

DEFINITION AND CONFIRMATION CONCEPT OF URBICIDE

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Annotation. The article analyzes the concept of urbicide, the need to define this concept in legal norms, the connection between urbicide and genocide and ecocide. The increasing relevance of urbicide research is determined by the threat of damage or destruction of the city in order to influence the public activity of the population. After or alongside the commission of urbicide, other serious crimes are committed.

The purpose of the study is to define the concept and orientation of urbicide, establish the need to introduce the concept of urbicide into international law, study the purpose of committing urbicide, the connection between urbicide with genocide and ecocide, and determine the beginning of the crime.

Philosophical method, cognitive method, legal method, system analysis, comparative jurisprudence, and historical method are used to study the concept and impact of urbicide.

It was concluded that the commission of urbicide has a negative effect on the civilian population of the state. The need to study all aspects of the introduction of criminal responsibility for the commission of urbicide is explained by the growing practice of committing the specified act during the war in Ukraine.

Paying attention to the correct definition of urbicide is determined by the need to prevent the commission of urbicide. Manifestations of urbicide over time acquire severe manifestations, as a result of which the civilian population leaves for other states and does not always return, there is a significant negative impact on the civilian population, cities, and environmental safety in the state. It is difficult to fully determine the negative impact of urbicide even when conducting research, it is difficult to analyze the recovery of the city and establish the ability to renew the previous infrastructure to ensure normal living of the civilian population. Taking into account the continuation of the war, it is impossible even to predict what period will be needed for the reconstruction of the city after the urbicide and how long the threat of the next urbicide will remain in the state.

Key words: urbicide, genocide, crime, city, destruction.

1. Introduction.

Urbicide is a complex concept that is not directly defined in international law, but requires further research by experts from various sciences, in particular lawyers. According to the content, in the period of full-scale war, urbicide becomes similar in purpose to ecocide and genocide, which explains the importance of researching this concept.

The need to study the concept, meaning, similarity of urbicide to genocide and other crimes, the purpose of committing urbicide is explained by one important factor – the war in Ukraine destroyed a large number of cities that will need to be restored one day or the restoration process has already begun and funds are needed to restore the destroyed cities.

2. Analysis of scientific publications on the concept and direction of urbicide.

The concept of urbicide takes on great importance during the war, because there is a threat of significant damage or even destruction of the city. After the Second World War, Warsaw, Berlin, London, Dresden and Rotterdam were practically destroyed [1, p. 469].

The study of the concept of urbicide began in writings about genocide after the Cold War. Urbicide was associated with violence against cities, as well as the urban way of life [1, p. 464].

The concept of urbicide was studied by Kovard M., Mezentsev K., O. Mezantsev, O. Mykhaylova pointed out the need to qualify the specified crime, the problems of rebuilding the city after the urbicide were analyzed by Pavliy I., Zhuk T. , the manifestations of urbicide during the occupation were studied by D. Malchukova, Pylypenko I.

The Commissioner for Human Rights of the Verkhovna Rada of Ukraine, Dmytro Lubinets, in his report on the state of observance of human and citizen rights and freedoms in Ukraine in 2022, defined urbicide as a separate form of mass violence, which is characterized by the deliberate destruction of important civil infrastructure. Urbicide is carried out using the logic of collective punishment, with the help of which a negative impact is made on the infrastructure of the city, constant bombing and destruction of the city define urbicide – the murder of the city [2].

Martin Coward emphasizes that the act of committing urbicide is aimed at destroying the way of life, not the living environment [3, p. 100]. However, the urbicide committed during the war in Ukraine showed the interconnectedness of these two concepts, if the domestic environment is destroyed, it significantly affects the way of life of people, because in many cases people are forced to leave their place of residence and become internally displaced persons or even leave the state in looking for a place to live. In this case, the goal of destroying the living environment differs in the consequences, which do not force themselves to wait for a long time, the way of life of people changes.

There is a question about changing the way of life of people in the conditions of committing urbicide, which affects citizens living on the territory of the city [4].

The city often has a high number of crimes that begin with the occupation of the city, including murder, rape, kidnapping, theft, deportation, bodily harm, and other crimes.

Having analyzed the positions of scientists, we can conclude that urbicide is the killing of a city, which is carried out in the form of mass violence, characterized by the deliberate destruction of civil infrastructure, the living environment and, as a result, the destruction of people's lifestyles, encroachment on the normal development of cities, community activity, the reduction of resistance, and accordingly, the opportunity to gain a military advantage.

3. The purpose of the study.

The purpose of the study is to define the concept and direction of urbicide, establish the need to introduce the concept of urbicide into international law, the purpose of committing urbicide, the connection between urbicide with genocide and ecocide, and determine the beginning of the specified crime.

4. Review and discussion.

Deliberate destruction of civilian infrastructure objects, encroachment on the civilian population during the war caused the need for legal protection of the population, discussions began about responsibility for committing urbicide in the sense of war crimes, crimes against humanity, violations of international law [5, p. 86].

You can agree with O. Mykhailova regarding the need to introduce the concept of urbicide into international law, which will allow to qualify the specified crime and, accordingly, to impose punishment for the commission of this crime.

For the introduction of the concept of urbicide into international law, K. Mezantsev speaks out in his publications, and notes the need to explain the importance of this issue to the European Union and the UN [6, p. 93]. It will be possible to prosecute and compensate for the damage caused by the commission of urbicide only in case of improvement of the national criminal legislation through the introduction of criminal responsibility for the commission of urbicide and the practical implementation of the international ban on the use of artillery and missile weapons in places where civilians live [4].

Destruction or damage to civilian housing and infrastructure, and accordingly rendering the city uninhabitable, is recognized as a war crime [7].

Part 1 of Article 5 of the Rome Statute of the International Criminal Court (hereinafter – the Rome Statute) defines responsibility for the commission of war crimes. Article 8 of the Rome Statute defines a list of war crimes, including: «large-scale destruction and appropriation of property, which was not caused by military necessity and was committed illegally and senselessly; deliberately directing attacks at civilian objects, that is, objects that are not military targets; deliberately committing an attack with the knowledge that such an attack will result in the accidental death or injury of civilians or damage to civilian objects or extensive, long-term and serious damage to the surrounding natural environment that would be clearly excessive in comparison with the specific and immediately anticipated overall military advantage ; attacking unprotected and non-military targets, cities, villages, residences or buildings or shelling them using any means; deliberately directing attacks on buildings intended for religious, educational, artistic, scientific or charitable purposes, on historical monuments, hospitals and places of concentration of the sick and wounded, provided that they are not military objectives» [8].

The next important question regarding the study of urbicide can be called determining the purpose of committing urbicide. An important goal of urbicide is the real development of cities, the growth of civic consciousness and public activity [9, p. 508]. Committing urbicide pursues the goal of gaining military advantage through the use of terror, reducing resistance, and the identity of citizens. There is not always confidence in the positive recovery of the city after the commission of urbicide, for success in the recovery of the city, efforts and knowledge must be used. The war continues and cities continue to be destroyed [10]. Accordingly, it is necessary to find opportunities to bring those guilty of these acts to justice.

In sociology, there is also the concept of urbicide, which defines the destruction of the city, and more broadly, violence against the city [11]. Analyzing the positions of scientists and the practice of committing urbicide, one can understand that the purpose of urbicide is not simply the destruction of buildings or structures, but much more important – encroachment on a normal way of life, urban development, community activity, reduce resistance, identity and finally gain an advantage. Urbicide is often determined by the prerequisite for the commission of other serious crimes, the possibility of their commission, and the commission of certain crimes helps.

There is a connection between the commission of urbicide and the impact on the civilian population of the state, in particular with the aim of reducing confrontation during the war. With the help of urbicide, the city population is controlled, suppressed and discriminated against. This activity is explained not only by material losses [12, p. 64]. It is clear that the use of urbicide helps to counter the civilian population by causing material damage, destruction and damage to the city.

Scientists quite convincingly predict that urbicide will remain present in the tactics of the Russian Federation in the war against Ukraine [13, p. 7].

It should be noted that during the war, civilian infrastructure and civilian objects, such as hospitals, maternity homes, and schools, which have no purpose for the war, are destroyed. According to Kostyantyn Mezentsev, the simplest definition of urbicide is the killing of a city [4]. For this, the Russian Federation has developed anti-urban forms of weapons that quickly and effectively destroy the city [4].

The question of the connection between urbicide and genocide and ecocide is being raised more and more often in the scientific literature. Urbicide and genocide presuppose the presence of a certain ultimate goal and a plan to achieve it [6]. There is a position that urbicide involves part of committing the crime of genocide, because the destruction of housing to a certain extent affects the destruction of people's lives, dreams, history, and the future [7].

In the scientific literature, the position is determined that the general legal concept of urbicide provides certain prerequisites for the commission of this crime, which are cultural destruction or genocide [14]. This position is quite clear, because when the place of residence, infrastructure, and, accordingly, the culture of the population is destroyed, the prerequisites for committing genocide occur, or genocide is committed, which depends on the consequences of the committed act.

Avdeev O. O. notes that the following genocidal practices of the Russian Federation against the Ukrainian people are known:

- populicide, which consists in the destruction of Ukrainians with their own identity through mass murders by the state that is conducting the war;
- identocide – influence on the national and cultural identity of the people, political propaganda, persecution, illegal deprivation of liberty, transfer of people to the territory of the Russian Federation;
- urbicide - the destruction of the city as a center of industrial, household, and cultural relations. In such conditions, the community can no longer calmly exist and reproduce, which affects the identity, and hence it is quite natural that the commission of urbicide is a manifestation of the policy of genocide of the people of our state [15, p. 137-138].

Having analyzed the position of the scientist, one can fully agree with it, because the commission of urbicide has turned into a permanent well-thought-out practice of war, a means of influencing the civilian population, which effectively prevents the commission of genocide, continues during the period of genocide, however, it does not stop, endowed with its own goal to influence the people who live in it by destroying the city, to force part of the people to leave their place of residence, to reduce the identity of the population. From this point of view, the commission of urbicide is endowed with a globally thought-out content of negative impact on the people.

The commission of urbicide and ecocide now determines changes in the practical application of the city space and the presence of social life in it [14, p. 38]. The question arises of the effects of urbicide and ecocide on space. According to scientists, ecocide is much more widespread in space, determined by the relationships in the natural environment, and will also increase the possibility of genocide in the future, which is explained by the decrease in resources after ecocide [14, p. 38].

The connection between urbicide, ecocide and genocide is generally complicated, because it is impossible to accurately predict the consequences of urbicide, which can further determine the threat of ecocide and genocide in a certain area. It is necessary to recognize as the most probable the opinion that the destruction of the city involves a combination of urbicide, ecocide and genocide, respectively, the consequences of the destruction of the city are urbicide, significant consequences for the natural environment are ecocide, consequences in the form of the destruction of any group by taking the lives of members of such a group, causing them serious bodily harm, creating living conditions for the group designed for its complete or partial physical destruction, reducing childbearing or preventing it in such a group - genocide.

Committing urbicide during wartime is characterized by constant attacks from the air, land and sea. Under these conditions, even large cities, such as Mariupol, remained virtually destroyed, with more than ninety percent of the infrastructure damaged or destroyed according to data for 2022 [2].

The question arises of the period of the beginning of cases of urbicide. The beginning of urbicide should be recognized since the beginning of the armed conflict in 2014, because during this period, attacks on settlements, infrastructure, destruction or damage of cities began [6].

In the period from 2014 to 2022, three forms of urbicide were used in Ukraine:

- Donetsk, which involved selective attacks, deterioration of the economy, deportation of the population.
- Mariupol, which is defined by significant battles, the use of the population for cover, practically impossible evacuation, the prevalence of serious crimes by the occupiers against the population.
- Kharkiv, this is urbicide damage and shelling in case of impossibility to capture the city, but severe consequences due to the short distance from the border and constant attempts to commit urbicide against the city.

Malchikova D. and Pylypenko I. conducted an analysis of the challenges of the occupation and named the following. First of all, the constant violation of human rights and the feeling of militarization. The following are problems with the delivery of humanitarian aid and the termination of the existence of local businesses, the introduction of another currency, the occupation of the information space, the departure of the population from the city [13, p. 14].

Having analyzed the challenges for the population, we note the impact of the occupation on the deterioration of the population's living conditions, the emergence of problems with the supply of products, the opportunity to earn or use the information space. These challenges of the occupation lead to the departure of the population from the city.

On the example of Mariupol, you can see urbicide, which almost completely destroyed the city and the possibility of further normal living in this city. In Mariupol, a significant part of the population was lost, another part of the population was deported, enterprises were destroyed, and the infrastructure was damaged [11].

Problems of rebuilding the city after committing urbicide:

- the need to liberate cities from occupation;
- unknown scale of destruction;
- it is necessary to ensure the safety of the territories of populated areas;
- the need to restore communications to support the city;
- large funds for reconstruction, which it is not known whether the state will have [16].

5. Conclusions.

The concept of urbicide is closely related to ecocide and genocide in terms of content, time of commission and purpose. It is necessary to analyze in detail the concept of urbicide, which in practice now has a negative effect on the civilian population of Ukraine, in order to take into account all important aspects of the introduction of criminal liability for this act.

Improvement of the legislation in the direction of introducing the concept of urbicide is currently necessary considering the practice of committing urbicide. Further study of the purpose of committing urbicide is necessary for a correct understanding of the inadmissibility of committing urbicide in wartime.

Manifestations of urbicide have been known since the beginning of the armed conflict in 2014, which over time have become permanent and more severe in relation to the local population. Over time, the population's stay in the occupation or manifestations of urbicide lead to the departure of the population from the cities of permanent residence.

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