

DRAFTING NOTE

SPATIAL PLANNING ACT 2026

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Assembly Act. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

Earlier land and building instruments do not provide a complete participatory planning system linking national development, villages, infrastructure, environment and property rights.

3. What the draft retains

The draft retains land-use plans, development control, public-purpose reservations and coordination of transport and utilities.

4. What the draft updates and modernizes

It adds a hierarchy of published plans, village and pastoral participation, environmental and climate integration, transparent zoning and variances, digital maps and records, compensation interfaces, time-bound decisions and judicial review.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address preliminary provisions; institutions and responsibilities; hierarchy and legal effect of plans; preparation, participation and adoption; land-use management and applications; inclusive urban and rural development; infrastructure, environment and resilience; digital planning and artificial intelligence; planning tribunal, appeals and remedies; compliance and enforcement; finance, implementation and monitoring; transitional and final provisions.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

ACT NO. ____/2026

SPATIAL PLANNING ACT 2026

(ACT)

AN ACT TO ESTABLISH AN INTEGRATED, DEMOCRATIC AND TECHNOLOGY-ENABLED SYSTEM OF NATIONAL, PROVINCIAL, COUNTY, COMMUNITY, URBAN AND PASTORAL SPATIAL PLANNING AND LAND-USE MANAGEMENT, AND TO PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Articles 8, 21 and 23 of the Constitution of Eritrea require balanced development, improved livelihood, sustainable management of land and natural resources, protection of property and due process;

WHEREAS spatial planning must coordinate public investment and private development without becoming a concealed means of allocating land, acquiring property or displacing village and pastoral communities;

WHEREAS Eritrea requires transparent plans for compact settlements, housing, transport, ports, productive land, infrastructure, climate resilience, environmental protection and the distinct spatial needs of sedentary and mobile communities;

WHEREAS modern mapping, remote sensing, digital services and artificial intelligence can improve planning when used transparently under human responsibility and effective review;

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 Spatial Planning Act 2026.

Article 2 — Objects

1. establish one coherent hierarchy of spatial plans and land-use decisions;
2. coordinate development, infrastructure, housing, mobility, environmental protection and public services;
3. protect Community Land Rights, household interests and pastoral mobility;
4. promote inclusive, compact, productive, climate-resilient and healthy settlements;
5. replace secret and discretionary planning with participation, reasons, time limits and review; and
6. enable responsible use of digital planning technology and reliable public spatial data.

Article 3 — Application of Act

1. This Act applies throughout Eritrea to national, provincial, county, community, urban, coastal, rural and pastoral spatial planning and to land-use management.
2. It binds public bodies, public enterprises and security institutions except to the minimum extent that an Act expressly protects classified operational information.
3. It does not determine title, authorize compulsory acquisition, grant a mining or petroleum right or replace environmental or building approval.

Article 4 — Definitions

1. “community” means a Village Land Community or Pastoral Land Community recognized by the Land Act;
2. “development” means a material change of land use, subdivision, consolidation, construction or other operation prescribed under this Act;
3. “development permission” means a planning approval and does not include a building permit or land title;
4. “land-use scheme” means binding use categories and development rules for a defined area;
5. “pastoral landscape” has the meaning assigned by the Land Act;
6. “plan” means a spatial development framework, land-use scheme, local plan, special-area plan or another plan authorized by this Act;
7. “planning authority” means the institution legally responsible for preparing or deciding a plan or application; and
8. “province” and “county” mean the corresponding territorial tiers established under local-government law.

Article 5 — Constitutional and statutory relationship

1. The Constitution prevails, and this Act shall be applied consistently with lawfully binding human-rights, environmental and cultural-heritage obligations.
2. The Land Act governs title, Community Land Rights, allocation and compulsory acquisition; this Act governs spatial suitability and land use.
3. The Environmental Protection and Climate Resilience Act governs environmental assessment, and the Building and Construction Act governs building safety and construction permits.
4. A planning approval does not cure defective title or substitute for another approval required by Act.

Article 6 — Planning principles

1. spatial justice, equality and correction of exclusion;
2. subsidiarity and community authority;
3. economic efficiency and infrastructure coordination;
4. environmental sustainability and climate resilience;
5. tenure security, housing access and prevention of displacement;
6. recognition of pastoral mobility and seasonal land use;

7. transparency, participation and accountable decisions; and
8. proportionality, legal certainty and effective review.

CHAPTER II INSTITUTIONS AND RESPONSIBILITIES

Article 7 — National Spatial Planning Council

1. A National Spatial Planning Council is established to coordinate national spatial policy and matters crossing provincial boundaries.
2. The Council shall not decide an individual development application or allocate land.

Article 8 — Composition

1. The Council shall include the Ministers responsible for land, local government, finance, environment, infrastructure, transport, housing, agriculture and natural resources.
2. Provincial, county, village, pastoral, professional, disability, youth and women's interests shall have meaningful representation through members appointed by a public process.
3. A majority of non-executive members shall possess relevant professional or community expertise and serve protected terms.

Article 9 — National Planning Directorate

1. A professional National Planning Directorate shall provide technical support, standards, national spatial data and coordination.
2. The Directorate shall be merit-based and shall publish its work program, methodologies and performance.

Article 10 — Provincial responsibility

1. A province shall prepare a provincial framework and coordinate matters crossing county boundaries.
2. It shall support counties and communities without assuming their lawful planning powers or beneficial ownership of land.

Article 11 — County responsibility

1. A county shall prepare an integrated county framework, coordinate infrastructure and maintain a county land-use scheme where appropriate.
2. It shall provide technical services to communities unable to maintain a planning office.

Article 12 — Community responsibility

1. A Village Assembly governs planning principally within village territory, and a Pastoral Assembly governs planning principally within its pastoral landscape.

2. A community plan shall be prepared through its accountable land committee with technical assistance requested from higher tiers.
3. A mobile community shall not be required to form a sedentary settlement in order to exercise planning authority.

Article 13 — Urban planning authority

1. A city or town council shall exercise urban planning functions assigned by this Act and local-government law.
2. An urban boundary shall be fixed and altered only through a published process protecting affected community land and household interests.

Article 14 — Cooperative planning

1. Each tier shall exchange information, coordinate infrastructure and avoid incompatible plans.
2. A higher tier may issue lawful norms and resolve cross-boundary matters but may not rewrite a lower plan merely because it prefers another policy.

Article 15 — Planning professionals

1. Reserved professional functions shall be performed by competent and independent planners, surveyors, engineers or other qualified persons.
2. Qualification requirements shall be proportionate and shall permit community mapping and local knowledge to inform professional work.

Article 16 — Conflict of interest

1. A decision-maker, adviser or professional shall disclose a direct or indirect interest and recuse from the matter.
2. Secret ownership, political direction, bribery and use of confidential planning information for private gain are prohibited.

CHAPTER III HIERARCHY AND LEGAL EFFECT OF PLANS

Article 17 — Planning instruments

1. The principal instruments are the National Spatial Development Framework, provincial frameworks, county frameworks, community plans, urban plans, land-use schemes and special-area plans.
2. A sector plan affecting land shall identify its relationship to those instruments and shall not silently amend them.

Article 18 — National Spatial Development Framework

1. The National Framework shall identify settlement systems, national infrastructure, ports, strategic production areas, ecosystems, hazards and broad investment priorities.
2. It shall address only matters requiring national coordination and shall respect constitutional local and community authority.

Article 19 — Provincial framework

1. A provincial framework shall coordinate settlement, transport, watersheds, ecosystems, economic corridors and public services across counties.
2. It shall identify conflicts among lower plans and propose negotiated resolution.

Article 20 — County framework

1. A county framework shall integrate community and urban plans with roads, markets, schools, health services, water, sanitation and productive land.
2. It shall include a funded infrastructure sequence and shall distinguish commitments from unfunded proposals.

Article 21 — Community plan

1. A community plan may identify household areas, communal resources, reserve land, grazing, corridors, water, public facilities, conservation, hazards and compatible enterprise.
2. A pastoral plan may use variable, seasonal, overlapping and cross-boundary spatial units and shall protect drought reserves and reciprocal access.

Article 22 — Urban plan

1. An urban plan shall provide for serviced land, housing, employment, transport, public space, drainage, utilities, markets, heritage, risk reduction and future growth.
2. It shall prioritize infill, rehabilitation and efficient infrastructure before unjustified outward expansion.

Article 23 — Land-use scheme

1. A land-use scheme shall state permitted, conditional and prohibited uses and objective development standards for mapped areas.
2. It shall provide simplified lawful categories for customary, rural, informal and mixed uses and shall avoid importing unsuitable foreign zoning classifications.

Article 24 — Special-area plan

1. A special-area plan may address a port, airport, border area, industrial corridor, reconstruction area, informal settlement, heritage area, disaster zone or cross-community resource.

2. Designation shall state its necessity, duration, authority, funding and relationship to existing tenure and plans.

Article 25 — Consistency

1. A lower plan shall be generally consistent with a valid higher plan on matters within the higher tier's competence.
2. A conflict shall be resolved by constitutional competence, specificity, later lawful adoption and the least displacement of local authority.

Article 26 — Effect of framework

1. A spatial development framework guides public investment and plan-making but does not by itself change a land use or extinguish an interest.
2. An authority departing materially from a framework shall publish specific lawful reasons.

Article 27 — Effect of land-use scheme

1. An operative land-use scheme binds public bodies and private persons after lawful adoption and adequate notice.
2. Existing lawful use continues unless acquired, voluntarily changed or restricted under express law with any compensation constitutionally required.

Article 28 — No title or acquisition by planning

1. A plan does not confer title, allocate land, cancel a Community Land Right or authorize possession.
2. Land required for a public project shall be obtained by agreement or under the compulsory-acquisition provisions of the Land Act.

CHAPTER IV PREPARATION, PARTICIPATION AND ADOPTION

Article 29 — Initiation

1. A planning authority shall publish a notice defining the area, purpose, timetable, responsible officers, participation method and available information.
2. The notice shall identify known tenure, pastoral, environmental, heritage and displacement issues requiring special attention.

Article 30 — Evidence base

1. A plan shall be based on population, tenure, economy, services, infrastructure, housing, mobility, climate, environment, hazard and public-finance evidence proportionate to its scale.

2. Official uncertainty and contrary evidence shall be disclosed rather than concealed by false precision.

Article 31 — Community and local knowledge

1. Village, pastoral, women's, youth, disability, livelihood and customary knowledge shall be gathered through accessible methods.
2. Community mapping may establish relevant evidence but does not finally adjudicate disputed title.

Article 32 — Alternatives

1. A draft shall compare reasonable spatial alternatives, including no-action, lower-displacement and lower-cost alternatives.
2. The preferred alternative shall be explained by reference to the planning principles and reliable evidence.

Article 33 — Draft publication

1. The complete draft, maps, evidence summary, implementation costs and environmental information shall be published locally and electronically.
2. At least sixty days shall be allowed for representations, with additional time for a major or seasonal pastoral plan.

Article 34 — Inclusive participation

1. Meetings shall be held at reasonable places and times and in relevant languages, with remote and mobile participation where practicable.
2. A person need not own registered land to comment on housing, livelihood, access, environment or public services.
3. The authority shall actively include persons likely to be displaced or otherwise underrepresented.

Article 35 — Pastoral participation

1. Consultation affecting a pastoral landscape shall follow a sufficient seasonal cycle and include women, youth, poorer herd owners and reciprocal users.
2. A meeting held only at a permanent administrative center does not constitute adequate pastoral participation.

Article 36 — Objections and hearing

1. A materially affected person or community may lodge an objection without an unreasonable fee or formalism.
2. A public hearing shall be held for a major contested plan, boundary alteration or proposal involving substantial displacement.

Article 37 — Revision and response

1. The authority shall consider every material issue and publish a response report explaining acceptance, modification or rejection.
2. A materially revised plan shall be republished where affected persons lacked a fair opportunity to address the change.

Article 38 — Adoption

1. A plan shall be adopted by the elected assembly or council competent for its level after certification of lawful procedure.
2. The adoption resolution, final plan, maps, response report and effective date shall be published together.

Article 39 — Joint plan

1. Two or more authorities may prepare a joint plan for a shared urban area, watershed, corridor, pastoral landscape or infrastructure system.
2. The agreement shall allocate responsibility, cost, participation, adoption, administration and dispute resolution.

Article 40 — Review and amendment

1. A plan shall be reviewed at least every five years or upon a material demographic, climatic, infrastructure or legal change.
2. An amendment follows proportionate preparation and participation and shall not be disguised as an interpretation or administrative correction.

CHAPTER V LAND-USE MANAGEMENT AND APPLICATIONS

Article 41 — Development permission

1. Development prescribed by regulation requires permission from the competent planning authority before commencement.
2. Minor, customary, temporary, emergency and low-risk works may be exempted or use a simplified notification procedure.

Article 42 — Development application

1. An application shall identify the applicant, beneficial owner, land authority, existing and proposed use, plans, services, access, likely effects and required companion approvals.
2. The authority shall not demand information already reliably available in an interoperable public register.

Article 43 — Completeness and time limits

1. Within ten working days the authority shall confirm completeness or identify all reasonably apparent deficiencies once.
2. Published decision periods shall apply, and delay may be challenged before the Planning Tribunal.

Article 44 — Notice of application

1. A material application shall be notified to adjoining holders, affected communities, service authorities and the public.
2. Notice shall explain the proposal, documents, comment period, hearing possibility and review rights.

Article 45 — Decision criteria

1. A decision shall consider lawful plans, existing tenure and use, infrastructure capacity, housing, access, environment, heritage, hazard, economic effects and representations.
2. It shall apply necessity and proportionality where rights or established livelihoods are restricted.

Article 46 — Reasons

1. A decision shall state jurisdiction, facts, standards, representations, findings, conditions, duration and review route.
2. A standardized score or automated recommendation is not a substitute for intelligible reasons.

Article 47 — Conditions

1. A condition shall be certain, necessary, proportionate and reasonably related to effects of the approved development.
2. A condition shall not require surrender of unrelated land, an unauthorized payment or performance of a general public duty properly funded by taxation.

Article 48 — Duration and lapse

1. Permission shall state a reasonable commencement period and may provide phased completion milestones.
2. Lapse or extension requires notice and a reasoned decision protecting legitimate reliance and changed public conditions.

Article 49 — Subdivision and consolidation

1. Planning approval for subdivision or consolidation shall protect access, services, agricultural viability, environmental systems and registered interests.

2. Pastoral or communal land shall not be subdivided merely to simplify registration or invite speculative sale.

Article 50 — Change of use

1. A material change of use requires assessment of compatibility, infrastructure, neighborhood, livelihood and environmental effects.
2. An existing mixed or customary use shall not be treated as unlawful solely because an earlier scheme failed to classify it accurately.

Article 51 — Nonconforming lawful use

1. A use lawful before a scheme remains lawful subject to reasonable health, safety and environmental rules.
2. Expansion, reconstruction after destruction and discontinuance may be regulated by clear and proportionate rules.

Article 52 — Integrated applications

1. Authorities shall coordinate planning, environmental, building, utility and heritage processes through a single public portal and synchronized timetable where practicable.
2. Each statutory decision remains the responsibility of the legally competent authority.

CHAPTER VI INCLUSIVE URBAN AND RURAL DEVELOPMENT

Article 53 — Housing and serviced land

1. Plans shall identify sufficient well-located land for housing across incomes and household needs.
2. Infrastructure sequencing shall prioritize water, sanitation, drainage, access, electricity and public transport before avoidable expansion.

Article 54 — Informal settlements

1. An established informal settlement shall be assessed first for in-place upgrading, tenure regularization and services.
2. Relocation is a last resort and requires lawful acquisition, genuine consultation, suitable alternative housing and livelihood protection.

Article 55 — Incremental development

1. Schemes shall permit safe incremental housing and mixed livelihood uses under simplified standards.
2. Planning shall not criminalize poverty through standards impossible to meet before public infrastructure exists.

Article 56 — Public space and access

1. Plans shall protect streets, markets, parks, shore access, community facilities, walking routes and other public spaces.
2. Privatization or closure requires public authority, necessity, participation and replacement where appropriate.

Article 57 — Healthy and accessible places

1. Plans shall support safe walking, cycling, public transport, clean air, sanitation, shade, emergency access and proximity to essential services.
2. Universal-access needs of persons with disabilities, children and older persons shall be integrated from the outset.

Article 58 — Productive rural land

1. Plans shall protect viable agriculture, pastoralism, fisheries, forests and rural enterprises from incompatible fragmentation.
2. A productive-land designation shall not extinguish tenure or compel a specified livelihood without express law.

Article 59 — Pastoral landscapes

1. Plans shall protect the spatial scale and flexibility required for seasonal mobility, drought response, water and reciprocal access.
2. Roads, farms, fences, conservation areas and settlements shall include crossings or alternatives adequate for livestock movement.

Article 60 — Urban expansion

1. An urban-boundary expansion requires demonstrated need, infrastructure and fiscal assessment, alternative analysis and protection of affected communities.
2. Designation for future urban use does not permit immediate eviction, freeze lawful livelihood indefinitely or avoid compensation.

CHAPTER VII INFRASTRUCTURE, ENVIRONMENT AND RESILIENCE

Article 61 — Infrastructure alignment

1. National and local capital budgets shall identify consistency with adopted spatial frameworks.
2. A major infrastructure project departing from a plan requires public explanation, alternative assessment and lawful amendment where necessary.

Article 62 — Transport and logistics

1. Planning shall integrate roads, rail, ports, airports, freight, public transport, walking and cycling with settlement and productive areas.
2. Corridors shall not become uncontrolled strips of unsafe or unserved development.

Article 63 — Water, energy and communications

1. Plans shall reserve efficient networks and protect water sources, energy corridors and communications infrastructure.
2. Reservation shall be no broader or longer than reasonably necessary and shall not substitute for acquisition.

Article 64 — Environmental integration

1. A plan shall incorporate environmental assessment, biodiversity, ecosystem services, pollution prevention and restoration priorities.
2. An environmental designation shall respect community tenure and shall prefer community conservation over exclusion where compatible.

Article 65 — Climate resilience

1. Plans shall use credible climate scenarios for heat, drought, flood, sea-level rise, erosion, wildfire and water stress.
2. They shall identify adaptation pathways, emergency access, resilient infrastructure and areas unsuitable for intensified development.

Article 66 — Coastal and marine interface

1. Coastal planning shall coordinate ports, settlements, fisheries, tourism, conservation, public access and marine pollution prevention.
2. A coastal setback or protected area shall be evidence-based and shall address existing lawful communities and uses fairly.

Article 67 — Hazard areas

1. Development in a serious hazard area may be restricted where necessary to protect life, infrastructure and public finance.
2. Existing residents shall receive risk information, mitigation assistance and lawful relocation protection where continued occupation is intolerably dangerous.

Article 68 — Cultural heritage

1. Plans shall identify archaeological, architectural, spiritual, sacred, landscape and living cultural heritage.

2. Protection shall include the participation of the community for whom the place has significance.

CHAPTER VIII DIGITAL PLANNING AND ARTIFICIAL INTELLIGENCE

Article 69 — National spatial data infrastructure

1. The Directorate shall coordinate interoperable, standards-based spatial data across public institutions.
2. Authoritative source, date, accuracy, limitations and responsible institution shall accompany each dataset.

Article 70 — Digital planning portal

1. Plans, schemes, maps, applications, notices, decisions, conditions, appeals and performance shall be searchable through a public portal.
2. Equivalent assisted and offline access shall remain available so technology does not exclude a person.

Article 71 — Remote sensing and digital twins

1. Satellite imagery, sensors, three-dimensional models and digital twins may support evidence, scenario testing, infrastructure and enforcement.
2. They shall not be treated as conclusive proof of title, vacancy, unlawful use or environmental breach without verification and opportunity to respond.

Article 72 — Artificial intelligence

1. Artificial intelligence may assist forecasting, mapping, application triage, alternatives and impact analysis.
2. It shall not make a final plan, development, enforcement, displacement or appeal decision.
3. A materially relied-upon system shall be documented, tested for accuracy and discriminatory effects, independently auditable and subject to human review.

Article 73 — Explanation and contestability

1. A person affected by automated analysis is entitled to understandable information about material data, assumptions and limitations.
2. The person may correct data, submit contrary evidence and obtain reconsideration by an identified human officer.

Article 74 — Privacy and security

1. Spatial data shall comply with the Data Protection and Privacy Act and proportionate cybersecurity safeguards.

2. Publication shall not expose protected personal, household, security or culturally sensitive information beyond lawful necessity.

Article 75 — Open standards and procurement

1. Public planning systems shall use interoperable and exportable formats and avoid unjustified vendor lock-in.
2. Procurement shall disclose performance, data ownership, audit access, security, maintenance and exit requirements.

CHAPTER IX PLANNING TRIBUNAL, APPEALS AND REMEDIES

Article 76 — Planning Tribunal

1. An independent Planning Tribunal shall hear appeals and disputes assigned by this Act.
2. Members shall possess legal, planning, environmental, infrastructure and community-land expertise and protected impartiality.

Article 77 — Right of appeal

1. An applicant, objector, affected community or rights-holder may appeal a final plan or development decision on law, fact, procedure or proportionality.
2. A public-interest body may appeal where diffuse environmental, heritage, housing or access interests are materially affected.

Article 78 — Time and standing

1. An appeal shall be filed within a reasonable published period beginning upon adequate notice of the decision.
2. The Tribunal may extend time where notice, language, disability, mobility or another just cause impeded filing.

Article 79 — Interim relief

1. The Tribunal or court may suspend permission, enforcement, demolition or irreversible work pending review.
2. It shall consider arguable merit, urgency, harm, public interest and appropriate security.

Article 80 — Powers

1. The Tribunal may confirm, vary, set aside, remit, impose lawful conditions, require information or correct procedure.
2. It may award reasonable costs against abuse but shall not deter good-faith public participation.

Article 81 — Judicial review

1. A Tribunal decision is subject to appeal or judicial review by the competent court as provided by law.
2. Constitutional review, property remedies and remedies under the Land Act remain available.

Article 82 — Planning restriction and compensation

1. Ordinary prospective land-use regulation does not automatically require compensation.
2. A restriction that effectively appropriates an established interest, imposes an exceptional individual burden or reserves land indefinitely for a public project is subject to constitutional property protection and judicial determination.

CHAPTER X COMPLIANCE AND ENFORCEMENT

Article 83 — Compliance notice

1. An authorized officer may issue a written notice identifying unlawful development, evidence, required correction, time and review rights.
2. The recipient shall have a reasonable opportunity to respond and seek regularization where lawful.

Article 84 — Proportionate enforcement

1. Enforcement shall prioritize safety, prevention, compliance assistance and correction over punishment.
2. Demolition, closure or restoration is a last resort where lesser measures cannot adequately address serious illegality or harm.

Article 85 — Emergency order

1. A court may authorize immediate temporary action where development creates an imminent and serious danger.
2. The order shall be narrowly limited, promptly reviewed and accompanied by reasons and safeguards for occupants.

Article 86 — Criminal referral

1. Evidence reasonably indicating knowing undertaking of prohibited major development, falsification of a material planning record, obstruction of an inspector or corrupt influence over a decision shall be referred for investigation where the conduct may constitute an offence under the Penal Code or another Assembly Act.

2. Criminal liability arises only under a law that defines and classifies the offence, while civil, administrative, restorative and anti-corruption remedies under applicable law remain available.

Article 87 — Official accountability

1. An official who knowingly grants unlawful permission, conceals a conflict, alters a record or demands an unauthorized benefit is subject to disciplinary, civil and criminal accountability.
2. An instruction from a political or superior officer is no defence to deliberate illegality.

CHAPTER XI FINANCE, IMPLEMENTATION AND MONITORING

Article 88 — Planning and capital budget

1. Each planning authority shall publish a costed implementation program linked to its capital and operating budget.
2. A plan shall distinguish legally committed projects, funded priorities and long-term aspirations.

Article 89 — Development contributions

1. An Act or regulation may authorize transparent and proportionate contributions toward infrastructure reasonably necessitated by development.
2. A contribution shall follow a published formula, be separately accounted for and not finance unrelated general expenditure.

Article 90 — Land-value measures

1. Land-value capture, betterment or development charges require express legislation stating incidence, valuation, exemptions, use and appeal.
2. A planning authority shall not impose a tax or take an ownership share through a permit condition.

Article 91 — Performance monitoring

1. Authorities shall report annually on housing, serviced land, processing time, infrastructure, displacement, pastoral access, environment and implementation cost.
2. Data shall be disaggregated where lawful and useful to reveal exclusion without compromising privacy.

Article 92 — Independent evaluation

1. The Auditor General and other competent oversight institutions may evaluate planning integrity, fiscal realism and outcomes.

2. A major national or provincial framework shall receive an independent evaluation before its second periodic review.

CHAPTER XII TRANSITIONAL AND FINAL PROVISIONS

Article 93 — Inventory of instruments

1. Within twelve months the Directorate shall inventory every operative master plan, zoning scheme, boundary, reservation, permit procedure and planning directive.
2. The inventory shall identify legal authority, geographic coverage, conflicts, missing records and proposed disposition.

Article 94 — Existing plans and permissions

1. An existing lawful plan or permission continues temporarily to the extent consistent with the Constitution and this Act.
2. It shall be reviewed, converted or replaced within three years without extinguishing accrued rights by administrative silence.

Article 95 — Transition of territorial terminology

1. Until local-government legislation fully establishes provinces and counties, a reference in this Act shall apply to the functionally corresponding zoba or sub-zoba institution.
2. Transition shall not centralize a function assigned by this Act to an elected community or local authority.

Article 96 — Priority planning program

1. The first national program shall prioritize Asmara, Massawa, Assab, fast-growing towns, ports, informal settlements, high-risk areas and major infrastructure corridors.
2. It shall also prioritize lowland pastoral landscapes exposed to enclosure, settlement, commercial agriculture or extractive development.

Article 97 — Capacity and assistance

1. The Directorate shall provide model procedures, training, shared technology and technical teams to local and community authorities.
2. Assistance shall build local capacity and shall not become permanent substitution for elected authority.

Article 98 — Regulations

1. The President or responsible Minister may, within express constitutional and statutory authority and after consultation, make regulations on plan content, applications, notice, data, fees, low-risk exemptions and administration.

2. Regulations shall not allocate land, authorize acquisition, create a tax, extinguish tenure, exclude review or permit final automated decision-making.

Article 99 — Review of Act

1. The National Assembly shall review this Act within five years and thereafter at intervals not exceeding five years.
2. Review shall examine institutional competence, housing, infrastructure, rural and pastoral effects, climate resilience, digital systems, appeals, cost and unintended exclusion.

Article 100 — Commencement

1. Chapters I, II, IV, VIII, IX and XII commence upon publication in the Gazette.
2. The remaining Chapters commence six months after publication or on an earlier date appointed by notice following administrative readiness.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA