

DRAFTING NOTE

STATUTE LAW REVISION, REPEALS AND TRANSITIONAL CONTINUITY ACT

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

The supplied compilation mixes current, amended, repealed, spent, transactional and historically important instruments. A controlled revision statute is necessary to avoid accidental repeal or false continuity.

3. What the draft retains

The draft retains authentic prior law, completed acts, accrued rights, liabilities, proceedings and transactions until lawfully displaced.

4. What the draft updates and modernizes

It establishes a verified statute book, legislative revision unit, disposition and transition tables, staged and express repeal, public correction of editorial errors, digital publication, source verification and strict limits preventing editors or the executive from changing substantive law.

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; official statute book and legislative record; law revision programme; permitted revision and prohibited substantive change; transitional continuity and accrued rights; revision bills, repeal schedules and implementation; miscellaneous 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. ____ OF 2026

STATUTE LAW REVISION, REPEALS AND TRANSITIONAL CONTINUITY ACT

(ASSEMBLY ACT)

AN ACT TO ESTABLISH AN ORDERLY AND CONSTITUTIONALLY CONTROLLED PROCESS FOR IDENTIFYING, REVISING, CONSOLIDATING, PUBLISHING, REPEALING AND PRESERVING THE LAWS OF ERITREA; TO PROVIDE FOR AN ACCESSIBLE OFFICIAL STATUTE BOOK; TO PRESERVE LAWFUL ACCRUED RIGHTS, LIABILITIES, PROCEEDINGS AND TRANSACTIONS DURING LEGISLATIVE TRANSITION; AND TO PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS under Article 32(1) of the Constitution of Eritrea, the National Assembly is the supreme legislative body, and no person or organization may make a decision having the force of law except as authorized by the Constitution or an Assembly Act;

WHEREAS the laws inherited or enacted before and after independence include permanent laws, temporary measures, completed transactions, amendments, corrigenda and subordinate instruments that require verification, consolidation and public accessibility;

WHEREAS constitutional government requires every operative law to have an identifiable lawful source, an accessible authentic text, a clear relationship to later legislation, and procedures consistent with the Constitution and Eritrea's applicable international obligations;

WHEREAS modernization must remove obsolete or unconstitutional rules without extinguishing lawful accrued rights, liabilities, proceedings or completed transactions;

NOW, THEREFORE, the National Assembly, acting under Article 32 of the Constitution of Eritrea, enacts as follows:

CHAPTER I
PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the “Statute Law Revision, Repeals and Transitional Continuity Act 2026.”

Article 2 — Purposes

1. to establish a verified and publicly accountable programme for reviewing the laws of Eritrea;
2. to distinguish operative law from spent, repealed, superseded, transitional and transaction-specific instruments;

3. to consolidate fragmented legislation and remove obsolete or unconstitutional provisions through Acts of the National Assembly;
4. to establish and maintain an accessible official statute book and legislative history;
5. to preserve lawful continuity while modern legislation is prepared and commenced; and
6. to prevent editorial revision, administrative publication or executive action from being used to change substantive law without constitutional authority.

Article 3 — Application

1. This Act applies to every Assembly Act, proclamation, legal notice, regulation, rule, order or other instrument that purports to have the force of law in Eritrea.
2. This Act also applies, to the extent provided in this Act, to historical, spent, repealed or transaction-specific instruments required to understand an existing right, liability, office, proceeding or legal history.
3. This Act does not alter the Constitution, the amendment of which is governed exclusively by Article 59 of the Constitution.

Article 4 — Interpretation

In this Act, unless the context requires otherwise—

1. “accrued right” includes a right, entitlement, benefit, claim, defence or legal status lawfully acquired before the relevant repeal or replacement;
2. “Assembly Secretariat” means the Secretariat of the National Assembly established under Article 37 of the Constitution;
3. “authentic text” means the text enacted, issued and published through the legally authorized process, including an authenticated electronic text recognized under this Act;
4. “consolidated text” means an administrative presentation of an Act or instrument incorporating its verified amendments without changing its legal effect;
5. “law revision programme” means the review, classification, consolidation, repeal and publication programme established by this Act;
6. “Legislative Revision Unit” means the unit established under Article 13;
7. “operative law” means a law or provision that remains legally capable of governing present or future conduct;
8. “spent instrument” means an instrument whose purpose has been completed or whose operative period has ended, but which may remain legally or historically relevant;
9. “statute book” means the official legislative collection established under Article 6; and
10. “substantive change” means a change affecting a right, duty, power, liability, offence, penalty, remedy, jurisdiction, procedure, tax, expenditure, institutional responsibility or legal effect.

Article 5 — Constitutional supremacy

1. Nothing in this Act validates a law, act or omission inconsistent with the Constitution.
2. A continued, consolidated or published instrument remains subject to the Constitution and to judicial review.

3. Where a court finds an inconsistency, the Constitution prevails to the extent of the inconsistency, and the responsible institution shall promptly initiate the correction or repeal required by that judgment.

CHAPTER II OFFICIAL STATUTE BOOK AND LEGISLATIVE RECORD

Article 6 — Establishment of official statute book

1. The Assembly Secretariat shall maintain an official, comprehensive and continuously updated statute book of Eritrea.
2. The statute book shall be available through a free public electronic service and through reasonable printed or accessible formats for persons unable to use the electronic service.
3. The statute book shall distinguish authentic enactments from administrative consolidations, translations, historical copies and explanatory materials.

Article 7 — Contents of statute book

1. The statute book shall contain—
 - a. the Constitution and constitutional amendments;
 - b. Assembly Acts and resolutions having legal effect;
 - c. regulations, rules, legal notices and other duly authorized subordinate legislation;
 - d. verified commencement, amendment, repeal, expiry and savings information;
 - e. the official treaty register required by law; and
 - f. such judgments, tables and legislative histories as are necessary to state the status of the law accurately.
2. The statute book shall not represent a draft, policy statement, administrative circular or unofficial translation as enacted law.

Article 8 — Authentication and evidentiary status

1. The original enactment and the version authenticated in the manner prescribed under this Act are official texts.
2. An authenticated electronic version shall be admissible in every court and public proceeding without proof of the signature, seal or official character appearing on it.
3. A consolidated text is evidence of the law but, where a material discrepancy exists, the authentic enactment and authentic amending instruments control.
4. The Assembly Secretariat shall visibly identify the status and date of every published version.

Article 9 — Free access and accessibility

1. No person shall be required to pay for electronic access to an operative law.
2. The public service shall permit searching, downloading and printing in commonly usable formats.

3. The service shall meet reasonable accessibility standards for persons with disabilities and shall function on low-bandwidth and mobile devices.
4. A ministry or agency administering a law shall link its public guidance and services to the current official text.

Article 10 — Language and translation

1. The statute book shall publish every authentic language version issued through the lawful enactment process.
2. A translation prepared for public convenience shall be clearly identified as official or unofficial and shall state which text controls if a discrepancy arises.
3. Translation shall preserve defined terms, numbering, cross-references and legal effect as accurately as possible.

Article 11 — Version control and legislative history

1. Every electronic text shall display its enactment date, commencement date, amendment history, current status and last revision date.
2. The Assembly Secretariat shall preserve every prior version and permit a user to identify the law applicable on a specified date.
3. A correction shall be recorded through an auditable revision history and shall not overwrite the historical record.

Article 12 — Preservation and cybersecurity

1. The Assembly Secretariat shall maintain secure primary and backup copies of the statute book in more than one physical location.
2. Technical safeguards shall protect authenticity, availability, integrity, privacy and recovery from loss or interference.
3. No technical security measure may prevent lawful public access to legislation.

CHAPTER III LAW REVISION PROGRAMME

Article 13 — Legislative Revision Unit

1. A Legislative Revision Unit is established within the Assembly Secretariat.
2. The Unit shall serve the National Assembly and remain institutionally separate from executive direction in performing its functions under this Act.
3. The National Assembly shall determine the staffing, professional qualifications and internal supervision of the Unit.
4. The Unit may obtain technical assistance but shall not delegate its responsibility for the accuracy or constitutional integrity of its work.

Article 14 — Comprehensive legislative inventory

1. The Unit shall create and maintain an inventory of every known instrument within the application of this Act.
2. For each instrument, the inventory shall record, so far as verifiable—
 - a. its number, title, date, lawmaker, enabling authority and publication source;
 - b. its commencement, amendment, expiry, repeal and judicial history;
 - c. the institution responsible for its administration;
 - d. its relationship to the Constitution, later legislation and relevant treaty obligations; and
 - e. whether an authentic copy is available and where it is preserved.
3. Uncertainty shall be stated openly and shall not be resolved by inventing a title, date, authority or legal effect.

Article 15 — Classification of instruments

1. After verification, the Unit shall classify an instrument or provision as—
 - a. operative and suitable for temporary retention;
 - b. requiring consolidation or replacement;
 - c. spent or historical;
 - d. transaction-specific with continuing rights or liabilities;
 - e. expressly repealed or superseded;
 - f. subordinate legislation requiring review under a new enabling Act; or
 - g. of uncertain status requiring judicial, legislative or documentary determination.
2. Classification is an administrative recommendation and does not itself enact, repeal, validate or invalidate law.

Article 16 — Sector revision reports

1. The Unit shall prepare revision reports by coherent subject area and shall avoid isolated amendments where consolidation would produce clearer law.
2. A revision report shall include—
 - a. the verified source instruments and their constitutional authority;
 - b. the provisions proposed for retention, consolidation, repeal or transitional preservation;
 - c. constitutional, treaty, institutional, fiscal and implementation analysis;
 - d. a table mapping every affected old provision to its proposed treatment;
 - e. draft savings, transitional and commencement provisions; and
 - f. any uncertainty or policy question requiring an Assembly decision.
3. A report shall identify, but shall not silently resolve, a conflict between authentic texts or an ambiguity that could affect substantive rights.

Article 17 — Consultation

1. Before recommending material repeal or replacement, the Unit shall publish the report and proposed text for reasonable public comment.

2. The Unit shall consult affected constitutional institutions, courts, ministries, local governments, regulated persons, professional bodies and civil society as appropriate.
3. Consultation may be limited where immediate action is demonstrably necessary to remove a serious constitutional violation, but the limitation and reasons shall be reported to the National Assembly.
4. Comments received and the Unit's response shall be made public, subject only to lawful protection of personal data, legal privilege and narrowly defined security information.

Article 18 — Assembly action required

1. A substantive amendment, repeal, revival, validation or transfer of legislative power identified through the programme requires an Act of the National Assembly.
2. No revision report, database entry, consolidated text, executive decision or administrative classification has the force of an Assembly Act.
3. A repeal bill shall identify each affected instrument or provision with sufficient certainty and shall state the applicable savings and commencement arrangements.

Article 19 — Annual report and work programme

1. The Unit shall submit an annual report and proposed work programme to the National Assembly.
2. The report shall state the instruments reviewed, unresolved source defects, bills proposed, regulations awaiting review, implementation obstacles and public expenditure required.
3. The National Assembly shall publish the report and may approve priorities by resolution without altering law except through an Act.

CHAPTER IV PERMITTED REVISION AND PROHIBITED SUBSTANTIVE CHANGE

Article 20 — Permitted editorial consolidation

1. For an administrative consolidated text, the Unit may—
 - a. incorporate an amendment exactly as enacted;
 - b. correct numbering and cross-references necessarily affected by that amendment;
 - c. update a citation or institutional name where an Act expressly provides legal succession;
 - d. standardize typography, spelling and punctuation without altering meaning;
 - e. omit text expressly repealed or expired while preserving access to the historical version; and
 - f. add editorial notes that are clearly distinguished from enacted text.
2. Every permitted editorial change shall be recorded and capable of independent verification.

Article 21 — Prohibited changes

1. The Unit, the President, a minister, an agency and a publisher shall not, under the name of revision, consolidation, correction or publication—
 - a. create, remove or change a right, duty, power, liability, offence, penalty, remedy or jurisdiction;
 - b. change a tax, fee, appropriation, public debt or compensation entitlement;
 - c. expand or narrow a delegation of legislative power;
 - d. resolve a substantive ambiguity or conflict;
 - e. change the legal rank, commencement or territorial application of an instrument;
 - or
 - f. validate an instrument made without constitutional authority.
2. A prohibited change may be made only through the constitutionally authorized legislative process.

Article 22 — Obvious errors in enacted text

1. Where an authentic enactment contains an obvious clerical, typographical or publication error that may affect legal meaning, the Unit shall report it to the National Assembly.
2. The error shall be corrected by corrigendum or amending Act according to its nature and shall not be silently corrected in the authentic text.
3. An editorial note may identify the apparent error and the pending correction without declaring what the law should mean.

Article 23 — Conflict or absence of authentic texts

1. Where two purported authentic texts materially conflict, the Unit shall preserve both and refer the issue to the National Assembly or a court of competent jurisdiction.
2. Where an authentic text cannot be found, the Unit may publish the best available copy only with a prominent statement of its source and uncertain status.
3. Secondary publications, translations or administrative practice shall not be represented as conclusive proof of enactment or constitutional authority.

Article 24 — No executive power of repeal or validation

1. Nothing in this Act authorizes the President, Cabinet, a minister or an agency to repeal, amend, revive or validate an Assembly Act.
2. A power to organize or direct the executive does not include a power to alter the substantive law assigned to the National Assembly.
3. An executive regulation may implement this Act only within the express limits of Article 44.

Article 25 — Judicial notice

1. A court shall take judicial notice of the Constitution, Assembly Acts and duly published subordinate legislation.

2. A court may require production of the authentic text or legislative history where the status, content or applicable version is genuinely disputed.
3. Nothing in this Article limits the authority of a court to examine constitutional validity, lawful enactment, interpretation or legal effect.

CHAPTER V TRANSITIONAL CONTINUITY AND ACCRUED RIGHTS

Article 26 — Temporary continuity of existing law

1. Subject to the Constitution and later legislation, an instrument lawfully in force immediately before the commencement of this Act continues until it is repealed, expires or is replaced.
2. Continuation under paragraph 1 does not cure lack of constitutional authority, inconsistency with the Constitution or invalidity existing before commencement.
3. An institution applying a continued law shall interpret and administer it, so far as the text reasonably permits, consistently with the Constitution, applicable rights and procedural fairness.

Article 27 — Accrued rights and liabilities

1. Unless a replacement Act expressly provides otherwise, repeal does not extinguish an accrued right or liability.
2. A debt, contractual obligation, compensation claim, pension entitlement or other lawful financial interest survives repeal according to the law governing it.
3. No saving protects a benefit obtained by fraud or an act that was invalid when done.

Article 28 — Completed transactions and memberships

1. Repeal or classification as spent does not undo a completed loan approval, treaty membership, property transfer, payment, corporate reorganization or other completed transaction.
2. Continuing rights and liabilities arising from a transaction remain enforceable subject to the Constitution and the terms lawfully governing them.
3. A historical approval instrument shall remain accessible in the statute book even when it is no longer operative general law.

Article 29 — Public offices and institutions

1. An office or institution operating under a law scheduled for replacement continues only to the extent necessary for lawful transition and subject to the replacement Act.
2. A transition shall identify the successor institution, transfer of records, assets, liabilities, staff and pending functions, and the date on which the former institution ceases to act.
3. No office obtains broader powers merely because its establishing law is temporarily continued.

Article 30 — Licences, permits and registrations

1. A licence, permit or registration valid immediately before repeal continues for the period and on the conditions stated in the replacement Act.
2. A conversion process shall be objective, proportionate, public and reasonably accessible, and shall not require payment for a right already lawfully granted except as authorized by law.
3. Refusal, suspension, cancellation or materially burdensome conversion shall require notice, reasons, a fair opportunity to respond and access to independent review.

Article 31 — Pending proceedings and investigations

1. A pending civil, administrative or disciplinary proceeding may continue under the former law unless the replacement Act provides a fairer applicable procedure or requires transfer.
2. A criminal proceeding remains subject to the constitutional principle of legality and to any more lenient penalty made applicable by law.
3. A successor court or institution may continue a transferred matter without repeating a valid completed step, but may order repetition where fairness requires it.

Article 32 — Subordinate legislation

1. Subordinate legislation made under a repealed Act continues only if the replacement Act expressly saves it or authorizes its temporary continuation.
2. Temporary continuation shall not exceed eighteen months unless the National Assembly extends the period by law.
3. A continued regulation has no effect to the extent that it is inconsistent with the Constitution, the replacement Act or another superior law.
4. The responsible ministry shall publish a review table identifying every continued, revoked and replacement regulation.

Article 33 — No revival

1. Repeal of a repealing instrument does not revive the instrument previously repealed unless an Assembly Act expressly provides otherwise.
2. Expiry or repeal of a temporary continuation does not revive an earlier rule displaced by that continuation.

CHAPTER VI**REVISION BILLS, REPEAL SCHEDULES AND IMPLEMENTATION****Article 34 — Form of revision bill**

1. A revision bill shall use Chapters, Articles and subordinate numbering consistent with the legislative drafting standards adopted for Eritrea.
2. Its table of contents and electronic navigation shall be generated from the actual structure and shall not create legal units absent from the text.

3. A revision bill shall include a verified disposition table and explanatory drafting note.

Article 35 — Repeal schedules

1. A repeal schedule shall state the number, year, short title and extent of repeal of every affected instrument.
2. Where only part is repealed, the schedule shall identify the provision precisely and preserve the unaffected text.
3. A doubtful or garbled citation shall not be placed in a final schedule until verified from an authentic source.
4. An omission from a repeal schedule shall not be treated as proof that the omitted instrument is valid or operative.

Article 36 — Staged commencement

1. A replacement Act may commence by subject, institution or provision where staging is necessary for an orderly transition.
2. Commencement shall not be delayed indefinitely and shall not be left to unrestricted executive discretion.
3. The responsible authority shall publish implementation conditions, the expected date and progress reports for a staged provision.

Article 37 — Legislative transition tables

1. For every consolidation or replacement, the Unit shall publish a table showing the treatment of each affected provision.
2. The table shall identify provisions retained, amended, relocated, repealed, saved, allowed to expire or referred for further decision.
3. A transition table is explanatory and does not override the enacted text.

Article 38 — Duties of ministries and public bodies

1. Every ministry and public body shall identify the laws and subordinate instruments it administers and shall provide verified copies and records requested by the Unit.
2. Each body shall identify unpublished directives or practices that purport to affect public rights or duties.
3. An unpublished directive has no force of law merely because it has been followed in administrative practice.
4. A public officer shall preserve relevant records and shall not conceal, destroy or alter them except under a lawful records-disposal schedule.

Article 39 — Public notice of missing laws

1. The Assembly Secretariat shall periodically invite the public, courts, institutions and researchers to submit missing gazettes or evidence concerning legislative status.
2. A submitted document shall be authenticated before inclusion as an official text.

3. The identity of a private source may be protected where necessary, but the basis for authenticating the legal text shall be recorded.

CHAPTER VII MISCELLANEOUS PROVISIONS

Article 40 — Relationship with 2015 Codes and later Acts

1. Where a 2015 Code or later Assembly Act expressly repeals or replaces an earlier law, that Code or Act controls.
2. The Unit shall identify inconsistent or duplicative provisions and recommend express consequential amendments rather than relying on implication where uncertainty can reasonably be removed.
3. Nothing in this Act changes the legal status or commencement of a Code or Act.

Article 41 — International agreements and implementing law

1. The statute book shall link an international agreement to the Assembly Act authorizing ratification and to legislation implementing it domestically, where available.
2. A depositary record shall not be represented as conclusive proof that Eritrea's internal constitutional authorization was satisfied.
3. The legal status of an agreement shall be recorded accurately, including signature, ratification or accession, entry into force, reservations, declarations, amendments, withdrawal and implementing measures.
4. A separate Treaty-Making Act shall govern the procedure and domestic consequences of treaty-making.

Article 42 — Protection of judicial review and remedies

1. Nothing in this Act excludes or limits judicial review, constitutional relief, a statutory appeal or another lawful remedy.
2. Administrative classification or publication does not bind a court on a question of constitutional validity, enactment, interpretation or legal effect.
3. A person materially affected by an inaccurate official publication may request correction and receive a reasoned response within a reasonable time.

Article 43 — Professional integrity and conflicts of interest

1. A person performing a function under this Act shall act independently, accurately and without political, financial or personal bias.
2. A material conflict of interest shall be disclosed and managed according to law.
3. No person shall direct the alteration or suppression of a legal text for an improper purpose.

Article 44 — Implementation regulations and administrative standards

1. The President may, solely for executive compliance with this Act, issue regulations concerning—
 - a. the submission of executive legislative records;
 - b. digital interoperability with the official statute book;
 - c. preservation and transfer of executive records; and
 - d. implementation reporting by ministries and agencies.
2. Regulations under paragraph 1 shall not amend, repeal, validate, interpret conclusively or change the legal effect of an Act or instrument.
3. The National Assembly may adopt rules governing the Assembly Secretariat, the Unit, authentication of Assembly records and parliamentary scrutiny under this Act.
4. The Clerk may publish non-binding technical standards for document formats, metadata, accessibility, version control and cybersecurity.

Article 45 — Budget and resources

1. The National Assembly shall provide the Assembly Secretariat with resources reasonably necessary to perform this Act.
2. Expenditure shall be subject to the national budget, audit, procurement and public-finance laws.
3. Technical assistance shall be disclosed and shall not confer control over legislative priorities or legal content on a donor or contractor.

Article 46 — Transitional deadlines

1. Within six months after commencement, every ministry and public body shall submit its initial legislative inventory to the Unit.
2. Within twelve months after commencement, the Unit shall publish the consolidated national inventory and its first work programme.
3. Within eighteen months after commencement, the Unit shall submit the first verified statute-law revision and repeal bill to the National Assembly.
4. Failure to meet a deadline shall be explained publicly and shall not authorize an unverified repeal or substantive administrative alteration.

Article 47 — Commencement

1. This Act enters into force thirty days after publication in the Gazette.
2. Articles 6 to 12 shall be implemented progressively but the free public electronic statute book shall begin operation no later than 1 January 2027.
3. The National Assembly may by law extend the date in paragraph 2 only on publicly stated technical grounds and for a period not exceeding six months.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA