

Rotten spaces: The role of waste in constructing the imaginal of the occupation in East Jerusalem

SARAH BARRIE

Abstract

Waste is an evocative aesthetic phenomenon. It is capable of producing a myriad of subliminal messages that permeate through the public space it defiles. During its occupation of East Jerusalem, Israel's discriminatory waste management policy assumes a particularly powerful role in transforming the experience of the public space. Indeed, it distorts and 'dirties' the experience of the city and consolidates the imaginal of the occupation of East Jerusalem. It does so by evoking an array of ideas that align with one's response to, and rejection of, waste. Consequently, this paper is an interrogation of how this aesthetic experience produced by waste is achieved through interweaving two narratives that are concurrently performed in this public space: the image of Palestinians as a rejected matter within the occupied East Jerusalem, and of Israel's defiance of international legal convention. These interwoven narratives operate to conjure a powerful image of the burgeoning potency of Israel's sovereign power in occupied East Jerusalem.

Introduction

There is perhaps no image as evocative of the ideas of dirt, decay and rejection as that of waste. The presence of waste within a public domain can consequently create a myriad of subliminal messages that permeate, much like the fetid stench of rotting waste, through a communal space. This occurs when waste becomes an aesthetic phenomenon. Such a phenomenon currently exists in occupied East Jerusalem, a city where waste performs a perverse aesthetic function that transforms the daily experience of Palestinians.¹ Indeed, in this space the presence of waste contributes to the construction of the image of occupation by virtue of the socio-legal messages defilement and decay convey.² As a

¹ Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, UN Doc A/HRC/37/43 (6 March 2018) 13–14.

² Patricia Branco and Richard Mohr, 'Odore di Napoli: What if Jurisprudence Came to us through Smell?' (Online Working Paper, The Westminster Law and Theory Lab, April 2015) 59–61.

result, the legal status of East Jerusalem as an occupied space metamorphoses into an aesthetic phenomenon, performed by the prevalence of waste within the public space. This prevalence is an occurrence attributable to an inadequate waste management policy, which is intended to regulate how waste is treated and disposed of.³

This paper consequently interrogates how Israel's discriminatory waste management policy, which renders East Jerusalem 'dirtied', contributes to the construction of the imaginal of the occupation within this public space. In doing so, this paper is divided into two parts: first, a discussion of the imaginal of the public space of occupied East Jerusalem, followed by an analysis of how the presence of waste within this space performs an aesthetic function to distort the experience of East Jerusalemites and construct the image of the occupation. As this paper opines, this aesthetic experience is achieved through interlaying two narratives that are performed by the presence of waste within East Jerusalem. These interwoven narratives represent the disparate images of Palestinians as a rejected matter within this occupied space and of Israel's defiance of international legal convention, conjuring a powerful image of the potency of Israel's sovereign power in East Jerusalem.

Part One: The imaginal of East Jerusalem

A brief account of the current legal and political status of Jerusalem is critical to comprehending the politics of waste management in East Jerusalem and the aesthetic function it achieves. Jerusalem is a city central to any narrative of Palestine and the Palestinian people.⁴ It holds important political, religious, historical and cultural significances for both the Palestinian and Israeli people.⁵ Israel has maintained 'effective control' of East Jerusalem since the 1967 Six-Day War, applying its 'law, jurisdiction and administration' over this part of the city.⁶ Prior to Israel's military victory in 1967, East Jerusalem was under Jordanian administration and fell beyond the 'Green Line' of the 1949 Armistice. This Armistice had carved up the Israeli-Palestinian territories following the earlier 1948 war, known to Palestinians as the *Nakba* (catastrophe).⁷ The year of 1967 therefore commenced the effective annexation of East Jerusalem to the broader Israeli municipality of Jerusalem. However, this annexation was not formally achieved by Israel until July 1980,⁸ the same year that Israel also elevated Jerusalem

³ Israel Ministry of Environmental Protection, *Waste Treatment Methods* (2015) Israel Ministry of Environmental Protection <www.sviva.gov.il/English/env_topics/Solid_Waste/WasteTreatmentMethods/Pages/default.aspx>.

⁴ Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (Columbia University Press, 2010) 13.

⁵ The Peace and Democracy Forum and Ir Amim, *Solid Waste Management Policy in the Jerusalem District* (September 2008) The Jerusalem Policy Forum 3 <www.pdf-palestine.org/wast.pdf>.

⁶ Eyal Benvenisti, *The International Law of Occupation* (Oxford University Press, 2nd ed, 2012) 203–4.

⁷ *Ibid.*

⁸ Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Clarendon Press, 1998) 211.

to the status of Israel's capital under its 1980 Basic Law.⁹ Israel has since exercised its sovereign rights over East Jerusalem.¹⁰ This annexation 'dismembers the West Bank'¹¹ by virtue of its division of East Jerusalem from the remaining Palestinian territory. East Jerusalem was further physically severed from the West Bank by virtue of the Israeli-constructed separation barrier built in 2002.¹²

The imaginal and the public space

A public space is the theatre of the imaginal and therefore the geographic space of East Jerusalem has become the grand stage for the performance of Israel's sovereign power. This is because power is a 'fundamentally spatial phenomenon'¹³ that is legitimised in the public space. The 'imaginal' is therefore the aesthetic dimension of space,¹⁴ and is a reflection of how a sovereign intends its image of power will permeate through, and be experienced in, a public space by the body politic.

A sovereign is consequently 'nothing but an imaginal being';¹⁵ it relies on its imaginal constitution to legitimise its power.¹⁶ A sovereign does so by using a public space to 'disrup[t] the relationship between the visible, the sayable, and the thinkable without having to use the terms of a message as a vehicle'.¹⁷ Indeed, a sovereign requires the body politic to visualise its subordination to its power, without being directly told this. As a result, how a sovereign arranges aesthetic space affects one's experience of power and legal meaning within the public domain.¹⁸

Occupation

Israel maintains effective control of the arrangement of aesthetic space within East Jerusalem by virtue of its occupying power and lack of conformity with the corresponding laws that apply to its occupation. Contrary to Israel's argument that the annexation of East Jerusalem was a purely administrative measure, the international community considers East Jerusalem to be occupied under international law.¹⁹ As a result, in theory several international legal instruments apply to Israel's exercise of power

⁹ Virginia Tilley (ed), *Beyond Occupation: Apartheid, Colonialism and International Law in the Occupied Palestinian Territories* (Pluto Press, 2012) 38.

¹⁰ Ibid.

¹¹ Ibid.

¹² Michael Lynk, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, UN Doc A/71/554 (19 October 2016) 23.

¹³ Gary Fields, *Enclosure: Palestinian Landscapes in a Historical Mirror* (University of California Press, 2017) 7.

¹⁴ Chiara Bottici, *Imaginal Politics: Images Beyond Imagination and the Imaginal* (Columbia University Press, 2014) 96.

¹⁵ Ibid.

¹⁶ Ibid 93.

¹⁷ Jacques Rancière, *The Politics of Aesthetics: The Distribution of the Sensible* (Continuum, 2004) 63.

¹⁸ Ibid.

¹⁹ Takkenberg, above n 8, 211.

in East Jerusalem. The most relevant legal instruments are the Fourth Geneva Convention of 1949²⁰ and the 1907 Hague Regulations.²¹

Despite Israel being a party to the Fourth Geneva Convention,²² it contends that the Convention ‘is not applicable *de jure* to the situation prevailing in the Occupied Palestinian Territory’.²³ Instead, Israel only accepts the ‘*de facto* application of what it calls the “humanitarian provisions” of the Convention’.²⁴ Conversely, while Israel is not formally bound by the 1907 Hague Regulations, Israel’s Supreme Court has recognised the customary status of the Regulations and considers Israel domestically bound by its obligations.²⁵

Irrespective of the contentious application of international occupation law to Israel’s exercise of sovereign power, the United Nations Human Rights Council (UNHRC) argues that as an occupying force, Israel is bound by principles set out under international humanitarian law.²⁶ Under international law, the occupying power is considered the trustee of ‘public order and civil life in the territory under its control’ with the occupied population the ‘beneficiaries of this trust’.²⁷ Consequently, subjugating an occupied population is a breach of this trust.²⁸ Specifically, article 47 of the Fourth Geneva Convention provides the protection that a territory and its population are not to be deprived of the rights and protections afforded by the Convention as a result of annexation.²⁹

As Gross argues, there are two readings of the laws of occupation.³⁰ One reading is that it is a benevolent system that guarantees occupation ‘will not be akin to conquest, colonialism, or apartheid but will rather be a temporary rule that will benefit the local population until the territory is freed.’³¹ Conversely, a belligerent reading views occupation as a legally endorsed phenomenon, which profits from a ‘cloak of

²⁰ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, opened for signature 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950) (‘Fourth Geneva Convention’).

²¹ *Hague Convention (IV) Respecting the Laws and Custom of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, opened for signature 18 October 1907, International Peace Conference 1907 (entered into force 26 January 1910) (‘1907 Hague Regulations’).

²² Tilley, above n 9, 6.

²³ Peter Maurer, ‘Challenges to International Humanitarian Law: Israel’s Occupation Policy’ (2012) 94(888) *International Review of the Red Cross* 1503, 1506.

²⁴ Ibid.

²⁵ Tilley, above n 9, 6.

²⁶ Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, UN Doc A/HRC/37/43 (6 March 2018) 2.

²⁷ Aeyal Gross, *The Writing on the Wall: Rethinking the International Law of Occupation* (Cambridge University Press, 2017) 18.

²⁸ Ibid.

²⁹ Ibid 24.

³⁰ Ibid 20.

³¹ Ibid.

temporality and the stamp of international legality' because it is considered an 'accepted legal phenomenon' unlike apartheid or colonialism.³² This paper opines that the occupation of East Jerusalem conforms to a belligerent reading of occupation law such that management of the territory is to the disadvantage of the local population. Indeed, the occupation has had a particularly detrimental effect on East Jerusalem since 1967,³³ and manifests as the 'recurring excesses of armed violence, the ensuing grief among the people affected, and the trauma among the broader community'.³⁴

Space becomes another conquest of a sovereign's power that is transformed within the aesthetic realm to constitute legal authority. As a result, East Jerusalem has been progressively reshaped and reimagined under Israel's military occupation.³⁵ This public space has thus been distorted to become an imaginal manifestation of occupation. This is because space is not an 'absolute quantity' but is instead a 'human one; a function of the time that man uses to traverse it'.³⁶ Indeed, in East Jerusalem, one witnesses the phenomenon of space being reduced to a purely human construct; it does not have absolute limits, only those delineated by Israel to demarcate its power within the occupied space. As the next part of this paper argues, this conquest is achieved by the powerful aesthetic function of waste.

Part Two: The aesthetics of waste and the rotten public space of East Jerusalem

Waste management in East Jerusalem

Contrary to the protections afforded to an occupied population under international law, East Jerusalem is subject to a single discriminatory waste management policy regulated by the Jerusalem municipality.³⁷ The policy establishes that all waste from Jerusalem is to be collected and deposited in the Abu Dis landfill,³⁸ which is a neighbourhood beyond the separation barrier in the West Bank under Palestinian territorial authority.³⁹ This practice in and of itself violates international law which mandates that 'waste not be transmitted across borders without agreement'.⁴⁰

³² Ibid.

³³ Maurer, above n 23, 1507.

³⁴ Ibid 1505.

³⁵ Zahraa Zawawi and Eric Corjin and Bas Van Heur, 'Public Spaces in the Occupied Palestinian Territories' (2013) 78(4) *GeoJournal* 743, 743.

³⁶ Bottici, above n 14, 94.

³⁷ The Peace and Democracy Forum and Ir Amim, above n 5, 7 < www.pdf-palestine.org/wast.pdf>.

³⁸ Ibid.

³⁹ Ibid 6.

⁴⁰ Ibid 4.

The roots of discrimination against East Jerusalem Palestinians under this waste management policy are found in the allocation of the Jerusalem municipality's budget. According to the UNHRC, 'approximately 8 to 10 per cent of the budget of Jerusalem Municipality is allocated to Palestinians in East Jerusalem though they account for 37 per cent of the city's population.'⁴¹ This practice occurs despite the fact Palestinians living in East Jerusalem pay the same taxes as all other residents.⁴² Therefore, while this policy envisages that the Jerusalem municipality will collect all of East Jerusalem's waste, in practice this is irregular and inadequate.⁴³

The practices of Palestinians in light of this discriminatory policy have significant ramifications for the environment and health of the citizens. Indeed, an unknown amount of waste is disposed of illegally or burned in East Jerusalem,⁴⁴ and the public space is littered with 'uncollected waste spread on the streets, overflowing dumpsters, and informal dumping'.⁴⁵ In addition to irregular garbage collection in East Jerusalem, the tipping fees are exorbitant, which creates 'an economic incentive for poorer communities to dump illegally'⁴⁶ and waste is frequently burned.⁴⁷ These practices increase the presence of toxins in the air and the contamination of water supplies,⁴⁸ 'severely affect[ing] the quality of life of the Palestinians residing in East Jerusalem.'⁴⁹ There is no enforcement of Israeli municipal regulations that cover waste management in East Jerusalem.⁵⁰

The aesthetics of waste

Waste is a potent aesthetic phenomenon. The presence of waste and filth within a public space is 'never a unique isolated event'; it occurs where there is a hierarchy of ideas and a system of social order.⁵¹ Indeed, waste is considered to be the 'matter out of place'⁵² within a system. This is in part due to our

⁴¹ Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, UN Doc A/HRC/37/43 (6 March 2018) 6.

⁴² United Nations Relief and Works Agency, *Barrier Impacts on Waste Management* (2012) United Nations Relief and Works Agency 1 <www.unrwa.org/userfiles/20120628121143.pdf>.

⁴³ Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, UN Doc A/HRC/37/43 (6 March 2018) 6.

⁴⁴ The Peace and Democracy Forum and Ir Amim, above n 5, 9 <www.pdf-palestine.org/wast.pdf>.

⁴⁵ United Nations Relief and Works Agency, *Barrier Impacts on Waste Management* (2012) United Nations Relief and Works Agency 1 <www.unrwa.org/userfiles/20120628121143.pdf>.

⁴⁶ The Peace and Democracy Forum and Ir Amim, above n 5, 9 <www.pdf-palestine.org/wast.pdf>.

⁴⁷ Ibid 10.

⁴⁸ Ibid.

⁴⁹ Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, UN Doc A/HRC/37/43 (6 March 2018) 6.

⁵⁰ The Peace and Democracy Forum and Ir Amim, above n 5, 4 <www.pdf-palestine.org/wast.pdf>.

⁵¹ Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (Routledge & Kegan Paul, 1966) 35–41.

⁵² Ibid 35.

instinctive rejection of appearances of filth, disorder and waste, and linking these ideas to concepts of decreased functionality.⁵³

The dirtying of East Jerusalem by waste is a regular occurrence in the daily lives of Palestinians. In East Jerusalem, poor waste management policies result in skips filled with rubbish littering the streets, overflowing with garbage dumped beside them. In the summer months, the scent of rotting food diffuses through the streets and in some neighbourhoods the ‘smell of burned garbage hovers over the narrow streets.’⁵⁴ This is contrasted with Israeli West Jerusalem, and the settlements that have been built in the East, which are pristine as a result of regular waste collection and municipal workers frequently tidying the streets.

Consequently, waste is never *just* waste in East Jerusalem as its presence upholds ideas of the disorder and defilement of the public space. As Saito argues, in determining whether something appears messy, the preoccupation is not necessarily with the item but with the object’s displacement.⁵⁵ Indeed, waste stored and disposed of correctly is not a particularly messy phenomenon; rubbish is not necessarily dirty unless it is defiling a public space, or dirtying what should otherwise be clean.⁵⁶ Thus, the purposive dirtying of East Jerusalem, as a consequence of Israel’s discriminatory waste management policy, intends to render this public space messy, chaotic and defiled. Further, given that concepts of dirt and mess are ‘context-dependent and culturally constructed’,⁵⁷ the symbolic loading of dirt within East Jerusalem is amplified owing to the ‘hygienic phobia of Zionism’.⁵⁸

Similar to the images of dirt and waste, associated smells can organise experiences and connections to places. For example, in a study of experiences of the smells in the city of Naples, the concepts of criminality, harsh reality and despair were evoked by smells of blood and ‘defiance’.⁵⁹ Applied to this context, it is possible to argue that ideas of subordination, abjection and rejection are evoked by the scents of rotting food and scorched waste. However, the experience of smell within a city differs between those who are considered cultural insiders and outsiders.⁶⁰

Here it can be said that Palestinians ‘inhabit the smells of their city, which in turn regulate their lives’ whereas outsiders, such as Israelis or foreigners ‘notice the transgressive smells of garbage, [and] the

⁵³ Yuriko Saito, *Everyday Aesthetics* (Oxford University Press, 2007) 159.

⁵⁴ Udi Shaham, ‘Shuafat: The Refugee Camp in the Heart of Jerusalem’, *The Jerusalem Post* (online) 23 December 2017 <www.jpost.com/Opinion/Shuafat-The-refugee-camp-in-the-heart-of-Jerusalem-519731>.

⁵⁵ Saito, above n 53, 156.

⁵⁶ *Ibid* 155.

⁵⁷ *Ibid* 154.

⁵⁸ Eyal Weizman, *Hollow Land: Israel’s Architecture of Occupation* (Verso, 2007) 20.

⁵⁹ Branco and Mohr, above n 2, 69.

⁶⁰ *Ibid* 64.

pathological threat of the foreign unclean.⁶¹ Therefore, smells are capable of producing powerful aesthetic messages within East Jerusalem that distinguish cultural insiders and outsiders' responses to this space. As a result, from an outsider's perspective, the aesthetic effect of this phenomenon is that waste 'dirties' the imaginal of East Jerusalem and creates a rotten public space.

Rotten space: The aesthetic experience of East Jerusalem

The aesthetics of waste in East Jerusalem consequently produces two interwoven and colliding narratives of micro and macro imaginaries within this public space. These two narratives are derived from Douglas' account of dirt, such that '[o]ur idea of dirt is compounded of two things, care for hygiene and respect for convention'.⁶² The first story of potentiality within this space is the rejection of the Palestinian population as 'matter out of place'. The other, occurring at the macro level, is Israel's disregard for international law and convention. As de Sousa Santos argues, 'socio-legal life is constituted by different legal spaces operating simultaneously on different scales and from different interpretative standpoints'.⁶³ Therefore, the convergence of these two 'symbolic universes'⁶⁴ produces an interwoven socio-legal narrative of occupation and Israel's burgeoning sovereign power within East Jerusalem.

Palestinians as 'matter out of place'

From an outside perspective, poor waste management in East Jerusalem embodies a disregard for hygiene and affirms Palestinian 'otherness' owing to Zionist dirt phobia. Taking Douglas' approach, the presence of waste in the public space of East Jerusalem is therefore symbolic of the social subordination of Palestinians.⁶⁵ In this regard, Weizman argues that the presence of waste and sewerage within this space 'affirms a common national territorial imagination that sees the presence of Palestinians as "defiled" substance within the "Israeli landscape" or as "matter out of place"'.⁶⁶

Building on from this narrative of 'matter out of place', Israel's waste management policy becomes a coercive measure to encourage Palestinians out of East Jerusalem. This is achieved through the everyday experience of living in a defiled environment that appears subordinate to its Western counterpart. As Saito argues, pleasure derived from an aesthetic experience is quashed when the experience is chaotic or messy.⁶⁷ Therefore, in East Jerusalem waste operates to reduce the pleasure

⁶¹ Ibid 70.

⁶² Douglas, above n 51, 7.

⁶³ Boaventura de Sousa Santos, 'Law: A Map of Misreading. Toward a Postmodern Conception of Law' (1987) 14(3) *Journal of Law and Society* 279, 288.

⁶⁴ Ibid 286.

⁶⁵ Douglas, above n 51, 2.

⁶⁶ Weizman, above n 58, 20.

⁶⁷ Saito, above n 53, 156.

derived from experiencing the space. As a result, the UNHRC has noted that practices such as poor waste management ‘create a coercive environment that places Palestinians under pressure to leave’.⁶⁸ Further, in the context of poor sewerage in the West Bank, Weizman argues that it ‘marks the point of collision between two meanings – a metaphorical political notion concerned with the health of the state, and the literal physical sensation of abjection.’⁶⁹

A similar phenomenon occurs in East Jerusalem, whereby the presence of waste emphasises the poor health of the city and the abjection of everyday life for Palestinians. However, as Branco and Mohr explain, cultural insiders and outsiders have disparate reactions to garbage and filth within a public space. They argue that ‘the outsiders find regularities, but not rules.’⁷⁰ The outside observer ‘does not necessarily have to accept the rules of a legal system, while the internal point of view is that of the members of a group who are governed by the rules of the legal system and who accept these rules as standards of conduct.’⁷¹ Therefore, this outsider perspective does not consider that presence of waste constitutes a legal order, but instead regularises the concept of Palestinians as matter out of place. Conversely, perhaps from an internal perspective, waste management is a phenomenon governed purely by law that does not defile or reduce the social position of Palestinians. This is because, as Branco and Mohr aver, ‘[p]eople living “inside” a particular legal regime tend not to think about the law, as an abstraction: it is part of everyday life.’⁷²

Nevertheless, the aesthetics of a public space are pivotal to producing an image of the community that inhabits it. Indeed, as Bottici opines ‘[a] community is not a community until it is gathered together and unified in a pictorial (re)presentation.’⁷³ Thus here, at least from a culturally ‘outside’ perspective, the imaginal of the public space works to represent the Palestinians as a community out of place, and subjugated within this occupied territory. This is achieved by virtue of the fact that meanings found in landscapes and the narratives they produce of their inhabitants are ‘anchored ... on the basis of viewers’ interpretations of what they are observing’.⁷⁴

Israel’s defiance of convention

The narrative that converges with the above story is that of Israel’s defiance of convention and flagrant disregard for the illegality of its activities within occupied East Jerusalem. As Bottici avers, ‘[p]olitics

⁶⁸ Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, UN Doc A/HRC/37/43 (6 March 2018) 14.

⁶⁹ Weizman, above n 58, 20.

⁷⁰ Branco and Mohr, above n 2, 71.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Bottici, above n 14, 91.

⁷⁴ Fields, above n 13, 7.

has to adorn itself with the dress of legitimacy; it needs its own apparatus of glory; otherwise it accounts to sheer violence.⁷⁵ The sovereign does so within the imaginal, as politics requires a fabricated image of itself to legitimise its power. However, here we see the inversion of Bottici's aphorism.

The inversion of Bottici's aphorism occurs because the discriminatory nature of Israel's waste management policy translates into an aesthetic experience that emphasises the illegitimacy and illegal nature of Israeli rule in East Jerusalem. Indeed, the very application of Israel's legal system and policies to annexed East Jerusalem stands in contrast to international law.⁷⁶ Further, the sanitary issues presented by exposed, rotting waste violates the Fourth Geneva Convention, which sets out that the '[o]ccupying Power has the duty of ensuring and maintaining ... hygiene in the occupied territory ... [and take] preventive measures necessary to combat the spread of contagious diseases and epidemics'.⁷⁷

The defilement of the public space thus affirms what is happening at a macro legal level: Israel is contravening principles of occupation law, including the protections that it is mandated to provide the Palestinian population.⁷⁸ This aligns with the belligerent reading of the laws of occupation, such that Israel is 'profiting from the cloak of temporality and the stamp of international legality'⁷⁹ in perpetuating a system that would otherwise be considered akin to conquest or apartheid. Therefore, waste management practices in East Jerusalem are used to both affirm Israel's sovereign power and to perform a legal narrative of Israel's illegitimate control, creating an everyday reminder of Israel's inviolable sovereign power. In this imaginal the sovereign is consequently a truly potent, petrifying and powerful beast.

Conclusion

Waste management has become crucial in creating the imaginal of the occupation in East Jerusalem through the construction of a coercive environment in which Palestinians are 'matter out of place'⁸⁰ within a space of Israel's burgeoning sovereign power. Therefore, while in a legal sense, '[o]ccupation has traditionally been regarded as a factual matter',⁸¹ in the context of East Jerusalem it becomes a remarkable aesthetic phenomenon. This phenomenon operates to particularly transform the cultural outsider's experience of East Jerusalem by producing a narrative of Palestinians' 'otherness' within the rotten public space in which they reside. Interwoven with this phenomenon is a vivid image of the

⁷⁵ Bottici, above n 14, 101.

⁷⁶ Maurer, above n 23, 1508.

⁷⁷ *Fourth Geneva Convention*, opened for signature 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950) art 56.

⁷⁸ Maurer, above n 23, 1508.

⁷⁹ Gross, above n 27, 20.

⁸⁰ Douglas, above n 51, 35.

⁸¹ Yael Ronen, 'Illegal Occupation and Its Consequences' (2008) 41(1) *Israel Law Review* 201, 201.

potency of Israel's sovereign power, which sanctions the defilement of this public space. The convergence of the two narratives within East Jerusalem consequently fabricates the insidious tapestry of socio-legal life under Israel's military occupation in a manner that can only be achieved through such an evocative aesthetic phenomenon as waste.

Acknowledgements

The author would like to thank Professor Desmond Manderson for his encouragement to pursue this study and for his review of this work.

Bibliography

Articles/books/reports

- Arai-Takahashi, Yutaka, 'Preoccupied with Occupation: Critical Examinations of the Historical Development of the Law of Occupation' (2012) 94(885) *International Review of the Red Cross* 51
- Azoulay, Ariella, 'Potential History: Thinking through Violence' (2013) 39(3) *Critical Inquiry* 584
- Benvenisti, Eyal, *The International Law of Occupation* (Oxford University Press, 2nd ed, 2012)
- Bottici, Chiara, *Imaginal Politics: Images Beyond Imagination and the Imaginal* (Columbia University Press, 2014)
- Coon, Anthony, *Town Planning under Military Occupation: An Examination of the Law and Practice of Town Planning in the Occupied West Bank* (Dartmouth Publishing Company Limited, 1992)
- de Sousa Santos, Boaventura, 'Law: A Map of Misreading. Toward a Postmodern Conception of Law' (1987) 14(3) *Journal of Law and Society* 279
- Douglas, Mary, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (Routledge & Kegan Paul, 1966)
- Fields, Gary, *Enclosure: Palestinian Landscapes in a Historical Mirror* (University of California Press, 2017)
- Gross, Aeyal, *The Writing on the Wall: Rethinking the International Law of Occupation* (Cambridge University Press, 2017) doi.org/10.1017/9781316536308
- Khalidi, Rashid, *Palestinian Identity: The Construction of Modern National Consciousness* (Columbia University Press, 2010)
- Listik, Yonathan, 'Aesthetic Regime's Occupation of Representation' (2018) 59(139) *Kriterion: Revista de Filosofia* 309
- Maurer, Peter, 'Challenges to International Humanitarian Law: Israel's Occupation Policy' (2012) 94(888) *International Review of the Red Cross* 1503
- Mitchell, WJT, 'Image, Space, Revolution: The Arts of Occupation' (2012) 39(1) *Critical Inquiry* 8

Rancière, Jacques, *The Politics of Aesthetics: The Distribution of the Sensible* (Continuum, 2004)

Ronen, Yael, 'Illegal Occupation and Its Consequences' (2008) 41(1) *Israel Law Review* 201

Saito, Yuriko, *Everyday Aesthetics* (Oxford University Press, 2007)

Shusterman, Richard and Adele Tomlin (eds), *Aesthetic Experience* (Routledge, 2008)

Takkenberg, Lex, *The Status of Palestinian Refugees in International Law* (Clarendon Press, 1998)

Tilley, Virginia (ed), *Beyond Occupation: Apartheid, Colonialism and International Law in the Occupied Palestinian Territories* (Pluto Press, 2012)

Weizman, Eyal, *Hollow Land: Israel's Architecture of Occupation* (Verso, 2007)

Zawawi, Zahraa and Eric Corjin and Bas Van Heur, 'Public Spaces in the Occupied Palestinian Territories' (2013) 78(4) *GeoJournal* 743

International material

Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), opened for signature 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950)

Hague Convention (IV) Respecting the Laws and Custom of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, opened for signature 18 October 1907, International Peace Conference 1907 (entered into force 26 January 1910)

Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, UN Doc A/HRC/37/43 (6 March 2018)

Lynk, Michael, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, UN Doc A/71/554 (19 October 2016)

Other

Adamteva, *Waste Management in Shuafat, East Jerusalem*, Adamteva
<www.adamteva.org.il/?CategoryID=1244&ArticleID=2075>

Branco, Patricia and Richard Mohr, 'Odore di Napoli: What if Jurisprudence Came to us through Smell?' (Online Working Paper, The Westminster Law and Theory Lab, April 2015)

Israel Ministry of Environmental Protection, *Waste Treatment Methods* (2015) Israel Ministry of Environmental Protection
<www.sviva.gov.il/English/env_topics/Solid_Waste/WasteTreatmentMethods/Pages/default.aspx>

Shaham, Udi, 'Shuafat: The Refugee Camp in the Heart of Jerusalem', *The Jerusalem Post* (online) 23 December 2017 <www.jpost.com/Opinion/Shuafat-The-refugee-camp-in-the-heart-of-Jerusalem-519731>

The Peace and Democracy Forum and Ir Amim, *Solid Waste Management Policy in the Jerusalem District* (September 2008) The Jerusalem Policy Forum <www.pdf-palestine.org/wast.pdf>

United Nations Relief and Works Agency, *Barrier Impacts on Waste Management* (2012) United Nations Relief and Works Agency <www.unrwa.org/userfiles/20120628121143.pdf>