

DRAFTING NOTE

CULTURAL AND NATURAL HERITAGE 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 heritage measures are incomplete for the protection of archaeological, architectural, documentary, community and natural heritage in peace, development projects and armed conflict.

3. What the draft retains

The draft retains inventories, protection of significant sites and objects, permits for excavation and export, and public custody of lawfully acquired national collections.

4. What the draft updates and modernizes

It recognizes community participation and intangible heritage, digital documentation, provenance and restitution, emergency protection, development-impact procedures, transparent designation, owner safeguards and coordination with land, environment, customs and intellectual-property 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; heritage governance; inventory, assessment and heritage register; designation and property safeguards; conservation of heritage places; archaeology and chance discoveries; movable heritage, museums and collections; intangible, linguistic, religious and community heritage; natural, landscape and

maritime heritage; development, planning and heritage impact; and the concluding enforcement, 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

CULTURAL AND NATURAL HERITAGE ACT 2026

(ACT)

AN ACT TO IDENTIFY, PROTECT, CONSERVE, USE AND TRANSMIT ERITREA'S CULTURAL AND NATURAL HERITAGE, PROVIDE FOR ARCHAEOLOGY, MONUMENTS, HISTORIC PLACES, SACRED AND COMMUNITY HERITAGE, INTANGIBLE AND DOCUMENTARY HERITAGE, MUSEUMS, COLLECTIONS, UNDERWATER HERITAGE, LAWFUL TRADE, RESTITUTION, TECHNOLOGY AND RELATED MATTERS.

PREAMBLE

WHEREAS the Constitution of Eritrea protects human dignity, equality, culture, expression, religion, property, education and the responsibility to safeguard the country's heritage for present and future generations;

WHEREAS Eritrea's archaeological sites, historic towns, buildings, landscapes, languages, traditions, archives, sacred places, collections, maritime history and natural features form a diverse inheritance belonging morally to the people while often remaining lawfully owned or stewarded by communities, religious institutions and private persons;

WHEREAS heritage protection must not become automatic State confiscation, political censorship, compulsory cultural uniformity or arbitrary interference with land, religion, livelihood and private property;

WHEREAS Cultural and Natural Heritage Proclamation 177/2015 should be verified and modernized consistently with the Constitution, the 2015 Codes, the Land Act, the Environmental Protection and Climate Resilience Act and related legislation;

WHEREAS digital recording, remote sensing, scientific analysis and artificial intelligence can assist conservation and access when governed by authenticity, privacy, community consent and accountable human judgment;

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 Cultural and Natural Heritage Act 2026.

Article 2 — Objects

1. identify, document, conserve and transmit Eritrea's diverse heritage;
2. recognize community, religious, private and public ownership and stewardship;

3. integrate heritage with development, education, tourism and environmental protection;
4. protect archaeology, historic places, sacred sites, collections, archives and intangible heritage;
5. prevent looting, illicit export, falsification and destructive alteration;
6. facilitate lawful research, access, use, trade, restitution and international cooperation;
7. provide participation, reasons, compensation and independent review; and
8. enable responsible digital preservation and public access.

Article 3 — Application

1. This Act applies to movable, immovable, tangible, intangible, documentary, natural, maritime and underwater heritage associated with Eritrea.
2. It binds public bodies, security institutions, religious institutions, communities and private persons, subject to constitutional rights.
3. Ordinary property, land, environment, archives, copyright, customs and planning laws continue within their lawful scope.

Article 4 — Definitions

1. “Authority” means the Heritage Authority established by this Act;
2. “cultural heritage” includes a place, object, practice, expression, knowledge, archive or landscape valued for archaeological, historical, architectural, artistic, scientific, social, spiritual or cultural significance;
3. “heritage place” includes a site, structure, group of buildings, route, landscape, sacred place and associated setting;
4. “intangible heritage” means a living practice, representation, expression, knowledge or skill recognized by a community or group;
5. “natural heritage” means a natural feature, formation, habitat or landscape of outstanding heritage significance, without displacing environmental law;
6. “owner” includes a person holding a lawful property interest; and
7. “underwater heritage” means evidence of human existence having cultural, historical or archaeological character that has been underwater, periodically or continuously, for a prescribed period.

Article 5 — Constitutional interpretation

1. The Constitution prevails, and every power shall respect equality, property, religion, expression, culture, livelihood, due process, information and judicial review.
2. Heritage protection shall preserve plural histories and shall not require endorsement of an official political narrative.
3. A restriction shall be lawful, necessary, proportionate and the least intrusive reasonably effective means.

Article 6 — Treaties and international standards

1. This Act shall, so far as its text permits, be interpreted consistently with constitutionally valid heritage obligations binding Eritrea.
2. An international guideline may inform professional practice but does not create domestic coercive power without legislative authority.
3. International cooperation shall respect Eritrean constitutional institutions, lawful ownership and community rights.

