

# **Tell el Qadi**

## **Named in Israel: Tell Dan**

### ***Introduction***

Tell el Qadi is the location in northern Palestine, astride the border of Palestine with Syria and Lebanon, where the Canaanites, the early Palestinians, built one of the first arches in history, 3000 years ago. Its invention was a revolution because, at earlier times, all roofing, which was built using tree trunks, was destroyed or burnt. The arch enabled roofing to be built in stone in the form of an arc, using available materials, which could last for centuries. This example was adopted the world over, as we can see in Roman architecture. There have been lesser quality imitations in the region at the time.

UNESCO keeps a record of World Monuments. To qualify for inclusion in the record, states, on whose territory the proposed site is located, submit a detailed application, which is subject to a rigorous examination by experts.

After the Zionist conquest of Palestine in 1948 and the ethnic cleansing of its population, Israel, in a very common style of forgery and erasure of authentic history, applied to UNESCO for the registration of Tell Qadi (Dan) as an *Israeli* monument.

A report prepared for Arab League Educational, Cultural and Scientific Organisation (ALECSO) refuted the Israeli arguments. At the end of protracted debate, the Israeli application was not accepted.

Here below are the essentials of this report.

## **Canaanite Gate (Triple-arch Gate) No 1105**

### **1. Proposed Name:**

*Official name as proposed by the State Party:*  
The Triple-arch Gate at Dan

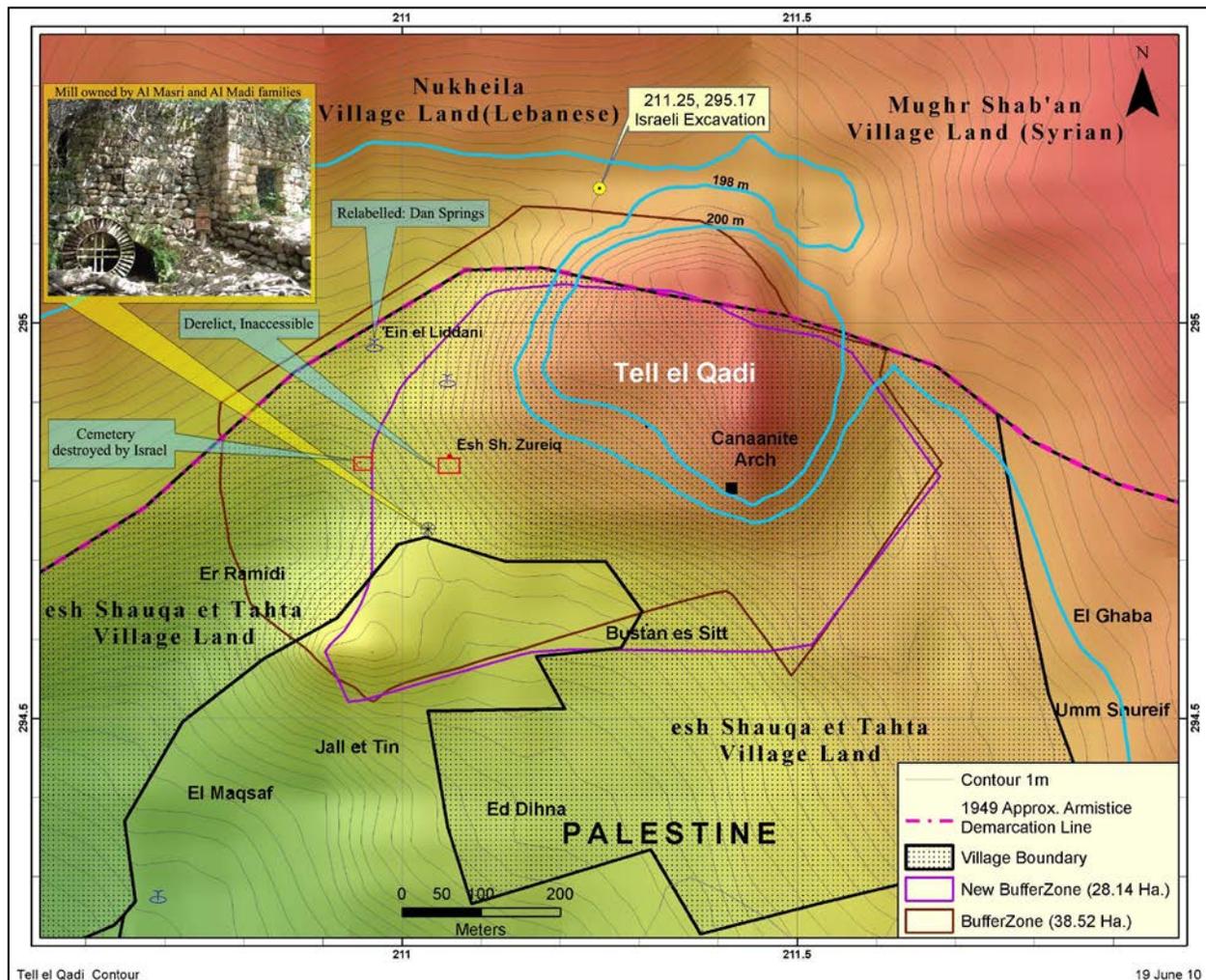
**Canaanite Gate at Tell el Qadi** is the proper name of the site. This gives proper recognition for the creators and builders of this gate. Reference should be made to the builders: the Canaanites.

Tell el Qadi is the recognized name of the tell. It was recognized in all maps of the British-Mandate Survey of Palestine and in the Palestine Gazette: Historical Monuments and Sites No 1375. The name: Tell Dan is not appropriate. Dan is a kibbutz established south of Tell el Qadi on a land that is a separate administrative unit from the village land of esh Shauqa et Tahta where Tell el Qadi is located.

### **2. Location:**

*Location as proposed by the State Party:*  
Upper Galilee region

Tell el Qadi is located on both sides of the 1923 border between the British-Mandate Palestine and the French-Mandate Syria. The exact location of the border is uncertain. **Fig. 1a** shows the contours of Tell el Qadi on both sides of the dividing line, between Palestinian land occupied by Israel in 1948/1949 and Syrian/Lebanese land occupied by Israel in 1967.

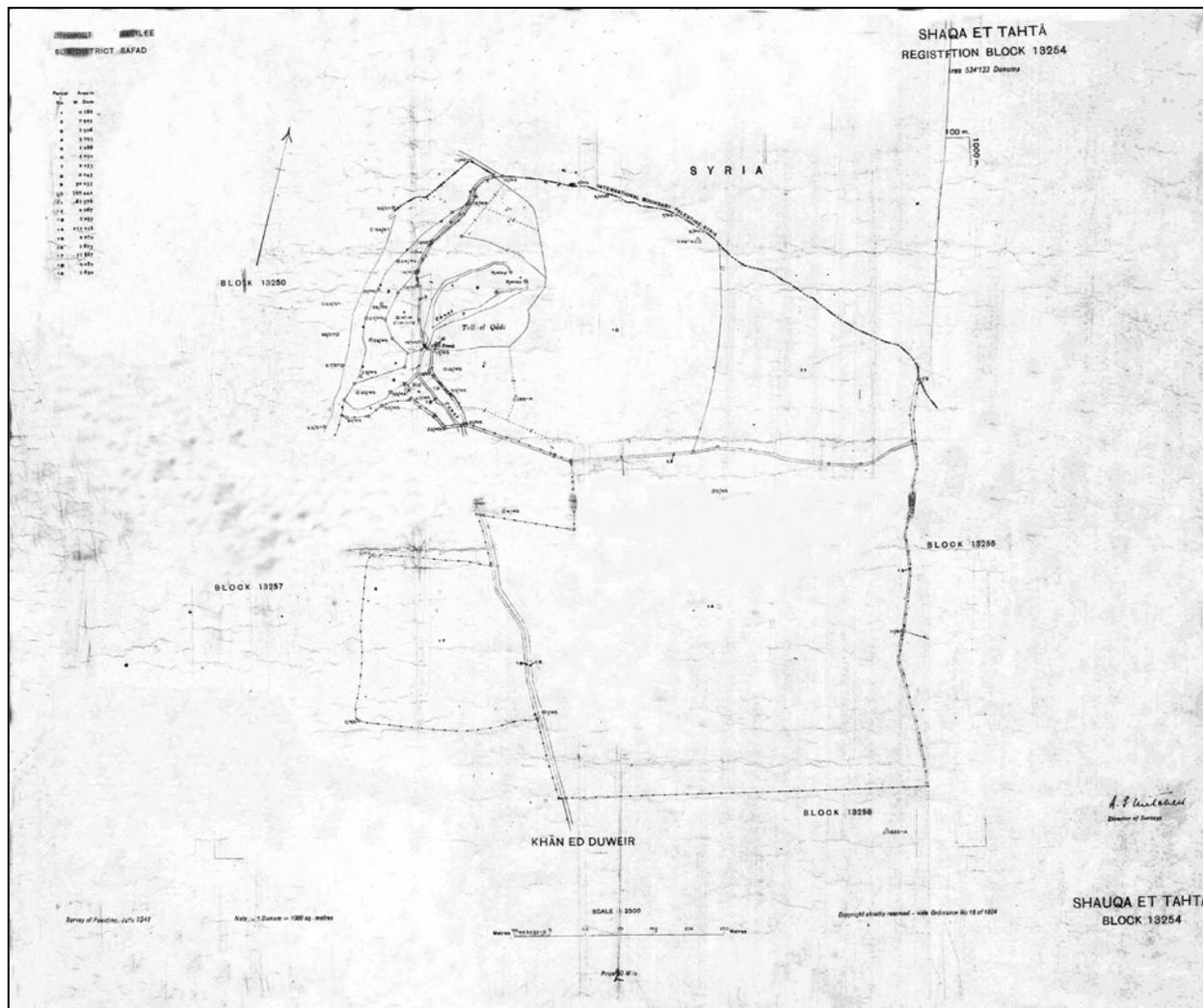


**Fig. 1a: Tell el Qadi Site**

The contour lines of 198 and 200 m show that the Tell extends on both sides of the 1949 approximate Armistice Demarcation Line. The southern Palestinian part is part of the village land of esh. Shauqa et Tahta. The northern part is part of the village land of Mughr Shaba'an (owned by Syrians) and the village land of Nukheila (owned by Lebanese).

Place names are given according to the Survey of Palestine, 1:20,000 series. Water mill was owned by families of Tell el Qadi (Al Madi and others). The cemetery of the village was destroyed by Israel in 1948. The shrine of Sh. Zureiq is derelict and made inaccessible to worshippers. Ein el Liddani (river) is relabelled as Dan Springs. The Canaanite (Triple-Arch) Gate is shown. The exact location of the Armistice Line is uncertain. The Israeli excavation extended well to the north of the Armistice Line as shown. The buffer zone presented by the State Party in February 2007 has an area of 37.2 ha. In February 2010, the State Party shrank the buffer zone to about 28 ha. The location of these buffer zones is uncertain. The above figure shows the best estimate of those two buffer zones.

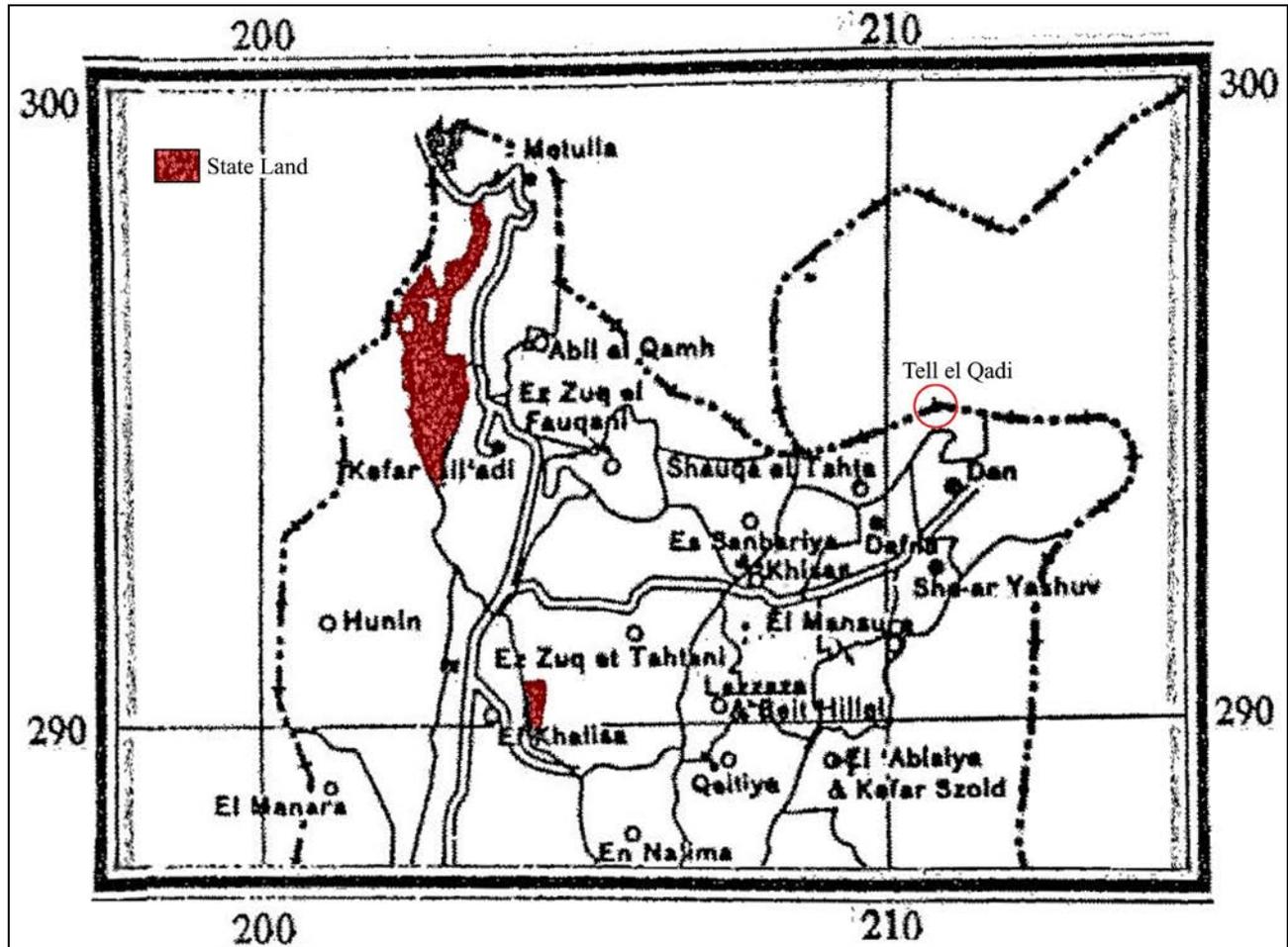
The southern part of Tell el Qadi is located on the village land of esh Shauqa et Tahta according to the Palestine Government Administrative Division of 1944. The village land area is 2,132 donums (2,132,000 sq m or 213.2 ha), all privately owned by Arabs. See **Fig. 1b**.



**Fig. 1b: Private Property at Tell el Qadi Site**

*The site is totally privately owned. The figure above shows the official Government of Palestine Registration sheet showing the block and parcel numbers and areas of private property.*

There is no Jewish-owned land in Tell el Qadi or anywhere in the village land of esh Shauqa et Tahta. The nearest Jewish land is Kibbutz Dan to the south. There is no State Land in Shauqa land as shown in **Fig. 2**.



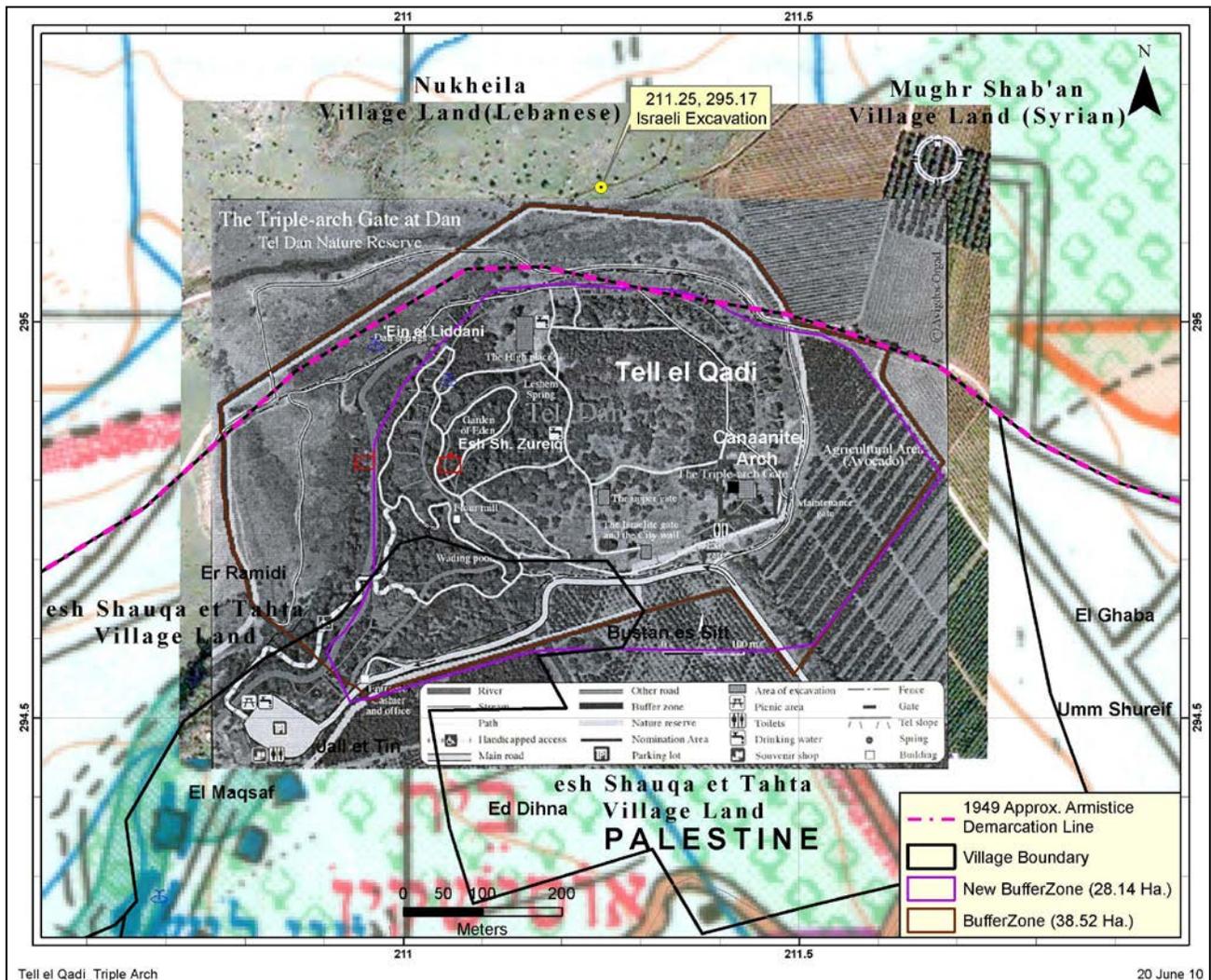
*Fig. 2: State Land in the Region*

*The map is an extract from the British-Mandate Government of Palestine map of State Land (Domain) as on 30 April 1947. It is clear that Tell el Qadi or its village: Shauqa et Tahta is not a State Land.*

The northern part is located on the land of the Lebanese village of Nukheila and the Syrian village of Mughr Shab'an (Shab'a).

### **3. Property Description:**

**Fig 3** shows the main features of the site based on the Survey of Palestine, 1:20,000 series and the presentation by the State Party in Feb 2007 showing two presumed buffer zones. The base map is Israel's map, 1:50,000 (2000).

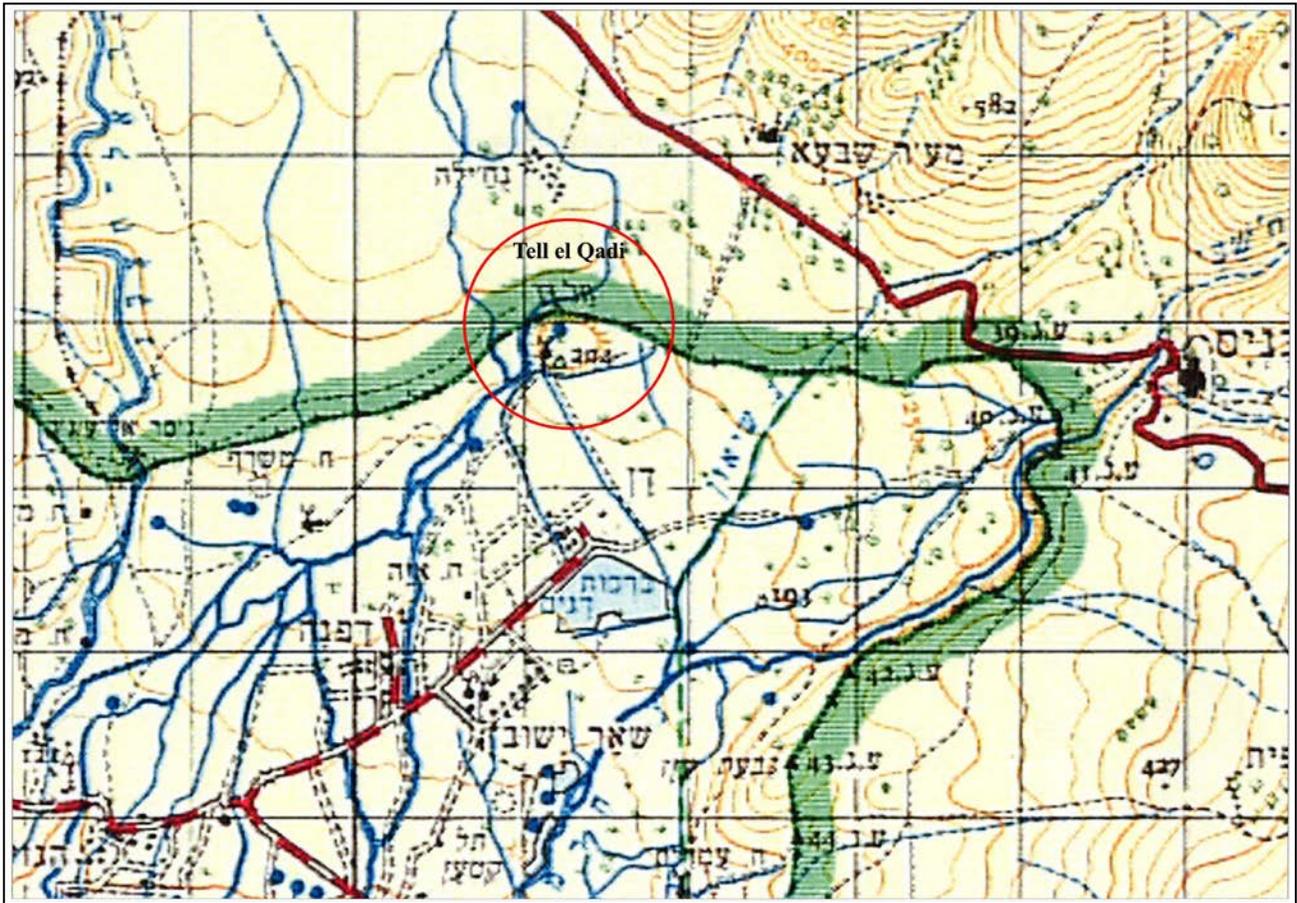


**Fig. 3: Tell el Qadi Features**

The base map is Israel's 1:50,000 series. Superimposed on that are: (1) Place names, feature points and village land boundary as shown on Survey of Palestine maps, 1:20,000 series, (2) photomap presented by the State Party in 2007, (3) two presumed buffer zones by the State Party with area of 37.2, 28 ha, approximated to 38.52, 28.14 respectively. The first buffer zone extends north of the Armistice Line. The location of the second buffer zone is uncertain. The position of the 2004 Israeli excavation beyond both zones is also shown.

#### **4. The Site Background:**

According to the Israel-Syria Armistice Agreement of 20 July 1949, the dividing line is named, "The Armistice Demarcation Line." Israeli maps show this line as the "Green Line". See Fig 4.



**Fig. 4: The “Green Line” according to Israel**

*The map shows the Armistice Line, dubbed as the “Green Line”, as depicted on Survey of Israel map, 1960, updated 1966. Map base is on Survey of Palestine 1924. This line was never demarcated.*

The Armistice Agreement does not give any legal value to the position of the shown Armistice Agreement line.

Article II states,

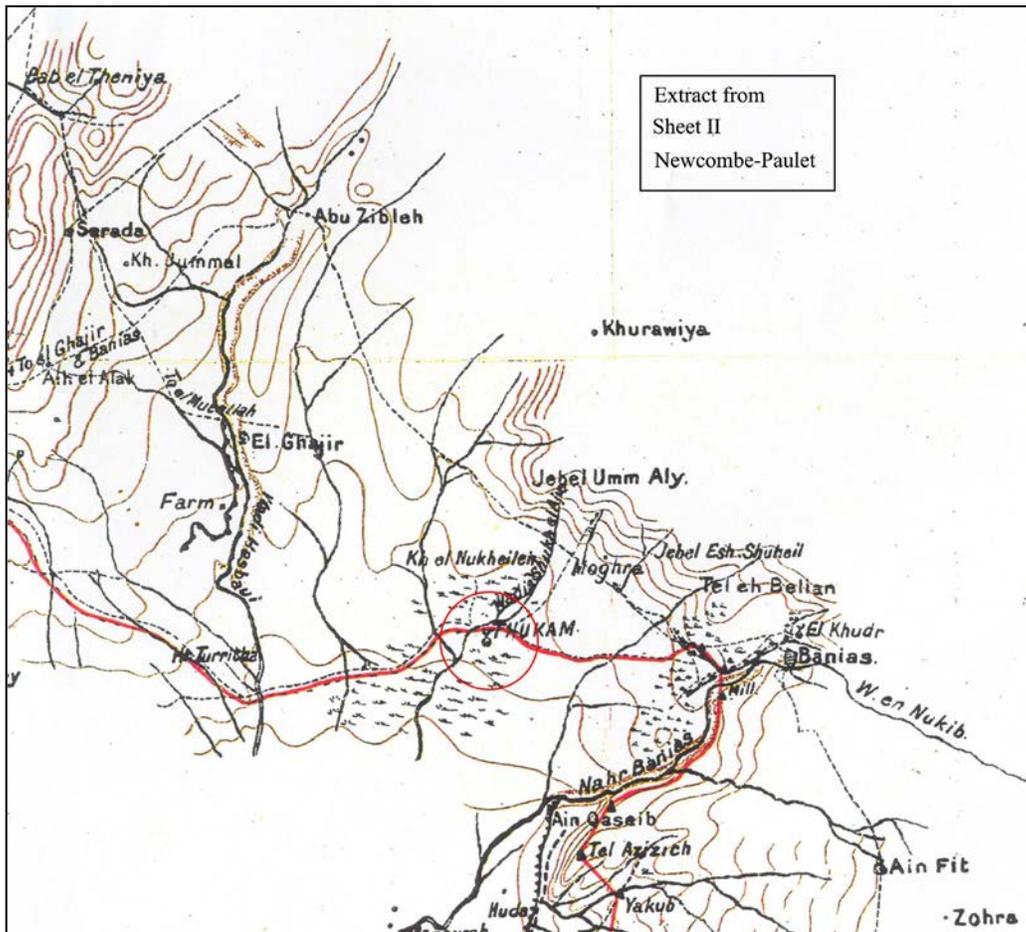
*Para 2. It is also recognized that no provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this Agreement being dictated exclusively by military, and not by political, considerations.*

The position of the Armistice Demarcation Line is defined by Article V of the Armistice Agreement, paragraph 3,

*Para 3. The Armistice Demarcation Line shall be as delineated on the map attached to this Agreement as annex I. The Armistice Demarcation Line shall follow a line midway between*

*the existing truce lines, as certified by the United Nations Truce Supervision Organization for the Israeli and Syrian forces. Where the existing truce lines run along the international boundary between Syria and Palestine, the Armistice Demarcation Line shall follow the boundary line.*

The line passing through Tell el Qadi was not demarcated on the ground. There are no Boundary Pillars in the area. The only adjacent Boundary Pillars (BP) on the 1923 boundary between the British-Mandated Palestine and the French-Mandated Syria, according to Sheet II (Map showing the boundary between Syria and Palestine) by Newcombe-Paulet are: BP 38 near Abil el Qamh, approximately 7 km to the west of Tell el Qadi and BP 39 near Banias, approximately 3 km to its east. **Fig. 5** shows an extract of Sheet II above where Tell el Qadi (at the shrine THUKAM) has no boundary pillar.



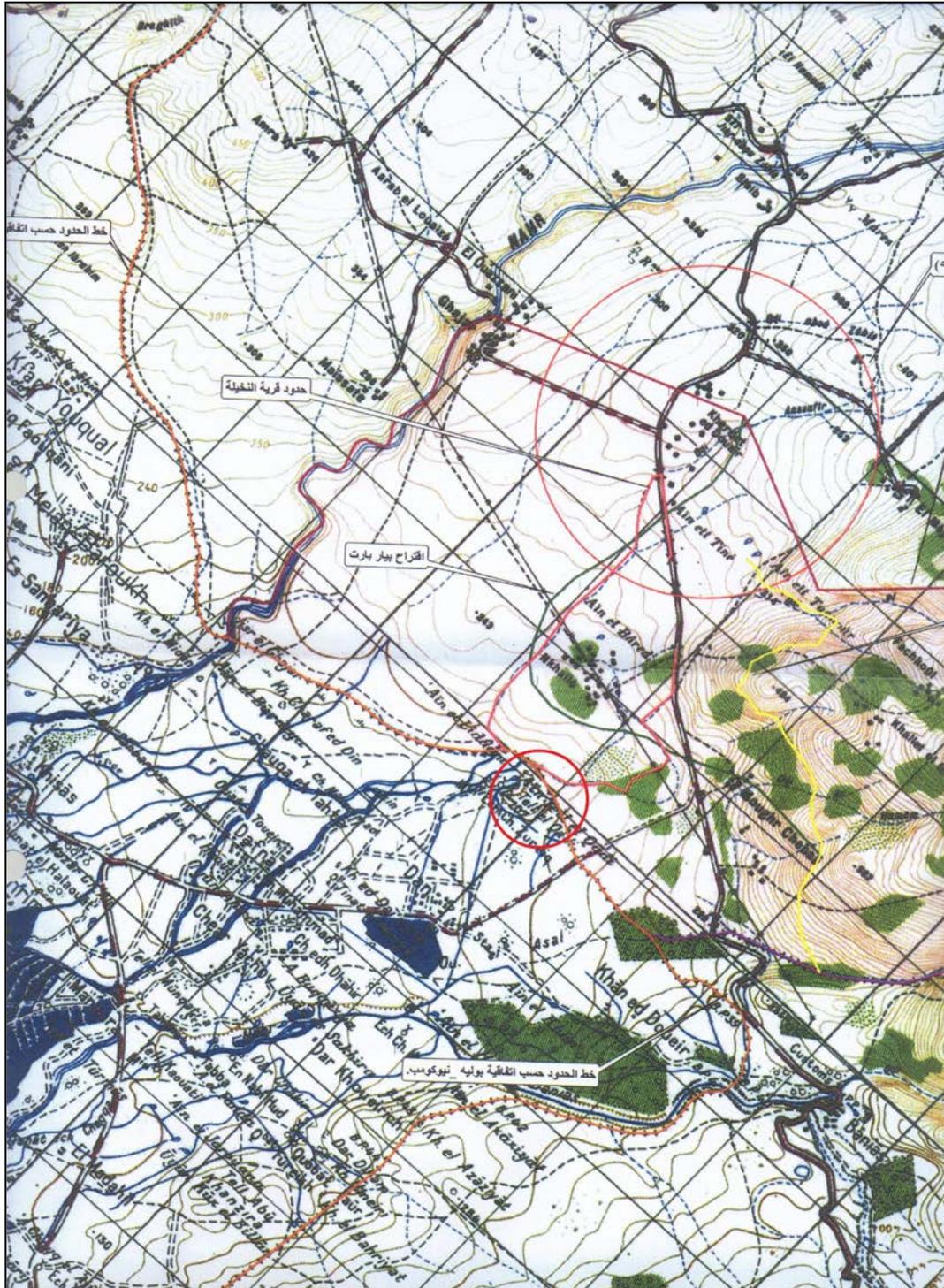
**Fig. 5:** *An extract of “Map showing Boundary between Syria and Palestine, Sheet II”.*

*This map is one of 3 sheets showing the northern boundary of Palestine according to Newcombe-Paulet field survey in 1923. Seventy-one Boundary Pillars (BP) were erected on the Syria/Lebanon border with Palestine. Tell el Qadi falls between BP 38 to the west and BP 39 to the east, which are about 10 km apart. There are no BPs anywhere near Tell el Qadi. The line was not demarcated at any time. Therefore its location is uncertain.*

The Palestinian (southern) side of Tell el Qadi is part of the village land of esh Shauqa et Tahta. The northern side is part of the village land of the Lebanese village, Nukheila, and the Syrian village,

Mughr Shab'an. The area is the scene of constant military clashes on the ground and intense debates at the UN.

**Fig. 6** (Bart Folio) shows this tense military region in Palestine, Syria, and Lebanon. The division of the land in this region between the three countries is far from resolved.



**Fig. 6: The Troubled Region at Tell el Qadi**

The suggested village land (red line) of the Lebanese village of Nukheila is shown, extending to the Armistice Line (red with black dots). The remainder belongs to the Syrian village of Mughr Shab'an. The southern part is in Palestine. The boundary between the 3 countries is a constant source of conflict. Source: Archive Nant (France) 1934-1939 with 1946 proposals.

**Fig. 7** shows recent Israeli maps outlining military fortifications at Tell el Qadi, and north, east and west of it.



**Fig. 7: The Fortifications at Tell el Qadi**

The map shows the Israeli fortifications in the area (orange with triangles at the boundary), fortification trench right on Tell el Qadi, abandoned Lebanese tank to the north and Hezbollah Post near al Ghajar divided town. The map also shows the DMZ and the area where Israeli offensive weapons are prohibited. Source: Israel map 1:50,000 dated 2000 and 2001. Photos are superimposed.

It must be emphasized that no military action, whatever its ferocity or duration, whether it was the Israeli occupation of Golan (Syria) in 1967 or the Israeli occupation of Lebanon in 1982 (later withdrawn) or the outstanding conflict about the ownership of Nukheila or Mughr Shab'an (on whose lands Tell el Qadi is partially situated), save for a final peace treaty between these countries, would diminish the force or applicability of the Armistice Agreement with Syria (20 July 1949) or with Lebanon (23 March 1949).

In his statement before the Security Council on 4 August 1949, Dr. Ralph J. Bunche, the UN Acting Mediator on Palestine, stated one week after successfully leading the negotiations for signing the Israel-Syria Armistice Agreement,

*These [truce] resolutions continue in force, however, and will continue in force until the Security Council takes appropriate action concerning them. They are not self-terminating... The armistice agreements are not the final peace settlement.*

## **5. Legal Status of the Land:**

### ***Ownership:***

The nominated property is owned by the State of Israel. It is situated in the nature reserve of Tel Dan. It therefore has the legal status of a nature reserve and an archaeological site.

### ***Protection:***

ICOMOS considers that the legal protection in place is adequate.

We consider these statements to be incorrect. The State of Israel has no ownership title to the land. This may be explained as follows:

At the end of the British Mandate of Palestine, Jewish ownership of the land in Palestine was at 1,490,000 donums (donum = 1000 sq. meters), according to the official records (Village Statistics of 1945); a total of 5.5 % of historical Palestine.<sup>1</sup>

Starting in March 1948, under "Plan Dalet", before Israel was created, the Jewish militia, and later Israeli forces, occupied in the period until April 1949 78% of Palestine, which is now Israel. A total of 675 Palestinian towns, villages, and hamlets were depopulated and their movable and immovable property were looted and/or seized by the new Provisional Government of Israel. A committee named: the Ministerial Committee for *Arab* (later replaced by *Abandoned*) Properties was formed in May 1948. Its task was confiscating Arab land and property. The Ministry of Agriculture was granted the authority to "lease" such captured land to new settlers in various Kibbutz that sprung up. Other lands were confiscated and parceled out to "settlers".

As international pressure grew on Israel to return the seized land to the expelled refugees, the Abandoned Property Ordinance was passed in 1948, the first in a series of laws that sought to legalize the confiscation of the land. Two other laws were passed during that time period. The second law defined "Abandoned Area" as *any* conquered land by Israel. The third law was the "Emergency Regulation for the Cultivation of Fallow Land and the Use of Unexploited Water Resources" of Oct. 11, 1948. Later the Emergency Regulations were later established in which the

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<sup>1</sup> *Survey of Palestine*, Dec 1945 and Jan 1946, reprint, Institute of Palestine Studies, Washington, Vol. 2, pg. 566, based on fiscal records.

regulations kept the land under Israeli control and relabeled the owners, the Palestinians, as "absentees, whose property could be seized by the state".<sup>2</sup>

By March 14, 1950, the *coup de grace* was the establishment of the Absentees' Property Law, where "Absentees" term was expanded to include all Palestinians who were expelled or fled the massacres or those who remained but were found away from their homes by as little as few kilometers ("Present Absentees"). The law is very comprehensive. It is the foundation of the land laws in the country. It is the largest organized seizure of property in modern history.

All land and other property were transferred to the "Custodian of Absentee Property" who, in turn, granted it to the Jewish National Fund (JNF), or to the State of Israel through the Development Agency, which allocated the land to new colonies in the region. There was tension between the JNF and the State regarding the control of the seized Palestinian land. This was resolved by the promulgation of the 1960 laws: Israel-Lands, Israel-Lands Law, and Israel-Land Administration Law.<sup>3</sup>

The land Administration Law of 1960 called for the formation of the Israel Land Council to administer the land under Israel's control; the council has 22 members, 10 of them from the JNF. Under this law, all seized Palestinian land was administered by a single authority, Israel Land Administration (ILA), but under JNF rules, i.e. no non-Jew, even an Israeli citizen, is allowed to buy, rent, live on, or utilize any seized Palestinian land, even if it was his own.

Thus, ILA administers 93% of Israel's area, which is predominantly Palestinian property. These lands are leased to Jewish tenants. Neither the State of Israel, nor ILA or any of the Jewish tenants have a title to the leased land. The Jewish tenants have lease terms of 49 years, renewable. Thus no Jewish individual or Israeli authority has the legal ownership of this property. It is still vested in the original Arab owners before 1948.

Furthermore, international law affirms this position. Resolution 194, the Right of Return resolution, of 11 December 1948 affirmed by the UN over 100 times, stipulates that Palestinian refugees should return to their property and be compensated for damages and losses resulting from seizure of land and property for 6 decades.

Additionally, General Assembly resolutions have been passed to protect the ownership of the Palestinian property and affirm their right to derive income from them since 1948.

Resolutions A/RES 51/129 of 13 December 1996, A/RES/52/62 of 10 December 1997, A/RES 53/51 of 3 December 1998 state,

*Reaffirms that the Palestinian Arab refugees are entitled to their property and to the income derived there from, in conformity with the principles of justice and equity.*

## **6. Background of the DMZ Regime:**

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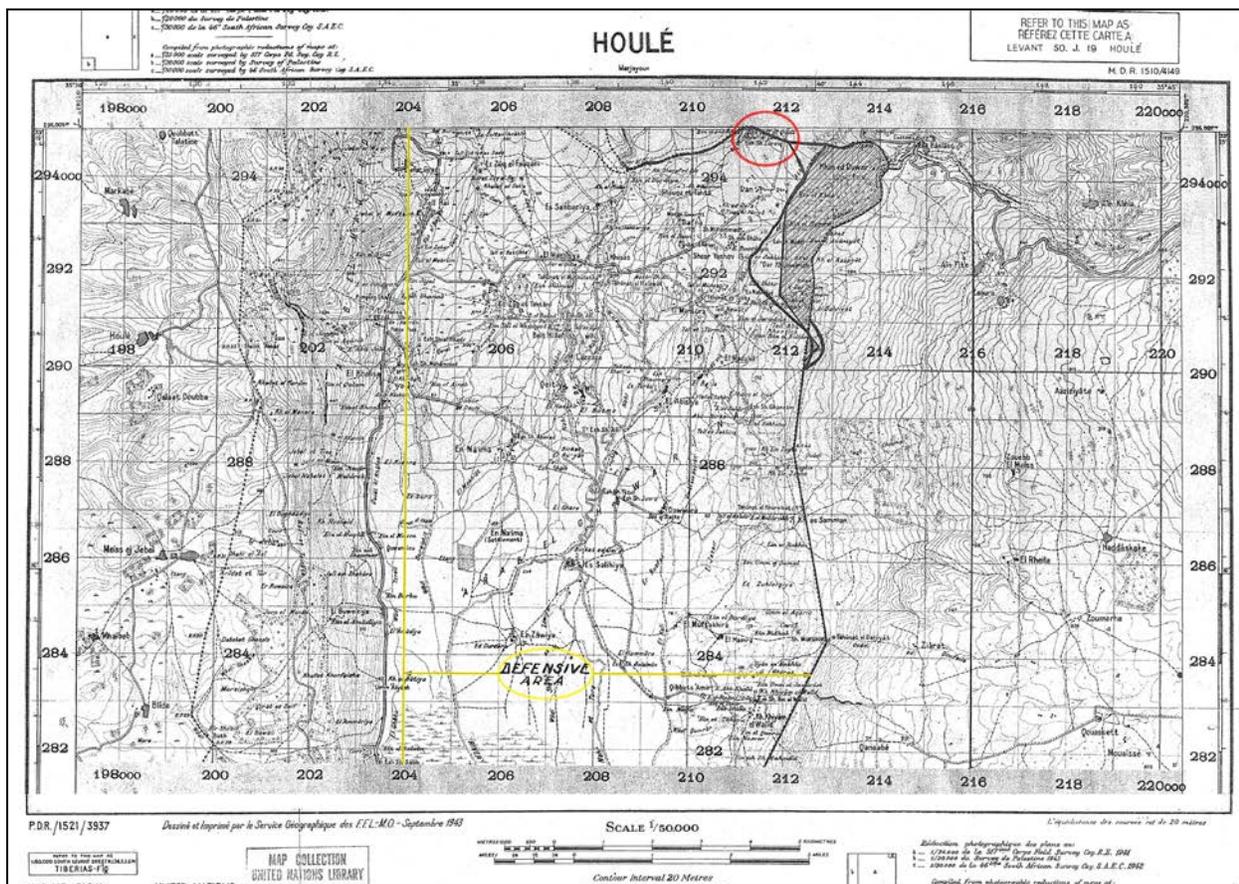
<sup>2</sup> Fischbach, Michael R. *Records of Dispossession: Palestinian Refugee Property and the Arab Israeli Conflict*, New York: Columbia University Press, 2003 pp. 17-21

<sup>3</sup> Lehn, Walter and Davis, Uri. *The Jewish National Fund*, London and New York: Kegan Paul International, 1988, pg. 108

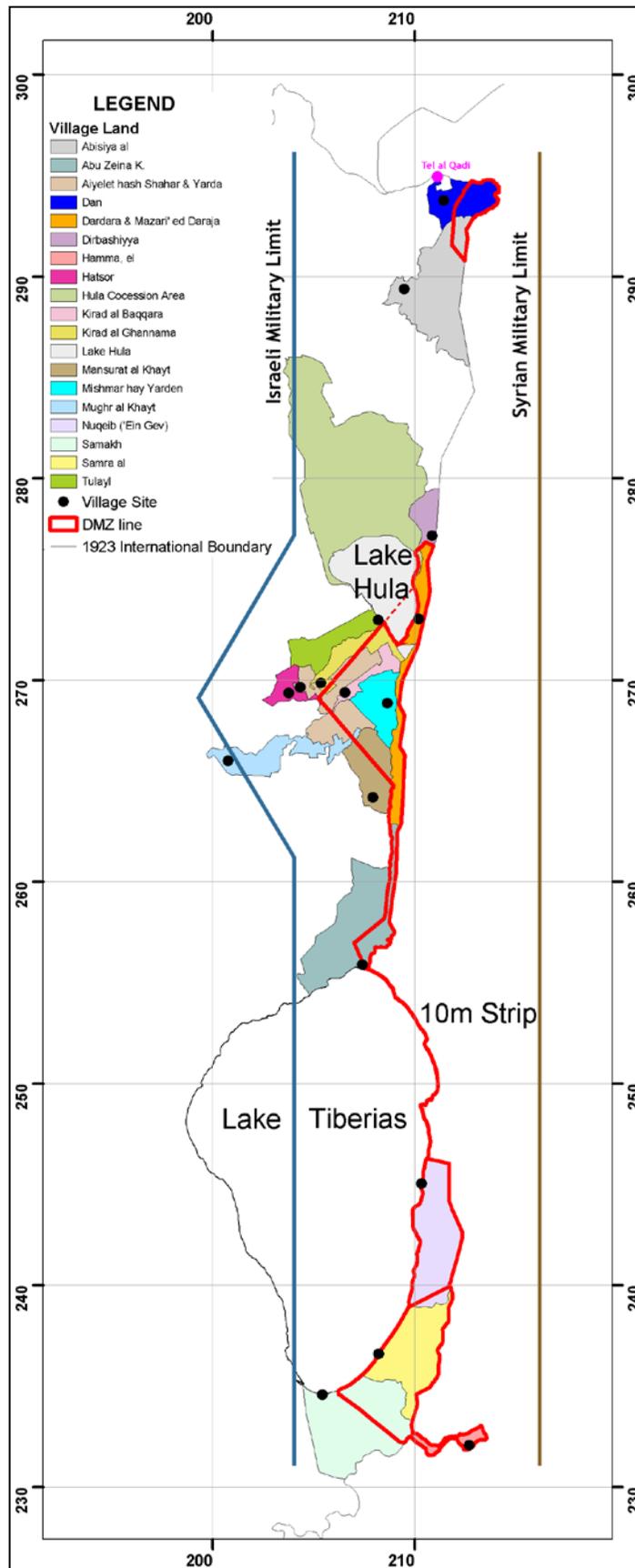
The area of Tell el Qadi in Palestine has been placed on a special international regime in accordance with the Armistice Agreement, creating a demilitarized zone (DMZ) in the area with limited powers to either party (Syria and Israel) and with no sovereignty for Israel on DMZ.

Syria entered Palestine on May 15, 1948 to save its people from crimes committed by Jewish forces such as the massacre of Dayr Yassin (9 April 1948) and the ethnic cleansing of half the Palestinian villages which took place before Israel was created. On May 15, 1948, Jewish forces had already expelled 52 percent of the refugees. The Palestinian territory which Syria controlled on the date of the Armistice Agreement is the following: the north sector, north of Azizat – four sq. kilometers; the central sector, south of Hula and a strip along the Jordan – 34 sq. kilometers – and the south sector, east of Lake Tiberias – 32 sq. kilometers. This area was never controlled militarily by Israeli forces prior to the Armistice Agreement.

The maps (Fig. 8, 9) reflect the DMZ based on the Armistice Agreement.



**Fig. 8: An Extract from the UN Armistice Agreement Map.**  
 The map shows the northern DMZ with the limit of Israeli “DEFENSIVE AREA”, on a base map of MDR 1510/4149 and PDR/1521/3937. Original Map by le Service Geographique des FFL-MO September 1943. Source: UN Library as stamped above.



**Fig. 9: DMZ Map on the Northern Border**

The map shows the whole Armistice Regime and the Israeli and Syrian permissible military units in accordance with the Armistice Agreement of 20 July 1999. The map also shows the village lands dissected by the Armistice Line.

The negotiations leading to the Armistice Agreement were strenuous, lasting from April to July 1949. The Israelis insisted on the withdrawal of Syrian forces from the area so that the area would become demilitarized. The Syrians, however, rejected this demand. Ralph Bunche, the UN Acting Mediator, finally arrived at a solution by issuing what is known as the **"authoritative statement."**

Prior to the signing of the Armistice Agreement between Israel and Syria, on June 26, 1949, Ralph Bunche, the UN Acting Mediator, sent a letter to Moshe Sharett, Israel's foreign minister. The letter became part of the official record. In the letter he specifically **excluded Israel's claims of sovereignty** over the area to be included in the Armistice Agreement. He wrote:

*Questions of permanent boundaries, territorial sovereignty, customs, trade relations and the like must be dealt with in the ultimate peace agreement and not in the armistice agreement...*

Two years after Bunche's statement, the Security Council, in its resolution on May 18, 1951 about Israeli violations of the Armistice Agreement, affirmed his statement and called upon the parties to give effect to **"the authoritative comment on article V of the Syrian-Israeli Agreement."**

The Armistice conditions were clear: There was to be no political or military activity in the area, the local population –the Arab

majority (expelled by Israel) and Jews – would have freedom of work and movement, a civil administration and Arab and Jewish local police was to be established, no heavy arms within several kilometers of the armistice line and the UN Truce Supervision would have full authority to supervise the civil administration. Israel has violated all these Armistice conditions.

Thus Israel has no legal title to the land and has no sovereignty on DMZ.

## **7. Threats affecting the Property:**

ICOMOS considers that the main threats to the property are torrential rainfall, possibly combined with the action of the wind and sun.

There are far more serious threats than the above. The site has a history of military warfare between Israel, Lebanon and Syria. The site remains under the shadow of these threats for an indefinite period, through the reported frequent military clashes, including air bombardment, as can be seen through the presence of Israeli military fortifications at and near the site.

Fig. 7 (above) already showed military trenches, right on the site, destroyed vehicles in the area and the proximity of the site to al Ghajar, a divided town, and a location of major Israeli incursions into the Lebanese territory and retaliatory rockets (shot from the Lebanese side) near the site.

## **8. Legal Protection:**

In the State Party submission, it is stated, under **Protection: Legal Protection**, that:

The nominated property is defined and protected by the following legal texts:

- The Israel Lands Administration Law of 1960.
- The 1965 Planning and Building Law and its amendments.
- The 1693 National Parks, Nature Reserves, National Site and Memorial Sites Law, amended in 1992.

Under the law of 1960, the property is governed by the powers of the state vested in the Nature Reserves Authority (Act of 18 September 1987), and the confirmation of a 49-year transfer of rights dated 7 May 2006.

*ICOMOS considers that the legal protection in place is adequate.*

ICOMOS statement that the legal protection is adequate cannot be substantiated. The State Party is in violation of international law. The following statements should be taken into account.

1. The ILA does not have a legally-recognized jurisdiction on the disposal of Arab individual property nor a legal title to the land in question. ILA is an instrument of the Government of Israel for exploiting the seized Palestinian land for the exclusive benefit of Jewish colonies. Any action based on ILA law is null and void.

2. Israel's "Proclamation of Independence" made on 14 May, 1948, states that,

*[o]n the strength of the resolution of the United Nations General Assembly [no. 181 of 29 Nov. 1947] hereby declare the establishment of...the State of Israel.  
The State of Israel is prepared to cooperate with the agencies of the UN in implementing [this] resolution.*

UN Resolution No. 181 above mentioned prohibits the confiscation of Arab land by any Jewish authority. Section C. Declaration, Chapter 2: Religion and Minority Rights of this Resolution states:

*No discrimination of any kind shall be made of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.*

*All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.*

***No expropriation of land owned by an Arab in the Jewish State (or by a Jew in the Arab State) shall be allowed except for public purposes. [Emphasis added].***

3. Article 147 of the Fourth Geneva Convention stipulates that "extensive appropriation" of occupied territory is a grave violation. The ruling in Case No. 10 of the US Military Tribunal at Nuremberg, *U.S. v. Alfred Krupp et al.* was the first to address the confiscation of property following the end of fighting in the Second World War. The court ruled, *inter alia*, that this confiscation constituted a violation of Article 46 of The Hague Regulations, which prohibits the confiscation of private property.
4. Under Regulation 46 of the Regulations of the Hague Convention Respecting the Laws and Customs of War on Land of 1907, that calls for the respect of private property and denounces confiscations, Israel's acts can be considered "plunder", a war crime.
5. The Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Chapter 2, the General Provisions Regarding Protection, Article 9 dealing with protection in occupied territory, stipulates:
  1. *Without prejudice to the provisions of Article 4 and 5 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall prohibit and prevent in relation to the occupied territory:*
    - a. *any illicit export, other removal or **transfer of ownership** of cultural property;[Emphasis added.]*
    - b. *any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property;*
    - c. *any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.*
  2. *Any archaeological excavation of, alteration to, or change of use of, cultural property in occupied territory shall, unless circumstances do not permit, be*

*carried out in close co-operation with the competent national authorities of the occupied territory.*

6. Another relevant convention is the Convention of the Means of Prohibiting and Preventing the Illicit import, Export and Transfer of Ownership of Cultural Property (1970). The transfer of ownership of Tell el Qadi site and its archeological artifacts found within and around it have been illicitly transferred by Israel through warfare and conquest.

Article 11 of the Convention is very unambiguous on the matter. It states:

*The export and transfer of ownership of cultural property under compulsion arising **directly or indirectly** from the occupation of a country by a foreign power shall be regarded as illicit. [Emphasis added].*

7. As stated in Section 5 above Israel has still not complied with the various resolutions calling for the return of Palestinian (and other Arab) refugees to their homes, villages, towns, and cities. Israel has not also complied with other UN resolutions affirming the entitlement of the Palestinians to their property and the income from it.

In the light of all above the State Party's application is not valid.

### **9. The Syrian/Lebanese (Northern) Side of Tell el Qadi:**

This is part of the land which Israel occupied in 1967. Israel excavated north of the Armistice Demarcation Line. Israeli excavations continued all over the Tell el Qadi site whether on the Palestinian or the Syrian side.

For example, a report of Israel Antiquities Authority, Journal 118, Tel Dan North, dated 1/5/2006, and written by Moshe Hartal, describes excavation at:

1923 Palestine Grid	211250 E, 295170 N
1993 Israel Grid	261250 E, 795170 N

Fig. 1 above and **Fig. 10** below show the Israeli excavation area, on the *northern* slope of Tell el Qadi, as shown in the Israeli Journal. This is a continuation of the excavation undertaken at tell el Qadi.



**Fig. 10: *The Location of Israeli Excavation in Syrian Territory.***

*The caption in the Israeli Journal No 118 states; “The excavation area (indicated by the arrow). Behind it is the northern slope of Tel Dan, looking south”.*

The Israeli report states,

*The finds [of Phoenician burial] may reflect the cultural ties between Tel Dan and Phoenicia...The burials are cotemporary with the last settlement stratum of Dan, following the Assyrian conquest<sup>4</sup>.*

The Syrian Golan Heights are occupied territory according to the Security Council Resolution 242 of November 22, 1967, which states:

***Emphasizing*** *the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security...*

*Affirms that the fulfillment of Charter principles requires the establishment of a just and a lasting peace in the Middle East which should include the application of both the following principles:*

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<sup>4</sup> [http://www.hadashot-esi.org.il/report\\_detail\\_eng.asp?id=342&mag\\_id=111](http://www.hadashot-esi.org.il/report_detail_eng.asp?id=342&mag_id=111)

- *Withdrawal of Israeli armed forces from territories occupied in the recent conflict*

The Advisory Opinion of the International Court of Justice, dated 9 July 2004, confirmed that the West Bank and Gaza Strip, similar to the Golan Heights, are "Occupied Territories". It states,

*[T]he Court notes that the territories situated between the Green Line and the former eastern boundary of Palestine under the Mandate were occupied by Israel in 1967 during the armed conflict between Israel and Jordan. Under customary international law, the Court observes, these were therefore occupied territories in which Israel had the status of occupying Power. Subsequent events in these territories have done nothing to alter this situation.<sup>5</sup>*

Therefore the presentation by the State Party of a site in Occupied Territory is inadmissible.

### **10. The Educational and Cultural Merits and Management of the Site:**

As pointed out by ICOMOS report, Triple-Arch is "one of the earliest complete arches found in the world". Other examples have been found to exist in Egypt, Mesopotamia, and in Askalan, southern Palestine.

The historical description of the nominated property is stated by Israel as such:

*This is the city of Laish, which members of the tribe of Dan captured for their homeland.*

This description, presented as a grounded verity is not based on any historical, scientific and archeological evidence. It is derived from biblical texts, which are not a recognized historical record. The Israeli authors, Israel Finkelstein and Neil Asher Silberman, among many others, show how archaeology has debunked and altered the traditional narratives that were derived from the Bible. Their work is among a vast literature by historians and archaeologists that have stated that the Bible is not reliable as a legitimate and pivotal text on history.

They write:

*...But that is not to say that archaeology has proved the biblical narrative to be true in all of its details. Far from it: it is now evident that many events of biblical history did not take place in either the particular era or the manner described. Some of the most famous events in the Bible clearly never happened at all.<sup>6</sup>*

The final paragraph of the Israeli description claims that the find of a stone table has "an inscription of Hazael, King of Damascus, declaring victory over a member of the House of David". The reference to the House of David, implying reference to Judea, is a pure speculation. There is no agreement on the matter.

The nature of the education demands credibility and honesty. Education's main goal is the fostering and strengthening of human development. History and facts are sometimes manipulated in order to

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<sup>5</sup> <http://www.icj-cij.org/docket/files/131/1671.pdf>

<sup>6</sup> Finkelstein, Israel and Silberman, Neil Asher. *The Bible Unearthed*. New York: Touchstone, 2001 pg. 5

sustain an exclusively national-cause. In this particular case, there seems to be a massive drive, on part of the Israelis, to present a narrow history of the site, heavily influenced by biblical stories favouring an ideology. Most of the history of the site, from the Canaanites to the Palestinians, who have been rooted in the land for centuries, is ignored and reduced to a narrow and biased interpretation. No reference is made in the Israeli presentation to the long Arab history of the site before and after Islam, or to the expelled Palestinian owners of the site who lived there, worshipped at its shrine (which remained derelict on the site), drawn from its springs, cultivated its land and buried their fathers in its cemetery on the site. Their record is erased from the presented contrived narrative. They are even prevented from being there on their land or visiting the property.

The advertisements of the site and the literature in Israel regarding the site builds on biblical history. Avram Biran is accredited with the first excavations in 1966. His article in 1974 on Tel Dan begins with a quote from the Old Testament:

*When the territory of the Danites was lost to them, they went up and fought against Leshem and...they captured it and settled in it, renaming Leshem, Dan, after the name of Dan their ancestor.<sup>7</sup>*

Biran's article, littered with Testament references and quotations, is highly influenced by the Biblical narrative of the text and sought to reaffirm its narrative as a historical fact. When Biran is faced with a lack of archaeological evidence, he looks toward the biblical account to complete the story.

It is recognized by academics and archaeologists that "Ancient Israel" in reality and in religious documents are two different entities. Both are different from present State of Israel.

The educational centers and archaeological tourist sites in Tell El-Qadi do not reflect this fundamental point. Rather, they emphasize exclusively the biblical narrative of the property, while ignoring documented history that conflicts with such a narrative.

Sites that are meant to represent universalities in human society and culture should not be afflicted by national propaganda. Rather than representing a universal aspect of human development, this site seems to be a source of political propaganda. This is a violation of the essence of UNESCO's mandate: the presentation and transmission of a heritage site to future generations.

UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974), Section 8, Article 39 states:

*39. Member States should promote appropriate measures to ensure that educational aids, especially textbooks, are free from elements liable to give rise to misunderstanding, mistrust, racist reactions, contempt or hatred with regard to other groups or peoples. Materials should provide a broad background of knowledge, which will help learners to evaluate information and ideas disseminated through the mass media that seem to run counter to the aims of this recommendation.*

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<sup>7</sup> Biran, Avram. *Tel Dan*. The Biblical Archaeologist, 1974 Vol. 37 pg. 26

By maintaining the Zionist mythology, Israeli educators at the site are distorting the historical and factual understandings of the region. It furthers the racist notion that underpins Zionist ideology and beliefs in the exclusive rights to the land.

The educational material on the site does not represent the Arabic name of the site, nor does it mention the existence of a village, Shauqa et Tahta, that existed on that land for many centuries prior to its destruction and elimination by the Zionist forces in 1948. It never mentions the massive unprecedented ethnic cleansing of Palestine. These facts must be represented; its lessons are of great value in furthering the understanding of history. The censorship in part of Israeli educators at this site erodes a visitor's ability to the

*understanding and strengthening of world peace and to the activities in the struggle against colonialism and neo-colonialism in all their forms and manifestations, and against all forms and varieties of racialism, fascism, and apartheid as well as other ideologies which breed national and racial hatred...*

as stated in Section 3, Article 6 of the same Recommendations.

ICOMOS observed that the training and education was "adequate". This is not borne out by facts. ICOMOS's observations should take the above consideration into account.

## **11. Conclusions:**

The presentation by the State Party contains a considerable number of inaccuracies and omissions:

1. The site ownership does not belong to the State of Israel or its administering agent, Israel Land Administration. There is no State Land or Jewish land on the site. The site is wholly owned by Arab owners. (Registration Documents available).
2. The site falls on Lebanese, Syrian and Palestinian territories. The boundary between the three countries is not well defined. Israel jurisdiction is not established
3. The site is subject to a detailed DMZ regime whereby sovereignty is not recognized by international law.
4. Threats to the site include its military nature and frequent clashes in the region which does not guarantee the safety of the site or its visitors.
5. The educational merit of the site is marred by a biased and unfounded narrative which is both inaccurate and conflicts with UNESCO Recommendations.
6. The suggested name of the site is inaccurate.

Therefore, we submit that the State Party application is not valid.