

Maritime Piracy and the Construction of Global Governance

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7 Frames, Humanitarianism, and Legitimacy

Explaining the Anti-Piracy Regime in the Gulf of Aden

Kevin McGahan and Terence Lee

INTRODUCTION¹

Piracy off the coast of Somalia has alarmingly escalated in both scope and violence during the past several years, with the Gulf of Aden now constituting the most dangerous waters anywhere in the world.² States and non-state actors have responded in unprecedented fashion. More than twenty countries formed the maritime Combined Task Force (CTF-151), while the European Union (EU) and North Atlantic Treaty Organization (NATO) each launched separate multilateral operations. The United Nations (UN) has also taken historic steps to combat piracy in the Gulf of Aden, including invoking Chapter VII.³ However, rather than averting piracy exclusively as a security concern, the UN Security Council has repeatedly called upon member states and regional organizations to use “all necessary means” against piracy to protect the vital humanitarian “lifeline” consisting of food aid and logistical support for millions of at-risk Somalis.⁴ As piracy off the coast of Somalia threatens a range of commercial and strategic interests, why have key actors framed their collective efforts with reference to protecting humanitarian aid and human rights? Particularly given the long legacy of humanitarian failure in Somalia, why would actors continually frame anti-piracy measures as humanitarianism when more traditional material interests are at stake?⁵

While some observers characterize this anti-piracy regime as underdeveloped and lacking coordination, we alternatively argue that various actors have achieved relatively significant degrees of coordination and cooperation in governing the waters off the coast of Somalia.⁶ In advancing our argument, we do not deny that actors have important security and commercial interests vested in the waters around the Horn of Africa, most notably safe passage of naval vessels and energy commodities such as oil and gas. As we discuss later, neoliberal institutionalist approaches offer some analytical leverage in explaining why actors cooperate when material interests are at stake. However, we posit that the development of the anti-piracy regime

in the Gulf of Aden cannot be fully explained by rationalist approaches, which traditionally stress material interests of states in international security cooperation.⁷

By drawing on constructivist and social movement studies, we suggest that framing shapes cooperation among key actors, including the UN Security Council as well as NATO and EU forces. The international community has framed an apparent threat to security and material interests with reference to humanitarian relief efforts and human rights, which are increasingly seen as fitting in a broader context of legitimate concerns that demand action. States now inhabit a normative context in which there is a "humanitarian imperative" compelling the international community to protect people at risk. Normative frames hence resonate and offer meaning to such actors, enabling them to join and maintain this complex anti-piracy regime over time. In short, humanitarianism, for some, provides legitimacy, which generally denotes an actor's normative belief that a rule or institution should be followed.⁸

This chapter develops the argument in four steps. In the following two sections, we critically engage both rationalist and constructivist approaches, which offer competing explanations about regime formation and maintenance. We draw on a variety of studies in the constructivist and social movements literatures to show how and why frames matter in constructing and sustaining complex cooperation. The next section focuses on the emergence of the anti-piracy regime governing the Gulf of Aden as outlined in UN Security Council resolutions since the 1990s. We examine the entire texts of UN Security Council resolutions to illustrate how piracy off the coast of Somalia has been framed, the multitude of actors involved in combating piracy, and the resources mobilized to address it.⁹ We suggest that humanitarian frames bolster the regime's legitimacy, which consequently generated support for this anti-piracy regime, particularly facilitating EU and NATO involvement. Lastly, we conclude by discussing the implications that flow from this analysis and suggesting future areas of research, namely the importance of framing and legitimacy in upholding key pillars of global governance.

RATIONALIST APPROACHES TO THE GULF OF ADEN REGIME

With material interests clearly at stake, neoliberal institutionalism helps explain certain aspects of the complex regime governing the Gulf of Aden. Similar to other regimes, which have generally been defined as sets of both formal and informal rules, norms, and decision-making procedures around which actors' behavior converges, this regional case has evolved over time to serve various functions.¹⁰ Since the late 1990s, the UN Security Council has passed a series of resolutions to address the political instability and criminal violence in Somalia. These efforts gradually targeted piracy and

were justified through UNCLOS and other international agreements. This anti-piracy regime later grew in complexity when, in 2009, the U.S. and its allies spearheaded, under the UN Security Council counter-piracy mandate, the formation of the multilateral CTF-151 naval fleet. This broad maritime force patrols the wide swath of sea around the Horn of Africa to defend against pirate attacks.¹¹

Given its materialist ontology and rationalist methodology, neoliberal institutionalism traditionally stresses how states weigh the costs and benefits of security and commercial interests in forming and developing regimes.¹² In applying neoliberal institutionalism, we suggest that crucial economic and political interests in the Gulf of Aden help explain the emergence and nature of the anti-piracy regime. The waters off the coast of Somalia, for instance, constitute important maritime shipping lanes through which key commodities transit. Some estimates indicate that as much as 40 percent of the world's seaborne oil supply passes through the Gulf of Aden and the Arabian Sea.¹³ As the reports from the International Maritime Bureau (IMB) in the past ten years indicate, pirates operating near Somalia have greatly increased the violence and number of attacks targeted against international shipping traffic, thereby jeopardizing valuable commodities required for the global economy. Such risks have led to noticeable spikes in costs associated with maritime shipping in the region, including greater protection and salary demands among commercial seafarers.¹⁴ Additionally, insurance company Lloyd's of London declared the Gulf of Aden a "war-risk" zone, causing insurance premiums to rise substantially.¹⁵ Piracy in the Gulf of Aden, moreover, poses security risks to states and other actors around the world. Somalia remains politically fractured and economically devastated. Indeed, because the state of Somalia is unable to exercise juridical sovereignty, pirate gangs, and radical militants, such as al Shabaab, readily inflict violence that often spills into neighboring countries. As a result, Ethiopia and Kenya have each responded by sending armed forces into Somalia, adding to the already substantial number of peacekeeping soldiers under the African Union Mission in Somalia (AMISOM) on the ground.¹⁶

Neoliberal institutionalism also emphasizes the various functions that regimes perform for member states, such as lowering transaction costs, increasing information flows, facilitating credible commitments, and providing focal points or salient solutions.¹⁷ The Gulf of Aden regime demonstrates these interrelated aspects. For example, states participating in the anti-piracy regime share costs and capabilities to patrol the vast maritime area which includes parts of the Indian Ocean, Arabian Sea, Gulf of Aden, Gulf of Oman, and Southern Red Sea. The maritime area where piracy attacks have occurred is so extensive that it would be too costly for any one or two naval forces to undertake patrols by themselves. In addition, with an anti-piracy regime in place, information problems are mitigated by establishing various venues and forums. The CTF-151 specifically enables states

and non-state actors to share information through such mechanisms as the Shared Awareness and Deconfliction (SHADE) meetings.¹⁸ The UN Security Council and its resolutions, furthermore, have served as focal points to facilitate the anti-piracy regime. The counter-piracy UN Security Council resolutions offer principles, norms, and decision-making procedures so that states share similar ideas about what rules govern their participation and interaction in such collective efforts, even authorizing states and non-state actors to enter the territorial waters of Somalia. Moreover, as we highlight later, the Contact Group on Piracy off the Coast of Somalia was formed particularly in response to UN Security Council resolutions calling for focal points to enhance cooperation.

Despite the analytical leverage that neoliberal institutionalism offers, we note that the discourse constructing international cooperation in forming and developing anti-piracy efforts in the Gulf of Aden does not necessarily reflect material interests—suggesting a more complex process is at work. As neoliberal institutionalism often highlights material interests, this approach would suggest that states generally focus on certain political and economic costs and benefits of cooperation. We fail to observe this rationale in public discourse, however, among key actors. Since 2007, the EU and some of its member states as well as the IMO and NATO, have progressively acted through the UN Security Council and other political forums to frame the issue of piracy not as economic or security concerns *per se*, but rather with an emphasis on normative and humanitarian concerns. By 2008, the UN Security Council clearly viewed the humanitarian situation in Somalia with alarm, emphasizing it above other interests at stake. As analyzed later, UN resolutions not only expressed concern repeatedly about the worsening “human rights situation in Somalia” and “humanitarian access and security for humanitarian personnel” in preambulatory clauses, but also strongly supported “states to protect humanitarian deliveries” and “take action” against land and sea attacks.¹⁹ More striking, Somalia’s humanitarian crisis had become highly visible in certain public discourse, often mentioned expressly before commercial and navigational interests throughout a series of UN resolutions.

CONSTRUCTING COUNTER PIRACY AS HUMANITARIANISM

How and Why Framing Matters

Constructivism helps us examine the emphasis of humanitarianism in developing the anti-piracy regime. Constructivist approaches problematize interests, revealing how both states and non-state actors expend human and financial resources to frame issues in achieving collective goals. Constructivism, with its sociological orientation, suggests that framing constitutes how actors behave in the social world, helping them: differentiate

between legitimate and illegitimate behavior. By focusing attention on how actors construct meanings and practices, constructivist approaches have generally sought to understand the goals of actors as well as the means by which they reach those aims, including the use of discourse to alter policy debates.²⁰ Also, studies on social movements help us understand how actors utilize frames to mobilize support.²¹ By drawing on these two bodies of literature, we offer an argument to explain how and why frames matter in the collective efforts that constitute the anti-piracy regime governing the Gulf of Aden. We argue that key actors, such as the EU and NATO as well as the International Maritime Organization (IMO), helped frame piracy with reference to humanitarian and human rights concerns because these issues identified a problem which resonated with a wide variety of actors, provided legitimacy for an interventionist response, and offered opportunities to implement anti-piracy measures.

Although various scholars have employed the concept of framing, few analyses have applied it to maritime security issues and regional regimes. Goffman originally defined frames as “schemata of interpretation” that enable actors “to locate, perceive, identify, and label” situations in the social world.²² Some constructivists use frames to denote “a template that identifies a problem and offers a solution” within a broader theoretical and ideological context.²³ By drawing on social movement studies, we similarly define frames as the discourse and even symbols actors routinely use to identify, respond and mobilize.²⁴ Through framing, actors may behave both principally and strategically to define a problem and subsequently articulate what they see as an appropriate policy response to that problem. In particular, effective frames offer meaning and resonate with an audience, which includes political leaders, bureaucrats, activists, journalists, scholars, voters, and presumably those affected by the problem in question. Given our focus on the UN Security Council in this study, the audience largely consists of elites in the form of state representatives and policymakers at the UN and regional organizations, including the EU and NATO.

In an effort to go beyond underscoring the significance of framing, we fill a lacuna in the literature by aiming to identify the mechanisms by which frames help achieve collective action in world politics. Constructivist approaches, especially those applied to social movements, offer key insights to address these theoretical concerns. Keck and Sikkink, for example, demonstrated that transnational activists frame issues “to make them comprehensible to target audiences, to attract attention and encourage action, and to ‘fit’ with favorable institutional venues.”²⁵ This latter dimension of institutional fit is germane in fleshing out how frames work. Social movement theories also demonstrate that frame alignments or linkages to other frameworks are necessary conditions for individual actors to join collective efforts.²⁶

However, in studying this framing process, we confront the puzzle of why some frames resonate widely among a target audience, while others do

not. A potential answer lies with the content and contextual fit of the frame itself. Scholars have found that frames situated within a broader social and historical context tend to invoke a stronger connection.²⁷ As previous scholars have demonstrated, an actor is more likely to accept new claims or frames if these are shown to be similar to widely held ideas. That is, frames are more effective in capturing popular support when they are embedded in content that coincides with previously accepted ideas and practices.²⁸ Such accepted beliefs are generally viewed as legitimate, though legitimacy varies among different contexts and time periods.

Framing and Legitimacy

Building on previous studies, we suggest that legitimacy, or the normative belief that certain practices should be obeyed, enables framing to be effective.²⁹ Legitimacy helps to constitute effective frames, which identify issues that resonate widely with an audience and thereby mobilize support for appropriate responses to address them. Framing issues in already established moralist and normative terms, therefore, lends legitimacy to a particular social movement or institution. Piracy may be framed in any number of ways, including as a set of social practices that threatens economic and security interests. Alternatively, piracy may be framed as a threat to aid deliveries, peacekeeping efforts, and human rights, which are increasingly seen by some actors in a larger context of legitimate humanitarian concerns. In examining the regime against piracy in the Gulf of Aden, the counter-piracy-as-humanitarianism frame enables collective efforts among actors, such as European states and organizations, which may not have participated in the regime to the extent that they have without this frame at work. Framing piracy effectively, thus, facilitates collective action for regime formation and maintenance over time.

When institutions and regimes are new, as in the anti-piracy regime governing the Gulf of Aden, their development is often underpinned by a common set of both causal and principled beliefs. Causal beliefs are ideas about cause-and-effect relationships that derive authority from the shared consensus of influential elites. Principled beliefs, on the other hand, are normative ideas that specify criteria for distinguishing right from wrong and just from unjust.³⁰ When an actor believes practices and institutions are legitimate, the decision to comply is no longer motivated by a calculation of self-interest or the fear of retribution. Instead, decision-making processes can be traced back to these causal and principled beliefs, or an internal sense of rightness or obligation.³¹ Put differently, legitimacy derives from a sense actors have of the appropriateness of a set of rules.³²

Legitimacy helps to constitute effective frames particularly in the context of collective action problems. Frames not only render events meaningful by simplifying and condensing aspects of the complex social world, but importantly they also “mobilize potential adherents and constituents, to garner

bystander support.”³³ Arguably, frames are more effective than “shared interests” or even “selective rewards”—as posited by Olson—for collective action.³⁴ Bruce Fireman and William Gamson have noted, for example, that collective action can only come about when individual participants see that they have a significant stake in the group’s fate. These stakes derive only from a sense of legitimacy about that collective task. Legitimacy here should be viewed from the perspective of a larger social context where people whose lives are “intertwined with the group [through friendship, kinship, organizational membership, informal support networks, or shared relations with outsiders,]” therefore “share prior bonds with others that make solidaristic behavior a reasonable expectation.”³⁵ When viewed in such a larger context, legitimacy promotes collective action as actors will likely contribute their share of resources even when the impact of that share is not tangible.³⁶ Ultimately, such frames sustain solidarity and commitment to a larger collective, “moving people [or actors] from the balcony to the barricades.”³⁷

There are several reasons why humanitarian frames are now seen as legitimate in the eyes of the international community. We suggest two important insights about humanitarian frames, namely the blurring of security and humanitarian concerns and changes in the normative environment of international relations. On the one hand, the international community has reevaluated the hitherto strict bifurcation between security and humanitarian concerns. This reevaluation has occurred because humanitarian crises were beginning to have profound regional and sometimes international consequences, leading states to “discover” the links between humanitarian emergencies and traditional security threats. In particular, failed states, the main sources of many humanitarian emergencies, have now become a danger to themselves and the larger international community. As Barnett suggests, these failed states have to be “saved.”³⁸ Moreover, powerful states and international organizations now see that a possible antidote to these failed states would be to create “stable, legitimate states organized around human rights, markets, and democracy.”³⁹

On the other hand, a normative structure in the international system has now emerged which both constrains and enables states to partake in humanitarian action. Barnett and Weiss note that one remarkable development in the post-Cold War period was the upsurge of laws, norms, and principles that created a humanitarian imperative.⁴⁰ Such imperatives call on the international community that it can and should protect populations at risk. The expansion and coalescing of norms of humanitarianism are evident in a range of issues, including the widening discourse of human rights, the expanding claim that sovereignty is contingent on states treating their citizens humanely, the growing legitimacy of humanitarian intervention, the language of a responsibility to protect, the desire to save failed states, the growing willingness to undertake post-conflict reconstruction, and the stress on conflict prevention. Indeed, we now see globally greater

opportunities for humanitarian action than ever before. International aid agencies that once found their opportunities stymied during the Cold War currently have greater access to threatened populations in need.⁴¹

With this new normative environment of humanitarianism, David Kennedy convincingly contends that humanitarian action has become more salient and legitimate in the international community's discourse because it provides a common vocabulary for military, political and humanitarian professionals.⁴² Specifically, the discourse of humanitarianism permits international organizations, military professionals, and politicians to speak about decisions to intervene militarily in a seemingly humane manner, such as intervention in Somali territory. Humanitarianism is no longer a distinct perspective in tension with military strategies. Humanitarian organizations may now cooperate with armed forces to achieve humane goals without engendering scandal. Indeed, for humanitarian organizations, this new shared vocabulary, which Kennedy stresses, offers access to resources and clarifies their purpose in international politics.⁴³ While Kennedy correctly points out the potential "dark-side" of casting traditional security tools as humanitarianism, humanitarian frames and practices have arguably gained legitimacy, as the distinction between traditional and non-traditional security issues has been challenged and eroded.

FRAMING PIRACY

Piracy off the coast of Somalia has been framed by several actors, namely key states acting through the UN Security Council, NATO, and EU—including the U.S., France, Canada, the Netherlands, and Denmark. In addition, non-state actors, such as the IMO and World Food Program (WFP), have been instrumental in defining and documenting incidents of piracy off the coast of Somalia, often working in concert with the UN Security Council and member states. The process of framing necessarily involves contentious politics, as actors compete with others advancing alternative frames. Piracy can be couched in many ways, but several dominant discourses frame piracy off the coast of Somalia. We show that as calls for greater cooperation required to combat piracy have increased, these actors have progressively framed piracy as a threat to humanitarian efforts as well as commercial interests. This frame of piracy as humanitarianism primarily assumes two forms, including threats in delivering food aid as well as threats in maintaining logistical support to peacekeeping forces attempting to provide security and stability in Somalia. In tracing how and why piracy was framed in such ways for cooperative ends, we begin by examining UN Security Council resolutions and related public pronouncements accompanying these resolutions. Throughout the discussion, we highlight the inter-related tri-partite process related to framing: identifying the problem of piracy, responding appropriately to the problem of piracy, and mobilizing

First, in examining how actors framed the problem of piracy to develop the regional regime governing the Gulf of Aden, we observe that the UN has long been a key actor addressing Somalia's protracted civil warfare and humanitarian crises since its last functioning government fell in 1991. This process of engagement among the international community, along with the years of conflict, famine, and displacement, helps account for the complexity of actors and agreements governing Somalia. UN Security Council resolution 733 (1992), one of the first international instruments repeatedly cited in subsequent resolutions combating piracy off the coast of Somalia, establishes an arms embargo and financial sanctions against warring factions in the region. This sanctions regime was later strengthened with UN resolution 751 (1992), resolution 1356 (2001), resolution 1425 (2002), and resolution 1725 (2006).⁴⁴

Despite the UN-sponsored embargo, weapons and money continued to flow into Somalia, fueling further civil conflict and criminal violence. Coupled with this trend, incidents of piracy and hijackings near the Horn of Africa also steadily increased against ships carrying humanitarian aid to Somalia, amongst others.⁴⁵ The UN Security Council subsequently issued statements, expressing growing concern over the state of humanitarian emergency in Somalia. In response to this problem, the body said that it would take some—though not clearly defined—action against piracy.⁴⁶

Acting with the international community, the UN Security Council continued to address the situation in Somalia through a series of resolutions that generally stressed the humanitarian emergency as a growing problem in need of action. Citing Chapter VII of the UN Charter, in February 2007, the Security Council adopted resolution 1744 that authorizes a regional peacekeeping force called the African Union Mission in Somalia (AMISOM).⁴⁷ This force replaced and subsumed the Inter-Governmental Authority on Development (IGAD) Peace Support Mission to Somalia (IGASOM), which was also backed by the UN to establish peace and security.⁴⁸ Although resolution 1744 does not mention piracy, it expressly calls on states to create all "necessary security conditions for the provision of humanitarian assistance."⁴⁹

In August 2007, the UN Security Council adopted resolution 1772, which stresses growing concern about the "upsurge in piracy off the Somali coast" as well as urges states to maintain security—including taking "appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid."⁵⁰ The resolution is important and revealing because it is the first time piracy—a traditional maritime threat—is identified explicitly as jeopardizing humanitarian aid. Although it was drafted by member states, several intergovernmental organizations shaped the content and discourse framing of this significant resolution.⁵¹ For example, the UN Security Council referenced the UN Secretary-General's quarterly report on Somalia submitted in June 2007. In his report, the Secretary-General notes the UN's role in providing various humanitarian and secu-

operations in Somalia building on lessons from earlier experiences from 1992 to 1995. The report further suggests that “an upsurge in piracy off the Somali coast posed additional challenges to the provision of aid as World Food Programme-chartered vessels came under attack in mid-May 2007.”⁵² The UN Security Council also cited specifically the joint communiqué of the IMO and WFP issued in July 2007. This communiqué expresses grave concerns that piracy increasingly threatened the humanitarian “lifeline” for hundreds of thousands of Somalis. The IMO Council accordingly authorized the Secretary-General of the IMO, Efthimios E. Mitropoulos, to request that the UN Security Council address piracy through enhanced coordinated action from the international community.⁵³ Furthermore, in November 2007, the IMO adopted a resolution that, *inter alia*, notes the “negative impact” piracy has had on the delivery of humanitarian aid to Somalia, and therefore urges states to escort ships employed by the WFP with warships or military aircraft.⁵⁴ Thus, even at this early stage of the Gulf of Aden regime, we see actors identifying the problem of piracy with reference to humanitarian aid and urging action in response.

Subsequent resolutions, particularly those adopted in 2008, further developed this frame of identifying piracy as a humanitarian concern and thereby requiring a collective response. In February 2008, the UN Security Council passed resolution 1801, which cites numerous reports from the President of Somalia as well as the 2007 IMO and WFP joint communiqué. Resolution 1801 encourages member states which have naval forces operating around the Horn of Africa “to protect merchant shipping, in particular the transportation of humanitarian aid.”⁵⁵ The resolution also welcomes the contributions specifically from France and Denmark in protecting WFP naval convoys.⁵⁶ In addition, the resolution interestingly concludes by reaffirming previous resolutions, such as resolution 1325 (2000), 1738 (2006), and 1502 (2003), which make reference to the responsibility to protect civilians—particularly women and children—and humanitarian workers. Such references broaden the humanitarian frame employed earlier.⁵⁷

Building on these previous resolutions, the UN Security Council passed a critical resolution in May 2008. Resolution 1814 importantly expresses concern about the deteriorating human rights situation in Somalia, noting the resolution passed on the growing crisis by the UN Human Rights Council.⁵⁸ After citing Chapter VII of the UN Charter, which traditionally authorizes military action by the Security Council, it reiterates the action taken by some states to protect the WFP maritime convoys and calls on both states and regional organizations to coordinate action. Similar to resolution 1801, this resolution also concludes with reaffirmations of previous instruments protecting civilian populations, particularly women and children. Again, we see how piracy is defined in part as threatening humanitarian aid, a legitimate concern requiring collective responses from the international community.

This humanitarian frame within a security context developed further in subsequent resolutions. In June 2008, resolution 1816 employed this frame by expressing at the outset the Security Council’s grave concerns about piracy posing a threat to “the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation.”⁵⁹ This juxtaposing of piracy and humanitarianism emphasized the secure provision of aid—first and foremost—and then noted safety of commercial navigation. This resolution also reflected the Security Council’s growing condemnation of pirates attacking vessels and hijacking crews belonging to the WFP aid deliveries to Somalia. Later, in August 2008, the UN Security Council passed resolution 1831. Although this resolution does not explicitly mention piracy, it authorizes the African Union’s peacekeeping operations in Somalia (AMISOM) to take all necessary steps in maintaining security for humanitarian assistance.⁶⁰ Such references reify the frame of humanitarianism that is interpreted and practiced in a security context by a range of actors, including the African Union as well as the UN Security Council.

Importantly, resolution 1838 recalls previous resolutions and stresses piracy as a threat to humanitarian aid. Similar to resolution 1816, this resolution expresses dire concern about piracy jeopardizing aid deliveries. It goes further by commending member states which have protected WFP maritime convoys since November 2007 and encouraging the EU’s coordinating role in combating piracy.⁶¹ The resolution then notes the Council’s determination in ensuring long-term security of WFP deliveries to Somalia and urges states and regional organizations to fight piracy in its efforts to protect WFP maritime convoys, which it deemed “vital” in bringing humanitarian assistance to the affected populations in Somalia.⁶²

In December, the Security Council adopted resolutions 1846 and 1851, reaffirming its pronounced emphasis on piracy as a threat to humanitarian deliveries before commercial navigation.⁶³ These resolutions also highlight the increasing diversity of actors involved as the regional regime developed. Resolution 1846, for instance, commends states and regional organizations, notably the EU and AMISOM, in protecting and facilitating humanitarian aid against piracy and armed attacks. In citing Chapter VII, the Security Council welcomed initiatives by Canada, Denmark, France, India, the Netherlands, Russia, Spain, Britain, and U.S., as well as by NATO and EU forces to counter piracy off the Somali coast, including escorting WFP vessels.⁶⁴ In resolution 1851, the Security Council notes the lack of state capacity in Somalia and thus acknowledges several requests from the Transitional Federal Government to the international community to assist Somalia in combating piracy.⁶⁵ The resolution also encourages all states and regional organizations fighting piracy in Somalia “to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy . . . to ensure the

long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard.⁶⁶ Importantly, therefore, this clause expressly linked the complexity of international cooperation to battle piracy with humanitarian concerns in key UN Security Council resolutions.

This emphasis on humanitarianism, piracy and international cooperation by the UN Security Council in addressing the situation in Somalia continued in subsequent years. Importantly, in late 2008 and early 2009, the EU launched its first ever joint naval operation called ATALANTA in accordance with the European Common Security and Defence Policy and UN Security Council resolutions. This naval force has a clear humanitarian mandate, specifically protecting WFP vessels from piracy and armed robbery at sea as well as safeguarding AMISOM shipping.⁶⁷ The EU has not shied away from using humanitarianism to explain Operation ATALANTA. Humanitarianism is listed as part of the mission's "legal basis" at the EU Council. In addition, in the EU's rationale about the consequences of piracy, it sees its participation as having "a deeper purpose" as "the Somali people, grossly abused, deprived of their fundamental human rights, deserve a better deal."⁶⁸ The naval mission commander said that the "protection of WFP shipping . . . is the number one thing [we] must do," clearly indicating this priority above other interests.⁶⁹

In early 2009, resolution 1863 reiterates the Security Council's "serious concern at the worsening humanitarian situation in Somalia" and expresses a desire to establish UN peacekeeping operations as a follow-up force to AMISOM in providing for security.⁷⁰ One month later, the Security Council was informed that 24 states and 5 regional and international organizations formed the Contact Group on Piracy off the Coast of Somalia in response to earlier calls to develop a focal point for international cooperation pursuant to resolution 1851.⁷¹ In a letter to the Security Council, the contact group noted its concern over growing incidents of piracy near Somalia. Similar to UN resolutions on the topic, the letter stresses piracy as a disruption to critical humanitarian aid deliveries before referencing other concerns, such as increasing shipping insurance rates and damaging littoral economies.⁷² The Security Council, in subsequent months, continued to emphasize humanitarian concerns—first and foremost—and then mentioned growing rates of piracy and civil unrest in Somalia.⁷³

In 2010, the Security Council reiterated its concern about the worsening humanitarian situation in Somalia. Resolution 1910 interestingly condemns the attacks of humanitarian deliveries by "armed groups," rather than pirates. This resolution later recounts previous calls to address the problem of piracy in Somalia and take all appropriate steps to ensure the safety of humanitarian personnel and supplies.⁷⁴ This reference to threats to humanitarian aid by armed groups—and not pirates—was further highlighted in UN Security Council resolution 1916.⁷⁵ Moreover, in April 2010, resolution 1918 outlines concerns about the "threat of piracy and armed

robbery at sea against vessels" to Somalia and other states in the region "as well as to international navigation and the safety of commercial maritime routes." This slightly new language suggests that the Security Council broadened the initial frame, expressing the threat of piracy to humanitarianism not only in Somalia but elsewhere. Further, the resolution commends the efforts of the EU and NATO operations as well as CTF-151 in combating piracy. It also stresses efforts in developing national courts in Somalia and neighboring countries to prosecute pirates.⁷⁶ The original verbiage about piracy posing a threat to the "prompt, safe, and effective delivery of humanitarian aid to Somalia" returned in resolution 1950.⁷⁷ Interestingly, the resolution further expresses concern about children being involved in piracy off the coast of Somalia. Furthermore, reflecting the growing complexity of the regional regime, the resolution outlines the progressively long list of actors involved in combating piracy, ranging from states to regional organizations to several UN agencies.⁷⁸ In April 2011, the frame widened further to the "growing threat that piracy and armed robbery at sea against vessels" pose to the situation in Somalia and other states "as well as to international navigation."⁷⁹ The resolution also engaged alternative frames employed by pirates themselves, noting concern about allegations of illegal fishing and dumping of toxic waste in Somali waters that have been "used by pirates in an attempt to justify their criminal activities."⁸⁰ Resolution 1976, by incorporating such non-traditional security concerns, again reflects the "humanitarian imperative" states now appear to be guided by.

CONCLUSION

As piracy off the coast of Somalia continues to escalate in both scope and violence, states and non-state actors confront growing threats to their commercial and strategic interests. So why have certain actors framed the threat of piracy with reference to humanitarianism and human rights when more traditional security interests are at stake? This trend seems especially puzzling because Somalia has a legacy of controversial failures of international humanitarian intervention. This chapter shows that some actors frame piracy partially with reference to humanitarianism to define the problem and offer policy solutions which resonate widely, helping to mobilize collective efforts and resources required in developing complex regimes. By drawing on constructivist approaches, we highlight the importance of framing and legitimacy to collective efforts to combat piracy off the coast of Somalia. It is legitimacy that often binds progressively diverse sets of actors to support and develop the anti-piracy regime.

At least two important implications flow from this study. First, this analysis suggests that the growing literature on global governance needs to examine more critically how and why framing matters in facilitating international cooperation. By better understanding the relationship between

framing and legitimacy in world politics, both policymakers and activists, as a result, may augment their effectiveness in shaping policies that resonate with a target audience and mobilize resources. Second, studies on maritime piracy have been largely empirical and descriptive in nature, frequently highlighting policy debates at the expense of theoretical discussions. This analysis began with the puzzle of explaining why some states without a great deal of material interest in combating maritime piracy were ultimately persuaded to take robust action driven by a humanitarian framing of the issue. This empirical case adds to the increasing body of literature that suggests that normative arguments can motivate costly actions when they resonate with prevailing value frames.

We conclude by suggesting areas of future research. Our study critically examines the development of the anti-piracy regime governing the Gulf of Aden. Future studies could further develop our argument by engaging other case studies. For instance, Southeast Asian countries have also constructed a regional regime to govern maritime piracy. The three littoral states of Indonesia, Malaysia, and Singapore have developed a relatively effective collective arrangement that involves joint naval and air patrols around the Straits of Malacca as well as information sharing initiatives. If our argument travels, these actors have attempted to frame the issue of piracy in terms that resonate widely and enhance the legitimacy of collective efforts taken to curb piracy in the Straits of Malacca. By comparing various anti-piracy regimes, scholars will be able to shed light on important similarities and differences among them to better understand some of the key pillars of global governance.

NOTES

1. This chapter was presented at the annual meeting of the International Studies Association in Montreal from March 15–19, 2011. We thank participants of the Maritime Piracy and Global Governance Workshop, particularly Eric Heinze, Mark Nance, and Michael Struett, as well as Patrick Cottrell, for their comments.
2. International Maritime Bureau (IMB) reports that the total number of pirate and armed robbery attacks at sea worldwide from January to November 2011 was 397 while hijackings for the same period was 39, with Somalia representing 223 and 26 of these incidents, respectively. See <http://www.icccs.org/piracy-reporting-centre>.
3. Chapter VII gives the Security Council legislative authority; its use in decisions governing Somalia in 1991, a situation that was largely a domestic issue that the Security Council framed as “a threat to international peace and security,” began a period in which the Security Council has used Chapter VII with much greater frequency than it had during the Cold War. See Peter Wallensteen and Patrick Johansson, “Security Council Decisions in Perspective” in *The UN Security Council: From the Cold War to the 21st Century*, ed. David M. Malone (Boulder, CO: Lynne Rienner, 2004), 17–35.
4. See UN Security Council, *Resolution 1772 (2007) The Situation in Somalia*, August 20, 2007, S/RES/1772 (2007), <http://www.unhcr.org/refworld/>

docid/46cbdf692.html; World Food Programme, “Coordinated Action Urged: Piracy Threatens UN Lifeline to Somalia,” *World Food Programme Press Release*, October 7, 2007.

5. One noteworthy example includes the failure of U.S.-led humanitarian operations during the early 1990s, which was dramatically captured in the 2001 award-winning film, *Black Hawk Down*. See also Walter Clarke and Jeffrey Herbst, eds., *Learning from Somalia: The Lessons of Armed Humanitarian Intervention* (Boulder, CO: Westview Press, 1997).
6. In this regard, we differ slightly with Nance and Struett in this volume, for instance, in their characterization of the level of cooperation among states in the anti-piracy regime.
7. John J. Mearsheimer, “The False Promise of International Institutions,” *International Security* 19, no. 3 (1994/1995). Peter J. Katzenstein, Robert O. Keohane, and Stephen D. Krasner, *Exploration and Contestation in the Study of World Politics* (Cambridge, MA: MIT Press, 1999). Robert Keohane and Lisa Martin, “The Promise of Institutional Theory,” *International Security* 20, no. 1 (1995).
8. This definition of legitimacy draws on the one offered in Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton, NJ: Princeton University Press, 2007), 7.
9. We recognize that other indicators possibly reflect the discourse employed by states and non-state actors in framing piracy. However, this chapter primarily looks at UN Security Council resolutions because these generally encompass the broad range of actors involved and outline the main measures addressing Somali piracy.
10. This definition draws on Krasner’s oft-cited one, see Stephen Krasner, ed. *International Regimes* (Ithaca, NY: Cornell University Press, 1983).
11. While state contributions are not equally distributed, the list of countries participating in CTF-151 consists of personnel and ships from over 20 countries, including the U.S., Britain, Canada, Denmark, France, Germany, Greece, Italy, the Netherlands, Pakistan, Saudi Arabia, Singapore, Spain, South Korea, Turkey, and Yemen. See “Combined Task Force 151,” U.S. Navy, <http://www.cusnc.navy.mil/cmfi/151/index.html>.
12. Andreas Hasenclever, Peter Mayer, and Volker Rittberger, *Theories of International Regimes* (New York: Cambridge University Press, 2001).
13. “Somali Pirates Free Oil Tanker,” *Reuters News*, April 8, 2011.
14. Milena Sterio, “The Somali Piracy Problem: A Global Puzzle Necessitating a Global Solution,” *American University Law Review* 59 (2010).
15. Aidan Jones, “Somali Piracy a Boost for London’s Shipping Insurers,” *Christian Science Monitor*, May 31, 2009.
16. Jeffrey Gettleman, “Ethiopian Troops Said to Enter Somalia, Opening New Front Against Militants,” *New York Times*, November 20, 2011.
17. In this chapter, similar to other scholars, we use institutions and regimes interchangeably; see Hasenclever, Mayer, and Rittberger, *Theories of International Regimes*.
18. “Counter Piracy Operations, Challenges, Shortfalls and Lessons Learned,” Combined Maritime Forces (CMF) Operations, <http://www.nato.int/structur/AC141/pdf/PS-M/Combined%20Maritime%20Forces%20Ops.pdf>.
19. Several resolutions consistently use these phrases during this time period, see for example UN Security Council, *Security Council Resolution 1814 (2008) [On the Relocation of the UN Political Office For Somalia (UNPOS) from Nairobi to Somalia]*, May 15, 2008, S/RES/1814 (2008), <http://www.unhcr.org/refworld/docid/483291c22.html>.

20. Audie Klotz and Cecelia Lynch, *Strategies for Research in Constructivist International Relations* (Armonk, NY: M.E. Sharpe, 2007), 52.
21. Snow et al. 1986.
22. Erving Goffman, *Frame Analysis* (Cambridge, MA: Harvard University Press, 1974); Gary Alan Fine and Gregory W.H. Smith, eds., *Erving Goffman* (London: Sage Publications, 2000); David A. Snow et al., "Frame Alignment Processes, Micromobilization and Movement Participation," *American Sociological Review* 51 (1986).
23. Klotz and Lynch, *Strategies for Research in Constructivist International Relations*, 52.
24. David A. Snow and Robert D. Benford, "Ideology, Frame Resonance, and Participant Mobilization," *International Social Movement Research* 1 (1988); Robert D. Benford and David A. Snow, "Framing Processes and Social Movements: An Overview and Assessment," *Annual Review of Sociology* 26 (2000).
25. Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998), 2-3. See also Jurta Joachim, "Framing Issues and Seizing Opportunities: The UN, NGOs, and Women's Rights," *International Studies Quarterly* 47 (2003).
26. We simplify this aspect of frame alignment. However, frame alignment processes may be further disaggregated into frame bridging, frame amplification, frame extension, and frame transformation to explain variation of collective participation over time. See Snow et al., "Frame Alignment Processes, Micromobilization and Movement Participation."
27. Richard Price, "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines," *International Organization* 52, no. 3 (1998).
28. Keck and Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics*, 46-51. In their historical and content analysis of the anti-slavery movement in the U.S., for example, Keck and Sikkink show that when anti-slavery activists framed slavery in commonly accepted moral terms, with reference to slavery as a social sin, actors successfully mobilized around the issue, eventually leading to its abolishment.
29. Again, we adopt a definition of legitimacy from Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, 7, 30.
30. M. Patrick Cottrell, "Legitimacy and Institutional Replacement: The Convention on Certain Conventional Weapons and the Emergence of the Mine Ban Treaty," *International Organization* 63, no. 2 (2009), 222.
31. Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, 30.
32. *Ibid.*, 30.
33. Snow and Benford, "Ideology, Frame Resonance, and Participant Mobilization," 198.
34. Mancur Olson, *The Logic of Collective Action* (Cambridge: Harvard University Press, 1965). See also, Elinor Ostrom, "A Behavioral Approach to the Rational Choice Theory of Collective Action," *American Political Science Review* 92 (1998).
35. Bruce Fireman and William Gamson, "Utilitarian Logic in the Resource Mobilization Perspective," in *The Dynamics of Social Movements*, eds. Mayer Zald and John David McCarthy (Cambridge, MA: Winthrop, 1979), 22.
36. *Ibid.*, 22.
37. Francesca Polletta and James M. Jasper, "Collective Identity and Social Movements," *Annual Review of Sociology* 27 (2001), 291.
38. Michael Barnett, "Evolution without Progress? Humanitarianism in a World of Hurt," *International Organization* 63 (Fall 2009).
39. *Ibid.*, 629.
40. Michael Barnett and Thomas G. Weiss, eds., *Humanitarianism in Question: Politics, Power, Ethics* (New York: Cornell University Press, 2008).
41. Barnett, "Evolution without Progress? Humanitarianism in a World of Hurt," 630.
42. David Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (Princeton, NJ: Princeton University Press, 2004).
43. *Ibid.*, 268.
44. See UN Security Council, *Resolution 733 (1992) Adopted by the Security Council at its 3039th meeting, on 23 January 1992, January 23, 1992, S/RES/733 (1992)*, <http://www.unhcr.org/refworld/docid/3b00f15c5c.html>.
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46. *Ibid.*
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48. "African Union Mission in Somalia," AMISOM, <http://www.amisom-au.org>.
49. UN Security Council, *Resolution 1744 (2007) The Situation in Somalia*.
50. UN Security Council, *Resolution 1772 (2007) The Situation in Somalia*.
51. *Ibid.*
52. United Nations, *Report of the Secretary-General on the Situation in Somalia*, June 25, 2007, S/2007/381 (2007), <http://unpos.unmissions.org/Default.aspx?tabid=4186>.
53. World Food Programme, "Coordinated Action Urged: Piracy Threatens UN Lifeline to Somalia."
54. IMO, *Resolution A.1002(25) Piracy and Armed Robbery Against Ships in Waters off the Coast of Somalia*. November 29, 2007, [http://www.imo.org/blast/blastDataHelper.asp?data_id=25332&filename=A1002\(25\).pdf](http://www.imo.org/blast/blastDataHelper.asp?data_id=25332&filename=A1002(25).pdf). This IMO resolution is subsequently cited in urging states to take action, see for example UN Security Council, *Security Council Resolution 1838 (2008) [On Acts of Piracy and Armed Robbery Against Vessels in Territorial Waters and the High Seas off the Coast of Somalia]*, October 7, 2008, S/RES/1838 (2008), <http://www.unhcr.org/refworld/docid/48ef651f2.html>.
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56. *Ibid.*
57. *Ibid.*
58. UN Security Council, *Security Council Resolution 1814 (2008) [On the Relocation of the UN Political Office For Somalia (UNPOS) from Nairobi to Somalia]*.
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- African Union Mission in Somalia*], August 19, 2008, S/RES/1831 (2008), <http://www.unhcr.org/refworld/docid/48ad50e82.html>.
61. UN Security Council, *Security Council Resolution 1838 (2008) [On Acts of Piracy and Armed Robbery Against Vessels in Territorial Waters and the High Seas off the Coast of Somalia]*.
62. *Ibid.*
63. UN Security Council, *Security Council Resolution 1846 (2008) [On Repressing Acts of Piracy and Armed Robbery at Sea off the Coast of Somalia]*, December 2, 2008, S/RES/1846 (2008), <http://www.unhcr.org/refworld/docid/493e3f852.html>; UN Security Council, *Security Council Resolution 1851 (2008) [On Fight Against Piracy and Armed Robbery at Sea off the Coast of Somalia]*, December 16, 2008, S/RES/1851 (2008), <http://www.unhcr.org/refworld/docid/4952044e2.html>.
64. UN Security Council, *Security Council Resolution 1846 (2008) [On Repressing Acts of Piracy and Armed Robbery at Sea off the Coast of Somalia]*.
65. UN Security Council, *Security Council Resolution 1851 (2008) [On Fight Against Piracy and Armed Robbery at Sea off the Coast of Somalia]*.
66. *Ibid.*
67. See "European Union Naval Force Somalia—Operation Atalanta," European Union Naval Force Somalia, <http://www.eunavfor.eu>.
68. Jose Manuel Barroso, Speech at International Conference on Somalia, Brussels, April 23, 2009, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPREECH/09/188&type=HTML>.
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78. *Ibid.*
79. UN Security Council, *Security Council Resolution 1976 (2011) [On Acts of Piracy and Armed Robbery at Sea off the Coast of Somalia]*, April 11, 2011, S/RES/1976 (2011), <http://www.unhcr.org/refworld/docid/4dabfa182.html>.
80. *Ibid.*