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**National Service Proclamation**

# **Proclamation 82/1995**

## **PREAMBLE**

The people of Eritrea fought a bitter war for thirty years and paid a heavy price to relive the Country and the people from darkness of colonialism, an all out destruction, pain and to attain freedom and sovereignty.

This and future generations have an historical responsibility to fulfill the will of thousands of martyrs and ensure the continuity of the Country's freedom and sovereignty.

To enable carry out this sacred duty, it is found to be essential to promulgate and establish National Service Proclamation and hereby is proclaimed the National Service Proclamation.

## **CHAPTER ONE**

### **GENERAL PROVISIONS**

#### **Article 1. Short Title**

This Proclamation may be cited as “the National Service Proclamation No. 82/1995”

#### **Article 2. Interpretation**

In this Proclamation the following words and phrases shall have the following interpretation;

- 1) “Government” means the Government of Eritrea.
- 2) “National Service” means pursuant to this Proclamation a service that a national gives in both an Active National Service and Reserve Army.

3) “Active National Service” means pursuant to Article 8 of this Proclamation an 18 month military training and national service that a national qualified to national service gives.

4) “Reserve Military Service” means a service rendered by a national who completed an Active National Service or a service rendered by a national who shall have a duty to serve in a Reserve Army during a general mobilization or other national calls.

5) “Reserve Army” includes; pursuant to Article 23 of this Proclamation, all who shall have a duty to serve in the Regular Army during state of emergency or general mobilization upon national call.

6) “Combating Forces” include all forces of the Army, Air Force and Naval Force which are under the Ministry of Defense.

7) “Trainee” means pursuant to this Proclamation a national who is taking a military training for 6 months in a National Service Military Training Center.

8) “Board” means a Committee, comprising different branches of the Government, established under the rules set by the Ministry of Defense. It shall have the power to decide the application of national who apply to be exempted from national service for different reasons and shall have the power to exempt nationals temporarily or permanently from national service.

### **Article 3 Repealed Laws**

Proclamation 11/1991 as amended by Proclamation 71/1995 are hereby repealed and replaced by this Proclamation.

### **Article 4 Establishment of National Service**

1) National Service is hereby established by this Proclamation. National Service shall have its own office to be established in accordance with the rules of the Ministry of Defense and The Ministry of Defense shall be the higher and responsible body for its implementation.

## **Article 5 Objectives of National Service**

The objectives of National Service shall include the following:

-to establish people based strong defense force to assure the existence of free and sovereign Eritrea.

-to preserve the courage and culture of heroism that the people of Eritrea have shown during the armed struggle in the past 30 years and pass them to the next generations.

-to create hard working, disciplined and an ever ready new generation that participate in reconstruction,

-to enhance the economic development of the country using its human resources in a trained and organized manner.

-to provide regular and continuous military training and vocational training in training centers to alleviate vocational skills and promote physical fitness.

-to cement the unity of our people by promoting unity and nationalism and eradicating sub-national attitudes.

## **Article 6 Duty to National Service**

Pursuant to this Proclamation any national between the age of 18 and 50 shall have a duty to participate in National Service.

## **Article 7 Budget**

Budget for National Service shall be studied by the Office of National Service and submitted to the Ministry of Defense. The Ministry of Defense shall request the budget from the Government and the budget shall be subject to the financial regulations of the Government as to its proper usage.

## **CHAPTER TWO**

### **FUNDAMENTAL RULES OF ACTIVE NATIONAL SERVICE**

#### **ARTICLE 8. Duty to give Active National Service**

Pursuant to this Proclamation all Eritrean nationals between the age of 18 and 40 shall have a duty to take part in an Active National Service.

Active National Service includes a military training in a training center for six months and active military service and developmental works in a combating force for 12 months.

Nationals who are unfit to take military training but required to give national service for 18 months are included here.

#### **Article 9 Duty to take Military Training**

All nationals between the age of 18 and 40 who have a duty to take part in Active National Service shall take military training for six months in a National Service Military Training Center.

#### **Article 10 Establishment of Administration of Registration and Registration Centre.**

All Regions, sub-regions and villages shall establish Registration centers and Administration of Registration in accordance with the rules set by the Ministry of Local Governments.

#### **Article 11. Registration and Issuing of cards**

- 1) **Registration**: when the Ministry of Defense makes a call of registration, an Eritrean national between the age of 18 and 40 who has a duty to take part in Active National Service shall register at the nearest Registration center in accordance with the program of the Ministry of Local Governments.

An Eritrean national who attain the age of 17 shall make a prior registration at the nearest registration center to ascertain his readiness for the coming year.

- 2) **Issuance of Cards;** After establishing the identity of the person and registering him, the head of the Registration Center shall issue a registration card and shall inform him to be ready for military training.
- 3) When the registered person applies for exemption from National service, due to health problems, the Board shall decide the case.

### **Article 12 Exemption from Active National service**

The following persons shall be exempted from National Service:-

- 1) Nationals who fulfilled their national service obligation before the coming of this proclamation,
- 2) All fighters and militias who devoted

### **Article 13 nationals exempted from military training and national service obligation.**

- 1) Nationals who are exempted from military training by the Board shall serve in public and government sectors for 18 months in accordance with their skills and professions.
- 2) After completing 18 months of service, they shall periodically until the age of 50 serve during state of emergency and general obligation in accordance with the instructions from the Government.
- 3) To implement the obligation stated in sub-article 1 of this Provision, the Ministry of Local Governments delegated by the Ministry of Defense shall assign them to different fields of work or works related to the Ministry of Defense. The Ministry of Defense shall follow the proper fulfillment of their services.

### **Article 14 Nationals eligible for postponement of active national service for limited period of time**

- 1) Nationals who are exempted from national service by the Board for health reasons. However, they may be called to serve if their state of health improves or if they become fit.
- 2) A regular student shall be eligible for exemption temporarily under the following circumstances
  - a) if he is learning in junior or secondary school,
  - b) if he is learning in a recognized vocational school,

- c) if he is learning in a university,
  - d) if he is allowed to pursue further education from a university or vocational school
  - e) if he is selected to a special course or scholarship by the Government regardless of his educational status.
- 3) The rights in sub-article 2 of this provision shall only be applicable so long as the student does not drop out or is not academically dismissed.
- 4) Provision of school certificates, diplomas and degrees shall be subject to the completion of active national service.

### **Article 15 Issuance of Certificates for Nationals exempted from National service.**

- 1) The Board shall decide on the applications of nationals with visible and reasonable disabilities such as blindness, mental derangement other disabilities.
- 2) Pursuant to sub-article 1 of this provision, the Ministry of Defense shall issue certificates for those exempted from national service by the Board.

### **Article 16 Military Training**

- 1) Pursuant to Article 9 of this Proclamation a national who has a duty to take military training shall do so for 6 months if he meets the requirements set by the Ministry of Defense.  
He shall know and follow all academic and military education.
- 2) A national who fulfilled his duty under sub-article 1 of this provision shall give service in security and developmental activities for 12 months as organized by the Ministry of Defense.

### **Article 17 Traveling Abroad**

Pursuant to this Proclamation, a national who shall have the duty to take part in national service shall be allowed to travel abroad:-

- 1) upon providing certificate of completion of national service or exemption from national service,

2) a national with national service registration card shall be allowed to travel abroad by depositing 60,000 Birr. The Ministry of Defense shall take appropriate measures to implement this provision.

### **Article 18 Period of Service**

Pursuant to article 16(1) of this Proclamation a national shall serve for 18 months. Nevertheless, the Ministry of Defense shall decide extension of time and type of service.

### **Article 19 Observing Martial Laws and Rules.**

During the 18 month active national service, a national shall observe martial laws, rules and oral as well as written instructions.

### **Article 20 Release from Active National Service**

1) Without prejudice to Article 21(1) of this Proclamation, a national who duly served active national service shall be released.

2) The Ministry of Defense may release a national serving an active national service before the date of completion.

3) Pursuant to this Provision, the Ministry of Defense shall issue a certificate of completion to those who duly served their active national service.

### **Article 21 Special Duty**

1) At times of war and general mobilization, a national serving his active national service may be required to serve beyond the time limit unless he is officially released by the authority.

2) A national registered to serve shall report any changes of permanent address.

### **Article 22 Rights and Privileges of Trainees of Active National Service**

1) **Provisions during military training**: During military training or active national service, a national shall be provided with food, shelter, clothing and medication.

The Ministry of Defense shall provide free transportation, sport and recreation facilities according to circumstances.

A national who completes a military training shall be entitled to a pocket money.

2) **Reinstatement to previous work;** a national who leaves for national service from his work shall have the right to be reinstated to his work upon completion of his national service. The employer shall also give him priority in promotion and salary increment.

3) A national who completed active national service or is under active national service shall have the right to free medication if he sustains physical or mental damage emanating from military training.

In case of death, necessary assistances shall be given to the heirs at law.

4) A national who completed his active national service shall have a priority to job and educational opportunities within the Country or abroad provided he meets the required criteria.

5) If a national serving his active national service requires to serve in the Regular Army, he shall be allowed so if he meets the requirements set by the Ministry of Defense.

6) If a national serving an active national service is the bread winner of his family, necessary assistances shall be given to the family by the Government and the society.

