

Palestinian Legislative Council (PLC)
Law No. (1) of 1999 for Natural Resources
Chairman of the Executive Committee of Palestine Liberation Organization
(PLO)
President of the Palestinian National Authority

Viewing law no. (19) of 1925 of mining in force in Gaza governorates , law no. 37 of 1966 for planning natural resources affairs in force in the west bank governorates amended by law no. (74) of 1966 , and the bill submitted by the cabinet and approval of the Legislative Council , we do ordain the following law : -

Chapter One
General Definitions & Provisions
Article (1)

Applying provisions of this law , the following words and utterances shall have specific meaning except when the presumption indicates otherwise:

Natural resources: Metallic and non-metallic natural welfare including : hydrocarbons, rocks sand and salt available in the earth's core or surface , territorial waters, dead sea , regional economical zone and geology and movement of under ground water .

Minerals: All natural crude metallic materials of economical value including : rocks layers containing minerals , mineral sediments and any other salts .

Exploration: Aerial , ground or maritime survey of an area marked by relative regulator agencies to ensure presence of natural resources ; it contains economical , technical and geological studies .

Search-work: Seeking inside and over the surface of earth by all means to know size of crude minerals, quantities and feasibility .

Excavation: All processes related to exploration and search of natural resources including : drilling , analysis and other studies in detail .

Discovery: Announcement and publicity of an exploitable natural resource.

Mine: A place to extract crude natural resources

Quarry: A place to get sand , mud small and medium size stones , asbestos or alluviums

Stone quarry: A place to get stones and components

Mining: Any necessary action to get and utilize natural resources and components .

Maritime zone: Maritime area located beyond and adjoining territorial waters extending for more than 200 nautical miles measured by base lines of territorial sea width.

Ministry: Ministry of industry

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General administration: General administration of natural resources at the ministry of industry

Director general: Director general of general administration at the ministry of industry

Article (1)

A department shall be established called " General Administration of Natural Resources " of the ministry of industry , run by a director general appointed according to a decision by the president of the National Authority , assisted by a staff and shall have duties and powers demonstrated by this law.

Chapter Two
Duties of General Administration of Natural Resources
Article (3)

In coordination with other concerned authorities , the general administration shall have the following duties:-

1. Preparing scientific studies and research pertaining to natural resources and shall issue directions for geological search and excavation for surface and ground resources .
2. Preparing geological maps and issuance of academic studies findings .
3. Geological exploration and search for natural resources .

4. Listing quantity and quality of natural resources .
5. Supervising natural resources investment , according to systems and laws in force .

Article (4)

To achieve duties , the general administration may : -

1. Explore , search and inspect natural resources by its staff or others according to approval of the minister .
2. Enter any lands or property for one of the above purposes according to laws in force .
3. Issue necessary licenses according to provisions of this law , in coordination with other relative authorities .

Article (5)

A minister may institute a technical committee to countersign projects and decide issuing licenses related to activities of the general administration ; all related authorities in the Palestinian National Authority shall be resembled .

Chapter Three Discovery of Mineral Resources

Article (6)

Found natural resources within the Palestinian territories , territorial waters and free zone shall be deemed public property except as to construction materials ; such as lime , sand stones and sand available at quarries owned by others . For mining purposes , ownership of private land may occur for the public benefit in accordance with provisions of law .

Article (7)

Activities of natural resources exploration and utilization are divided into the following , according to this law : -

- a. Exploration and inspection
- b. Excavation
- c. Discovery
- d. Mining

Article (8)

An ordinary person or body corporate may explore natural resources but when any crude natural resource is discovered , the ministry shall be notified at once ; which in turn , registers discovery patent .

Article (9)

Whom he discovers a mineral or another natural resource of economical quantities and registers the discovery at the ministry, shall be issued a certificate in compliance with set forms by the ministry ; he shall have priority to get a mining contract for the said mineral or natural resource .

Article (10)

Those obtained discovery certificates have a span of six months as of the date of certificate issue to lodge an application to get a mining contract pertaining to the said mineral or natural resource . Their right shall be dropped by waiver or expiry of the said period , if an application has not been submitted .

Article (11)

When a discoverer right is dropped to get a mining contract , the general administration may invite for tenders , according to provisions of law .

Article (12)

Anyone who provides information that help discover a natural resource of commercial quantities or obtains a discovery certificate but submits no application to mining contract , shall be paid a remuneration specified by a special system set by the ministry .

Chapter Four
Natural Resources Search & Excavation
Article (13)

No ordinary person or body corporate is permitted to search , excavate , extract or utilize any natural or mineral resource in earth's core within the Palestinian lands , territorial waters and free zone except by a license issued by the ministry ; fees shall be specified according to a special system set by the ministry .

Article (14)

No license shall be issued for search or exploration , excavation or utilization of natural resources in lands owned by individuals except against consent of owner or proprietor . If an owner or proprietor does not agree , the minister , according to a recommendation of the general administration , may issue that license - on behalf of public benefit ; the owner or proprietor may rent the land for a licensee or demand compensation , if necessary .

Chapter Five
Licenses
Article (15)

To get a license for research , exploration or mining of any mineral or natural resource in the Palestinian territories , an application shall be submitted using a certain pattern . Applications shall be registered at a special journal at the general administration , with hour and date of submission .

Article (16)

To issue an ordinary or body corporate a license for research , exploration or mining , an applicant shall have to meet the following terms : -

- a. Not to be issued a former license or authorization according to this law , then it had been ruled out due to violation of terms and provision of license or authorization .
- b. Shall have technical and financial capacity to accomplish the matter ; and commit with agreement articles for search and excavation the way the ministry approves .

Article (17)

A license shall be issued by a decision of the minister after fees payment and signature of the minister , or whom he authorizes . It shall be issued for a limited period of time ; it may be renewed several times ; license or authorization renewal duration shall not exceed the later and shall have met all past legal and planning duties , in coordination with concerned authorities .

Article (18)

No exploration , excavation or mining licenses shall be issued for any mineral or natural resource to foreigners ; no exploration , excavation or mining licenses shall be issued for oil or natural gas to foreigners except as to agreements concluded by the ministry with the other party , upon approval of the cabinet .

Article (19)

By a decision of the cabinet , exploration , excavation or mining any mineral or natural resource may be banned that has a special significance for national economy or general policy .

Article (20)

In conformity with provisions of this law and in coordination with other concerned authorities , the licensee shall be authorized to excavate within the land identified by the license ; he may do the following : -

1. Entering of the land with his agents and laborers to ensure availability of any mineral or natural resource or for topographical or geological survey .
2. Doing necessary digging for excavation purposes .
3. Taking required samples for analysis and test .
4. Installing required machines for excavation .
5. Building necessary and required roads for excavation .
6. Establishing necessary structures and premises for laborers and employees .
7. Collecting derived materials from excavation processes in special places .
8. Laying water and sewage pipes , cisterns and docks and setting up and maintaining necessary transport and telecommunications means .

Chapter Six

Mining & Mines Utilization

Article (21)

A licensee may , during validity of license duration , get mining right in all the authorized area or part of against remuneration designated by the ministry ; utilization contract shall be issued according to a decision of the minister and approval of the cabinet .

Article (22)

Anyone who obtains a mining right for any mineral or utilization of a natural resource according to provisions of this law , shall have to provide the general administration with two detailed maps of the area : first , topographical and the other is geological , scale of 5000 with a precise statement of permanent reserve quantities of mineral or natural resource and a report of a study of feasibility for the intended natural resource utilization .

Article (23)

A mining right owner may not dispose of, transfer or mortgage this right except but with approval of the ministry .

Article (24)

A mining right owner may not gather an unlicensed mineral or natural resource unless it is mixed with the one authorized to and there is no way to separate one from the other ; the general administration shall be notified within a month of new mineral or natural resource discovery . He may not dispose of the new one except under an authorization by the ministry .

Article (25)

A mining right shall be confined to utilizing natural resources or minerals stated in the contract within the authorized area for search ; it does not include the remaining resources , minerals and seams beyond borders.

Article (26)

A mining area shall be demarcated according to an application submitted by the concerned so as not to exceed twenty four square kilometers .

Article (27)

A mining right duration at any mine shall not be for more than thirty years ; it can be renewed according to stipulated or any new conditions if an application is submitted for renewal at least one year of contract expiry date .

Article (28)

A renewal shall be issued according to a decision by the minister who can annul the contract if the beneficiary does not undergo serious utilization for three years of contract signing date , or if he stops the process for one year without a permission , in writing , from the minister .

Article (29)

Whomever contract is annulled , may appeal to competent judiciary authorities within sixty days of being informed of annulment decision .

Article (30)

A contractor of a mine utilization shall have to submit a report in detail to the general administration during January of every year indicating the following : -

1. Quantity of mineral materials extracted in the precedent year .
2. No. of employees , technicians and administrators working with him .
3. Copy of the fiscal year report showing profits and liabilities .
4. Other details the general administration finds necessary to ensure seriousness of mining course of action.

Chapter Seven Quarries & Stone Crushers

Article (31)

No one shall be allowed to initiate a quarry , stone crusher or utilize either in his land or third parties' but with an authorization by the ministry .

Article (32)

A quarry or stone crusher shall be issued by the minister upon approval of the general administration, in coordination with other competent authorities , and according to an application lodged at the general administration according to prescribed conditions . None shall be permitted to get from a quarry or stone crusher other materials than above ; quantities and conditions are to be observed . location of quarry or stone crusher shall be eligibly marked on a map attached to license application .

Article (33)

A quarry or stone crusher can not be launched unless the proprietor approves ; an agreement may be concluded to utilize a quarry or stone crusher for a specific period of time ; contracts can be renewed against agreed upon conditions .

Article (34)

Inspectors , engineers , assistants and technicians of the general administration shall have the capacity of judiciary discipline in regard of law violations . According to provisions of this law , they may enter non-residential areas , examine and inspect materials and instruments in use , audit journals , records , papers and other matters in relation to implement this law .

Article (35)

Any unjustifiable impediment of search-work , exploration , inspection or mining activities , deliberate hindrance of practicing right according to this law or doing duty or manipulated any mark, sign , instrument or occupation of the authorized land or construction of a structure either on surface or underground , shall be deemed as an offence and punished by prison for not more a year or a fine not exceeding 2000 Jordanian dinars or their equivalent in active currency .

Article (36)

Any one who inspects or searches for any mineral or natural resource in violation of provisions of this law , shall be deemed as an offence and punished by prison for not more than six months or a fine not exceeding 1000 Jordanian dinars or their equivalent in active currency or the two penalties together ; an order shall be issued to confiscate operation machines and equipment .

Article (37)

Upon discovery of any violation to provisions of this law , the violator shall be notified to repair violation and correct mistakes. A notice shall demonstrate matters to be taken into consideration . If he does not respond within a week of the date , the minister may impose a financial charge not exceeding one thousand Jordanian dinars or their equivalent in active currency .

Article (38)

When an event happens in a mine , quarry or stones crusher , either on surface or underground due to mining processes and causes death , physical injury or indemnity , the mining beneficiary or his agent shall have to inform the general administration within a maximum period of twenty four hours of the time of occurrence .

Article (39)

In conformity with any other law pertaining to labor injuries , the director general may delegate one of the general administration inspectors or public servants to conduct necessary investigation of the said event and submit a report in detail so as the minister may take proper actions in accordance with provisions of this law.

Article (40)

In conformity with any stipulated penalty by other laws , a violator of this law and decisions issued to implement shall be punished by a fine not exceeding one thousand Jordanian dinars or their equivalent in active currency or by jail for six months or the two penalties together ; in addition to an order to eliminate violation .

Article (41)

The ministry may repair violation that causes indemnity and finds necessary to avoid at once via administrative means on the expense of the violator .

Chapter Nine Closing Provisions

Article (42)

According to a decision by the minister , a mining right contract may be annulled according to a recommendation of the general administration for the cases stipulated by utilization contract . An owner may contest against this decision within sixty days of being informed by the annulment decision .

Article (43)

In case a dispute arises between the ministry and an owner of any right granted by provisions of this law , it shall be referred to an arbitration committee ; arbitration shall be conducted according to provisions of law .

Article (44)

The minister may issue , according to a recommendation of the general administration , systems and instructions regarding various fees and other matters he finds necessary to implement provisions of this law.

Article (45)

All matters not in conformity with provisions of this law shall be ruled out .

Article (46)

All competent authorities shall have to execute provisions of this law , each in its own field ; it becomes in force after thirty days of publication in the official gazette .

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Yaser Arafat

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