

DRAFTING NOTE

TREATY-MAKING 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 Constitution allocates supreme lawmaking authority to the National Assembly, while earlier treaty practice has been unclear about negotiation, signature, ratification, deposit and domestic legal effect. A unified constitutional transaction is required.

3. What the draft retains

The draft retains the executive's practical role in negotiation, signature and external communication and the National Assembly's constitutional lawmaking and authorization role.

4. What the draft updates and modernizes

It requires authentic texts and explanatory memoranda, Assembly ratification by Act, a constitutional authorization certificate before deposit, a public treaty register linked to implementing law, rules for delegated technical agreements, review of defective consent and clear separation of international procedure from domestic legislative effect.

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; negotiation and signature; submission to and ratification by the national assembly; instrument of ratification and deposit; domestic legal status and implementation; special and subordinate international arrangements; treaty

register, publication and records; reservations, amendments and termination; oversight, legality and historical review; 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. ____ OF 2026

TREATY-MAKING ACT

(ASSEMBLY ACT)

AN ACT TO GOVERN THE NEGOTIATION, SIGNATURE, CONSTITUTIONAL AUTHORIZATION, RATIFICATION, ACCESSION, DEPOSIT, PUBLICATION, DOMESTIC LEGAL EFFECT, IMPLEMENTATION, AMENDMENT, SUSPENSION AND TERMINATION OF INTERNATIONAL AGREEMENTS OF ERITREA; TO ESTABLISH AN OFFICIAL TREATY REGISTER; AND TO PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Article 32(4) of the Constitution of Eritrea provides that the National Assembly shall ratify international agreements by law;

WHEREAS Article 42(6) of the Constitution authorizes the President to negotiate and sign international agreements and to delegate that power;

WHEREAS constitutional treaty-making must connect executive negotiation with legislative authorization so that Eritrea's international consent and domestic law rest upon the same lawful constitutional transaction;

WHEREAS human-rights treaties and every other treaty—whether concerning territory, debt, security, natural resources, trade, the environment or another subject—must be made through the same constitutional discipline;

WHEREAS public access to authentic treaty texts, reservations, implementing legislation and status information is necessary for democratic accountability and the rule of law;

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 “Treaty-Making Act 2026.”

Article 2 — Purposes

1. to give practical effect to Articles 32(4) and 42(6) of the Constitution;
2. to establish one coherent constitutional process from negotiation through domestic implementation;
3. to prevent an official from binding Eritrea internationally without lawful domestic authority;
4. to ensure legislative scrutiny, public participation and reliable publication;

5. to establish the domestic rank and effect of treaties ratified by law; and
6. to provide transparent rules for reservations, amendments, withdrawal and historical treaty review.

Article 3 — Application

1. This Act applies to every written international agreement governed by international law, whatever its title, form or number of instruments.
2. This Act applies to a treaty concluded before commencement for purposes of registration, publication, implementation, amendment, suspension, termination and constitutional review.
3. This Act does not convert a political declaration or administrative arrangement into a treaty where the parties did not intend to create obligations governed by international law.
4. The legal character of an instrument depends on its substance and intended legal effect rather than its label.

Article 4 — Interpretation

In this Act, unless the context requires otherwise—

1. “accession” means the international act by which Eritrea establishes consent to be bound by a treaty not previously signed on its behalf;
2. “authentic text” means a treaty text established as authentic and definitive under the treaty or by agreement of the negotiating states;
3. “depository” means the state, international organization or official entrusted with treaty depositary functions;
4. “instrument of ratification” includes an instrument of acceptance, approval or accession intended to express Eritrea’s consent to be bound;
5. “international agreement” and “treaty” mean a written agreement between Eritrea and one or more states or international organizations governed by international law;
6. “minister” means the minister responsible for foreign affairs;
7. “ratification Act” means an Assembly Act approving and ratifying a specified treaty under Article 32(4) of the Constitution;
8. “reservation” means a unilateral statement purporting to exclude or modify the legal effect of a treaty provision in its application to Eritrea;
9. “signature” means signature, signature ad referendum, initialling or another agreed method of authenticating or signing a treaty text;
10. “treaty action” includes signature, ratification, accession, reservation, declaration, objection, amendment, provisional application, suspension, termination and withdrawal; and
11. “Treaty Register” means the official register established under Article 35.

Article 5 — Constitutional allocation of functions

1. The President negotiates and signs international agreements and may delegate that executive function under Article 42(6) of the Constitution.

2. The National Assembly alone ratifies an international agreement by law under Article 32(4) of the Constitution.
3. The executive performs the external acts necessary to deposit or communicate Eritrea's constitutionally authorized consent.
4. No branch may use its own function to dispense with the constitutional function assigned to another branch.

CHAPTER II NEGOTIATION AND SIGNATURE

Article 6 — Authority to negotiate

1. The President may authorize a minister, ambassador, public officer or special representative to negotiate a treaty.
2. The authorization shall be written and shall identify the subject, scope, representative, reporting duty and any limitation.
3. Negotiation affecting territory, sovereign control, defence, substantial public debt, strategic natural resources or constitutional rights shall proceed under written negotiating objectives disclosed to the appropriate Assembly committee, subject to lawful confidentiality.
4. Technical participation by officials does not authorize them to accept a final text or bind Eritrea.

Article 7 — Negotiating mandate and legal review

1. Before formal negotiation, the responsible ministry shall prepare a negotiating mandate and preliminary legal assessment.
2. The assessment shall address constitutional authority, existing law, implementation, reservations, fiscal exposure, rights, environmental and social effects, dispute settlement and relevant existing treaties.
3. The Advocate General or other lawfully designated chief legal adviser shall review the proposed mandate and final text for legal form and constitutional compatibility.
4. Legal review does not replace political responsibility or Assembly ratification.

Article 8 — Public and institutional consultation

1. The responsible ministry shall consult affected ministries, constitutional institutions, local governments and public bodies.
2. A treaty materially affecting the public shall be published for reasonable comment before ratification unless a narrowly justified confidentiality or urgency ground applies.
3. Affected communities shall receive a meaningful opportunity to be heard where a treaty concerns land, ports, natural resources, displacement, environment, livelihood, culture or local government.
4. The ratification memorandum shall explain consultation undertaken, principal concerns and the Government's response.

Article 9 — Confidentiality

1. Negotiating confidentiality may protect a legitimate diplomatic position, national security, personal data, commercial confidence or legally privileged advice.
2. Confidentiality shall be limited in subject and duration and shall not conceal the final treaty text from the National Assembly.
3. No confidentiality claim may conceal unlawful conduct, corruption, undisclosed public debt, transfer of territory, expropriation or a material restriction of constitutional rights.
4. A committee receiving confidential information may establish proportionate protective procedures while preserving meaningful scrutiny.

Article 10 — Signature

1. Only the President or a person duly authorized under Article 42(6) of the Constitution may sign a treaty for Eritrea.
2. Signature authenticates the text and has only the legal consequences assigned by the treaty and international law.
3. Signature does not ratify the treaty, enact it as domestic law or authorize deposit of an instrument of ratification.
4. A signed treaty shall be transmitted promptly to the National Assembly with the materials required by Chapter III.

Article 11 — Full powers

1. A representative shall produce full powers where required by international law or the negotiating parties.
2. Full powers shall identify the representative and the treaty action authorized.
3. A person shall not issue, alter or represent full powers without lawful authority.
4. The Ministry shall preserve full powers and publish them with the treaty record unless a lawful reason requires limited redaction.

Article 12 — Unauthorized act

1. An act concerning a treaty performed without constitutional or delegated authority does not bind Eritrea as a matter of domestic law.
2. The Government shall notify the other parties or depositary promptly upon discovering a material defect.
3. The National Assembly may confirm the act by law after full disclosure and review, but silence, delay, diplomatic convenience or executive practice does not constitute confirmation.
4. Civil, disciplinary or criminal responsibility for a knowingly unauthorized act remains governed by applicable law.

CHAPTER III

SUBMISSION TO AND RATIFICATION BY THE NATIONAL ASSEMBLY

Article 13 — Submission for ratification

1. The President shall submit a signed treaty proposed for ratification to the National Assembly as a draft ratification Act.
2. For accession to an unsigned treaty, the President shall submit the authentic text and a draft accession and ratification Act.
3. The National Assembly may by resolution request the President to negotiate, sign or submit a specified treaty, but the Assembly does not itself exercise the negotiation and signature power in Article 42(6) of the Constitution.
4. Failure of the executive to act on a resolution shall be explained to the National Assembly.

Article 14 — Required ratification memorandum

1. The draft ratification Act shall be accompanied by a public memorandum containing—
 - a. the authentic treaty text and any official translation;
 - b. the constitutional and statutory basis for the proposed action;
 - c. the purpose, principal obligations and expected benefits and risks;
 - d. the proposed reservations, declarations or understandings;
 - e. the existing laws affected and implementing legislation required;
 - f. the fiscal, debt, property, rights, environmental, security and institutional effects;
 - g. the consultation and legal review undertaken;
 - h. the entry-into-force, amendment, dispute-settlement, suspension and withdrawal provisions; and
 - i. the identity of the proposed depositary and form of instrument to be deposited.
2. Material uncertainty shall be stated and shall not be concealed by general assurances.

Article 15 — Form of ratification Act

1. A ratification Act shall identify the treaty precisely by title, date and parties or depositary reference.
2. The authentic text shall be annexed to the Act or incorporated through an authenticated public reference that permanently preserves it.
3. The Act shall state approval and ratification in clear language and shall specify any reservation, declaration, delayed application or implementing condition.
4. The Act shall state the treaty's domestic commencement and whether additional implementation is required.
5. A one-paragraph ratification Act is sufficient where it satisfies this Article and the treaty requires no further legislative provision.

Article 16 — Committee scrutiny

1. The responsible Assembly committee shall examine the treaty, memorandum and draft Act.

2. The committee may summon officials, experts and affected persons, require records and conduct public hearings under Articles 32(12) and 37(2) of the Constitution.
3. The committee shall report whether constitutional authority, public interest, implementation and proposed reservations have been adequately addressed.
4. A committee recommendation does not substitute for ratification by the National Assembly.

Article 17 — Assembly decision

1. The National Assembly may approve, reject or return the proposed ratification Act with recommendations.
2. The Assembly may require a reservation or declaration only where permitted by the treaty and international law.
3. The Assembly shall not amend the negotiated treaty text unilaterally; a proposed textual change shall be returned for renewed international agreement.
4. Ratification occurs only through enactment of the ratification Act in accordance with the Constitution.

Article 18 — Treaties requiring heightened scrutiny

1. The Assembly shall conduct a recorded article-by-article or subject-by-subject review of a treaty that materially concerns—
 - a. territory, boundaries, ports or sovereign control;
 - b. stationing of foreign forces or collective defence;
 - c. substantial borrowing, guarantees or long-term fiscal obligations;
 - d. mineral, petroleum, water, fisheries or other strategic resources;
 - e. displacement, compulsory acquisition or material property interests;
 - f. criminal jurisdiction, immunities or surrender of persons; or
 - g. limitations on constitutional rights or powers of constitutional institutions.
2. This Article imposes procedural scrutiny and does not alter the voting rule prescribed by the Constitution.

Article 19 — Human-rights treaties

1. A human-rights purpose does not excuse defective constitutional ratification.
2. Human-rights treaties shall be processed under the same constitutional requirements as every other treaty.
3. The ratification memorandum shall identify enforceable rights, remedies, reporting duties, reservations and legislation required for implementation.
4. The National Assembly shall prefer implementation that provides effective domestic remedies and shall not ratify a treaty merely for symbolic international appearance.

CHAPTER IV

INSTRUMENT OF RATIFICATION AND DEPOSIT

Article 20 — Preparation of instrument

1. After publication of a ratification Act, the Ministry shall prepare the instrument of ratification, approval, acceptance or accession.
2. The instrument shall cite the ratification Act and certify that constitutional authorization has been obtained.
3. It shall reproduce every reservation or declaration exactly as authorized.
4. The Advocate General or lawfully designated legal adviser shall verify conformity between the Act, treaty and instrument before signature.

Article 21 — Execution and deposit

1. The President, or a person lawfully authorized under international law, shall execute the instrument.
2. The Ministry shall deposit or communicate it only after the ratification Act has entered into force and all statutory conditions have been satisfied.
3. Deposit shall occur within sixty days unless the Act, treaty or a publicly stated legal or diplomatic reason requires another time.
4. The Ministry shall obtain and publish evidence of deposit, acceptance and the international entry-into-force date.

Article 22 — Depositary verification

1. The instrument transmitted to a depositary shall include a certified copy of the ratification Act or an official certificate identifying it.
2. The Government shall invite the depositary to record the constitutional basis of Eritrea's consent and to request clarification where a visible defect appears.
3. If a depositary questions authority or form, the Ministry shall report the question and response to the National Assembly.
4. Acceptance by a depositary is evidence of an international act but does not conclusively prove compliance with Eritrea's Constitution.

Article 23 — Deposit cannot cure omission

1. If the required ratification Act is missing, executive signature or deposit of an instrument of ratification does not fix the omission.
2. International receipt, listing of Eritrea as a party, later executive practice or implementation by officials does not supply legislative power withheld by the Constitution.
3. A defective historical action may be constitutionally confirmed only by an Assembly Act enacted after review under this Act.

Article 24 — Entry into force

1. The Ministry shall determine and publish the date on which a treaty enters into force internationally for Eritrea.
2. The published notice shall state the treaty provision or depositary act establishing that date.
3. A treaty shall not be represented as binding before the conditions for international entry into force are met.
4. Provisional application is governed exclusively by Article 31.

CHAPTER V DOMESTIC LEGAL STATUS AND IMPLEMENTATION

Article 25 — Treaty ratified by law forms part of Eritrean law

1. A treaty ratified by an Act of the National Assembly forms part of Eritrean law on the domestic commencement stated in the Act.
2. Unless the ratification Act provides otherwise, domestic commencement occurs when the treaty enters into force internationally for Eritrea.
3. The treaty has the authority of an Assembly Act because its domestic legal force derives from the National Assembly's ratification Act.
4. Executive signature, deposit or publication without a ratification Act does not make a treaty domestic law.

Article 26 — Direct judicial application

1. A court may apply a ratified treaty provision directly where the provision is sufficiently clear, complete and judicially manageable and does not require a legislative institution or policy choice not supplied by law.
2. A provision requiring legislation, appropriation, institutional creation, criminalization or detailed standards shall be implemented by an Assembly Act before imposing a duty or liability on a private person.
3. A public body remains bound to act consistently with the ratification Act and treaty within its lawful powers.
4. Lack of implementing legislation does not authorize the Government to deny its international responsibility.

Article 27 — Rank and conflict

1. The Constitution prevails over a treaty and its ratification Act.
2. A ratified treaty has the same domestic rank as another Assembly Act unless the Constitution or ratification Act lawfully provides otherwise.
3. A court shall interpret Acts consistently with Eritrea's treaty obligations so far as the text reasonably permits.
4. A later Act shall not be interpreted to override a treaty obligation unless the National Assembly states that intention expressly and considers the international consequences.

5. An express domestic override does not by itself terminate or excuse Eritrea's international obligation.

Article 28 — Implementing legislation

1. The responsible ministry shall submit implementing legislation before or together with the ratification Act where necessary.
2. Implementation shall identify competent institutions, powers, procedures, funding, reporting, offences, remedies and review.
3. A regulation may implement technical detail only under clear authority in an Assembly Act.
4. A treaty shall not be used as a general executive delegation to make domestic law.

Article 29 — Rights and remedies

1. A person whose right under a directly applicable ratified treaty is violated may seek the remedy available under the Constitution, the ratification Act, the treaty or another applicable law.
2. A court may grant declaratory, preventive, corrective or compensatory relief within its lawful jurisdiction.
3. A treaty body's view, recommendation or decision shall have the domestic effect assigned by the treaty and implementing law and may otherwise constitute persuasive interpretive material.
4. Exhaustion, time limits and standing shall be applied consistently with effective access to justice.

Article 30 — No adverse private liability from unpublished treaty

1. A treaty provision shall not impose a criminal, tax, confiscatory or other adverse private liability before lawful ratification, domestic commencement and reasonable publication.
2. A reservation, declaration, amendment or annex affecting private liability is subject to the same requirement.
3. This Article does not prevent a person from relying on a treaty right validly incorporated into law.

CHAPTER VI

SPECIAL AND SUBORDINATE INTERNATIONAL ARRANGEMENTS

Article 31 — Provisional application

1. The executive may agree to provisional application only where the treaty permits it and the provisional obligations fall within existing executive authority and appropriated resources.
2. Provisional application shall not—
 - a. impose a tax, create an offence or authorize detention;
 - b. transfer territory, a port, a strategic resource or sovereign control;
 - c. authorize substantial borrowing or an unappropriated expenditure;

- d. restrict a constitutional right beyond existing law; or
 - e. alter the jurisdiction or independence of a constitutional institution.
3. Provisional application expires after ninety days unless the National Assembly ratifies the treaty or authorizes a stated extension by law.
 4. The agreement and reasons shall be published immediately and submitted to the National Assembly.

Article 32 — Administrative arrangements

1. A ministry or agency may conclude a non-treaty administrative arrangement only within authority conferred by an Assembly Act or a ratified treaty.
2. The arrangement may coordinate implementation, exchange technical information or establish procedures but shall not create new obligations of Eritrea under international law.
3. It shall not create a tax, debt, offence, compulsory acquisition, material expenditure or restriction of rights.
4. The arrangement shall be written, registered and published unless a lawful limited confidentiality ground applies.

Article 33 — Delegated sector agreements

1. An Assembly Act may authorize a ministry, regulator, local government or public body to conclude a defined class of international sector agreement.
2. The delegation shall state the subject, parties, geographic scope, financial limit, duration, approval, publication and oversight requirements.
3. An agreement within delegated regulatory authority has the domestic rank of subordinate legislation and not an Assembly Act.
4. An agreement exceeding the delegation requires ratification by law under this Act.

Article 34 — Cross-border local cooperation

1. A local government may enter a cross-border cooperation arrangement only under a Local Government Act or other express Assembly authority.
2. The arrangement may address local services, markets, environment, health, transport or emergency coordination within the delegated field.
3. It shall not determine a national boundary, immigration status, customs obligation, defence matter, public debt or foreign policy.
4. The responsible ministry shall register the arrangement without directing lawful local policy beyond its supervisory authority.

CHAPTER VII

TREATY REGISTER, PUBLICATION AND RECORDS

Article 35 — Official Treaty Register

1. The Assembly Secretariat shall maintain a free, searchable and continuously updated Treaty Register as part of the official statute book.

2. The Ministry shall provide every treaty record promptly and certify its accuracy.
3. The Register shall distinguish a signed treaty, a treaty ratified by law, an instrument deposited, a treaty in force and a treaty having domestic effect.
4. A listing shall not conceal uncertainty or represent disputed constitutional authorization as settled fact.

Article 36 — Required register information

1. For each treaty action, the Register shall state—
 - a. the title, parties, subject, authentic languages and authentic text;
 - b. negotiation and signature authority;
 - c. the ratification Act and implementing legislation;
 - d. reservations, declarations, objections and withdrawals;
 - e. depositary, deposit and entry-into-force information;
 - f. amendments, annexes, protocols, suspension, termination or withdrawal;
 - g. domestic commencement, direct-application information and responsible institution; and
 - h. official translations, reports and relevant judicial decisions.
2. Historical uncertainty and missing records shall be identified expressly.

Article 37 — Publication of treaty materials

1. The authentic treaty text, ratification Act, reservations, deposit evidence and entry-into-force notice shall be published in the Gazette and Treaty Register.
2. An official translation shall be published where reasonably necessary for public understanding and administration.
3. Publication shall be accessible to persons with disabilities and available in downloadable, printable and low-bandwidth formats.
4. No fee shall be charged for electronic access.

Article 38 — Custody and preservation

1. The Ministry shall preserve original signed instruments, full powers, diplomatic communications and depositary records.
2. The Assembly Secretariat shall preserve the legislative record, committee material and ratification Act.
3. Secure backups and archival copies shall protect authenticity, integrity and historical access.
4. Classified records shall be reviewed periodically and released when the lawful reason for secrecy ends.

CHAPTER VIII

RESERVATIONS, AMENDMENTS AND TERMINATION

Article 39 — Reservations and declarations

1. A proposed reservation or declaration shall be included in the ratification Act.
2. The executive shall not add, expand, narrow or withdraw it without Assembly authorization by law, except for a purely corrective communication that does not change legal effect.
3. A reservation shall be compatible with the treaty and international law.
4. The Register shall publish objections by other parties and their legal effect as accurately as ascertainable.

Article 40 — Treaty amendments and protocols

1. An amendment, protocol or annex creating or changing legal obligations requires ratification by law.
2. A technical amendment may be accepted under a procedure expressly approved in the ratification Act where it remains within defined limits and does not affect matters reserved to the Assembly.
3. The responsible ministry shall notify the Assembly of every proposed technical amendment before acceptance.
4. A material amendment shall not be treated as technical because the treaty uses an automatic or simplified procedure.

Article 41 — Decisions of treaty bodies

1. A decision of a conference of parties or treaty body has the domestic effect provided by the ratified treaty and implementing Act.
2. A decision creating a new tax, offence, expenditure, private liability or material rights restriction requires Assembly legislation.
3. The Ministry shall register and publish legally significant decisions and explain their proposed implementation.

Article 42 — Suspension, termination and withdrawal

1. The President may propose suspension, termination or withdrawal, but action altering obligations ratified by law requires prior authorization by an Assembly Act.
2. Temporary emergency suspension without prior authorization is permitted only where international law allows it and immediate action is strictly necessary to protect Eritrea from grave and imminent harm.
3. Emergency suspension expires after thirty days unless approved by law and shall be reported to the National Assembly immediately.
4. The Government shall assess rights, financial, security, environmental and transitional consequences before action.

Article 43 — Material breach and dispute

1. Before invoking material breach, impossibility, fundamental change or another ground affecting treaty performance, the Government shall obtain legal advice and notify the responsible Assembly committee.
2. The Government shall pursue peaceful dispute settlement and preserve evidence and legal positions.
3. No official shall manufacture a ground for termination or use international dispute as a pretext to avoid constitutional scrutiny.

CHAPTER IX OVERSIGHT, LEGALITY AND HISTORICAL REVIEW

Article 44 — Assembly oversight

1. The National Assembly shall oversee implementation of ratified treaties and may require reports, records and testimony.
2. The responsible committee shall review overdue reports, adverse findings, implementation gaps, fiscal exposure and proposed treaty actions.
3. Oversight shall respect lawful diplomatic confidentiality without surrendering the Assembly's constitutional responsibility.

Article 45 — Annual treaty report

1. The Minister shall submit an annual public report listing every treaty action taken or proposed.
2. The report shall identify unimplemented obligations, overdue reporting, disputes, financial commitments, reservations under review and treaties of uncertain constitutional status.
3. The Minister shall explain any failure to deposit, publish, implement or withdraw an unauthorized instrument.

Article 46 — Judicial review

1. A court of competent jurisdiction may review whether constitutional and statutory treaty-making requirements were satisfied.
2. Review may address authority, enactment, publication, domestic effect, delegated agreements, provisional application and executive compliance with a ratification Act.
3. A court shall respect lawful executive functions in negotiation and diplomacy but shall not treat foreign-affairs language as immunity from constitutional review.
4. The legal effect of a remedy in the international sphere shall be determined consistently with international law and the limits of the court's jurisdiction.

Article 47 — Historical treaty audit

1. Within eighteen months after commencement, the Ministry and Legislative Revision Unit shall audit every treaty attributed to Eritrea.

2. The audit shall verify signature, full powers, Assembly ratification, deposit, entry into force, reservations, implementing law and present status.
3. A depositary record is evidence of deposit but not conclusive proof of constitutional authority.
4. The audit shall classify each treaty as constitutionally authorized, requiring confirmation, terminated, non-binding, or of unresolved status.

Article 48 — Defective historical ratification

1. Where no ratification Act can be found, the Government shall not conceal the defect or state that deposit cured it.
2. The President may submit the treaty for confirmation by a new ratification Act with a full memorandum explaining past conduct and consequences.
3. The National Assembly may confirm prospectively, approve a lawful transition, direct withdrawal or request further negotiation.
4. Confirmation shall not retrospectively impose criminal or other adverse private liability.

Article 49 — Notification of defect

1. Where the National Assembly determines that purported consent lacked constitutional authorization, the Government shall notify the depositary and other parties of Eritrea's constitutional position.
2. The notification shall request correction of the international record or an agreed lawful solution.
3. Institutional difficulty or possible refusal by a depositary does not excuse Eritrea from stating and attempting to vindicate its constitutional order.
4. The Government shall report the response and proposed next step to the National Assembly.

Article 50 — Due diligence in international representation

1. The Government shall provide counterparties and depositaries reliable public means to verify Eritrea's treaty-making law and ratification Acts.
2. An official certificate shall not claim constitutional authority that has not been established.
3. Eritrea shall encourage international and regional organizations to examine visible constitutional defects before accepting an instrument purporting to bind a state.
4. This Article does not authorize Eritrea to dictate a depositary's legal functions.

CHAPTER X FINAL PROVISIONS

Article 51 — Relationship with international law

1. This Act shall be applied in good faith consistently with international law and the Constitution.

2. Eritrea shall not invoke internal law as an excuse for non-performance of a treaty whose international validity and binding force have been lawfully established.
3. Paragraph 2 does not prevent Eritrea from contesting whether purported consent was constitutionally and internationally valid.
4. The Government shall seek lawful remedies that protect constitutional government, stability and the legitimate expectations of other parties.

Article 52 — Offences and accountability

1. A person who knowingly fabricates full powers, a ratification Act, an instrument of ratification or depositary evidence is subject to applicable criminal law.
2. A public officer who knowingly deposits an instrument without required ratification or conceals a material constitutional defect is subject to disciplinary and other lawful accountability.
3. No liability arises merely from good-faith legal advice, disagreement or disclosure of wrongdoing through a lawful channel.

Article 53 — Implementing regulations and Assembly rules

1. The President may issue regulations governing executive records, deposit procedure, official translations, notifications and reporting under this Act.
2. Regulations shall not dispense with Assembly ratification, change domestic treaty rank, authorize provisional application beyond Article 31 or determine conclusively a disputed treaty status.
3. The National Assembly may adopt rules governing committee scrutiny, confidential materials, ratification bills and the Treaty Register.
4. The Clerk may issue non-binding technical standards for metadata, authentication, preservation and publication.

Article 54 — Transitional registration

1. Within six months after commencement, every ministry and public body shall submit all treaty and international-arrangement records in its possession.
2. Within twelve months, the Assembly Secretariat shall publish the initial Treaty Register with visible qualifications for incomplete records.
3. Uncertainty shall be corrected through verified updates and shall not be hidden by omitting a known instrument.

Article 55 — Repeal and inconsistency

1. An earlier law is repealed to the extent that it authorizes treaty ratification or domestic treaty effect contrary to this Act and Article 32(4) of the Constitution.
2. A verified statute-law revision schedule shall identify every express repeal by number, year and title.
3. No uncertain citation shall be inserted merely to create the appearance of completeness.

Article 56 — Commencement

1. This Act enters into force thirty days after publication in the Gazette.
2. Chapter VII shall be operational no later than 1 January 2027.
3. The historical treaty audit begins immediately upon commencement and is not delayed by incomplete digitization.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA