

08 NOV 1995

RDC 7

ጋዜጣ አዋጅት ኤርትራ

ብመንግስቲ ኤርትራ ዝሕተም

ቅጺ 5/1995 ቁ.2 ኣስመራ 20 መጋቢት 1995 ዓ.ም. ዋጋ 10.00 ብር

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ዝወጸ አዋጅ

ኩሉ ማዕድናዊ ሃብቲ አብ ቁጠባዊ ልምዓት ሃገር ዓቢይ አበርክቶ ኪገብር ዚኸእል ሀዝባዊ ሃብቲ ብምኻኑ፤ መንግስቲ ነዚ ሃብቲ'ዚ ስለ ረብሓ ሀዝቢ ዕቀባኡን ልምዓቱን ከረጋግጽ ስለዘሎዎ፤

ፍተሻን ዳህሳስን ዕደናን ናይ ማዕድናዊ ሃብቲ ብግቡእ ቴክኖሎጂን ብቕኑዓት መትከላት አመሓድራ ናይዚ ሃብትን ኪካየድ ከምዘሎዎን አብ ናይ ማዕድን ኢንግሊዝ ሃገራዊ ክእለት ምምዕባል ከምዚግባእን ብምርዳእ፤

ብሕታዊ ወፍሪ ንማዕድናት ዘድሊ ርእሰማልን ቴክኖሎጂን ዕዳጋን አብ ምርካብ ዚጸወቶ ዓቢይ ተራ ብምግንዛብ፤

ናብዘም ሽቶታት'ዚ እም ንምብጻሕ ንስራሓት ዕደና ዚምልከት ሓድሽ ሕጊ ምውጻእ አድላዩ ብምኻኑ፤

እንሆ ሕጂ፣ እዚ ዚሰብ ይእወጅ፡-

ክፍለ 1
ሓፈሻዊ



1. ሓጺር አርእስቲ

እዚ አዋጅ'ዚ "አዋጅ ዕደና ቁ 68/1995" ተባሂሉ ኪጥቀስ ይከአል።

2. ትርጉም

ናይቲ ቃል አዘዋትራ ካልእ ትርጉም ዘውሀቦ ከሳብ ዘይኩኑ፤ አብዚ አዋጅ'ዚ፡-

1. "ስምምዕ" ማለት አብ መንጎ መንግስትን በዓል ፍቓድን ማዕድናት ንምፍታሽን ንምድህሳስን ወይ ንምዕዳንን ዝተገብረ ውዕል ኢዩ።

2. "ልምዳዊ ዕደና" ማለት ሚኒስትር ብዙውጽኦ መምርሒ መሰረት ካልእ ትርጉም እንተዘይሒዙ፤ ብኤርትራውያን ውልቀሰባት ወይ ጉጅለታት ዚካየድ፤ ሓይሊ ሞተር ዘይዝውተር፤ መብዝሕትኡ ብኢድ ዚፍጸም ናይ ዕደና ስራሕ ኢዩ።
3. "ማዕድናት ሀንጻ" ማለት ሑዳ፤ ጸጸር፤ እምኒ (እምነበረድ፤ ግራናይት፤ ባዛልት...ወዘተ)፤ ጥዑም መሬት፤ እንከላይ ንሰራሓት ሀንጻ ዚውዕሉ ዘይብረታዊ ማዕድናት፤ ከምኡ'ውን ሚኒስትር ብመምርሒ ማዕድናት ሀንጻ ኢሉ ኪሰምዮም ዚኸእል ካልእት ማዕድናት ማለት ኢዩ።
4. "ተጃጃጃ" ማለት ሰራሓት ዕደና ንምቑጽጸር ብበግል መዚ ወሃብ ፍቓድ ዝተመዘዘ ሹመኛ ኢዩ።
5. "ዕቋር" ማለት ኣብ ውሱን ሰፍራ ኣብ ልዕሊ ወይ ኣብ ውሽጢ መሬት ዚርከቡ ብባህርይ ዝተሞህሉ ማዕድናት ማለት ኢዩ።
6. "ምድህሳስ" ማለት ንሓይ ዕቋር ፊቲሽካ ንምርካብ፤ ንምግምጋምን ንምምዛንን፤ ናይ ማዕድናት ፊዚካውን ከሚካውን ባህርያት ንምትንታን፤ እቲ ዕቋር ኪለምዕን ኪዕደንን ዚህሉ ቁጠባዊ ተኸእሎ ንምምርማርን ምስ ጂኦሎጂን ኣቃውማን ዝባንን ክርስን መሬት፤ ምስ ሰራሓት ገፊሕ ኩዕታን፤ ሰርሰራ ናይ ቀረባን ዓሞቕትን ጉዳጉድን ዚዛመዱ ዝተፈላለዩ (ጂኦሎጂያዊ ጂዮ ቀመማውን ጂዮፊዚካውን) ኣገባባት መጽናዕቲ ብምዝውታር ዚፍጸም ኩሉ ተግባር ኢዩ።
7. "መንግስቲ" ማለት መንግስቲ ኤርትራ ኢዩ።
8. "ፍቓድ" ማለት ብመሰረት እዚ ኣዋጅ'ዚ ማዕድናት ንምፍታሽን ንምድህሳስን ወይ ንምዕዳንን ዝተሞህበ ፍቓድ ኢዩ።
9. "ካሊ ፍቓድ" ማለት ዝኹነ ብፍቓድ ዝተታሕዘ ቦታ ኢዩ።
10. "በግል መዚ ወሃብ ፍቓድ" ማለት ሚኒስትሪ ጸጻት፤ ማዕድንን ሃብቲ ማይን ኢዩ።
11. "ምዕዳን" ማለት ማዕድናት ንምልማዕ፤ ንምፍላይን ካብ ዕቋር ንምውጻእን ዚፍጸም ዝኹነ ተግባር ኩይኑ፤ ምኸዛኖም፤ ምስንዳኦም፤ ምምስርሖም (ብዘይካ ምጽራይን ምምካሽን) ምግጻዞምን ወይ ምሻጦምን የጠቓልል ኢዩ።

12. "ማዕድናዊ ማይ" ማለት ንጥዕና ተሰማማዒ ባህርያት ዘለዎም ማዕድናት ዝሓዘ ማይ፣ ከምኡ'ውን ብቁጠባ ኣርባሒ ብዝኹነ ደረጃ ማዕድናት ተፈልዮም ኪወጽዎ ኪከኣል፣ ከም ማይ ባድ ዝኣመሰለ ማይ ኢዩ።

13. "ማዕድናት" ማለት ዝኹነ ዑቕር ቀጠባዊ ክብሪ ዘሎዎ ንላዕሊዎት ጽፍሒ መሬት ዘቕውም ወይ ኣብ ልዕሊኡ ወይ ኣብ ውሽጡ ብባህርያዊ መንገዲ ተዋህሊሉ ዚርከብ ማዕድናዊ ነገር፣ እንክላይ ጨው፣ ማዕድናዊ ማይን ጂኦተርማላዊ ዕቋራትን ኩይኑ፣ ግን ኣብ ዓንቀጽ 5ን 7ን ናይ ኣዋጅ ቁ 40/1993 ከም ዝተገልጸ፣ ንነዳድን (ፕትሮልየም) ንባህርያዊ ጋዝን ደረቕ ዘይትን ኣየጠቓልልን።

14. "ሚኒስተር"ን"ሚኒስትር"ን ማለት ናይ ጸዓትን ማዕድንን ሃብቲ ማይን ሚኒስተርን ሚኒስትርን ማለት ኢዩ።

15. "ሰራሓት ዕደና" ማለት ማዕድናት ንምፍታሽ፣ ንምድህሳስን ንምዕዳንን ዚካየድ ኩሉ ተግባር ኢዩ።

16. "ሰብ" ማለት ዝኹነ ባህርያዊ ሰብ ወይ ብሕጊ ናይ ሰብነት መሰል ዝተዋሃበ ኣካል ኢዩ።

17. "ክቡራት ማዕድናት" ማለት ከም ፕላቲኒየም፣ ወርቅን ብሩርን ዝኣመሰሉ ክቡራት ብረታትን (ሚታል)፣ ከም ኣልማዝ፣ ሩቢ፣ ኤመራልድን ሳፉየርን ዝኣመሰሉ ክቡራት ኣለማን ከምኡ ደማ ሚኒስተር ብዘውጽእ መምርሒ ክቡራት ማዕድናት ኢሉ ዚሰምዮም ካልኣት ማዕድናት ማለት ኢዩ።

18. "ምፍታሽ" ማለት ኣብ ጽፍሒ ወይ ልዕሊ መሬት ተሸለሎ ህላወ ማዕድናት ንምርግጋጽ ዚካየድ እንክላይ ንመጽናዕቲ ጂኦሎጂን ቅርጽን ናይቲ መሬት ዘጣምር ዝኹነ ናይ ማዕድን ምንዳይ ሰራሕ ኢዩ።

19. "ሕጋጋት" ማለት ሕጋጋት ዕደና ቁ. 19/1995 ኢዩ።

3. ደረት ተፈጻምነት

እዚ ኣዋጅ'ዚ ኣብ ውሽጢ ክሊ ኤርትራ ንዚካየዱ ኩሎም ሰራሓት ዕደናን ተዛመድቲ ንጥፈታትን ይገዝእን ኣብ ልዕሊኦም ተፈጻምነት ይህልዎን።

ክፍሌ 2
መሰላት ዕደና
ምዕራፍ 1
ሓፈሻዊ

4. ግቡአት ንመሰላት ዕደና

1. ኣብ ዓንቀጽ 21 (1)ን ዓንቀጽ 22ን ናይ'ዚ ኣዋጅ'ዚ ዝተሓገገ ሕሉው ክነሱ፣ ከምኡ'ውን ንንኡስ ዓንቀጽ (2) ናይ'ዚ ዓንቀጽ'ዚ እናተማእዘዘ፣ ዝኹነ ሰብ፣ በዓል ሕጋዊ ፍቓድ እንተዘይኩይኑ፣ ማዕድን ኪፍትሽ፣ ኪደህሰስ ወይ ኪዕድን ኣይከእልን።
2. እቲ መሬት ብዝጸንሐ ፍቓድ ዝተታሕዘ ወይ ናይ ፍቓድ መጠየቓታ ዝቐረበሉ እንተዘይኩይኑ፣ ዝኹነ ኤርትራዊ ብዘይፍቓድ ኪፍትሾ ይኸእል ኢዩ።

5 ብቕዓት ንመሰላት ዕደና

1. ንኡስ ዓንቀጽ (2) ናይ'ዚ ዓንቀጽ'ዚ ሕሉው ክነሱ፣ ኣብ'ዚ ኣዋጅ'ዝን በዚ ኣዋጅ መሰረት ኣብ ዝወጹ ሕጋጋትን መምርሒታትን ዚግለጹ ናይ ፍቓድ ኩነታት ዘማልእ ዝኹነ ሰብ፣ ፍቓድ ንምርካብ ዚሕተቱ ግቡአት ንምፍጻም ዘኸእል ፋይናንሳዊ ዓቕሚ፣ ተከኒካዊ ብቕዓት፣ ሞያዊ ክእለትን ተመክሮን ምስዚህልዎ ፍቓድ ኪረከብ ይኸእል።
2. ናይ ልምዳዊ ዕደና ፍቓድ ንምርካብ ዝኹነ ሰብ ፋይናንሲያዊ ዓቕሚ፣ ተከኒካዊ ብቕዓት፣ ሞያዊ ክእለትን ተመክሮን ኪህልዎ ኣይሕተትን።
3. ብዘይካ ዓንቀጽ 16 (2) ናይ'ዚ ኣዋጅ ብዘፍቅዶ ኩነት፣ ዝኹነ ፍቓዱ ዝተሰረዞ ሰብ፣ ፍቓድ ካብ ዝተሰረዘሉ ግዜ ጀሚሩ ን5 ዓመታት ካልእ ፍቓድ ኪረከብ ኣይከእልን።

6. ሕዙአትን ክልኩላትን ቦታታትን ማዕድናትን

መንግስቲ ስለ ፍሉይ ሰራሓት ዕደና ንዝኹነ ቦታ ወይ ማዕድን ኪሓዝእ ወይ ኪኸልከል፣ ከምኡ'ውን ዝኹነ ብፍላይ ድማ ታሪኻዊ፣ ባህላዊ ወይ ሃይማኖታዊ ኣገዳስነት ዘለዎም ህዝባዊ ህንጻታት፣ ትሕተ ቅርጽን ካልእ ትካላትን ዚርከብዎ ቦታ ናይ ዕደና ሰራሓት ከይካየዱ ኪኸልከል ይኸእል።

7. መንግስታዊ ስራሕ ዕድና

መንግስቲ ብውልቁ ወይ ምስ ብሕታውያን አውፈርቲ ርእሰማል ብምሽራኽ ንጠቕላላ ቁጠባዊ ዕብዮት ወሰንቲ ዝኹኑ ገለ ስራሓት ዕድና ከካይድ ይኸእል።

ምዕራፍ 2
መሰላት ቅድመ ልምዓት
ንኡስ ከፍሊ 1
ፍተሻን ዳህሳስን

8. ፍቓድ ፍተሻ

1. ፍቓድ ፍተሻ አብቲ ዚሸፍኖ ቦታ ንዚርከቡ ማዕድናት ንምፍታሽ ብሑት መሰል ይህብ። ፍቓድ ፍተሻ ደማ ንካልእ ምምሕላፋ፣ ምውዛዕ፣ ብዕዳ ምትሓዙ ወይ ምውራሱ አይከኣልን።

2. ፍቓድ ፍተሻ ንሓደ ዓመት ጥራይ የገልግል፣ ከይሕደሰ'ውን ይኸእል።

3. በዓል ፍቓድ አብ ክሊ ዝተፈቐደሉ ቦታ ናይ ማዕድናት ምልክታት ምስዚረከብ፣ እንተደኣ ነዞም ዚሰዕቡ ረጃሕቲ አማሊኡ ፍቓድ ዳህሳስ ንምርካብ መሰል ይህልዎ።

ሀ. ብፍቓድ ፍተሻ ዚጥለቡ ግዴታታት ብምልኦም እንተፈጸሙ፣

ለ. ምስ ምሕታት ፍቓድ ዳህሳስ ዚተኣሳስሩ ኩሎም ኩነታት እንተአማሊኡ፣ ከምኡ እውን

ሐ. ፍቓድ ፍተሻ ንምእጋድ ወይ ንምስራዝ መሰረት ዚኸውን ዝኹነ ደንጋገ ናይ'ዚ አዋጅ'ዝን ብኡ መሰረት ዝወጹ ሕጋጋትን ወይ መምርሒታትን እንተዘይጥሒሱ።

