Intelligence Review* 17, no. 12 (2005).

<sup>79</sup> Pierre Arnaud Chouvy, "The Drug Trade in Asia," *Encyclopedia of Modern Asia* ed. Levinson D. Christensen (Chicago, Scribners, 2002): 302–304.

<sup>80</sup> Ryan Gingeras, "Poppy Politics: American Agents, Iranian Addicts, and Afghan Opium, 1945–80," *Iranian Studies* 45, no. 3 (2012): 3–5, 15.; David MacDonald, *Drugs in Afghanistan: Opium, Outlaws and Scorpion Tales* (London: Pluto Press, 2007). 137–142.

Additionally, Pakistan reached 7th place with 331 tons, or 1 % of global production. During this period, markets for South Asian opiates were found in Kuwait, Bahrain, Saudi Arabia, the United Arab Emirates, Oman; areas reached via maritime networks launched from Iran and Pakistan.<sup>81</sup>

According to U.N. assertions, Afghan opiates “threaten the health and well-being of people in many regions of the world.” Some of those opiates do find their way into the GCC’s illegal drug market. The United Nations argues that the Afghan drug trade has a direct negative impact on the “governance, security, stability, and development in Afghanistan, in its neighbors, and in the broader region and beyond.” This is also true in the GCC where opium and heroin has impacted not only GCC youth, but also portions of the GCC security services and foreign workforce. Like elsewhere in the world, the lure of illegal drug trafficking is found in the large profits that can be earned, profits that could be used to fund everything from criminal networks to various insurgencies. Specifically with Afghan opiates, the United Nations estimates that approximately 61 Billion USD is generated each year because of the global demand for heroin and opium derived products.<sup>82</sup>

Drs. Nigel Inkster and Virginia Comolli state that Afghan opiates reached approximately 48% of Afghanistan’s Gross Domestic Product in 2007, and has become a source of power to many influential people in the country. Primarily, Afghan opiates find their way into European markets, where it is estimated that users intake approximately 88 metric tons per year. Reportedly, smugglers use a combination of large bulk shipments, as well as individual packages along three primary routes: Northern Route through Central Asia, Balkan Route through Iran and Turkey, and the Southern Route through Pakistan, Baluchistan, and the Makran Coast.<sup>83</sup> Organized crime scholar Howard Abadinsky makes reference to this region as The Golden Crescent because of it

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<sup>81</sup> Hermann Krueztzmann, “Afghanistan and the Opium World Market: Poppy Production and Trade,” *Iranian Studies* 40, no. 5 (2007): 608, 618.

<sup>82</sup> Hakan Demirboken and Others, “The Global Afghan Opium Trade: A Threat Assessment,” *UNODC Report* (2011): 3-4.

<sup>83</sup> Nigel Inkster and Virginia Comolli, *Drugs, Insecurity, and Failed States: The Problems of Prohibition* (Oxford: Routledge, 2012), 67–69.

being rich in limestone and the proper climate, therefore making it an ideal region for the production of opiates.<sup>84</sup>

Current U.N. analysis asserts that Afghan opiates are smuggled into Iran, Pakistan, and Central Asia where they are then trafficked to various parts of the world. Some of the trafficked drugs from Afghanistan are funneled off to meet the increasing domestic demand in the Arabian Gulf countries. U.N. reporting states that one of the primary challenges to limiting the spread of Afghan opium to the Gulf is the lack of attention and focus on law enforcement operations in the maritime domain. As an example, globally in 2009 approximately 4000 cargo containers were shipped throughout the world, 2% of which law enforcement were able to inspect.<sup>85</sup> Not only then is it possible for Narco-traffickers to use legitimate shipping networks, but procurers of illicit material sanctioned under UNSCR 1803 and 1929 can also capitalize on this void in policing. If law enforcement is unable to examine all maritime cargo, dangerous cargo can simply be transported via maritime trade.

The United Nations explains that portions of the opiates smuggled via the Central Asia Route through Iran are redirected to the Arab Peninsula, as well as those drugs smuggled through the Pakistani Southern Route to the Arab Peninsula. Estimates indicate that in 2009, 115 tons of Afghan heroin and 1050 tons of opium were smuggled into Iran through Southern Afghanistan's Nimroz, Farah, and Hirat Provinces. Smaller amounts were then trafficked over the Arabian Gulf to the GCC.<sup>86</sup> Many of these drugs reach Arab lands via the indigenous dhow fleet, as well as through the large container vessels that exist solely for Iranian, GCC, and Indian ports. Some criminal networks traffic drugs into the GCC via personal boats that coordinate their movement based on a person residing in the GCC who is partnered with a person residing in Iran or Pakistan. Recent U.N. reports argue that Iranian drug groups are starting to produce methamphetamines on a large scale in order to earn money from the illegal drug markets

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<sup>84</sup> Howard Abadinsky, *Organized Crime*, 2nd ed. (Chicago: Nelson-Hall, 1985), 199.

<sup>85</sup> Demirbuken and Others. 5–13.

<sup>86</sup> Ibid, 20–23, 28.

of neighboring countries.<sup>87</sup> Like Afghan opiates, one of the ways this trade reaches the GCC is via maritime smuggling networks.

According to Arabian Gulf security centers, illegal drugs entering the GCC are imported via several established networks. One of the primary routes for smuggling Afghan opiates and hashish is the Southern Route through Pakistan. Through this route drugs are funneled off and transported to the Bandar Abbas Port for transport to the UAE and Qatar. Illegal drugs on the Southern Route are funneled off in the Iranian city of Yazd for delivery to Iraq, where they are ultimately smuggled to Kuwait. In addition, Afghan opiates and hashish are smuggled along the Hormozyan Route via Chabahar, Bandar Abbas, and ultimately to the UAE and Qatar. Drugs trafficked along both of these routes are ultimately delivered to criminal networks in Bahrain, Saudi Arabia, and Kuwait through maritime routes stemming from Iran's long coastline. What is changing though is that GCC countries were historically known as being transit points for Europe, but now the GCC is being labeled a "hub" for opiate and hashish use, as opposed to only being a transit point. According to the Gulf Research Center, GCC citizens are reported as being the main group of abusers, with many causes centering on unemployment, excess of money, boredom, and overall frustration.<sup>88</sup>

Another vulnerability in the GCC is the northern border with Iraq. Not only does contraband get smuggled through land routes, but also through the waters near Kuwait's Bubiyan Island. The transportation industry, much of which transits through the GCC ports, facilitates trade between Iraq and the GCC countries. Criminal groups routinely exploit this legitimate network of shipping and transportation for trafficking illegal drugs, and if drugs can be easily trafficked, so too can illicit material. Being Kuwait's neighbor, combined with internal instability, Iraq drug activity has directly impacted the GCC. Indications reveal that drug abuse within Iraq will continue to rise; similar fears are felt throughout the Gulf countries as well. In Iraq one of the main problems is that the country is considered a waypoint for drugs being trafficked from Iran to the GCC. One

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<sup>87</sup> United Nations, "World Drug Report 2012," UNODC, 80–84.