7) A national serving his active national service without taking military training shall have his rights respected according to circumstances.

### **CHAPTER 3**

#### **Fundamental Rules of service in a Reserve Army**

##### **Article 23 Duty to serve in a Reserve Army**

1) The following nationals shall have a duty to serve in a Reserve Army:-

- a) Nationals who completed their active national service,
- b) Demobilized fighters and militias who served in the armed struggle and are currently leading civilian life,

- c) Formers fighters currently working in public, private and government sectors,
- d) Nationals who were serving in the combating forces and police but demobilized.

2) All stated in sub-article 1 of this provision shall have a duty to serve until they attain the age of 50.

#### **Article 24 Exemption from serving in a Reserve Army**

1) Without prejudice to article 23(1) and 31(1) of this Proclamation, a national who attained the age of 50 shall be exempted from serving in a Reserve Army.

2) When the Board declares a national unfit to serve in a Reserve Army.

#### **Article 25 Missions of a Reserve Army**

The missions of a Reserve Army shall be the following:-

- 1) To enhance the Regular Army to defend the Country from outside attack attack or invasion,
- 2) To challenge any internal provocations that threaten the unity and Sovereignty of the Country,
- 3) To prevent damages caused by man-made or natural disaster on public or private property,
- 4) To respect national calls during general mobilization, calls for training And other similar programs,
- 5) To make nationals physically and psychologically prepared.

#### **Article 26 Classification of Reserve Army**

Members of a Reserve Army shall be classified into three groups in accordance with their age and service;

1) First Group- Ready Reserve Army- includes nationals between the age of 20 and 35 and shall report to a duty during general mobilization within 24 hours.

2) Second Group-Stand By Reserve Army- includes nationals between the age of 36 and 45 and shall report to a duty during general mobilization within 72 hours.

3) The Third Group Reserve Army includes nationals between the age of 46 and 50 and shall report to a duty during general mobilization in accordance with instructions from concerned authorities.

### **Article 27 Programs of Military Training**

1) A national who has a duty to serve in a Reserve Army pursuant to Article 23 of this Proclamation shall take military training (once in a year or two years) in accordance with a time frame and place specified by the Ministry of Defense.

2) Members of the First Group of Reserve Army shall take military and general revision courses for three weeks.

3) Members of the Second Group Reserve Army- shall take military and general revisions for 10 days.

4) Military training and general revision for members of the Third Group of a Reserve Army shall be given as required.

5) In the military training and general revision of courses military tactics and new weapons shall be given.

6) All members of the Reserve Army shall report to a duty to national calls for training.

### **Article 28 Duty to Respect Calls**

1) Any member of a Reserve Army shall report to a duty during man-made or natural disasters.

2) The mode of call may be secretly or publicly.

### **Article 29 Change of Permanent Address**

- 1) A member of Reserve Army shall inform the concerned administration center before he changes his address.
- 2) At times of general mobilization a member of a Reserve Army may not change his address.

### **Article 30 observing Martial law and regulation**

- 1) A member of a Reserve Army shall observe martial law and regulation, oral as well as written instructions in times of man-made disaster, natural disaster, general mobilization and military training.
- 2) A member of a Reserve Army shall transfer the military discipline he acquires to the society in a manner that does not contradict with the values of the society.

### **Article 31 Release from Reserve Army**

- 1) A member of a Third Group of a Reserve Army shall have the right to be released upon attaining the age of 50. Nevertheless, at times of general mobilization, the Government may extend the time of service for administration posts and military commandership.
- 2) A member of a Reserve Army may be released from before his due time in accordance with the instructions set by the Ministry of Defense.
- 3) When a member of a Reserve Army is released, a certificate describing reasons of his release shall be issued.

### **Article 32 Rights and Privileges of member of a Reserve Army**

- 1) If a member of a Reserve Army sustains physical damage, disease or wounds, he shall get free medical care.
- 2) In case of death emanating from wounds sustained during national service, the heirs at law shall be assisted by the Government and society.

3) A member of a Reserve Army shall be provided with food, shelter, clothing and medical care for free.

4) A member of a Reserve Army shall be entitled to free transportation during a call to a duty in accordance with the instructions set by the Ministry of Defense.

5) When a member of a Reserve Army stays in a service more than a month, the Government and the society shall assist his dependants.

6) If a national serving in a Reserve Army wants to serve in a Regular Army, he shall be allowed if he meets the requirements set by the Ministry of Defense.

## **CHAPTER FOUR**

### **Article 33 Special Authority**

The Ministry of Defense shall have the authority to transfer members of a national service to the Regular Army when it deems it necessary.

### **Article 34 Duties of Ministry of Defense**

1) The Ministry of Defense shall have a duty to train and assign members of the national service in developmental and security areas.

2) It shall register nationals who complete their national service as members of a Reserve Army and inform them so. It shall send a copy of the registration document to the Ministry of Local Governments.

3) It shall keep and update personal files of members of a Reserve Army and shall accordingly control its human resources.

4) It shall make calls for military training, general mobilization and others and shall transport members with the help of other ministries.

5) It shall provide provisions and armaments to a Reserve Army.

- 6) It shall appoint commanders in the army from the smallest unit to the highest divisions.
- 7) It shall transfer members of a Reserve Army to the Regular Army willingly or as required by the Ministry of Defense.
- 8) It shall establish a Board to identify nationals who are not fit for military training.
- 9) It shall control the implementation of this Proclamation and other subsequent rules and regulations with the help of the Ministry of Local Governments.
- 10) It shall enact regulations and issue instructions to implement this Proclamation.
- 11) It shall work control that members of the national service and Reserve Army are fulfilling their obligations and make sure that their rights respected.
- 12) It shall work with the Ministry of Foreign Affairs to enable nationals living in Diaspora take part in national service.

### **Article 35 Duties of Ministry of Local Governments**

The Ministry of Local Governments;

- 1) pursuant to this Proclamation shall register and provide registration cards to nationals who are qualified for national service.
- 2) shall decide the number of nationals who shall take military training and shall register and dispatch them to training center.
- 3) shall register nationals who avoid military training by leaving the Country and shall bring them before the Martial Court.
- 4) shall register nationals in a Reserve Army who complete their active national service
- 5) shall identify and register nationals in their respective regions pursuant to Article 23(1) (a-d)
- 6) upon request from the Ministry of Defense, it shall report the number of members of a Reserve Army living in each region. It shall register deaths and changes of address of members of a Reserve Army.

- 7) shall use effective means of calls for duty to help members of a Reserve Army from every region to report for duty timely at the required place.
- 8) shall inform and control members of a Reserve Army not to change their permanent addresses during state of emergency.
- 9) shall establish a Board with a power delegated from the Ministry of Defense to identify nationals who are not fit for national service and issue certificates for that purpose.
- 10) shall make detailed studies about nationals who are not fit to take military training and shall implement the law accordingly.
- 11) shall set up rules and criteria to help nationals fulfill their national service duty.

### **Article 36 Duty to Cooperate**

- 1) When transporting members of a Reserve Army and new trainees is beyond the means of the Ministry of Defense and Ministry of Local Governments, individuals and associations shall cooperate to provide transportation facilities as required by the Ministry of Transportation.
- 2) The Ministry of Information and civic societies shall have the duty to conduct agitation to make the youth ready for national service and to make the national service program effective.
- 3) Without prejudice to (1) and (2) of this provision, all persons, government bodies, public and private sectors shall have a duty to cooperate for effective implementation of this Proclamation.

### **Article 37 Penalty**

- 1) Violating provisions of this Proclamation

Without prejudice to rigorous punishment in the Transitional Penal Code of Eritrea 1991, any person who violates any provision of this Proclamation shall be punishable with up to two years of imprisonment or 3000 Birr fine or both.

- 2) Avoiding national service by mischief, deliberate infliction of bodily injury or by any other means.

Without prejudice to rigorous punishment in the Transitional Penal Code of Eritrea, if any person who has a duty to take part in national service avoids

or attempts to avoid national service by mischief, deliberate infliction of bodily injury or by any other means shall be punishable with imprisonment up to two years and fine up to 3000 Birr.

He shall also take part in national service.

If the deliberate infliction of bodily injury makes him unfit for active national service the punishment shall be up to 3 years.

### **3) Absconding from National Service**

Knowing his national service duty, if a national leaves the Country for different reasons and if he fails to come back and serve until he attains the age of 40, he shall be punishable with five years imprisonment.

This punishment shall be applicable until the person attains the age of 50.

He shall also be deprived of rights to get land, visa, and business license and job opportunities.

### **4) Assisting to avoid national service or registration**

Without prejudice to rigorous punishment in Transitional Penal Code of Eritrea, any person who assists another or attempts to assist to avoid national service or registration to national service or causes delays or obstruction or hides him or cause names to be deleted form registration documents or helps the person inflict bodily injury deliberately or provide false information or helps him in any other means shall be punishable pursuant to sub-article 1 of this provision.

## **Article 38 Power to enact regulations**

The Ministry of Defense shall have the power to enact regulations, to give orders and instructions.

## **Article 39 Effective Date**

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

Asmara 23 rd of October 1995

Government of Eritrea