9. ፍቓድ ዳህሳስ

1. ፍቓድ ዳህሳስ፣ ብዘይካ ንህንጻ ዘገልግሉ ማዕድናትን ማዕድናዊ ማይን ጂዮተርማላዊ ዕቋራትን፣ አብ ውሽጢ'ቲ አብ ፍቓድ ዝተመልከተ ቦታ ኩሎም ማዕድናት ንምድህሳስ ብሑት መሰል ይህብ።

2. በዓል መዘ ወሃብ ፍቅር ካልእ እንተዘይወሲኑ፤ ኣብ ሕጋጋት ከም ዝተወሰነ፤ ቦታ ፍቅር ናይ ቅኑዕ ርቡዕ ኩርናዕ ቅርጺ ይህልዎ።
3. ፍቅር ዳህሳስ ከምኡ'ውን ብመሰረት ዓንቀጽ 10 ንኡስ ዓንቀጽ (3) ናይ'ዚ ኣዋጅ'ዚ በዓል ፍቅር ናይ ምዕዳን ፍቅር ኪረከብ ዚህልዎ መሰል፤ ካብ በዓል መዘ ወሃብ ፍቅር ኣቐዲምካ ብምፍቓድ፤ ናብ ካልእ ኪመሓላፍ ወይ ኪውዛዕ ይኸእል። እዚ ኪኸውን ግን፤ እቲ ሓድሽ ዚመጽእ ወገን ግዴታታት ፍቅር ንምፍጻም ዘኸእል ፋይናንሲያውን ተከኒካውን ብቕጻቱ ኣዕጋቢ ምስ ዚኸውን ኢዩ።

10. ዕድመን ሕደሳን

1. ፍቅር ዳህሳስ መጀመርታ ናይ ሰለስተ ዓመት ዕድመ ዘለዎ ኩይኑ፤ ክልተ ግዜ ነፍሲ ወከፉ ነንሓይ ዓመት ምሕዳሱ ይከእል። በዓል ፍቅር ተወሳኺ ዝግዕበለ ናይ ዳህሳስ ንጥፊታት ምክያድ ከምዚደሊ ብሰነድ ምስዘረድእ፤ ወይ ንምንዋሕ ዕድመ ፍቅር ምኸኑያት ዝኹኑ ካልእ ኩነታት ምህላዎም ሓበሬታ ምስ ዘቕርብ፤ በዓል መዘ ወሃብ ፍቅር ናይ ፍቅር ሕደሳ እዋናት ከናውሕ ይኸእል።
2. በዓል ፍቅር ኣብ ፍቅር ዝተመልከቱ ግዴታታት ምስ ዚፍጸም፤ ምስ ምሕታት ሕደሳ ዝተሓሳሰሩ ኩሎም ዚጥለቡ ተደልይቲ ኩነታት ምስ ዘማልእን ፍቅር ንምእጋድ ወይ ንምስራዝ መሰረት ዚኸውን ዝኹኑ ናይ'ዚ ኣዋጅ'ዚ ሕጋግ ምስዘይጥሕስን፤ ፍቅር ኪሕደሰሉ መሰል ይህልዎ።
3. በዓል ፍቅር ኣብቲ ፍቅር ዚሸፍኖ ቦታ ብቁጠባዊ ደረጃ ኪዕደን ዚከእል ማዕድናዊ ዕቋር ምህላው እንተድኣ ኣረጋጋጽን ነዞም ዚሰዕቡ ኩነታት እንተድኣ ኣማሊኡን ፍቅር ዕደና ንምርካብ መሰል ይህልዎ።

ሀ. ፍቅር ዳህሳስ ዚጠልቦም ኩሎም ግዴታታት እንተፈጸሙ፤

ለ. ምስ ምሕታት ፍቅር ዕደና ዝተሓሳሰሩ ኩሎም ተጠለብቲ ኩነታት እንተኣመሊኡ፤ ከምኡ እውን

ሐ. ፍቅር ዳህሳስ ንምእጋድ ወይ ንምስራዝ መሰረት ዝኹኑ ድንጋጌታት ናይ'ዚ ኣዋጅ'ዝን ብመሰረቱ ዝወጹ ሕጋጋት ወይ መምርሒታት እንተዘይጥሑሱ።

11. ምልቃች ገለ ክፋል ቦታ ፍቻድ

1. በዓል ፍቻድ፣ ናይ ዳህሳስ ፍቻድ ንኪሕደሰሉ ኣብ ዚጥይቑሉ ነፍሲ ወከፍ እዋን፣ እቲ ኣብ ሕጋጋት ዝተወሰነ ዝነኣሰ ሰፍሓት መሬት ዘይተበጽሖ እንተኩይኑ፣ ካብ ርብዓ ናይቲ ዝተፈቐደሉ ሰፍሓት መሬት ዘይንእስ ክፋሉ ኪለቕቕ ምጂኑ ከመልክት ኣለዎ።
2. ቅርጽን መእዝናትን ካልእት ዝርዝራትን ናይቲ ዚልቀቕ ቦታ ብሕጋጋት ይወሰኑ።

ንኡስ ክፍሊ 2

ርኽቦት ማዕድን

12 ርኽቦት ምፍጥፕ

ምልክታት ወይ ህላወ ማዕድናት ዝረኽቡ ዝኹን ሰብ፣ ከምቲ ዓንቀጽ 20 ናይ ሕጋጋት ዚእገዙ ብቐጽበት ብዛዕባ ቦታን ባህርይን ናይ ከምዚ ዝበለ ርኽቦት ንተጅጻጸሪ ብጽሑፍ የፍልጦ።

13. ሰርዓተ ርኽቦት

1. ዝኹን ሰብ ብፍቻድ ኣብ ዘይተታሕዘ ወይ መጠየቕታ ፍቻድ ዘይቀረበሉ መሬት እናፈተሽ እንከሎ፣ ኣቐዲሞም ዘይተረኽቡ ምልክታት ማዕድን ወይ ናይ ማዕድናት ዕቋር ምስ ዚረኽቡ፣ ብቐጽበት ኣብ ቦታ ናይቲ ርኽቦት ምልክት እንቢሩ፣ ኣብ ውሽጢ 7 መዓልታት ብዛዕባቲ ርኽቦት ንተጅጻጸሪ የፍልጥ።
2. እቲ ርኽቦት ንበዓል መዚ ወሃብ ፍቻድ ብዘዕግብ መንገዲ እንተተረጋገጹ፣ እቲ ርኽቢ ናይ ዳህሳስ ፍቻድ ንምርካብ ቃድማይ መሰል ይህልዎ። ናይቲ ዚፍቀደሉ ቦታ ማእከል እቲ ናይ ርኽቦት መፈላልጦ ኪኸውን ምእንቲ ድማ፣ ካብ ክልተ ተጠማመቲ ኩርናዓት ናይቲ ቦታ ዝተላእሉ ቅኑዓት ሕንጻጻት ዚመላቐልሉ ነጥቢ እቲ መፈላልጦ ከምዚኸውን ይግበር። ከምዚ ዝበለ ፍቻድ ንምርካብ መጠየቕታ ዚቐርበሉ ግዜ ከኣ እብቲ ብበዓል መዚ ወሃብ ፍቻድ ዘዕደል ወረቐት ምስክር ርኽቦት ይግለጽ፣ ብዛዕባቲ ርኽቦት ሓበሬታ ካብ ዝቐረበሉ ግዜ ልዕሊ 12 ኣዋርሕ ኪድንጉ ግን ኣይግባእን።

3. ተጃጃጃሪ፣ ብዛዕባቲ ርኽበት ምስተሓበረ አቐዲሙ ብፍቓድ ዝተታሕዘ መሬት ወይ መጠየቕታ ፍቓድ ዝቐረበሉ ዝኹነ መሬት ኪሕወሶ ከምዘይብሉ ብምርግጋጽ፣ ዝርጋሕ ናይ ቦታ ርኽበት ማዕድናት ኣብ ቤት ጽሕፈት በዓል መዚ ወሃብ ፍቓድ ኣብ ዚተሓዝ ካርታ ውጥን የመልከቱ።
4. ናይ ርኽበት ወረቐት ምስከር ዘሎ ሰብ ብዘቐርቦ መጠየቕታ መሰረት ንዚረኽቦ ፍቓድ ዳህሳስ ዚፍጸም ግዴታ ክፍሊትን ወጻኢታትን ከምቲ ኣብ ሕጋጋት ዝተወሰነ ይኸውን።

ምዕራፍ ሰለስተ
ብዛዕባ መሰላት ልምዓት
ንኡስ ክፍሊ 1
ልምዓዊ ዕደና

14. ፍቓድ ልምዓዊ ዕደና

1. ኣብ ገለ ክፋል ጽፍሒ ናይቲ ዝጸንሐ ፍቓድ ዳህሳስ ዚሸፍን መሬት፣ ፍቓድ ልምዓዊ ዕደና ኪወሃብ ዚከኣል እዞም ዚሰዕቡ ኩነታት እንተድኣ ተማሊእም ኢዩ፡-

ሀ. ፍቓድ ልምዓዊ ዕደና ከሳብ ሓሙሽተ ሚተር ኣብ ዚዕምቂቶም ናይ ህንጻ ማዕድናትን ወይ ኣብ ማዕድናዊ ማይን ኣብ ጂዮተርማላዊ ዕቋራትን ዝተወሰነ ምስ ዚኸውን።

ለ. ንጥፈታት ልምዓዊ ዓዳኒ ንበራሓት ናይ ዝጸንሐ ፍቓድ ከምዘይዕንቅፍ፣ ወሃብ ፍቓድ በዓል መዚ ዚኣምነሉ እንተኩይኑ።

2. እቲ ዚሕተት መሬት ብፍቓድ ዘይተታሕዘ ወይ አቐዲሙ መጠየቕታ ፍቓድ ዘይቐረበሉ እንተኹይኑ፣ ከምኡውን እቲ ብፍቓድ ልምዓዊ ዕደና ዚፍጸም ሰራሕ ከሳብ ናይ ሓሙሽተ ሚተር ዕምቂት ዝተወሰነ ምስዚኸውን፣ ናይ ህንጻ ማዕድናት፣ ማዕድናዊ ማይን ጂዮተርማላዊ ዕቋራትን ንዘይኩኑ ካልእት ማዕድናት ንምልማዕ እውን ፍቓድ ልምዓዊ ዕደና ምሃብ ይከኣል ኢዩ።

3. ፍቓድ ልምዓዊ ዕደና ብምጽዳቕ በዓል መዚ ወሃብ ፍቓድ ናብ ካልእ ኪመሓላለፍ፣ ኪውዛዕ፣ ብዕዳ ኪተሓዝ ወይ ኪውረስ ይከኣል።

15. ዕድመን ሕደሳን

1. ፍቻድ ልምዳዊ ዕደና ንሓደ ዓመት የገልግል። ብዙይ ገደብ ከአ ነንሓደ ዓመት ምሕዳሱ ይከአል።
2. ናይ'ቲ ማዕድናዊ ዕቋር ቁጠባዊ ዓቕሚ ብዝበለጸ ንምልማዕ ዝያዳ ዝማዕበለ ናይ ዳህሳስን ዕደናን ኣገባብ ምዝውታር ከምዘድሊ እንተድኣ ተገሚቲ፤ በዓል መዚ ወሃብ ፍቻድ ቅድሚ 90 መዓልታት ብጽሑፍ መጠንቀቕታ ብምሃብ፤ ፍቻድ ልምዳዊ ዕደና ከሕድግ ይኸእል።
3. በዓል መዚ ወሃብ ፍቻድ ብዝወሰነ ኩነት፤ በዓል ፍቻድ ዝማዕበለ ኣገባብ ዳህሳስን ዕደናን ንምዝውታር ዘድሊ ተከኒካውን ፋይናንሲያዊን ዓቕሚ ከምዚውንን ብምርግጽ ፍቻድ ዳህሳስን ፍቻድ ዕደናን ኪወሃቦ እንተድኣ ሓቲቲ፤ በዓል መዚ ወሃብ ፍቻድ ናይ ዳህሳስን ዕደናን ፍቻድ ኪህቦ ይኸእል ኢዩ።
4. በዓል ፍቻድ ልምዳዊ ዕደና፤ እንተድኣ ፍቻዳ ተሓዲጉን ኣብ ናይ ቅድም ቦታኡ ዝሓተቱ ፍቻድ ዳህሳስን ዕደናን እንተድኣ ዘይተዋሂቡዎን ብምኸንያት ምሕዳግ ፍቻዳ ዝበጽሖ ከሳራ ንምሕዋይ ኪኸፈሎ ዚግባእ መጠን ካሕሳ እቲ በዓል መዚ ወሃብ ፍቻድ ደውስናን ብቕልጡፍ ከምዚኸፈሎ ይገብርን።

ንኡስ ክፍሊ 2
ዕደና

16. ፍቻድ ዕደና

1. ፍቻድ ዕደና ኣብ ውሽጢ'ቲ ብፍቻድ ዝተታሕዘ ቦታ፤ በቲ ፍቻድ ንዝተነጸሩ ማዕድናት ንምዕዳን ብሑት መሰል ይህብ። እቲ ፍቻድ ሰራሓት ዕደና ብግቡእ ንምክያድ ጥራይ ዘድሊ ቦታ ይሸፍን። ቅርጽን ደብን ቦታ ከአ ከምቲ ኣብ ሕጋጋት ዝተወሰነ ይኸውን።
2. ናይ ዕደና ፍቻድ፤ ብምጽዳቕ በዓል መዚ ወሃብ ፍቻድ ናብ ካልእ ኪመሓላለፍ፤ ኪውዛዕ ብዕዳ ኪተሓዝ ወይ ኪውረስ ይከአል።
3. ሰራሓት ዕደና ንልዕሊ 180 መዓልታት ምድስካል፤ ፍቻድ ዕደና ንምሕዳግ ምኸንያት ይኸውን።

17. ዕድመን ሕደሳን

1. ዕድመ ፍቅር ዕደና እንተበዝሐ ዕሰራ ዓመት ኢዩ፤ ዕድመ ዕቋር ዝተሓተ ምስ ዚኸውን ከኣ ብሉ ይውሰን። ፍቅር ብመሰረት ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ንነፍሲ ወከፍ ሕደሳ ካብ ዓሰርተ ዓመት ንዘይበዝሕ ግዜ ምሕዳሱ ይከኣል።
2. በዓል ፍቅር፣ ነቲ ዕቋር ብኣርባሒ ኣገባብ ምዕዳኑ ኪቐጽል ዚከኣል ምጅኑ ከርኢ ምስዚኸእልን፣ ኣብ ፍቅር ዝተመልከቲ ግዴታታት ብምልኣት ዝፈጸመ ምስዚኸውንን፣ ፍቅር ንምእጋድ ወይ ንምሰራዝ መሰረት ዚኸውን ዝኹነ ናይዚ ኣዋጅ'ዚ ሕግታት ወይ ብመሰረቲ ዝወጹ ሕጋጋት ወይ መምርሒታት ምስዚይጥሕስ ፍቅር ኪሕደሰሉ መሰል ይህልዎ።

ንኡስ ክፍሊ 3

ማዕድናዊ ማይ፣ ጂኦተርማላዊ ዕቋራትን ናይ ህንጻ ማዕድናትን፤

18. ማዕድናዊ ማይን ጂኦተርማላዊ ዕቋራትን

1. መሬት ብሕጊ ዝሓዘ ዝኹነ ሰብ፣ ቦታኡ ብመሰረት ዓንቀጽ 6 ናይዚ ኣዋጅ'ዚ ዝተሓዘኣ ወይ ዝተኸልከለ እንተዘይኩይኑ፣ በይናስ ንናይ መዳውብቲ መሬት ወይ ንብረት ኣየናውጽ ወይ ኣየባላኹ እምበር፣ ንበዓል መዚ ወሃብ ፍቅር ኣቐዲመ ብምፍላጥ፣ ኣብ ትሕዞኡ ካብ ዘሎ መሬት ማዕድናዊ ማይ ኣውጺኡ ንግዳዊ ንዘይኩነ ዕላማ ብዘይ ክፍሊት ኪጥቀመሉ ይኸእል።
2. ማዕድናዊ ማይ ንምውጻእ ዚወሃብ ፍቅር ዕደና፣ ትሕዝቶ ምንጪ ማይ ንምኸዕባት ብዘፍቅድ ኣገባብ ማይ ኪወጽሉ ዚከኣል ጽፍሒ ወይ ዕምቂት ኣብ ግምት ብምእታውን፣ ብዝሕን ብግዜ ኪወጽእ ዚግብእ መጠንን ማይ ኪውሰን ይኸእል። ናይ ማይ ባድ ፍቅር ድማ ማዕድናት ዚፈርይሉን ዚፍለዩሉን ኩነታት፣ ናይ ዝፈረዩ ማዕድናት ኣዋግና፣ ከምኡ'ውን ናይ ዝተረፈ ማይ መዓላን ኣዋግናን ኪውሰን ይኸእል።
3. ንጂኦተርማላዊ ዕቋራት ብዚምልከት ዚወሃብ ፍቅር ዕደና፣ ቅጹ ናይቲ ኪወጽእ ዚኸእል ማይን መጠን ናይ ዋዕን ኪውሰን ይኸእል፤ ከምኡ'ውን ብተወሳኺ ንኣፈላልያን ኣዋግናን ንል

(ጫሌዳ) ውጽኢታት፣ አገባብ ምውጻእን መጻፍን ማይ፣ ትሕዝቶ ናይቲ ዕቋር ንምዕቃብ ተመሊሱ ማይ ዚኣትውሉ ኩነታት ኪውሰን ይኸእል።

19 ናይ ህንጻ ማዕድናት

1. ሕጋዊ ተጠቃሚ መሬት ዝኹነ ሰብ፣ ቦታኡ ብመሰረት ግንቀጽ 6 ናይዚ አዋጅዚ ዝተሓዘአ ወይ ዝተኸልኸለ እንተዘይኩይኑ፣ በይናስ ንናይ መዳውብቲ መሬት ወይ ጥሪት አየናውጽ ወይ አየባላሹ እምበር ብዘይ ፍቓድ በዓል መዚ ወሃብ ፍቓድ አብ ትሕዘኡ ካብዘሎ መሬት፣ ናይ ህንጻ ማዕድናት አውጺኦ ንግዳዊ ንዘይኩነ ዕላማ ብዘይክፍሊት ኪጥቀመሉ ይኸእል።
2. ዝኹነ ሰብ፣ ንግዳዊ ንዘይኩነ ዕላማ ጽርግያታት፣ ዲጋታት፣ መጻርፎ ነፈርቲ፣ አብያተ ትምህርቲ፣ ሆስፒታላትን ካልእ ዘይንግዳዊ ህዝባዊ ስራሓትን ንምህናጽ ወይ ንምጽጋን አቐዲሙ ፍቓድ ናይ በዓል መዚ ወሃብ ፍቓድ ብምርካብ፣ ናይ ህንጻ ማዕድናት ብዘይ ክፍሊት ክፍርን ኪጥቀምን ይኸእል።
3. አብ ግንቀጽ 22 ከምኡውን ግንቀጽ 24 ንኡስ ዓናቅጽ (3)ን (4)ን ናይዚ አዋጅ ዝሰፈሩ ድንጋገታት፣ ብመሰረት ንኡስ ግንቀጽ (2) ናይዚ ግንቀጽዚ አብ ዚካየድ ዕደና ናይ ህንጻ ማዕድናት ተፈጻምነት ይህልዎም።

ምዕራፍ 4

መሰላትን ግዴታን በዓል ፍቓድ

20. እጀታን መጻፍን መሬት

1. በዓል ፍቓድ ናይቲ ፍቓድ ዕድመ ከሳብ ዘብቅዕ፣ ናብቲ ፍቓድ ዚሸፍኖ መሬት ኪኣቱን ነቲ መሬት ኪሕዞን ይኸእል።
2. በዓል ፍቓድ አብ ክሊቲ ፍቓድ ንዘሎ መሬት ንስራሓት ዕደና ዚሕግዙ ንጥፈታት ንምክያድ ኪጥቀመሉ፣ ከምኡ ድማ ባዕሉ፣ ወኪላቱ፣ ሰራሕተኛታቱን ጽግዕተኛታቶምን ዘህልኸዎ እኸሊ ኪዘርእሉን እንሰሳታት ከራብሓሉን ይኸእል።

3. ፍቻድ ዕደና ዘለዎ ሰብ ካብ ክሊ ፍቻዱ ወጻኢ ምስ ሰራሓት ዕደና ብዝተላሳሰር ጉዳይ ዘድሊ መሬት ክራይ ኪፍቀደሉ ንዚምልከቶ በዓል መዚ ኪሓትትውን ይኸእል። ናይ ከምዚ ዝበለ ክራይ ውዕልን ግዴታን ኩነታትን ብዝምልከቶ በዓል መዚ ዚውሰን ኩይኑ፣ ዕድሚኡን ናይ ምሕዳሱ ግዜን ምስ ናይ ፍቻድ ዕደና ተመሳሳሊ ይኸውን።

21. ብማዕድናት ህንጻ ማይን ኣለዎምን ምጥቃም

1. ናይ ህንጻ ማዕድናት ብዚምልከት ንካልእ ሰብ ዝተዋህበ ፍቻድ እንተዘይሃልዩ፣ በዓል ፍቻድ ኣብ ክሊ ፍቻዱ ወይ ኣብቲ ውዕል ክራይ ዚሸፍኖ መሬት ዚርከቡ፣ ንሰራሓት ዕደና ዘድልዩ ናይ ህንጻ ማዕድናት ከውጽእን ኪጥቀሙምን ይኸእል።

2. በዓል ፍቻድ ኣብ ክሊ እቲ ብፍቻድ ወይ ብክራይ ዝሓዞ ቦታ፣ ኣብ ጽፍሕን ትሕትን መሬት ካብ ዚርከብ ማይ ንባዕሉ፣ ወከልቱ፣ ሰራሕተኛታቱን ጸግዕተኛታቶምን ዘህልኸዎ ኪጥቀም ይኸእል። ከምኡውን፣ ካልእት ንዚጥቀሙሉ ማይ ኣዚዩ ዘውሕድ እንተዘይኩይኑ፣ ወይ ብመሰረት መምርሒ ካልእ እንተዘይተወሰኑ፣ በዓል ፍቻድ ነቲ ማይ ከሳብ ዘይበከሎ ነቲ ኣብ ጽፍሒ መሬት ዚርከብ ማይ ንሰራሓት ዕደና ኪጥቀሙሉ ይኸእል። ብዘይፍቻድ ዚምልከቶ መንግስታዊ በዓል መዚ ከኣ፣ በዓል ፍቻድ ማይ ኪግድብ ወይ መገዲ ማይ ኪቕይር ኣይከእልን።

3. ፍቻድ ዳህሳስ ወይ ፍቻድ ዕደና ዘለዎ ሰብ ካብ ክሊ'ቲ ብፍቻድ ወይ ብክራይ ዝሓዞ መሬት ንሰራሓት ዕደና ዘድሊዩ ኣግራብ ኪቈርጽን ኪጥቀሙምን ይኸእል። እንተኹን ግን በዓል ፍቻድ ንምቕራጽ ኣግራብን ንዳግሙ-ምግራብን ዚምልከቱ ዝውቱራት ሕግታት ከኸብርን፣ መምርሒ ብዚእዝመ መሰረት ናይ ዳግሙ ምግራብ ውጥን ከቕርብን ኣለዎ።

4. ፍቻድ ፍተሻ ማዕድናት ወይ ፍቻድ ልምዳዊ ዕደና ዝሓዘ ሰብ ናብ'ቲ ፍቐድ ቦታ ንምእታውን ንምብጻሕን ግድነት ኪቈረጹ ዘለዎም ኣለዎም ጥራይ ኪቈርጽን ኪጥቀምን ይኸእል።

22. ካልእት ተጠቀምቲ መሬት

1. በዓል ፍቻድ፣ ኣብ መሰል ናይቶም ኣብ ክሊ'ቲ ብፍቻድ ወይ ብክራይ ዝሓዞ ቦታን ምስኡ ኣብ ዚዋሰን መሬትን ሕጋዊ መሰል ተጠቃምነት ዘለዎም ሰባት ኢዱ ከየእቱ ግቡእ ጥንቃቄ ይገብር።

2. አብ ንኡስ ዓንቀጽ (1) ናይዚ ዓንቀጽዚ ዝተሓገገ አብ ቦትኡ እናሃለወ፤ ሰራሓት ዕደና ናይ በዓል ፍቓድ ካልእት ተጠቀምቲ ካብ'ቲ ቦታ ኪለቁ ዘገድድ ምስዚኸውን፤ በዓል ፍቓድ ብዛዕባ'ቲ ንከምዚእም ዝእመሰሉ ተጠቀምቲ ዚኸፈል ካሕሳ ኪሰማማዕ ኪፍትን አለዎ። ካብ'ቲ ቦታ ምልቃቕ ወይ ብካሕሳ ምስምማዕ ምስዚእብዩ፤ እቶም ተጠቀምቲ አብቲ ቦታ ዘይንቀሳቕስ ንብረት እንተሃልዩዎም፤ በዓል መዚ ወሃብ ፍቓድ እቲ ንብረት ከምዚግበት፤ ንሳቶም ድማ ካብ'ቲ ናይ በዓል ፍቓድ ሰራሓት ዕደና ኪካየደሉ ቦታ ከምዚለቁ ኪገብር ይኸእል።

3. በዓል ፍቓድ አብ ክሊ ብፍቓዱ ወይ ብኸራይ ዝሓዞ ቦታን ምስኡ አብ ዝኖረት መሬትን ንዚህሉ ዝኹን ትካል ናይ ካልእ ሕጋዊ ተጠቃሚ መሬት ወይ ካልእ ጥሪት እንተድኣ አበላሺዩ፤ አዕኒዩ ወይ ጉድኣት እንተአብጸሉ፤ ብሰምምዕ ናይ ክልቲእም ወገናት ወይ በዓል መዚ ወሃብ ፍቓድ ብዝሸነኖ አምሳያቲ ምብልሻው፤ ዕንወት ወይ ጉድኣት ንተጠቃሚ ካሕሳ ይኸፍል።

23. ትሕተ-ቅርጽን ካልእት ህንጻታትን

1. ፍቓድ ዳህሳስን ዕደናን ዘሎዎ ሰብ አብ ክሊ ብፍቓድን ወይ ብውዕል ክራይን ዝሓዞ ቦታ ንሰራሓቱ አድለይቲ ዝኸኑ ትሕተ-ቅርጻዊ ህንጻታት፤ እንከላይ ጽርግያታት፤ መራኸቢ-ታትን ናይ ሓይሊ ኤሌክትሪሲቲ መሳላጥያታትን ኪሃንጽን ከዕይን እናጸገነ አገልግሎቶም ኪዕቅብን ይኸእል። ከምኡ'ውን ብጽሑፍ ዝተገልጸ ፍቓድ ካብ በዓል መዚ ወሃብ ፍቓድ አቐዲሙ ብምርካብን ንካልእት ሰብ መዚ መንግስቲ ብምምኻርን፤ ወጻኢ ካብ'ቲ ፍቓዱን ናይ ክራይ ውዕሉን ዚኸፍንዎ ቦታታት'ውን ከምዚእም ዝእመሰሉ መሳላጥያታት ኪሃንጽ ይኸእል።

2. በዓል ፍቓድ፤ በይናስ ካልእት ኪጥቀሙሉ ንዝጸንሉን ዝተፈቕደን አገልግሎት አይገንቅፍ እምበር፤ ተሃኒዱ ብዝጸንሐ ትሕተ ቅርጺ ኪጥቀም ይኸእል።

3. በዓል መዚ ወሃብ ፍቓድ አብ ሓይ ብፍቓድ ወይ ብክራይ ዝተታሕዘ መሬት፤ ብሓባር ትሕተ ቅርጺ ምህናጽን ምጽጋንን፤ ንኩሎም ዚምልከቶም ተጠቀምቲ ዘርብሕ ምጂን እንተድኣ አሚኑሉ፤ ንበዓል ፍቓድ አብቲ ቦታ ምስ ዚርከብ ካልእ በዓል ፍቓድ ወይ ሕጋዊያን ተጠቀምቲ ናይ ከምዚ ዝእመሰሉ ትሕተ-ቅርጺ ንምህናጽን ምጽጋንን ኪተሓባበርን ገንዘብ ከበርክትን

ከገድድ ይኸለል። መጠን ስልጊት ዋጋ ናይቲ ዚህንጽን ዚጽገንን ትሕተ-ቅርጺ ከላ ብመሰረት ነፍሲ ወከፍ ተጠቃሚ ዚረኸቦ አገልግሎት ኩይኑ፣ ብበዓል መዚ ወሃብ ፍቓድ ይውሰን።

4. በዓል መዚ ወሃብ ፍቓድ፣ ንሰራሕ ዕደና ናይ በዓል ፍቓድ ከይዓንቀጹ፣ ካልእት ሰባት ብናቱ ትሕተ-ቅርጺ ኪጥቀሙ ከፍቅድ ንበዓል ፍቓድ ከገድድ ይኸለል።
5. ብመሰረት ንኡስ-ዓንቀጽ (4) ናይ'ዚ ዓንቀጽ'ዚ ብትሕተ-ቅርጺ ናይ በዓል ፍቓድ ኪግልገል ዝተፈቐደሉ ሰብ እንተድኣ ንንግዳዊ ዕላማ ተጠቐሙሉ፣ በዓል መዚ ወሃብ ፍቓድ ፣ ናብ በዓል ፍቓድ ዚኣቱ ክፍሊት ኪውሰነሉ ይኸለል። በዓል ፍቓድ ነቲ ናቱ ትሕተ ቅርጺ ዚህቦ አገልግሎት ብሙሉኡ ኪጥቀሙሉ ቃድማይ መሰሉ ሕሉው ኩይኑ፣ ስልፆ ክፍሊት አገልግሎት ብመጠን እቲ ተገልጋሊ ምስ ካልእት ከምኡን በዓል ፍቓድን ዚጥቀሙሉ ድምር አገልግሎት ናይቲ ትሕተ ቅርጺ ብምምጥጣን ዚውሰን ይኸውን።
6. ንኡስ-ዓንቀጽ (4) ናይ'ዚ ዓንቀጽ'ዚ እናሃለወ፣ ህጹጽ ሃገራዊ ኩነታት ምስዚፍጠር፣ ካልእ ሰብ ወይ መንግስቲ ብትሕተ-ቅርጺ ናይ በዓል ፍቓድ ንግዜኡ ኪጥቀሙ እቲ በዓል ፍቓድ ንከፍቅደለሉም መንግስቲ ከገድዶ ይኸለል። ብሰንኪ ከምዚ ዝበለ አገልግሎት ናይ ትሕተ ቅርጺ ምብልሻው ወይ ናይ ማእቶት ክሳራ ምስዚሰዕብ ጥራይ ከላ ኢዩ በዓል ፍቓድ ኪከሓስ መሰል ዚህልዎ።
7. በዓል ፍቓድ ብፍቓድ ወይ ብክራይ ኣብ ዝሓዞ ቦታ ንሰራሓት ዕደና ኣድለይቲ ዝኹኑ ኢንዱስትርያዊ፣ ምምሕዳራዊ፣ መንበሪ፣ መሐከምን ካልእት ህንጻታትን መሳለጥያታትን ኪሃንጽ ይኸለል።
8. ናይ ፍተሻ፣ ዳህሳስ ወይ ልምዳዊ ዕደና ፍቓድ ዘለዎ ሰብ ዚተኸሎም ኩሎም ህንጻታት ንእዋኑ ከገልግሉ ዚህንጹ ኢዮም። በዓል መዚ ወሃብ ፍቓድ ካልእ እንተዘይወሰኑ ድማ፣ ዕድመ ፍቓድ ቅድሚያ ምብቃዕ ወይ በዓል ፍቓድ ካብቲ ዝተሃነጸሉ ከለ ፍቓድ ቅድሚያ ምልቃቕ፣ እቶም ህንጻታት ይእለዩ።
9. ኣብ ዓንቀጽ 49 (2) ናይ'ዚ ኣዋጅ'ዚ ዝተደንገገ ጽኑዕ ኩይኑ፣ ኩሎም ብበዓል ፍቓድ ዕደና ዝተሃንጹ ቀወምቲ ህንጻታት ዕድመ ፍቓድ ምስኣብቀዕ፣ በዓል ፍቓድ ወይ ይኣልዮም ወይ ድማ ይገድፎም እሞ፣ ብዘይ ዝኹን ክፍሊት ናይ መንግስቲ ንብረት ኪኹኑ ይኸለሉ።

24. አፈጻጸማ ሰራሐት ዕደና 1-

በዓል ፍቻድ1-

1. ሰራሐት ዕደና ብቅልጡፍ ይጅምር፤ ብጥንቃቄን ትግሃትን ስሉጥ አገባብን ብቁዕ ተኸናሎጅን አብ አህጉራዊ ኢንዱስትሪ ዕደና ብሓፈሻ ቅቡል ብዝኹነ ልምድን የካይድ።
2. ኩሉ ናይ ሰራሕ መደባቱን ናይ ወጻኢታት ግዴታኡን የኸብር፣ ካብዚ ብዝተፈለዩ ኩነታት ኪሰርሕ ምኽኑይ እንተኹይኑ ድማ በዓል መዚ ወሃብ ፍቻድ አቐዲሙ ብጽሑፍ የጽድቅሉ። ከምኡ'ውን አድላዪ ዘይኩነ ሰራሕ ካብ ምፍጻምን አድላዪ ዘይኩነ ወጻኢታት ካብ ምግባርን ይቕጠብ።
3. ጥዕናን ድሕነትን ናይ ወኪላቱ፣ ሰራሕተኛታቱን ናይ ካልእት ሰባትን ብዘውሕስ ከምኡ'ውን ጉድኣት ወይ ብዘላ ናይ አከባቢ ብዘጉድል አገባብ ሰራሐት ዕደና የካየድ።
4. ሓይሊ ተፈጻምነት ብዘለዎም ሕጋጋትን መምርሒታትን መሰረት፣ ሰራሐት ዕደና የካይድ።

25. ብዛዕባ ምቕጻር ሰራሕተኛታትን ስልጠናን ውሽጣዊ ቀረብን

በዓል ፍቻድ1-

1. ተደላዪ ብቐጻት ወይ ከእለት እንተድላሃልዩዎም፣ ንኤርትራውያን ዜጋታት ንሰራሕ ንምቕጻር ቀጻምነት ይህብ።
2. ሰራሐት ዕደና ብአሳልጦን አድማዕነትን ንምክያድ፣ አድላዪ ዝኹነ ስልጠናን ትምህርትን ንሰራሕተኛታቱ ይህብን ግቡእ ናይ ስልጠና መደባት የተግብርን።
3. ብዋጋ ተወጻደርቲ፣ ብዓይነት ከአ ተመጣጠንቲ፣ ንዝኹኑን ከምድሌትካ ንዚርከቡን ናይ ውሽጢ ሃገር አቕሑትን አገልግሎታትን ቀጻምነት ይህብ።

2. በዓል ፍቻድ ንኩሉ ወይ ዝኹነ ክፋል ናይቲ ብፍቻድ ዝሓዘ ቦታ ኪገድፎ እንክሎ፣ ካብ'ቲ ዝገደፎ ክፋል ለቂቕ ይወጽእ።

30. ደባት፣

ቦታ ፍቻድ ንኩሉ ኣብ ውሽጢ ደባቱ ዘሎ መሬትን ኣብ ክሊ'ቲ መሬት ንውሽጢ መሬት ንዘይተወሰነ ዕምቂት ዚኣቱ ከርሲ መሬትን የጠቓልል።

31. ምሃብ ፍቻድ፣

1. በዓል መዚ ወሃብ ፍቻድ፣ ናይ ልምዳዊ ዓዳኒ ንጥፊታት፣ ንስራሓት በዓል ፍቻድ ኣዚዩ ዘይዕንቅፍ ምኃን እንተድኣ ገሚቱ፣ ብበዓል ፍቻድ ኣብ ዝተታሕዘ ቦታ ናይ ልምዳዊ ዕደና ፍቻድ ኪህብ ይኸእል።

2. ሓድሽ በዓል ፍቻድ ንስራሓት ልምዳዊ ዓዳኒ ከይዕንቅፍ ምእንቲ ምኸኑይ ዘበለ ኩሉ ጸዕሪ ኪገብር ከምዚግብእ ከም ኩነት ብምውሳድ፣ ኣብ ክሊ'ቲ ብፍቻድ ልምዳዊ ዕደና ዝተታሕዘ መሬት ካልእ ፍቻድ ምሃብ ይከኣል ኢዩ።

32. ናይ ማዕድናት ዋንነትን መሸጣን ሰደድን መሰልን፣

1. ናይ ፍተሻ ወይ ናይ ዳህሳስ ፍቻድ ዘሎ ሰብ፣ ንመርኣዩ ዚኸውን ማዕድን ከውጽእ፣ ከግዕዝ፣ ኪምርምርን ኣቐዲሙ ካብ ሚኒስተር ብጽሑፍ ዝተገልጸ ፍቻድ ብምርካብ ድማ ንፈተነ ናብ ወጻኢ ኪሰድድ ይኸእል። ከምዚእም ዝኣመሰሉ ናብ ወጻኢ ዝተሰዱ መርኣያታት ከኣ ናይ መንግስቲ ጥሪት ኩይኖም ይጸንሑ። ብካልእ ኣገባብ ንምውጋኖም፣ ኣቐዲሙ ሚኒስተር ብጽሑፍ እንተዘይኣፍቂዱሉ ድማ፣ በዓል ፍቻድ ናብ ኤርትራ ይመልሶም።

2. ናይ ልምዳዊ ዕደና ወይ ናይ ዕደና ፍቻድ ዘለዎ ሰብ ኣብ ፍቻዱ ዝተጠቐሱ ማዕድናት ኣውጺኦ ኪውንኖም መሰል ይህልዎ።

3. ፍቻድ ዕደና ዘለዎ ሰብ ዘውጸእም ማዕድናት ኣብ ውሽጢ ሃገር ኪሸጦም ወይ ነቶም ኣብ ፍቻዱ ዝተወሰኑ ኩሎም ማዕድናት ናብ ወጻኢ ኪሰደም መሰል ይህልዎ።

33. ግዴታ አብ እዋን ምግዳፍ ቦታ

ዝኹነ ፍቓዱ ወይ ናይ ክራይ መሰሉ ዚገድፍ ሰብ ካብ ግቡአቱን ቅድሚ ዕለት ምግዳፍ ካብ ዘሎዎ ግዴታታትንን ናጻ አይከውንን።

ክፍሊ 3

ንዝብ ጠቀስ ጉዳያት

34. መገስ (ሮያልቲ)

1. በዓል ፍቓድ ንዝዳደኖም ኩሎም ማዕድናት መገስ ይኸፍሉሎም።
2. ናይዚ ክፍሊት 'ዚ መጠንን አገባብን፣ ብውዕል እንተዘይተወሰኑ፣ ነዚ አዋጅ ንምትግባር ብዚወጽእ ሕጋዊ ይውሰን። መጠንን አገባብን ክፍሊት መገስ ብውዕል ዚውሰኑሉ ኩነታት ድማ ብሕጋጋት ይውሰን።
3. በዓል መዚ ወሃብ ፍቓድ ግቡእ ኩይኑ እንተረኺቡዎ፣ ንዚምልከቶ አካል መንግስቲ ብምሕታት፣ ክፍሊት መገስ ከምዚጉድል፣ ከምዚድስክል ወይ ከምዚተርፍ ኪገብር ይኸእል።

35. ብዛዕባ ግብሪ

1. በዓል ፍቓድ ካብ ሰራሕ ዕደና ንዚረኸቦ አታዊ፣ ብመሰረት አዋጅ ግብሪ ዕደና ቁ. 69/1995 ናይ አታዊታት ግብሪ ይኸፈሉሉ።
2. በዓል ፍቓድ ወይ ናይ ሰራሐ ተኹናታሪ ዚኼጽሮም ሰራሕተኛታት ዜጋታት ካልእ ሃገር፣ ብመሰረት ናይ አቋጻጽራኦም ውዕል፣ አምሳያ ሰራሐም ንዚወሃቦም ክፍሊት ብሕሳብ 20% ናይ አታዊ ግብሪ ይኸፍሉሉ።

36. ክፍሊት ፍቓድ

በዓል ፍቓድ፣ በዚ አዋጅዚ መሰረት ፍቓድ ንምርካብ፣ ንምሕዳብ፣ ንምምሕላፍን ምስኡ ዜኸዱ ካልኣት ጉዳያት ንምሰላጥን ንዝቕርቦ መጠየቓታ መመዝገቢ ይኸፍሉሉ። መጠንን አገባብን ናይቲ ክፍሊት ከእ ነዚ አዋጅ ንምትግባር ብዚወጽእ ሕጋዊ ይውሰን።

37. ከራይ

1. በዓል ፍቅር አብ ፍቅዱ ንዝተመልከተ ክሊ መሬት፣ ብመጠን ሰፍሓቲ ዚውሰን፣ ዓመታዊ ከራይ ኣቐዲሙ ንበዓል መዚ ወሃብ ፍቅር ይኸፍላሉ። ከምዚ ዝበለ ከራይ ነዚ ኣዋጅ ንምትግባር ብዚወጹ ሕጋዊት ይውሰን፣ ምምዕራዩን ይከኣል። እቲ ዚግበር ምምዕራይ ከኣ ድሕሪ ዕለት ምምዕራይ ንዚወሃቡ ፍቅዳት ጥራይ ይምልከት።

2. በዓል ፍቅር ብከራይ ንዝሓዙ ቦታ እውን ኣቐዲሙ ዓመታዊ ከራይ ንዚምልከቶ በዓል መዚ ይኸፍላሉ። መጠን ከፍሊት ድማ በቲ ከራይ ዝተፈቐደሉ ሰነድ ይውሰን። ኣብቲ ውዕል ካልእ ስምምዕ እንተዘይተገይሩ ድማ ከሳብ መወዳእታ ዕድመ ናይቲ ውዕል መጠን ናይቲ ከራይ ኣይልወጥን።

38. ናይ ግምሩክ ቀረጽን ግብርን

1. በዓል ፍቅርን ናይ ሰራሕተኛታርን፣ ብዘይካ ናይ ዝ (መዛወሪ) መካይንን መቀያየሪ ኣቕሑተንን፣ ንሰራሕተኛ ዕድና ኣድለይቲ ኩይኖም ናብ ኤርትራ ንዘእትውዎም መሳርሒታት፣ ማሺኔ፣ ተሽከርካርትን መቀያየሪ ኣቕሑን 0.5 ሚእታዊት ናይ ግምሩክ ቀረጽ ይኸፈላሉም።

2. ብመሰረት ንኣብ ዓንቀጽ(1) ናይዚ ዓንቀጽ'ዚ ናብ ኤርትራ ዝኣተዉ ኣቕሑ ብዘይ ናይ ሰደድ ቀረጽን ግብርን ናብ ወጻኢ እንደገና ምስዳዶም ይከኣል። ኣብ ዓንቀጽ 23(9)ን 49(2) ዝተሓገጉ ድንጋገታት ዝተሓለው ኩይኖም፣ ብመሰረት ዝውቲራት ሕግታት ቀረጽን ግብርን እንተድኣ ተሽፊሉሉም ድማ ኣብ ውሽጢ ኤርትራ ምሻጦም'ውን ይከኣል ኢዩ።

3. በዓል ፍቅር፣ ብመሰረት ፍቅዱ ንዘዕድኖም ማዕድናት፣ ካብ ዝኹን ቀረጽን ግብርን ናጻ ኩይኑ፣ ናብ ወጻኢ ብሰደድ ኪሸጦም መሰል ይህልዎ።

39. ብዛዕባ ሸርፊ ወጻኢ.

1. ናብ ወጻኢ ከሰደዱ ዚኸለሉ ማዕደናት ዘፍሪ በዓል ፍቓድ ዕደና፡-

ሀ. ብመሰረት ናይ ባንክ ኤርትራ ሕጋጋት፣ ኣብ ኤርትራ ኣብ ዚርከብ ባንክታት ብናይ ወጻኢ ባጤራ ሕሳብ ኪኸፍትን ከካይድን ይኸእል።

ለ. ካብ ናይ ወጻኢ ባጤራ እትዋት፣ ብባንክ ኤርትራ ብዝወጹ መምርሒታት ዚውሰን ክፋሉ ኣብ ደገ ኣብ ናይ ወጻኢ ሕሳብ ኪሕዝ፣ ካብ ባንክ ኤርትራ ናይ ወጻኢ ሸርፊ ኣብ ዘይረኸበሉ እዋን ድማ፣ ካብቲ ኣብ ደገ ዝተቐመጠ ሕሳብ ኣዞም ዚሰዕቡ ጉዳያት ኪኸፍል ይኸእል፡-

1. ንሰራሓት ዕደና ዘድልይዎ መሰርሒታት ካብ ወጻኢ ንምእታው።

2. ብመሰረት ዝተኣተዉ ውዕላት ብናይ ወጻኢ ሸርፊ ኪኸፈሉ ንዘለዎም ኣገልግሎታትን ክራይን ፍቓዳትን።

3. ብውዕል መሰረት ንናይ ወጻኢ ፋይናንሲያዊ ትካላት ብሕጊ ኪኸፈልል ልቓሕን ናይ ልቓሕ ኣገልግሎትን።

4. ኣብ ኤርትራ ብቀዋሚ ንዘይነበሩ ወጻእተኛታት ዝኹኑ ሰራሕተኛታት ኪኸፈልዉ ዘለዎ ካሕሳ።

5. ንመሰርሕን ድንፋዕን ሰራሓት ናይቲ ዕደና ጥቕሚ ዘበርከቱ ካልእት ንጥፈታት።

2. ንሰደድ ዝኹኑ ማዕደናት ዘፍሪ በዓል ፍቓድ፣ ብዓይነት ናይቲ ዘውፈሮ ባጤራ ወይ ብፍቕድ ባጤራ እዋ ከእ ሽዑ ብዚህሉ መጠን ሸርፊ፣ ኣዞም ዚሰዕቡ ክፍሊታት ንምፍጻም ካብ ኤርትራ ናብ ወጻኢ ገንዘብ ከሰግር ይኸእል፡-

ሀ. ካብ ወፍሪ ዕደና ንዝተረኸበ መኸሰብን ብጽሒትን።

ለ. ካብ ወጻኢ ንዝተረኸበ ቀንዲ ልቓሕን ወለዳን።

ሐ. ምስ ወፍሪ ዕደና ንዝተላሳሰር ናይ ቴክኖሎጂ ወይ ናይ ምክያድ ስራሕ ውዕል ዚግበእ ክፍሊትን መገሰን ካልእ ክፍሊታትን፤

መ. ወጻእተኛ አውፋሪ ወይ ትካል፣ ካብ ዝኹን ሸያጥ ንብረት ዚረኽቡ፣ እንክላይ ብሰንኪ ክሳራ ወይ ብወለንታ ስራሕ ዕደና ምስአቋረጸ ካብ ዚሸመም ንብረት ዚረኽቦ እትዋት፤ ከምኡ እውን

ሰ. ኣብ ውሽጢ ሃገር ዚርከብ አውፋሪ፣ ብርክታት ወፍሪ ዕደና ኪገዝእ ወይ ናብኡ ኪመሓላለፍ እንክሉ፣ ወይ ነቲ ስራሕ ዕደና ብከፊል ወይ ብሙሉኡ ኪሕዞ እንክሉ ዚግበር ክፍሊት።

3. ኣብ ስራሓት ዕደና ዝተቋጸሩ ወጻእተኛታት ካብ ስራሕ ዚረኽቡዎ ደምዘን ካልእ ክፍሊትን ብመሰረት ናይ ኤርትራ ናይ ወጻኢ ሸርፊ ሕግታትናብ ወጻኢ ኪሰዱዎ ይኸእሉ።

40. ካልእት መተባብዒታት

ብመሰረት ዓንቀጽ 34 ከምኡ'ውን ዓንቀጽ 37(1) ናይ'ዚ አዋጅ ዚውሰኑ ናይ መገሰን ከራይን ክፍሊት መጠናት፣ ኣብቶም ንምልማዕ ቀዳምነት ዝተዋህቦም ማዕደናትን ናይ ማዕደን ቦታታትን ንዚግበር ወፍሪ ብዘተባብዕ መንገዱ ይውሰኑ።

41. ተሳትፎ

ድንጋግታት ዓንቀጽ 7 ናይዚ አዋጅ ጸኑዓት ክክለም፣ መንግስቲ ዋጋ ከይከፈለ፣ ኣብ ዝኹን ናይ ዕደና ወፍሪ ክሳብ ዓሰርተ ሚእታዊት (10%) ናይ ረብሓ ብርኪ ብምሓዝ ኪሳተፍ ይኸእል። ብዘይካ'ዚ መንግስቲ ምስዚ ኣብ ላዕሊ ዝተጠቐሰ ዓሰርተ ሚእታዊት ተደሚሩ፣ ካብ ሰላሳ ሚእታዊት ዘይበዝሕ ብርኪ ተሳትፎ ብሰምምዕ ኪሕዝ ይኸእል። መጠን ሚእታዊትን ግዜን ምወላን ናይ መንግስቲ ተሳትፎ፣ ካብኡ ዚሰዕቡ መሰላትን ግዴታትን ካልእ ምስኡ ዝተዛመዱ ዝርዝራትን ከእ ቡቲ ሰምምዕ ይውሰኑ።

በዓል መዚ ወሃብ ፍቅድ፣ ፍቅድ ኪወሃቦ፣ ኪሕደሰሉ፣ ፍቅድ ከመሓላለፍ፣ ኪውገዕ ወይ ብዕዳ ከትሕዝ ንዝጠየቕ ሰብ፣ ሰራሕ ዕደና እናተኸየደ እንከሉ ወይ ምስ ኣብቀቦ፣ ነቲ ናይ ዕደና ቦታ ናብ ንቡር ንምምላሱ ወይ ንምጥጣሑ ግዴታኡ ከምዘማልእ ንምርግጋጽ፣ ናይ ገንዘብ፣ ናይ ባንክ ወይ ካልእ ዋሕሰ ከቕርብ ኪሓቶ ይኸእል። ናይ ውሕሰነት ኩነታት ከእ ሚኒስትር ብዘውጸእም መምርሒታት መሰረት ይውሰን።

ክፍሊ 4

ምምሕዳር

43 ሓላፍነት በዓል መዚ ወሃብ ፍቅድ፣

- 1. ኩሉም ዓይነት ፍቅዳት ዕደና ብበዓል መዚ ሃብ ፍቅድ ይወሃቡ።
- 2. በዓል መዚ ወሃብ ፍቅድ ነዘም ዚሰቡኩ ንምፍጻም ስልጣን ኣለዎ፡-

- ሀ) ብመሰረት'ዚ ኣዋጅ እዝን ብኡ መሰረት ብዝወጹ ሕጋጋትን መምርሒታትን ፍቅድ ንምሃብ፣ ንምድሰካል ወይ ንምግዳፍ፣
- ለ) በዓል ፍቅድ በቲ ፍቅድ ዚህልዎ ግዴታታት ንምፍጻም ኣድላይቲ ዝኹኑ ናይ ገንዘብ ምንጨታትን ተክኒካዊ ብቕዓትን ከምዘለዎ ንምርግጋጽ፣
- ሐ) ብጨረታ ኣወዳዲሩ ወይ ከእ ብቀጥታዊ ዘተ ምስ ግዳላት ብምውጋይ ንመንግስቲ ወኪሉ ኣብ ሰምምዕ ንምእታው፣
- መ) ሰራሓት ዕደና ምስዚ ኣዋጅ እዚን ንዕኡ ንምትግዛር ምስ ዝወጹ ሕጋጋትን መምርሒታትን ካልእት ሰምምዓትን ብዚቃዶ ኣገባብ ምትግዛርም ንምቀጽጻርን ምርግጋጽ፣
- ሰ) ብመሰረት'ዚ ኣዋጅ ዚኸፈል መገሰ፣ ክራይን ካልእት ክፍሊታትን ንምእካብን ምጽብጻብን (እዲት ምግዛርን)፣

ረ) ፍቻድ ዕደና ቅድሚያ ምሃብ፣ እቲ ፍቻድ ኪወሃቦ ዘመልከተ ሰብ ሰራሓቲ እብ ባህርያዊ እኩዋቢ ብዛዕባ ዘሽትሉ ሳዕቤን ዝተገብረ መጽናዕቲ ከቕርቡሉ ንምሕታት፤

ቀ) በዓል ፍቻድ አቐዲሙ ዝአተዎም መብጻጻታት ከይተ-ተንከፉ ንኩሉም ወይ ክፋል ናይ ዘፍረዮም ማዕድናት ንመንግስቲ፣ ወይ ብመንግስቲ ንዚውሃን ሕጋዊ ሰብ ወይ ድማ ንካልእ ኤርትራዊ ሰብ፣ እብ ዓለማዊ ዕዳጋ ብዚህሉ ዋጋ ኪሸጦም ንምሕታት።

3. ድንጋገታት ናይዚ አዋጅ፣ ዚ ብግቡእ ንምትግባር ድማ ሚኒስተር መሰረት ንዘተ ናይ ስምምዕ ኩይናም ዘገልግሉ መምርሒታትን ናይ ውዕል ሞዴልን ከውጽእ ይኸእል።

44 ምቀጽጻር ሰራሓት ዕደና

በዓል መዚ ወሃብ ፍቻድ ብግቡእ ዝመዘዙ ሓላፊ፣ ብዘዮደሊ ምኽንያት ሰራሕ ዕደና ከይጻገቡ ወይ ከይጻገቡ፣ እብ ቅቡል ግዝያት ናብ ዝኸነ ቦታ ሰራሕ ዕደና እናአተወ፣ ምስ ሰራሕ ዕደና ዝተላሳሰሩን እብ ዕደና ዚዝውተሩን ማሺኔን መሳርሒታትን ኪቁጻጸርን ኪምርምርን ይኸእል።

45 ምዝገባን ውክልናን ፍቻድ፤

1. በዓል መዚ ወሃብ ፍቻድ ካልእ እንተዘይላፍቂዱ ወይ እንተዘይተወሰኑ፣ በዓል ፍቻድ እብ ዚምልከቶ በዓል መዚ እብ ዚርከብ መዝገብ ንግዲ ይምዝገብ፣ ናይ ፍቻዱ ዕድመ ከላብ ዘብቅዕ ከእ እብ ኤርትራ ቤት ጽሕፈት ይህልዎ።

2. በዓል ፍቻድ እብ ፍቻዱ ንዘተመልከቲ ማዕድናት ንምፍራይ፣ ንምሻጥ ወይ ንወጻኢ ንምሰዳድ ወይ ንሰራሓት ዕደና ዘድልይዎ ዝኸኑ አቕሓሑ ካብ ወጻኢ ንምእታው ወይ ናይ ሓንጉል ሰራሕ ንምርካብ ንምውዕጻል፣ ካብ ዝኸኑ ካልእ ናይ መንግስቲ ቤት ጽሕፈት ካልእ ፍቻድ ኪረከብ እይሕተትን።

3. ድንጋገ ንኡብ ጻንቀጽ (2) ናይዚ ጻንቀጽዚ ንበዓል ፍቻድ ብካልእት ግዴታታት ቀረጽን ናይ ባንክ ቅጥዒታትን ካብ ምቕያድ ናጻ እይገብርን።

4. ባህርያዊ ሰብ ዘይኩነ በዓል ፍቅር፣ ዕድመ ናይ ፍቅዱ ከላብ ዘብቅዕ፣ ኩሉ ግዜ እብ ከንድኡ ሓልፋይ ኩይኑ ኪሰርሕ ዝተመዘዘ ወኪል ይህልዎ። ብዛዕባ መንነት ናይቲ ወኪል ወይ ንዕኡ ዚምልከት ምቕይያር ከእ ንበዓል መዚ ወሃብ ፍቅድ የፍልጥ።

46. ምዝገባ ፍቅዳትን መሬት ከራይን፤

በዓል መዚ ወሃብ ፍቅድ፣ ፍቅድ ምርካብ ንዚቐርብ ነፍሰ ወከፍ ሕቶ ዚምልከቱ ዝርዝራትን፣ እቲ ሕቶ ምፍቃዱ፣ ምንጻጉ ወይ ንዕኡ ዚምልከቱ ካልእት ኩነታት ዚሰፍርዎ መዝገብ ይህልዎ። ከምዚ ዝእመሰለ ፍቅድ ናብ ካልእ ዚመሓለፈሉ፣ ዚውዘዓሉ፣ ዚምለሰሉ፣ ብዕዳ ዚተሓዘሉ ወይ ካልእ ዚፍጸመሉ ዘበለ ኩሉ ሕጋዊ ሰነድ፣ እብ ውሽጢ 90 መዓልታት ድሕሪ እዞም ዝተጠቐሱ ፍጻመታት (ወይ ከእ እብ ውሽጢ በዓል መዚ ወሃብ ፍቅድ ከፍቅይ ዚኸእል ዝያዳ ግዜ) ንምዝገባ ናብ በዓል መዚ ወሃብ ፍቅድ ይቐርብ፤ እንተዘየለ ግን ውዳቕን ፍሩስን ይኸውን። በዓል መዚ ወሃብ ፍቅድ ጽማቕ ዝርዝራት ናይ ኩሉም ከምዚ እም ዝእመሰሉ ሰነዳትን ንዕድመን ኩነታትን ፍቅድ ዚትንከቶ ዘበሉ ካልእት ዝተፈጸሙ ተግባራትን እብቲ መዝገብ ይሰንዶም። እቲ መዝገብ ከእ እብ ኩሉ ቅቡል ዝኹነ ናይ ሰራሕ እዋን ህዝቢ ንኪርእዮ ክፋት ይኸውን።

47 ምስጢራውነት

1. ብዘይካ እቶም ዓንቀጽ 46 ናይዚ እዋጅዚ ዚምልከቶም፣ ኩሉም እቶም ብመሰረት ዚ እዋጅዚ ናብ በዓል መዚ ወሃብ ፍቅድ እብ ዚቐርቡ መጠየቓታታትን ጸብጸባትን ካልእት ማህደራትን ዝሰፈሩ ሓበሬታታት ብምስጢር ይዕቀቡ።

2. እብ ንኡሳ ዓንቀጽ (1) ናይዚ ዓንቀጽ ዚ ዝተደንገገ ብዘየገድሱ፡-

ሀ. ሰብ ስልጣን መንግስቲ፣ ንወግዓዊ ሰራሓቶም ምስዘድልይዎም ከምዚ እም ንዝእመሰሉ ሓበሬታታት ብምስጢራዊ እገብብ ኪጥቀሙሉም ኪብቱ ይኸእሉ፣ ብተመሳሳሊ ውን ንኪሓላታት ሕሳብ፣ እማኸርቲ ሰብ ጥያን እማኸርቲ ሕግን ኪርእይዎም ከፍቅዱሉም ይኸእሉ።

ለ. መንግስቲ፣ ናይ በዓል ፍቓድ መንነት ዘየቃልዕ ወይ ዘይእምት ከምኡ'ውን ንረብሓታቲ ብኣሉታ ዘይትንከፍ ሓበሬታ-ጂኦግራፊያዊ ወይ ጂኦሎጂካዊ ካርታታት፣ ስታቲስቲካት፣ ጸብጻባትን-ካልእ ሰነዳትን ኪጥርንፍን ኪዘርግሕን ይኸእል።

3. ብስምምዕ ካልእ እንተዘይተወሰኑ፣ ግዴታ ምዕቃብ ምስጢራ-ውነት፣ ምስ ምውዳእ ዕድመ ናይ እቲ ሓበሬታ ዚምልከቶ ፍቓድ የገባቅዕ።

48. ምድቕስ ክርክራት

1. በዓል መዚ ወሃብ ፍቓድ፣ ነዚ ኣዋጅ'ዚ ንምትግባር ዝወጹ ሕጋታት ብዚውሰንዎም ቅጥዕታት፣ ኣብ መንጎ ሰብ ፍቓድ ንሓድሕዶም ወይ ኣብ መንጎ በዓል ፍቓድን ሳልሳይ ወገንን ንዚሊዓሉ ምስ መሰላት ናይ ፍቓድ ዝተዛመዱ ክርክራት ኪምርምርን ኪውሰንን ይኸእል። ብዛዕባ'ቲ ሓደ በዓል ነገር ንመከራኸርቲ ኪኸፍሉ- ዚግብእ ካሕሳ ኪውሰንን ከፈጽምን እውን እቲ በዓል መዚ ወሃብ ፍቓድ ስልጣን ይህልዎ።

2. ብመሰረት ንኡስ ዓንቀጽ (1) ናይዚ ኣዋጅ'ዚ፣ ብበዓል መዚ ወሃብ ፍቓድ ዝተወሰነ ብይን ብመሰረት ድንጋገታት መሰጋገሪ ሕጊ ሲቪላዊ ስርዓት ኤርትራ ኣብ ውሽጢ 60 መዓልታት ይግባይ ኪሰሃሉ ይከእል።

3. በዓል መዚ ወሃብ ፍቓድ ኣብ ዚጽውዖም መጋባእያታት ከምሕል ስልጣን ኣለዎ።

4. ኣብ መንጎ መንግስትን በዓል ፍቓድን ካብቲ ውዕል ወይ ካብ ኣተራጉማኡ፣ ምጥሓሱ ወይ ካብ ምቁራዶ ዚብገስ ክርክር፣ ምስሕሓብ ወይ ናይ ይግባእነ ነገር ብዚከእል መጠን ብዘተ ይፍታሕ።

5. ብዘተ ምስምማዕ እንተዘይተኻኢሉ፣ እቲ ጉዳይ በዓል መዚ ወሃብ ፍቓድ ብዘውጸእም ቅጥዕታት ወይ ብከምቲ ኣብቲ ውዕል ዝተሓበረ ኣገባብ፣ ብምድናይ ይድቅስ። ብዓንነት ዝተበጸሐ ውሳኔ ከእ ናይ መወዳእታን ንኩሉም ወገናት ቀያድን ይኸውን።

49. ምቁራጽ መሰላት ዕድና

1. ናይ በዓል ፍቓድ መሰላት ንምክያድ ሰራሓት ዕድና ኣብዞም ዚሰዕቡ ኩነታት ይቋረጽ፡-

ሀ) በዓል ፍቓድ ንብሙሉኡ'ቲ ብፍቓድ ዝሓዘ ቦታ እንተድኣ ለቂቕዎ ወይ ፍቓዱ እንተድኣ መሊሱ፣

ለ) ብመሰረት ድንጋገታት ናይዚ ኣዋጅ'ዚ ወይ ንዕኡ ንምትግባር ብዝወጹ ሕግታት መሰረት ፍቓዱ ብበዓል መዚ ወሃብ ፍቓድ እንተድኣ ተሓዲጎ፣

ሐ) ዕድመኡ ምስ ኣብቀዐ እቲ ፍቓድ እንተድኣ ዘይተሓዲሱ፣ ወይ

መ) ናይ ወረሰቲ መሰል ሕሉው ኩይኑ፣ በዓል ፍቓድ እንተድኣ ሞይቲ፣ እቲ በዓል ፍቓድ ባህርያዊ ሰብ እንተዘይኩይኑ ደግ ምፍራሱ ወይ ምጥፋኹ እንተድኣ ኣዊጁ።

2. ብሰምምዕ ካልእ እንተ ዘይተወሰኑ፣ ፍቓድ ዕድና ኪቋረጽ እንከሉ፣ መንግስቲ ንኹሉ-ምቶም ኣብ ሰራሓት ዕድና ዝወፀሉ ተንቀሳቓሰትን ዘይተንቀሳቓሰትን ንብረት ኣብ ናይ በዓል ፍቓድ ደብተራት ብከፋል ሕሳብ ብዚርእ ናይ እርጋን ግምት ዝጉደሉ-ዋጋኦም ከትርፎም ይኸእል። መንግስቲ ኣዚ መሰሉ'ዚ ኣብ ውሽጢ 90 መዓልታት እንተ ዘይተጠቓሙሉ፣ በዓል ፍቓድ ብመሰረት ዝውቲራት ሕግታት ከምዚኦም ንዝእመሰሉ ጥሪቱ ንኸእል ሰብ ከተሓላልፎም ይኸእል።

3. ፍቓድ ዕድና ካብ ዝተጀረጸሉ ዕለት ኣብ ውሽጢ ሓደ ዓመት ከይተሸጠ ንዝጸንሐ ዝኹነ ናይ በዓል ፍቓድ ንብረት፣ መንግስቲ ዋጋ ከይከፈለ ኪወስዶ ወይ ከእ በዓል ፍቓድ ጥሪቱ ንከልዕልን ነቲ ናይ ዕድና ቦታ ናብ ንቡር ንምምላሱ ከግጥሖን ከገድዶ ምርጫ ይኸውን።

4. መሰል ዕድና ኪቋረጽ እንከሉ፣ ብፍቓድ ወይ ብከራይ ተታሒቱ ኣብ ዝኣበረ ቦታ ዚርከቡ ጉዳዮታን ካልእ ከምኡም ዝእመሰሉ ሰራሓትን ኣብ ጥዕና፣ ህይወትን ንብረትን ናይ ሰባት ሓደጋ ምእንቲ ከዮኸትሉ፣ እቲ በዓል መዚ ወሃብ ፍቓድ ብዚፃግቡ ኩነታት ንበዓል ፍቓድ ወይ ተኻራዪ ኪሓጽርምን መከላኸል ኪገብረሉምን ምግዳዱ ይኸእል።

50. ምጥሐስ ሕግን መቅጸዕትን፤

1. በዓል ፍቅድ ወይ ካልእ ሰብ፤ እዚ አዋጅዝን ብመሰረቱ ዝወጹ ሕጋጋት ወይ መምርሒታት ብዚጠለብዎ፤ ወይ ፍቅዱ ብዘሰከሞ ግዲታታት እንተድኣ ዘይተቐዩዱ፤ ብመሰረት እዚ አዋጅ'ዚ ሕጊ ከምዝጠሓሰ ይቐጸር።
2. ዝኹነ ምጥሐስ ሕጊ፤ ምስሓብ ወይ ምድስካል ፍቅድ ወይ ናይ ገንዘብ መቅጸዕቲ ወይ ከልቲኡ ከሰዕብ ይኸእል። እብ ርእሲ'ቶም እብ ናይ ኤርትራ ሕጊ መቅጸዒ ገበናት ዝሰፈሩ መቅጸዕታት፤ ምድባት ምጥሐስ ሕግን መቅጸዕትን ብሕጋጋት ናይዚ አዋጅ'ዚ ይውሰኑ።
3. ናይ በዓል መዚ ወሃብ ፍቅድ ሰራሕተኛታት ወይ ዝኹነ ካልእ ሰብ ብዛዕባ ዝተፈጸሙ ኩሉም ምጥሓሳት ሕጊ ንተጀጻጸሪ ከመልክቲ ይግባእ። ከምዚ ዝአመሰለ ሓበሬታ ከእ ዝርዝር ሓቅታትን ዝርካቦም ጭብጥታትን ብዝሓዘ ጸብጻብ ኪደግፍ ኣለዎ።
4. ተቐጻጻሪ ብዛዕባቲ ዝተቐበሉ ጸብጻብ ምጥሐስ ሕጊ ብኡ ንብኡ ነቲ ዚምልከቶ በዓል ፍቅድ የፍልጦ፤ በዓል ፍቅድ ድማ እቲ ዝተፈጸመ ምጥሐስ ሕጊ ከእረም ዚከእል ኣንተድኣ ኩይኑ ብቐጸብት ይእርሞ።
5. ንድንጋገታት ናይዚ አዋጅ'ዚ ወይ ብእ መሰረቲ ንዝወጹ ሕጋጋት ወይ መምርሒታት ዝገሃሰ ዝኹነ ሰብ በደሉ እንተድኣ ተረጋጊጹ ድማ ብመሰረት ናይ ኤርትራ ሕጊ መቅጸዒ ገበናት ይቐጸዕ።

ከፍሊ 5

ዝተፈላለዩ ድንጋገታት

51. ዝጸንሑ መሰል ዕደና፤

1. እዚ አዋጅ'ዚ ቅድሚ ምትግብሩ ዝጸንሑ ኩሉም መሰላት ዕደና ከም ዝክበርዎ ጸኒሆም፤ ብኩነታት ናይቶም ዝተመሰረቱሉም ስምምዓት ድማ ይመሓደሩ። ናይቶም ውዕላት ኩነታት ምስ ሕጋጋት ናይዚ አዋጅ'ዚ ዘይላኩ እንተድኣ ኩይናም ግን፤ ብዚከእል መጠን ምስ ሕጋጋት ናይዚ አዋጅ'ዚ ኣቃዲዩ ንምምሕያሽም በዓል መዚ ወሃብ ፍቅድ ምስ በዓል መሰል ኪግብ ይኸእል።

2. አብ ንአብ ዓንቀጽ (1) ናይዚ ዓንቀጽ'ዚ ዝተሓገገ ብዘዋገድሱ፣ እዚ አዋጅ ቅድሚ ምትግብሩ ብዝተገብረ ውዕል ናይ ዕደና መሰል ዝተዋሀበ ሰብ፣ ብዛዕባ ምምሕያሽ ናይቲ ምስዚ አዋጅ'ዚ ዘይቃዶ ስምምዕ ምስ በዓል መዚ ወሃብ ፍቓድ ኪዋገ ፍቓደኛ እንተድኣ ኩይኑ፣ በዚ አዋጅ'ዚ ዝተፈቐዱ መተባበሪታት ኪረከብ መሰል ይህልዎ።

52. ተፈጻምነት ዘይብሉም ሕግታት

1. በይናስ ብስምምዕ ድኣ ካልእ አይወሰን'ምበር፣ እቶም ንምምሕዳራዊ ውዕላት (ኮንትራት) ዚምልከቱ ሕጋጋት ናይ ሲቪላዊ ሕጊ ኤርትራ፣ አብ መንጎ መንግስትን በዓል ፍቓድን ኪግበሩ አብ ዚኸለሉ ስምምዓት ተፈጻምነት አይህልዎምን።
2. ምስ'ዚ አዋጅ'ዚ ዘይቃዶ ዘበለ ዝኹነ ሕጊ፣ ሕጋጋት፣ መምርሒታት ወይ ናይ አሰራርሓ ልምድታት እዚ አዋጅ'ዚ አብዚምልከቶም ጉዳያት ተፈጻምነት አይህልዎምን።

53. አብ ግብሪ ዚውዕሉሉ

እዚ አዋጅ'ዚ አብ ጋዜጣ አዋጃት ኤርትራ ተሓቲሙ ካብ ዝወጸሉ ዕለት ጀሚሩ አብ ግብሪ ይውዕል።

አሰመራ፣ ዕለት 20 መጋቢት 1995
መንግስቲ ኤርትራ

PROCLAMATION NO. 68/1995

**A PROCLAMATION TO PROMOTE THE
DEVELOPMENT OF MINERAL RESOURCES**

WHEREAS, all mineral resources are public property which can make a significant contribution to the economic development of the country and that the **state** shall ensure the conservation and development of the resources for the benefit of the people;

WHEREAS, prospecting, exploration and exploitation of mineral resources should be carried out in accordance with appropriate technology and sound principles of resource management and to develop national expertise in the mining industry;

WHEREAS, recognizing the significant role of private investment in the capital formation, technology acquisition and marketing of minerals; and

WHEREAS, to achieve these ends it is essential to promulgate a new law on mining operations;

NOW, THEREFORE, it is hereby proclaimed as follows:

**PART I
GENERAL**

1. Short Title

This proclamation may be cited as the
"Mining Proclamation No. 68/1995"

2. Definitions

In this Proclamation unless the context provides otherwise:

1. **"agreement"** means a contract between the Government and a licensee in order to prospect, explore and/or mine for minerals;
2. **"artisanal mining"** means, unless otherwise specified by directive issued by the Minister, non-mechanized mining operations of, an essentially manual nature carried out by Eritrean individuals or groups of such persons;
3. **"construction minerals"** means sand, gravel, stone (marble, granite, basalt etc) clay, including non-metallic minerals used for construction purposes and such other minerals as the Minister may, by directive so designate;
4. **"controller"** means an officer authorized by the Licensing Authority to control Mining Operations;
5. **"deposit"** means any natural concentration of minerals found on or within a specified area of the earth's crust;
6. **"to explore"** means to undertake all acts to search for, appraise and evaluate a deposit, by using different methods of studies (geological, geochemical and geophysical) relating to surface

and subsurface geology and structure, excavation, boring and drilling, analysis of the physical and chemical properties of minerals and examination of the economic feasibility of developing and exploiting a deposit;

7. **"Government"** means the Government of Eritrea;
8. **"License"** means a license issued pursuant to this Proclamation to prospect and explore or mine for minerals;
9. **"license area"** means any area which is the subject of a license;
10. **"licensing Authority"** means the Ministry of Energy, Mines and Water Resources;
11. **"to mine"** means to undertake all acts to develop, extract and remove minerals from a deposit, including their storage, treatment, processing (excluding smelting and refining), transportation and/or disposal;
12. **"mineral water"** means water containing minerals with healthful properties and water such as brines from which minerals may be extracted on an economic basis;
13. **"minerals"** means any naturally occurring mineral substance of potential economic value forming part of or found on or within the earth's crust, including salt, mineral water and geothermal deposits, but excluding petroleum,

natural gas and oil shale as defined in Articles 5 and 7 of Proclamation No. 40/1993;

14. **"Minister"** and **"Ministry"** means the Minister and the Ministry of Energy, Mines and Water Resources;
15. **"mining operations"** means all acts carried out to prospect, explore and mine for minerals;
16. **"person"** means any natural or legal person;
17. **"precious minerals"** means precious metals such as platinum, gold and silver and precious stones such as diamonds, rubies, emeralds and sapphires and such other minerals as the Minister may, by directive so designate;
18. **"to prospect"** means to undertake on or above the surface of the earth all acts to search for mineral occurrences in order to ascertain the possible presence of minerals including the geological and structural characteristics of the land;
19. **"Regulations"** means the Mining Regulations NO.19/1995.

3. **Scope of Application**

This Proclamation shall apply to and govern the conduct of all mining operations and related activities within the territory of Eritrea.

PART II

MINING RIGHTS

CHAPTER I

GENERAL

4. Requirements of Mining Rights

1. Without prejudice to Article 21 (1) and 22 of this proclamation and subject to sub-article 2 of this Article, no person may prospect, explore or mine unless he is the holder of a granted license.
2. Any Eritrean may prospect without a license provided the land is not the subject of an existing license or application thereof.

5. Eligibility for Mining Rights

1. Without prejudice to sub-article 2 of this Article, any person, who satisfies the requirements of license set out in this Proclamation, Regulations, and Directives to be issued under this proclamation may acquire a license provided that he possesses the required financial resources, technical competence, professional skill and experience necessary to fulfil the obligations under the license.
2. No person is required to possess financial resources, technical competence, professional skill and experience in order to acquire an artisanal mining license.

3. No person whose license has been revoked except as provided for under Article 16(2) of this Proclamation may hold another license for 5 years following such revocation.

6. Reserved and Excluded Areas and Minerals

The Government may designate any area or mineral as reserved or excluded for particular mining operations and exclude any area from mining operations particularly as it regards sites of historical, cultural or religious interest and public buildings, infrastructure and other installations.

7. Government Mining Operations

The Government may undertake some mining operations that are vital for overall economic growth either by itself or in partnership with private investors.

CHAPTER 2

PRE-DEVELOPMENT RIGHTS

SECTION I

PROSPECTING AND EXPLORATION

8. Prospecting License

1. A prospecting license grants an exclusive right to prospect for the minerals within the license area. Prospecting license may not be transferred, assigned, encumbered or inherited.

2. A prospecting license is valid for a period of one year and may not be renewed.
3. Upon his discovery of indications of minerals within the license area, the licensee shall have the right to be granted an exploration license, provided that,
 - a. he has fulfilled all obligations under the prospecting license;
 - b. meets all requirements in connection with the application for an exploration license; and
 - c. he is not in breach of any provisions of this Proclamation, Regulations or directives issued hereunder which constitute grounds for suspension or revocation of the prospecting license.

9. Exploration License

1. An exploration license grants an exclusive right to explore for all minerals within the area specified in the license other than construction material, mineral water and geothermal deposits.
2. The license area shall, unless the Licensing Authority specifies otherwise, be of rectangular shape as specified in the regulations.
3. An exploration license, and the licensee's right to obtain a license pursuant to Article 10 sub-article 3 of this

Proclamation may be transferred or assigned with the prior approval of the Licensing Authority if it is satisfied that the incoming party has the financial and technical resources to meet the obligations of the license.

10. Duration and Renewal

1. An exploration license is valid for an initial period of three years and may be renewed twice for additional terms of one year each. The Licensing Authority may further allow extension of renewal periods where the licensee documents the necessity for additional advanced exploration activity, or provides information on other circumstances which justify an extension of the duration of the license.
2. The licensee shall have the right to renew the license, provided he has fulfilled the obligations specified in the license, meets all requirements in connection with the application for the renewal and is not in breach of any provision of this Proclamation which constitutes grounds for suspension or revocation of the license.
3. The licensee shall have the right to be granted a mining license in the event that he determines a mineral deposit within the license area which may be mined on an economically viable basis, provided that, he:

- a) has fulfilled all obligations under the exploration license;
- b) meets all requirements in connection with the application for such a mining license; and
- c) is not in breach of any provisions of this Proclamation, Regulation or directives issued hereunder which would constitute grounds for suspension or revocation of the exploration license.

11. Relinquishment of Portion of License area

1. In applying for each renewal of an exploration license, the licensee shall indicate the portion of the license area, to be relinquished, which shall not be less than one quarter of the original license area unless the minimum size specified in the Regulations has been reached.
2. The form, orientation and other details regarding relinquishments shall be specified in the Regulations.

SECTION 2 DISCOVERY

12. Notification of Discoveries

Any person who discovers indications or existence of minerals shall immediately notify the controller in writing the location and nature of such discovery as required by Article 20 of the Regulations.

13. Discovery System

1. Any person who, while prospecting on land that is not the subject of a license or of an application for a license, discovers indications of minerals or a deposit of minerals which had not been previously discovered, shall immediately mark the location of the discovery, and within 7 days notify the Controller about the discovery.

2. If the discovery is proven to the satisfaction of the Licensing Authority, then the discoverer shall have a preferential right to obtain an exploration license in respect of an area specified in the regulations with the discovery mark being at the point where two diagonal lines drawn from opposite corners of the license would intersect. The period during which such an application can be made shall be specified in a discovery certificate issued by the Licensing Authority and shall not exceed 12 months from the notification of the discovery.

3. Upon receipt of advice of a discovery, the Controller shall indicate on plans held at the Licensing Authority's office the extent of the discovery area which shall not include any ground already held under license or the subject of a prior license application.

4. The fees and expenditure obligations for an exploration license obtained as a result of an application by the holder of a discovery certificate shall be as specified in the Regulations.

CHAPTER 3
DEVELOPMENT RIGHTS
SECTION 1
ARTISANAL MINING

14. Artisanal Mining License

1. An artisanal mining license may be granted in respect to part of the surface area of an existing exploration license provided that:-

- a) the artisanal mining license is restricted to construction minerals to a depth of five metres and/or mineral water and geothermal deposits.
- b) the Licensing Authority is satisfied that the activities of the artisanal miner will not interfere with the operations of the existing license.

2. An artisanal mining license may be granted for minerals other than construction minerals, mineral water and geothermal deposits if the land in question is not the subject of any existing license or prior license application provided that mining in the artisanal license is restricted to a depth of 5 metres.
3. An artisanal mining license may be transferred, assigned, encumbered or inherited subject to the approval of the Licensing Authority.

15. Duration and Renewal

1. An artisanal mining license shall be valid for one year and may be renewed indefinitely for like periods.
2. The Licensing Authority may, after giving 90 days prior written notice, cancel an artisanal mining license where it is considered that the deposit requires more advanced exploration and mining method for the best development of its economic potential.
3. The Licensing Authority may at the request of the artisanal licensee, grant an exploration or mining license provided the artisanal licensee shows that he has the necessary technical and financial resources to engage in the advanced exploration and mining as

prescribed by the Licensing Authority.

4. Where an artisanal license is revoked and the artisanal licensee is not granted an exploration or mining license over the area of the former, the Licensing Authority shall determine an appropriate amount of compensation which shall be promptly paid to the licensee for the loss he incurred due to the revocation of the license.

SECTION 2

MINING

16. Mining License

1. A mining license grants an exclusive right to mine for the specified minerals within the license area. The license shall cover the area reasonably necessary to carry out mining operations. The form and boundary of the area shall be as specified in the Regulations.
2. A mining license may be transferred, assigned or encumbered and inherited with the prior approval of the Licensing Authority.
3. Suspension of mining operations under the license for more than 180 days shall be grounds for revocation of a mining license.

17. Duration and Renewal

1. A mining license shall be valid for a maximum period of twenty years or the life of the deposit whichever is shorter. The license may be renewed subject to sub-article 2 of this Article for a maximum period of ten years for each renewal.
2. The licensee shall have the right to renew the license, provided he can demonstrate the continued economic viability of mining the deposit, has fulfilled the obligations specified in the license and is not in breach of any provision of this Proclamation, Regulations or Directives issued hereunder which constitutes grounds for suspension or revocation of the license.

SECTION 3

MINERAL WATER, GEOTHERMAL DEPOSITS AND CONSTRUCTION MINERALS

18. Mineral Water and Geothermal Deposits

1. A legitimate occupant of land may produce and use for non-commercial purpose, without charge and with prior notification to the Licensing Authority, mineral water from the area he occupies, provided that the area is not reserved or excluded pursuant to Article 6 of this Proclamation and, provided further, that he

does not disturb or damage the adjacent occupants' land or property.

2. A mining license granted for the extraction of mineral water may specify the amount and rate of production, which shall generally be limited to that which permits the renewal of the water aquifer, and the horizon or depth from which the water may be extracted. A license for brines may specify conditions of production and of extraction and disposal of minerals produced and of the use and disposal of the water remaining.

3. A mining license granted for a geothermal deposit may limit the volume of water and the calorific content which may be extracted, it may also fix conditions on the extraction and disposal of by-products and on the production, use and reinjection of water in order to preserve the deposit.

19. **Construction Minerals.**

1. A legitimate occupant of land, may produce and use for non commercial purpose, free of charge and without permission of the Licensing Authority, construction minerals from the area he occupies, provided that the area is not reserved or excluded pursuant to Article 6 of this Proclamation and, provided further, that he does not disturb or damage the adjacent occupants' land or property.

2. Any person may produce and use for non-commercial purpose without charge and with prior permission of the Licensing Authority, construction minerals for the construction and maintenance of roads, dams, airports, schools, hospitals and other non-commercial public works.
3. The provisions of Articles 22 and 24 Sub Articles (3) and (4) of this Proclamation shall apply to the mining operation of construction minerals conducted pursuant to Sub Article (2) of this Article.

CHAPTER 4

RIGHTS AND OBLIGATIONS OF LICENSEE

20. Possession and use of land

1. The licensee may enter and occupy the land covered by the license during its term.
2. The licensee may use the land of the license area for activities in support of mining operations and may grow crops and graze livestock for consumption by himself, his agents and employees and their dependents.
3. The holder of a mining license may also request from the appropriate authority a lease for land outside of the license area which may be required in connection with mining operations. The terms and conditions of such lease shall be determined by the appropriate

authority and its duration shall be the same as that of the license including any renewals thereof.

21. Use of construction minerals, water and timber

1. The licensee may remove and use construction minerals required for mining operations which are found within the license area or within the land covered by a lease, provided that no other license has been issued to another person for such minerals.
2. The licensee may use surface and subsurface water found in the license area and the area of a lease for consumption by himself, his agents, employees and their dependents. A licensee may also use surface water for mining operations, provided that such use does not result in a substantial reduction of the amount of water available to satisfy the need of other users or, unless authorized pursuant to directive, result in the pollution thereof. A licensee shall not construct a dam or divert any watercourse without the prior approval of the appropriate Government Authority.
3. The holder of an exploration or mining license may cut and use, from the license area and the area of lease, timber which is necessary for mining operations. The licensee shall comply with the applicable laws regarding the cutting of timber and

reforestation and must submit a restoration plan as may be specified by directive.

4. The holder of a prospecting and artisanal mining license shall cut and use only such timber as is strictly necessary for access to the areas in which mining operations are carried out.

22. Other Occupants

1. The licensee shall take proper precaution not to interfere with other legitimate occupants of the license area, the land covered by a lease and adjacent land.
2. Notwithstanding the provision of sub-article 1 of this Article, if the licensee's mining operations require that the other occupant be displaced, the licensee shall attempt to negotiate the compensation payable to such occupants. If the occupants refuse to be displaced or to agree on the compensation, the Licensing Authority may cause the expropriation of immovable property, if any, and the eviction of such occupants from the area of the license's mining operations.
3. A licensee shall, if he damages, injures or destroys any installations or other property of another legitimate occupant of the license area, the land covered by a lease or adjacent land, pay to the occupant compensation representing the value of such

damage, destruction or injury as agreed by the parties or as assessed by the Licensing Authority.

23. Infrastructure and other Construction

1. The holder of an exploration mining license may construct, operate and maintain within the license area and the area covered by a lease all infrastructure necessary for operations including facilities for roads, communications and power. The licensee may also, with the prior written approval of the Licensing Authority and in consultation with other authorities of the Government, construct such facilities outside of the areas covered by the license and a lease.
2. The licensee may use the existing infrastructure if its use by such licensee shall not impair the existing and approved use thereof by other persons.
3. The Licensing Authority may require the licensee to cooperate and contribute financially in the construction and maintenance of infrastructure to be used jointly with another licensee or other authorised persons within the areas covered by his license or lease if such joint use of the infrastructure is deemed to be to the economic benefit of all parties concerned. The allocation of the costs of construction and maintenance of such infrastructure

shall be determined by the Licensing Authority on the basis of proportional use.

4. The Licensing Authority may require the licensee to permit other persons to use infrastructure of the licensee, provided that such use does not impede mining operations.
5. The Licensing Authority may impose on such person stated under sub-article 4 hereof a fee payable to the licensee if the use of such infrastructure is for commercial purposes. The fee imposed shall be based on the extent of that person's use in proportion to the total use of such infrastructure by all other such persons and the licensee provided that the licensee shall have a preferential right to capacity utilisation of the infrastructure.
6. Notwithstanding sub-article 4 of this article in circumstances of national emergency, the Government may also require the licensee to permit another person or the Government to use temporarily the infrastructure of the licensee, subject only to the payment of compensation in the event of damage including loss of production thereto.
7. The licensee may construct within the area covered by the license or a lease all industrial, administrative, residential, medical and other buildings and

facilities necessary for mining operations.

8. All constructions by the holder of a prospecting, an exploration or an artisanal mining license shall be of a temporary nature and shall be removed prior to the termination of the license or to the relinquishment of the area on which such construction is located unless otherwise required by the Licensing Authority.

9. Notwithstanding the provisions of Article 49 (2) of this Proclamation, all constructions of a permanent nature built by a holder of a mining license may, upon the termination of the license, either be removed by the licensee or at the request of the Licensing Authority be abandoned and become the property of the Government free of charge.

24. Conduct of Mining Operations

The licensee shall:

1. promptly commence and carry out mining operations in a prudent, diligent and efficient manner, in accordance with appropriate technology and good practices generally accepted in the international mining industry;

2. comply with all work programmes and expenditure obligations unless a departure therefrom is justified and receives the prior written approval of the Licensing Authority, and avoid the

performance of work or the incurring of expenditure which is not required;

3. conduct mining operations in such a manner as to ensure the health and safety of his agents, employees and other persons, and to minimize damage or pollution to the environment; and
4. conduct mining operations in accordance with applicable regulations and directives.

25. Employment, Training and Local Supply

The licensee shall,

1. give preference to the employment of Eritrean nationals, provided that such persons have the required qualifications or skills;
2. give employees the training and education necessary to carry out mining operations effectively and efficiently and comply with appropriate training programmes;
3. give preference to domestic goods and services, where they are readily available at competitive prices and are of comparable quality.

26. Delimitation of Areas

The applicant for a mining license shall delimit by official survey the boundaries of the area for which the license is sought. The

same obligation shall apply with regard to the application for a lease.

27. Books, Records and Reports

The licensee shall:

1. maintain records of mining operations and submit reports and other documents periodically to the Licensing Authority, the form, content and manner of which shall be specified in the Regulations;
2. maintain all financial, accounting, employment, commercial and other books and records and comply with all other reporting and filing obligations under the appropriate laws;
3. make available all books and records for inspection by the Licensing Authority and other duly authorized officials.

CHAPTER 5

COMMON PROVISIONS FOR LICENSES

28. Applications

An application for a license or for its amendment, renewal, transfer, assignment, encumbrance or inheritance shall be in the form and contain the information specified by Regulations and directives issued to implement this Proclamation.

29. **Surrender**

1. A licensee may, upon giving prior notice to the Licensing Authority, surrender all or any part of the license area, provided that the licensee has fulfilled all obligations under the license and is in compliance with the provisions of this Proclamation and the Regulations or directives issued thereunder.
2. Upon surrender of part or the whole of the license, the licensee shall vacate the surrendered portion of the license area.

30. **Boundaries**

The license area shall comprise all of the land within its boundaries and all subsoil thereunder to an indefinite depth within the vertical planes passing through each boundary.

31. **Granting licenses**

1. An artisanal mining license may be granted over a license if the Licensing Authority considers that the activities of the artisanal miner will not unduly interfere with the licensee's operations.
2. A license may be granted over an artisanal mining license on the condition that the licensee shall make every reasonable endeavour not to interfere with the artisanal miner's operations.

32. Title to Sale and Export of Minerals

1. The holder of a prospecting or an exploration license may remove, transport, analyze and, with the prior written consent of the Minister, export samples of minerals for testing, provided that a comparable sample is maintained in Eritrea. However, such minerals shall remain the property of the Government, and the licensee shall return such exported samples to Eritrea, unless otherwise authorized to dispose of them upon the prior written consent of the Minister.
2. The holder of an artisanal or mining license shall obtain title to the minerals specified in the license upon their extraction.
3. The holder of a mining license shall have the right to sell the minerals locally or export all minerals specified in the license.

33. Liability on Surrender

Any person who surrenders or relinquishes his license or lease shall not be released from the liability of performing the duties imposed upon him and due to be performed by him prior to the date of surrender or relinquishment of the license or lease.

PART III

FINANCIAL REGIME

34. Royalty

1. The licensee shall pay royalty for all minerals produced.
2. The rates and manner of such payment, unless specified by agreement shall be as determined by Regulations issued hereunder. The Regulation may specify the conditions under which the rate and manner of royalty payment shall be determined by agreement.
3. The Licensing Authority may, in circumstances it deems appropriate, cause the reduction, suspension or waivers of the imposition of royalty by requesting the appropriate Government body.

35. Taxes

1. The licensee shall pay income tax in accordance with the Mining Tax Proclamation No.69/1995.
2. The compensation received, according to their contract of employment, by expatriate employees of the licensee or his contractor shall be subject to the payment of income tax at a flat rate of 20%.

36. Fees

The licensee shall pay filing fees in connection with the application for a license and for the renewal, transfer and other dealing thereof. The amount and manner of payment such fees shall be determined by Regulations issued hereunder.

37. Rentals

1. The licensee shall pay annually in advance to the Licensing Authority rental based on the surface of the license area. Such rentals shall be specified by Regulations issued hereunder and may be adjusted; such adjustments shall only apply to licenses issued after the date of the adjustment.

2. The licensee shall also pay annually in advance to the appropriate authority a rental for the area covered by a lease. Such rental shall be fixed in the instrument granting the lease and shall remain fixed during its term, unless the instrument provides otherwise.

38. Customs Duties and Taxes

1. The holder of a license and his contractor shall pay 0.5 percent duty on all imports into Eritrea of equipment, machinery, vehicles and spare parts (excluding sedan cars and their spare parts) necessary for mining operations.

2. All goods imported pursuant to sub-article 1 of this Article may be re-exported, free of all export duties and taxes, but may subject to the provisions of Articles 23(9) and 49(2), be disposed of with payment of duty and tax thereon in accordance with the applicable laws.
3. The holder of a license is entitled to export, free of all duties and taxes, all minerals produced pursuant to his license.

39. Exchange Control

1. A holder of mining license producing exportable minerals may:
 - a) open and operate a foreign currency account in banks in Eritrea in accordance with the regulations of the Bank of Eritrea;
 - b) retain abroad in an external account a portion of his foreign currency earning as may be determined by directives to be issued by the Bank of Eritrea and pay from the retained earnings where foreign currency may not be readily available by the Bank of Eritrea for the following purposes;
 - 1) to import equipment necessary for the mining operations;

- 2) for services, leases and licenses to be paid for in foreign currency in accordance with agreements entered into;
- 3) for reimbursement of loans and debt services due legally to financial institutions outside Eritrea;
- 4) for compensation payable to foreign employees who are not permanently resident in Eritrea, and
- 5) for such other activities which contribute to the process and enhancement of the mining operations.

2. A holder of a mining license producing exportable minerals may make the following remittances out of Eritrea in the currency of investment or in an approved currency at the prevailing rate of exchange on the date of remittance:

- a) profits and dividends accruing from mining investment;
- b) principal and interest on a foreign loan;
- c) fees, royalties or any other payments accruing pursuant to a technology or management agreement relating to the mining investment;

d) proceeds from any sales of assets including those derived upon the liquidation or winding up of the mining business of a foreign investor or enterprise voluntarily or due to bankruptcy; and

e) payment from the sale or transfer of shares of a mining investment or acquisition in part or in whole of a mining operation by a domestic investor.

3. Expatriates employed in a mining operation may remit salaries and other payments accruing from their employment in accordance with the foreign exchange regulations of Eritrea.

40. Other Incentives

The rates of royalty and rentals to be determined under Articles 34 and 37 (1) of this Proclamation shall be in such a manner as to encourage investment in minerals given priority of development and mineral development areas.

41. Participation

Without prejudice to the provisions of Article 7 of this Proclamation, the Government may acquire without cost to it a participation interest of up to ten percent of any mining investment. Additional equity participation not exceeding a total of 30 percent including the 10 percent above may also be provided to Government by agreement,

which shall specify the percentage, timing, financing, resulting rights and obligations and other details of such participation.

42. Guarantee

The Licensing Authority may require the applicant for a license, or renewal or for the transfer, assignment or encumbrance of a license to provide a cash, bank or other guarantee to secure the applicant's obligations with regard to rehabilitation of the mining area progressively or at the end of mining operations. The conditions of such a guarantee shall be determined by directives to be issued by the Minister.

PART IV

ADMINISTRATION

43. Responsibility of the Licensing Authority

1. All types of mining licenses shall be issued by the Licensing Authority.
2. The Licensing Authority has the power to:
 - a) issue, suspend or cancel a license pursuant to this Proclamation and Regulations and directives issued hereunder;
 - b) ensure that a licensee has the financial resources and technical competence

necessary to fulfil the obligations under the license;

- c) either by competitive bidding or direct negotiation, enter into agreements on behalf of the Government;
- d) inspect and ensure that mining operations are carried out in accordance with this Proclamation, Regulations and directives issued hereunder and any agreement;
- e) collect and audit royalties, rentals and other fees payable pursuant to this Proclamation;
- f) require an applicant for a mining license to submit an environmental impact study before the granting of the license; and
- g) without prejudice to prior commitment of the licensee, require that a licensee sell all or a portion of his minerals to the Government, to a legal person owned by it, or to another Eritrean person subject to the payment of the international market price prevailing at the time of the sales transaction.

3. The Minister may issue directives and prepare model contracts to serve as basis for the negotiation of agreements in order to give

effect to the provisions of this Proclamation.

44. Inspection of Mining Operations

An officer, duly authorized by the Licensing Authority may, at all reasonable times but so as not to unreasonably impede or obstruct the mining operations, enter, inspect and examine any place, works, machinery and equipment occupied or used in or in connection with mining operations.

45. Registration and Representation of Licensees

1. Unless otherwise permitted or determined by the Ministry, the licensee shall be registered in the Registry of Trade with the appropriate authority and shall maintain an office in Eritrea during the entire term of the license.
2. The licensee shall not be required to obtain any other authorization or permission from any other Government office in order to produce, sell or export minerals covered by the license or to import any goods or to enter into contract for the acquisition of licenses of any intellectual property required for mining operations.
3. The provision of sub-article 2 of this Article shall not relieve the licensee from complying with other

obligations of customs and bank formalities.

4. The licensee that is not a natural person shall also maintain, during the term of the license a representative who is authorized to act on its behalf and shall notify the Licensing Authority of the identity of such representative or any change thereof.

46. Registration of Licenses & Leases

The Licensing Authority shall establish a Register in which shall be entered details of each license applied for and the subsequent grant/refusal of that license and any relevant conditions. Every instrument under which such license is transferred, assigned, relinquished, encumbered or otherwise dealt with shall be presented to the Licensing Authority for registration within 90 days after the date thereof (or within such further time as the Licensing Authority may allow) or it shall otherwise become null and void. The Licensing Authority shall record in the Register Summary details of every such instrument and also record any other action taken which affects the tenure or conditions of the license. The register shall be open for public inspection at all reasonable times.

47. Confidentiality

1. Except as provided in Article 46 of this Proclamation all information submitted in applications, reports and other filings pursuant to this Proclamation shall be kept confidential.
2. Notwithstanding the provision of sub article 1 of this Article:
 - a) Government officials may request access on a confidential basis to such information for their official duties, and in such capacity permit access to accountants, professional consultants and legal counsel.
 - b) The Government may compile and distribute information, geographic or geological maps, statistics and reports and other documents where the identity of licensee is not disclosed or apparent and his interests are in no way adversely affected.
3. This confidentiality obligation shall end upon the termination of the license to which such information relates or as otherwise specified by agreement.

48. Settlement of Disputes

1. The Licensing Authority may, in accordance with procedures to be laid down by regulations, examine and decide disputes between licensees, as well as between a licensee and a third party concerning rights arising from licenses. The Licensing Authority shall have the power to determine and enforce compensation to be paid by one party to the other.
2. A decision of the Licensing Authority made pursuant to sub-article 1 of this Article may be appealed to the court of competent jurisdiction; within 60 days in accordance with the provision of the Eritrean Civil Procedure Code.
3. The Licensing Authority shall have the power to administer oaths in any proceeding before it.
4. Any dispute, controversy or claim between the government and the licensee arising out of, or relating to the agreement or the interpretation, breach or termination thereof shall, to an extent possible, be resolved through negotiations.
5. In the event that agreement cannot be reached through negotiations, the case shall be settled by arbitration in accordance with the procedures as laid down by the Licensing Authority or as specified in the agreement. An arbitral award shall be final and binding upon the Parties.

49. Termination of Mining Rights

1. The licensee's right to conduct mining operations shall terminate if:
 - a) the licensee relinquishes the whole area or surrenders the license;
 - b) the license is revoked by the Ministry pursuant to the provisions of this Proclamation or Regulations issued pursuant to this Proclamation;
 - c) the license expires without being renewed; or
 - d) without prejudice to the right of heirs, the licensee dies or where the licensee is not a natural person, it is liquidated or declared bankrupt.
2. Upon the termination of a mining license, the Government may, unless an agreement specifies otherwise, acquire all of the immovable and movable property used in mining operations at a price equal to the then undepreciated and unamortised value of such assets, as shown in the financial books of account of the licensee. If the Government does not exercise such right, within 90 days the licensee shall be free to dispose of such assets to another person in accordance with applicable laws.

3. The Government shall have the option to either take over at no cost to it any asset that may not have been disposed of by way of sale within a period of one year from the termination of the mining license or to require the licensee to remove such assets and rehabilitate the mining license area.
4. The holder of a license or a lease may be required, on surrender or revocation, to fence and safeguard to the satisfaction of the Licensing Authority, any pits and such other works in the license and/or lease area so that the health, life and property of persons may not be endangered.

50. **Infractions and Sanctions**

1. If a licensee, or another person fails to comply with the requirements of this Proclamation, Regulations or directive issued pursuant to this Proclamation or with the obligations of the license applicable to such person, he shall be guilty of an infraction under this Proclamation.
2. An infraction may result in revocation or suspension of the license and/or in the imposition of a fine. The classification of infractions and the sanctions applicable to each category, in addition to those which may be applicable under the Penal Code of Eritrea shall be specified by Regulations.

3. Officials of the Licensing Authority or any other person shall report all infractions to the Controller. A report of any infractions shall include a statement of the facts and all available evidence in support of such statement.
4. The Controller shall immediately notify the licensee of the infraction reported, and the licensee shall take immediate remedial action, if such infraction is capable of remedy.
5. Any person who violates the provisions of this Proclamation or Regulations or directives issued hereunder is guilty of an offence and liable, upon conviction, to punishment under the provisions of the Penal Code.

PART V

MISCELLANEOUS

51. Existing Mining Right

1. All mining rights existing before entry into force of this Proclamation shall remain valid and shall be governed by the terms of their respective agreements, provided, however, that if such terms are inconsistent with the provisions of this Proclamation, the Licensing Authority shall undertake negotiations with the holder of such right so that the terms of such right shall, in so

far as practicable, be revised to conform to the provisions of this Proclamation.

2. Notwithstanding the provision of sub-article 1 of this Article, the holder of mining rights issued before entry into force of this Proclamation may be entitled to incentives under this Proclamation, provided, however, the holder of mining rights shall be willing to negotiate with the Licensing Authority regarding the agreement which is inconsistent with this Proclamation.

52. Inapplicable Laws

1. Unless otherwise provided by agreement, the provisions of the Civil Code of Eritrea regarding Administrative Contracts shall not be applicable to such agreements that may be concluded between the Government and the licensee.
2. Any law, Regulations, directives or practices which are inconsistent with this Proclamation shall not apply with respect to matters provided for in this Proclamations.

53. Effective Date

This Proclamation shall enter into force on the date of its publication in the Gazette of Eritrean Laws.

**Done at Asmara this 20th day of March, 1995
Government of Eritrea.**