<sup>88</sup> Faryal Leghari, "Narcotics Trafficking to the Gulf States," *Security and Terrorism: Soft Security in the Gulf* No.4 Gulf Research Center (2006): 16–19.

of the other drugs coming from Iraq's borders is Captagon, a stimulant substance that is illegal, but is making its way in the GCC. Other drugs making their way through Iraq are cocaine, heroin, hashish, and methamphetamines; some even being delivered as far south as Saudi Arabia's southern border. Some experts argue that shipments from Iraq heading to Saudi Arabia will cause spillover throughout the GCC; undoubtedly this is happening.<sup>89</sup>

## **B. SOUTH ASIAN INFLUENCE**

South Asian traffickers are a significant problem when it comes to drug importation into the GCC, something that stems from countries like Pakistan being a transit point for Afghan opiates and hashish. As shown, South Asian influence stems from the historic trade and immigration that has permeated the Arabian Gulf. The opiate derived distribution network they operate crosses the borders of multiple GCC countries, and uses maritime networks as one of its mode of transport. One of the most notorious South Asian incidents involves a Pakistani male that is currently incarcerated in Kuwait's central jail who has operated a network that is very complex, making it difficult for law enforcement to disrupt it. For example, in October 2012 an Iraqi national was arrested for trafficking drugs into Kuwait through a border crossing. During the investigation it was revealed that a Pakistani inmate, who controls most of the opiate importation, coordinated the shipment. In February 2013, a Pakistani man was arrested in Kuwait for possessing heroin, which he was dealing to the local community for a Pakistani "inmate who is serving a life term for trafficking in drugs."<sup>90</sup>

Pakistan is a launching point for drugs coming out of Afghanistan, as well as locally grown, in order to reach markets worldwide. In regard to the GCC countries,

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<sup>89</sup> Phil Williams, *Criminals, Militias, and Insurgents: Organized Crime in Iraq* (Pennsylvania: Strategic Studies Institute, 2009), 167 – 170.; Department of State, *International Narcotics Control Strategy Report*, p. 389.

<sup>90</sup> Arab Times, "Pakistani Inmate Running Show," accessed February 8, 2013, <http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/189096/reftab/73/t/Pakistani-inmate-running-show/Default.aspx>; Arab Times, "Pakistani Arrested for Possessing Heroin," accessed February 8, 2013, <http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/192844/reftab/73/t/Pakistani-arrested-for-possessing-heroin/Default.aspx>.

Pakistani smugglers use legitimate cargo vessels, airlines, and dhow trading fleets to transport their product. Any legitimate path a South Asian worker uses to come to the GCC can be used for the transportation of illegal drugs, as well as sanctioned illicit cargo. One of the most creative ways in the GCC involved a shipment of rugs that smugglers wove drugs into the threads of the carpets for removal at a later time. This seizure was a significant success for GCC law enforcement, and is celebrated to this day.<sup>91</sup> In other examples, GCC operations led to the arrest of a Pakistani driver of a GCC family for possessing heroin that was divided into packets for sale into the local market. Another GCC investigation led to the arrest of a Pakistani and Bangladeshi male, who were being assisted by a GCC national, for dealing approximately four kilograms of heroin. The part of town they were arrested in is known as an immigrant workforce community that has problems with various types of contraband. During the interrogations the suspects advised that they received the drug shipments from truck drivers that cross over the Iraqi borders for trade, as well as from maritime trafficking.

### **C. IRANIAN INFLUENCE**

Iranian smuggling has been a major problem for GCC law enforcement, specifically for the Coast Guard services that attempt to interdict Iranian maritime activity. It is commonplace to have personal vessels transit the Arabian Gulf with the specific intent on trafficking hashish and heroin into the GCC. Commonly, these smuggling networks are usually a combination of an Ajam that has relatives in Iran, or Iranians themselves with a distribution connection in the GCC. In other occasions it is a GCC citizen that has somehow been inspired to take the role of trafficker. In addition, the Iranian dhow fishing fleet that transits back and forth from the GCC's northern borders to various ports in Iran has had several incidents of hashish and heroin clandestinely stored within the vessel for distribution in the GCC market. Within this network it is logical that UNSCR 1803 and 1929 illicit material could follow this same path for smuggling,

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<sup>91</sup> UNODC, "Pakistan: Illicit Trafficking and Border Management." Accessed October 30, 2012. <http://www.unodc.org/pakistan/en/illicit-trafficking-and-border-management.html>.

Throughout history, Iran's mountain region has been a part of the Golden Crescent, which links smuggling routes to Pakistan and Afghanistan. As an estimate Afghanistan cultivates approximately 3,500 tons of opium per year, and much of it finds its way into the Iranian market for transit into the GCC. Because of Iran's large coastline that extends along the majority of the Arabian Gulf, Afghani opium has many areas of un-policed seashores and inlets where traffickers can launch for transit into the GCC. The returning trips could be used for transporting sanctioned material. Not only does Iran act as a transit point for drugs coming out of Pakistan and Afghanistan, it also suffers from its own problem of opium and cannabis cultivation; cannabis being the plant in which hashish is derived from. Routinely, hashish from Iran is seized in the GCC.<sup>92</sup>

An example of an Iranian criminal group that was complicit in furthering narcotics distribution from Afghanistan and Pakistan is the Rikabadi Organization. According to the U.S. Drug Enforcement Administration, an Iranian national named Hussein Karimi headed this organization. Based on evidence presented during the investigation, Karimi trafficked narcotics through Iran and Turkey to the markets in Western Europe and the United States from his headquarters in Romania.<sup>93</sup>

Illegal drugs enter the GCC countries through various means, and through the hands of multiple national identities; however, the success of traffickers getting product to the GCC market opens up venues for routes that could be used for transporting material sanctioned under UNSCR 1803 and 1929. The smuggling market from the GCC to Iran is widely known. What is to stop a drug trafficker from transporting illicit material back to Iran after delivering a shipment of heroin or hashish? The same holds true for a drug trafficker delivering contraband from Pakistan. The supply system for sanctioned Iranian material could begin with a nuclear technology supplier in South Asia loading cargo on a drug trafficking dhow that is going to the GCC. The offloaded cargo

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<sup>92</sup> Pierre Arnaud Chouvy, "The Drug Trade in Asia," in Levinson Christensen's *Encyclopedia of Modern Asia* (Chicago: Scribners, 2002), 302 – 304; Pierre Arnaud Chouvy, "Opiate Smuggling Routes from Afghanistan to Europe and Asia," *Jane's Intelligence Review* 15, no 3, March 2003, 32-35; Caterina Roman, Heather Redding, Rita Simon, *Illicit Drug Policies, Trafficking, and Use the World Order* (Maryland: Lexington Books, 2005), 155.

<sup>93</sup> DEA, "United States Announces Historic Extradition of Iranian Heroin Trafficker to New York," *DEA press release*, December 14, 2007, <http://www.justice.gov/dea/pubs/states/newsrel/nyc121407.html>.

can then be loaded onto a drug trafficking speedboat traveling back to Iran after delivering drugs in the GCC. This scenario is logical, and even though there have not been any reported incidents using dhows, only large cargo vessels, the following section explains how a marriage of criminal networks and proliferators is logical in the Arabian Gulf maritime domain.

#### **D. THE USE OF CRIMINAL NETWORKS FOR PROLIFERATION**

Dr. Sheena Chestnut in an article on North Korea proliferation asserts that there are links between criminal smuggling and trafficking in sanctioned material. Dr. Chestnut states that the North Korean regime has routinely smuggled currency through the U.S port system. Furthermore she argues that the North Korean government is using criminal networks that are intertwined with trading companies for obtaining sanctioned material. As an example, she uses a North Korean company in Japan that shipped weaponry in violation of international sanctions.<sup>94</sup> According to Dr. Lyudmila Zaitseva, “networks trafficking in drugs, weapons, and other illicit commodities are well suited for nuclear smuggling.” She argues this because of their “experience in avoiding detection, knowledge of safe routes, protection by corrupt authorities, and established infrastructures.”<sup>95</sup>

A recent Strategic Studies Institute report mirrors the assertions that North Korea’s criminal networks are involved in activities that can further procurement of illicit goods. According to the report, North Korean cargo vessels routinely “rendezvous with Japanese vessels in North Korean territorial waters to transfer narcotics for Japanese organized crime groups. In another example, the report states that the North Korean “merchant fleet” has been used to transfer drugs for weapons.”<sup>96</sup> It is reasonable to assume that this interaction could lead to the transfer of material that could be used in a North Korean nuclear program. This type of exchange could easily occur in the Arabian

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<sup>94</sup> Sheena Chestnut, “Illicit Activity and Proliferation: North Korea Smuggling Networks,” *International Security* 32, no.1 (2007): 81, 87, 97.

<sup>95</sup> Lyudmila Zaitseva and Kevin Hand, “Nuclear Smuggling Chains: Suppliers, Intermediaries, and End-Users,” *American Behavioral Scientist* 46, no. 6 (2003): 830.

<sup>96</sup> Paul Kan and Others, “Criminal Sovereignty: Understanding North Korea’s Illicit International Activities,” *Strategic Studies Institute Report*, March 2010, 9–10.

Gulf. Vessels that are under U.N. scrutiny routinely visit Iran's territorial waters. Without a monitoring agency, these vessels could rendezvous at sea with Iranian vessels with impunity. The same could be said throughout the Arabian Gulf because Iranian ships transit to and from the GCC on a daily basis, and an Iranian vessel stopping at sea could easily be articulated to whoever is watching as mechanical troubles.

A GCC media outlet published an article wherein they describe maritime trafficking in Oman as being robust, and based on the characteristics, an ideal match for those involved in smuggling illicit material. According to the report, weekly, Iranian boats illegally arrive to an isolated port on the Musandam Peninsula to offload cargo without law enforcement scrutiny. The majority of cargo is centered on basic criminality: heroin, hashish, and cigarettes, yet the article further argues that these boats conduct smuggling transactions that "are in breach of international sanctions against Iran." An Omani Coast Guard member stated in the article that stopping these Iranian boats from transiting to and from the Islamic Republic is like "searching for needles in a haystack because it is impossible to stop and search every vessel."<sup>97</sup> In an environment where small ports exist outside the normal state run port structures, stopping the exporting of illicit cargo is extremely challenged. For example, in Morocco criminal networks are building their own ports simply to provide a means of exporting hashish.<sup>98</sup> Unless GCC law enforcement is fully entrenched in the ports and waterways that exist outside of the state-run structures, traffickers will have the ability to transport whatever cargo they desire, even if that cargo is sanctioned under UNSCR 1803 and 1929.

Dr. Zaitseva argues that there is a merging of international terrorist organizations and organized crime because of the latter's usage of established trafficking networks, which allow for a relatively easy means of transport. Dr. Zaitseva states that organized crime has branched out from regular criminality because of a "demand-driven smuggling

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<sup>97</sup> Salah al-Shaubany, "Open Gate in Oman Means Trade with Iran and Influx of Drugs," *The National*, August 17, 2010, accessed February 8, 2012, <http://www.thenational.ae/news/world/middle-east/open-gate-in-oman-means-trade-with-iran-and-influx-of-drugs>.

<sup>98</sup> James Ketterer, "Network of Discontent in Northern Morocco: Drugs, Opposition, and Urban Unrest," Middle East Research and Information Projects; Jonathan Caulkins, Honora Burnett, and Edward Leslie, "How Illegal Drugs Enter an Island Country: Insights from Interviews with Incarcerated Smugglers," *Global Crime* 10, no. 1 – 2 (2009): 75-80.

model” that centers on moving whatever product will allow for profit gain. For example, in 2002 Kazakhstan law enforcement arrested smugglers transporting heroin and uranium oxide via the Silk Road. In 2005, Indian law enforcement arrested smugglers of opiates who were also smuggling depleted uranium. Dr. Zaitseva asserts that these incidents represent a merging of common traffickers with weapons procurers, and one area that is of concern are ports and harbors because “maritime shipments may be used because of weak border control at ports and the relative ease of moving heavy containers by sea rather than by land.”<sup>99</sup> In the Arabian Gulf this threat is significant because of: a history of legitimate maritime trade with the nation targeted under UNSCR 1803 and 1929, a mixing of national identities that favors the targeted nation, and an extensive criminal smuggling network that easily transports goods to and from the targeted nation.

One of the most notorious examples that emphasize this threat is the A.Q. Khan network. Security scholar, Gordon Corera states that Western intelligence services obtained information that a “consignment of important goods” had arrived to Dubai’s free trade zone aboard the cargo vessel M/V BBC China. The containers of interest were previously loaded in Malaysia through global links that Khan had established. After departing Dubai, the vessel was searched in Italy where the containers of interest were opened. Inside the containers were “aluminum components-positioners, casings, and pumps,” which only “a trained expert would have known that these were for a centrifuge, the device that enriches uranium.”<sup>100</sup> This is a problem that exists throughout the GCC port systems. Historic trade has led to cargo for Iran not being 100% searched, and when it is, South Asian and Ajam inspectors do not realize the significance of “aluminum components.” The same is true for the smuggling networks that extend from unofficial ports. The typical Iranian dhow captain is not concerned that he transporting “aluminum components” to Iran.

In 1987, A.Q. Khan met with Iranian government representatives based in Dubai to discuss terms on transferring nuclear related information. Dubai was chosen because it

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<sup>99</sup> Lyudmila Zaitseva, “Organized Crime, Terrorism, and Nuclear Trafficking,” in James Russell and James Wirtz (ed.), *Globalization and WMD Proliferation: Terrorism, Transnational Networks, and International Security*, 102, 105–114.

<sup>100</sup> Gordon Corera, *Shopping for Bombs: Nuclear Proliferation, Global Insecurity, and the Rise and Fall of the A.Q. Khan Network* (Oxford: University Press, 2006), introduction.

was a central location where Khan did most of his regional agreements, and in the 1970s, Khan used Dubai to import needed material for Pakistan's nuclear program. During these transactions, "front companies" in the maritime shipping environment were extensively used. Members of Khan's network transported needed parts to Dubai then to Iran via Iranian owned vessels.<sup>101</sup> Most likely these vessels belonged to the Islamic Republic of Iran Shipping Lines; a company directly sanctioned under UNSCR 1803 and 1929, and that has been a partner in joint shipping ventures with Ajami owned shipping businesses in the GCC. According to Gilbert King, A.Q. Khan used criminal organizations to transport much of the material needed in the nuclear programs of his customers. One of those who assisted him was Dawood Ibrahim who owned an extensive shipping network in Dubai, which included "front companies for drugs and weapons," as well as who controlled a large drug trafficking network along the Pakistan and Afghanistan border.<sup>102</sup> One of those in his network was Sayed abu Tahir bin Bukhary, who's uncle Mohamed Farouk owned a business in Dubai that was associated with A.Q. Khan's network. According to Bukhary's own statement, he received needed equipment for nuclear programs through other "legitimate" trading businesses that operated in the GCC.<sup>103</sup>

As shown, the developed illegal maritime smuggling network in the Arabian Gulf is diverse in the national identities that facilitate its success. Drug traffickers not only use individual supply linkages, but also capitalize on legitimate shipping in the region. Both procurers, as well as suppliers of technology needed for a nuclear program, can easily exploit these modes of transport. Based on UNSCR 1803 and 1929 having sections that relate to international shipping, any criminal network that furthers illicit smuggling directly undermines the success of both resolutions. The next chapter of this thesis examines the enforceability of UNSCR 1803 and 1929, and provides insight into incidents and means of overcoming policing challenges.

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<sup>101</sup> Ibid., 59, 67

<sup>102</sup> Gilbert King, *The Most Dangerous Man in the World: Dawood Ibrahim* (New York: Chamberlain Bros., 2004), 16–21.

<sup>103</sup> Sayed Bukhary, *Sworn Statement of Bukhary*, Institute for Science and International Security, accessed February 7, 2013, [http://isis-online.org/uploads/conferences/documents/SouthAf\\_Tahir\\_affidavit.pdf](http://isis-online.org/uploads/conferences/documents/SouthAf_Tahir_affidavit.pdf).

## **V. POLICING IRANIAN SANCTIONS IN THE MARITIME DOMAIN**

This chapter details the use of sanctions as a policy tool towards Iran historically, and defines the law enforcement mechanisms associated with policing both resolutions in the Arabian Gulf. There have been several instances throughout the Islamic Republic's history where policy choices were based on a specific level of coercion. In order to fully place UNSCR 1803 and 1929 into context, an analysis of where they fit in a "use of force" model is necessary, because like policing, a person or nation goes through a hierarchy of options based on the level of aggression an adversary is taking. Logically, one must start with the lowest level necessary for compliance based on the totality of circumstances surrounding the incident, and subsequently move up levels of coercion accordingly. The Iranian government has responded to certain behavior requests in the past, and defining the parameters those requests were made in, can give a policy maker more options if it is deemed that UNSCR 1803 and 1929 are ultimately ineffective in the Arabian Gulf's maritime domain.

If the use of force is one pillar in law enforcement, investigative ability comprises another. As briefly explained in the previous chapter, both resolutions are challenged in the Arabian Gulf from their inception. Historic maritime trade, national identities, and smuggling networks have impacted their enforceability. What this chapter will demonstrate is how those characteristics have violated both resolutions, as well as how certain policing strategies can be implemented in order to diminish further incidents from occurring.

### **A. SANCTIONS IN THE USE OF FORCE MODEL**

The different variables that can impact the success of UNSCR 1803 and 1929 emphasize the importance of thoroughly studying the use of sanctions as a policy choice. If certain sanctions are ultimately ineffective, then the chances of the outcome that the sanctions were trying to prevent actually occurring increase dramatically. When determining the best course of action to use on an individual actor or nation in order to

ensure compliance, the options available primarily include negotiation, deterrence, coercive diplomacy (sanctions), and the use of military force. UNSCR 1803 and 1929 fall into the category of using coercive diplomacy to alter a course of action that the Iranian government already implemented or undertook: attempting to develop a nuclear program.<sup>104</sup>

In the book *Force and Statecraft*, the authors state that negotiation is the first step in the use of force model, and is compared to verbally defusing a situation in order to maintain stability. During the negotiation phase the national representatives work together during official proceedings to find solutions to their particular concerns or grievances as a way of avoiding armed conflict altogether. As the situation intensifies, national leaders may move to the next phase: deterrence. Deterrence relies on the potential use of armed force in order to deter an adversary from taking positive steps towards achieving whatever goal they set out to for. An example of deterrence would be a nation's leader deciding to raise troop or fleet levels in a particular part of the world to deter another nation from increasing their influence. The key to deterrence is that it must be undertaken prior to an adversary's questionable actions, and is also used as a means of avoiding armed conflict. For deterrence to be effective, the raising of military levels must cause an adversary to think twice about their actions, and therefore, realize the potential losses if they undertake them.<sup>105</sup>

When deterrence fails, a national leader may choose to intensify options through implementing coercive diplomacy (sanctions), which is similar to deterrence except the adversary has already undertaken an aggressive step that must be undone. The goal of this option is to use an authoritative and powerful presence to cause an adversary to reverse their actions in order to avoid armed conflict. One of the problems with this option is that it could lead to a situation intensifying even more as an adversary refuses to back down and tensions escalate to the point where accidental aggression occurs.<sup>106</sup>

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<sup>104</sup> Paul G. Lauren, Gordon A. Craig, and Alexander L. George, *Force and Statecraft: Diplomatic Challenges of our Time* (New York: Oxford University Press, 2007), 200.

<sup>105</sup> *Ibid*, 15–154, 175–177.

<sup>106</sup> *Ibid*, 199–200.

Historian Peter Paret argues that when an adversary chooses to ignore all attempts to change their behavior, armed conflict and violence can be the result. Specific social, political, and economic events that occur in the involved nations at that particular time affect the decision to take this action. A populace may not want to fight, a political party in power may use the conflict to garner support, or a struggling economy may use the war as a chance to spark development or gain resources.<sup>107</sup>

Throughout the Islamic Republic's history, several incidents have occurred wherein the use of force model has been tested. Based on some of the outcomes, the question is raised about whether UNSCR 1803 and 1929 are even necessary in the Arabian Gulf. If both resolutions are challenged from their inception, than maybe another course of action is necessary to deter Iran's nuclear ambitions. For example, during the negotiations of the Iranian hostage crisis in 1979, the Iranian government was responsive to U.S. release requests, but only after something tangible was offered in return. Karen Feste describes these as being interest-based negotiations. For the Iranian government, failing to comply meant losing a U.S. brokered arms deal.<sup>108</sup> Ambassador John Limbert, a hostage of the Iranian siege, advises that Iranian negotiators will not respond to the use of legal references when an adversary issues demands. UNSCR 1803 and 1929 possibly fall into this category. The reasoning behind the ignoring of legality stems from a combination of Iran's newly installed Islamic government drastically working to remove all evidence of a Western-based legal system, and emphasizing the primacy of Islamic law.<sup>109</sup>

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<sup>107</sup> Peter Paret, "Clausewitz," in *Makers of Modern Strategy from Machiavelli to the Nuclear Age*, ed. Peter Paret (Princeton: Princeton University Press, 1986), 199-209.

<sup>108</sup> Karen Feste, "Negotiating with Terrorists: The U.S.-Iran Hostage Crisis," *The International Association for Conflict Management Conference*, 2005, 4-5, 17-18. In her work, Professor Feste advises that the negotiation process consists of five main styles of action: soft bargaining, hard bargaining, rights bases, interest-based, and principle-based. For the purposes of this paper, attention will be placed on interest and principle-based approaches.

<sup>109</sup> John Limbert, "Negotiating with the Islamic Republic of Iran: Raising the Chances for Success—Fifteen Points to Remember," *U.S. Institute for Peace Special Report 199* (2008), 4-5, 12.

## B. UNDERSTANDING UNSCR 1803 AND 1929

In an International Institute for Strategic Studies publication, Brendan Taylor argues that economic sanctions have been used throughout history, and are still effective as a policy tool in today's international relations. As Taylor states, most scholarship on sanctions centers on the overall strategies of sanctions, or their possibility of being effective based on various theoretical models.<sup>110</sup> What is ignored is the research based on the enforceability of the sanction within a foreign law enforcement agency. Some scholars argue that when other nations are not willing to participate in enforcement, the sanctioned nation is able to find a work around via established illicit and smuggling networks, as well as "third party suppliers," or they will develop strategies that expand trade relations to nations that are willing to ignore the restrictions documented in the sanctions.<sup>111</sup> It can be argued that these scenarios represent the current situation in the Arabian Gulf. Other scholars argue that in order for a sanction to be successful, policy analysts and those involved in the sanction's implementation must understand the trade connections that exist in the area where the sanctions are being implemented.<sup>112</sup> This thesis adds to that research through analyzing historic and current maritime trade trends that are prevalent between the GCC and Iran.

As background, information about Iran's nuclear program reached the forefront internationally after an Iranian anti-regime group revealed details about two clandestine nuclear facilities. Subsequent International Atomic Energy Agency examinations verified that Iran had a location in Natanz for uranium enrichment, and in Arak for the heavy water process needed in nuclear development. As a result, concerns grew in the international community about Iran attempting to become a nuclear power. In response, the Iranian government argued that the locations were not for weapons production, but only for increasing the energy capabilities of the nation. Taylor asserts that this argument was not logical because Iran had an abundance of other natural resources that would fuel

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<sup>110</sup> Brendan Taylor, *Sanctions as Grand Strategy* (London: Routledge, 2010), 1–3.

<sup>111</sup> Johan Galtung, "On the Effects of International Economic Sanctions: with Examples from the Case of Rhodesia," *World Politics* 19, no. 3 (1967): 409–413.

<sup>112</sup> Jean Marc Blanchard and Norrin Ripsman, "Asking the Right Question: When do Economic Sanctions Work Best?" *Security Studies* 9, nos. 1–2 (2000): 219–253.

the needed energy requirements. Furthermore, Taylor explains that the suspicious nature of the two locations, both being considered secret, added to the accusations that Iran's programs were for nuclear weapons. Even though the international community became proactive in attempting to ascertain all of the details of their program, the Iranian government stood defiant to the world's demands, and continued in the uranium enrichment processes; basically ignoring the requests of the International Atomic Energy Agency. As a result, the United Nations issued the predecessor to UNSCR 1803 and 1929 with the passing of UNSCR 1737, which has similar sections focused on Iran's global ability to procure needed materials for their nuclear program.<sup>113</sup>

Like UNSCR 1737, both UNSCR 1803 and 1929 are specific to the non-proliferation of nuclear weapons in Iran, as well as the uranium enrichment processes. Paramount in all of these resolutions is the need for countries to limit the activity of Iranian entities operating outside of Iran that may be involved in furthering their nuclear program. This is accomplished through stopping the procurement of goods that are designed for this industry, or limiting access to dual-use technology that is derived from benign machinery, but could subsequently be used in various weapons systems. Furthermore, nations are expected to police all exports from their country to ensure sanctioned material is not being delivered to Iran, as well as proactively inspect maritime cargo arriving from Iran. Of most concern are Islamic Republic of Iran Shipping Lines' vessels and their various subsidiaries because of their documented history in directly participating in the procurement process. Additionally, countries are expected to use the guidelines of the Law of the Sea to verify that Iranian cargo is not transporting sanctioned material. Both resolutions state that countries are only to inspect if there is reason to believe Iranian cargo is carrying illicit material, yet based on Iran's history of using its civil fleet for non-civilian cargo, there is enough reasonable suspicion to assume that all cargo from Iran should be proactively inspected.<sup>114</sup>

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<sup>113</sup> Taylor, *Sanctions as Grand Strategy*, 59–64.

<sup>114</sup> U.N., "Resolution 1803," March 3, 2008, accessed December 8, 2012. [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1803\(2008\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1803(2008)).

Both UNSCR 1803 and 1929 resulted from the Iranian government ignoring the guidelines set forth in the international community regarding their nuclear program, and were designed to make the cost very high for the Iranian government's refusal to participate in international norms. Both were implemented to complement the continual diplomatic efforts, yet both aggressively attempt to freeze the assets of the Islamic Republic of Iran Shipping Lines, their affiliates, Iranian companies working in furtherance of the nuclear program through deception, the Islamic Revolutionary Guard Corps, as well as proactively monitor through law enforcement all business transactions of each party previously mentioned.<sup>115</sup> In simplest terms, both were implemented in order to act as a bulwark against Iranian government attempts to obtain the necessary materials for a nuclear program, as well as to limit the furtherance of Iran's enrichment program.

The sections listed in the resolution specifically target the following Iranian government activities: investment in any foreign nuclear programs, attempts to procure certain conventional weapons systems through direct purchase or technical assistance, attempts to develop a ballistic missile program, and attempts to obtain dual use technology that could be used in the aforementioned programs. Furthermore, participating states are required to increase proactive law enforcement search and seizure capabilities to limit the aforementioned Iranian activity, limiting maritime port services to questionable Iranian vessels and other flagged vessels suspected of violating this resolution, monitoring the activities of Iranian companies and banks operating within their nation, preventing Islamic Revolutionary Guard Corps business activity, and freezing the assets of several suspect Iranian individuals and companies.<sup>116</sup>

### **C. POLICING UNSCR 1803 AND 1929**

Dr. Jay Albanese in his work *Transnational Crime and the 21st Century*, states that globalization led to the "reduction and removal of barriers among national borders to

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<sup>115</sup>White House, "Fact Sheet on the New UN Security Council Sanctions on Iran," *press release*, June 9, 2010, <http://www.whitehouse.gov/the-press-office/fact-sheet-new-un-security-council-sanctions-iran>.

<sup>116</sup>Council on Foreign Relations, "U.N. Security Council Resolution 1929, Iran," *Essential Documents*, June 9, 2010.

facilitate the flow of goods, services, funds, and labor.”<sup>117</sup> As shown in Chapter II of this thesis, in the Arabian Gulf those borders were never present. As some scholars argue, the Arabian Gulf region has been “globalized” since “time immemorial.”<sup>118</sup> Prior to defining the term globalization, the GCC countries and Iran were already using the facets of globalization in their own regional maritime economy. This means that when attempting to police trade between the GCC and Iran, the same tactics and strategies used prior to globalization are still germane in post-globalization times. Furthermore, Dr. Albanese states that “social, political, economic events in one part of the world directly impact the other.”<sup>119</sup> In the Arabian Gulf, maritime trade between Iran and the GCC continues without interruption regardless of international events. For example, the GCC’s United Arab Shipping Company and Sima Tech run a circular trade route throughout the Arabian Gulf on a weekly basis even though the U.N. has imposed restrictive sanctions on Iran. This emphasizes that the GCC and Iran are somewhat in their own distinct world, where policing techniques need to be regionally based, and account for the internal Gulf globalization characteristics.

Dr. Albanese further states that describing “both transnational and organized crime around the world in ethnic terms should be avoided because “it fails to explain the existence of the activity itself.”<sup>120</sup> This thesis agrees with that statement, because as shown everything from trade to drug smuggling undermines UNSCR 1803 and 1929; however, in the Arabian Gulf ignoring national identity could be disastrous for stopping illicit activity. For example, when looking at UNSCR 1803 and 1929, a Sunni Arab is logically not going to violate either resolution with malicious intent for ideological reasons. They may violate them inadvertently through the normal maritime trade transactions that are common in the region, or they may facilitate activity for monetary greed. Yet, some Ajam have and will continue to violate these sanctions intentionally for

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<sup>117</sup> Jay Albanese, *Transnational Crime and the 21st Century: Criminal Enterprise, Corruption, and Opportunity* (New York: Oxford University Press, 2011), 1.

<sup>118</sup> Nicolini, *The Baluch Role in the Persian Gulf*, 384 – 392.

<sup>119</sup> Albanese, *Transnational Crime*, 1.

<sup>120</sup> *Ibid*, 5.

pro-Iranian reasons. For a law enforcement officer, the identity of GCC residents is an important part of policing.

For example, in 2009 Baktash Fattahi was arrested in the United States for transferring military aircraft parts to Iran that were intended to be used in various sections of the Iranian military. Acting with Fattahi was an Ajam living in Dubai that was operating through various shipping companies in Dubai that had connections to Iranian businesses. During this investigation it was uncovered that Iranian government assets tasked Fattahi with obtaining parts for the F14 fighter jet, as well as the AH-1, CH-53, and UH-1 helicopters.<sup>121</sup> If one learning point could come from this incident, it would be the importance of GCC law enforcement initiating community policing strategies that intertwine the Ministry of Interior with members of the shipping community, specifically those shipping personnel that are of the Ajam community. Policing shipping in a port environment is a complex task that overwhelmingly favors criminal elements over law enforcement. To pull the odds in favor of the police, it is imperative to fully link all areas of the port environment with the authorities. Without this tactic, the sheer number of ships, cargo, and crew will absolutely overwhelm any proactive policing efforts.

In his article “The Five Wars of Globalization,” Moises Naim lists the clandestine movement of drugs, guns, people, intellectual property, and money as being a serious threat to national security. Naim states that these problems are the overshadowed threat because emphasis has been centered on international terrorism. He further argues that the overall benefits of globalization on the world economy directly led to the increase of the illicit market because of new avenues of movement, more transportation, more banking, the internet, more travel, etc.<sup>122</sup> Absolutely, globalization increased trade networks. It was not that long ago that a Soviet cargo ship would not be allowed in a U.S. port; however, in the Arabian Gulf these maritime transportation links have always been present. What is new could be the access of Western and Asian markets to the Arabian

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<sup>121</sup> U.S. Department of Justice, “Munitions Dealer Arrested and Charged in Conspiracy to Export Military Aircraft Parts to Iran,” press release, April 6, 2009, <http://www.justice.gov/opa/pr/2009/April/09-nsd-314.html>.

<sup>122</sup> Moises Naim, “Five Wars of Globalization,” *Foreign Policy*, January 1, 2003, accessed February 10, 2012, [http://www.foreignpolicy.com/articles/2003/01/01/five\\_wars\\_of\\_globalization](http://www.foreignpolicy.com/articles/2003/01/01/five_wars_of_globalization).

Gulf for goods other than oil. Within this framework the movement of illicit material documented under UNSCR 1803 and 1929 could capitalize on this growth of trade networks through one legitimate mode: international shipping. For example, in 2008 Russian law enforcement arrested an Uzbekistan national for his involvement in the attempted smuggling of dual-use Tantalum aboard a Russian cargo vessel. The end user of the shipment was in Iran.<sup>123</sup> If that ship was not interdicted, the illicit Tantalum cargo could have easily arrived to an Iranian port, or to the GCC for subsequent re-export.

In a 2009 example, Abu Dhabi port security officials seized a shipment of weapons from the Bahamian flagged cargo vessel, M/V ANL Australia. Reportedly, the vessel transited from North Korea to the United Arab Emirates with an ultimate destination of Iran.<sup>124</sup> One learning point this incident shows is that when a GCC law enforcement entity takes aggressive and proactive policing efforts to thwart Iranian activity, the chances of UNSCR 1803 and 1929 being successful obviously increase. One of the major reasons why this incident occurred is Abu Dhabi's current political stance towards Iran. According to Karim Sadjadpour of the Carnegie Endowment, Abu Dhabi is taking serious efforts to limit Iranian influence in their Emirate. This focus has also impacted efforts in Dubai. Due to increased pressure from the West and neighboring Abu Dhabi, Dubai has begun to focus law enforcement efforts on UNSCR 1803 and 1929; however, as a result many influential Dubai Arabs and Ajam in the community have begun to speak out because of the potential affects this action will have on their company profits.<sup>125</sup> This backlash emphasizes how difficult it is for GCC law enforcement to overcome the historic trade that has occurred for generations with Iran, especially in Dubai.

*Bloomberg* journalist Kambiz Foroohar states that the Iranian Business Council of Dubai, an organization fueled via the local Ajam presence, actively promotes trade

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<sup>123</sup> NIS Nuclear Trafficking Collection, "2008 Illicit Trafficking Incidents in the NIS," accessed February 8, 2013, [http://www.nti.org/media/pdfs/2008\\_trafficking\\_table.pdf?\\_=1321385530&\\_=1321385530](http://www.nti.org/media/pdfs/2008_trafficking_table.pdf?_=1321385530&_=1321385530).

<sup>124</sup> Jody Ray Bennett, "North Korea: In Deep, Illicit Water," ISN ETH Zurich, September 28, 2009, accessed December 17, 2012, [http://www.esisc.org/upload/media/esisc-in-the-news/n-korea-in-deep-illicit-water-isn-eth-zurich/446084380\\_04N%20Korea%20In%20Deep,%20Illicit%20Water.pdf](http://www.esisc.org/upload/media/esisc-in-the-news/n-korea-in-deep-illicit-water-isn-eth-zurich/446084380_04N%20Korea%20In%20Deep,%20Illicit%20Water.pdf).

<sup>125</sup> Sadjadpour. *The Battle for Dubai*, 4–7.

relations between Iran and the local Arab community. Furthermore, Foroohar asserts that currently in Dubai there are approximately 8000 Iranian businesses, 1200 of which are involved in trade between the two regions. Adding to the security complexities are “front companies” that operate as direct maritime shippers of goods to Iran, or operate as forwarders of goods to Iran that arrived to Dubai first; meaning a vessel can offload illicit material in Dubai, and that material can subsequently be forwarded to Iran via, as what Foroohar states is “Iran Air.” Similar to most of the GCC, Iranian businesses in Dubai must have a local citizen as a partner who owns more than half of the company; however, this relationship adds more challenges because it requires a Dubai citizen to jeopardize their potential monetary earnings through supporting the Iran restricting sections of UNSCR 1803 and 1929, as well as supporting proactive domestic and international law enforcement efforts.<sup>126</sup> This Dubai business leadership requirement explains why there was backlash in Dubai from owners of companies over pressure from Abu Dhabi to enforce both resolutions. According to Karim Sadjadpour, Dubai officials conceded saying that the monitoring of maritime trade would only hurt the Dubai economy, which is made up of many joint Iranian and Dubai companies.<sup>127</sup>

The problem for law enforcement is some of those joint Arab-Iranian companies, as well as those that are strictly Ajami owned via the free-trade zone, are considered “front companies” for Iranian procurement networks of illicit material. According to Dr. Emanuele Ottolenghi those front companies “serve as conduits for illegal procurement” of “advanced weaponry and sensitive technology.”<sup>128</sup> In one investigation, German law enforcement arrested Mohsen Vanaki, an Ajami in Germany, for transporting dual-use military and nuclear technology to Iran. Allegedly, Vanaki used a shipping company to procure equipment and technology from Western nations to Iran via a Dubai “front company” that ultimately sent them to a suspect Iranian company. To facilitate the transport of goods, Vanaki used false documents, and labeled the equipment with an

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<sup>126</sup> Kambiz Foroohar, “Dubai Helps Iran Evade Sanctions as Smugglers Ignore U.S. Laws,” *Bloomberg*, January 25, 2010, accessed November 2, 2012, [http://www.bloomberg.com/apps/news?pid=21070001&sid=av5smtYe\\_DDA](http://www.bloomberg.com/apps/news?pid=21070001&sid=av5smtYe_DDA).

<sup>127</sup> Sadjadpour. *The Battle for Dubai*, 4–7.

<sup>128</sup> Ottolenghi, *The Pasdaran*, electronic Kindle edition.

ultimate destination of a university in the Middle East.<sup>129</sup> This investigation resulted from German law enforcement efforts. To multiply the effectiveness of international policing, GCC Customs Divisions from each country need to expand their presence to Western nations in order to ensure that GCC law enforcement can dismantle pro-Iranian shipping networks that are operating on their home soil.

Drs. Peter Andreas and Ethan Nadelmann state in their book *Policing the Globe* that the previously named U.S. Customs, now part of the Department of Homeland Security, focused efforts on establishing multi-national working partnerships in order to assist in stopping the exporting of illicit cargo to the United States. In addition, Customs agents worked towards convincing foreign law enforcement that certain criminal activity was illegal in the United States, and therefore, should be policed by law enforcement agencies throughout the world.<sup>130</sup> This is where GCC law enforcement needs to increase their efforts. Placing a GCC Customs agent in a Western equivalent will assist in stopping illicit cargo going to Iran; however, in order for that policy to be effective GCC law enforcement needs to overcome the historic trade their individual nation has with Iran. UNSCR 1803 and 1929 are not part of international law, but they do need to be enforced based on international expectations. Convincing GCC countries to put historic trade and ethnic links second to a U.N. resolution is a difficult task. Drs. Andreas and Nadelmann summarize best in their quote, “As long as the power to make and unmake criminal laws remains in the hands of states rather than supranational institutions, laws and their enforcement will always vary from one state to another depending on different and ever-changing moral notions and perceptions of foreign and domestic risks and threats.”<sup>131</sup>

Of most concern in the Arabian Gulf is policing the activities of the Islamic Republic of Iran Shipping Lines and its subsidiaries, which are all specifically named in

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<sup>129</sup> David Albright and Christina Walrond, “The Trials of the German-Iranian Mohsen Vanaki: The German Federal Intelligence Service Assesses that Iran Likely has a Nuclear Weapons Program,” *Institute for Science and International Security Report*, September 16, 2009, 1-4.

<sup>130</sup> Peter Andreas and Ethan Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations* (Oxford: University Press, 2006): 135–136.

<sup>131</sup> *Ibid*, 226.

UNSCR 1803 and 1929. According to the U.S. Department of Treasury, this Iranian shipping line purposefully operates in the maritime environment as a means around sanctions, something that is accomplished via front companies, subsidiaries, and affiliates. Based on Executive Order 13382, several United Arab Emirates based shipping companies were designated as directly facilitating this endeavor.<sup>132</sup> Treasury further asserts that the Islamic Republic of Iran Shipping Lines became a target for sanctions because the company is reported to use its civilian maritime fleet in support of Iranian military operations. Specifically, their vessels are alleged to be primary transporters of procured items that can be used in Iran's nuclear program. In order to transport cargo without the scrutiny of international law enforcement, these vessels continually change the identity of their ships. This attempted deception usually occurs through the practice of changing the vessel's name, as well as the country in which the vessel is flagged.<sup>133</sup> In regard to the GCC, that means a vessel from this fleet could enter a port under a non-Iranian flag, with a non-Iranian name, with changed vessel markings, and load sanctioned cargo without any authority official even knowing it occurred.

Dr. Khadija Sharife states that foreign maritime corporations like those in Iran use flags of convenience to hide maritime trade activities. As shown, the Islamic Republic of Iran Shipping Lines is known for using various national flags on their vessels to avoid law enforcement scrutiny. According to the U.N. Law of the Sea, there must be a legitimate link between the vessel and the nation that it is flagged under. If this is cannot be ascertained than local law enforcement authorities have necessary probable cause to take proactive policing actions. Dr. Sharife states that ownership is the problem because it is difficult to ascertain who the real owner of the vessel is, and therefore, flags of convenience can be used to move illicit material and further criminal activity.<sup>134</sup> The

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<sup>132</sup> U.S. Department of Treasury, "What You Need to Know About Treasury Restrictions," accessed December 16, 2012, <http://www.treasury.gov/resource-center/sanctions/Programs/Documents/wmd.pdf>; U.S. Department of Treasury, "Treasury Designates Ten Shipping Companies, Three Individuals Affiliated with Iran's National Shipping Line," *Press Release*, June 20, 2011, <http://www.treasury.gov/press-center/press-releases/Pages/tg1212.aspx>.

<sup>133</sup> Adam J. Szubin, "No Safe Port for IRISL," *Treasury Notes*, October 27, 2011, accessed December 16, 2012. <http://www.treasury.gov/connect/blog/Pages/No-Safe-Port-for-IRISL.aspx>.

<sup>134</sup> Khadija Sharife, "Flying a Questionable Flag: Liberia's Lucrative Shipping Industry," *World Policy Journal* 27, no. 4 (2011): 112-118.

U.S. Department of Treasury states that those “in the maritime industry should be aware that assisting the Islamic Republic of Iran Shipping Lines, or its blocked affiliates in re-flag their vessels” could lead to Treasury designation under current laws.<sup>135</sup> A 2010 *New York Times* report emphasizes the complexity of policing this fleet. According to the data provided, there are approximately 65 shipping companies that are directly affiliated with the Islamic Republic of Iran Shipping Lines. These companies are incorporated in Iran, Hong Kong, Malta, Isle of Man, Germany, and Cyprus. Several of these companies have branched into other affiliates that are now incorporated in Panama.<sup>136</sup>

This mixing of flags, different nations of incorporation, subsidiaries, and affiliates makes enforcing U.N. resolutions on Iran a difficult task in the maritime domain. In the Arabian Gulf it is challenged even more because it must combat historic trade links, national identity, and smuggling networks. In the United States, the Islamic Republic of Iran Shipping Lines would not be able to establish a presence in a port; however, in the Arabian Gulf it is not an uncommon, or an abnormal occurrence for this shipping line or its associated companies to establish a presence in a GCC port. To many in the shipping industry, it would simply be considered another means of making profits from trade.

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<sup>135</sup> U.S. Department of Treasury, “Important Islamic Republic of Iran Shipping Lines Advisory,” *news releases*, July 19, 2012, accessed December 16, 2012, <http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20120719.aspx>.

<sup>136</sup> New York Times, “Companies Linked to IRISL,” June 7, 2010, accessed February 8, 2012, <http://www.nytimes.com/interactive/2010/06/08/world/middleeast/sanctions-companies-table.html>.; U.S. Department of Treasury, “Designations of Six IRISL Fronts,” October 27, 2011, accessed February 8, 2013, [http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Documents/irisl\\_panama\\_notice\\_10272011.pdf](http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Documents/irisl_panama_notice_10272011.pdf).

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## VI. CONCLUSION

If an analytical model could be provided to law enforcement agencies charged with enforcing international sanctions in the maritime domain, the variables of historic trade, identity, and smuggling networks need to be accounted for. There are other factors that influence policing success, but this thesis focuses primarily on these three because in the Arabian Gulf, these stand out as being the significant challenges. Enforcing a UN resolution, or any security policy, is a complex task. The success is reliant upon everything from a nation's specific history to the ethnic makeup of its' population. As shown in this thesis, accomplishing the goals set forth in UNSCR 1803 and 1929 are extremely vulnerable to the demographics of GCC law enforcement and shipping communities, its history in maritime trade, as well as the characteristics of the illegal drug trade. These challenges are difficult to overcome, especially since the examination of maritime activity overseas is sometimes a second priority to a foreign nation's security policies. Based on these challenges, it is incumbent upon policy makers to understand the effectiveness of a security program at the lowest level. In the case of this thesis, the lowest level is found at the individual enforcement officer, the individual maritime business, and the individual drug trafficker and user.

A national leader has several tools at his or her disposal for changing and influencing suspect behavior. Throughout the history of interactions between the United States and the Islamic Republic of Iran, many stages of policy choices have been used against the Iranian government to change their actions; each with different results. One of those tactics routinely attempted are sanctions; however, the overall opinion of this policy choice is susceptible to analyst optimism based on misleading facts at the lowest level. For sanctions to be effective, all possible variables to enforcement need to be accounted for. In the case of UNSCR 1803 and 1929, those variables are historical trade, identity, and smuggling networks; each of which ultimately impacts the overall success of both resolutions in the Arabian Gulf.

## A. HISTORIC MARITIME TRADE

As Dr. Dionisius Agius states, the historic trade between the GCC and Iran has created a scenario where countries have become a mixture of culture and nationalities, where the predominance of “seafarers” created a diverse society along identity lines. Agius further argues that these historic trade links led to an influx of Iranians who facilitated the maritime trade between the two regions, to the point where most of the dhows found in the GCC flew Iranian flags. Even in Bahrain where there is continuous tension with Iran, Agius emphasizes the primacy of the Iranian dhow trade through re-exports. Agius explains that throughout the GCC, machinery and electronics arrive from other countries, and are subsequently transported to Iran.<sup>137</sup> It is this scenario that must be emphasized for its relevance to this thesis. Benign machinery and electronics could be used as dual-use technology for Iranian nuclear and military programs. If there is an Ajam or South Asian working as a stevedore who is not concerned with UNSCR 1803 and 1929, or does not understand the enforceability of each, dual-use technology could be shipped as cargo without scrutiny through established maritime trade networks between the GCC and Iran.

Historically, trade trends between Iran and Gulf countries have been increasing for years, the only exception being the slight decline after the issuing of several U.N. resolutions targeting Iran; however, there are enough maritime alternatives and monetary demand throughout the Gulf countries to keep the trade links with Iran connected even after sanctions have been imposed. Within this trade environment, maritime shipping is the primary means for transporting goods; both through legitimate and illegal fleets. To emphasize the extent of trade between the two regions, and therefore the possibility of working around UNSCR 1803 and 1929, Nader Habibi of Brandeis University uses the following International Monetary Fund statistics of the GCC nation with arguably the most ideological differences when compared to Iran:

In 1995, Saudi Arabia exported to Iran approximately 21 million USD worth of goods. In 2008 that number rose to 615 million USD, and subsequently dropped in 2009

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<sup>137</sup> Agius, *Seafaring*, electronic Kindle edition.

to 418 million USD. In 1995 Iran exported to Saudi Arabia approximately 60 million USD worth of goods. In 2008 that number rose to 901 million USD, and subsequently dropped in 2009 to 612 million USD.<sup>138</sup> Within this trade, maritime shipping played an extensive role, and based on the sheer amount of goods being transported, there was ample opportunity for the goals of UNSCR 1803 and 1929 to be undermined.

## **B. IDENTITY**

As shown in this thesis, a complete understanding of UNSCR 1803 and 1929 in the GCC today cannot be accomplished without examining the Ajam and South Asian communities. It is evident that regional trade and the events that occurred in Iran's history were the catalyst that pushed many Iranian families to the GCC for legitimate economic purposes, thereby establishing the foundation for family and business links that transcend GCC nationality. Due to the GCC's openness to the Iranian population, the Ajam community was able to absorb into the GCC's bureaucracy, establish successful corporations, and develop into various positions of influence. This absorption came at a cost though, as some members of the Ajam community could not release from their pro-Iranian identity. Furthermore, as this thesis shows the connection to Iran of some GCC citizens influenced some members of law enforcement to not support either resolution with maximum effort. The GCC's history with oil led to a scenario where the South Asian population came to the Gulf to find work, which resulted in many being placed in positions where they assist Customs Divisions in enforcing both resolutions. That phenomenon resulted in vulnerabilities in the success of UNSCR 1803 and 1929 because this community was not trained in policing, and many did not understand what the goals or purpose of either resolution was based on.

## **C. DRUG SMUGGLING NETWORKS**

Illegal drugs enter the GCC from Iran, as well as from outside the Arabian Gulf through maritime means. These networks undermine the goals of UNSCR 1803 and 1929 because they create venues where smugglers of sanctioned material can capitalize

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<sup>138</sup> Habibi. *The Impact of Sanctions*, 5–6.

on existing networks. According to Dr. John Anthony, Iranian merchants do use dhows for smuggling, and within the approximate 2500 Iranian dhows that Anthony states are involved in trade with the GCC each year, the potential exists for dual-use technology to be transported to Iran via established smuggling networks.<sup>139</sup> Evidence indicates that criminal networks, as well as procurers and suppliers of sanctioned material are becoming intertwined. The extensive network of A.Q. Khan shows how a provider of technology, legitimate shipping in the Arabian Gulf, drug traffickers, and criminals can work together to transfer material to not only Iran, but also other questionable nations.

#### **D. ENFORCEMENT OUTLOOK**

Today in the GCC countries, vessels are taking on cargo for shipment to Iran. Based on reasons shown, maritime cargo will continue to be transported without interruption. As reinforced throughout this thesis, the ability to police UNSCR 1803 and 1929 will need to overcome the obstacles of legitimate trade, identity, as well as the continuing illegal drug market that is growing in the Gulf. It is important that policy makers in the United States understand the enforceability of both resolutions at the street level in the Gulf to ensure that a false sense of security does not develop about the effectiveness of UNSCR 1803 and 1929. Law enforcement agencies in the GCC are partners in limiting Iranian activity; however, as a whole GCC nations are susceptible to their own specific history and culture. This is not a bad phenomenon, for it is their region, yet the United States will need to develop advanced law enforcement policies in order to ensure that the voids in enforcing UNSCR 1803 and 1929 are filled.

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<sup>139</sup> Anthony. *The Arab States of the Lower Gulf*, 159.

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