DRAFTING NOTE

MINING 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 replaces the mining proclamation and notices beginning with Proclamation 68/1995 and related fiscal and licensing instruments.

3. What the draft retains

It retains State stewardship, exploration and mining licenses, geological information, royalties and taxes, safety and environmental obligations and rehabilitation.

4. What the draft updates and modernizes

It adds competitive and transparent licensing, beneficial ownership, contract publication, community and village consultation, land and pastoral safeguards, fair compensation, local development, revenue transparency, closure security, digital cadastre and reviewable decisions.

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; mineral administration and geological information; general licensing principles; reconnaissance and exploration; mining licences; artisanal and small-scale mining; land, communities and public participation; environment, water, safety and closure; fiscal obligations, production and transparency; transfers, agreements and financing; compliance, enforcement and review; 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

MINING ACT 2026

(ACT)

AN ACT TO GOVERN MINERAL RESOURCES, ESTABLISH TRANSPARENT AND RESPONSIBLE MINERAL LICENSING, PROTECT COMMUNITIES AND THE ENVIRONMENT, AND PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS the Constitution of Eritrea requires natural resources to be managed lawfully for national development, social justice, environmental protection and the benefit of present and future generations;
WHEREAS Mining Proclamation 68/1995 and its regulations established a practical licensing framework that should be preserved where useful and modernized for constitutional government, transparency, community rights, environmental responsibility and competitive markets;
WHEREAS Eritrea's mineral wealth must not be controlled through secret agreements, forced labour, discretionary exemptions, politically connected allocation or unfunded environmental liabilities;
WHEREAS responsible mining can create employment, infrastructure, skills, public revenue and regional development when governed by independent oversight, reliable geological information and enforceable closure duties;
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 Mining Act 2026.

Article 2 — Objects

1. secure responsible development of mineral resources for the people of Eritrea;
2. establish predictable, competitive and transparent mineral rights;
3. protect communities, workers, land, water, heritage and the environment;
4. support lawful artisanal and small-scale mining; and
5. ensure complete public accounting of production, ownership, revenue and closure obligations.

Article 3 — Application of Act

1. This Act applies to minerals in, on or under Eritrean territory and waters, except petroleum governed by petroleum legislation.
2. Building materials extracted solely for an owner's minor noncommercial use may be regulated through simplified local procedure.
3. Radioactive minerals, geothermal resources, mineral water and offshore minerals may be subject to additional Acts and safety requirements.

Article 4 — Definitions

1. “artisanal mining” means small-scale, low-capital extraction using methods prescribed for local livelihood activity;
2. “cadastre” means the authoritative public system recording mineral-right applications, areas, status and priority;
3. “community” means persons whose land, water, livelihood, culture, health or environment may be materially affected;
4. “exploration licence” means the exclusive right to explore for specified minerals in a defined area;
5. “mineral” means a naturally occurring inorganic or fossil substance, excluding petroleum and ordinary water;
6. “mining licence” means the right to develop, extract, process and sell specified minerals in a defined area;
7. “mineral right” includes a reconnaissance permit, exploration licence, mining licence and artisanal or small-scale licence; and
8. “responsible authority” means the Ministry responsible for mines and any statutory regulator exercising powers under this Act.

Article 5 — Ownership of minerals

1. Minerals in their natural state are vested in the State in trust for the people of Eritrea, irrespective of ownership or occupation of the surface.
2. A person acquires title to minerals only upon lawful extraction under a mineral right and satisfaction of royalty and other statutory duties.

Article 6 — Constitution and other laws

1. This Act shall be interpreted consistently with the Constitution and treaties lawfully binding upon Eritrea.
2. The Civil and Commercial Codes govern property, contract, companies, security, insolvency and civil remedies except where this Act provides a specific mineral rule.
3. Land, labour, tax, customs, foreign exchange, environment, water, heritage, competition, public finance and criminal law remain applicable within their fields.

Article 7 — No right by implication

No person may acquire or exercise a mineral right except under this Act; an investment certificate, land right, business registration, contract or official assurance does not itself confer a mineral right.

CHAPTER II
MINERAL ADMINISTRATION AND GEOLOGICAL INFORMATION

Article 8 — Functions of the responsible Ministry

1. The Ministry shall develop policy, administer mineral rights, maintain the cadastre and geological service, monitor compliance and publish sector information.
2. Policy, licensing, inspection, geological research and State commercial interests shall be functionally separated to reduce conflict.

Article 9 — Mining Cadastre Office

1. A technically independent Cadastre Office shall receive, time-stamp, map, examine and record applications and rights.
2. Its digital and physical registers shall be publicly searchable and preserve an immutable audit trail.

Article 10 — Geological Survey

1. A national Geological Survey shall collect, preserve, analyze and publish nonconfidential geological, geophysical and mineral information.
2. It shall support hazard mapping, groundwater and land-use institutions without conducting commercial mining or favouring an applicant.

Article 11 — Public mineral register

1. The register shall show holder, beneficial owners, type, minerals, coordinates, dates, status, transfers, encumbrances, work commitments, environmental security and material decisions.
2. Protected personal, security and genuinely proprietary exploration data may be withheld for a limited period stated by law.

Article 12 — Geological data

1. Data submitted under a mineral right belongs to the State, subject to time-limited confidentiality protecting legitimate exploration investment.
2. Upon expiry, surrender or a prescribed period, data shall become public except for narrowly protected technology or personal information.

Article 13 — Spatial system

1. Mineral areas shall use an official coordinate and cadastral grid compatible with land, environment, water and local-government systems.
2. Inconsistency between maps shall be resolved transparently without extinguishing a lawful land or community claim by administrative assumption.

Article 14 — Institutional consultation

1. Before granting a material right, the licensing authority shall consult land, environment, water, heritage, local government and other relevant bodies through a coordinated process.
2. Consultation does not transfer final statutory responsibility or permit an authority to impose an undisclosed requirement.

CHAPTER III
GENERAL LICENSING PRINCIPLES

Article 15 — Types of mineral rights

1. The available rights are a nonexclusive reconnaissance permit, exclusive exploration licence, large-scale mining licence, small-scale mining licence and artisanal mining licence.
2. Regulations may create a quarry permit for construction materials but shall not create another major mineral tenure without an Act.

Article 16 — Qualification

1. An applicant shall demonstrate legal capacity, beneficial ownership, integrity, technical and financial capability, and absence of disqualifying noncompliance.
2. Requirements shall be proportionate to the right and shall not exclude Eritrean small operators through unnecessary capital or political sponsorship.

Article 17 — Disqualification

1. A person may be disqualified for corruption, serious environmental or labour abuse, fraudulent disclosure, unresolved revocation or inability to perform.
2. Disqualification requires evidence, notice, hearing, reasons, proportionate duration and independent review.

Article 18 — Open areas

1. An application may be made only for an area declared open and not excluded or subject to an incompatible right.
2. Exclusions for settlements, protected areas, strategic infrastructure, heritage or security shall be mapped, published and no broader than necessary.

Article 19 — Allocation method

1. A genuinely unexplored open area may be allocated by objectively recorded priority to the first complete qualified application.
2. A known deposit, relinquished discovery, contested area or strategically significant resource shall ordinarily be allocated through competitive tender.

Article 20 — Competitive tender

1. Tender criteria shall include technical merit, financing, work, public value, environmental and social performance, local capability and fiscal terms fixed by law.
2. Notice, bid documents, beneficial ownership, evaluation criteria, award reasons and final material terms shall be published.

Article 21 — Mineral-right application

1. An application shall identify the applicant, beneficial owners, area, minerals, proposed work, capacity, funding, environment and community approach.
2. The Cadastre Office shall acknowledge and time-stamp it immediately and identify apparent deficiencies within ten working days.

Article 22 — Decision and reasons

1. A decision shall apply published statutory criteria and be made within the prescribed period.
2. Grant, refusal, condition, competing-priority determination and area reduction shall state reasons and review rights.

Article 23 — Conditions

1. A condition shall be lawful, certain, relevant, proportionate and recorded in the public register.
2. A secret condition, political undertaking, forced currency surrender or unofficial payment is void.

Article 24 — Area and concentration limits

1. Regulations shall prescribe reasonable maximum areas and aggregation limits for each right.
2. Limits shall prevent speculative holding and excessive concentration while permitting efficient geological projects.

CHAPTER IV
RECONNAISSANCE AND EXPLORATION

Article 25 — Reconnaissance permit

1. A reconnaissance permit authorizes nonexclusive, low-impact regional investigation without drilling, substantial excavation or mineral production.
2. It does not create priority to an exploration licence unless tender or published rules expressly provide.

Article 26 — Exploration licence

1. An exploration licence grants exclusive exploration for specified minerals within the area and a qualified priority to apply for mining upon discovery.
2. It does not authorize commercial production, compulsory land acquisition or use of water beyond applicable law.

Article 27 — Exploration term

1. An initial exploration term shall not exceed four years and may be renewed twice for periods not exceeding three years each.
2. Renewal requires performance, updated programme, environmental compliance and progressive relinquishment.

Article 28 — Work programme and expenditure

1. The licence shall contain a technically credible staged programme and minimum expenditure appropriate to geology and area.
2. Modification may be approved for justified geological, technical, financial or force-majeure circumstances without disguising inactivity.

Article 29 — Relinquishment

1. A holder shall relinquish prescribed portions on renewal so inactive land returns to availability.
2. Relinquished areas shall be contiguous or technically rational and accompanied by complete data and rehabilitation.

Article 30 — Discovery notice

1. A material discovery shall be reported promptly with supporting data and protected from misleading public announcement.
2. The holder shall proceed to resource evaluation, feasibility or lawful relinquishment within a reasonable period.

Article 31 — Bulk sampling and pilot work

1. Bulk sampling or pilot processing requires specific approval stating quantity, purpose, safeguards, accounting and disposal or sale.
2. Revenue from approved sale remains subject to royalty, tax and audit and shall not convert exploration into unauthorized mining.

Article 32 — Exploration priority

1. A compliant exploration holder that establishes a commercially viable deposit has priority to a mining application for that deposit.
2. Priority is lost through expiry, fraud, material nonperformance, abandonment or failure to apply within the lawful period after feasibility.

CHAPTER V
MINING LICENCES

Article 33 — Mining application

1. An application shall include feasibility, mine plan, financing, resource and reserve statement, processing, infrastructure, marketing, workforce, procurement, environment, community, closure and financial-security plans.
2. Statements of resources and reserves shall be prepared by a competent person under a recognized reporting standard suitable to Eritrea.

Article 34 — Mining decision

1. A licence shall issue where the applicant proves a viable lawful project, capacity, environmental approval, land-access plan, community process, closure security and compliance.
2. The authority may refuse where harm cannot reasonably be mitigated, the project is uneconomic on reliable evidence, or the applicant is unqualified.

Article 35 — Term

1. A mining licence shall be granted for the shorter of the economic mine life plus closure or twenty-five years.
2. It may be renewed for further periods not exceeding fifteen years upon updated plans, compliance and public-interest review.

Article 36 — Rights of holder

1. The holder may develop, extract, process, store, transport and sell the licensed minerals and construct approved facilities.
2. Every activity remains subject to land, environment, water, labour, safety, tax, customs, export and infrastructure law.

Article 37 — Development deadline

1. The holder shall commence substantial development within the licence period stated on objective project grounds.
2. Extension requires proof of financing, market, infrastructure, force majeure or another genuine impediment and a credible revised schedule.

Article 38 — Production plan

1. Mining shall follow an approved plan promoting safe, efficient and reasonably complete recovery of the resource.
2. Material change in scale, method, processing, waste, tailings or mine life requires prior approval and updated assessment.

Article 39 — State participation

1. The State may acquire a commercial interest only under an Act or transparently disclosed licence or agreement stating price, funding, risk, governance and dividend rights.
2. No free or carried interest may be imposed or expanded by unpublished administrative demand.

Article 40 — No production monopoly

1. A licence confers exclusivity only within its area and minerals and does not grant a monopoly over transport, processing, export or supply beyond what is technically necessary and expressly authorized.
2. Shared infrastructure shall be available on fair terms where capacity and safety permit.

CHAPTER VI
ARTISANAL AND SMALL-SCALE MINING

Article 41 — Artisanal licence

1. An Eritrean citizen, cooperative or community enterprise may obtain an artisanal licence through a simplified local and cadastral process.
2. The licence shall identify area, minerals, methods, term, safety, environmental, sale and reporting obligations.

Article 42 — Designated artisanal areas

1. The authority may designate suitable areas after geological, land, environmental and community consultation.
2. Designation shall not extinguish existing rights without due process and fair compensation where law requires.

Article 43 — Support services

1. Government shall facilitate geological guidance, safer methods, mercury-free processing, finance access, cooperatives, equipment services, market information and fair purchasing channels.
2. Support shall not condition livelihood upon political membership or surrender to a favoured buyer.

Article 44 — Health, safety and child protection

1. Hazardous underground work, explosives, toxic processing and unsafe pits shall comply with simplified but effective rules and inspection.
2. Child labour, forced labour and trafficking in artisanal mining are prohibited and shall trigger protection and lawful enforcement.

Article 45 — Sale and traceability

1. Artisanal production may be sold through licensed competitive buyers with transparent weights, assays, prices and receipts.
2. A State buyer shall not impose a confiscatory exchange rate, unexplained deduction or exclusive purchase unless an Act establishes a necessary and fair system.

Article 46 — Conversion and coexistence

1. A successful artisanal or small-scale holder may apply to convert to a larger right upon proving capacity and compliance.
2. Where larger exploration overlaps lawful artisanal activity, arrangements shall protect safety, livelihood, access, compensation and an orderly negotiated transition.

CHAPTER VII
LAND, COMMUNITIES AND PUBLIC PARTICIPATION

Article 47 — Surface rights

1. A mineral right does not itself confer ownership or occupation of land.
2. Access, lease, compensation, resettlement and compulsory acquisition are governed by land law and the Constitution.

Article 48 — Access agreement

1. Before material entry, the holder shall seek a written agreement with the lawful occupier covering access, disturbance, compensation, safety, rehabilitation and dispute resolution.
2. Failure to agree may be referred to an independent tribunal; no party may use force or self-help eviction.

Article 49 — Community consultation

1. Potentially affected communities shall receive timely understandable information and meaningful opportunities to influence project design before grant and throughout the project.
2. Consultation shall be accessible to women, youth, pastoralists, persons with disabilities and groups whose livelihoods may not appear in formal title records.

Article 50 — Community development agreement

1. A large-scale mine shall negotiate a public community development agreement proportionate to impact and local priorities.
2. The agreement shall state governance, funding, projects, procurement, monitoring, grievance, audit and relationship to government duties.

Article 51 — Resettlement

1. Physical or economic displacement is a last resort and requires lawful authority, alternatives assessment, consultation, prior fair compensation, livelihood restoration and independent review.
2. No person shall be removed before suitable arrangements are effective except under a court order addressing an immediate danger.

Article 52 — Cultural heritage

1. The holder shall identify and protect archaeological, historical, religious and cultural sites under heritage law.
2. A chance discovery shall stop affected work, be secured and reported for prompt professional decision.

Article 53 — Grievance mechanism

1. A holder shall maintain an accessible, documented and non-retaliatory community grievance process.
2. Use of the process is voluntary and does not waive a right to regulator, court or other remedy.

CHAPTER VIII
ENVIRONMENT, WATER, SAFETY AND CLOSURE

Article 54 — Environmental approval

1. No material exploration or mining may commence without the environmental assessment and approval required by law.
2. Assessment shall consider cumulative impact, climate, water balance, biodiversity, tailings, waste, chemicals, transport, closure and plausible accidents.

Article 55 — Environmental management

1. The holder shall implement approved management, monitoring, incident, rehabilitation and reporting plans using best practicable techniques appropriate to risk.
2. Material monitoring data and violations shall be public in accessible form.

Article 56 — Water protection

1. Water abstraction, diversion, discharge and contamination remain subject to water and environmental law and shall protect community and ecosystem needs.
2. A mineral right grants no priority over existing lawful water rights or basic human needs.

Article 57 — Mine safety

1. The holder shall maintain competent management, hazard control, worker participation, emergency response, medical capacity and incident reporting.
2. A worker may remove himself or herself from an imminent serious danger without retaliation and shall report the danger promptly.

Article 58 — Tailings and waste

1. Tailings and waste facilities shall use independent design review, construction assurance, monitoring, emergency planning and periodic safety review proportionate to consequence.
2. A high-consequence facility shall receive independent expert oversight and public downstream emergency information.

Article 59 — Progressive rehabilitation

1. Disturbed land shall be rehabilitated progressively where practicable rather than deferred entirely to closure.
2. Annual plans shall state disturbance, rehabilitation, cost, performance and residual liability.

Article 60 — Closure plan

1. A mining application shall include a closure and post-closure plan developed with workers, communities and authorities.
2. The plan shall cover decommissioning, landform, water, waste, infrastructure, livelihoods, monitoring, care, relinquishment criteria and unexpected closure.

Article 61 — Financial assurance

1. Before disturbance, the holder shall provide independently calculated and periodically updated financial assurance sufficient for government to complete closure and rehabilitation.

2. Assurance shall be secure, bankruptcy-remote, accessible upon default and not reduced without verified performance.

Article 62 — Relinquishment after closure

1. Liability ends only after independent verification that statutory completion criteria and monitoring periods are satisfied.
2. Latent contamination, fraud or concealed defect remains actionable according to law notwithstanding relinquishment.

CHAPTER IX
FISCAL OBLIGATIONS, PRODUCTION AND TRANSPARENCY

Article 63 — Royalty

1. A holder shall pay royalty on minerals produced at rates and valuation rules enacted by the National Assembly.
2. No Minister or agreement may secretly reduce, suspend or waive royalty; any relief must arise under published law and be reported.

Article 64 — Surface rental and fees

1. Annual area rental shall discourage speculative holding and may increase with tenure stage.
2. Administrative fees shall reflect reasonable cost and shall be published, receipted and paid into the lawful public account.

Article 65 — Tax and customs

1. Income tax, withholding, value-added tax, customs and other fiscal matters are governed by tax and customs legislation.
2. The mining authority may verify production but shall not negotiate an unpublished tax exemption.

Article 66 — Measurement and valuation

1. Production quantity, grade, recovery, sales, affiliated transactions and stocks shall be measured and reported under prescribed standards.
2. Related-party sales shall use arm's-length valuation and remain subject to revenue-authority audit.

Article 67 — State revenue transparency

1. Government shall publish project-level royalties, taxes, fees, bonuses, dividends, infrastructure commitments and other material receipts.

2. Holders shall publish corresponding payments and beneficial ownership, subject to proportionate thresholds.

Article 68 — Production and export

1. A holder may sell and export lawful production subject to royalty, tax, customs, foreign-exchange, sanctions and traceability law.
2. An export restriction or domestic-processing requirement requires an Act, legitimate purpose, economic assessment and proportionate transition.

Article 69 — Local employment and procurement

1. A holder shall prepare realistic plans to train and employ Eritreans and develop competitive Eritrean suppliers.
2. A mandatory target or preference shall be published, capacity-sensitive and shall not justify unsafe qualification, corruption or disguised monopoly.

Article 70 — Use of foreign currency

1. Lawful mining receipts and payments shall be handled under National Bank and foreign-exchange law through transparent market-consistent arrangements.
2. No authority may confiscate value through an unpublished surrender requirement or arbitrary exchange rate.

CHAPTER X
TRANSFERS, AGREEMENTS AND FINANCING

Article 71 — Transfer and change of control

1. A mineral right or controlling interest may be transferred only with prior approval based on qualification, integrity, capability and compliance.
2. The authority shall decide within a stated period and shall not withhold approval to extract an unauthorized benefit.

Article 72 — Encumbrance

1. A mining licence may be pledged to finance the project with approval and registration.
2. Enforcement by a creditor is subject to qualification, environmental liability, community duties and continuity or safe closure.

Article 73 — Mineral agreement

1. A major project may use a mineral agreement only to specify implementation matters authorized by this Act.
2. An agreement cannot create the mineral right, waive an Act, freeze constitutional regulation, grant secret fiscal terms or bind Eritrea through an unauthorized official.

Article 74 — Publication of agreements

1. A mineral agreement and material amendment shall be published promptly with the licence and beneficial owners.
2. Only narrowly defined proprietary information may be redacted, with reasons and periodic review.

Article 75 — Dispute resolution

1. Disputes may be resolved through Eritrean courts, mediation or arbitration based on clear lawful written consent.
2. This Act is not standing consent to investor-State arbitration, and any arbitration concerning public resources shall be transparent.

CHAPTER XI
COMPLIANCE, ENFORCEMENT AND REVIEW

Article 76 — Inspection

1. An authorized inspector may enter a mineral site at reasonable times, inspect works and records, sample, measure and require safety action.
2. Entry into a dwelling or seizure of records requires consent or judicial authority except during immediate danger.

Article 77 — Compliance notice

1. A notice shall state facts, law, required correction, time and review rights.
2. For a remediable breach not creating immediate serious harm, reasonable correction shall precede stronger sanction.

Article 78 — Urgent order

1. An inspector may stop a dangerous operation or secure a site where imminent serious harm is reasonably believed.
2. The order shall be narrow, reasoned and reviewed after an expedited hearing within fourteen days.

Article 79 — Suspension and cancellation

1. A right may be suspended or cancelled for material nonperformance, nonpayment, serious harm, fraud, corruption, unauthorized transfer or repeated grave breach.
2. Cancellation is a last resort after notice and hearing, except temporary emergency suspension.

Article 80 — Administrative penalty and criminal referral

1. An administrative penalty requires a contravention and maximum enacted by law and shall be proportionate to harm, gain, intention, history and correction.
2. Suspected theft, corruption, falsification, illegal mining or another offence shall be referred under the Penal Code with full procedural safeguards.

Article 81 — Appeal

1. An applicant, holder, landholder or materially affected community may appeal a final licensing or enforcement decision to the competent tribunal or court.
2. The reviewing body may grant interim relief, require the record, receive expert evidence and order a lawful remedy.

Article 82 — Civil liability

1. A holder remains liable under the Civil Code and other law for injury, contamination, property damage, breach and restoration.
2. A licence or inspection does not immunize the holder or make the State guarantor of private performance.

Article 83 — Annual sector report

1. The Ministry shall publish licences, areas, beneficial ownership, production, exports, revenue, inspections, incidents, rehabilitation, closure security and community agreements.
2. The Auditor General may audit mineral revenue, agreements, cadastral integrity, State participation and environmental security.

CHAPTER XII
TRANSITION AND FINAL PROVISIONS

Article 84 — Legacy-right inventory

1. Within twelve months, the Ministry shall publish an inventory of rights, applications, agreements, beneficial owners, areas, payments, securities and compliance under prior law.
2. Omission from the inventory shall be investigated and shall not by itself extinguish a genuinely lawful right without due process.

Article 85 — Conversion

1. A lawful existing right continues temporarily and shall be converted to the corresponding right without unnecessary fee or loss of accrued term.
2. Conversion does not preserve a secret exemption, unconstitutional privilege, forced-labour arrangement, unpaid royalty or inadequate closure obligation.

Article 86 — Review of legacy agreements

1. Material mining agreements shall be reviewed for authority, publication, fiscal exposure, performance, rights, community impact and closure security.
2. Renegotiation or challenge shall be evidence-based, lawful and protective of legitimate reliance without validating corruption or lack of authority.

Article 87 — Repeal

1. Mining Proclamation 68/1995 and its general amendments are repealed upon full commencement.
2. Existing regulations continue temporarily only to the extent listed publicly and consistent with this Act until replaced.

Article 88 — Regulations

1. The authority designated by law may make regulations on applications, cadastral units, work, reporting, technical standards, artisanal mining, safety, closure, valuation and transition.
2. Regulations shall follow public and professional consultation, remain within delegated power and be published before enforcement.

Article 89 — Periodic review

1. The National Assembly shall review this Act five years after commencement and thereafter at intervals not exceeding five years.
2. The review shall assess public benefit, investment, competition, communities, workers, environment, artisanal livelihoods, transparency and institutional capacity.

Article 90 — Commencement

1. Chapters I, II and XII commence upon publication in the Gazette.
2. The remaining Chapters commence six months after publication to permit cadastral, regulatory and transitional preparation.

Made at Asmara, this ___ day of __________ 2026.

THE NATIONAL ASSEMBLY OF ERITREA