Article 7 — Relationship with other Acts

1. The Land Act governs title, Community Land Rights and acquisition; this Act governs heritage identification and conservation.
2. The Environmental Protection and Climate Resilience Act and Forestry, Wildlife and Protected Areas Act govern environmental and ecological protection of natural heritage.
3. Spatial-planning, building, maritime, religious-freedom, customs and criminal laws apply additionally within their scope.
4. A heritage approval does not grant land, planning, building, environmental or business authorization.

Article 8 — Heritage principles

1. stewardship for present and future generations;
2. pluralism, authenticity and respect for living culture;
3. community participation, free expression and religious freedom;
4. preservation in place where reasonably feasible;
5. minimum necessary intervention and reversibility;
6. owner support, fair burden and compensation where constitutionally required;
7. scientific integrity, provenance and documentation;
8. public access balanced with privacy, worship, safety and conservation; and
9. prevention of illicit removal and equitable return.

CHAPTER II HERITAGE GOVERNANCE

Article 9 — Heritage Authority

1. The Heritage Authority is established as an independent statutory body with legal personality.
2. It shall regulate and support heritage under this Act and shall not privately trade in heritage objects or operate a commercial tourism monopoly.

Article 10 — Functions

1. maintain inventories and the Heritage Register;
2. administer designation, permits and conservation agreements;

3. support museums, archives, communities, research and education;
4. coordinate development review, emergency response and restitution;
5. prevent illicit trafficking and certify lawful export; and
6. publish decisions, data, standards and annual reports.

Article 11 — Governing Board

1. A Board shall oversee strategy, independence, finance and institutional performance.
2. Members shall be selected through a public merit process for expertise in archaeology, architecture, history, archives, museums, natural heritage, law, religion, communities, conservation and tourism.
3. A majority shall not be serving executive officials, and appointment, recusal, tenure and removal shall be transparent.

Article 12 — Director-General and professional staff

1. The Board shall appoint a Director-General through open competition for a protected renewable term.
2. Curators, archaeologists, conservators, archivists and other professionals shall be recruited on merit and follow published ethical standards.
3. A person shall disclose an interest in a collection, dealer, project or property and recuse where necessary.

Article 13 — Heritage Advisory Council

1. An independent Council shall advise on significance, designation, conservation, ethics, living heritage and restitution.
2. Membership shall include universities, communities, religious bodies, diaspora scholars, women, youth, local government and relevant professions.
3. Advice, uncertainty, minority views and interests shall be published, subject to narrow protection of sacred or vulnerable information.

Article 14 — Local and community institutions

1. The Authority may accredit qualified local-government and community institutions for defined inventory, monitoring and conservation functions.
2. Delegation shall be written, published, resourced and supervised and shall not transfer coercive powers beyond law.
3. Local knowledge and stewardship shall receive professional support rather than administrative displacement.

Article 15 — National Assembly and public accountability

1. The Authority shall submit an annual report to the National Assembly and publish it within six months after year end.

2. The report shall address designations, conservation, permits, development cases, collections, illicit trade, restitution, access, finance and performance.
3. The Auditor General shall audit public resources under applicable law.

CHAPTER III INVENTORY, ASSESSMENT AND HERITAGE REGISTER

Article 16 — National heritage inventory

1. The Authority shall maintain a continuing inventory of known and potential heritage using national, local, community and scholarly sources.
2. Inventory is an information and planning tool and does not by itself designate property or alter ownership.
3. Methods, source, confidence, date and access restrictions shall accompany each record.

Article 17 — Community inventories

1. A community, religious institution or cultural group may document heritage it recognizes and propose appropriate protection.
2. The process shall respect internal diversity, women, youth, minorities and persons who do not share a claimed tradition.
3. Sensitive knowledge and sacred locations shall not be published without lawful authorization.

Article 18 — Assessment of significance

1. Significance shall be assessed by archaeological, historical, architectural, artistic, scientific, technological, social, spiritual, linguistic, ecological and associative values as relevant.
2. Age alone is neither necessary nor sufficient.
3. Assessment shall state evidence, integrity, rarity, representativeness, community value, condition and uncertainty.

Article 19 — Heritage Register

1. The Authority shall maintain a public Register of formally designated places, objects and areas.
2. Each entry shall identify the subject, values, boundaries or description, owner or steward where publishable, conditions and decision history.
3. Protected confidential fields shall remain available to authorized oversight and courts.

Article 20 — Classes of designation

1. Designation may be national, provincial, county, municipal, community or another class established by Act according to significance and competent authority.

2. The class shall determine decision-maker, support, controls and review without ranking one community's identity as inferior.
3. A place may have more than one value but shall not receive duplicate incompatible controls.

Article 21 — Provisional protection

1. The Authority may issue provisional protection where credible evidence shows imminent risk to potential heritage.
2. The order shall state the subject, evidence, restrictions and expiry and last no more than six months unless designation procedure begins.
3. The owner and affected persons shall receive prompt notice, response and review rights.

Article 22 — Periodic review

1. A designation shall be reviewed when values, condition, boundaries, new evidence or burden materially changes and at intervals prescribed by risk.
2. Amendment or removal follows participation and reasons comparable to designation.
3. Loss caused deliberately to evade designation does not require removal from the Register.

CHAPTER IV DESIGNATION AND PROPERTY SAFEGUARDS

Article 23 — Initiation of designation

1. The Authority, a local government, owner, community, religious institution or public-interest body may propose designation.
2. The proposal shall identify significance, boundaries, ownership, current use, threats, likely controls and support needs.
3. A frivolous or politically retaliatory proposal shall be dismissed with reasons.

Article 24 — Notice and participation

1. The owner, occupier, community, local government and materially affected persons shall receive notice and the complete assessment.
2. At least sixty days shall be allowed for representations, and a hearing shall be held for a major contested designation.
3. Participation shall be accessible by language, disability, location and technology.

Article 25 — Decision

1. Designation shall be based on demonstrated significance and a proportionate conservation purpose.
2. The decision shall state values, boundaries, permitted ordinary use, approval triggers, owner assistance, monitoring and review.
3. The complete decision and response to material submissions shall be published.

Article 26 — Effect on ownership

1. Designation does not transfer title, create State ownership or extinguish Community Land Rights, religious ownership, tenancy or another lawful interest.
2. An owner may possess, use, lease and transfer property subject to lawful conservation controls disclosed to successors.
3. Registration shall cross-reference designation without describing the State as owner unless it lawfully owns the property.

Article 27 — Ordinary use and maintenance

1. An owner or community may continue ordinary compatible residence, worship, livelihood, maintenance and cultural practice.
2. Routine works specified in the designation or management plan do not require repeated approval.
3. A control shall not freeze a living place into an artificial museum.

Article 28 — Economic burden and assistance

1. The Authority shall assess the practical and economic burden imposed by designation.
2. Support may include technical advice, grants, tax relief enacted by law, low-interest finance, transferable development rights or conservation agreements.
3. A severe disproportionate burden shall be modified, assisted or compensated as constitutional property law requires.

Article 29 — Compulsory acquisition

1. Heritage may be compulsorily acquired only for a necessary public purpose under the Constitution and the Land Act or other applicable acquisition law.
2. Acquisition requires due process, fair compensation and consideration of a less intrusive conservation agreement.
3. Designation alone is not an acquisition instrument.

Article 30 — Conservation agreements

1. The Authority, owner and community may enter a registered agreement concerning maintenance, access, works, funding, expertise and duration.
2. The agreement shall be voluntary, clear and reviewable and may bind successors if property law permits and notice is registered.
3. Public payments and obligations shall be disclosed and audited.

CHAPTER V

CONSERVATION OF HERITAGE PLACES

Article 31 — Duty of reasonable care

1. An owner or controller of designated heritage shall take reasonable measures to prevent avoidable destruction, serious neglect and unauthorized alteration.
2. Reasonableness considers means, knowledge, use, risk, public support and the Authority's conduct.
3. The duty does not require an owner to finance an unaffordable public benefit without available assistance.

Article 32 — Heritage works approval

1. Demolition, material alteration, excavation, relocation or change prescribed in a designation requires prior approval.
2. Application shall include significance, condition, alternatives, design, methods, expertise, access and recording proportionate to effect.
3. Minor compatible work shall use notification or standing approval.

Article 33 — Decision criteria

1. The Authority shall consider significance, necessity, alternatives, reversibility, design quality, cumulative change, continued use, safety, accessibility and owner burden.
2. Permission may include documentation, archaeological supervision, materials, salvage, maintenance and public access conditions.
3. Refusal shall explain a reasonably feasible conservation path where one exists.

Article 34 — Demolition

1. Demolition of a designated place shall be authorized only where structural danger cannot reasonably be remedied, significance is substantially lost or overriding public need clearly outweighs loss.
2. Deliberate neglect by the applicant shall weigh against authorization.
3. Recording and salvage are mitigation and do not by themselves justify avoidable demolition.

Article 35 — Relocation

1. Relocation is permitted only where preservation in place is not reasonably feasible and relocation retains meaningful significance.
2. The decision shall address new site, ownership, context, documentation, dismantling, reconstruction and long-term care.
3. A community sacred place shall not be relocated without the participation and lawful consent required by this Act and other law.

Article 36 — Safety and accessibility

1. Building, fire, health and accessibility requirements shall be applied through reasonable alternative solutions that protect both life and heritage.
2. Heritage status shall not excuse an immediate serious safety hazard.
3. Authorities shall coordinate one reasoned solution and avoid contradictory orders.

Article 37 — Neglect and urgent works

1. Where serious avoidable deterioration exists, the Authority may issue a notice stating necessary works, assistance and review rights.
2. In an emergency it may undertake minimum stabilization after notice where practicable and recover reasonable cost from a culpable owner.
3. A charge against property requires judicial or other lawful authorization and shall account for inability to pay and public benefit.

Article 38 — Public infrastructure

1. A public road, utility, defence, port or other project is subject to the same heritage-assessment and avoidance duties as a private project.
2. Classified information may be protected narrowly without excluding independent heritage review.
3. Public convenience alone does not justify avoidable heritage destruction.

Article 39 — Historic towns and areas

1. An historic area plan shall conserve urban form, streets, public space, buildings, uses, social fabric and compatible development.
2. Controls shall support residents, maintenance, sanitation, safety and viable enterprise and shall avoid displacement through heritage-led speculation.
3. Asmara and other historic settlements shall be managed through participatory plans integrated with spatial and building law.

CHAPTER VI ARCHAEOLOGY AND CHANCE DISCOVERIES

Article 40 — Archaeological work permit

1. Excavation, intrusive survey, recovery or deliberate disturbance of an archaeological site requires a permit.
2. The applicant shall demonstrate competence, research value, methods, conservation, storage, publication, community engagement and finance.
3. Commercial treasure hunting is not archaeological research.

Article 41 — Non-intrusive survey

1. Low-risk surface observation and remote research may use notification or general authorization where land access and privacy are lawful.
2. Collection, subsurface testing, drone use and sensitive-site publication may require specific conditions.
3. Research shall not imply permission to enter land without the holder's consent or lawful authority.

Article 42 — Permit conditions

1. A permit shall state area, duration, methods, personnel, finds custody, samples, records, reporting, publication and restoration.
2. Human remains, sacred objects and community knowledge require heightened ethical safeguards.
3. Foreign participation shall build Eritrean capacity and provide fair access to data and results.

Article 43 — Chance finds

1. A person discovering potential archaeological material during work shall stop only in the immediate affected area, protect the find and notify the Authority promptly.
2. The Authority shall inspect and issue a reasoned direction within a short published period.
3. Work outside the protective area may continue safely, and delay shall be minimized through advance planning.

Article 44 — Ownership of finds

1. Ownership shall be determined by the Civil Code, land and community rights, contract, proven provenance and this Act rather than automatic administrative assertion.
2. An object of exceptional national significance may be acquired by agreement or lawful compulsory acquisition with fair compensation.
3. An unlawful finder or looter acquires no title through wrongdoing.

Article 45 — Reporting and reward

1. A person who reports an accidental significant find in good faith shall receive acknowledgment and may receive a prescribed fair reward where the object lawfully enters a public collection.
2. Reward shall not encourage deliberate unlicensed searching or disturbance.
3. The find location may be kept confidential to prevent looting.

Article 46 — Archaeological collections and archives

1. Excavated objects, samples, field records, images and digital data shall be conserved as one documented research archive.

2. The permit shall identify lawful custodian, access, analysis, destructive sampling and final repository.
3. Publication shall occur within a reasonable period, subject to justified research priority and sensitive information.

Article 47 — Human remains

1. Human remains shall be treated with dignity and investigated only for lawful scientific, forensic or heritage purpose.
2. Known descendant, religious and community interests shall receive meaningful consultation on study, display, retention and reburial.
3. Public display requires exceptional educational justification and ethical approval.

CHAPTER VII MOVABLE HERITAGE, MUSEUMS AND COLLECTIONS

Article 48 — Movable heritage registration

1. The Authority may register a movable object of national significance after notice to its owner.
2. Registration does not transfer ownership and shall state custody, conservation, movement and export requirements.
3. Ordinary family, religious and commercial objects shall not be registered without demonstrated significance.

Article 49 — Duties of custodians

1. A custodian of registered heritage shall provide reasonable security, environment, documentation and notice of serious loss or damage.
2. Standards shall account for resources and offer public technical assistance.
3. Temporary movement for worship, cultural use, conservation or safety may be approved by standing conditions.

Article 50 — Public museums

1. A public museum shall have a legal mandate, professional governance, collection policy, inventory, conservation plan, access policy and audited accounts.
2. Its collection is held for public benefit and shall not be disposed of for ordinary operating revenue.
3. Political officials shall not order alteration of scholarly interpretation without lawful curatorial process.

Article 51 — Community and private museums

1. Community, religious, cooperative and private museums may operate subject to proportionate registration, safety and honest-description requirements.

2. Recognition shall not authorize the State to seize their collections.
3. Public grants may support access, conservation and training through transparent criteria.

