

DRAFTING NOTE

LAND 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 draft responds to the contested pre-Constitution land proclamation and the constitutional language concerning State ownership. That framework is especially problematic for lowland pastoral communities, village tenure, women, customary users and persons exposed to opaque allocation or uncompensated loss.

3. What the draft retains

It retains public stewardship of land and resources, lawful registries, village and community roles, protection of agricultural and pastoral use, planning and the State's responsibility to prevent speculation and degradation.

4. What the draft updates and modernizes

It grounds stewardship in a lawful democratic State, recognizes villages as historically legitimate local custodians, protects pastoral routes and seasonal access, creates transparent allocation and digital records, equality and inheritance safeguards, compensation and review, and permits voluntary technology-assisted livelihood transition without legislating nomadic life out of existence.

5. Constitutional, code and treaty fit

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

6. Scope and organization

The principal divisions address preliminary provisions; institutions and administration; community ownership and land interests; recognition of existing tenure; cadastre and

registration; allocation within village and public land; transfer, succession and use; rural, community and pastoral land; planning and multi-tier resource governance; compulsory acquisition and compensation; land disputes and remedies; transition 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

LAND ACT 2026

(ACT)

AN ACT TO GIVE EFFECT TO CONSTITUTIONAL STATE STEWARDSHIP OF LAND BY RECOGNIZING VILLAGE BENEFICIAL OWNERSHIP, PROTECTING HOUSEHOLD AND COMMUNITY INTERESTS, ESTABLISHING TRANSPARENT LAND ADMINISTRATION AND REGISTRATION, REGULATING ALLOCATION, TRANSFER, PLANNING, NATURAL RESOURCES AND COMPULSORY ACQUISITION, AND PROVIDING FOR RELATED MATTERS.

PREAMBLE

WHEREAS Article 23(2) of the Constitution of Eritrea vests land in the State and requires the interests citizens shall have in land to be determined by law;

WHEREAS Articles 8 and 23 of the Constitution require balanced and sustainable land management, improved livelihoods, due process and just compensation when property is taken in the public interest;

WHEREAS Land Proclamation 58/1994, the land-registration proclamation and related regulations should be consolidated and revised to provide secure household tenure, restore the historically legitimate role of villages, and remove discretionary central allocation;

WHEREAS the declaration that land belongs to the State must mean stewardship by a democratic, lawful and constitutional State for the Eritrean people, not beneficial ownership by a President, ministry, military, party or temporary regime;

WHEREAS villages are Eritrea's smallest and historically legitimate sedentary territorial communities, while pastoral and agropastoral communities possess equally legitimate customary institutions and mobile territorial systems that cannot justly be reduced to permanent residence in a village;

WHEREAS village and pastoral communities should possess perpetual beneficial ownership and primary governance of their respective lands and resources, in consultation with and under lawful guidance from county, provincial and national institutions;

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 Land Act 2026.

Article 2 — Objects

1. give legal content and security to constitutionally recognized interests in land;
2. provide equal, transparent and efficient access to land;
3. support housing, agriculture, pastoralism, investment, credit and public infrastructure;
4. protect village, pastoral, environmental and intergenerational interests without compelling sedentarization;
5. ensure just compensation and resettlement for compulsory acquisition; and
6. establish accurate, accessible and reviewable land administration capable of recording fixed and mobile tenure.

Article 3 — Application

1. This Act applies to all land and registrable interests in land in Eritrea and to local biological and surface resources governed within community territory or a pastoral landscape.
2. Minerals and petroleum in situ, offshore resources, nationally significant waters and resources incapable of effective community governance remain subject to national sector laws and the community safeguards in this Act.
3. Buildings, fixtures, leases, servitudes, security and succession remain subject to the Civil Code except where this Act supplies a specific land rule.

Article 4 — Definitions

1. “allocation” means a grant of a household or other subordinate interest by a Local Land Community or competent public body;
2. “county” means the intermediate local-government unit coordinating villages, pastoral communities and shared territories and includes a sub-zoba established under the Local Government Act;
3. “land interest” includes a Community Land Right and a household, residential, agricultural, communal, pastoral, leasehold, security or servitude interest;
4. “Local Land Community” means a Village Land Community or Pastoral Land Community recognized by this Act;
5. “market value” means the amount obtainable in an open arm's-length transaction without the scheme causing acquisition;
6. “pastoral landscape” means the interconnected grazing areas, routes, drought reserves, water sources, markets, camps and reciprocal-access areas required for a pastoral or agropastoral livelihood;
7. “Pastoral Land Community” means a perpetual legal community connected by customary membership, shared pastoral livelihood and historical use or governance to a pastoral landscape, whether or not its members maintain permanent residences;
8. “province” means the regional tier coordinating counties and matters exceeding one county and includes a zoba established under the Local Government Act;
9. “public purpose” means a specific purpose under Article 76;

10. “Village Land Community” means the perpetual legal community of recognized members connected by historical occupation, use, administration or genuine residence to a village territory; and
11. “Community Land Right” means the perpetual beneficial ownership and governance right recognized by Articles 17 and 18.

Article 5 — Constitutional meaning of State ownership

1. For purposes of Article 23(2) of the Constitution, the State retains radical or residual title in trust for the Eritrean people, while beneficial ownership and primary governance vest in the Village Land Community or Pastoral Land Community entitled under this Act.
2. Only institutions constituted and acting under a democratic, lawful and constitutional order may exercise the State's residual title; a President, party, military faction, ministry or de facto authority acquires no personal or beneficial ownership and may not permanently alienate land or resources by possession of power.
3. State title does not extinguish community, pastoral or household interests or permit action contrary to due process, equality, public purpose, just compensation and judicial review.

Article 6 — Equality

1. Land administration shall not discriminate by sex, ethnicity, religion, region, disability, political opinion, family, marital status, diaspora status or another prohibited ground.
2. Women and men have equal capacity to acquire, register, inherit, transfer, mortgage and participate in governance of land interests.

Article 7 — Relationship with other laws

1. The Constitution prevails and this Act shall be interpreted consistently with treaties lawfully binding upon Eritrea.
2. The Civil Code governs property relations, contract, succession, delict and remedies except where inconsistent with this Act's land-tenure rules.
3. Local-government, planning, construction, environment, investment, mining, petroleum, tax, data-protection and public-finance laws remain applicable.

CHAPTER II INSTITUTIONS AND ADMINISTRATION

Article 8 — National Land Authority

1. A National Land Authority is established as a professional public body responsible for national coordination, cadastre, registration, technical standards and stewardship of land outside a recognized community territory or pastoral landscape.
2. The Authority shall guide and support community, county and provincial institutions and shall not displace their powers except under express law and independent review.

Article 9 — Functions

1. The Authority shall maintain the national register, survey framework, land inventory, valuation standards and public information in cooperation with Local Land Communities.
2. It shall coordinate cross-provincial planning, national infrastructure and compulsory acquisition and shall publish land and resource statistics.
3. It shall maintain pastoral-land expertise and develop interoperable systems for seasonal mapping, climate and vegetation information, livestock routes and lawful cross-border mobility.

Article 10 — Land Board

1. A Land Board shall oversee institutional strategy, integrity, fees, technology and performance without deciding an identified allocation for political advantage.
2. Members shall include land law, surveying, valuation, agriculture, planning, environment, community and gender expertise.

Article 11 — Appointment and tenure

1. The President shall appoint Board members through a public merit process after consultation required by the Constitution and subject to applicable approval.
2. Members serve protected staggered terms and may be removed only for lawful cause after fair process.

Article 12 — Registrar General

1. The Board shall appoint a Registrar General through open competition.
2. The Registrar General shall direct registration and certify integrity of the national register free from case-specific executive instruction.

Article 13 — Community, county and provincial institutions

1. The Village Assembly is the highest authority over village land, and a Pastoral Assembly constituted under customary and democratic procedures is the highest authority over a pastoral landscape; each elected land committee acts only as fiduciary and administrative agent.
2. County and provincial land offices shall coordinate cross-community matters, provide technical support and review legality without taking beneficial ownership from a Local Land Community.
3. Pastoral institutions may operate through mobile meetings, seasonal locations and representative councils and shall not be required to adopt a sedentary village structure.
4. Each tier shall provide accessible offices, publish decisions and deliver records in relevant languages.

Article 14 — Land professionals

1. Surveyors, valuers, planners and conveyancers performing reserved functions shall meet professional competence, independence and insurance requirements under applicable law.
2. Public lists, complaints and discipline shall protect users without creating an unnecessary monopoly.

Article 15 — Conflict and integrity

1. An officer, Board member, committee member or professional shall disclose interests and recuse from a matter affecting that interest.
2. Secret allocation, insider information, bribery, alteration of records and political preference are prohibited and subject to accountability.

Article 16 — Service standards

1. The Authority shall publish forms, fees, evidence, processing times, responsible offices, queue status and review routes.
2. Mobile and remote services shall provide pastoral communities with registration, veterinary, market, weather, early-warning and dispute information without requiring permanent settlement.
3. An unpublished requirement or demand for repeated information already reliably held shall not delay a person.

CHAPTER III COMMUNITY OWNERSHIP AND LAND INTERESTS

Article 17 — Community ownership

1. Every historically constituted Village Land Community and Pastoral Land Community possesses by operation of law a perpetual Community Land Right over the village territory or pastoral landscape traditionally occupied, used, managed or administered by it.
2. A pastoral landscape may overlap administrative boundaries and may include seasonal, intermittent, reciprocal and shared use; mobility and absence during part of a year do not make land vacant or unoccupied.
3. The right constitutes beneficial ownership for every domestic legal purpose consistent with the State's residual title under Article 23(2) of the Constitution.
4. Registration confirms but does not create the right, and no public authority may revoke, transfer or materially burden it except under law, for demonstrated public purpose, after due process and upon just compensation.

Article 18 — Legal personality and governance

1. Every Local Land Community is a perpetual legal person, and its Village Assembly or Pastoral Assembly is the ultimate land-governance authority.

2. An elected land committee manages land as fiduciary for the community and has no personal or beneficial ownership.
3. Customary institutions may perform governance functions where they are accountable, participatory and consistent with equality, including the equal rights and effective participation of women.
4. Secret disposition by an administrator, elder, party structure or committee member is void.

Article 19 — Household holdings

1. A household holding is an exclusive, indefinite or long-term, registrable, inheritable, compensable and, where appropriate, transferable and mortgageable interest in residential or agricultural land.
2. An occupied or substantially improved holding shall not be periodically redistributed, and village government shall not enter it without legal authority and due process.

Article 20 — Communal land and resources

1. Communal land includes grazing, forests, local water points and works, watersheds, sacred and historical places, routes, conservation land, community buildings and locally managed biological resources.
2. The competent Village Assembly or Pastoral Assembly shall govern communal resources for equal community benefit, sustainability and protection of lawful shared users.
3. Communal tenure is not open access merely because individual plots have not been demarcated, and it shall not be converted to individual tenure on that assumption.

Article 21 — Community reserve land

1. Reserve land shall be retained for future households, returnees, land-poor members, population growth, public facilities, drought resilience, pastoral emergency access and environmental restoration.
2. Allocation shall follow public criteria and shall not displace a legitimate existing or seasonal use without due process and compensation.

Article 22 — Membership and equality

1. Membership shall recognize historical connection, genuine residence or customary pastoral affiliation and shall provide a fair path for long-term residents, returnees and displaced persons.
2. Movement between seasonal areas, temporary work or residence outside the landscape does not terminate pastoral membership.
3. Women and men, including married, divorced and widowed persons, have equal membership, voting, allocation, succession and benefit rights.
4. A membership decision shall give reasons and is reviewable by the Land Tribunal.

Article 23 — Pastoral ownership and mobility

1. A Pastoral Land Community has an equal Community Land Right over its pastoral landscape and shall not be denied recognition because its members are mobile, use several seasonal areas, cross a village or administrative boundary, combine herding with farming or lack permanent buildings.
2. The right includes protected open-range grazing, camps, livestock routes, wet-season and dry-season areas, drought reserves, salt licks, markets, watering points and customary reciprocal access.
3. No law, plan, allocation or service may directly or indirectly compel sedentarization, and settlement assistance shall be voluntary and shall not require surrender of pastoral membership or land rights.
4. Cross-border transhumance may be facilitated by treaty or administrative arrangement consistent with national security, animal health and the rights of affected communities.

Article 24 — Servitudes

1. A land interest may be subject to rights of way, utilities, drainage, support and another servitude under the Civil Code.
2. A public servitude requires statutory authority, necessity and compensation for material loss.

Article 25 — Security interest

1. A registrable land interest and improvements may secure credit to the extent allowed by this Act and the Civil Code.
2. Enforcement transfers only the debtor's interest and shall protect family-home, agricultural-livelihood and due-process safeguards.

Article 26 — Buildings and improvements

1. A lawful building, crop, tree, fixture and improvement belongs to the land-interest holder unless a registered agreement provides otherwise.
2. The holder has a compensable property interest in improvements even where the underlying land remains State-owned.

Article 27 — Duration

1. Residential and agricultural interests shall have durations sufficient for security, investment and inheritance and may be perpetual where Schedule 1 provides.
2. A fixed-term interest carries a fair and transparent renewal expectation where conditions were substantially met.

Article 28 — Conditions

1. A grant may contain use, development, conservation and payment conditions reasonably connected to land policy.
2. A condition shall be registered, certain, proportionate and shall not permit arbitrary cancellation.

CHAPTER IV RECOGNITION OF EXISTING TENURE

Article 29 — Continuity

1. A lawful land interest existing at commencement continues until converted or determined under this Act.
2. Absence from an incomplete government register does not alone extinguish possession, customary use or documentary entitlement.

Article 30 — Systematic adjudication

1. The Authority shall conduct landscape-based as well as parcel-based adjudication through notice, community participation, field identification and public display.
2. Pastoral adjudication shall follow the full seasonal cycle where necessary and shall record routes, variable boundaries, layered uses, drought reserves and reciprocal rights without forcing them into fixed individual parcels.
3. The process shall be low-cost, accessible and designed to recognize the continuum of legitimate tenure.

Article 31 — Evidence

1. Evidence may include prior certificate, allocation, contract, tax or utility record, possession, boundaries, improvements, community testimony, imagery and other reliable proof.
2. No single documentary form is indispensable where Government failed to provide accessible registration.

Article 32 — Possession

1. Long, peaceful and publicly known possession consistent with a claimed interest creates a rebuttable presumption of that interest.
2. Possession obtained by force, displacement, corruption or abuse of public office receives no presumption.

Article 33 — Customary community interests

1. Diesa or shehena, risti, tzlmi, tiesa, protected open range, customary grazing territory, migration route, water access and another legitimate customary interest are recognized as evidence of Community Land Rights, household holdings or shared-use rights.
2. Modernization shall preserve village and pastoral territorial legitimacy while ending periodic redistribution of occupied or improved household holdings and correcting historical sex or status discrimination.
3. Customary rules shall be adapted only to the extent necessary to protect constitutional equality, sustainability and the rights of members and lawful reciprocal users.

Article 34 — Informal urban tenure

1. An established informal settlement shall be assessed for regularization, services, planning and secure tenure before eviction is considered.
2. Regularization may use occupancy certificate, group tenure, leasehold, land readjustment or phased compliance.

Article 35 — Overlapping claims

1. Overlapping household, community, seasonal and public claims shall be mapped and may coexist where uses are compatible.
2. Where incompatible, mediation, priority, reliance, vulnerability and compensation shall guide a reasoned decision.

Article 36 — Public display

1. Provisional adjudication maps and lists shall be publicly displayed locally and electronically for at least sixty days.
2. A person may object without fee, receive assistance and appeal a final determination.

CHAPTER V CADASTRE AND REGISTRATION

Article 37 — National land register

1. The Authority shall maintain a unified register of parcels, interests, holders, boundaries, conditions, charges, restrictions and transactions.
2. The register shall integrate legal and spatial records while preserving authorized local access.

Article 38 — Fit-for-purpose cadastre

1. Initial boundaries may use general boundaries, community mapping, customary landmarks, seasonal-use maps, imagery and affordable technology appropriate to value and risk.

2. The cadastre may record overlapping, time-dependent, corridor and resource-specific rights and shall not require a pastoral landscape to be subdivided into exclusive parcels.
3. Higher precision may be required for dense urban, infrastructure, high-value or disputed land.

Article 39 — First registration

1. First registration follows adjudication, allocation, court order or reliable existing instrument.
2. The Registrar shall publish notice and examine authority, identity, boundaries, competing claims and required consent.

Article 40 — Effect of registration

1. Registration is authoritative evidence of the stated interest subject to fraud, mistake, overriding interests and court correction.
2. A good-faith acquirer for value relying on the register receives protection as prescribed, with compensation from an assurance fund where correction is required.

Article 41 — Overriding interests

1. Short occupation, public right of way, visible utility, spousal or family-home interest and another category in Schedule 1 may bind without entry where registration is not reasonably expected.
2. The list shall be narrow and progressively reduced through systematic registration.

Article 42 — Transactions

1. A transfer, lease, mortgage, servitude, court order and material restriction affecting registered land shall be registered to bind a protected third party.
2. Electronic instruments and signatures are acceptable where authenticity and authority are reliable.

Article 43 — Priority

1. Registered interests rank by time of registration unless an Act or registered agreement establishes another priority.
2. A priority notice may preserve an intended transaction for a short defined period.

Article 44 — Correction

1. The Registrar may correct a clerical error after notice where no substantive right is prejudiced.
2. A contested or prejudicial correction requires consent, Tribunal order or court judgment with compensation where appropriate.

Article 45 — Public access

1. Parcel, interest, restriction and transaction status shall be searchable subject to reasonable identification and fee.
2. Personal identifiers, family details, security information and bulk data shall be protected under data-protection law.

Article 46 — Fees

1. Registration fees shall be transparent, cost-related and not defeat access by low-income households or smallholders.
2. First registration under a national program shall ordinarily be free or heavily subsidized.

CHAPTER VI ALLOCATION WITHIN VILLAGE AND PUBLIC LAND

Article 47 — Primary allocation authority

1. The Village Assembly is the primary authority for allocating household and other interests within village territory, and the Pastoral Assembly is the primary authority for authorizing compatible subordinate interests within a pastoral landscape.
2. County, provincial and national bodies provide lawful planning guidance and technical review but may not substitute themselves as beneficial owner or allocate community land without community authority or compulsory-acquisition procedure.
3. An unauthorized promise, political letter or occupation of office creates no land interest.

Article 48 — Inventory before allocation

1. Land shall not be classified as vacant or allocated until Community Land Rights, household holders, pastoral and seasonal users, migration routes, drought reserves, water access, boundaries, resources, environment, planning and public restrictions are verified.
2. Temporary absence, low population density, lack of cultivation, lack of fencing or seasonal nonuse is not evidence that pastoral land is vacant.
3. Existing legitimate interests shall be recognized, acquired or accommodated before grant.

Article 49 — Methods

1. Commercial and high-value use of village or national public land shall ordinarily be allocated through transparent auction or competitive proposal after approval by the competent assembly.
2. Residential, agricultural, community and public-interest land may use eligibility, lottery, waiting list, negotiated community plan or another fair method.

Article 50 — Publication

1. The Authority shall publish land offered, interest, term, use, reserve price, criteria, infrastructure, conditions, timetable and decision method.
2. Award, price, beneficial owner, reasons and material conditions shall be published after decision.

Article 51 — Residential allocation

1. Residential allocation shall prioritize genuine housing need, household circumstances, disability, displacement and fair geographic access under objective rules.
2. A person shall not receive multiple subsidized plots through nominees or political influence.

Article 52 — Agricultural allocation

1. Agricultural allocation shall consider livelihood, competence, local residence or use, land capability, water, conservation and realistic plan.
2. Smallholders, women and youth shall receive equitable opportunity without arbitrary minimum capital barriers.

Article 53 — Investment land

1. Land for investment shall follow the Investment Act, planning and transparent valuation and shall state performance milestones, employment, local benefit, infrastructure and environmental duties.
2. A major community lease or concession requires meaningful disclosure, independent legal and valuation advice, consent of directly affected holders and approval by at least two-thirds of the full Village Assembly or Pastoral Assembly membership, including meaningful participation of women.
3. An agricultural, conservation, tourism or extractive project shall not enclose or fragment a pastoral landscape unless no reasonable alternative exists and the affected Pastoral Land Community gives free and informed agreement under Article 68.
4. The underlying community estate shall not be permanently sold, and a lease shall have a maximum term, periodic review, restoration duty and no automatic renewal.

Article 54 — Public institutions

1. Land for a public institution shall be reserved only for an approved public function, plan and budget.
2. Unused public land shall be returned to the inventory and shall not be informally transferred.

Article 55 — Allocation decision

1. A decision shall state authority, method, evidence, ranking, interest granted, conditions, price and review rights.
2. Unsuccessful applicants may receive their score and challenge material procedural illegality.

Article 56 — Performance and cancellation

1. Material breach of a registered allocation condition shall receive notice, opportunity to cure and proportionate remedy.
2. Cancellation of a household holding is a last resort and requires the competent community assembly's authority, independent determination, accounting for payments and compensation for lawful improvements.
3. A Community Land Right may not be administratively cancelled.

CHAPTER VII TRANSFER, SUCCESSION AND USE

Article 57 — Transfer

1. A land interest may be transferred in whole or part subject to registration, planning and its lawful conditions.
2. Consent shall not be required unless necessary for subsidized allocation, community tenure, foreign holding or another stated protective purpose.

Article 58 — Inheritance

1. A land interest and improvements pass by succession under the Civil Code.
2. Several heirs may partition, hold jointly, form an entity, lease or sell without gender discrimination or automatic forfeiture to the State.

Article 59 — Family home

1. Transfer or mortgage of a family home requires informed consent of a spouse or registered co-holder as provided by family and property law.
2. A transaction designed to defeat an unregistered but known family interest may be set aside.

Article 60 — Subdivision and consolidation

1. Subdivision or consolidation requires cadastral and planning approval protecting access, services, agricultural viability and public rights.
2. Approval shall be prompt and shall not be used to prohibit reasonable land-market activity.

Article 61 — Lease and share farming

1. A holder may lease land or enter share-farming and management arrangements consistent with use and duration.
2. The agreement shall protect basic labor, housing, crop, improvement and termination rights under applicable law.

Article 62 — Absence and mobility

1. Military or national service, education, employment, pastoral mobility, seasonal migration, drought response, displacement, illness or caregiving absence does not by itself abandon an interest.
2. No presumption of abandonment arises merely because land is not continuously occupied, cultivated, fenced or used in the same season each year.
3. The holder may appoint an agent, lease or arrange community management.

Article 63 — Nonuse

1. Persistent substantial nonuse contrary to a registered public allocation condition may trigger land-use charge, assisted transfer or cancellation after due process.
2. Nonuse caused by drought, conflict, disability, lack of promised infrastructure, administrative obstruction or other good cause is excused.

Article 64 — Foreign persons

1. A noncitizen may hold a leasehold or other interest authorized by the Investment, Nationality or another Act but does not acquire constitutional State ownership.
2. Eligibility, duration, transfer and security shall be transparent and shall not depend on personal presidential permission.

Article 65 — Diaspora citizens

1. A citizen residing abroad has the same legal capacity to hold and transfer land interests as another citizen, subject to neutral use and allocation rules.
2. Residence abroad alone is not abandonment, forfeiture or a ground for discriminatory price.

CHAPTER VIII RURAL, COMMUNITY AND PASTORAL LAND

Article 66 — Equal status of livelihoods

1. Pastoralism, agropastoralism and sedentary agriculture are equally lawful livelihoods, and no land decision shall presume cultivation to be a higher or more productive use merely because it is sedentary.

2. A smallholder, Pastoral Land Community or pastoral household shall not be displaced merely to reallocate land to a larger producer, investor, settler or public enterprise.
3. Productivity shall be assessed through credible economic, ecological and social evidence across a full climatic cycle and improved through services, infrastructure and secure tenure rather than arbitrary confiscation or forced settlement.

Article 67 — Community governance

1. A Local Land Community shall maintain inclusive membership, meetings, accounts, maps and decisions accessible to members in forms suited to sedentary or mobile life.
2. Women, youth, minority clans, poorer livestock holders, seasonal users and vulnerable households shall have effective voice and equal benefit.
3. A Pastoral Assembly may recognize customary leadership but shall provide elected representation, transparent accounts and a procedure by which members may challenge abuse.

Article 68 — Community transaction

1. A lease, concession, partnership, boundary change, enclosure or conversion of material communal, pastoral or reserve land requires a free, prior and informed community decision after accessible notice and approval by a two-thirds supermajority of the full Village Assembly or Pastoral Assembly membership.
2. Independent legal advice, valuation, environmental and mobility information, benefit sharing, women's effective participation and protection of dissenting or directly affected household rights are required.
3. Consent to a defined transaction does not authorize compulsory sedentarization, surrender of the remaining pastoral landscape or permanent extinguishment of community identity.
4. The transaction, beneficial owners, payments, performance duties and monitoring reports shall be public.

Article 69 — Protected open range and reciprocal access

1. Pastoral plans shall identify and legally protect grazing landscapes, livestock corridors, wells, salt licks, markets, wet-season areas and drought reserves at the scale required by climate variability.
2. Customary reciprocal access among communities shall be recorded and protected without converting it into unrestricted public access.
3. An enclosure, cultivation project or exclusive allocation affecting mobility requires full seasonal assessment, community agreement, viable equivalent routes and water access and compensation for all resulting loss.

Article 70 — Voluntary adaptation and livelihood transition

1. A pastoral landscape shall not be subdivided into individual holdings or group ranches unless the affected Pastoral Land Community freely chooses that system after independent advice and a demonstrated trial or assessment.

2. Members shall have equal access to voluntary settlement, education, skills, finance, enterprise, employment and mixed-livelihood programs without being required to abandon community membership or surrender land rights as the price of receiving public services.
3. Where a community freely decides to reduce or end mobile pastoral use, its Assembly shall adopt a transition plan protecting members, women, poorer households, reciprocal users, cultural sites and future community assets, and no official may declare the transition completed merely because mobility has declined.
4. Any chosen group ranch, bounded tenure or new settlement shall reflect customary social and ecological organization and prevent speculative subdivision or sale that would destroy collective assets.

Article 71 — Technology, conservation and climate resilience

1. The State shall support voluntary use of satellite and remote-sensing information, mobile communications, digital identity, electronic payments, market platforms, livestock traceability, tele-veterinary services, water monitoring and climate early-warning systems suited to pastoral mobility.
2. Artificial-intelligence or automated systems may advise but shall not determine membership, boundaries, stocking limits, allocation, cancellation or displacement without explainable evidence, human review, community participation and an effective appeal.
3. A rural holder and Local Land Community shall use reasonable soil, water, vegetation and erosion safeguards supported by public extension, veterinary services, climate information and incentives.
4. Mobility, flexible stocking arrangements and customary drought strategies shall be recognized as possible conservation measures rather than presumed causes of degradation.
5. A conservation restriction imposing exceptional burden on a community or holder requires participation, continued compatible access and compensation or benefit sharing.

CHAPTER IX PLANNING AND MULTI-TIER RESOURCE GOVERNANCE

Article 72 — Land-use plans

1. A community plan shall govern matters principally within village territory or a pastoral landscape; a county or provincial plan shall coordinate matters crossing community or county boundaries; and a national plan shall address matters of genuinely national importance.
2. Every plan shall coordinate settlement, agriculture, pastoralism, industry, infrastructure, environment, heritage and hazard risk and shall be participatory, evidence-based, published and periodically reviewed.
3. Pastoral representatives shall participate at every tier affecting a pastoral landscape, including cross-boundary planning.
4. A higher-tier plan shall guide and coordinate rather than displace community authority unless an Act expressly requires a national measure and provides due process and compensation.

Article 73 — Tenure-responsive planning

1. A plan shall identify existing registered, customary, informal, seasonal and community interests before changing permitted use.
2. Planning does not itself extinguish an interest or substitute for compulsory-acquisition procedure.

Article 74 — Community natural resources

1. Subject to laws protecting the environment and rights shared with other communities, a Community Land Right includes beneficial ownership and primary governance of forests, grazing, local water points and infrastructure, local stone and building materials, community tourism, renewable biological resources and local conservation areas within the community territory or pastoral landscape.
2. Community resources shall be managed sustainably for the equal benefit of members, future generations and lawful shared users, and revenues and contracts shall be publicly accounted for.
3. County, provincial and national institutions may establish lawful technical, conservation and cross-boundary standards but shall not appropriate a community resource or its revenue without statutory authority, due process and compensation.

Article 75 — Strategic and shared resources

1. Minerals and petroleum in situ, offshore resources, nationally significant waters and another resource incapable of effective community governance remain vested in the constitutional State in trust for the Eritrean people and shall be administered transparently under sector legislation.
2. Watersheds, rivers, migratory grazing routes, wildlife ranges, cross-community forests, mining surface access and major infrastructure shall be governed cooperatively by affected Local Land Communities and the competent county, provincial and national institutions.
3. A mining, petroleum or major-resource authorization affecting community territory or a pastoral landscape requires prior accessible information, environmental, social and mobility assessment, meaningful community participation and either free informed community agreement or the specific authorization procedure established by an Act.
4. The authorization shall provide separate compensation for community and household interests, resettlement where unavoidable, rehabilitation security, disclosure of contracts and beneficial owners, fair local benefit sharing and access to an independent court.

CHAPTER X COMPULSORY ACQUISITION AND COMPENSATION

Article 76 — Public purpose

1. Land may be compulsorily acquired only for a specific necessary public infrastructure, service, safety, environment or other purpose enacted by law.

2. Transfer to a private investor, revenue generation, urban expansion or development label alone is not sufficient without demonstrated public benefit and necessity.

Article 77 — Least restrictive means

1. The acquiring body shall consider public land, design alternatives, servitude, lease, negotiated purchase and reduction of displacement.
2. Acquisition shall be limited to the land and duration reasonably necessary.

Article 78 — Acquisition proposal

1. A proposal shall identify legal authority, purpose, land, interests, alternatives, budget, timetable, environmental and social effects and proposed compensation.
2. The proposal and maps shall be published and served on affected persons.

Article 79 — Consultation and hearing

1. Affected holders, occupants, communities and livelihood users shall receive meaningful consultation, accessible information and independent advice where the matter is complex or materially affects communal resources.
2. A public hearing and written objection process shall precede final authorization except urgent temporary possession under Article 88.
3. Acquisition principally benefiting a private investor or extractive project shall also satisfy Article 75 and shall not use compulsory acquisition to evade the community-decision requirements of Articles 53 and 68.

Article 80 — Authorization

1. A major acquisition or one causing substantial displacement requires approval by the National Assembly or another body expressly designated by Act.
2. A final authorization shall respond to objections and state purpose, necessity, land, rights acquired and conditions.

Article 81 — Valuation date

1. Compensation is valued immediately before public announcement or conduct causing market distortion.
2. Increase or decrease attributable solely to the proposed scheme is disregarded.

Article 82 — Just compensation

1. Compensation includes market value of the acquired interest and improvements, transaction cost, disturbance, relocation, business and livelihood loss and other direct proven damage.
2. Where community territory or a pastoral landscape is acquired, enclosed or burdened, compensation shall be determined and paid separately for the Community Land Right,

communal resources, mobility and reciprocal-access loss and each affected household or individual interest.

3. Depreciated administrative schedules shall not replace actual replacement cost or market evidence.

Article 83 — Unregistered interests

1. A legitimate customary, informal, community, pastoral, tenant or livelihood interest is compensable according to its actual legal and economic substance.
2. Lack of registration caused by inaccessible administration does not justify uncompensated taking.

Article 84 — Replacement land

1. A person or community whose livelihood or home depends materially on land shall be offered suitable replacement land where feasible in addition to or instead of money by informed choice.
2. Replacement for pastoral land shall preserve sufficient scale, mobility, seasonal complementarity, water, drought refuge and reciprocal access and shall not consist merely of a sedentary residential plot.
3. Replacement shall have secure tenure, access, services, productive potential and no hidden debt.

Article 85 — Resettlement

1. Physical or economic displacement requires a published resettlement plan restoring housing, services, access and livelihood at least to the prior real standard.
2. Pastoral displacement includes fragmentation, enclosure, loss of corridor or water and impairment of seasonal mobility even where no permanent dwelling is moved.
3. Vulnerable households receive additional assistance, and community networks, customary institutions and cultural sites shall be considered.

Article 86 — Offer and negotiation

1. The acquiring body shall disclose valuation, assumptions, entitlements and independent-review rights and make a written offer.
2. Good-faith negotiation is required, but refusal does not delay access to independent determination.

Article 87 — Payment before possession

1. Compensation shall be paid and replacement arrangements substantially completed before possession or displacement.
2. A genuinely disputed amount shall be deposited with the court while the undisputed amount is paid without waiver.

Article 88 — Urgent temporary possession

1. A court may authorize temporary possession for immediate disaster response or danger where ordinary timing is impossible.
2. The order shall limit land, purpose and duration, require security and prompt compensation, and shall not become permanent acquisition without full procedure.

Article 89 — Return and surplus land

1. Land not used within the authorized period or no longer needed shall be offered first to the former holder on fair terms or returned to the public inventory.
2. Surplus shall not be transferred privately without transparent authority and accounting.

Article 90 — Judicial determination

1. Any affected person may challenge public purpose, necessity, procedure, valuation, compensation, possession and resettlement before an independent court.
2. Review shall be prompt, and the burden for public purpose and necessity lies on the acquiring body.

CHAPTER XI LAND DISPUTES AND REMEDIES

Article 91 — Mediation

1. A local land office shall offer voluntary, impartial mediation for boundary, use, succession and community disputes.
2. Mediation shall not compel settlement, discriminate or delay urgent court protection.

Article 92 — Land Tribunal

1. An independent Land Tribunal shall hear registration, allocation, boundary, cancellation, planning-compensation and administrative land appeals.
2. Members shall possess legal, surveying, valuation and community-land competence and protected impartiality.

Article 93 — Procedure

1. The Tribunal shall use accessible, timely and proportionate procedure, permit site inspection and receive oral, documentary, spatial and customary evidence.
2. Reasons, record, interpretation and legal assistance shall be available as justice requires.

Article 94 — Interim protection

1. The Tribunal or court may restrain eviction, transfer, construction, alteration of records or environmental damage pending decision.

2. An order shall balance urgency, harm, public interest and appropriate security.

Article 95 — Appeal

1. A Tribunal decision may be appealed to the competent court on fact, law, valuation and procedural fairness as prescribed.
2. Constitutional judicial review remains available.

Article 96 — Rectification and compensation

1. The Tribunal or court may rectify the register, declare an interest, cancel an unlawful allocation, order access or award compensation.
2. An innocent person losing a registered interest through correction may claim from the Land Assurance Fund.

Article 97 — Eviction

1. No person may be forcibly evicted without legal authority, notice, hearing, court order where contested and humane execution.
2. Eviction shall not occur at night, during dangerous weather or through destruction of essential possessions except immediate safety necessity.

CHAPTER XII TRANSITION AND FINAL PROVISIONS

Article 98 — National land audit

1. Within twenty-four months, the Authority shall inventory public holdings, allocations, concessions, military land, claimed vacant land, pastoral landscapes, corridors, drought reserves, disputes, registers and major unregistered occupation or use.
2. The audit shall identify unlawful, excessive, idle and conflicting holdings and propose lawful correction without treating mobility or seasonal use as vacancy.

Article 99 — Moratorium on exceptional allocation

1. Until the land audit and allocation platform operate, major noncompetitive allocation is suspended except an urgent public service approved and disclosed under law.
2. The moratorium does not prevent ordinary household, smallholder, renewal or court-ordered registration.

Article 100 — Conversion

1. Existing usufruct, lease, tiesa, agricultural, village, pastoral and urban interests shall be converted to the closest interest under this Act without unnecessary application or fee.
2. Conversion shall not individualize a communal or pastoral interest, shorten duration, reduce compensability or impose a new payment without express law and due process.

Article 101 — Existing expropriation claims

1. An unpaid or pending acquisition claim continues and shall be assessed under the more protective constitutional standard where legally permissible.
2. Passage of time caused by lack of effective remedy shall not defeat a claim until a reasonable transition period expires.

Article 102 — Repeal

1. Land Proclamation 58/1994, Proclamation 95/1997 and inconsistent land-allocation and registration instruments are repealed upon full commencement.
2. Lawful interests, records, transactions and proceedings continue under this Act without preserving final executive control or inadequate compensation.

Article 103 — Residential tenancy laws

1. Proclamation 27/1992, Legal Notice 94/2004 and other residential-rent instruments are not reenacted by this Act and shall be reviewed separately under a Residential Tenancies Act.
2. Until replacement, they operate only to the extent constitutionally valid and consistent with the Civil Code and enacted transition law.

Article 104 — Regulations

1. The President or responsible Minister may, within express constitutional and statutory authority and after consultation, make regulations on registration, survey, allocation, tenure, community governance, valuation and transition.
2. A regulation shall not create a new land interest, authorize expropriation, reduce compensation, exclude courts or impose a tax beyond this Act.

Article 105 — Schedules

1. Schedule 1 shall specify standard interests, durations, renewal, overriding interests and other matters expressly assigned by this Act.
2. Schedule 2 may contain model register fields, notices and technical requirements without altering substantive rights.

Article 106 — Periodic review

1. The National Assembly shall review this Act within five years and thereafter at intervals not exceeding five years.
2. Review shall assess tenure security, housing access, agriculture, pastoral economic and ecological viability, voluntary livelihood transitions, youth preferences, climate change, technology, women, communities, investment, land concentration, compensation, disputes, environment and administrative cost.

3. No review shall treat anticipated decline of a livelihood as proof that existing land is vacant or authorize termination of Community Land Rights without the constitutional and statutory procedures applicable to other property interests.

Article 107 — Commencement

1. Chapters I, II, IV, V, X, XI and XII commence upon publication in the Gazette.
2. The remaining Chapters commence six months after publication, with phased geographic registration permitted without delaying constitutional protections.

SCHEDULE 1

STANDARD LAND INTERESTS AND REGISTRATION RULES

Before enactment, the National Assembly shall complete standard durations, renewal expectations, permitted transfer and mortgage incidents, narrowly defined overriding interests and any category requiring further legislative specification.

SCHEDULE 2

TECHNICAL FORMS AND REGISTER INFORMATION

The Authority may propose model certificates, notices, cadastral fields and technical forms for approval under this Act. No form or technical requirement may reduce a substantive land interest or create an unlegislated condition.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA