DRAFTING NOTE

ENVIRONMENTAL PROTECTION AND CLIMATE RESILIENCE 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

The legacy framework includes narrow waste and plastic-bag measures but no comprehensive environmental statute. Eritrea needs one system for land, coast, water, biodiversity, pollution and climate risk.

3. What the draft retains

The draft retains pollution control, permits, environmental assessment, conservation and the polluter's duty to prevent and repair harm.

4. What the draft updates and modernizes

It adds strategic assessment, climate adaptation, public information and participation, coastal and marine protection, biodiversity safeguards, environmental justice, restoration, financial security, emergency response, cumulative-impact review and judicial remedies.

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; environmental governance; information, participation and environmental rights; strategic environmental assessment; environmental and social impact assessment; pollution prevention and environmental permits; waste, circular economy and products; biodiversity, ecosystems and natural heritage; climate resilience and low-emission development; land degradation, drought and restoration; 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

ENVIRONMENTAL PROTECTION AND CLIMATE RESILIENCE ACT 2026

(ACT)

AN ACT TO PROTECT THE ENVIRONMENT AND HUMAN HEALTH, ESTABLISH ENVIRONMENTAL ASSESSMENT AND POLLUTION CONTROL, CONSERVE BIODIVERSITY, STRENGTHEN CLIMATE RESILIENCE, REGULATE WASTE AND ENVIRONMENTALLY HARMFUL PRODUCTS, PROVIDE ACCESS TO ENVIRONMENTAL INFORMATION AND REMEDIES, AND PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Article 8(3) of the Constitution of Eritrea requires the State to manage land, water, air and natural resources sustainably and in the interests of present and future generations;
WHEREAS Articles 14, 15, 16, 21, 23 and 28 of the Constitution require equality, life and dignity, improved livelihood, protection of property, lawful administration and effective respect for rights;
WHEREAS environmental degradation, drought, land degradation, pollution, unsafe waste, loss of biodiversity and climate change threaten health, food and water security, pastoral and coastal livelihoods, investment and durable development;
WHEREAS the narrow prohibition on certain polyethylene bags in Legal Notice 63/2002, as amended by Legal Notice 99/2004, should be replaced by a comprehensive, proportionate and modern system of waste prevention and product responsibility;
WHEREAS environmental decisions should use reliable science, community and pastoral knowledge, transparent digital systems and responsible technology without surrendering legal judgment to automated systems;
WHEREAS Eritrea should perform its lawfully binding regional and international environmental obligations through constitutionally authorized and publicly accessible law;
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 Environmental Protection and Climate Resilience Act 2026.

Article 2 — Objects

1. prevent and remedy environmental harm and protect human health;

2. make development environmentally sustainable, climate-resilient and socially fair;
3. ensure prior assessment, participation, reasons, monitoring and review;
4. apply prevention, precaution and polluter-pays responsibility;
5. conserve biodiversity, ecosystems, soils, coasts and natural heritage;
6. promote resource efficiency, circular production and safe waste management;
7. protect community, pastoral and future-generation interests; and
8. provide effective compliance, restoration and remedies.

Article 3 — Application

1. This Act binds every person, public body, public enterprise and security institution throughout Eritrea.
2. An exclusion for classified activity may protect only information whose disclosure creates a specific serious security risk and does not exclude substantive environmental duties, independent oversight or emergency protection.
3. A project financed, owned or undertaken by the State is subject to the same environmental standards as a private project.

Article 4 — Definitions

1. “Authority” means the Environmental Protection Authority established by this Act;
2. “biodiversity” means variability among living organisms and the ecological complexes of which they form part;
3. “climate resilience” means capacity to anticipate, withstand, adapt to and recover from climate-related harm;
4. “environment” includes air, water, land, soil, climate, living organisms, ecosystems, landscape, cultural relationships and their interaction with human health and livelihood;
5. “environmental authorization” means an authorization issued under Chapter V;
6. “hazardous activity” means an activity creating a significant risk of serious environmental or health harm;
7. “operator” includes a person controlling or benefiting from an undertaking;
8. “pollution” means a direct or indirect introduction of matter, energy, organisms, noise, heat, light or vibration that causes or is likely to cause harm; and
9. “waste” means a substance or object discarded, intended to be discarded or required by law to be managed as waste.

Article 5 — Constitutional and treaty interpretation

1. The Constitution prevails and every power under this Act shall be exercised consistently with constitutional rights, lawful property interests, due process and judicial review.
2. This Act shall, so far as its text permits, be interpreted consistently with environmental obligations binding Eritrea under a constitutionally valid treaty.
3. A treaty, guideline, foreign standard or development agreement does not create domestic coercive power unless given legal effect through the Constitution or an Assembly Act.

Article 6 — Relationship with other legislation

1. This Act provides the minimum environmental framework and does not grant land, minerals, petroleum, water, planning, building, maritime, electricity or business rights.
2. An approval under another Act does not replace an authorization required by this Act, and an environmental authorization does not replace a sector approval.
3. The Land Act governs title, Community Land Rights and acquisition; sector Acts govern their licenses; and this Act governs environmental assessment, pollution, restoration and environmental compliance.
4. Where two lawful standards protect the same interest, the more protective reasonably applicable standard governs unless an Act expressly provides otherwise.

Article 7 — Environmental principles

1. prevention of harm at source;
2. precaution where credible risk exists despite scientific uncertainty;
3. polluter payment for prevention, control, restoration and lawful compensation;
4. intergenerational and intragenerational equity;
5. environmental justice and protection of persons bearing disproportionate burdens;
6. ecosystem and landscape approaches;
7. public participation, access to information and access to justice;
8. best available techniques proportionate to risk and national capacity; and
9. non-regression from established protection without compelling published justification.

CHAPTER II
ENVIRONMENTAL GOVERNANCE

Article 8 — Environmental Protection Authority

1. The Environmental Protection Authority is established as an independent statutory body with legal personality.
2. The Authority shall regulate, monitor and enforce this Act impartially and shall not promote, own or financially participate in a regulated project.

Article 9 — Functions of Authority

1. administer assessment and environmental authorizations;
2. set and enforce standards under delegated authority;
3. monitor environmental quality and climate risk;
4. maintain environmental registers and publish information;
5. coordinate emergency response and restoration;
6. advise public bodies and local governments; and
7. report independently to the National Assembly and the public.

Article 10 — Governing Board

1. A governing Board shall set strategy, protect institutional independence and oversee performance and finance.
2. Members shall be selected through a public merit process for expertise in law, health, science, engineering, economics, communities, pastoral systems and local government.
3. A majority shall be persons who are not serving executive officials, and appointment, tenure, recusal and removal shall be transparent.

Article 11 — Director-General and staff

1. The Board shall appoint a Director-General through open competition for a protected renewable term prescribed by Act.
2. Staff shall be recruited on merit under public-service law, possess appropriate expertise and disclose interests.
3. A person who recently represented a regulated enterprise shall not decide a matter involving that enterprise during a prescribed cooling-off period.

Article 12 — Environmental offices

1. The Authority shall maintain accessible provincial and county offices or shared services and may accredit qualified local-government environmental units.
2. Delegation shall be written, published, resourced and supervised and does not remove the Authority's responsibility.
3. Village and pastoral institutions may monitor local conditions and report harm without being converted into enforcement agencies against their communities.

Article 13 — Scientific and Community Advisory Council

1. An independent Council shall advise on science, public health, climate, biodiversity and community knowledge.
2. Its membership shall include universities, professional bodies, women, youth, disability, village, pastoral, fishing and worker representatives.
3. Advice, minority views and declared interests shall be published, subject only to lawful protection of sensitive ecological knowledge.

Article 14 — Coordination among public bodies

1. Every public body shall integrate environmental and climate duties into its lawful functions and share reliable information.
2. The Authority shall coordinate but shall not assume the statutory licensing or service functions of another institution.
3. A memorandum of cooperation may organize joint inspections and data exchange but may not alter powers established by Act.

Article 15 — Annual report and 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 environmental quality, permits, compliance, enforcement, restoration, climate risks, finance, complaints and institutional performance.
3. The Auditor General shall audit public resources without limiting the Authority's regulatory independence.

CHAPTER III
INFORMATION, PARTICIPATION AND ENVIRONMENTAL RIGHTS

Article 16 — Right to environmental information

1. Every person has a right of timely access to environmental information held by a public body, subject only to narrow lawful exceptions.
2. Information concerning emissions, discharges, environmental risk, non-compliance or an imminent threat shall not be withheld as commercial confidentiality.
3. A refusal shall identify the protected interest, explain foreseeable harm and provide independent review.

Article 17 — Environmental information system

1. The Authority shall maintain an interoperable public system containing assessments, authorizations, monitoring, inspections, enforcement, restoration and environmental-quality data.
2. Records shall be searchable, downloadable, accessible to persons with disabilities and available through assisted non-digital service.
3. Historic versions, corrections, provenance and machine-readable identifiers shall be preserved.

Article 18 — State of the Environment report

1. At least every two years the Authority shall publish a State of the Environment report using measurable indicators and geographic analysis.
2. The report shall identify trends, uncertainty, unequal burdens, climate risks, restoration priorities and performance of public policy.
3. The National Assembly shall consider the report in public session.

Article 19 — Pollutant release and transfer register

1. Operators of prescribed facilities shall report standardized releases, transfers, waste and resource use to a public register.
2. Reporting thresholds shall reflect risk and shall not exempt an incident or unlawful discharge from immediate reporting.
3. The Authority shall verify data and identify omissions or uncertainty.

Article 20 — Public participation

1. A person likely to be affected shall receive early notice, understandable information, adequate time and a meaningful opportunity to influence a decision.
2. Participation shall be free from intimidation and accessible by language, location, disability, technology and livelihood pattern.
3. The decision shall summarize material submissions and explain how they were addressed.

Article 21 — Community and pastoral knowledge

1. Environmental decision-making shall respect reliable village, pastoral, fishing and customary ecological knowledge alongside scientific evidence.
2. Consultation affecting mobile communities shall account for seasonal presence, routes, drought reserves and reciprocal users.
3. Sensitive knowledge shall not be published or commercially used without lawful community authorization.

Article 22 — Environmental education

1. Education authorities shall integrate practical environmental, climate and resource literacy into curricula consistent with education law.
2. The Authority shall publish plain-language guidance for households, enterprises and communities.
3. Public information shall distinguish established evidence, uncertainty and policy choice.

CHAPTER IV
STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 23 — Requirement for strategic assessment

1. A public body preparing a major policy, plan or program likely to have significant environmental or climate effects shall conduct a strategic environmental assessment before adoption.
2. The duty applies to national, sector, spatial, infrastructure, resource, coastal and reconstruction planning.
3. A strategic assessment does not replace project assessment.

Article 24 — Scope

1. Assessment shall examine objectives, reasonable alternatives, cumulative effects, climate risk, biodiversity, health, livelihood, distributional effects and implementation capacity.
2. It shall compare a no-action and lower-impact alternative and identify irreversible choices.
3. The level of analysis shall be proportionate to the decision and available knowledge.

Article 25 — Procedure

1. The responsible body shall consult the Authority on scope and publish the draft assessment with the proposed policy, plan or program.
2. Affected communities, local governments, experts and the public shall receive at least sixty days to comment on a major proposal.
3. A final statement shall explain the selected alternative, mitigation, monitoring and responses to material comments.

Article 26 — Cumulative and transboundary effects

1. Effects shall be considered together with existing and reasonably foreseeable activities and not project by project in isolation.
2. Where a proposal may cause significant effects outside Eritrea, the responsible body shall notify and consult the affected State through lawful channels.
3. Reciprocal information and participation shall be pursued without surrendering Eritrean constitutional authority.

Article 27 — Adoption and monitoring

1. A policy, plan or program shall not be adopted until the assessment and response statement are complete.
2. The adopting body shall state environmental conditions, indicators, responsibility and review dates.
3. Material unforeseen effects shall trigger corrective action and, where necessary, reassessment.

CHAPTER V
ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

Article 28 — Projects requiring authorization

1. A project likely to cause significant environmental or social effects requires prior environmental authorization.
2. Regulations shall establish transparent risk categories, thresholds and lists consistent with this Act.
3. Project splitting, artificial changes of ownership or staged applications intended to avoid assessment are prohibited.

Article 29 — Screening

1. The Authority shall screen a complete proposal by scale, location, technology, sensitivity, cumulative effect and risk.
2. The written screening decision shall require full assessment, a proportionate limited assessment or no further assessment and shall be published.

3. A no-assessment decision may contain standard protective conditions and remains reviewable.

Article 30 — Scoping

1. For a full assessment, the proponent, Authority, affected communities and relevant bodies shall identify material issues and alternatives before the study begins.
2. Terms of reference shall address direct, indirect, cumulative, transboundary, climate and lifecycle effects.
3. A material issue may not be excluded merely because baseline data are incomplete.

Article 31 — Assessment report

1. The report shall describe the project, need, site, alternatives, baseline, methods, uncertainty, effects, mitigation, residual harm, monitoring, closure and restoration.
2. It shall address health, biodiversity, water, air, soil, climate, waste, cultural heritage, displacement, livelihood, labour and vulnerable groups as relevant.
3. A non-technical summary shall be understandable in locally relevant languages.

Article 32 — Alternatives

1. The assessment shall compare reasonable sites, scales, designs, technologies, timing and the no-project alternative.
2. The preferred alternative shall be justified by environmental, social, economic and technical evidence rather than the proponent's convenience alone.
3. Where a substantially less harmful feasible alternative exists, authorization of the more harmful alternative requires exceptional published reasons.

Article 33 — Climate assessment

1. A major project shall assess greenhouse-gas emissions, energy and resource efficiency, climate hazards and consistency with lawful climate plans.
2. Design shall account for foreseeable heat, drought, flood, sea-level, storm and supply risks over the asset's life.
3. Unverified offset claims do not substitute for feasible direct emission reduction.

Article 34 — Community, land and livelihood safeguards

1. Assessment shall identify Community Land Rights, household interests, pastoral mobility, fishing access, cultural relationships and livelihood dependence.
2. This Act does not reduce consent, consultation, compensation or benefit-sharing required by the Land Act, Mining Act, Petroleum Act or another Act.
3. A community shall receive independent technical assistance for a project posing substantial risk to its land or livelihood.

Article 35 — Independent preparation and review

1. The proponent shall fund assessment, but qualified experts shall owe duties of competence, independence and truthful disclosure.
2. The Authority may commission independent review at the proponent's reasonable cost through a transparent process.
3. False, concealed or materially misleading information may invalidate an authorization and attract liability.

Article 36 — Publication and hearing

1. The complete application and studies shall be published before decision, except narrowly protected information accompanied by a public summary.
2. At least sixty days shall be allowed for comment on a full assessment.
3. A public hearing is required for a major contested project, substantial displacement, hazardous facility or serious effect on community land.

Article 37 — Decision criteria

1. The Authority shall consider legality, need, alternatives, prevention, precaution, climate resilience, cumulative effects, public submissions and enforceability of conditions.
2. Authorization shall be refused where unlawful or unacceptable harm cannot be prevented, reduced, restored or lawfully compensated.
3. Economic benefit does not automatically outweigh rights, health, irreversible loss or an available less harmful alternative.

Article 38 — Decision and conditions

1. The Authority shall issue a reasoned decision within a published period after receiving a complete record.
2. Conditions shall be specific, measurable, time-bound and linked to monitoring, financial assurance, closure and restoration.
3. The authorization, reasons and conditions shall be public before work begins.

Article 39 — Validity, transfer and modification

1. An authorization shall state its duration and expires if substantial work does not begin within that period.
2. Transfer requires notice and proof that the successor accepts duties and possesses capacity and financial assurance.
3. A material change in design, ownership risk, scale, location or impact requires prior modification or fresh assessment.

Article 40 — Monitoring and environmental audit

1. The operator shall monitor effects against approved indicators and report reliable results at prescribed intervals.
2. The Authority may require independent audit and community monitoring proportionate to risk.
3. Monitoring shall be revised where effects or assumptions materially differ from the assessment.

Article 41 — Suspension and revocation

1. The Authority may suspend or revoke authorization for serious breach, fraud, imminent harm, loss of capacity or failure of financial assurance after fair notice where practicable.
2. Immediate interim suspension may be ordered to prevent serious harm and shall receive prompt independent review.
3. Suspension or revocation does not remove restoration, compensation or enforcement liability.

CHAPTER VI
POLLUTION PREVENTION AND ENVIRONMENTAL PERMITS

Article 42 — General duty of care

1. Every person shall take reasonable measures to prevent pollution and, where harm occurs, contain, notify, restore and prevent recurrence.
2. Reasonableness considers risk, knowledge, available techniques, cost relative to harm and the person's control.
3. The duty applies notwithstanding the absence of a specific emission limit.

Article 43 — Environmental permit

1. A prescribed facility or activity shall not emit, discharge, store, treat or dispose of pollutants without an environmental permit.
2. An integrated permit shall coordinate air, water, soil, waste, noise and closure conditions where practicable.
3. Permits shall not legalize infringement of property, health or other rights.

Article 44 — Environmental quality and emission standards

1. The Authority may recommend regulations establishing ambient quality, emission, discharge, product and method standards within express statutory purposes.
2. Standards shall use health and environmental evidence, feasible best techniques, monitoring capacity and published transition periods.
3. A standard may distinguish activities by risk but shall not grant a secret or politically selective exemption.

Article 45 — Best available techniques

1. A major facility shall apply best available techniques reasonably suited to Eritrean conditions and the seriousness of risk.
2. The Authority shall publish sector reference guidance after technical and public consultation.
3. Cost shall be considered but does not justify avoidable serious or irreversible harm.

Article 46 — Air, water and soil pollution

1. No person shall cause an unauthorized release likely to exceed a lawful standard or cause material harm.
2. Dilution, transfer between media or off-site disposal shall not be used to conceal pollution.
3. Protection of water quantity and allocation remains governed by water legislation, while environmental quality and discharge are governed by this Act.

Article 47 — Noise, vibration, odour, heat and light

1. An operator shall prevent unreasonable interference with health, sleep, livelihood, property, wildlife or amenity from noise, vibration, odour, heat or light.
2. Standards and permits shall account for location, duration, sensitivity, existing background and practicable mitigation.
3. Traditional, cultural and ordinary domestic activity shall be regulated proportionately.

Article 48 — Hazardous substances

1. A person handling a prescribed hazardous substance shall classify, label, store, transport, trace and dispose of it safely.
2. Facilities shall maintain inventories, safety data, trained personnel, emergency plans and financial capacity.
3. A prohibited substance may not be imported, manufactured or used except for a narrowly authorized essential purpose.

Article 49 — Incident notification

1. An operator shall immediately notify the Authority, emergency services and persons at risk of a significant spill, release, fire, explosion or control failure.
2. The operator shall contain harm, preserve evidence and submit a cause and corrective-action report.
3. Notification does not constitute an admission, but evidence of concealment or unreasonable delay shall be referred for investigation where the conduct may constitute an offence under the Penal Code or another Assembly Act.

CHAPTER VII
WASTE, CIRCULAR ECONOMY AND PRODUCTS

Article 50 — Waste hierarchy

1. Waste shall be managed in the order of prevention, reduction, reuse, repair, recycling, recovery and safe disposal.
2. Departure from the hierarchy requires lifecycle evidence that it produces a better environmental and health result.
3. Public procurement shall support durable, repairable and resource-efficient products where lawful and economical.

Article 51 — Generator responsibility

1. A generator remains responsible for safe classification, separation, storage, documentation and delivery to an authorized person.
2. Transfer does not remove liability where the generator knew or should have known of unlawful handling.
3. Small households and communities shall receive practical collection services rather than disproportionate criminalization.

Article 52 — Waste service planning

1. Local governments shall prepare inclusive waste plans covering collection, transfer, recovery, disposal, informal workers, finance and underserved areas.
2. National and provincial authorities shall coordinate facilities requiring larger scale or serving several jurisdictions.
3. Fees and service models shall be transparent, affordable and linked to actual service.

Article 53 — Waste operators and facilities

1. Prescribed collection, transport, recycling, treatment and disposal activities require authorization and competent operation.
2. A facility shall use suitable siting, engineering, monitoring, closure and financial assurance.
3. Open dumping and uncontrolled burning are prohibited subject to a practical published transition plan.

Article 54 — Hazardous, medical and electronic waste

1. Hazardous, healthcare, laboratory, battery and electronic waste shall be separated and managed through traceable specialized systems.
2. Import or export shall comply with this Act, customs law and constitutionally binding international obligations.
3. Eritrea shall not be used as a destination for foreign hazardous waste or disguised second-hand goods that are in substance waste.

Article 55 — Extended producer responsibility

1. Regulations may require producers and importers of prescribed products to finance and organize collection, repair, reuse, recycling or safe disposal.
2. A scheme shall set measurable targets, independent accounting, accessible collection and competition safeguards.
3. Costs and environmental claims shall be transparent to consumers.

Article 56 — Deposit-return and take-back systems

1. Regulations may establish deposit-return or take-back systems for beverage containers, batteries, electronics, oils, tyres and other suitable products.
2. A deposit is held for the consumer and shall be redeemable through convenient channels.
3. Unredeemed balances shall be used only for administration and environmental purposes under audited rules.

Article 57 — Single-use plastics and bags

1. The manufacture, import, commercial distribution and sale of a polyethylene shopping bag not exceeding 0.1 millimetre in thickness are prohibited, subject to narrowly defined health, safety or essential-use exceptions.
2. The Authority may recommend evidence-based standards or phased restrictions for other avoidable single-use plastics through regulations authorized by this Act.
3. Transition shall support affordable reusable alternatives, local production and workers and shall focus enforcement on producers, importers and distributors rather than vulnerable consumers.

Article 58 — Littering and illegal dumping

1. No person shall discard waste in a public place, watercourse, coast, pastoral route or unauthorized site.
2. Enforcement shall distinguish organized dumping and commercial misconduct from minor household conduct and shall prioritize cleanup and education where appropriate.
3. A local government shall provide reasonable disposal access before imposing a recurring household penalty.

Article 59 — Contaminated land

1. A person responsible for contamination shall investigate, contain and restore land to a risk-based lawful standard.
2. The Authority shall maintain a public register of materially contaminated sites and land-use restrictions.
3. An innocent owner may obtain public assistance or cost recovery against the responsible person without losing constitutional property protection.

CHAPTER VIII
BIODIVERSITY, ECOSYSTEMS AND NATURAL HERITAGE

Article 60 — Biodiversity duty

1. Every public body shall conserve biodiversity and ecosystem function within its lawful mandate.
2. Decisions shall avoid critical habitat loss, maintain ecological connectivity and apply the mitigation hierarchy.
3. Community conservation and customary sustainable use shall be recognized where consistent with rights and conservation.

Article 61 — Critical habitats and protected species

1. Regulations may list threatened species, critical habitats and prohibited conduct on scientific advice and after consultation.
2. An emergency interim listing may last no more than twelve months unless confirmed through the ordinary process.
3. Permits shall be narrow, reasoned, monitored and unavailable for conduct threatening survival or recovery.

Article 62 — Protected and conserved areas

1. Designation shall use transparent ecological and social criteria, mapped boundaries, participation, management plans and sustainable finance.
2. Designation does not extinguish Community Land Rights or household interests and shall comply with land law, compensation and livelihood safeguards.
3. Co-management with villages, pastoral communities and local governments shall be preferred where effective and fair.

Article 63 — Invasive alien species

1. The Authority shall maintain risk lists and coordinate prevention, early detection, control and restoration.
2. Import, release or cultivation of a listed invasive organism requires authorization or is prohibited according to risk.
3. Control measures shall avoid unnecessary harm to livelihoods, native species and human health.

Article 64 — Genetic resources and traditional knowledge

1. Access to genetic resources or associated community knowledge requires prior lawful authorization and fair benefit-sharing.
2. The source community shall receive understandable terms and independent advice where commercial use is proposed.

3. Digital sequence information and new technology shall not be used to evade attribution or lawful benefit-sharing.

Article 65 — Coastal, marine and wetland ecosystems

1. Public bodies shall protect mangroves, reefs, seagrass, wetlands, spawning grounds, beaches and other sensitive ecosystems.
2. Coastal development shall consider erosion, sediment, sea-level rise, public access, fishing livelihood and cumulative port and industrial effects.
3. Vessel safety and ship-source pollution are governed additionally by the Maritime Code and applicable port law.

Article 66 — Environmental flows and watershed protection

1. Water planning shall maintain flows and quality necessary for ecosystems, health and downstream livelihood.
2. Catchment measures shall address erosion, recharge, pollution, wetlands and drought risk across administrative boundaries.
3. This Article does not allocate water rights, which shall be determined under water legislation.

CHAPTER IX
CLIMATE RESILIENCE AND LOW-EMISSION DEVELOPMENT

Article 67 — National climate framework

1. The Government shall maintain a publicly costed climate strategy covering mitigation, adaptation, finance, technology, capacity and a just transition.
2. The strategy shall be based on current evidence, lawfully binding commitments and Eritrea's development needs.
3. It shall be reviewed at least every five years through public and Assembly scrutiny.

Article 68 — National adaptation plan

1. The adaptation plan shall prioritize water security, agriculture, pastoral systems, coasts, health, settlements, infrastructure, biodiversity and disaster risk.
2. It shall identify responsible bodies, milestones, finance and indicators and shall use local and community knowledge.
3. Investment decisions shall disclose material climate risk and adaptation assumptions.

Article 69 — Emissions inventory and mitigation

1. The Authority shall maintain a transparent national greenhouse-gas inventory using recognized methods and stated uncertainty.
2. Major emitters shall measure and report prescribed emissions and implement cost-effective reduction plans.

3. An emission limit, levy or trading obligation requires clear authority in an Assembly Act and may not be invented administratively.

Article 70 — Public-sector climate duty

1. A public body shall assess climate risk and lifecycle emissions in major infrastructure, procurement and asset management.
2. The annual budget shall identify major climate-related expenditure and fiscal risk under public-finance law.
3. Emergency and poverty-reduction needs shall be integrated rather than displaced by climate policy.

Article 71 — Just transition

1. A transition away from harmful technology or practice shall consider workers, low-income households, pastoralists, farmers, fishers and affected communities.
2. Measures may include retraining, social protection, enterprise support, phased standards and affordable alternatives under lawful appropriations.
3. No community shall bear a disproportionate transition cost without participation and fair mitigation.

Article 72 — Climate finance and integrity

1. Public climate finance shall be budgeted, procured, accounted for and audited under public-finance law.
2. A carbon credit or environmental claim shall use additional, measurable, independently verified and durable benefit and prevent double counting.
3. Land-based projects shall respect Community Land Rights, informed participation and equitable benefit-sharing.

Article 73 — Climate disclosure and green claims

1. A prescribed large enterprise or financial institution shall disclose material climate risks and emissions using proportionate reliable standards.
2. A person shall not make a materially false or misleading environmental, climate-neutral or offset claim in commerce.
3. Small enterprises shall receive simplified requirements and technical support.

CHAPTER X
LAND DEGRADATION, DROUGHT AND RESTORATION

Article 74 — Land degradation neutrality

1. National and local plans shall prevent avoidable soil loss, salinization, desertification and loss of productive capacity and restore degraded land.

2. Restoration priorities shall be mapped transparently with community participation and without using restoration as a pretext for land dispossession.
3. Progress shall be measured against a published baseline.

Article 75 — Rangelands and pastoral resilience

1. Environmental policy shall protect mobility, corridors, dry-season grazing, drought reserves, reciprocal access and flexible use as sources of resilience.
2. No authority shall assume that sedentarization is inherently environmentally superior or compel it through environmental regulation.
3. Voluntary livelihood transition may be supported through education, technology, services and investment while preserving equal citizenship and choice.

Article 76 — Soil and agricultural stewardship

1. Agricultural policy shall promote soil cover, water efficiency, appropriate inputs, integrated pest management and protection from contamination.
2. Restrictions shall be proportionate to risk and accompanied by practical extension support.
3. Traditional varieties and farmer innovation shall be respected consistently with biosafety and intellectual-property law.

Article 77 — Restoration plans

1. An operator whose activity materially disturbs land or ecosystems shall prepare, fund and implement progressive restoration and closure.
2. Restoration shall use measurable completion criteria, post-closure monitoring and financial assurance.
3. Transfer, insolvency or closure does not extinguish accrued restoration duties.

CHAPTER XI
ENVIRONMENTAL EMERGENCIES

Article 78 — Emergency preparedness

1. Operators of hazardous activities and responsible public bodies shall maintain coordinated, tested and publicly understandable emergency plans.
2. Plans shall identify command, notification, evacuation, medical response, containment, equipment, vulnerable persons and recovery.
3. Communities at risk shall receive regular information and realistic exercises.

Article 79 — Emergency powers

1. Where serious imminent harm exists, the Authority may order cessation, evacuation support, containment, access to equipment and other necessary temporary measures.
2. A measure shall be proportionate, recorded, time-limited and subject to prompt judicial review.

3. Emergency power does not authorize permanent acquisition, censorship unrelated to safety or immunity for unlawful conduct.

Article 80 — Recovery and costs

1. The responsible operator shall reimburse reasonable public response, monitoring and restoration costs.
2. Government shall coordinate recovery of health, livelihood, ecosystem and infrastructure and publish expenditure and results.
3. Public intervention does not waive claims against responsible persons.

CHAPTER XII
COMPLIANCE AND ENFORCEMENT

Article 81 — Environmental inspectors

1. The Authority may appoint trained inspectors with written identification and defined powers.
2. Inspectors shall act impartially, record inspections and respect privilege, privacy, property and occupational safety.
3. Performance shall not be rewarded by the amount of penalties imposed.

Article 82 — Entry, inspection and warrants

1. An inspector may enter regulated business premises at a reasonable time to inspect, sample, measure and copy relevant records.
2. Entry into a dwelling, forcible entry or intrusive search requires a judicial warrant except to address immediate danger.
3. Samples shall follow reliable chain-of-custody and split-sample procedures where practicable.

Article 83 — Compliance notices

1. Where a contravention exists, the Authority may issue a notice stating facts, law, corrective measures, time and review rights.
2. An urgent notice may require immediate containment or cessation where delay risks serious harm.
3. A notice shall be proportionate and may be varied or withdrawn on evidence.

Article 84 — Administrative penalties

1. A schedule enacted by the National Assembly may authorize proportionate administrative penalties for specified contraventions.
2. Assessment shall consider seriousness, duration, fault, benefit, cooperation, recurrence and ability to restore.

3. Liability requires notice, opportunity to respond, reasons and independent appeal, and no executive instrument may create an unlegislated penalty.

Article 85 — Civil enforcement

1. The Authority, Advocate General, affected person or qualifying community organization may seek an injunction, declaration, restoration or lawful compensation.
2. A court may order environmental audit, cessation, remediation, financial security, monitoring and publication of correction.
3. Delay shall not bar preventive relief where continuing serious harm exists.

Article 86 — Criminal referral

1. Evidence reasonably indicating knowing or reckless causation of serious unlawful harm, operation of a prescribed activity without authorization, falsification of material data, obstruction of an inspector, concealment of a serious incident 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, restorative or protective remedies under this Act.

Article 87 — Liability of organizations and officers

1. An organization bears civil and administrative liability for conduct of its directing mind, authorized agent or employee acting within assigned functions, subject to lawful defences.
2. Criminal liability of an organization or officer arises only as provided by the Penal Code or another Assembly Act expressly defining that liability.
3. A parent or controlling person may be liable where it directed harmful conduct, stripped assets or abused separate personality to evade restoration.

Article 88 — Whistleblowers and complainants

1. A person who reports environmental risk or non-compliance in good faith is protected from retaliation under applicable law.
2. Confidential identity shall be protected so far as consistent with fair proceedings.
3. Knowingly false reporting may attract ordinary liability, but an unproven good-faith report does not.

CHAPTER XIII
LIABILITY, RESTORATION AND FINANCIAL ASSURANCE

Article 89 — Polluter liability

1. A person causing unlawful environmental harm is responsible for reasonable prevention, containment, assessment, restoration and resulting lawful compensation.
2. Liability may arise notwithstanding compliance with a permit where negligence, incomplete disclosure or independent private-law liability is proved.
3. Payment to government does not extinguish a private or community claim unless lawfully settled.

Article 90 — Strict liability for hazardous activities

1. An operator of a prescribed abnormally hazardous activity is strictly liable for characteristic environmental harm caused by that activity.
2. Defences are limited to harm wholly caused by an exceptional natural event, armed conflict or intentional act of an unrelated third person that could not reasonably be prevented.
3. Contributory fault may apportion compensation but shall not defeat public restoration.

Article 91 — Joint responsibility and contribution

1. Persons contributing to indivisible harm may be jointly responsible to the claimant or restoring authority.
2. A responsible person may seek fair contribution based on causation, fault, benefit and capacity to prevent harm.
3. Uncertainty created by failure to keep legally required records may be resolved against the person responsible for that failure.

Article 92 — Restoration standard

1. Restoration shall return the environment as nearly as reasonably possible to baseline condition and ecological function.
2. Where full restoration is impossible, complementary restoration and compensation for interim loss may be ordered.
3. Affected communities shall participate in selection, monitoring and completion of restoration.

Article 93 — Financial assurance

1. A high-risk operator shall maintain a bond, insurance, trust, guarantee or other secure financial assurance sufficient for closure, emergencies and restoration.
2. The instrument shall be independently held, periodically adjusted and unavailable to ordinary creditors to the extent law permits.
3. Government ownership or political sponsorship is not a substitute for assurance.

Article 94 — Environmental trust and orphan sites

1. The Environmental Restoration Trust is established to finance urgent action and orphan-site restoration under appropriations and audited rules.
2. It may receive enacted levies, recovered costs, penalties, grants and lawful donations without allowing a donor to control enforcement.
3. Use shall be transparent, geographically fair and unavailable for unrelated government expenditure.

CHAPTER XIV
REVIEW, TRIBUNAL AND ACCESS TO JUSTICE

Article 95 — Internal reconsideration

1. A person materially affected may request prompt reconsideration based on error, new evidence or changed circumstances.
2. Reconsideration does not suspend a protective measure unless the Authority or Tribunal so orders.
3. The decision shall be reasoned and does not limit appeal.

Article 96 — Environmental Tribunal

1. An independent Environmental Tribunal is established to hear appeals under this Act.
2. Members shall be appointed through a transparent merit process and include legal and technical competence, protected tenure and conflict safeguards.
3. The Tribunal shall be institutionally separate from the Authority and regulated ministries.

Article 97 — Standing and procedure

1. An applicant, affected person, community, local government or public-interest organization with a genuine environmental concern has standing.
2. Procedure shall be accessible, timely and proportionate and may include local hearings, expert assistance and protective costs orders.
3. The Tribunal may receive relevant reliable evidence without abandoning fairness.

Article 98 — Powers and interim relief

1. The Tribunal may confirm, vary, suspend or set aside a decision, remit it with directions and issue necessary interim protection.
2. It shall respect lawful institutional competence but shall correct legal error, procedural unfairness, unreasonable findings and disproportionate action.
3. Reasons and orders shall be public subject to narrow lawful redaction.

Article 99 — Appeal and judicial review

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

CHAPTER XV
TECHNOLOGY, DATA AND RESPONSIBLE AUTOMATION

Article 100 — Digital environmental administration

1. Applications, notices, participation, permits, monitoring and registers shall be available through secure interoperable digital systems by published stages.
2. Assisted in-person and offline channels shall remain available where connectivity, disability, literacy or language requires.
3. System failure shall not forfeit a right or validate an unlawful approval.

Article 101 — Remote sensing and monitoring technology

1. The Authority may use satellites, sensors, geographic information systems, drones and other lawful technology to detect change and target inspection.
2. Intrusive surveillance, flight, data retention and use shall comply with privacy, aviation, property and evidence law.
3. Technology-generated evidence shall disclose method, accuracy, uncertainty and chain of custody.

Article 102 — Artificial intelligence

1. Artificial intelligence may assist screening, translation, anomaly detection, modelling and administrative triage.
2. No automated system may make the final decision to authorize a project, impose liability, determine an offence, extinguish a right or deny an appeal.
3. Material use shall be documented, validated, explainable, secure, tested for unequal error and subject to accountable human review.
4. A person may correct material data and challenge an automated contribution to a decision.

Article 103 — Data governance

1. Environmental data shall use open standards, reliable metadata, access controls, retention schedules and public correction histories.
2. Personal, commercially confidential and ecologically sensitive data shall be protected only to the necessary extent.

3. A technology supplier shall not own public records, prevent lawful migration or conceal material system logic from authorized audit.

CHAPTER XVI
FINANCE, REGULATIONS AND FINAL PROVISIONS

Article 104 — Fees and cost recovery

1. Fees may recover reasonable administrative cost and shall be prescribed transparently under express authority.
2. Fees shall reflect project scale and risk and shall not prevent community participation, complaints or access to essential information.
3. A fee does not purchase favorable treatment or immunity.

Article 105 — Regulation-making authority

1. The President may, on recommendation of the Authority and responsible Minister, make regulations necessary to implement matters expressly delegated by this Act.
2. Draft regulations shall be published with legal authority, evidence, impact and at least sixty days for comment except for a temporary emergency measure.
3. Regulations may prescribe technical standards, thresholds, procedures, forms, records, monitoring, product responsibility and transitional arrangements consistent with this Act.

Article 106 — 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. A regulation may not grant a sector right, extinguish Community Land Rights, waive assessment for a named person or permit import of foreign hazardous waste.
3. A technical standard incorporated by reference shall be identifiable and reasonably accessible to affected persons.

Article 107 — Emergency regulations

1. The President may make temporary regulations strictly necessary to address a declared environmental emergency where ordinary procedure cannot prevent serious harm.
2. They shall state evidence, scope and expiry, last no more than ninety days and be submitted promptly to the National Assembly.
3. Extension or creation of a continuing coercive regime requires an Assembly Act.

Article 108 — Review of existing activities

1. Within eighteen months the Authority shall inventory major existing activities, dumps, contaminated sites, permits and environmental liabilities.

2. It shall publish a risk-based compliance transition that addresses the most serious threats first and gives reasonable time for good-faith modernization.
3. Existing operation does not create a permanent right to pollute or avoid restoration.

Article 109 — Existing applications and authorizations

1. A complete application pending at commencement shall continue under this Act with credit for reliable prior studies and participation.
2. An existing authorization remains temporarily effective to the extent lawful but shall be reviewed and aligned with this Act within the prescribed transition.
3. Accrued rights, liabilities and proceedings are preserved.

Article 110 — Repeal and savings

1. Legal Notice 63/2002 and Legal Notice 99/2004 are repealed on commencement of Article 57 and its necessary implementation arrangements.
2. A lawful proceeding, seizure or liability arising before repeal may continue under the prior law, subject to constitutional rights and proportionate penalty.
3. Any other prior environmental instrument remains only to the extent identified, published and consistent with this Act until lawfully revised or repealed.

Article 111 — Implementation plan

1. Within six months the Authority shall publish a three-year implementation plan for institutions, staffing, laboratories, digital systems, standards, local services and priority enforcement.
2. The plan shall identify cost, appropriation, external assistance, measurable milestones and risks.
3. Limited capacity shall determine sequencing but shall not justify secrecy, discrimination or tolerance of imminent serious harm.

Article 112 — Periodic review

1. The National Assembly shall review the operation of this Act within five years and at intervals not exceeding five years thereafter.
2. Review shall use independent evidence, public participation and reports on rights, environmental outcomes, investment certainty, enforcement and institutional capacity.
3. Recommendations shall identify provisions requiring amendment rather than expanding executive power through interpretation.

Article 113 — Commencement

1. Articles 1 to 22, 42, 49, 78 to 83, 85, 88, 95 to 103 and 111 commence thirty days after publication in the Gazette.
2. The 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 provide practical transition but may not postpone emergency protection, information rights or judicial review.

Made at Asmara, this ___ day of __________ 2026.

THE NATIONAL ASSEMBLY OF ERITREA