

Ukraine and Russia vs. Mexico and the United States

Population Movement as Civilian Harm Comparable to Acts of War

In classical international law, war crimes are typically associated with armed conflict between states and the conduct of occupying powers. However, modern conflict increasingly manifests through indirect, asymmetric, and non-traditional means, including the systematic destabilization of civilian populations. From this perspective, both Russian population transfer into Ukraine and mass, cartel-enabled border penetration into the United States may be examined as actions producing civilian harms comparable to crimes of war, even where the formal legal classification differs.

In the case of Russia and Ukraine, the transfer of civilians into occupied territory constitutes a recognized war crime under international humanitarian law. This practice operates as a tool of conquest, demographic manipulation, and sovereignty erosion, directly targeting the civilian population by displacing residents, confiscating property, and extinguishing legal protections through force.

By contrast, population movement across the border between Mexico and the United States is conventionally described as undocumented migration and addressed under civil immigration law. Yet this framing becomes insufficient when the movement is systematically controlled by transnational criminal organizations that exercise coercive authority over territory, infrastructure, and human beings. In many regions, cartels function as *de facto* armed actors, enforcing compliance through violence, engaging in human trafficking, sexual enslavement, forced labor, and mass extortion, and generating sustained civilian insecurity on both sides of the border.

While these acts are not conducted by a foreign army *per se* (asymmetrical guerrilla forces), their effects on the civilian population parallel those traditionally associated with warfare: loss of territorial control, erosion of public safety, widespread victimization of civilians, and the normalization of violence and exploitation. When such conduct is widespread, systematic, and knowingly tolerated or insufficiently deterred, it may reasonably be analyzed as a form of civilian attack, even if perpetrated by non-state actors. Under international criminal law, such patterns may fall closer to **crimes against humanity** than to ordinary criminal migration, particularly where enslavement, sexual violence, and forced displacement are present.

Accordingly, describing these dynamics as mere “migration” risks obscuring the degree to which civilian populations, both migrants and citizens, are subjected to organized violence, coercion, and territorial domination. Although U.S. border incursions do not meet the strict legal definition of war crimes absent armed conflict, the cumulative impact on the American civilian population may be understood as **war harm**: indirect, asymmetric, and civilian-targeting in nature. This analytical framework does not collapse the distinction between immigration law and the law of armed conflict, but it challenges whether existing legal categories adequately capture the realities of modern population-based replacement and destabilization.