

The Role of Police in UN Peace Operations

FILLING THE GAP IN THE PROTECTION
OF CIVILIANS FROM PHYSICAL VIOLENCE

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The lack of **clear doctrinal guidance** has created confusion about the specific tasks to be undertaken by the police.



Executive Summary

This policy brief focuses on the efforts of United Nations police to protect civilians from physical violence in armed conflict and post-conflict situations, and in situations where violence risks escalating to full-blown war or mass atrocities. In these contexts, UN police can play a vital role in maintaining security and protecting the civilian population from physical violence, and can fill a critical gap between the protection capabilities of military and civilian components of peacekeeping missions. However, the lack of clear doctrinal guidance has created confusion about the specific tasks to be undertaken by the police, the coordination and division of roles and responsibilities between the police and the military, and the precise role of the different UN police components.

This brief identifies six doctrinal gaps facing UN police with regard to the protection of civilians from physical harm. These gaps have affected UN police effectiveness and preparedness in implementing protection mandates, and include:

- Lack of conceptual clarity on how to engage in physical protection as opposed to other forms of protection;
- Confusion around the precise roles of the different UN police components, namely individual police officers (who are generally unarmed and are used in community-oriented policing and capacity-building), formed police units (armed and with expertise in public-order management), and specialized police teams (a group of experts in a particular area of policing);
- Conceptual ambiguities in relation to non-executive mandates;
- Confusion over the use of force;
- Lack of clear coordination guidelines between the police and the military in different protection scenarios; and
- Gaps linked to contexts in which major organized conflict coexists with other types of criminal violence, such as in the Central African Republic, or in post-conflict situations where low-intensity violence continues to pose significant physical threats to civilians. In these scenarios, military capabilities, especially the use of lethal force, may be unsuitable to address physical violence related to problems of public order and criminality.

To enhance UN police capabilities with regard to physical protection will require the UN Department for Peacekeeping Operations to take the following steps:

- Adopt new guidance on police and protection with a focus on addressing current gaps;
- Address broader capability and training deficiencies affecting the preparedness of UN police in the implementation of protection mandates;
- Expand the number of police-contributing countries that can provide capable police;
- Encourage further political engagement with police- and troop-contributing countries so that they better understand the responsibilities of police in physical protection; and
- Promote agreements with regional organizations for the deployment of rapid-reaction units of individual police officers and formed police units.

Introduction

To most people, the term “United Nations peacekeepers” conjures images of soldiers in blue helmets, but UN peacekeeping operations also include critical nonmilitary components. In environments characterized by weak or dysfunctional rule of law institutions and in contexts of criminal and low-intensity violence, UN police can play a vital role in maintaining security and protecting the civilian population from human rights abuses and physical violence. UN policy identifies three tiers in the implementation of protection mandates: (1) protection through dialogue and engagement; (2) protection from physical violence; and (3) protection through the creation of a protective environment. UN police roles in tiers 1 and 3 are well established in practice, and mainly involve mentoring, advising, and training police, and strengthening local police, justice, and governance institutions. However, there is considerable confusion about the role of UN police in tier 2 (physical protection).

This brief focuses on the efforts of UN police to protect civilians from physical violence in armed conflict and post-conflict situations, and in contexts of widespread low-level violence with the potential to escalate to full-blown war and the commission of atrocity crimes. It explores the role of UN police in these scenarios; identifies doctrinal gaps so that better policies and strategies can be implemented; and suggests tentative guidelines or areas for further inquiry.¹ This brief uses the general term UN police when it is not possible to determine whether UN documents are referring to individual police officers (IPOs) or formed police units (FPUs). The former are generally unarmed (with some exceptions) and are employed in supporting the development of community-oriented policing, capacity-building, training, and monitoring. The latter, on the contrary, are armed, have expertise in the area of public-order management, and are deployed in cohesive groups with a total strength of 140 police officers. The UN also refers to a third category of UN police that generally reinforces FPUs, known as specialized police teams (SPTs). SPTs are a group of experts in a particular area of policing such as special weapons and tactics teams.²

The first section of the brief introduces the notion of protection of civilians (POC), with a particular focus on the POC policy developed by the UN Department of Peacekeeping Operations (DPKO) in 2015. The second section provides a broad overview of UN police in peacekeeping, police functions, and the challenges faced by UN police in the field in terms of deployment, capacity, and training. The third section focuses on the role of police in physical protection in UN peacekeeping. This section includes an assessment of doctrinal gaps and new challenges facing UN police as a primary agent of protection against criminal violence in complex and irregular conflict scenarios such as in the Central African Republic (CAR). The final section provides a set of recommendations intended to bridge police deficits in the context of civilian protection.

Civilian Protection

The issue of civilian protection gained prominence at the end of 1999, when Canada persuaded the UN Security Council to adopt a presidential statement on civilian protection in armed conflict. This request followed a number of failures of the international community to protect and stop the killings of thousands of civilians in conflict situations, most prominently in Bosnia and Rwanda.³ Noting that civilians constitute the majority of casualties in armed conflicts, the statement suggested that a comprehensive approach to civilian protection in armed conflicts was required.⁴ The first Secretary-General report on protection, which followed a request incorporated into the presidential statement, identified ways in which the UN may protect civilians from physical harm, including “the imposition of appropriate enforcement action,” with consideration for the limited and proportionate use of force and the primary responsibility of the host state to protect its own civilians.⁵

The United Nations Mission in Sierra Leone (UNAMSIL), authorized in October 1999 under Chapter VII of the UN Charter, was the first peacekeeping mission to include specific language on protection of civilians “under imminent threat of physical violence.”⁶ The authority to use force in the protection of civilians represented a critical departure in both philosophy and approach. After the 1990s, the majority of peacekeeping missions have been authorized with a POC mandate. Today, out of 16 UN peacekeeping missions, nine have been mandated to protect civilians. The UN has also stayed actively engaged on this issue with UN Security Council (UNSC) resolutions, reports, statements, policy directives, guidelines, and operational papers.⁷

Over the last 15 years, the POC concept has evolved and the number of actors engaged in protection in conflict environments has dramatically increased. Given the number of new participants, between 1999 and 2010 there was little agreement about what protection meant, which actors and agencies were best suited to provide protection, and how protection was most effectively supported.⁸ Some broadly viewed civilian protection as securing the full respect of the rights of individuals and the provision of basic services. Others were concerned with the protection of civilians under imminent physical threat; and still others focused on the humanitarian dimension and the activities used to improve the safety of civilians being subjected to violence, coercion, or deliberate deprivation.⁹ The POC concept, left undefined, generated widespread confusion on the ground.

In 2009, an independent report on the protection of civilians commissioned by DPKO and the Office for the Coordination of Humanitarian Affairs (OCHA) identified the gaps in guidance and the implications on the ground. In 2010, DPKO and the Department of Field Support (DFS) developed informal guidance in the form of a draft operational concept on the protection of civilians, and in 2015 produced an official policy on POC (adapted from the operational concept). In these documents, DPKO and DFS identify three tiers in the implementation of civilian protection mandates that are “mutually accommodating and reinforcing,” and generally undertaken simultaneously by the various components deployed to the mission.¹⁰

The first tier of POC relates to the mission’s overall mandate to engage in dialogue, with a focus on activities such as conflict resolution and mediation, dialogue with perpetrators and protection actors, and public information and reporting on POC. The second tier (and the focus of this brief) revolves around the protection of civilians from physical violence, and includes efforts by police and military components that involve the show or use of force “to prevent, deter, preempt and respond to situations in which civilians are under the threat of physical violence.”¹¹ The third tier entails protection through the establishment of a protective environment for civilians, which may involve a wide range of pro-

grammatic activities that are indirectly related to the protection of civilians. Some of these include the promotion of legal protection of civilians' rights, facilitation of humanitarian assistance, and support for the efforts of local institutions in establishing the rule of law.

The POC policy also identifies four operational phases in the implementation of protection mandates, and provides a list of tasks that may be undertaken in each phase.¹² These phases include prevention, pre-emption, response, and consolidation. Prevention is undertaken when there is no clear threat against civilians. When threats have been identified and attacks anticipated, pre-emption requires undertaking proactive measures (including the use of force) in order to deter aggressors from committing hostile acts and to undermine their capacity. Response is activated when the threat of physical violence to civilians is apparent. In these situations, missions need to respond immediately to stop aggressors from engaging in hostile acts. Lastly, consolidation is initiated when violence has subsided or been eliminated, and protection actors support the return to stability, including steps to restore state authority and the rule of law.

The policy advises that these phases do not necessarily happen in sequential order and that activities under each phase can be undertaken simultaneously.¹³ The policy includes protection actions such as the support for state authorities to extend their presence in areas under threat, and offensive operations to both pre-empt and respond to violence against civilians, especially when a non-state armed group has been identified as a "systematic source of violence against civilians."¹⁴ Activities to protect civilians thus need to be "planned, deliberate and on-going."¹⁵ In other words, the 2015 POC policy emphasizes the responsibility of peacekeepers to protect civilians proactively, and not merely in response to an attack.

While the policy on POC represents a critical step forward – given its binding nature and its proactive approach – it does not include specifics on how each mission component should implement protection tasks. Instead, each component is expected to develop more detailed guidelines. The Office of Military Affairs recently published such guidelines, with clear specifics of the different tasks performed by the military in protection. Further guidance is still required, especially in relation to the role and responsibilities of UN police.

Police in UN Peacekeeping

The use of police in UN peacekeeping operations dates back to the 1960s, with the first deployment of police officers to the United Nations Operation in the Congo (ONUC) and the organization of the first CivPol component in the United Nations Peacekeeping Force in Cyprus (UNFICYP) in 1964.¹⁶ During the Cold War, police functions centered on supporting (and reporting on) human rights, as well as monitoring, advising, and training local police on human rights and best practices. As peacekeeping mandates grew in number and complexity in the 1990s, so did the number and function of the UN police. Changes entailed the inclusion of executive policing tasks in peacekeeping mandates (such as in Eastern Slavonia and in Bosnia and Herzegovina with the creation of the International Police Task Force in 1996), and, later on, the adoption of full executive policing mandates (such as in Kosovo and Timor Leste). These executive policing mandates involved complete responsibility in the maintenance of law and order, and the performance of the whole spectrum of activities associated with policing, including powers of arrest and detention, collecting evidence, investigation of crime and assistance in criminal investigations, border security, riot and crowd control, robust patrols, etc. These mandates pushed UN police “to serve as the national police service until domestic capacities [were] developed.”¹⁷

Since the experiences in Kosovo and Timor Leste, executive mandates have been rarely authorized as a result of political sensitivities about host-state sovereignty and the operational challenges associated with this kind of mandate for UN police. Nevertheless, the number of police officers deployed in the field has continued to grow, peaking in 2010 at more than 17,500.¹⁸ As of February 2015, 12,500 police, mostly from South Asian, African, and Middle Eastern countries (see table 1), were serving in 12 peacekeeping missions, in contrast with approximately 6,500 police officers deployed 10 years ago. In order to respond to the increasing need for UN police and the complexity of the tasks involved, a standing police capacity (SPC) was created in 2006 to contribute to mission planning, speed of response, and start-up capability. The SPC was also tasked to assist existing UN peace operations with advice and expertise across a wide range of policing areas, including organized crime, investigations, public-order management, and community-oriented policing.¹⁹ Today, the SPC maintains a limited operational capacity of 40 staff members based in Brindisi, Italy, and faces increasing demands for rapidly deployable policing expertise.