Article 52 — Acquisition and provenance

1. A museum shall acquire an object only after reasonable provenance, title, export and ethical due diligence.
2. Suspicious gaps, conflict origin, colonial removal and archaeological context shall receive enhanced inquiry.
3. Acquisition records and restrictions shall be preserved permanently.

Article 53 — Deaccession

1. A public museum may deaccession only for duplication, irrelevance, deterioration, unlawful title, repatriation or another published collection-policy ground.
2. Independent review, public notice and a reasoned decision are required for a significant object.
3. Net proceeds, where sale is lawful, shall be used only for collection care or acquisition and not salaries or unrelated expenditure.

Article 54 — Loans

1. A loan shall state title, condition, purpose, duration, insurance, care, immunity where lawfully available and return.
2. A public institution shall not accept a loan designed to inflate private market value or conceal ownership.
3. International loans shall comply with customs, export and restitution law.

Article 55 — Conservation treatment

1. Treatment shall follow minimum intervention, compatible materials, documentation and qualified professional judgment.
2. Restoration shall not falsify history or conceal original and replaced material.
3. Irreversible or destructive treatment requires heightened justification and review.

Article 56 — Disaster preparedness

1. Museums, archives and custodians of major collections shall maintain risk, emergency, salvage, backup and continuity plans.
2. Plans shall address fire, flood, conflict, theft, pests, climate and cyber risk.
3. Emergency relocation shall preserve inventory, custody and return accountability.

CHAPTER VIII

INTANGIBLE, LINGUISTIC, RELIGIOUS AND COMMUNITY HERITAGE

Article 57 — Living heritage

1. Communities and practitioners are the principal identifiers and transmitters of their intangible heritage.
2. Government shall support documentation, teaching, practice, space and intergenerational transmission at their request.
3. Safeguarding shall not freeze, standardize or politically appropriate a living practice.

Article 58 — Consent and participation

1. Documentation, nomination, commercial promotion or official representation of living heritage shall involve the relevant practitioners and communities.
2. Consent shall be informed and may include conditions on sacred, secret, gendered or restricted knowledge.
3. A dissenting member retains constitutional expression and equality rights.

Article 59 — Languages and oral traditions

1. Public heritage policy shall support Eritrea's languages, oral histories, literature, names and memory without imposing linguistic hierarchy.
2. Recording shall preserve speaker attribution, context, access terms and intellectual rights.
3. Education and media institutions may cooperate under their respective Acts.

Article 60 — Religious heritage

1. A religious community retains governance, worship and lawful property rights in its sacred places and objects.
2. Conservation measures shall respect doctrine, ritual, access and living use unless necessary to prevent serious harm.
3. Designation shall not authorize government appointment of religious leadership or control of belief.

Article 61 — Traditional knowledge and skills

1. Craft, building, agricultural, pastoral, healing, navigational and ecological knowledge may be supported as heritage where communities so recognize.
2. Recognition does not certify medical efficacy or displace health, environment or professional law.
3. Commercial use shall respect attribution, consent and fair benefit where law requires.

Article 62 — Festivals and cultural events

1. Communities may organize festivals and cultural events subject to ordinary safety, labour, public-order and animal-welfare law.
2. Public support shall use transparent and viewpoint-neutral criteria.
3. An event shall not be compelled to serve political propaganda as a condition of recognition.

CHAPTER IX NATURAL, LANDSCAPE AND MARITIME HERITAGE

Article 63 — Natural heritage designation

1. A natural feature or landscape may be designated for outstanding geological, scenic, scientific, ecological or cultural significance.
2. Designation shall coordinate with environmental, forestry, wildlife, water and land authorities and avoid duplicate controls.
3. Ecological management remains governed principally by the relevant environmental Acts.

Article 64 — Cultural landscapes

1. A cultural landscape may reflect long interaction among people, land, water, routes, farming, pastoralism, settlement and belief.
2. Protection shall sustain living relationships and not remove residents merely to create a picturesque landscape.
3. Seasonal and mobile use shall be mapped and respected.

Article 65 — Sacred natural sites

1. A sacred grove, spring, mountain, island or other natural site may receive protection at the request or with meaningful participation of its custodial community.
2. Access rules may protect worship, privacy, ecology and safety consistently with constitutional rights.
3. Commercial tourism requires community terms and carrying-capacity safeguards.

Article 66 — Underwater heritage

1. Unauthorized disturbance, salvage, recovery or commercial exploitation of protected underwater heritage is prohibited.
2. Research shall prefer preservation in place, scientific methods, conservation capacity and public benefit.
3. A permit does not displace maritime safety, sovereign rights, ownership or valid international law.

Article 67 — Wrecks and maritime finds

1. A discovered wreck or object shall be reported under this Act and the Maritime Code.
2. Recent wreck, cargo, personal effects, war graves and historic archaeological material shall be distinguished according to age, ownership, memorial and safety.
3. Salvage reward principles do not authorize commercial dispersal of protected archaeological assemblages.

Article 68 — War graves and memorial sites

1. Human remains and sites associated with conflict shall be treated with dignity, impartial history and respect for families and communities.
2. Disturbance requires compelling forensic, identification, safety or research justification and ethical review.
3. Memorial interpretation shall not erase victims because of political affiliation, ethnicity, religion or nationality.

CHAPTER X DEVELOPMENT, PLANNING AND HERITAGE IMPACT

Article 69 — Heritage impact assessment

1. A project likely to cause significant heritage effect shall assess values, alternatives, direct and cumulative effects, community views and mitigation before approval.
2. Assessment may be integrated with environmental and social impact assessment under the Environmental Protection and Climate Resilience Act.
3. Project splitting to avoid assessment is prohibited.

Article 70 — Avoidance and mitigation hierarchy

1. Development shall first avoid harm, then minimize, conserve in place, repair and only lastly document or offset residual loss.
2. An offset or record does not make destruction acceptable where a feasible less harmful alternative exists.
3. Irreplaceable heritage requires heightened refusal criteria.

Article 71 — Developer responsibilities

1. The developer shall fund proportionate survey, consultation, conservation, monitoring and chance-find procedures through transparent arrangements.
2. Experts owe duties of competence and independence notwithstanding developer payment.
3. A community shall receive independent advice for a project threatening major sacred or community heritage.

Article 72 — Decision and conditions

1. The competent development authority shall obtain the Authority's reasoned heritage decision before issuing an incompatible approval.
2. Conditions shall be specific, measurable, time-bound and publicly accessible.
3. A public body may depart from technical advice only under express law and compelling published reasons subject to review.

Article 73 — Reconstruction

1. Reconstruction may be appropriate after disaster, conflict or documented loss where evidence, purpose and authenticity justify it.
2. New work shall be identifiable on close examination and documented.
3. Reconstruction shall not fabricate a convenient past or displace surviving authentic fabric unnecessarily.

CHAPTER XI TRADE, EXPORT, IMPORT AND RESTITUTION

Article 74 — Heritage dealers and auctioneers

1. A person commercially dealing in prescribed heritage objects shall register, identify beneficial ownership and maintain provenance, seller, buyer, description and transaction records.
2. The dealer shall conduct reasonable due diligence and report a suspicious stolen or unlawfully exported object.
3. Registration shall not imply government guarantee of title or authenticity.

Article 75 — Export permit

1. Permanent or temporary export of a registered or prescribed heritage object requires a permit.
2. The decision shall consider significance, lawful title, conservation, purpose, duration, return and public interest.
3. A refusal affecting private property shall be proportionate and may require acquisition or support where the burden is constitutionally excessive.

Article 76 — Temporary export

1. Temporary export may be authorized for exhibition, research, conservation, religious use or another legitimate purpose.
2. The permit shall state custody, insurance, security, care, return date and immunity arrangements where applicable.
3. Failure to return without lawful extension is prohibited.

Article 77 — Import and transit

1. A person shall not import or transit an object unlawfully exported from another country where a valid law or treaty requires refusal or return.
2. Customs and the Authority shall use risk-based provenance checks and protect good-faith procedural rights.
3. Eritrea shall not be used as a market or transit route for looted heritage.

Article 78 — Stolen and illicit objects

1. A museum, dealer and public body shall consult available stolen-object and illicit-trade information before acquisition.
2. Possession shall be secured and investigated where credible evidence of theft, looting or unlawful export exists.
3. A disposition decision shall consider title, due process, good faith, limitation rules and valid treaty obligations.

Article 79 — Restitution and return

1. The Authority shall pursue return of heritage unlawfully removed from Eritrea through evidence, negotiation, litigation or valid international mechanisms.
2. Claims shall distinguish unlawful removal, colonial or coercive taking, legitimate historical transfer and modern good-faith interests.
3. Return arrangements shall identify the proper public, community, religious or private custodian rather than assume automatic executive ownership.

Article 80 — Human remains and sacred objects abroad

1. Government shall support community and family claims for return of ancestral remains and sacred objects removed without valid consent.
2. Scientific, museum and diplomatic engagement shall respect dignity, evidence and culturally appropriate reburial or custody.
3. The affected community shall lead decisions after return, subject to law.

CHAPTER XII

ARCHIVES, DOCUMENTARY AND DIGITAL HERITAGE

Article 81 — Documentary heritage

1. Historically significant public, community, religious and private records, photographs, films, sound and digital materials may be recognized and conserved.
2. Recognition does not transfer copyright, privacy or ownership.
3. Public-record duties and access remain governed by records and information law.

Article 82 — Public archives coordination

1. The Authority shall coordinate heritage significance with the National Archives or competent records institution.
2. Permanent public records shall be transferred, preserved and made accessible according to lawful schedules and exceptions.
3. A public official shall not destroy or remove records to conceal wrongdoing or shape historical memory.

Article 83 — Private and community archives

1. Owners may receive advice, grants, digitization and safe-deposit assistance while retaining lawful control.
2. An agreement shall state access, copies, confidentiality, attribution and return.
3. Exceptional compulsory acquisition requires public purpose, due process and compensation.

Article 84 — Digital preservation

1. Digital heritage systems shall preserve authenticity, metadata, provenance, formats, checksums, migration history and secure redundant copies.
2. Public institutions shall use open or documented standards to avoid vendor lock-in.
3. Digitization is not a substitute for conserving an original where the original remains significant.

Article 85 — Digital access and intellectual rights

1. Public-domain heritage should be accessible at reasonable resolution and reusable terms consistent with conservation, privacy and community restrictions.
2. Copyright, traditional knowledge, sacred information and personal data shall be respected.
3. A public institution shall not claim new exclusive rights merely for faithful mechanical reproduction of a public-domain work unless law provides.

CHAPTER XIII EDUCATION, ACCESS AND SUSTAINABLE USE

Article 86 — Heritage education

1. Education institutions shall support critical, plural and evidence-based study of Eritrea's histories and heritage.
2. Teaching shall distinguish evidence, interpretation, uncertainty and political opinion.
3. Communities and practitioners may contribute without becoming instruments of compulsory ideology.

Article 87 — Public access

1. Publicly owned heritage shall provide reasonable access subject to conservation, worship, privacy, safety and capacity.
2. Fees shall be published, affordable and nondiscriminatory, with appropriate educational and local access.
3. Closure shall be reasoned, limited and reviewed.

Article 88 — Accessible heritage

1. Institutions shall progressively provide physical, sensory, linguistic and digital access for persons with disabilities.
2. Reasonable accommodation shall respect heritage fabric through creative alternatives where direct alteration is unsuitable.
3. Emergency and visitor information shall be accessible.

Article 89 — Tourism and commercial use

1. Tourism and filming shall respect carrying capacity, community life, worship, conservation and worker rights.
2. A significant public concession shall be allocated transparently with fees, performance, local benefit and restoration terms.
3. Commercial use of a community's sacred or living heritage requires lawful participation and fair terms.

Article 90 — Heritage Fund

1. A Heritage Fund is established to finance conservation, emergency action, community heritage, acquisitions, restitution, training and access.
2. It may receive appropriations, prescribed fees, donations, recovered costs and grants without donor control of regulatory decisions.
3. Accounts, awards, beneficiaries and results shall be public and audited.

CHAPTER XIV COMPLIANCE, ENFORCEMENT AND REMEDIES

Article 91 — Heritage inspectors

1. The Authority may appoint trained inspectors with written identification and defined jurisdiction.
2. Inspectors shall act proportionately, preserve evidence and respect property, privacy, worship, privilege and safety.
3. Performance shall not be rewarded by seizures, penalties or convictions.

Article 92 — Entry and warrants

1. An inspector may enter regulated business or public premises at a reasonable time to inspect a permit, collection or work.
2. Entry into a dwelling, religious inner space, forcible entry or intrusive search requires a judicial warrant except for immediate serious danger.
3. An inspection shall be recorded and minimize disruption.

Article 93 — Stop-work and conservation notices

1. The Authority may order temporary cessation of unauthorized work and specify protection, assessment and corrective action.
2. An urgent notice may take immediate effect to prevent irreversible loss and shall receive prompt independent review.
3. A notice shall state facts, law, duration and appeal rights.

Article 94 — Seizure and custody

1. An object reasonably suspected to be stolen, illegally excavated, unlawfully exported or material evidence may be detained.
2. An inventory, condition report, secure custody and prompt judicial review shall be provided.
3. Long-term forfeiture or transfer requires judicial order or lawful consent.

Article 95 — Administrative penalties

1. A Schedule enacted by the National Assembly may establish proportionate administrative penalties for specified contraventions.
2. Assessment shall consider significance, harm, fault, benefit, cooperation, recurrence and capacity to restore.
3. Liability requires notice, response, reasons and independent appeal.

Article 96 — Criminal referral

1. Evidence reasonably indicating knowing or reckless destruction of major protected heritage, looting of an archaeological site, trafficking of an illicit object, falsification of provenance, obstruction of an inspector or breach of a judicial order 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; this Act does not by itself create an unclassified offence or penalty.
3. A minor technical breach without material risk should ordinarily be corrected administratively, and criminal referral does not displace civil, administrative, restitutionary, conservation or protective remedies under this Act.

Article 97 — Civil remedies

1. The Authority, Advocate General, owner, community, religious institution, affected person or qualifying public-interest organization may seek injunction, return, restoration, declaration or lawful compensation.
2. A court may order cessation, conservation, reconstruction where appropriate, disclosure, restitution and publication of correction.
3. Public enforcement does not extinguish private, community or religious claims.

CHAPTER XV TECHNOLOGY, APPEALS AND FINAL PROVISIONS

Article 98 — Digital register and records

1. The Register, permits, decisions, grants and non-sensitive inventories shall progressively be available through secure interoperable systems.
2. Assisted in-person and offline access shall remain available where connectivity, literacy, disability or language requires.
3. Historic versions, provenance and correction history shall be preserved.

Article 99 — Remote sensing and digital recording

1. The Authority may use photography, scanning, geographic systems, remote sensing and drones for lawful documentation and monitoring.
2. Use shall comply with privacy, aviation, property, worship and security law and avoid unnecessary surveillance.
3. A digital model shall state method, accuracy, date and alterations and shall not be represented falsely as an original.

Article 100 — Artificial intelligence

1. Artificial intelligence may assist transcription, translation, image matching, condition detection, research and inspection targeting.
2. No automated system may finally designate property, determine ownership, authorize destruction, impose liability, authenticate an object conclusively or decide an appeal.
3. Material systems shall be validated, explainable, secure, tested for cultural and linguistic error and subject to accountable human review.
4. A person may correct data and challenge an automated contribution to a decision.

Article 101 — Heritage Tribunal

1. An independent Heritage Tribunal is established to hear appeals under this Act.
2. Members shall be appointed through a transparent merit process and include legal, conservation, archaeological, architectural, community and property competence with protected tenure.
3. The Tribunal shall be separate from ministries, the Authority and public museums.

Article 102 — Standing and powers

1. An applicant, owner, occupier, community, religious institution, local government or genuine public-interest organization has standing.
2. The Tribunal may confirm, vary, suspend or set aside a decision, remit it with directions and grant interim protection.
3. Procedure shall be accessible, timely and proportionate, and decisions shall be reasoned and public.

Article 103 — Court review

1. A party may appeal to the competent court on law as prescribed by court legislation.
2. Constitutional and supervisory judicial review remains available and shall not be excluded by regulation or contract.
3. A court may grant effective preventive, proprietary, restorative and compensatory relief within its jurisdiction.

Article 104 — Regulation-making authority

1. The President may, on recommendation of the Authority and responsible Minister, make regulations necessary for matters expressly delegated by this Act.
2. Draft regulations shall identify authority, evidence and impact and allow at least sixty days for public comment except for a temporary emergency measure.
3. Regulations may prescribe criteria, procedures, registers, permits, professional standards, export controls, records and transition consistent with this Act.

Article 105 — Limits on delegated power

1. A regulation may not create a tax, compulsory acquisition, imprisonment, unlegislated offence or penalty, final automated decision, exclusion of courts or reduction of constitutional compensation.
2. It may not transfer ownership to the State, extinguish Community Land Rights, dictate religious belief, censor historical interpretation or grant a named commercial monopoly.
3. An incorporated technical standard shall be identifiable and reasonably accessible.

Article 106 — Legacy-law audit

1. Within eighteen months the Authority and Legislative Revision Unit shall compare the authentic text of Proclamation 177/2015 and related heritage instruments against this Act.
2. Useful technical provisions may continue temporarily if published, consistent with this Act and lawfully remade within eighteen months.
3. Obsolete, duplicative and unconstitutional provisions shall be identified in a verified repeal and savings schedule for the National Assembly.

Article 107 — Existing designations and collections

1. A lawful designation, permit, museum custody or conservation agreement existing at commencement continues temporarily subject to registration and alignment with this Act.
2. Continuity does not cure defective acquisition, transfer ownership or validate an unconstitutional restriction.
3. Accrued rights, liabilities, restitution claims and proceedings are preserved.

Article 108 — Implementation plan

1. Within six months the Authority shall publish a three-year plan for staffing, inventory, local institutions, museums, archaeology, digital systems, conservation finance and illicit-trade control.
2. The plan shall identify appropriations, external assistance, milestones and capacity risks.
3. Limited capacity shall determine sequencing but shall not justify secrecy, discrimination or tolerance of imminent irreversible loss.

Article 109 — Commencement

1. Articles 1 to 30, 40 to 47, 57 to 62, 74 to 85 and 91 to 109 commence thirty days after publication in the Gazette.
2. Remaining Articles commence on dates appointed by published regulation within eighteen months, and any Article not appointed by then commences automatically.
3. A commencement regulation may arrange transition but may not postpone chance-find protection, anti-looting measures, information, appeal or court review.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA