

DRAFTING NOTE**PUBLIC APPOINTMENTS APPROVAL ACT**

Office or category	Controlling source	Existing special rule preserved
Ministers	Constitution arts. 42(7), 46–47	Presidential nomination and appointment with Assembly approval; political and policy suitability may properly be examined.
Chief Justice	Constitution art. 42(7); Courts Act art. 24; Judicial Service Commission Act art. 22	President selects from among the Supreme Court Justices; Assembly may approve or reject but not substitute; President appoints after approval.
Other Supreme Court Justices	Constitution art. 42(8); Courts Act art. 24; Judicial Service Commission Act art. 22	Judicial Service Commission proposal is indispensable; Assembly approves or rejects but may not substitute; President appoints after approval.
Lower-court judges	Constitution art. 42(9); Courts Act art. 24; Judicial Service Commission Act art. 22	No Assembly approval. Expressly excluded.
Auditor General	Constitution arts. 42(7), 55; Auditor General Act arts. 48–54	Independent panel, ranked shortlist, public hearing, recorded decision within 30 days, single five-year term.
Governor of the National Bank	Constitution arts. 42(7), 56; National Bank Act arts. 24–25	Public shortlist and hearing; Board directors are not included merely because the Governor requires approval.
Electoral Commissioner	Constitution arts. 42(7), 58; Electoral Commission Act arts. 23–30	Independent panel, shortlist, public hearing, reasoned decision, appointment within seven days.
Advocate General and Director of Public Prosecutions	Advocate General Act arts. 31 and 42	Approval is statutory, not stated in Constitution art. 54; independent shortlist and special succession rules remain.
Civil Service Commissioner-General	Civil Service Administration Act arts. 22–25	Approval applies only to Commissioner-General; other commissioners are appointed from separate shortlists without Assembly approval.
Judicial Service Commission non-judicial members	Judicial Service Commission Act art. 7	Independent panel shortlist, presidential appointment from the shortlist, Assembly approval, publication and reasoned rejection remain.
Other office created by later Act	Constitution art. 42(7)	Included only if the later Assembly Act expressly requires approval and identifies any special procedure.

LEGAL COMPATIBILITY, COMPARATIVE DESIGN AND CONSULTATION DRAFT

1. Legal Compatibility Note

The Constitution divides the appointment transaction into distinct constitutional acts. The President nominates or selects the person and, where Article 42(7), Article 42(8), or another Assembly Act requires approval, the National Assembly approves or rejects that nominee. Approval does not itself appoint the person. After approval, the President completes the appointment under the governing law. The Assembly may scrutinize the legality and merits of the nomination but may not substitute its own candidate. This design follows Articles 32(10), 36(3)–(5), 42(7)–(9), 55, 56 and 58 of the Constitution of Eritrea 1997.

The Act therefore creates a common procedure, not a new list of approval offices. It applies only when the Constitution or an Assembly Act expressly requires National Assembly approval. The Constitution controls every conflict. A valid office-specific Act may impose a stricter qualification, selection method, deadline, voting threshold, or safeguard; that special rule is preserved, while this Act supplies the remaining procedure. The draft uses the constitutional default quorum of one-half of all members and the default decision rule of a majority of members present and voting under Article 36(3) and (4).

The phrase “commissioners” in Article 42(7) is textually broad and is not defined in the Constitution. The draft does not attempt to decide whether it includes every person bearing that title. It instead requires approval only where the Constitution or the establishing Act makes approval applicable. This avoids accidentally extending legislative approval to commissioners whom an office-specific Act permits the President or another body to appoint without Assembly approval.

Article 19 of the Judicial Service Commission Act now preserves the constitutional sequence for non-judicial members: an independent panel conducts the merit process and submits a merit-ranked shortlist; the President nominates from that shortlist; the National Assembly approves or rejects the nominee under this Act; and the President formally appoints an approved nominee. The shortlist, criteria and reasons are published. This Act governs the approval stage without displacing the independent selection process or allowing the Assembly to substitute its own candidate.

The existing Rules of Procedure provide useful general rules on committees, public hearings, reports and minority views, sittings, motions, voting, official records, public participation, ethics and conflicts. They are educational rules and do not yet contain an appointment-specific procedure. The proposed Act therefore establishes binding minimum requirements and directs the Standing Orders to supply internal details without contradicting the Constitution or the Act.

2. Comparative Design Note

The draft adapts the most useful features of Kenya’s Public Appointments (Parliamentary Approval) Act: a formal nomination record, committee referral, public notice, suitability criteria, a hearing, a reasoned report, and a final parliamentary decision. It rejects any rule

that could convert missed deadlines into approval by silence. Constitutional approval should be an affirmative institutional judgment, not a legal fiction produced by delay.

United States Senate practice illustrates the value of subject-matter committee scrutiny, nominee questionnaires, background review, public hearings, committee reporting and a distinct final confirmation vote. The Eritrean draft does not import senatorial holds, unlimited delay, package confirmation, or a power to demand that an independent nominee promise a future decision. South African practice illustrates public participation and differentiated procedures for institutions supporting constitutional democracy. The Eritrean design nevertheless remains anchored in Eritrea's single National Assembly, constitutional quorum and majority rules, and the President's appointment power.

The draft separates political offices from independent and judicial offices. A ministerial nominee may be tested on programme, leadership and policy. A judicial or independent nominee may be tested on legal philosophy, competence, integrity and institutional understanding, but may not be required to prejudge a case, audit, prosecution, election, regulatory matter or monetary decision. This preserves meaningful scrutiny without converting approval into operational control of the office.

For publication following enactment by the National Assembly

4. Consequential Amendments and Harmonizing Provisions

5. Proposed Standing Orders Chapter: Approval of Presidential Nominations

Rule A — Scope and controlling law. Apply the chapter only to nominations governed by the Act and preserve special constitutional and statutory procedures.

Rule B — Receipt, completeness and referral. Assign the Clerk's checklist, Chairperson's limited ruling, automatic referral and appeal procedure.

Rule C — Committee jurisdiction and joint referral. Identify subject-matter committees and the exceptional general appointments committee.

Rule D — Timetable and calendar priority. Fix notice, submission, hearing, report and plenary dates and provide for special sittings.

Rule E — Public notice and submissions. Prescribe forms, verification, confidential handling and nominee response.

Rule F — Hearing procedure. Regulate opening statements, order and time of questioning, relevance rulings, counsel, corrections and closing statements.

Rule G — Closed proceedings. Require a motion, reasons, narrow scope, confidential record and later review.

Rule H — Committee deliberation and report. Regulate quorum, conflicts, vote, reasons, minority report and failure to report.

Rule I — Approval motion. Prescribe the statutory form, separate consideration, notice and prohibition on substitution or package voting.

Rule J — Recommittal and debate. Permit one limited recommittal and regulate relevance, confidentiality and dignity.

Rule K — Voting and certification. Require constitutional quorum, applicable majority, recorded vote, publication and prompt certificate to the President.

Rule L — Records and correction. Maintain public and confidential files, recordings, transcripts, redactions and an audit trail.

Rule M — Ethics, privilege and right of reply. Apply conflicts rules, protect good-faith scrutiny and provide correction without diminishing privilege.

Rule N — Expedited legality questions. Permit reference to legislative counsel and an immediate procedural ruling without deciding merits.

6. Unresolved Constitutional and Policy Choices

CONSULTATION DRAFT — NOT ENACTED LAW

ACT NO. [____] OF 2026

PUBLIC APPOINTMENTS APPROVAL ACT

(ASSEMBLY ACT)

TO PROVIDE A COMMON PROCEDURE FOR NATIONAL ASSEMBLY CONSIDERATION OF PRESIDENTIAL NOMINATIONS REQUIRING APPROVAL UNDER THE CONSTITUTION OR AN ASSEMBLY ACT; TO SECURE OPEN, TIMELY, FAIR AND REASONED SCRUTINY; TO PRESERVE THE DISTINCT POWERS OF NOMINATION, APPROVAL AND APPOINTMENT; AND TO PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Article 32(10) of the Constitution of Eritrea authorizes the National Assembly to approve appointments presented by the President pursuant to the Constitution;

WHEREAS Articles 42(7) and 42(8) require National Assembly approval for specified presidential appointments, while Article 42(9) assigns a different procedure to lower-court judges;

WHEREAS Articles 36(3)–(5) prescribe the constitutional quorum and ordinary decision rule and authorize the National Assembly to regulate its proceedings and committees;

WHEREAS effective approval requires adequate information, public notice, fair examination, a reasoned committee report and an affirmative decision without allowing either branch to usurp the constitutional function of the other;

WHEREAS a common statutory framework should preserve stricter and constitutionally valid procedures enacted for judicial and independent institutions;

NOW, THEREFORE, the National Assembly of Eritrea enacts as follows:

CHAPTER I
PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the Public Appointments Approval Act, 2026.

Article 2 — Commencement

This Act enters into force on the date of its publication in the Gazette.

Article 3 — Objects

1. This Act establishes a common, transparent, timely and fair procedure for National Assembly consideration of a presidential nomination requiring approval.

2. It protects the President's power to nominate and appoint, the Assembly's power to approve or reject, the independence of offices after appointment, and the public's right to informed participation.

Article 4 — Interpretation

1. In this Act, "approval office" means an office for which the Constitution or an Assembly Act expressly requires National Assembly approval of a presidential nomination; "committee" means the responsible committee; "governing law" means the constitutional or statutory provision regulating the office; "nomination record" means the documents required by Article 11; and "Chairperson" includes a person lawfully acting as Chairperson.
2. A reference to appointment includes formal commissioning or another legally required act by which an approved nominee assumes the office.

Article 5 — Application

1. This Act applies only to an approval office and does not create an approval requirement for another appointment.
2. It does not apply to a lower-court judge appointed under Article 42(9) of the Constitution or to another office whose governing law does not require National Assembly approval.

Article 6 — Constitution and special laws

1. The Constitution prevails over this Act and every other law.
2. A constitutionally valid office-specific rule concerning eligibility, selection, proposal, deadline, voting threshold, acting service or appointment prevails over this Act to the extent that the rule is more specific or more protective and cannot reasonably operate together with this Act.
3. This Act otherwise supplies the common approval procedure, and an office-specific Act shall be read with it so that both operate as fully as possible.

Article 7 — Distinct constitutional functions

1. The person or institution assigned by the Constitution or governing law shall select or propose the candidate, the President shall nominate where required, the Assembly shall approve or reject, and the President shall complete the appointment.
2. The Assembly may not amend an approval motion by substituting another person, and approval does not itself appoint the nominee unless the Constitution expressly provides otherwise.
3. No authority may omit, transfer or combine these functions merely for convenience.

CHAPTER II VACANCY, NOMINATION AND SUBMISSION

Article 8 — Advance notice of vacancy

1. The responsible public institution shall notify the President and Chairperson at least six months before a predictable vacancy and within seven days after an unexpected vacancy.
2. Failure to give notice does not extend a term or authorize an unlawful acting appointment.

Article 9 — Compliance with selection procedure

1. Before transmitting a nomination, the President shall ensure that every constitutionally or statutorily required proposal, shortlist, consultation and eligibility step has been completed.
2. The President shall not nominate a person outside a binding proposal or shortlist and shall not alter a score or ranking protected by the governing law.

Article 10 — Written nomination

1. The President shall transmit a separate signed nomination for each nominee to the Chairperson, identifying the nominee, office, vacancy, governing authority, proposed term and date on which appointment is required.
2. The transmission shall state the reasons for selection and certify compliance with the governing law.

Article 11 — Nomination record

1. The nomination shall include the nominee's curriculum vitae, proof of qualifications, citizenship and professional standing, the vacancy notice, selection criteria, shortlist or proposal, selection report, reasons, declarations required by law, written consent to nomination and lawful verification, and a statement of known conflicts.
2. It shall also include criminal-conviction and professional-discipline information lawfully obtainable, a declaration of material financial and business interests, and any office-specific document.
3. Protected personal data shall be placed in a confidential annex and disclosed only to the extent necessary for lawful scrutiny.

Article 12 — Duty of candour

1. The President, the nominating institution and the nominee shall disclose material information bearing on eligibility, competence, integrity, independence or conflict of interest.
2. No person shall knowingly conceal, falsify or materially misstate information in the nomination process.

Article 13 — Withdrawal

1. The President may withdraw a nomination by signed notice to the Chairperson before the Assembly votes, and the nominee may withdraw by signed notice to the President and Chairperson.

2. The Chairperson shall publish the withdrawal promptly, and a withdrawn nomination may not be considered unless resubmitted as a new nomination under this Act.

CHAPTER III COMPLETENESS, PUBLICATION AND REFERRAL

Article 14 — Formal completeness review

1. Within three working days after receipt, the Clerk shall examine whether the nomination identifies the office and authority and contains the documents required by Article 11.
2. The review is formal only and shall not determine eligibility, credibility, merit or suitability.

Article 15 — Incomplete record

1. If a material document is missing, the Clerk shall immediately notify the Office of the President and specify what is required.
2. The President shall supply the material within five working days or explain in writing why it does not exist or cannot lawfully be disclosed.
3. A dispute over completeness shall be referred to the Chairperson, whose reasoned procedural ruling shall be published and may be appealed under the Standing Orders.

Article 16 — Publication and notice to members

1. Within two working days after the record is complete, the Clerk shall notify all members and publish the nomination, public portion of the record, committee referral, public-submission procedure and anticipated timetable in the Official Legislative Information System.
2. Publication shall omit information whose disclosure is prohibited by law or demonstrably unnecessary and disproportionate to the approval function.

Article 17 — Committee referral

1. The Chairperson shall refer the nomination to the standing committee responsible for the subject of the office, unless an office-specific Act or the Standing Orders assigns another committee.
2. A general appointments committee may be used only where no suitable subject-matter committee exists or a lawful joint referral is necessary.
3. A referral dispute shall not suspend publication or permit the nomination to disappear from the Assembly calendar.

Article 18 — Failure to refer

1. If the Chairperson does not refer a complete nomination within three working days, it is referred by operation of this Act to the committee identified by the Clerk under the Standing Orders.
2. If no committee can be identified, the Assembly shall determine referral as its first substantive business at the next sitting.

CHAPTER IV PUBLIC INFORMATION AND PARTICIPATION

Article 19 — Public notice

1. The committee shall give at least ten working days' notice of the hearing, identifying the nominee, office, governing criteria, submission deadline, hearing date and means of participation.
2. Notice shall be reasonably accessible inside Eritrea and to Eritreans abroad and shall not depend solely on internet access where another practicable means exists.

Article 20 — Public submissions

1. Any person or organization may submit relevant, factual and reasonably supported information concerning the nominee or selection procedure.
2. The committee shall consider material submissions fairly but need not entertain repetition, abuse, political slogan, irrelevant private information or an allegation unsupported by any identifiable basis.

Article 21 — Anonymous and confidential information

1. Anonymous information may initiate lawful verification but shall not, without reliable corroboration, support an adverse finding.
2. The committee may protect a source where disclosure would create a substantial safety risk or violate law, but shall provide the nominee with the substance necessary for a fair response.
3. A confidentiality claim and the committee's decision on it shall be recorded.

Article 22 — Verification of adverse information

1. Committee staff shall make reasonable efforts to verify a material adverse allegation with records, the source, the nominee and any competent institution.
2. Unverified information shall be identified as such and shall not be presented as established fact.
3. Knowingly false or malicious information may be referred to a competent authority without limiting good-faith public participation.

Article 23 — Notice and response

1. The nominee shall receive material adverse information and available supporting material sufficiently before the hearing to permit a meaningful response.
2. The nominee may submit a written response, supporting documents and proposed corrections and may request proportionate protection of irrelevant personal information.

CHAPTER V APPROVAL HEARING

Article 24 — Public hearing required

1. The committee shall conduct a fair public hearing for each nominee unless an office-specific Act constitutionally prescribes a more protective procedure.
2. Nominees may be heard on the same day, but each nomination shall remain distinct and receive an individual record, report and vote.

Article 25 — Closed portion of hearing

1. The committee may close only the portion strictly necessary to protect national security, legally privileged or protected information, personal privacy, safety, an active criminal investigation, or another compelling interest recognized by law.
2. Closure requires a recorded majority decision stating the legal ground, scope and reasons, and the committee shall use redaction, delayed disclosure or another less restrictive measure where adequate.
3. An official confidential record shall be preserved and reviewed for later disclosure when the reason for secrecy ends.

Article 26 — Rights and duties of nominee

1. The nominee is entitled to reasonable notice, relevant materials, a fair opportunity to answer, correct the record and make a closing statement, and assistance of counsel or an adviser.
2. The nominee shall ordinarily answer personally and may consult counsel without allowing counsel to replace the nominee's evidence.
3. The nominee shall answer truthfully and may decline only on a lawful ground stated for the record.

Article 27 — Nature of proceeding

1. An approval hearing is a legislative proceeding assessing eligibility and suitability; it is not a criminal trial, civil action or adjudication of legal liability.
2. The committee shall observe procedural fairness proportionate to the consequences, but rules of judicial evidence do not apply.

3. Approval creates no vested right to appointment, and fair treatment creates no entitlement to approval.

Article 28 — Questioning and dignity

1. Questions shall relate to the governing criteria, the office or a material factual issue and shall be asked with reasonable clarity and respect.
2. The Chair shall stop repetitive, insulting, humiliating, discriminatory, knowingly false or irrelevant questioning and shall protect legitimate confidentiality without obstructing scrutiny.
3. Members remain responsible for compliance with ethics, conflicts and parliamentary privilege under the Constitution, this Act and the Standing Orders.

Article 29 — Improper commitments

1. A nominee to a judicial, prosecutorial, electoral, auditing, central-banking, regulatory or other independent office shall not be required to promise a result in a pending or reasonably foreseeable matter or to accept unlawful direction.
2. The committee may examine the nominee's understanding of law, method, independence, prior record and approach to institutional responsibilities without requiring prejudgment.

CHAPTER VI ASSESSMENT AND COMMITTEE REPORT

Article 30 — Common assessment criteria

1. The committee shall assess legal eligibility, education, professional qualification, relevant experience, competence, administrative capacity, integrity, ethical conduct, conflicts, independence of judgment, understanding of the office, prior public performance, respect for the Constitution and compliance with the selection procedure.
2. It shall apply additional criteria in the governing law and shall distinguish an allegation, an unresolved concern and an established fact.

Article 31 — Political and independent offices

1. For a ministerial or other political executive office, the committee may examine policy, leadership, programme, political accountability and capacity to administer the portfolio.
2. For an independent or judicial office, political disagreement is not by itself a proper ground of rejection, and the committee shall give particular weight to independence, impartiality, professional competence and institutional integrity.

Article 32 — Committee deliberation and vote

1. After the hearing, the committee shall deliberate with a quorum and decide by the majority required by the Standing Orders.

2. A member with a direct material conflict shall disclose it and comply with the applicable recusal rule.
3. The committee shall vote separately on each nominee and shall not package unrelated nominations.

Article 33 — Reasoned report

1. Within five working days after the hearing, the committee shall submit a report recommending approval or rejection and stating the evidence and reasons.
2. The report shall separately identify any concern involving legal ineligibility, competence, integrity, conflict, independence, procedural defect, or a policy consideration properly relevant to a political office.
3. It shall summarize the nominee's response and identify confidential material without unlawfully disclosing it.

Article 34 — Minority report

1. A dissenting member may submit a concise minority report by the deadline set by the committee, stating a different recommendation and reasons.
2. The Clerk shall publish and circulate a timely minority report with the committee report.

Article 35 — Committee failure to report

1. If the committee does not report by the statutory deadline, the Chairperson shall place the nomination on the Assembly agenda with the available record and a statement of the committee's failure.
2. The Assembly may decide the nomination, grant the single extension permitted by Article 41, or direct the committee to report within a period not exceeding three working days.
3. Committee inaction neither approves nor rejects the nomination.

CHAPTER VII NATIONAL ASSEMBLY DECISION

Article 36 — Approval motion

1. The Chairperson shall schedule a separate motion in the following form: "That the National Assembly approves the nomination of [name] for appointment as [office]."
2. The motion may not be amended to substitute another person or to approve the nominee for a different office.
3. A condition may be attached only if the governing law permits it and the condition does not alter the office, term, independence or statutory powers.

Article 37 — Notice and access to report

1. Members shall receive the motion, report, minority report and public nomination record at least three working days before debate, unless a constitutionally justified urgency makes shorter notice indispensable.
2. A shorter period requires a reasoned ruling by the Chairperson and shall not deny members a meaningful opportunity to consider the record.

Article 38 — Debate and recommittal

1. Debate shall address the nominee, office, governing criteria, selection process and committee findings and shall respect lawful confidentiality and personal dignity.
2. The Assembly may recommit once for a defined question and period not exceeding five working days.
3. Recommittal shall not be used to conceal delay or to invite the committee to select another candidate.

Article 39 — Quorum and majority

1. The quorum is one-half of all members of the National Assembly under Article 36(3) of the Constitution.
2. Unless the Constitution or governing Act requires a higher threshold, the approval motion is decided by a majority of members present and voting under Article 36(4).
3. Abstentions count for quorum but not as votes cast, unless the Constitution provides otherwise.

Article 40 — Recorded vote and decision

1. The Assembly shall decide by an affirmative recorded vote showing each member's vote and any abstention.
2. If the motion receives the required majority, the nomination is approved; if it does not, the nomination is rejected.
3. The Chairperson shall announce the result and the Clerk shall record and publish it promptly.

Article 41 — Overall time and extension

1. The Assembly shall decide a complete nomination within thirty calendar days after publication unless the governing law prescribes a shorter period.
2. For exceptional complexity, newly discovered material evidence or unavoidable interruption, the Assembly may by recorded vote grant one extension not exceeding fifteen calendar days and publish reasons.
3. Expiry of a deadline never constitutes approval by silence.

Article 42 — Mandatory scheduling

1. The Chairperson shall give priority to business necessary to meet a constitutional or statutory appointment deadline and may convene a special sitting under the Standing Orders.
2. An unjustified refusal or failure to schedule a nomination is subject to an appropriate remedy compelling performance, but no court or officer may cast the Assembly's approval vote.

Article 43 — Communication to President

1. Within two working days after decision, the Chairperson shall transmit to the President a certificate stating the nominee, office, date, quorum, voting threshold, vote and result.
2. The certificate shall include the adopted report and any formal reasons required by the governing law.

CHAPTER VIII EFFECT, REJECTION AND ACTING SERVICE

Article 44 — Effect of approval

1. Approval authorizes the President to complete the appointment in accordance with the Constitution and governing law and does not excuse any remaining oath, declaration, security, professional or publication requirement.
2. The President shall complete the appointment within the period prescribed by the governing law or, if none, within fourteen days, unless the nominee withdraws, becomes ineligible or dies.
3. A refusal or failure to perform the formal appointment duty is subject to an appropriate judicial remedy.

Article 45 — Effect of rejection

1. Rejection ends the nomination and the nominee shall not exercise the office by reason of that nomination.
2. The President shall nominate another eligible person within twenty-one days or within the period prescribed by the governing law, following every required shortlist or proposal procedure.
3. The Assembly's rejection does not authorize it to nominate or appoint a replacement.

Article 46 — Renomination of rejected person

1. A rejected person may not be renominated for the same vacancy unless material new information cures the stated ground of rejection or a court sets aside the process for a legal defect.

2. A permissible renomination shall identify the new information or judgment and respond fully to the prior reasons.
3. A person may not be renominated more than once for the same vacancy.

Article 47 — Acting appointment

1. An acting appointment shall be made only under express legal authority, from a person who satisfies the essential statutory qualifications, for the shortest necessary period and subject to the office-specific limit.
2. If the governing law sets no limit, acting service may not exceed ninety days and may be renewed once for no more than thirty days by a published presidential finding of exceptional necessity.
3. An acting appointment shall not be used to avoid selection, nomination, approval, tenure or removal safeguards.

Article 48 — Restrictions on acting service

1. A person rejected for the vacancy may not act in that office, and a person whose nomination is pending may act only if appointed before nomination under a law that independently authorizes acting service.
2. An acting holder shall not make an irreversible senior appointment, alter the institution's protected mandate or bind a successor through an exceptional long-term commitment unless immediate action is strictly required by law to prevent serious harm.
3. An unlawful acting designation is voidable by a competent court, which may preserve acts reasonably necessary to protect innocent third parties and continuity of lawful administration.

CHAPTER IX RECORDS, FAIRNESS AND REVIEW

Article 49 — Publication and official record

1. The Clerk shall publish nominations, public records, notices, non-confidential submissions, hearing recordings or transcripts, reports, minority reports, motions, decisions and voting records through the Official Legislative Information System.
2. The Clerk shall preserve a complete public and confidential record in accordance with records law and shall maintain an audit trail for any correction or redaction.

Article 50 — Protection of personal information

1. Personal information shall be collected, used and disclosed only for a lawful approval purpose and in a manner proportionate to its relevance.
2. Medical, family, identity, security, financial-account and similar sensitive information shall be protected unless disclosure is necessary to determine a material issue and no less restrictive method is adequate.

Article 51 — Privilege and responsibility

1. Nothing in this Act diminishes constitutional freedom of speech, debate or parliamentary privilege.
2. Privilege shall not be interpreted as authority for the Clerk or committee to publish outside proceedings material that the Assembly has lawfully protected, or as permission to retaliate against a witness or knowingly fabricate evidence.
3. The Standing Orders shall provide proportionate correction, right-of-reply and ethics procedures consistent with privilege.

Article 52 — Judicial review

1. A competent court may review whether a constitutional or statutory actor had authority, observed a mandatory procedure, applied the correct legal eligibility standard, respected procedural fairness and acted within constitutional limits.
2. A court shall not substitute its political or evaluative judgment for the Assembly's lawful judgment of suitability or cast an approval vote.
3. A remedy may include declaration, expedited order to perform, setting aside and remittal, protection of confidential information, or another proportionate remedy.

CHAPTER X STANDING ORDERS AND FINAL PROVISIONS

Article 53 — Standing Orders

1. The National Assembly shall adopt Standing Orders governing committee jurisdiction, referral, notice, questioning time, hearing order, relevance rulings, deliberation, minority reports, motions, recommittal, debate, voting, confidentiality and records under this Act.
2. Standing Orders shall supplement and may not contradict the Constitution, this Act or a controlling office-specific Act.
3. Failure to adopt Standing Orders does not suspend this Act; existing Rules apply with necessary modifications to the extent consistent with it.

Article 54 — Electronic procedure and accessibility

1. A nomination, submission, notice, hearing, record and vote may be conducted or authenticated electronically where identity, integrity, public access, confidentiality and reliable preservation are secured.
2. Reasonable accommodation shall be provided for disability, language, location and lack of internet access so far as practicable.

Article 55 — No waiver of constitutional approval

1. Neither the President, Chairperson, committee nor Assembly may waive an approval required by the Constitution or an Assembly Act.
2. Administrative urgency, vacancy, security concern, dissolution, recess or lack of Standing Orders does not convert a nomination into an appointment or approval.

Article 56 — Pending nominations

1. A nomination pending when this Act commences shall continue under this Act from the procedural stage already lawfully completed.
2. The committee shall give any additional notice, disclosure or hearing protection necessary to secure substantial compliance without needlessly repeating a valid completed step.

Article 57 — Consequential harmonization

1. An office-specific Act shall be construed, so far as its text permits, as referring to the common procedure in this Act while preserving its special selection, threshold, deadline and independence safeguards.
2. The Assembly shall enact the consequential amendments listed in the legislative record accompanying this Act before final enactment where an existing provision cannot be reconciled by interpretation.

Article 58 — Review of Act

1. The responsible committee shall review the operation of this Act after the first five completed approval proceedings or three years after commencement, whichever occurs first.
2. The review shall assess timeliness, fairness, public participation, confidentiality, acting appointments, institutional independence and compliance by both branches and shall invite public submissions.

Made at Asmara this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA

Instrument	Provision	Recommended harmonization
Rules of Procedure of the Assembly	Rules 45–65, 66–88, 115–140, 179–229	Add the appointment-specific Standing Orders outlined below; preserve general committee, motion, voting, records and public-participation rules as residual procedure.
Judicial Service Commission Act	Art. 7	Cross-reference this Act for the Assembly approval stage; preserve the independent panel shortlist, presidential appointment from the shortlist, publication and reasoned-rejection safeguards.

Judicial Service Commission Act	Art. 22	Cross-reference this Act for the Assembly approval stage applicable to Supreme Court appointments; preserve the Commission recommendation and the appointing authority's single lawful return.
Courts Act	Art. 24	Cross-reference this Act for the Assembly approval stage applicable to the Chief Justice and other Supreme Court Justices; preserve public, merit-based judicial selection and constitutional appointment roles.
Auditor General Act	Arts. 50–52	Replace duplicate generic hearing language with cross-reference; preserve ranked list, one return for defect, 30-day decision and prompt appointment.
Advocate General Act	Arts. 31 and 42	Cross-reference this Act; preserve shortlist exhaustion and distinct nonrenewable terms. Confirm whether Solicitor-General approval is intended elsewhere in the draft.
Civil Service Administration Act	Arts. 23–24	Cross-reference this Act for Commissioner-General only and state expressly that other commissioners do not require approval.
Electoral Commission Act	Arts. 27–29	Cross-reference this Act; preserve shortlist sequence, 21-day committee report, reasoned rejection and seven-day appointment.
National Bank Act	Art. 24	Cross-reference this Act for Governor only and state expressly that deputy governors and nonexecutive directors require no Assembly approval unless later legislation says otherwise.
Government Ministries Organization Regulations	Ministerial appointment provision	Add a cross-reference stating that ministerial nominations are governed by this Act, without altering presidential authority to organize ministries.
Cabinet Regulations	Presidential submissions and records	Require the Office of the President to prepare and preserve nomination records under this Act; avoid Cabinet collective nomination because the Constitution assigns nomination and appointment to the President.
Question	Alternatives and consequences	Provisional approach
Meaning of “commissioners” in Constitution art. 42(7)	All commissioners require approval; only constitutionally named commissioners; or each establishing Act specifies. The first overextends approval, the second may omit intended offices.	Apply only where Constitution or an Assembly Act expressly requires approval; require each establishing Act to be explicit.
JSC non-judicial-member sequence	The Judicial Service Commission Act places merit assessment with an independent panel, appointment from its shortlist with the President, and approval with the Assembly.	Apply this Act only to the approval stage and preserve the independent panel and presidential appointment roles.

Ordinary approval majority	Majority present and voting; majority of all members; or office-specific supermajority. Higher defaults increase consensus but enable vacancies.	Use Constitution art. 36(4) default; preserve valid special thresholds.
Missed Assembly deadline	Nomination expires; court compels scheduling; or deemed approval. Expiration may reward delay; deemed approval defeats affirmative approval.	Mandatory scheduling and judicial enforcement, never deemed approval; Assembly may still decide unless governing law makes the nomination expire.
Renomination after rejection	Absolute bar; unlimited renomination; or one evidence-based renomination.	Permit once only for material new information or after judicial setting aside.
Default acting period	60, 90 or 180 days. Short periods deter evasion but may impair continuity.	90 days plus one published 30-day exceptional extension; special Acts prevail.
Judicial review forum and remedies	Supreme Court original jurisdiction; ordinary competent court; or political-question exclusion.	Use “competent court” pending jurisdiction legislation; limit review to legality and procedure.
Tax-compliance disclosure	Mandatory clearance may support integrity but can be unfair without modern, reviewable tax administration.	Do not make clearance a universal statutory condition; allow office-specific law and lawful verification.
Removal approvals	Include removal proceedings in this Act or regulate separately. Combining risks confusion between nomination and adjudicative removal.	Exclude removal except for identifying harmonization; preserve office-specific tribunal and supermajority rules.
Status of existing online Rules	Treat as binding Standing Orders or educational model rules. The page describes the Assembly as educational and virtual.	Use them as procedural foundation, but require formal appointment-specific Standing Orders before operational enactment.