Despite the growing importance of UN police in peace operations, little doctrinal guidance on policing and peacekeeping was generated until recently. A report by the UN Office of Internal Oversight Services in August 2008 found that with the increased number of police being deployed, further guidance and UN doctrinal support was needed “to govern all aspects of police operations.”²⁰ The increased number of FPU and the growing complexity of their engagements made the revision of the initial FPU policy, published in 2006, necessary as well – especially following the dramatic events in Kosovo in February 2007, when two civilians were killed in a peaceful demonstration resulting from the use of expired rubber bullets by FPUs.²¹ An FPU Review and Standards Team was created in 2007 to review the circumstances surrounding the death of the Kosovar civilians as well as other issues associated with the deployment of FPUs. The team observed wide variations in procedures and practices, and challenges associated with unclear mandates and “widely diverging views on what tasks the FPUs should or could take on.”²² FPU Proficiency Testing and Training Teams deployed on the ground from September to December 2008 found additional operational shortcomings in FPU performance. The results were sobering: only one-third of the FPUs deployed were deemed proficient in their duties.²³

A Doctrine Development Group was charged in 2008 with the creation of a new FPU policy, which was produced in early 2010. Along similar lines, and following the recommendations of the UN Office of

Internal Oversight Services report and a panel of experts assigned to review the Police Division,²⁴ the latter was tasked with developing a strategic doctrinal framework for international police peacekeeping (dubbed the Strategic Guidance Framework in 2011) as an overarching policy architecture for UN police. The goal was “to enhance the effectiveness of UN Police peacekeeping through more consistent, harmonized approaches to the [core functions of international police] ... and through a more sophisticated recruitment of international staff with the necessary specialized skills and experience.”²⁵ Following a number of briefing meetings in New York, expert workshops, and five regional consultations with member states in different continents, a policy on UN police in peacekeeping operations and special political missions (SPMs) was approved in early 2014.

UNSC Resolution 2185, which was the first resolution adopted on police, and the recent report of the High-Level Independent Panel on Peace Operations, presented to the UN Secretary-General in June 2015, emphasized the need to promote system-wide coherence and to develop further standards and guidance through the Strategic Guidance Framework.²⁶ The Police Division is currently planning to generate a second tier of guidelines on the four key elements of policing in peacekeeping – operations, capacity-building and development, command, and administration.²⁷ A third tier of guidelines is expected to relate to specific tasks such as investigation, intelligence-led policing, community-oriented policing, etc. It is, however, unclear when these guidelines will be produced given the shortage of personnel in the UN Police Division’s Strategic Planning and Development Section.

UN Police: Types and Functions

Broadly speaking, and according to the UN police policy published in 2014, UN police perform two main functions in today’s peacekeeping missions: (1) operational support or (interim) executive policing for the delivery of effective prevention, detection, and investigation of crime; protection of life and property; and the maintenance of public order; and (2) support for the reform and restructuring of the host-state police so that they can provide police services that are responsive, representative, and accountable.²⁸ UN police may perform a wide range of activities within these broad functional categories, including among other things: advising and reporting; reforming, restructuring, and strengthening institutions; training and mentoring; executive law enforcement; assistance in electoral processes; disarmament and demobilization; community-based policing; patrolling; border management; public information; and education. In addition to these functions, UN police may be involved in the support of related mission mandates, including the protection and promotion of human rights; the strengthening of good governance, transparency, and accountability; and the protection of civilians, “to which UN Police will be expected to contribute through its operations.”²⁹

In the absence of an interim executive mandate, UN police can make important contributions toward law enforcement when mandated to provide operational support to host-state police in maintaining law and order, as in the case of the United Nations Stabilization Mission in Haiti (MINUSTAH).³⁰ Assistance in these contexts may be provided across the full spectrum of policing tasks, including the development of operational plans, patrolling, public-order management, reporting, investigations, and community-oriented policing.³¹ In contrast to executive mandates, however, host-state cooperation to perform these tasks remains a legal requirement.³²

Individual Police Officers (IPOs)

UN police generally include two types of deployment modalities, IPOs and FPU, both under the authority of the head of the police component (usually a police commissioner). IPOs are normally unarmed (with some exceptions),³³ and have historically been utilized for community-oriented policing, information-gathering, capacity-building, training, and monitoring.³⁴ The 2014 UN police policy defines IPOs as “Police or other law enforcement personnel assigned to serve with the United Nations on secondment by Governments of Member States at the request of the Secretary-General.”³⁵ The United Nations Selection Assistance Team assists and advises police-contributing countries (PCCs) in the identification of IPOs that are suitable for peacekeeping operations, and the Police Division reserves the right to approve the deployment of the selected police officers.

According to the 2007 guidelines,³⁶ IPOs are deployed for a year with the possibility of extending or shortening their tour of duty (if they are needed at home). In terms of capabilities, IPOs must have a minimum of core requirements, including: knowledge of international criminal justice standards, five years of professional experience, mission language proficiency, one year of driving experience, weapons proficiency, basic computer literacy, and other skills that may be required for specific missions. It is the responsibility of PCCs to provide IPOs that are trained and well-equipped prior to deployment, although the UN usually provides additional in-mission training.

Formed Police Units (FPUs)

The UN police policy defines FPU as “Cohesive mobile police units, providing support to United Nations operations and ensuring the safety and security of United Nations personnel and missions, primarily in public order management.”³⁷ FPU are armed and, generally speaking, deliver a more robust form of policing than IPOs based on mandate authority and tasks.³⁸ The first formed police unit was deployed in Kosovo in 1999. Since then, the demand for FPU has increased exponentially, mostly to meet the requirements of the new and more complex tasks associated with policing. Today, on average, FPU represent more than 70 percent of police deployments (see table 2).

FPU have a minimum overall capacity of around 120 police officers, including four (sometimes three) interoperable tactical subunits of around 30 police officers (the equivalent of a military platoon). These subunits may be further divided into sections of 10 operational police officers for limited durations. This is the smallest possible deployment unit, although once deployed in a location officers can be utilized in smaller units based on the nature of the incident and/or circumstances on the ground. Sections need to be able to act independently, requiring a section leader with command skills. FPU include a command and logistics element (involving a commander, a deputy commander, and capacity in information analysis, logistic, operations, communications, and personnel). All of these components may constitute a total strength of approximately 140 officers.

FPU have three core tasks:³⁹ (1) public-order management “to facilitate the population’s exercise of their fundamental rights without any disturbance or unjustified hindrance and to prevent assemblies from threatening or actually harming public safety;” (2) protection of United Nations personnel and facilities; and (3) supporting police operations that require a formed response and may involve risks that are beyond the capacity of individual police (such as high-visibility patrolling).⁴⁰ According to the FPU policy, all of these functions need to be undertaken on the basis of reliable intelligence and threat assessments. FPU shall therefore collect information to analyze security trends and prepare for contingencies.⁴¹ While capacity-building is not listed as a core task for FPU, they may support capacity-building programs if the mandate and the security situation allows.

FPU are usually self-sustained and may act as backup support for unarmed IPOs.⁴² If properly trained and equipped, they provide capacity for crowd and riot control. In terms of equipment, FPU carry light arms (including anti-riot equipment, tear gas launchers, handguns, automatic rifles, etc.). It is the responsibility of PCCs to provide FPU with the required equipment and with pre-deployment training on police techniques in peacekeeping (based on UN pre-deployment training standards), public-order management, and firearms. The UN is, however, responsible for the initial mission induction training during the first month of deployment.⁴³

FPU are deployed based on a memorandum of understanding between the UN and the PCC, generally for a year, and, in contrast to IPOs, PCCs are reimbursed for personnel and major equipment. The exact composition, number of units, specialized capacities, equipment requirements, and command and control arrangements are determined during the planning of a mission (specific tasks are determined by the concept of operations).⁴⁴ FPU can interact with other elements of UN police in three different ways: autonomously under the command of the deputy-chief of operations for FPU; as support of other parts of the UN police under the command of the regional commander; and as a tactical unit in a large operation.⁴⁵

TABLE 1. TOP 10 POLICE-CONTRIBUTING COUNTRIES (FEBRUARY 2015)

Country	UN Police
Jordan	1,438
Bangladesh	1,366
Senegal	1,091
India	977
Nepal	790
Rwanda	606
Pakistan	466
Egypt	446
Nigeria	427
Burundi	389

Source: <http://www.un.org/en/peacekeeping/resources/statistics/contributors.shtml>

TABLE 2. FPUS AND IPOS IN MISSIONS WITH A PROTECTION MANDATE

Mission	Mandate	FPU officers	IPOs	UN Police Component	FPU as percentage of UN Police component
MINUSCA (CAR)	Semi-executive authority (under the urgent temporary measures mandate)	1,248	340	1,588	79%
MINUSMA (Mali)	Non-executive	848	210	1,058	80%
MINUSTAH (Haiti)	Operational support	1,594	645	2,239	71%
MONUS-CO (DRC)	Non-executive	780	310	1,090	72%
UNAMID (Darfur)	Non-executive	1,818	1351	3,169	57%
UNMIL (Liberia)	Non-executive	996	413	1,409	71%
UNMISS (South Sudan)	Non-executive	469	525	994	47%
UNOCI (Cote D'Ivoire)	Non-executive	995	485	1,480	67%

Source: Derived from DPKO statistics (as of June 2015)

Specialized Police Teams (SPTs)

In addition to IPOs and FPU, the UN police policy mentions a third category of UN police, SPTs, although the policy outlines few details about their functions, composition, recruitment, and deployment. SPTs are defined as a group of experts in a particular area of policing, “assigned to serve with the United Nations on secondment by an individual country or a group of Member States at the request of the Secretary-General.”⁴⁶ According to the FPU policy, these units, generally smaller than FPUs in size, may serve to reinforce FPUs although they do not count toward the minimum operational capacity of 120 police officers.

SPTs typically deployed in UN peacekeeping missions include special weapons and tactics (SWAT) teams, canine units, close protection units, investigation or forensic teams, etc. They are under the command and operational control of the police commissioner or his or her delegates (i.e. the chief of operations, the deputy-chief of operations for FPUs, and/or regional commanders). When deployed to execute a specific function, FPUs are under the authority of the commander responsible for the operation, but when deployed alone to execute a specific task they can also act autonomously under the authority of the commander of the specialized unit. The need for specialized units is generally decided during the planning of a mission, although they may be added at later stages at the request of the police commissioner in consultation with the head of mission.⁴⁷

Field Challenges: Deployment, Capacity, and Training

Despite recent UN efforts to ensure that training and capacity standards are met by PCCs prior to deployment, a number of challenges have continued to limit the effectiveness of UN police in implementing mandated tasks. First, there is a problem of supply and availability (especially of FPUs), since police are needed in their home countries.⁴⁸ As a result, deployment of authorized police in a mission may take nine months, and sometimes more. This results in an “inability to fully deliver on mandated tasks”⁴⁹ at the most critical stage in a country’s transition from war to peace.⁵⁰ UN police, for example, are often incapable of patrolling outside UN bases and engaging with civilians at the community level simply because of a lack of adequate numbers. This situation is particularly relevant in the case of South Sudan given the need requirements to protect UN bases that serve as protection sites, and in the CAR where the police have been unable to move outside the capital Bangui as a result of a lack of deployment capacity.

A second challenge is that FPUs and IPOs supplied by member states continue to be of varied quality and capacity (especially in terms of arms and equipment), making UN police, and especially FPUs, incapable of responding to certain threats. As a UN official observed, some units are highly capable, but others are inadequate.⁵¹ FPUs are also often faced with other inconsistencies, such as differing national approaches to policing and managing public order.⁵² Selection guidelines are also believed to be too generic, resulting in the provision of personnel that lack adequate skills for peacekeeping in specific mission contexts.⁵³

Guaranteeing standardized training for IPOs and FPUs has remained another critical challenge. A recent study of police in UNAMID noted that 70 percent of IPOs deployed to the mission had not received mandatory pre-deployment training in their home countries.⁵⁴ Most FPUs were reported to have received only two weeks of training, instead of the four-week training requirement. Personnel rotation also represents a significant challenge affecting the relationship of UN police with the local population and local police. Rotation rates, for example, impacted continuity and trust with the local population and state host police in Darfur, “especially when personnel have built good relations with the locals.”⁵⁵ Cultural barriers (including a lack of language skills) can also become a critical challenge by restricting interaction with the local community.⁵⁶

Police and Protection in UN Peacekeeping

UN police have long been identified as a crucial agent in physical protection. In 1999, for example, the Secretary-General acknowledged that the UN's approach to peacekeeping and civilian protection had to be comprehensive and multidimensional, "not solely restricted to military tasks, but also include civilian police activities."⁵⁷ Along similar lines, UNSC resolution 1265 (1999), the first resolution on civilian protection, underlined the importance of civilian police and the role of police ensuring the safety of civilians.⁵⁸

During the 2000s, however, there was little doctrinal development on police and protection. The 2005 *Handbook on Policing in United Nations Peacekeeping Operations* offered general information about the "nuts and bolts" of policing in peace operations and included the delineation of key responsibilities, but civilian protection was not included under the tasks performed (except for a brief mention in the context of executive law enforcement mandates such as that of the UN Interim Administrative Mission in Kosovo).⁵⁹ Guidelines on FPU and IPOs, published in 2006 and 2007, respectively, only contained information about the administrative and logistical aspects of the deployment of FPUs and UN police officers. The 2006 FPU policy defined key functions and provided some operational guidance for these units, but there was little mention of protection activities except for a broad reference to all FPU actions, which should be "aimed at the protection and preservation of human life, property, liberty and dignity." The policy also indicated that FPUs would assist local law enforcement officials "in the protection of all persons against illegal acts,"⁶⁰ but provided no further guidance. Other UN peacekeeping handbooks and guidelines contain little mention of police responsibilities. The capstone doctrine, for example, merely indicates a need for coordinated action between the military, police, and civilian components.⁶¹

The independent study on civilian protection commission by DPKO and OCHA in 2008 took issue with the lack of guidance and identified a number of doctrinal gaps, which had hampered the effectiveness and preparedness of IPOs and FPUs in civilian protection.⁶² Some of these gaps included: misunderstanding about the meaning of protection and its implications by police officers deployed in the field; a focus on preventive measures and capacity-building tasks versus physical protection by police elements (especially in relation to IPOs); a lack of conceptual clarity in the provision of physical protection (especially in non-executive law-enforcement mandates); and significant discrepancies between the guidelines contained in Security Council mandates and the interpretation of those mandates on the ground (especially with regard to the use of FPUs).⁶³ The study also introduced the notion that the SPC "could be better engaged in considering the police role in missions with POC mandates."⁶⁴ Other studies on POC identified additional challenges, including a lack of guidance with respect to the use of force. These studies also addressed issues concerning a lack of standardized doctrine on the collection, collation, analysis, or use of police-related intelligence (which is significant in contexts of criminal violence "to track organized crime and other potential sources of public insecurity"); and problems relating to coordination between the police and the military, especially in the development of joint command and control arrangements for managing public disorder on the ground, joint contingency-planning exercises, and police-military intel-sharing.⁶⁵

Despite mounting criticism, UN policies on police have provided little guidance regarding protection. Part of the problem lies in the fact that police consider civilian protection to be at the core of all policing tasks that they perform in their home countries. The UN Police policy conforms to this interpretation of protection, and it notes that all actions of UN police "shall be aimed at the protection and preserva-

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tion of human life, property, liberty and dignity.”⁶⁶ Protection in conflict-affected countries, however, presents operational and tactical challenges with which police from PCCs are generally unfamiliar, and which may require the use of strategies different from those utilized in their home countries. As the Assistant Secretary-General of the DPKO Office of Rule of Law and Security Institutions, Dmitry Titov, observed in March 2014, “UN policing differs from domestic policing ... Our police officers work in a relatively new environment and we navigate among policing approaches of colleagues from around 90 different countries.”⁶⁷

The assumption (and often acceptance) that the military is the one agent responsible for physical protection represents another important challenge in defining more specific roles for police. Police components, for their part, respond to those mandated responsibilities and tasks that are associated with supporting the rule of law, training, mentoring, capacity-building, etc., which are only indirectly related to physical protection. In other words, police components often believe that the only part of the mission mandate that applies to them is the one that refers to the support of the host-nation police.⁶⁸ POC language under Chapter VII of the UN Charter is not “interpreted by UN police components as having implications for their role.”⁶⁹ As a result, UN police have generally focused on capacity-building as a default function in protection (especially through IPOs). FPUUs have generally been used for close protection (i.e., VIP escort) and the protection of UN facilitates and personnel, with their role in physical protection of civilians mostly limited to patrolling in and around camps for internally displaced persons (IDPs).⁷⁰

Divisions within the Security Council vis-à-vis the role of police in civilian protection persist, and member states’ concerns about host-state sovereignty and force security have also contributed to keeping police protection tasks undefined.⁷¹ Holt and Taylor observed in 2009 that one of the reasons why police protection tasks were not clearly illuminated in mission mandates is because “[p]recise language within mandates could be seen, depending on the wording, as encroaching upon host state sovereignty.”⁷² This explains why references to POC language in UNSC Resolution 2185 (the first UNSC resolution adopted on police) were difficult to agree upon. While most member states were in favor of highlighting the role of police in protection, the representative of the Russian Federation argued that protection needed to be respected as a national responsibility.⁷³ The reluctance of PCCs to involve their police officers in high-risk operations represents another significant challenge, along with the fact that police, more than the military, are “needed at home”⁷⁴ and are therefore more difficult to recruit.

Doctrinal Gaps in Police and Protection

Despite the contributions of new policies to the development of common standards for police in peace-keeping, these have offered little guidance on protection. In 2011, efforts were made to draft a set of guidelines on the role of police in POC, as a supplement to the 2010 POC operational concept, but the draft has yet to be finalized.⁷⁵ As a result, UN doctrine on police and protection has remained underdeveloped. According to the 2014 police policy, for example, the role of UN police in protection in non-executive mandates is limited to two main activities: (1) prevention measures such as community-oriented policing and the strengthening of relations between communities and the host-state police (with the goal to improve early warning and rapid response systems); and (2) capacity-building and strengthening of the host-state police. In missions with an executive mandate, UN police may be “directly responsible for physical protection of civilians against imminent threats,” mostly through deterrence tasks such as force projection and/or high visibility and patrolling.⁷⁶ The UN Police policy indicates that police engagement in this context will be “more often” done in association with the host-state police and through the provision of operational protection support, including training and advice.

The lack of guidance on POC has created confusion about the roles of UN police in physical protection and has led to an inconsistent interpretation of POC by UN police, especially in relation to: what protection means; the specific roles of FPU, IPO, and SPT in physical protection; how FPU and IPO may use force to protect civilians; the mandated tasks of physical protection in non-executive mandates; how the military and police must cooperate in different protection scenarios; and how UN police may protect civilians as a primary agent of protection in contexts of criminal violence. These gaps have affected UN police effectiveness and preparedness in implementing protection mandates, as explained below.

Lack of Conceptual Clarity on What Constitutes Physical Protection

Current UN doctrine on police makes no distinction between protection tasks under tiers 1 and 3 of the POC policy and protection from physical harm. While protection lies at the heart of the police’s core responsibilities, there needs to be a clear understanding of the tasks that UN police may perform under tiers 1 and 3 of the POC policy and those undertaken to prevent, deter, pre-empt, and respond to acts of physical violence against civilians (tier 2).

Based on the definition of physical protection in the POC policy and the operational phases identified to implement protection mandates,⁷⁷ police activities that could be considered part of the responsibilities of UN police in the protection of civilians from physical harm may include the following.⁷⁸

- **Police responsibilities to prevent physical harm:** Public information about human rights and the role and functions of law enforcement and protection actors; human rights monitoring and reporting; investigation of human rights violations and criminal incidents (in support of local police in the absence of an executive mandate); community-based policing; engaging local partners such as community leaders to conduct threat assessments and collect information; intelligence-gathering (i.e., gathering and analyzing information on intercommunal tensions, community-level conflict, aggressions, criminal activity, etc.); patrolling; early warning; and supporting community mechanisms to prevent and address crime.
- **Police tasks intended to pre-empt physical violence** (including proactive steps aimed at affecting the intent, presence, and capacity of potential aggressors): activities from the previous phase such as

human rights monitoring; community-oriented policing (aimed at de-escalating communal conflicts and tensions); and intelligence-gathering and high-visibility patrolling (with or without the military, depending on the threat level and the nature of the environment). Other activities specific to this phase include joint military-police operations for search and destroy; high-profile arrest operations; other arrests/detentions to seize arms and weapons; roadblocks; checkpoints; border management; escort duties to vulnerable groups; policing of hot spots; and preventive deployment of forces around vulnerable populations or areas of potential risk as shows of force (with or without the military, contingent upon the type of threat).

Given increasing threats to civilians from criminal violence in places such as CAR, some of the tasks in this phase may also involve: information-gathering to learn about criminal activities and identify potential perpetrators of violence; anti-gang investigations; strategic analysis of information for own and/or joint crime-fighting operations; planning of raids and other crime-fighting operations; and arrests of perpetrators of serious crimes (when mandate allows; otherwise assist local authorities in arrests, or detain and hand over for prosecution).

- **Tasks aimed at responding to imminent or ongoing threats of physical violence:** deployment of forces; deployment of rapid-reaction units; protective defensive positioning of police – or both military and police – between vulnerable populations (such as civilian settlements, villages, urban areas, and IDP or refugee camps) and aggressors; containment of violence through law enforcement and public-order management (in support of local state police in non-executive mandates); arrests or detentions of perpetrators of crimes; direct intervention and use of force, if necessary, to deter aggressors from harming civilians (if physical threat reaches a military level and requires the sustained use of military-grade weaponry, then the military component intervenes); and other joint military-police operations aimed at stopping immediate threats and acts of physical violence.

Capacity-building and other activities, such as mentoring, advising, training, and strengthening the local police (that is, reforming, restructuring, reinforcing, and reestablishing local structures of security), are generally intended to create a safe environment for civilians. These activities are thus mostly effective as long-term prevention activities and as a foundation for lasting stability. Other tasks outside the scope of direct physical protection, but which may complement it, include: community-oriented policing (when used to simply strengthen and reestablish relationships between the local police and other governance institutions and the community) and other humanitarian or politically related activities such as humanitarian escorts and tasks related to reconciliation, security sector reform, and disarmament, demobilization, and reintegration.⁷⁹ All of these activities fall under tiers 1 and 3 of the POC policy.

PHYSICAL PROTECTION IN THE FIELD

Notwithstanding the lack of guidance, UN police playing are an increasingly important role with respect to physical protection in the field. In the United Nations Mission in South Sudan (UNMISS), for example, they are primarily responsible for maintaining safety and security within POC sites and for protecting more than 200,000 civilians seeking shelter at UN bases. They do this by engaging with communities, conducting foot and vehicle patrols, responding to alerts about specific incidents, conducting assessments to verify claims of misconduct that threaten the physical security of IDPs, participating in weapons searches, and detaining individuals who pose a threat of physical violence to other civilians.⁸⁰

In the United Nations-African Union Mission in Darfur (UNAMID), FPU provide physical protection through high-visibility presence via targeted and interactive patrols and night patrols in IDP camps. FPU also serve as security escorts to other UN personnel, perform crowd management, and respond to public-order situations. IPOs also conduct joint patrols with the UNAMID military and other civilian components, but are mostly focused on monitoring, mentoring, and capacity-building (including training community-oriented policing volunteers in IDP camps).⁸¹

In the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), UN police are responsible inter alia for patrolling in priority areas, providing protection through presence, and taking proactive steps to affect the intent, presence, and capacity of aggressors.⁸² UN police are also responsible for investigating, arresting, detaining, and handing over for prosecution perpetrators of serious crimes when authorized by the government (based on the implementation of the “urgent and temporary measures” mandate, which allows MINUSCA to act on a temporary basis “to maintain basic law and order”).⁸³ In this context, FPU have been given the authority to conduct proactive criminal threat assessments “with regard to individuals or groups inciting, planning, committing or having committed criminal acts related to the conflict.”⁸⁴

Given the prominence of criminal violence in CAR, MINUSCA has also set up an innovative joint police and military task force in Bangui – the first of its kind – with a unified command structure led by the police component. The task force gives the police primacy in the maintenance of security and protection in the capital. In its first 90 days, the task force focused on the arrest of “high-value” targets who were involved in violence against predominantly Muslim neighborhoods and international security forces in early October.⁸⁵

Detailed guidance and best practices documents are urgently required to formalize these ad hoc practices, capture lessons learned, and inform future police deployments in missions with protection mandates.

Lack of Clarity on the Specific Roles of IPOs, FPU, and SPTs in Physical Protection

There is a lack of understanding about the specific roles that IPOs, FPU, and SPTs may play in physical protection, which poses challenges to the way UN police understand and interpret protection mandates. The role of IPOs in protection, for example, is undefined beyond the broader responsibilities associated with community-oriented policing and capacity-building. IPOs, however, have a significant role to play in protecting civilians from physical harm, even when they are not armed. According to a UN official, IPOs have to be prepared to intervene if they witness a human rights violation – and to use force if necessary, if they are armed. If they are not armed, they need to assess the situation and intervene if they consider they can do so effectively (otherwise, they need to call for backup).⁸⁶ These issues need to be spelled out more clearly in UN police guidelines. IPOs may also have an important role to play in prevention and pre-emption activities, particularly in community-based policing, de-escalation of conflict, conflict resolution, human rights monitoring, and information gathering.

FPU may contribute to civilian protection “by undertaking their core tasks of public-order management, protection of United Nations mission personnel and facilities, and support to higher risk police operations” that may need a formed response and may involve risks above the capability of individual UN police officers.⁸⁷ Such support operations may include high-visibility patrols and joint patrols with IPOs and/or host-state police (and other assignments allocated to a mission in fulfillment of the mandate). There is, however, no guidance about how FPU’s core tasks relate specifically to physical protection, and what high-risk operations look like in the context of physical protection, aside from engaging in deterrence tasks such as patrolling. There are also few details outlined about how SPTs may assist FPU in protection scenarios.

Ultimately, as noted by a UN official, police involvement in civilian protection has been mostly determined by the interpretation of the mandate by the mission-planning team. Wide variations across missions persist, contingent upon the authority granted in the mandate, mission leadership, cooperation of the host state, and the capacity and size of the police force. While certain strategies need to be mission-specific based on the context and circumstances on the ground, the lack of overall guidance poses significant challenges in mission planning, precludes a framework of lessons learned, and “perpetuates an ad hoc approach to complex undertakings in the field.”⁸⁸

Further research and support is needed in order to better understand what specific roles IPOs, FPU, and SPTs can effectively play in the protection of civilians under threats of physical violence (and to bridge the inconsistencies between policy, doctrine, and practice). This is critical for the development of operational guidelines and for the establishment of organizational and training principles that will ensure consistency. FPU, for example, could play critical roles in pre-empting and responding to physical threats, especially in scenarios involving public disorder where the use of force may be required. SPTs (and particularly SWAT units) could also fill protection gaps in contexts where specialized expertise is needed. Without further guidelines and underlying principles, UN police involvement in physical protection, especially in complex environments, will be inconsistent and likely to falter.

Conceptual Ambiguities in Non-Executive Mandates

While UN police are responsible for fulfilling the whole spectrum of policing and law enforcement tasks in executive mandates, “including the areas of public safety, investigations and the conduct of special operations,”⁸⁹ this type of mandate has been rarely granted in recent times as a result of political sensitivities around the issue of host-state sovereignty. Today, out of nine peacekeeping missions with protection mandates, only MINUSCA in CAR enjoys partial executive responsibilities under the

“urgent temporary measures” mandate “to maintain basic law and order and fight impunity” when authorized by the government.⁹⁰

It remains unclear what the specific protection responsibilities of UN police are in the context of non-executive mandates. According to the UN Police policy, protection roles in non-executive mandates are limited to prevention and capacity-building activities. The policy is, however, silent on how UN police should engage in pre-empting and responding to physical threats in non-executive mandates. UN police officers in South Sudan, for example, noted a high level of uncertainty about whether and to what extent UN police may be allowed to take pre-emptive action to dissuade violence among IDPs seeking protection at UN bases. In other words, in circumstances where individuals were inciting others to riot or fight, it was unclear whether and how UN police could intervene physically before the fighting began.⁹¹

Also, while FPU are authorized to engage in physical protection through the execution of their core responsibilities in public-order management, these are rather challenging to implement in non-executive mandates. In these scenarios, FPU do not have the power of arrest, and have no authority or limited capability to maintain law and order. Guiding principles on detention generally allow police to detain and search individuals who threaten civilians with imminent violence. But detainees generally ought to be “released or handed over to national law enforcement officials of the host State or other relevant authorities as soon as possible,” normally within a delay of 48 hours.⁹²

This presents significant challenges in the development of protection strategies, particularly when host-state authorities are directly engaged in the campaign of abuses against civilians. Policy guidance in these scenarios is absent, and situations are addressed on a case-by-case basis. In some instances, for example, the police have detained persons for longer periods of time when local capacity was absent. In other situations, especially when there is evidence that the detainee is likely to be executed or prosecuted without fair trial if released to the government, UN missions have the option to sign a memorandum of understanding with the host state whereby the latter provides assurances of due process.

There are additional challenges when host-state authorities are uncooperative. In Darfur, for example, UNAMID has regularly been denied access to patrol areas where conflict has occurred, affecting the mission’s ability to “investigate, verify and report alleged incidents.”⁹³ The authorization of mandates with operational responsibilities (like MINUSTAH in Haiti) or with special powers (like MINUSCA in CAR) may provide UN police with the tools necessary to overcome some of the constraints associated with non-executive mandates, but state cooperation remains an essential condition.

DETENTION CHALLENGES IN SOUTH SUDAN⁹⁴

The problem of detention of individuals believed to pose a risk of physical violence to civilians remains a challenge for the United Nations Mission in South Sudan (UNMISS). UNMISS has no authority to prosecute criminals, and there has been no progress in signing a memorandum of understanding with the government of the Republic of South Sudan, which would give the mission the human rights guarantees it needs in order to transfer detainees into government custody. The government's refusal to guarantee that the detainees would not face the death penalty has been a sticking point.

Generally speaking, a handover risk assessment committee, composed of UNMISS personnel and community leaders, conducts a risk assessment for each individual in detention in order to identify options. Handing an individual over to government custody is generally ruled out given the absence of a memorandum of understanding that guarantees the respect of the detainee's human rights. As a result, UNMISS has been forced to detain individuals at detention cells on POC sites. Some of these individuals have been detained for more than a year (which contravenes the international human right to due process), while others are detained for only a few hours or days. UNMISS does not have the authority to conduct investigations under its mandate, but UN police conduct assessments to corroborate or challenge accusations against individuals in detention.

Expulsion of individuals from POC sites represents another option for detainees. In most cases, however, the risk of violence outside the base or the risk of the individual re-entering the POC site have dissuaded UNMISS from evicting detainees. UNMISS is working on a compromise that will enlist support from the communities within the POC site to ensure that evicted persons do not receive support or shelter from the POC communities if they return to the site.

Confusion Over the Use of Force

UN doctrine provides diverse guidance on the use of force by the mission's security components. Generally speaking, the mission's security forces may employ force as a mechanism of last resort. Credible deterrence, based on the readiness to use force, is considered the most effective approach, and can be achieved through visible patrolling, preventive tactical redeployments, interposition of peacekeepers when tensions are rising, visible military exercises, policing of hot spots, and consistent human rights monitoring.⁹⁵

Guidance on the use of force by police is also diverse. According to the UN Police policy, FPU's may use force when all other peaceful means of de-escalation have failed, and only when strictly necessary to conduct their duties, "to protect life and property and to prevent a serious deterioration of the situation" (keeping always in mind the principles of proportionality and the need for continuous dialogue with all parties).⁹⁶ POC guidelines and mandates also give UN police the authority to use force to uphold the mandate and stop a threat or act of physical violence. FPU's are thus authorized to proactively confront perpetrators when faced with imminent violence against civilians, irrespective of the type of mandate. There are limits to the robustness of the FPU's response, however, when threats are of a military nature (that is, when there is sustained use of firearms or military weaponry).⁹⁷ In these contexts, UN police "shall hand over responsibility to United Nations military peacekeeping forces."⁹⁸

Notwithstanding the authority granted, FPU's have been often reluctant to take risks and use force proactively to protect civilians, especially in the context of non-executive mandates.⁹⁹ It is also unclear under current guidance whether IPO's are permitted to use force to protect civilians when they are armed.¹⁰⁰ Generally speaking, UN police do not have the capability to directly challenge rebel groups, nor can they replace military forces in combat operations.¹⁰¹ Nevertheless, there is a wide range of actions available, from persuasion to military engagement, that FPU's and IPO's (if armed) may be suited to undertake in order to protect civilians from physical harm. Some of these may include using force in the presence of physical threats to civilians (as long as the level of force does not reach a military threshold), or other measures that may (or may not) involve the use of force in response to imminent threats of physical violence, with military backup or in support of the military. Further engagement and discussions with the PCCs on the POC policy are needed in order to make them understand that security components in UN peacekeeping operations are authorized and expected to use force in different scenarios under the POC mandate, even in the context of non-executive mandates.

The risk of **violence outside the base** or the risk of the individual re-entering the POC site have dissuaded UNMISS from evicting detainees.



*Poor Coordination Guidelines between the Police and the Military*¹⁰²

In the past few years, UN doctrine has emphasized the need for coordination among the police and military components. The Capstone Doctrine, for example, notes that civilian protection requires mainstreaming coordination among the military, police, and civilian components into the planning and conduct of a peacekeeping mission.¹⁰³ Along similar lines, the FPU policy indicates that in order to avoid interference, misunderstandings, and/or collisions, police “shall consult and coordinate the planning and execution of all major police operations and (re)deployments with their civilian and military component counterparts,” especially when joint operations with the military forces are necessary to restore public order.¹⁰⁴

Guidance exists on the transition of responsibilities from the police to the military (and vice versa) when violence escalates to a level that is beyond police capacity. According to this model, FPUs have primacy in addressing situations of public disorder of a nonmilitary nature (that is, where there is no sustained use of firearms or military weaponry). In these situations, the police commissioner is to exercise control and have command of operations. In situations of public disorder of a military nature (involving the sustained use of military weaponry), the military component has primacy, and the mission’s force commander may ask FPUs to perform specific tasks under his or her command. In South Sudan, for example, when potentially violent situations arise within POC sites, IPOs and/or FPUs respond first to the scene. If it appears that the situation could escalate to the point at which force is required to intervene, FPUs are deployed and the military component is notified to prepare a quick reaction team for deployment to support the FPUs if the need arises. If the level of force that FPUs can use is inadequate, then the military component is activated to respond. The FPU commander works directly with the force commander on the ground to make the determination about whether the military component is required to intervene.¹⁰⁵

These models, however, provide little guidance in situations where security contingents need “to apply force from the maximum to the minimum, and to switch between levels within seconds,”¹⁰⁶ especially in asymmetric environments where anything can happen at any time.¹⁰⁷ There is also confusion around situations in which UN police may need to hand over to the military component when responding to violence, and around how the two components should work together in these contexts. In South Sudan, for example, coordination mechanisms exist in each POC site, but interviews conducted by Stimson staff suggested that there remain significant challenges. One interviewee within the military component stated that UN police had the tendency to withdraw from the scene as soon as the military component arrived, but argued that police advice was still required in these situations to guide the military response, especially vis-à-vis de-escalation approaches and the use of force.¹⁰⁸ UNMISS is currently working on refining procedures to hand off from police to the military component. One option under consideration includes embedding an FPU in each military unit that responds to a violent situation at POC sites, to provide police advice and help control the situation.¹⁰⁹

To avoid problems of command and control between the police and military contingents, the UN has also adopted the blue box/green box concept initially developed by NATO in Bosnia. According to this model, the police commander is in full command of his or her own units and any other security forces present within a designated area where public-order management is threatened (known as the blue box). Forces outside the police area of operations (i.e., the green box) remain under the command of the most senior military officer on site in order to support the police operation under-way.¹¹⁰ In these scenarios, a joint command post with representatives of the police and military must be established to follow and coordinate the operation.¹¹¹

Few specifics are provided, however, on how to develop and implement flexible command arrangements in different protection scenarios. For example, in cases of intercommunal tensions, police could be integrated in military battalions for community-based information gathering. Guidance is also lacking in different cooperation modalities, including joint patrolling, military support as a force multiplier, cooperation on criminal investigations, intelligence sharing, joint planning, etc. The FPU policy indicates that the different modalities of cooperation and modes of transition are to be developed in the planning phase of a mission and stipulated in mission-specific documents by the head of the military component and the head of the police component.¹¹² This means, however, that ultimately much depends on mission leadership and integrated planning. Further guidance on the different coordination modalities is necessary to support effective cooperation, ensure consistency, and promote a framework of lessons learned in different protection scenarios where UN police and the military component need to work together.

Gaps in Complex and Asymmetrical Operational Environments

UN police are facing new protection challenges in situations where organized conflict coexists with other types of criminal/urban violence, or post-conflict scenarios in which major organized conflict has been settled in a peace agreement but criminal, communal, and/or revenge-based violence continues to pose significant physical threats to civilians.¹¹³ In these contexts, military capabilities, especially the use of lethal force, may be inadequate. Instead, the use of a different type of versatile force to tackle problems of public order and criminality may be required in order to perform functions that fall between the lethal force used by the military and the minimal level of force available to IPOs.¹¹⁴ The situation in CAR is illustrative. Conflict dynamics in the country have been characterized by both politically and ethnically driven violence and criminal and communal violence with regular episodes of looting, extrajudicial killings, murders, burning villages, sexual violence, and “unpredictable, diverse and dynamic threats in-theater.”¹¹⁵

There is an important gap in UN doctrine and practice as to how protection should be supported in these contexts, and with what capabilities. In the past, FPU (and other special police units such as NATO’s multinational specialist units and the EU’s integrated police units) have been engaged to fill the capability gap in situations plagued with rampant criminal violence, gang activity, or serious threats to public order (see boxes on gang violence in Haiti and criminality and low level violence in post-conflict Bosnia and Kosovo).

GANG VIOLENCE IN HAITI¹¹⁶

The United Nations Stabilization Mission in Haiti (MINUSTAH) launched an offensive campaign using the mission’s military, FPUs, and IPOs, as well as local officers, against the heavily armed gangs that controlled the slums of Port-au-Prince, intimidated residents, and posed a critical threat to the country’s recovery and stabilization. Using the blue box/green box operational concept, SWAT teams launched a number of joint operations with the local police, with the military component providing security in the outer zone. Following a few months of ongoing offensives and around 800 arrests, the UN regained control of Cité Soleil in March 2007.

Despite not having an executive mandate, the anti-gang campaign in Haiti was a success largely because of the local buy-in and the mission leadership’s willingness to use force, defend and enforce a “robust” mandate, and work in coordination with other mission components. The integrated use of SWAT teams, UN police, and MINUSTAH forces (along with joint planning and the establishment of a clear structure of command for operations) was also a valuable asset, as was the critical role that FPUs played in tasks such as crowd and riot control, hard entry, and high-risk arrest. Real-time tactical intelligence (e.g., intelligence packages with photographs of prominent gang leaders or information about potential obstacles such as tank traps) from MINUSTAH’s Joint Mission Analysis Center during the planning and execution of operations was decisive in ensuring success.

CRIMINALITY AND LOW-LEVEL VIOLENCE IN POST-CONFLICT BOSNIA AND KOSOVO¹¹⁷

The signing of the Dayton Peace Accords in Bosnia in 1995 did not put an end to low-level violence, instability, and public insecurity. Sporadic violent incidents and criminal violence coexisted with local paramilitary police and a combination of organized crime and ethnic-based nationalist radicalism that threatened to unravel the fragile post-conflict stabilization process. The situation in Kosovo in 1999 was similar. Ethnic-based and factional violence, along with organized crime, were rampant following the cessation of hostilities between NATO's Kosovo Force (KFOR) and the Federal Republic of Yugoslavia.

In both situations, however, the international military presence was unprepared (and unwilling, especially in Bosnia) to confront these threats. US forces working under NATO command in Bosnia, for example, took a rather passive role in the face of threats to public security and ethnic-based violence (after all, the Dayton Peace Accords did not give the military public-order responsibilities). Bosnia's UN International Police Task Force deployed late and lacked executive authority and capabilities to face such security threats. The mandate for KFOR in Kosovo was more precise than in Bosnia and involved some police tasks such as maintaining public order, but, generally speaking, military forces were unprepared to use less than maximum force. UNMIK police also arrived late, and despite having an executive mandate to "maintain civil law and order," they lacked capacity to confront threats to public security.

Multinational specialized units (MSU), composed of gendarmerie forces from mostly European countries trained in crowd and riot control (CRC), anti-crime, and anti-terrorist activities, were eventually deployed in Bosnia and Kosovo to fill the security gap. The MSU undertook a wide range of activities in the area of crime, terrorism, riot control, and de-escalation of violence, and participated in a number of operations to seize weapons, identify criminal groups, and make arrests. It also assisted KFOR on crime and terrorism-related issues. The MSU was particularly successful and appreciated by the international military forces, which regularly relied on it in high-risk arrest operations of criminals and suspected war criminals, with a main contingent securing an area and a SWAT team making the arrest (sometimes apprehending a person and seizing arms but leaving the formal arrest for the local police). These units were also engaged in capacity-building, supporting local police in surveillance, and high - risk arrest operations against organized crime groups. The MSU was also successful in collecting and gathering intelligence through regular patrols, covert observations, and quick impact projects to assist the population in exchange of information.

Coordination problems, however, posed significant challenges to the effectiveness of the MSU. Especially at the beginning, UN police, military commanders, and commissioners from countries with no gendarmerie forces did not understand the role, status, and nature of the MSU. As a result, on many occasions NATO forces failed to use MSU skills to the fullest, and used it instead as a reserve force, to protect VIPs and for static guard duties. Second, the multiplicity of actors operating in the area of public security caused confusion and duplicity of tasks between the different security actors responsible for public order. In Kosovo, for example, the division of labor between the MSU and the UN equivalent, the FPU, was unclear, causing friction and tensions (generally speaking, FPUs were used for static facility and security roles; the MSU, on the contrary, were deployed for riot control and high-risk policing). FPUs regarded the MSU as competition and complained about the cumbersome military chain of command. Military officers, for their part, complained about MSU operatives interfering in their area of responsibility to seize arms or suspects without prior notice, and potentially undermining operations under-way. Intelligence sharing between the MSU and FPUs in Kosovo also became a problem.

Further research and guidance is required to understand how these experiences can be effectively used in the context of civilian protection and in situations where criminality coexists with politically and ethnically driven violence. In these scenarios, three important observations are in order. First, the capacity-building approach to policing needs to be complemented by more proactive, intelligence-led policing to effectively pre-empt and respond to physical violence against civilians. Second, clear distinctions should be drawn between a military-led framework for protection against high-level violence, where police are supporting agents with varying degrees of involvement, and a police-led framework, where UN police are the primary agents of protection against criminality and low-level violence, and the military play supporting roles tuned to the type of threat. Further emphasis needs to be placed on how the police and military may need to switch between these models to respond to different types of threats; for example, whether violence involves the use of relatively sophisticated weapons or very large numbers of people. Lastly, in contexts of criminal and irregular violence, a rapidly deployable police component trained in stabilization and protection is an absolute must to avoid protection gaps. While prior efforts to develop UN-based police standby arrangements for rapid deployment have failed, the UN is currently in talks with the EU for the provision of special police forces to be deployed in the context of CAR and Mali. Based on the success of these experiences, broader memoranda of understanding that address issues of command and authority and the division of labor should be put in place to make gendarmerie forces readily available.

Table 3 offers a basic framework to determine the role and responses required from UN police and the military in different conflict situations. The table draws from a list of conflict scenarios of violence against civilians developed by the Norwegian Defence Research Establishment (FFI) based on the type of perpetrator and the perpetrator's motivations, strategies, and capabilities.¹¹⁸ These scenarios include: genocide (the deadliest), ethnic cleansing, regime crackdown, post-conflict revenge, communal conflict, criminal violence, and insurgency. Although the guide is developed for military planning purposes, it provides a starting point for developing operational guidelines for police as a primary agent of protection in specific contexts where the level of violence is below the military threshold (requiring less than lethal force to prevent, contain, deter, and respond to a physical threat) and where the capacity of the military is limited.

The capacity-building approach to policing needs to be complemented by more **proactive, intelligence-led** policing to effectively pre-empt and respond to physical violence against civilians.



TABLE 3. POLICE AND MILITARY ROLES IN PHYSICAL PROTECTION SCENARIOS

Generic Scenario[†]	UN Police	Military
Genocide (Rwanda, Srebrenica)	Limited/no role	Primary agent
Organized Armed Conflict	Supporting role with varying levels of involvement depending on other conflict dynamics	Primary agent
Ethnic Cleansing (Kosovo)	Limited/no role	Primary agent
Regime Crackdown (Libya, Syria)	Limited/no role	Primary agent
Post-Conflict Revenge (Kosovo, Libya, Iraq, Bosnia)	Primary agent	Supporting agent
Communal Conflict (Mali, South Sudan, CAR)	Primary agent when level of violence is low Supporting agent (embedded in military platoons) when threat reaches a military level	Supporting agent when level of violence is low. Primary agent when threat reaches a military level
Criminal Violence in Ongoing Conflict or Post-Conflict (CAR, Haiti)	Primary agent	Supporting agent
Insurgency (Afghanistan, Iraq, Somalia)	Supporting agent in “clear” phase. Primary agent in hold and build	Primary agent in “clear” phase Supporting agent in hold and build

Source: Author.

[†] Conflict scenarios are derived from Beadle and Kjeksrud, 2014.


Table 4 offers tentative tasks for UN police in scenarios where police should act as the primary agent in physical protection, with different levels of coordination and cooperation with the military. These scenarios include communal conflict, post-conflict revenge, and criminal violence.¹¹⁹ Violence against civilians in the context of intercommunal violence is perpetrated by tribes, clans, ethnic groups, or self-protection militias, and is driven by revenge, survival, and/or self-protection motives. They use retaliatory tactics such as raiding, murder, sexual violence, destruction of homes, plundering, kidnapping, and massacres. Attacks may escalate into more organized violence if communities gain better military organization, and deadlier weapons through external actors (e.g., Syria). In the context of post-conflict revenge, violence is perpetrated by individuals or loosely organized groups (though it can also be perpetrated by organized armed actors if violence escalates, possibly resulting in a different conflict scenario). These actors use different tactics, but mostly revengeful acts of violence such as murder, arson, rape, and looting. Last but not least, in criminal scenarios, violence is perpetrated by opportunistic rebel groups, criminal gangs, individuals, rogue units within security forces, or mobs. Their tactics include: arbitrary executions, plundering, kidnapping/forced recruitment, sexual violence, harassments, beatings, taxation, and brutal acts of physical violence to terrorize the population. In all three scenarios, perpetrators' capabilities do not need to be sophisticated and can easily reach their targets with limited planning and coordination, freedom of movement, small arms, and operational secrecy, especially in contexts of criminal violence and communal conflict.¹²⁰ Access to deadlier weapons and means of communication in certain contexts, such as communal conflict, is associated with higher lethality.

TABLE 4. POLICE AND PHYSICAL PROTECTION IN LOW-LEVEL VIOLENCE SCENARIOS

Generic Scenario	FPU Tasks	IPO Tasks	Cooperation Modalities: Police and Military
Post-Conflict Revenge (Kosovo, Libya, Iraq, Bosnia)	<ul style="list-style-type: none"> • Force presence. • Curfews. • Patrolling. • Static protection. • Arrests/detentions of potential aggressors. • Arrests to seize arms. • Roadblocks and check-points, especially when aggressor and victim are physically separated. • Direct intervention and use of force when faced with imminent or ongoing violence against civilians. • Public-order management. • Deployment of rapid-reaction units. • Intelligence gathering. 	<ul style="list-style-type: none"> • Joint patrolling with FPUs. • Community-oriented information-gathering to identify potential aggressors. • Community-oriented policing to de-escalate conflict. • Direct intervention when physical violence is imminent or ongoing (if threat beyond IPO capacity, backup is necessary). 	The military supports and responds when violence reaches a level above the police capacity.

<p>Communal Conflict</p> <p>(Mali, South Sudan, CAR)</p>	<ul style="list-style-type: none"> • High-visibility patrolling (with or without the military, depending on the potential threat level and the nature of the physical environment). • Preventive deployment of forces around vulnerable populations or areas of potential risk as shows of force (with or without the military, depending on the potential threat). • Public-order management. • Checkpoints. • Roadblocks. • Positioning of force between communities. • Seizing weapons. • Intelligence-gathering. • Deployment of rapid-reaction units. • Border control when foreign groups are involved. • Direct intervention and use of force when violence is imminent or ongoing. 	<ul style="list-style-type: none"> • Joint patrolling with FPU. • Community-based conflict mitigation and resolution. • Community-based information-gathering. • Direct intervention when violence is imminent or ongoing (if threat beyond IPO capacity, backup is necessary). 	<p>When communal violence is low:</p> <ul style="list-style-type: none"> • Perimeter support and backup. <p>When communal conflict escalates to a level beyond police capacity:</p> <ul style="list-style-type: none"> • Military becomes primary agent of protection. • Police advisors are embedded in military battalions for community-based information-gathering and conflict resolution.
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<p>Criminal Violence during Conflict or in Post-Conflict Situations (CAR, Haiti)</p>	<ul style="list-style-type: none"> • Force projection or shows of force. • Patrols. • High-profile arrests. • Search and destroy operations. • Seizing arms. • Checkpoints. • Direct intervention and use of force when faced with imminent or ongoing physical violence against civilians. • Public-order management. • Deployment of rapid-reaction units. • Border control when foreign groups are involved. • Anti-gang and other criminal investigations. • Strategic analysis of information for own (and joint) crime-fighting operations. • Strategic planning of raids and other crime-fighting operations. • Arrests of perpetrators of serious crimes (when mandate allows; otherwise assist local authorities in arrests or detain and hand over suspects for prosecution). 	<ul style="list-style-type: none"> • Joint patrolling with FPUs. • Community-oriented information-gathering to identify criminals. • Direct intervention when physical violence is imminent or ongoing (if threat beyond IPO capacity, backup is necessary). 	<ul style="list-style-type: none"> • Support to high-profile arrests (i.e., gang leaders) and other operations, especially when level of violence is presumed high. • The military responds when violence reaches a level above police capacity.
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There remain key doctrinal and guidance gaps in **police and protection** that need to be addressed to effectively implement protection mandates in the field.

Bridging the Police Gaps in Protection

While recent doctrinal developments represent important steps in the development of common standards for police in peacekeeping, there remain key doctrinal and guidance gaps in police and protection that need to be addressed to effectively implement protection mandates in the field. These include a lack of conceptual clarity on how to engage in physical protection as opposed to other forms of protection; no description of the specific roles of IPOs, FPU, and SPTs; conceptual ambiguities in relation to non-executive mandates; misunderstandings about the use of force; and the absence of clear coordination guidelines between the police and the military in protection scenarios. There is also a doctrinal gap linked to contexts where major organized conflict coexists with irregular levels of criminal violence, where military capabilities may be unsuitable. In these contexts, UN police, particularly FPU, have a role to play as primary agents of protection if they are well-trained, properly structured, and suitably equipped to use different levels of force.

To move UN police from a force that focuses primarily on capacity-building to one with a more proactive stance on physical protection will require DPKO to take the following steps.

- Develop POC guidelines for UN police with clear guidance on protection from physical harm,¹²¹ including:
 - The definition of protection tasks for IPOs, FPU, and SPTs (including the use of force in the face of imminent violence or in the context of offensive operations to prevent violence against civilians);
 - Direction on how physical protection may be implemented in non-executive mandates, especially in cases where local police or host-state authorities are incapable of responding to threats against civilians or are involved in the campaign of abuse (following the direction of the new POC policy);
 - Guidance on different contingency-level scenarios, especially in situations where police should be acting as the primary actor of protection;
 - Standards for the collection of information and the analysis and use of police-related intelligence;
 - Advice on coordination and cooperation modalities between the police and military in various and/or overlapping protection scenarios (these modalities should include options of command and control, based on the type of violence and other community-based variables; standards for joint planning in different contexts; information sharing; etc.
- Address broader capability and training gaps that affect the preparedness of UN police in the implementation of mandates. Also provide scenario-based in-mission POC training for UN police in a consistent manner, to ensure continuity and avoid problems associated with the rotation of UN police.
- Expand the number of PCCs, especially those that can provide more capable police.
- Encourage further political engagement with PCCs and TCCs so that they can better understand the roles and responsibilities of police in physical protection (which may include the use of force), understand required capacity and training/equipment standards, and overcome resistance in the provision of IPOs and FPU in high-risk POC missions.
- Promote agreements with regional organizations for the deployment of ‘rapid reaction units’ of individual police officers and formed police units (i.e., gendarmes).

Annex: Peacekeeping Operations with Protection and Police Mandates

MISSION	PROTECTION MANDATE	POLICE MANDATE
MINUSCA (Res. 2149, CAR, 2014)	Protection of civilians: <u>Pa. 30(a)(i)</u> : “To protect, without prejudice to the primary responsibility of the Central African Republic authorities, the civilian population from threat of physical violence, within its capabilities and areas of deployment, including through active patrolling.”	Support for national and international justice and the rule of law: <u>Pa. 30(f)(iii)</u> : “To provide support and to co-ordinate international assistance to the police, justice and correctional institutions to reinstate the criminal justice system, within the framework of the United Nations global focal point on rule of law, including through assistance in the maintenance of public safety and basic law and order, in a manner that emphasizes civilian oversight, impartiality and the protection of human rights and to support the restoration and maintenance of public safety and the rule of law including through the presence and assistance of United Nations police.” <u>Pa. 40</u> . “MINUSCA may, within the limits of its capacities and areas of deployment, at the formal request of the Transitional Authorities and in areas where national security forces are not present or operational, adopt urgent temporary measures on an exceptional basis and without creating a precedent and without prejudice to the agreed principles of peacekeeping operations, which are limited in scope, time bound and consistent with the objectives set forth in paragraphs 30 (a) and 30 (f) above, to maintain basic law and order and fight impunity and requests the Secretary-General to report to the Security Council any measures that may be adopted on this basis.”

MINUSMA (Res. 2164, Mali, 2014)	Security, stabilization and protection of civilians: <u>Pa.13(a)(ii)</u> : “To protect, without prejudice to the responsibility of the Malian authorities, civilians under imminent threat of physical violence.”	Support to the re-establishment of State authority throughout the country, the rebuilding of the Malian security sector, the promotion and protection of human rights, and the support for humanitarian assistance: <u>Pa. 13(c)(ii)</u> : “To support national, and to coordinate international, efforts toward rebuilding the Malian security sector, especially the police and gendarmerie through technical assistance, capacity-building, co-location and mentoring programmes, as well as the rule of law and justice sectors, within its capacities and in close collaboration with other bilateral partners, donors and international organizations, including the EU, engaged in these fields, including through enhancing information sharing and joint strategic planning among all actors.”
MINUSTAH (Res.1542, Haiti, 2004)	Secure and stable environment: <u>Pa. 7(I)(f)</u> : “To protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, without prejudice to the responsibilities of the Transitional Government and of police authorities.”	Secure and stable environment: <u>Pa. 7(I)(b)</u> : “to assist the Transitional Government in monitoring, restructuring and reforming the Haitian National Police, consistent with democratic policing standards, including through the vetting and certification of its personnel, advising on its reorganization and training, including gender training, as well as monitoring/mentoring members of the Haitian National Police.” <u>Pa. 7(I)(d)</u> : “to assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti through the provision inter alia of operational support to the Haitian National Police and the Haitian Coast Guard, as well as with their institutional strengthening, including the re-establishment of the corrections system.”

<p>MONUSCO</p> <p>(Res. 2147, DRC, 2014)</p>	<p>Protection of civilians:</p> <p>Pa. 4(a)(i): “Ensure, within its area of operations, effective protection of civilians under threat of physical violence, including through active patrolling, paying particular attention to civilians gathered in displaced and refugee camps, humanitarian personnel and human rights defenders, in the context of violence emerging from any of the parties engaged in the conflict, and mitigate the risk to civilians before, during and after any military operation.”</p>	<p>Pa. 5(i): “Provide good offices, advice and support to the Government of the DRC for the reform of the police, including by contributing, in compliance with the HRDDP, to the provision of training to battalions of the Congolese National Police (PNC).”</p>
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<p>UNAMID</p> <p>(S2007.307. Rev1, Darfur, 2007)</p>	<p><u>Pa. 54(b)</u>: “To contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan.”</p>	<p><u>Pa. 55(b)(i)</u>: “To promote the re-establishment of confidence, deter violence and assist in monitoring and verifying the implementation of the redeployment and disengagement provisions of the Darfur Peace Agreement, including by actively providing security and robust patrolling of redeployment and buffer zones, by monitoring the withdrawal of long-range weapons, and by deploying hybrid police, including formed police units, in areas where internally displaced persons are concentrated, in the demilitarized and buffer zones, along key routes of migration and in other vital areas, including as provided for in the Darfur Peace Agreement.”</p> <p><u>Pa. 55(b)(viii)</u>: “To monitor through proactive patrolling the parties’ policing activities in camps for internally displaced persons, demilitarized and buffer zones and areas of control.”</p> <p><u>Pa. 55(b)(ix)</u>: “To support, in coordination with the parties, as outlined in the Darfur Peace Agreement, the establishment and training of community police in camps for internally displaced persons, to support capacity-building of the Government of the Sudan police in Darfur, in accordance with international standards of human rights and accountability, and to support the institutional development of the police of the movements.”</p> <p><u>Pa. 55(b)(x)</u>: “To support the efforts of the Government of the Sudan and of the police of the movements to maintain public order and build the capacity of Sudanese law enforcement in this regard through specialized training and joint operations.”</p> <p><u>Pa. 55(c)(iii)</u>: “To support the parties to the Darfur Peace Agreement in restructuring and building the capacity of the police service in Darfur, including through monitoring, training, mentoring, co-location and joint patrols.”</p>
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<p>UNMIL</p> <p>(Res. 1509, Liberia, 2003)</p>	<p>Support for implementation of the ceasefire agreement:</p> <p><u>Pa. 3(j)</u>: “Without prejudice to the efforts of the government, to protect civilians under imminent threat of physical violence, within its capabilities.”</p>	<p>Support for implementation of the ceasefire agreement:</p> <p><u>Pa. 3(n)</u>: “to assist the transitional government of Liberia in monitoring and restructuring the police force of Liberia, consistent with democratic policing, to develop a civilian police training programme, and to otherwise assist in the training of civilian police, in cooperation with ECOWAS, international organizations, and interested States.”</p>
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<p>UNMISS</p> <p>(Res. 2187, South Sudan, 2014)</p>	<p>Protection of civilians:</p> <p>Pa. 4(a)(i): “To protect civilians under threat of physical violence, irrespective of the source of such violence, within its capacity and areas of deployment, with specific protection for women and children, including through the continued use of the Mission’s Child Protection and Women Protection Advisers.”</p>	<p>Protection of civilians:</p> <p>Pa. 4(a)(ii): “To deter violence against civilians, including foreign nationals, especially through proactive deployment, active patrolling with particular attention to displaced civilians, including those in protection sites and refugee camps, humanitarian personnel and human rights defenders, and identification of threats and attacks against the civilian population, including through regular interaction with the civilian population and closely with humanitarian, human rights and development organizations, in areas at high risk of conflict including, as appropriate, schools, places of worship, hospitals, and the oil installations, in particular when the Government of the Republic of South Sudan is unable or failing to provide such security.”</p> <p>Pa. 4(a)(iv): “To maintain public safety and security within and of UNMISS protection of civilians sites.”</p> <p>Pa. 4(a)(vi): “To foster a secure environment for the eventual safe and voluntary return of internally-displaced persons (IDPs) and refugees including, where compatible and in strict compliance with the United Nations Human Rights Due Diligence Policy (HRDPP), through monitoring of, ensuring the maintenance of international human rights standards by, and specific operational coordination with the police services in relevant and protection-focused tasks, in order to strengthen protection of civilians.”</p>
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<p>UNOCI</p> <p>(Res.2162, Cote d'Ivoire, 2014)</p>	<p>Protection of civilians:</p> <p><u>Pa. 19(a)</u>: "To protect, without prejudice to the primary responsibility of the Ivorian authorities, the civilian population from threat of physical violence, within its capabilities and areas of deployment and encourages UNOCI to move to a more preventive and pre-emptive posture in pursuit of its priorities and in active defence of its mandate, building on positive steps taken so far, without prejudice to the agreed basic principles of peacekeeping."</p>	<p>Reconstitution and reform of security institutions:</p> <p><u>Pa. 19(e)</u>: "To advise the Government, as appropriate, on SSR and the organization of the future national army, to facilitate the provision of training, within its current resources and as requested by the Government and in close co-ordination with other international partners, in human rights, child protection and protection from sexual and gender-based violence to the security and law enforcement institutions, as well as capacity-building support by providing technical assistance, co-location and mentoring programmes for the police and gendarmerie and to contribute to restoring their presence throughout Côte d'Ivoire and to promote trust and confidence within and between the security and law enforcement agencies and to offer support to the development of a sustainable vetting mechanism for personnel that will be absorbed into security sector institutions."</p>
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Endnotes

1. Durch and England define doctrine as the combination of “concepts and guidelines that help clarify ambiguous operational situations,” ensuring that “all police elements are operating with shared outlooks and common goals” (Durch and England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, 33).
2. For a description of recruitment and training procedures, capacities, and functions of the various types of UN police, see the “UN Police: Types and Functions” section later in this publication.
3. Bosnia’s United Nations Protection Force (UNPROFOR) is considered a forerunner in the area of civilian protection. UNPROFOR’s mandate required UN peacekeeping forces to protect the delivery of humanitarian aid and ensure the protection of so-called safe areas. Notwithstanding the mandate, UN peacekeeping forces were unable to prevent the killing of more than 7,000 Muslim men and boys by Serb paramilitary forces in Srebrenica in the summer of 1995.
4. United Nations Security Council (UNSC), *Statement by the President of the Security Council*, 1999.
5. UNSC, *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*, 1999.
6. UNSC, Resolution 1270, 1999.
7. Some of the most important resolutions include: Resolution 1296, 2000; Resolution 1674, 2006; and Resolution 1894, 2009.
8. Bellamy and Williams, *Understanding Peacekeeping*, 2009, 337.
9. See Oxfam, <http://policy-practice.oxfam.org.uk/our-work/conflict-disasters/protection>.
10. United Nations Department of Peacekeeping Operations and the Department of Field Support (UN DPKO/DFS), *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 2010; DPKO/DFS, *Policy on the Protection of Civilians in United Nations Peacekeeping*, 2015.
11. UN DPKO/DFS, *Policy on the Protection of Civilians in United Nations Peacekeeping*, 2015, 30.
12. Ibid., 9-14.
13. Ibid., 31.
14. Ibid.
15. Ibid., 21.
16. CIVPOL was renamed UN Police in 2005, and received new institutional status.
17. United Nations Department of Peacekeeping Operations (UN DPKO), *Handbook on United Nations Multidimensional Peacekeeping Operations*, 2003, 92.
18. United Nations, History of United Nations Police, at <http://www.un.org/en/peacekeeping/sites/police/history>.
19. UN DPKO/DFS, “Standing Police Capacity,” 2013.

20. United Nations Office of Internal Oversight Services, *Development of a Comprehensive Doctrine Will Increase the Effectiveness of UN Police Operations*, 2008.
21. Durch and England, “International Police: Improving Professionalism and Responsiveness,” 2009.
22. Carpenter and Sharwood-Smith, “Developments in United Nations Police Peacekeeping Training,” 2011, 186.
23. Durch and England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010; Holt and Taylor, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 2009.
24. Carpenter, “Policing the Frontlines of Peace,” 2014.
25. Ibid.
26. See UNSC, Resolution 2149, 2014, and High-Level Independent Panel on Peace Operations, *Uniting our Strengths for Peace – Politics, Partnership and People*, 2015.
27. Guidelines on capacity-building were recently published (see DPKO/DFS, *Guidelines: Police Capacity-Building and Development*, 2015).
28. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 53.
29. Ibid.
30. Indeed, UNSC Resolution 1542 authorized MINUSTAH to support the reform of the local police and “assist with the restoration and maintenance of the rule of law, public safety, and public order through...operational support to the Haitian National Police” [UNSC, Resolution 1542, 2004, 7(b), 7(d)]. A supplemental arrangement signed with the transitional Haitian government in 2006 gave UN police significant authority and discretion vis-à-vis the inclusion of local police in police operations (Durch et al., *Understanding Impact of Police, Justice and Corrections Components in UN Peace Operations*, 2012).
31. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 69.
32. It is important to note that executive mandates are temporary and aim at strengthening host-state capacity to take over responsibility. While not a legal requirement, state cooperation in these contexts is also an important condition.
33. IPOs have been armed in missions with an executive mandate, such as UNMIK in Kosovo, or while conducting robust policing responsibilities, such as MINUSTAH in Haiti.
34. DPKO defines capacity-building as the “efforts to strengthen the aptitudes, resources, relationships and facilitating conditions necessary to act effectively to achieve an intended purpose” (UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 73; for a discussion on UN police and capacity-building, see Caparini, “Capacity-Building and Development of Host State Police: The Role of International Police,” 2014.)
35. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 26. IPOs can also be contracted.

36. See UN DPKO, *Guidelines for United Nations Police Officers on Assignment with Peacekeeping Operations*, 2007.
37. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 26. FPU are called Multinational Specialized Units (MSUs) in NATO operations and Integrated Police Units (IPUs) in the EU context.
38. UN DPKO/DFS, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010. These constabulary forces are considered a police with a military character in some European countries, such as France (the *Gendarmerie*), Italy (the *Carabinieri*), and Spain (the *Guardia Civil*). These units can use different types of force, depending on the threat, and are equipped to face both internal and external conventional threats (such as criminality) and nonconventional threats, especially those blurring the lines between civilian police and the military (Lutterbeck, “Between Police and Military: The New Security Agenda and the Rise of Gendarmeries,” 2004; see also Arcudi and Smith, “The European Gendarmerie Force: A Solution in Search of Problems?,” 2013).
39. DPKO/DFS, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010.
40. Generally speaking, FPU patrols cannot cover more than 40 km and must return on the same day.
41. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 19. Depending on the mandate and their capacity, FPUs may also execute other specialized assignments.
42. UN DPKO/DFS, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010, 24.
43. Ibid.
44. Ibid.
45. Ibid.
46. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014.
47. UN DPKO/DFS, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010c, 25.
48. For an overview of selection, recruitment, and deployment practices of UN police, see Durch and Ker, “Police in UN Peacekeeping: Improving Selection, Recruitment, and Deployment,” 2013.
49. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 10.
50. Durch and England, “International Police: Improving Professionalism and Responsiveness,” 2010, xvi.
51. Author’s phone interview with UN official, March 26, 2015.
52. Hansen, “Policing the Peace: The Rise of United Nations Formed Police Units,” 2011.
53. Caparini et al., “The Roles of the Police in UNAMID,” 2015. This problem has been prominent in missions such as UNAMID (United Nations-African Union Mission in Darfur) and resulted in the development of new recruitment procedures that emphasized operational skills that are mission-specific.

54. Ibid. When pre-deployment training was provided, it was outdated or was not mission-specific.
55. Ibid., 28.
56. Durch, *Police in UN Peace Operations: Evolving Roles and Requirements*, 2014.
57. UNSC, *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*, 1999.
58. UNSC, Resolution 1265, 1999.
59. See UN DPKO, *United Nations Police Handbook: Building Institutional Police Capacity in Post-conflict Environments*, 2005.
60. UN DPKO, *Functions and Organization of Formed Police Units in United Nations Peacekeeping Operations*, 2006, 2-3.
61. UN DPKO, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008.
62. It is important to note that at the time UN member states were opposed to the development of a POC policy by the Secretariat because of concerns over host-state sovereignty.
63. The study also identified a number of police gaps at the field level in planning, resources, and capacity. In terms of resources and capacity, the study indicated that UN police lacked the means, authority, training, guidance, mission-specific strategy, and, often, willingness to act directly on protection issues. Furthermore, FPU were generally ill-trained and ill-equipped, and, in turn, unable to fill the gap between heavily armed military and unarmed police. Last but not least, the study identified a deficient involvement of police in planning processes for protection and inconsistent information collection and analysis.
64. Holt and Taylor, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 2009, 179.
65. Durch and Giffen, *Challenges to Strengthening the Protection of Civilians in Multidimensional Peace Operations*, 2010, 36.
66. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 106.
67. Dmitry Titov, "Strategic Guidance Framework for International Police Peacekeeping: Framing the Framework," Challenges Forum Research Seminar, Oslo, Norway, March 18-19, 2014, http://www.challengesforum.org/Global/Forum%20Documents/2014_SGF_Oslo/Presentation_DmitryTitov_Key-note_18Mar2014.pdf?epslanguage=en.
68. UN DPKO/DFS, *Protection of Civilians: Coordination Mechanisms in UN Peacekeeping Missions. DPKO/DFS Comparative Study and Toolkit*, 2012.
69. Holt and Taylor, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 2009, 104.
70. Author's phone interview with UN official, February 27, 2015.
71. Divisions over the nature of peacekeeping are also relevant in this context. Some member states believe peacekeeping principles (especially non-use of force except in self-defense and defense of the mandate) should be upheld. Others, on the contrary, are in favor of adjusting these principles to new

conflict realities in order to provide peacekeeping missions with further operational and political support. The High-Level Independent Panel on Peace Operations called for “a flexible and progressive interpretation of these principles” (*Uniting Our Strengths for Peace – Politics, Partnership and People*, 2015, 122), but until broader consensus within the UN is reached on this debate, PCCs are unlikely to provide better-prepared police and accept an enhanced role for police in physical protection.

72. Holt and Taylor, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 2009, 124.

73. UNSC, Resolution 2185, 2014.

74. Friesendorf, “International Intervention and the Use of Force: Military and Police Roles,” 2012, 76.

75. The Office of Military Affairs was also instructed to draft POC guidelines for the military. The document was finally drafted and approved in early January 2015 (UN DPKO/DFS, *Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping*, 2015).

76. While the UN Police policy does not specify roles for IPOs and FPU, it is reasonable to assume that, given their configuration and robust posture, the tasks associated with physical protection are best suited to FPU while prevention and capacity-building are part of the IPOs’ responsibilities.

77. This brief does not consider the consolidation phase as part of the activities to directly protect civilians from physical harm. This phase starts when the threat has subsided or been eliminated, and focuses on the return to a situation of stability rather than responding to threats of physical violence.

78. The shift from institutional reform toward more protection work makes UN police roles in mission more like their daily jobs in their home countries. This said, given the lack of preparedness, some of these physical protection tasks are currently beyond the capacity of UN police.

79. For a discussion on how SSR may contribute to POC, see Chappuis and Gorur, “Reconciling Security Sector Reform and the Protection of Civilians in Peacekeeping Contexts,” 2015.

80. Interview conducted by Alison Giffen and Aditi Gorur with UNMISS personnel in Juba, South Sudan, June 2015.

81. See Caparini et al., “The Roles of the Police in UNAMID,” 2015, 15-18.

82. MINUSCA, Mission-wide Protection of Civilians Strategy, September 3, 2014.

83. UNSC, Resolution 2149, 2014.

84. UNSC, *Report of the Secretary-General on the Situation in the Central African Republic*, 2014, 56

85. Perito, “UN Peacekeeping in the Sahel: Overcoming New Challenges,” 2015.

86. Author’s phone interview with UN official, March 26, 2015. The UN police policy simply states that all police personnel should be prepared to intervene if they witness a human rights violation, based on the DUFs, mandate, and within their capacities.

87. UN DPKO/DFS, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010, 17.

88. Charles Hunt, “Credit to Australia as Security Council Makes UN Policing a Priority,” *The Conversation*, November 25, 2014. See also Hunt, *UN Peace Operations and International Policing: Negotiating Complexity, Assessing Impact and Learning to Learn*, 2015.

89. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 49.
90. UNSC, Resolution 2149, 2014.
91. Interview conducted by Alison Giffen and Aditi Gorur with UNMISS personnel in Juba, South Sudan, June 2015.
92. UN DPKO/DFS, *Interim Standard Operating Procedures on Detention in United Nations Peace Operations*, 2010.
93. Caparini et al., “The Roles of the Police in UNAMID,” 2015, 2.
94. This box is based on information gathered by Aditi Gorur and Alison Giffen in interviews with UNMISS personnel in Juba, South Sudan, June 2015. For more information on this issue, see Stern, “Establishing Safety and Security at Protection of Civilians Sites: Lessons from the United Nations Peacekeeping Operation in South Sudan,” Stimson Center, forthcoming in 2015.
95. UN DPKO/DFS, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008; UN DPKO/DFS, *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 2010.
96. UN DPKO/DFS, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010, 37; UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 66. In general, FPU may face three different types of threats: normal threats, that is, neutral and passive situations such as peaceful demonstrations (the role of FPU in these situations includes presence, public information, and de-escalation); serious threats, such as in unlawful but peaceful demonstrations (the role of FPUs in these situations includes a show of less lethal force and the use of force when other means have been exhausted); and imminent threats, when situations have escalated to a point at which there is an imminent deadly threat to a police officer or third person (UN DPKO, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010, 38).
97. See UN DPKO/DFS, *Policy on Authority, Command and Control in United Nations Peacekeeping Operations*, 2008.
98. UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014, 95.
99. Author’s phone interview with UN official, February 27, 2015.
100. Interview conducted by Alison Giffen and Aditi Gorur with UNMISS personnel in Juba, South Sudan, June 2015.
101. Hansen, “Policing the Peace: The Rise of United Nations Formed Police Units,” 2011.
102. Coordination with other civilian components is also necessary, but this issue is outside the scope of this paper.
103. UN DPKO, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008. See also UN DPKO/DFS, *Policy on United Nations Police in Peacekeeping Operations and Special Political Missions*, 2014.
104. UN DPKO/DFS, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010, 55, 63.

105. Interview conducted by Alison Giffen and Aditi Gorur with UNMISS personnel in Juba, South Sudan, June 2015.
106. Friesendorf, “International Intervention and the Use of Force: Military and Police Roles,” 2012, 59.
107. Frank Hoffman defines an asymmetric threat as “a fused mix of conventional weapons, irregular tactics, terrorism and criminal behavior in the battle space” used by an adversary to obtain political objectives (Hoffman, “Hybrid vs. Compound War. The Janus Choice: Defining Today’s Multifaceted Conflict,” 2009).
108. Interview conducted by Aditi Gorur and Lisa Sharland with UNMISS personnel in Juba, South Sudan, August 2015.
109. Ibid.
110. Perito, *Where is the Lone Ranger When We Need Him? America’s Search For a Postconflict Stability Force*, 2004; Greener and Fish, “Situating Police and Military in Contemporary Peace Operations,” 2011.
111. UN DPKO, *Policy on Formed Police Units in United Nations Peacekeeping Missions* (revised), 2010, 69.
112. Ibid.
113. This also refers to the so-called security and capability gap, typical in the initial phases of post-conflict environments where organized conflict has ended yet public order has not been restored (Armitage and Moisan, *Constabulary Forces and Post-conflict Transition: The Euro-Atlantic Dimension*, 2005), and where the military has deployed but not the police. There are important protection needs that need to be fulfilled in these contexts, which usually go beyond the initial stages of military deployment.
114. Dziedzic, “The Public Security Challenge and International Stability Police Units,” 2003. Different types of violence require different tools, modes of operation, and tactics.
115. Giffen and Keenan, “Prioritizing Protection of Civilians in Peacekeeping in the Central African Republic,” 2014. For a description of conflict dynamics in CAR, see Oen, *Protection of Civilians in Practice – Emerging Lessons from the Central African Republic*, 2015.
116. Dziedzic and Perito, “Haiti: Confronting the Gangs of Port-au-Prince,” 2008.
117. Friesendorf, “International Intervention and the Use of Force: Military and Police Roles,” 2012; Hansen, “Policing the Peace: The Rise of United Nations Formed Police Units,” 2011; Perito, *Where is the Lone Ranger When We Need Him? America’s Search For a Postconflict Stability Force*, 2004; Greener and Fish, “Situating Police and Military in Contemporary Peace Operations,” 2011.
118. Beadle and Kjeksrud, *Military Planning and Assessment Guide for the Protection of Civilians*, 2014.
119. The role of police in insurgency scenarios is also significant (especially in the hold and build phases). The question of whether the UN should be involved in counterinsurgency is, however, not part of the discussion in this brief.
120. For a more detailed description of these scenarios, see Beadle and Kjeksrud, *Military Planning and Assessment Guide for the Protection of Civilians*, 2014.
121. POC guidelines for UN police on physical protection should not undermine other protection responsibilities under Tiers 1 or 3 of the POC policy.

RESEARCH METHODOLOGY

This brief is based on an extensive desk review of primary and secondary sources, including UN documents (such as UN doctrinal and policy documents, UN guidelines, mission mandates, UNSC resolutions and presidential statements, UN Secretary-General reports, speeches, statements, testimonials, etc.), and scholarly and policy-based articles. It also draws from open-ended semi-structured interviews with practitioners that were conducted in Washington, DC, and with UN officials in February and March 2015. Additionally, Stimson staff conducted interviews with UNMISS officials in June and August 2015 in South Sudan.



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Civilians in Conflict envisions a world in which the international community, nation-states, and local communities effectively eliminate violence against civilians in conflict-affected societies. As a contribution to this ambitious vision, the project works to expand and improve international efforts to develop effective prevention and response mechanisms. The Civilians in Conflict project looks at a number of areas that continue to perplex policymakers and practitioners and undermine strategies to protect, including: engaging communities in protection strategies; using force to protect civilians; working with humanitarian actors; building civilian capacity; combining political, other civilian, and military resources to protect effectively; and tailoring strategies to protect civilians to specific contexts. For more information on Civilians in Conflict, please visit www.stimson.org/research-pages/civilians-in-conflict.

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The Role of Police in UN Peace Operations

FILLING THE GAP IN THE PROTECTION OF CIVILIANS FROM PHYSICAL VIOLENCE

This year, a high-level independent panel appointed by the UN Secretary-General undertook a comprehensive review of UN peace operations. This review is the first of its kind since the groundbreaking “Brahimi Report,” published in 2000, which laid the foundation of modern peace operations. Like the Brahimi Report, the panel’s findings could change the course of peace operations. This policy brief is the third in a series of Stimson’s Civilians in Conflict project publications, which will explore issues relevant to the review and its implementation, with a focus on how UN interventions can better protect civilians.

To most people, the term “United Nations peacekeepers” conjures images of soldiers in blue helmets, but UN peacekeeping operations also include critical non-military components. In environments characterized by weak or dysfunctional rule of law institutions and in contexts of criminal and low-intensity violence, UN police can play a vital role in maintaining security and protecting the civilian population from physical violence. This policy brief identifies the most pressing gaps in doctrine and guidance that undermine civilian protection by UN police. It argues that the UN Department of Peacekeeping Operations should adopt new guidance on police and protection, address broader capability and training deficits, expand the recruitment pool of UN police and engage politically with police- and troop-contributing countries to enhance the ability of UN police to protect civilians from physical violence.

