

# The Evil Architects Do

## Crimes of Urbicide and the Built Environment *by Eyal Weizman*

The inauguration in the Hague of the International Criminal Court (1) announces the prospect of a Judiciary Utopia: under international jurisdiction, individuals could be charged for the most serious crimes of international concern, such as the crimes of apartheid and war (2). At the basis of the court, the International Humanitarian Law (3) is designed to address military personnel or politicians in executive positions. But in the frictions of a rapidly developing and urbanizing world, human rights are increasingly violated by the organization of space. Just like gun or the tank, mundane building matter is abused as weapons with which crimes are committed.

The application of international law as the most severe method of architectural critique has never been more urgent. Crimes relating to the organization of the built environment, originating on computer screens and drafting tables, call for placing an architect/planner, for the first time, on the accused stand of an international tribunal.

International justice must bypass the legal system of states (usually complicit in such cases) and decide whether a particular planning practice deviated from the naturally aggressive character of planning and its "acceptable" level of "collateral damage" to qualify as a violation of international law. When an architect's design premeditatedly aims to cause material damage - as part of a large-scale policy of organized aggression - a war crime may have been committed. The evidence

for these crimes are in the drawings - marked as lines on plans, maps, or their immediate real time replacement - aerial photographs.

The nature of the planning action concerned is twofold, including both acts of strategic form making: construction and destruction. From the political/military point of view, the city is a social/physical obstacle that must be reorganized before it can be controlled. "Design by destruction" increasingly involves planners as military personnel in reshaping the battleground to meet strategic objectives. As urban warfare increasingly comes to resemble urban planning, armies have established research programs to study the complexity of cities and train their own urban practitioners. The effect is extensively evident. The destruction in Bosnia of public facilities - mosques, cemeteries and public squares - followed a clear and old fashioned planner's logic: social order can not be maintained without its shared functions (Article 8.3.b.ix). The manipulation of key infrastructure - roads, power, water and communication, such as in Baghdad - seeks to control an urban area by disrupting its various flows. Bombing campaigns rely on architects and planners to recommend buildings and infrastructure as potential targets and in order to evaluate the urban effect of their removal. The destruction of monuments and heritage sites, such as in the bombing of Belgrade, seeks a psychological victory over "enslaving" architectural projects (Article 8.3.b.ix). The grid of roads, the width of an

army bulldozer, that was carved through the fabric of the refugee camp of Jenin and the "clearing out" of a large empty area at its center reveals another planners' specialty - the replacement of an existing circulation system with another - one more accessible to the occupying army and easier to control pop-

tion of plurality that defines a city - did not originate in Belgrade, Mostar, Grozny or Gaza but in the regenerations and "hygienic" practices of American urban planning such as those described by Marshal Berman after the aggressive "cleaning up" of the Bronx.

### ***The Rome Statue of the International Criminal Court***

*Articles referred to above in relation to the transformation of the built environment.*

*(See the complete statute on: <http://www.un.org/law/icc/statute/romefra.htm>)*

### ***Crimes Against Humanity***

*Article 7.2.d*

*"Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present...*

### ***War Crimes***

*Article 8.2.a.iv*

*Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;*

*Article 8.3.b.viii*

*The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;*

*Article 8.3.b.ix*

*Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;*

ular unrest in (Article 8,2.a.iv). Revealingly, the Israeli army employs architects and civil engineers as commanders of its destruction bulldozers.

But these violations of articles of war do not require an official declaration of war to qualify as such, and the source of the term 'Urbicide' - the destruction of the condi-

Planning's pretence to facilitate the social and economic improvement of an abstract 'public' has long been ignored, and physical development now largely manifests itself as the executive arm of a geopolitical strategic or market-driven agenda. Large scale development such as in the Pearl River Delta or the Three Gorges Dam in Yichang, China respond to political and market demands by displacing

huge populations across national space (Article 7.2.d), erasing their home villages. The design of a closely knit fabric of homes and infrastructure, such as in Sao Paulo, Mexico City or California act as a form of spatial exclusion – creating wedges that separate the habitat of a population of citizens marked as political “outsiders.” Policies such as those guiding the official town planners of Jerusalem - to limit Palestinian population growth (4) - are mostly achieved through spatial manipulations. The form and layout of neighborhoods, the positioning of major roads, and the establishment of “no build” green spaces between and around Palestinian neighborhoods are meant to shrink the Palestinian habitat and its economical possibilities in order to generate the “quiet transfer” the authorities seeks (Article 8.3.b.viii). It is only appropriate that the Israeli Attorney-General urged parliament to retreat from joining the ICC lest “every building (in the occupied territories) start to be considered a war crime,” (5) and Israeli planners, architects, constructors, suppliers, or residents in the settlement be indicted.

The legal basis for indicting architects or planners already exists, but architecture and planning intersects with the strategies of contemporary conflicts in ways that the semantics of international law are still ill equipped to describe. International Humanitarian Law is predicated on a no-longer existing distinction between civilians and combatants, now trapped in a low intensity urban conflict that can no longer be understood according to its clear dialectics of “war” and “peace”. The removal of urban matter must not only be quantified as a statistical problem relating the number of buildings destroyed (Article 8.2.a.iv) nor be valued by their status as heritage sites (Article 8.3.b.ix) – but must be understood as an active form of design, having a cumulative effect on the creation of new spaces. Similarly, it is not enough to indict an architect for the very act of planning in occupied areas (Article 8.3.b.viii) or for participating in an aggressive state policy, but for the immediate consequences of his formal and organizational practice.

Architectural critique, previously limited to the professional and cultural domains, must take legal measures to meet the challenges of regulating a profession flirting with both utopia and crime. The legal accountability of architects and planners stands in direct relation to their newly acquired potency and sharpens the choice each must face: should a tempting commission be accepted even if the general policy it serves stands in breach of human and political rights? If its motivations and the possible consequences are destructive? Collaboration has always an alternative - refusal!

In an interview on CNN former American president and Nobel Peace Prize laureate Jimmy Carter said that “the knowledge that the ICC functions... will repel those who are inclined to commit crimes.” The first architect to face international tribunals will send a shiver down the spine of a complicit profession.

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(1) The Statute outlining the creation of the International Criminal Court (ICC) was adopted at an international conference in Rome on 1998, the tribunal came into force on July 1st, 2002, The court can only take cases that occur after this date.

(2) Although the establishment of the ICC is a major boost, the prospect of international justice is still unclear. The ICC applies only to citizens of the states that ratified its constitution. As of May 2003, 90 countries ratified it. Fearing international prosecution, the post September 11 US administration withdrew its signature from membership in the ICC. The Israeli government under Ariel Sharon followed soon after. Russia, China, Libya and Yemen are amongst those not to have ratified. The problem of voluntary membership is that the states whose citizens engaged in war crimes would likely not join and their citizen will remain immune.

(3) International humanitarian law (IHL), based on the four Geneva Conventions of 1949, is the body of rules which protects limit and prevent human suffering in times of armed conflict.

(4) The official Jerusalem city policy aims to keep the Palestinian proportion of the city's population at a constant 28% although their population rate of growth is much higher than the Jewish-Israeli one.

(5) Israeli Attorney-General Elyakim Rubinstein warned Israeli Law makers on the Knesset's (Israeli Parliament) Constitution, Law and Justice Committee in June 2002 about the possible legal consequences of the ICC. Allen Baker, then the legal adviser to the foreign office, put it in bolder terms: “Every person who is involved in decision making regarding the setting of citizens on occupied area may be arrested, from the prime minister down to the last citizen.”