



# United Nations Human Rights Council

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Cartel Sovereignty and the Collapse of  
Human Rights Accountability

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# INDEX

1. 1. Mandate
2. History and background
3. Definitions of key terms
4. Past UN actions
5. Causes
6. Need to stop the problem
7. Case Studies
8. Impacts
9. Bloc formation
10. Questions A Resolution Must Answer



# Mandate

The United Nations Human Rights Council (UNHRC) is the UN's principal intergovernmental body for promoting and protecting human rights, made up of 47 member states elected by the General Assembly. It draws its authority from the UN Charter, the Universal Declaration of Human Rights, and core treaties such as the ICCPR and the Convention against Torture, and it works mainly by requesting reports from the Office of the High Commissioner for Human Rights (OHCHR), mandating fact-finding missions and commissions of inquiry, and reviewing every member state's record through the Universal Periodic Review.

It is not a criminal court, a security council, or a military body — it cannot arrest cartel leaders, prosecute individuals, or authorize force.

On this agenda, delegates should focus on what is actually within the Council's reach: protecting civilians and human rights defenders in cartel-affected areas, strengthening independent courts and anti-corruption institutions, holding counter-cartel operations to due-process and right-to-life standards, and building credible monitoring and reporting mechanisms.

# History and Background

For most of the last century, cartels were treated as a law-enforcement problem; violent and profitable, but still operating inside a state that controlled its own territory. That assumption has broken down in parts of the Americas. Since the early 2020s, criminal organizations in Mexico, Haiti, and Ecuador have moved from evading the state to substituting for it; which is where the term “cartel sovereignty” comes from.

The main multilateral tool against organized crime, UNTOC (2000, 194 parties), only partly covers this: it was built for cross-border criminal enterprise, not for groups exercising territorial control that looks like governance, and it says little about abuses committed by states fighting back. That gap is what the Inter-American Commission on Human Rights tried to close in Resolution 1/26, “Organized Crime and Human Rights in the Americas” (February 2026), which frames organized crime as a structural driver of rights violations and urges states to build security strategy around human rights rather than against them; the exact tension this committee has to resolve.

# Key Terms

## • **Cartel Sovereignty**

A criminal organization doing what a government normally does; controlling territory, taxing commerce, policing movement, deciding who gets access to services, without any legal right to govern.

## • **Parallel Governance**

Cartels offering what looks like public service (dispute resolution, “protection,” even emergency relief) to win civilian compliance and pull communities away from the state.

## • **State Capture**

Criminal money and violence working their way inside the state itself; bribing police, judges, mayors, customs officers, until the state can no longer act against the cartel even if it wants to.

## • **Non-State Duty-Bearer**

An unresolved legal debate: should a cartel that behaves like a government be held to human rights standards directly, the way states are, when existing treaties were written only for states?

### • **Due Diligence**

A state's legal duty to reasonably try to prevent foreseeable harm from cartels, protect people at risk, and investigate and punish abuses — silence and inaction can itself be a violation.

### • **Impunity**

What happens when accountability fails entirely: no investigation, no prosecution, no punishment, and victims are left with no truth and no justice.

### • **Horizontal Accountability**

Independent institutions — courts, prosecutors, human rights commissions — checking abuses of power. This collapses quickly when officials themselves are threatened or assassinated.

### • **Westphalian Sovereignty**

The founding assumption of international law that states hold sole legitimate authority over their own territory — the assumption cartel sovereignty directly challenges.

### • **Extrajudicial Killing**

A killing carried out by state agents, or with state approval, outside any legal process — a common allegation in aggressive “war on cartels” operations.

- **Narco-Terrorism**

A contested, legally undefined label some states apply to cartel activity to justify treating it like terrorism; UN experts warn it can unlock extreme security powers against what is really profit-driven crime, not political violence.

- **Mutual Legal Assistance (MLA)**

The formal, lawful way states cooperate across borders on criminal cases — sharing evidence, tracing illicit money, extraditing suspects — as opposed to unilateral action.



# Past UN Actions

- **1966: International Covenant on Civil and Political Rights (ICCPR):**

Establishes binding global protections for the right to life, liberty, and due process; the baseline delegates can cite for unlawful detentions, extrajudicial killings, disappearances, and attacks on journalists or defenders.

- **1998: UN Declaration on Human Rights Defenders:**

Recognizes the right to peacefully promote and protect human rights without retaliation; because cartels routinely target organizers, activists, Indigenous leaders, lawyers, and journalists.

- **2000: UN Convention against Transnational Organized Crime (UNTOC / Palermo Convention):**

The primary global treaty targeting cartel-type networks; requires states to criminalize organized crime, money laundering, and corruption, and sets up frameworks for extradition and mutual legal assistance.

- **2000: UNTOC Articles 24 and 25 (Witness Protection and Victim Assistance):**

Require states to protect witnesses from retaliation and provide legal, physical, and emotional support to victims; a useful base for survivor-centred operative clauses.

- **2003: UN Convention against Corruption (UNCAC), Article 51:**

The first binding global framework against bribery and embezzlement; Article 51 establishes asset tracing and recovery, offering a roadmap for dismantling cartel finances.

- **2006: International Convention for the Protection of All Persons from Enforced Disappearance:**

Covers disappearances carried out by state agents or by private actors with state support or acquiescence; directly relevant where local authorities collude with or ignore cartel abuses.

- **2011: UN Guiding Principles on Business and Human Rights (UNGPs):**

A three-pillar framework (state duty to protect, corporate responsibility to respect, access to remedy) relevant as cartels infiltrate agriculture, mining, real estate, and banking.

- **2015: Sustainable Development Goal 16:**

Links cartel dominance to weak institutions and illicit financial flows, and supports the argument that security operations alone cannot fix cartel sovereignty.

- **2022: UNTOC COP Resolution 11/2:**

Calls on states to align anti-organized-crime measures

with human rights obligations; a strong basis for demanding rights safeguards in enforcement operations.

• **2023: UNCAC CoSP Resolution 10/10:**

Addresses the link between organized crime, systemic corruption, and institutional erosion, supporting clauses on transparency and oversight in procurement and customs.



# Causes

## ***1. Leadership Vacuum and Fragmented Balkanization***

Eliminating top leaders such as Nemesio Oseguera Cervantes (“El Mencho”) creates power vacuums that are filled by regional lieutenants and rival cartels (e.g., the Nueva Plaza or splinter groups of the Sinaloa cartel) through the “Hydra Effect.” The latter lack the organizational reach and institutional capacity of integrated cartels like Guadalajara or Sinaloa to monopolize international trafficking routes. As a result, splinter cartels resort to predatory crimes to finance operations (e.g., kidnappings, extortion, illegal fuel tapping (achicoleo), and local produce trade such as avocados and limes). Additionally, in the absence of first-order coercion, regional commanders fight it out among themselves, using overtly violent displays to carve out exclusive control over particular trafficking routes (plazas) in their respective jurisdictions.

## ***2. Institutional Militarization of Public Security***

The gradual militarization of public security (i.e., transfer of security responsibility from municipal and federal police to the military) has weakened institutional oversight and resources directed at training and empowering civilian police forces. Given their mandate, organization, and

training, military forces are ill-suited to enforce the Constitution, investigate crimes, and ensure civil rights are protected; resulting in higher levels of killings, extra-judicial detentions, and abuses when deployed in public security tasks. By managing key economic sectors (customs, ports, highways, infrastructure), as well as internal and external defense, the Mexican military acquires significant autonomy over civilian institutions. Such autonomy further decreases the military's accountability to civilian authorities.

### ***3. Structural Judicial Impunity and Legal Shields***

Mexican courts suffer from severe underinvestment, understaffing, and corruption, resulting in over 90% of crimes being committed with total impunity or seldom investigated and prosecuted. Despite legislative reforms meant to try human rights violations against civilians in civilian courts, state attorneys (Fiscalías) and military courts continue to shield military personnel from prosecution or provide them with institutional cover when investigated by civilian authorities. At the same time, judges, prosecutors, and investigators face pressure, threats, and often direct violence from criminal band and cartels, as well as corrupt authorities that obstruct key investigations and proceedings.

#### ***4. Cross-Border Arms Trafficking and Tactical Parity***

Mexican cartels acquire most of their military equipment (e.g., Barrett .50 caliber sniper rifles, belt-fed guns, rocket launchers, and armor-piercing rounds) via the “Iron Pipeline” – i.e., the informal market for US military equipment along the border. For Mexican cartels, the “Iron Pipeline” provides a critical strategic advantage by allowing them to offset the firepower of the Mexican military as well as engage in direct firefights, shoot down military aircraft, and employ weaponized drones and “monstrous” (improvised armoured vehicles).

#### ***5. Shadow Governance and Sub-National State Capture***

By capturing municipal governments (buying votes) and police chiefs, cartels acquire a deep institutional presence at the municipal level. Some cartels control entire regions, where they function as a shadow state, regulating local economies, collecting unofficial taxes, and enforcing informal social norms (e.g., dispute resolution). In effect, cartels provide public goods (e.g., security, welfare, and municipal services) that the Mexican government fails to deliver on account of institutional weakness or capture, and in some cases, cartel members hold public office as elected representatives or bureaucrats.

# Need to Stop the Problem

A workable strategy has to weaken cartels on three fronts at once: their money, their hold on institutions, and the silence they impose on victims and witnesses. On finance, states should strengthen anti-money-laundering enforcement, beneficial-ownership transparency, and oversight of high-risk sectors like real estate and mining, and use UNCAC Chapter V (with Article 51's asset-recovery principle) to trace, freeze, and return illicit assets; channeling recovered funds toward reparations and community development rather than letting cartels remain the only source of income in a region.

On institutions, states should fund protection programmes for defenders, journalists, whistleblowers, prosecutors, and judges; confidential reporting, secure housing, relocation, protected testimony, as UNTOC Articles 24 and 25 call for, alongside stronger anti-corruption bodies and judicial oversight with UNODC and OHCHR support. Cross-border cooperation under UNTOC (mutual legal assistance, evidence-sharing, action against firearms trafficking) should continue to respect judicial review and fair-trial rights.

Any response also needs to be victim-centred: people coerced into cartel activity, especially trafficking survivors and children, should be identified and protected rather than treated automatically as offenders. And none of this works without prevention; safe employment, education, and essential services, so that cartels have nothing left to offer that the state doesn't.



# Case Studies

## **Agricultural Extortion and Municipal Weakness, Michoacán, Mexico**

Groups including Los Viagras and Cártels Unidos have built a revenue stream out of Michoacán's avocado and lime industry, imposing coercive “quotas” on farmers, packers, and transporters at multiple points in the supply chain. Refusal can mean kidnapping, property destruction, or killing. The result is disrupted harvests, higher costs, abandoned fields, and municipal institutions too weak or too intimidated to protect anyone — a case of a lawful export industry turned into a criminal revenue stream.

## **Cyber-Scam Compounds and Forced Criminality, Mekong Region**

Across border areas of Myanmar, Cambodia, and Laos, criminal networks run heavily guarded scam compounds such as Myanmar's KK Park. Victims recruited through fake job ads are trafficked, confined, and forced to run online fraud schemes. A 2026 UN human rights report found the regional cyber-scam industry generates tens of billions of dollars a year, sustained by trafficked workers subjected to forced labour and abuse — a case of weak governance and cross-border finance enabling abuse that no single state can reach.

**Parallel Governance and Service Monopolies,**  
**Rio de Janeiro, Brazil**

In parts of Rio, militias; often including current or former security personnel, control access to cooking gas, transport, internet, and informal utilities, charging “protection” fees and displacing or threatening residents who refuse. Because these groups are entangled with the security forces meant to stop them, reporting abuses is especially difficult; a case of criminal governance built directly out of gaps left by the state.



# Impacts of the Agenda

## ***Social Effects:***

Cartel sovereignty forces displacement and tears at family and civic life as people abandon their homes to avoid coercion and violence. Fear disrupts schooling and community networks, and women, children, migrants, and Indigenous communities face heightened risk of trafficking, forced labour, and sexual violence. The killing of journalists and community leaders closes off safe channels for reporting abuse, and when people see police and courts as paralyzed or bought off, trust in the state collapses; leaving communities to comply with cartel authority just to keep their families safe, which in turn keeps most violations unpunished and unrecorded.

## ***Economic Effects:***

By embedding themselves in supply chains; agriculture, mining, transport, real estate, cartels levy illegal “taxes” on businesses under threat of violence, inflating prices, driving legitimate enterprises under, and scaring off outside investment. Regions under cartel influence become starved of legitimate capital even as poverty deepens.

At the same time, money laundering through shell companies distorts formal markets and undercuts law-abiding businesses, while cartels erode local tax bases directly, leaving municipalities unable to fund healthcare, education, or infrastructure. That financial collapse pushes communities further toward dependence on cartel-provided jobs and informal loans; a cycle that is hard to break without outside intervention.

### ***Political Effects:***

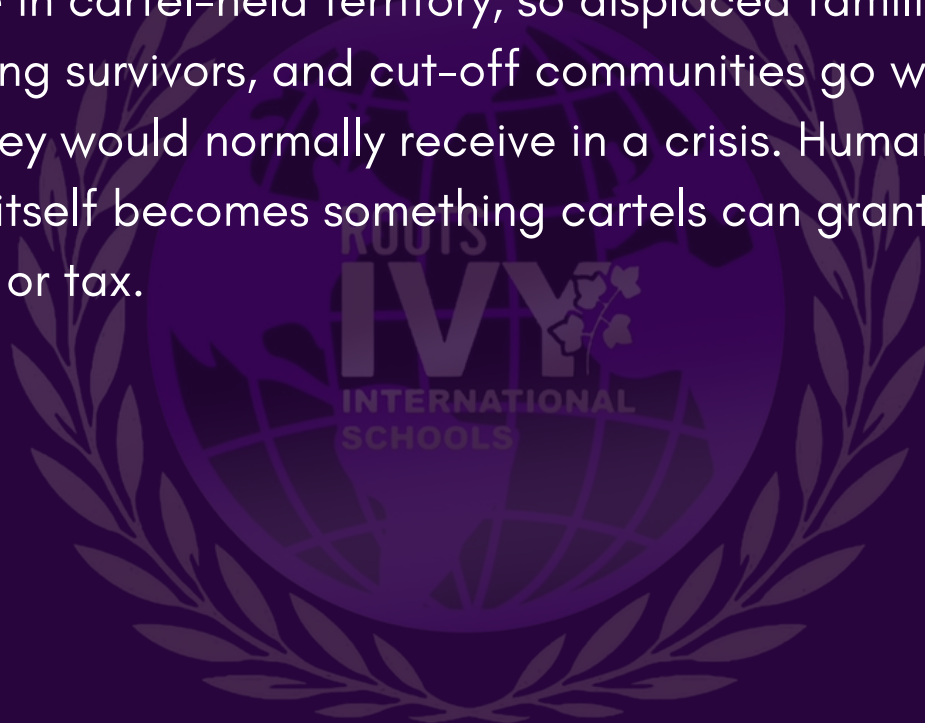
Cartel sovereignty erodes the political process itself. Using illicit revenue, criminal networks can influence local elections, pressure or threaten independent politicians and judges, and turn police departments, customs agencies, and municipal councils into protective cover for criminal activity rather than public institutions. Where this capture takes hold, government structures remain on paper but lose their practical ability to enforce law or deliver services; formal sovereignty with real impunity underneath it.

This also reaches into foreign relations and state legitimacy: designations such as the US labelling Sinaloa and CJNG as Foreign Terrorist Organizations in 2025 show how cartel power can force legal and diplomatic responses well beyond domestic policing, while governments seen as tolerating or colluding with cartels face reputational costs internationally. Citizens who

believe officials are captured by (or complicit with) organized crime tend to disengage from voting, reporting crime, and civic life altogether, hollowing out democratic participation from within.

***Humanitarian Effects:***

Cartel control also creates a distinct humanitarian problem: aid agencies and UN bodies often cannot safely operate in cartel-held territory, so displaced families, trafficking survivors, and cut-off communities go without relief they would normally receive in a crisis. Humanitarian access itself becomes something cartels can grant, restrict, or tax.



# Bloc Formation

Blocs here are best understood as shared interests, not fixed rosters. Treat the five clusters below as a starting point for research, not an assignment, and confirm your own country's real position before writing your policy.

- ***Affected States & Capacity-Building***

Countries dealing directly with cartel violence and weak institutions; Mexico, Colombia, Guatemala, Honduras, Ecuador, and Myanmar are typical examples, tend to want technical assistance, stronger courts, and cross-border cooperation, while insisting on consent and respect for domestic legal systems.

- ***Financial-Centre & Cooperation***

States with major financial systems or strong investigative capacity; such as the US, UK, Canada, and several EU members, tend to prioritize anti-money-laundering rules, asset recovery, firearms-trafficking controls, and mutual legal assistance under UNTOC.

- ***Sovereignty & Non-Intervention*** — States wary of intrusive monitoring or country-specific mandates — such as China, Russia, and Venezuela — tend to favour state-

to-state and technical cooperation over investigative or monitoring mechanisms they see as interference.

- ***Human Rights & Victim Protection***

States that prioritize victim-centred mechanisms, defender protection, and independent investigation; often found among Latin American, European, and Nordic countries, tend to push for reparations, non-punishment of coerced victims, and protection for journalists and judges.

- ***Transit & Border***

States along trafficking routes; such as Panama, Jamaica, Kenya, and Thailand, mainly need funding, training, and information-sharing support for customs, police, and border agencies rather than being the primary target of cartel governance themselves.

# Questions A Resolution Must Answer (QARMA)

- What is the main human-rights problem; territorial control, corruption, impunity, trafficking, displacement, attacks on civic space, or abuses during counter-cartel operations?
- How will civilians be protected in cartel-affected areas; safe reporting, community protection plans, emergency shelters, relocation, access to essential services?
- How will accountability be restored; independent courts, prosecutors, anti-corruption bodies, forensic capacity, investigations into cartel violence and official collusion?
- How will victims and witnesses be protected; confidential reporting, legal aid, psychosocial care, secure housing, protected testimony, relocation, financial support?
- How will journalists and defenders be safeguarded; rapid-response protection for journalists, lawyers, activists, judges, prosecutors, whistleblowers?

- What vetting and anti-corruption frameworks, under UNODC/OHCHR guidance, will counter institutional capture of local police, prosecutors, and judges?
- How will countries cooperate across borders; UNTOC-based mutual legal assistance, evidence-sharing, asset tracing, action against firearms trafficking?
- Who implements and monitors the plan; national human rights institutions, courts, police oversight bodies, OHCHR, UNODC, civil society, regional bodies?
- How will success be measured; reduced killings, disappearances, trafficking, displacement, attacks on journalists, corruption cases; improved access to justice?
- How will the plan be funded, and how will it respect sovereignty; which states, agencies, or funds contribute, and how does implementation respect territorial integrity, domestic law, and consent?