

T r a n s l a t i o n

PROCLAMATION No. 82/1995

PROCLAMATION OF NATIONAL SERVICE

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P R E F A C E

The People of Eritrea have after thirty years of bitter and armed struggle characterized by heavy and high sacrifices succeeded in materializing their dreams of redeeming our country Eritrea from the oppressive and all aspect sufferings caused by the dark domination enabling it to become an independent and sovreign nation.

The present and future generations have the historical responsability of preserving a free and sovreign Eritrea as a legacy of thousands of martyres. For the realization of this noble objective it has become necessary to proclaim and issue this proclamation on National Service.

C H A P T E R 3

GENERAL

Art.1 - Brief title

This Proclamation may be cited as "Proclamation on National Service No. 82/1995".

Art.2 - Definition

In this Proclamation the following words and sejtence will have the following meaning :

- (1) "Government" will mean the Government of Eritrea.
- (2) "National Service" will mean the general service that a citizen will give in active national service and in reserve military service, under the present proclamation.
- (3) "Active National Service" will mean the training and service that a citizen fit for national service under Art.8 of this Proclamation will undergo for 18 months.
- (4) "Reserve Military Service" will mean the service that a citizen who has terminated Active National Service will called upon in times of mobilization or other circumstances to perform until he is released.
- (5) "Reserve Army" will mean a reserve army held to serve along a regular army composed of all those who have the obligation of service under Art.23 of this Proclmation be it in times of mobilization or in emergency situations.
- (6) "Forces of War" means the land, Naval and Air forces under the Defence Ministry.
- (7) "Trainee" means the citizen who under this Proclamation undergoes a six months of military training in the National Service training Center.

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- (3) "Board" means the Committee created under the directives of the Ministry of Defence from different Government Organs to examine and decide the petitions submitted by those who for various reasons are temporarily or permanently unable to undertake military training and are therefore free from national service.

Art.4 - Institution of National Service

- (1) National Service has been instituted under this Proclamation.
- (2) The Ministry of Defence as the highest responsible and executive organ will have a National Service Office entrusted to implement the tasks of national service in pursuance of the forms and structures established by the Ministry.

Art.5 - OBJECTIVES OF NATIONAL SERVICE

The Objectives of National Service will include :

- The establishment of a strong Defence Force based on the people to ensure a free and sovereign Eritrea.
- To preserve and entrust future generations the courage, resoluteness heroic episodes shown by our people in the past thirty years;
- Create a new generation characterized by love of work, discipline, ready to participate and serve in the reconstruction of the nation.

To develop and enforce the economy of the nation by investing in development work our people as a potential wealth.

To develop professional capacity and physical fitness by giving regular military training and continuous practice to participants in Training Centers.

To foster national unity among our people by eliminating sub-national feelings.

Art.6 - Obligation of National Service

Under this Proclamation any Eritrean citizen from 18 to 50 years of age has the obligation of carrying out national service.

Art.7 - Budget

The Budget required for the National Service Programmes will be authorized by the Ministry of Defence under the proposal submitted by the National Service Office, and will be administered subject to the controls in pursuance of Government Financial Regulations to ensure that the budget has been properly used.

CHAPTER II

Basic Provisions of active National Service

Art.8 - Compulsory Active National Service

Under this Proclamation all Eritrean citizens from the age of 18 to 40 years have the compulsory duty of performing Active National Service.

Active National Service consists of six months of training in the National Service Training Center and 12 months of active military service and development tasks in military forces for a total of 18 months. Those who are unable to undertake military training are included in those who give 18 months of national service.

Art. 9 - Compulsory Military Training

Any Eritrean citizen from the age of 18 to 40 years called upon to undertake active national service has the compulsory duty of undertaking military training for six months in the National Service Military Training Center.

Art.10 - Establishment of Administrative and Central Registrations

In compliance with the forms and structures issued by the Ministry of Regional Administration, Administrative and Central Registrations will be established in all Regions, Sub-Regions and villages to carry out regular registrations.

Art.11 - Registrations and issuing of Cards

- (1) Registrations - Any Eritrean between the age of 18 and 40 years who has the duty of undertaking national service when called upon by the Ministry of Defence to register, he is to appear personally in the registration Center of the area where he lives to register according to the directives given by the Ministry of Regional Administration. Likewise any youth who has completed the age 17 years is called upon to appear before the Registration Center of his area and register himself in advance to ensure his readiness.
- (2) ISSUING OF CARDS - The Head of the Registration Center after recording the identity of the person, he issues him with the National Service Registration Card reminding him that he should be ready for the training.
- (3) In case the registered citizen applies for exemption from military training for lack of health, measures will be taken under this Proclamation upon the results following the examination of the matter by the Board.

Art.12 - Citizens exempted from Active National Service

The citizens mentioned below are exempted from Active National service :

- (1) The citizens who have performed National Service before the promulgation of this proclamation;
- (2) All Fighters and Armed peasants who have proved to have spent all their time in the liberation struggle;

Art.13 - Compulsion of National Service for citizens unable to undergo Military training

- (1) Those citizens who have been declared unfit for military

by the Board composed of the Ministry of Regional Administration of other Government Organs under the directives given by the Ministry of Defence will undertake 18 months of National Service in any public and Government organ according to their capacity and profession.

- (2) After completing 18 months of service they will have the compulsory duty of serving according to their capacity until the expiry of 50 years of age under mobilization or emergency situation directives given by the Government.
- (3) Under Sub-Art.(1) of the Article mentioned the Ministry of Regional Administration, by virtue of the delegation given to it by the Ministry of Defence may assign the persons to various independent organs or plans connected with the Ministry of Defence. All programmes of service may executed by the Ministry of Regional Administration.

Art.14 - Citizen exempted from Active National Service for a limited period.

1. The citizens who upon examination by the Board have been declared unfit for active National Service due to lack of health may be called for National Service if before the exemption period expires their health is improved.
 2. A student in a regular daily course may be exempted from Active National Service for a limited period.
 - a) If he is continuing his studies from Middle up to Secondary Grade;
 - b) If he is following his course of studies in a Professional or Technical School;
 - c) If after passing a University examination he has been accepted by the University and is following his studies;
 - d) If he has been authorized as a special case to continue higher studies by the Technical School or by the University;
 - e) If at any school level he has been required by the Government to attend a special course or to be sent on scholarship.
 3. The exemption granted under Sub-Art.(2) of this article may be effective only if the student is not dismissed for failure or for other reasons.
 4. The student will be awarded with a Certificate, Diploma or Degree only upon completion of Active National Service.
- 5 - Citizens exempted from National Service and the issuing of Certificates.
- (1) - The Board gives decisions on exemption from National Service

to citizens who suffer from disability such as invalidity, blindness, psychological derangement.

- (2) The citizens who upon Sub-Art.1 of this Article are declared exempted from National Service by the Board will receive from the Ministry of Defence a certificate of exemption.

Art. 16 -

Military Training and Classification

- 1) - Under Art. 9 of this Proclamation the citizen who has the obligation of undertaking military training will be given 6 months of regular military training if he meets the requisites required by the Ministry of Defence.
- 2) - The citizen who meets the requirements in Sub+Article 1 of this Article will serve 12 months in productive and security work as assigned by the Ministry of Defence.

Art. 17-

Travelling Abroad

Any Eritrean citizen under the obligation of National Service in compliance of this Proclamation may be allowed to travel abroad;

- (1) - Upon giving evidence that he is exempted from National Service or that he has completed his service by producing a Certificate of Service or
- (2) - by producing a registration card and entering into a bond of 60.000 Birr as security that he will return to resume his duty when called upon to do so. For the execution of these conditions the Ministry of Defence will take the necessary measures.

Art.18 -

Periods of Service

The trainee who completes the military training provided under Art.16(1) of this Proclamation, will serve in general for 18 months, without prejudice to the provisions of Art.21(1) of this Proclamation. However the Ministry of Defence will decide to solve problems that would arise owing to length of time and the kind of service.

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19 - Enforcing military laws and regulations

The citizens who serve for 18 months in Active National Service has the duty of obeying military laws, regulations directive and orders given in writing or orally.

20 - Leaving Active National Service

- (1) Without prejudice to Art.21(1) of this Proclamation, any citizen who completes regularly his period or Active National Service may leave from Active National Service.
- (2) Under directives given by the Ministry of Defence a citizen in Active National Service may leave his service before the expiry of the period.
- (3) The citizen who leaves the Active National Service under this article will be issued with a Certificate by the Ministry of Defence showing his position and qualification.

Art. 21 - Special obligation

- (1) During a mobilization or war period anyone in Active National Service is under the obligation of remaining even beyond the prescribed period unless the concerned Authority allows him to leave officially.
- (2) The citizen registered to perform Active National Service upon changing his address before entering into service has the duty to inform the Regional Administration in his area about his address presenting his registration Card.

Art.22 - Rights and Privileges of active National Service Trainees(1) Rights given during the training period

Any citizen in training or under Active National Service is entitled to food, lodging, uniform and medical service. Besides, he is entitled to free travel by transportation provided by the Ministry of Defence and recreation and Sports activities as required.

The citizen who upon termination of military training enters into a 12 months of Active National Service is entitled to pocket money.

(2) The right to resume previous work

Any citizen upon completion of his Active National Service period has the right to return to his previous employment or post whether as government employee or as employee of public or private concern. The employer too has the duty of giving him priority in wages increase and improvement of position.

- (3) Any citizen who upon performance of Active National Service or during the period of military training encounters physical or mental injury and disease is given free medical treatment by the Government. If death ensues his heirs will be entitled to all assistance.

- (4) - Any citizen that has performed regularly Active National Service upon meeting the necessary requisites will be entitled to work and education priority at home and abroad.
- (5) - Anyone in Active National Service determined to continue his service in the regular Army may upon request and on condition that he meets the necessary requisites given by the Ministry of Defence join the regular Army.
- (6) - Any citizen in Active National Service with a family that entirely depends on him for its living will be assisted by the Government who upon the issuing of a programme will provide government and social assistance to his family.
- (7) - Any citizen that is on active national service without attending military training will be entitled to his rights according to circumstances.

C H A P T E R - III

BASIC PROVISIONS OF SERVICE IN RESERVE ARMY

Art. 23 - COMPULSORY SERVICE IN RESERVE ARMY

- 1) - The citizen mentioned below are subject to compulsory service in reserve Army :
 - (a) - Anyone that has completed active National Service;
 - (b) - Anyone that was rehabilitated because he had joined the Armed Struggle; Fighters and militia in civil life.
 - (c) - Former fighters working in private, public and government work;
 - (d) - Citizens who have been discharged from the army or Police.
- 2) The citizens mentioned in Sub-Art.(1) of this article have the compulsory duty of service until the age of 50.

Art. 24 - Citizen exempted from Reserve Army service

- (1) Without prejudice to the provisions of Art.31(1) of this Proclamation, among the citizens who have the compulsory duty of service under Art.23 (1) of the present Proclamation, those who reach the age of 50 are exempted from service.
- (2) Anyone declared unfit for service in Reserve Army by the Board will be exempted from service.

Art.25 - Functions of Reserve Army

The Reserve Army will have the following functions :

- (1) Enforce the Regular Army in the defence against attacks, invasions launched from foreign countries ;
- (2) Challenge all internal attacks against the unity and sovereignty of the Nation;
- (3) Participate in defence activities against artificial or natural disasters on Government or public property;

- (4) accept calls of mobilizations, training exercises and similar programmes;
- (5) Be ready physically and mentally in all circumstances

Art.26 -

Positions in Reserve Army

Members of Reserve Army may be divided into three grades according to their age and period of service :

- (1) - First Grade Ready Reserve of the age between 20-35 years, who upon mobilization call appear in their service place within 24 hours;
- (2) - Second Grade (Stand-by) Reserve Army between the age of 36-45, who upon receiving the mobilization call appear before the service place within 72 hrs.
- (3) - Third Grade Reserve Army between 46-50 years who upon receiving the mobilization call communicate their readiness to the concerned body.

Art.27 -

Military Training Programme

- (1) - In compliance with Art.23 of this Proclamation anyone that is under the compulsory duty of service in the Reserve Army is called upon to undergo military training following the schedule issued by the Ministry of Defence in the prescribed period and place (in one or two years).
- (2) - The first Grade or Ready Reserve will receive a three-weeks military, all-aspects and rehabilitation course;
- (3) - The Second Grade Reserve Army will receive a ten-days military and all-aspects rehabilitation course.
- (4) - These in the third grade of Reserve Army will be given course as required.
- (5) - In the place where calls for training are periodically made rehabilitation courses and the introduction to new instruments or equipment are given.
- (6) - Every member of Reserve Army when called has the compulsory duty of reporting to the Training Place leaving his work aware that he is to take a regular training.

Art.28 -

Compulsory response to calls

- (1) Any member of the Rserve Army has the compulsory duty of reporting to the place within the prescribed period when called for national mobilization, for military training or for defence in artificial or natural disasters.
- (2) The calling system may vary according to the circumstances. It may be public or secret.

Art.29 -

Change of domicile

- (1) - A member of the Rserve Army, before changing his domicile, must inform the Administration Center.
- (2) - In the mobilization period the member of the Reserve Army is not allowed to change his domicile.

Art. 30 - Respecting Military Laws and Regulations

- (1) - A member of the Reserve Army during the mobilization period when called upon for action against man-made or natural disasters or for rehabilitation training has the obligation of respecting Military Laws, Regulations as well as written or oral orders.
- (2) - A member of the Reserve Army must introduce the good concepts of military moral code and discipline he has learned into the civil social life without contradictions giving exemplary behaviour in all his activities.

Art. 31 - Leaving the Reserve Army Service

- (1) - Any third Grade member of the Reserve Army of 50 years of age is entitled to leave . But the Government may in the period of mobilization extend the period of service in the Army of those who have special qualification of leadership or necessary administrative talents.
- (2) - Any member of the Reserve Army may leave before completing his period of service upon directives issued by the Ministry of Defence.
- (3) - Any member of the Reserve Army upon leaving service will be issued with a certificate showing the motives of his discharge.

Art. 32 - Rights and Priviledges of Reserve Army

- (1) - If a member of the Reserve Army incures illness, physical harm or wound during the mobilization period, or in action against man-made or natural disasters or during the period of training he is entitled to free medical treatment.
- (2) - Any member of the Rserve Army that dies as a result of causes originating from the service or from physical harm connected with the service, the members of his family will be looked after and cared for by the Government and the people.
- (3) - A member of the Reserve Army during the training period or in the mobilization period will be tntitled to free food, lodging, clothing and medical treatment.
- (4) - A member of the Reserve Army during the mobilization period will be entitled to free transportation service in compliance with directives issued by the Ministry of Defence.
- (4)- A member of the Reserve Army when called upon for service is entitled to free transportation service in compliance with directives issued by the Ministry of Defence.
- (5) When a member of the Reserve Army during the mobilization period stands by for more than one month and if he has a family which depends entirely on him, the Government and Society will cooperate to meet their demands according to their condition.

(6) A citizen who serves in the Reserve Army and expresses will and tendency of serving in the Regular Army upon meeting the requisites required by the Ministry of Defence he may be transferred taking into account his service in the Active National Service.

C H A P T E R I V

VARIOUS PROVISIONS

Art. 33 -

SPECIAL POWER

The Ministry of Defence has power to transfer to Regular Army as required from National Service those who draw special attention.

Art. 34 -

Responsibility of the Ministry of Defence

- (1) - The Ministry of Defence is responsible for providing training to those who have the duty of serving in the Active National Service and of assigning them after training in productive and security work.
- (2) - The Ministry of Defence assigns those leaving the Active National Service their unity in the Reserve Army sending a copy of the register to the Regional Administration as members of the Reserve Army.
- (3) - The Ministry of Defence is responsible for controlling man-power following the changes that occur from time to time in the roll of the members of Reserve Army.
- (4) - The Defence Ministry is responsible for issuing calls for military training; mobilization and other calls and with the cooperation of other Ministries and Organs provides transportation service and gives stand-by orders.
- (5) - The Ministry of Defence provides equipment and food supply to Reserve Army.
- (6) - The Ministry of Defence appoints Reserve Army Leaders from the lowest to the highest Division.
- (7) - The Ministry of Defence is responsible for the transfer to Regular Army those who after completing their duty in the Active National Service express their desire to serve or are required to serve.
- (8) - The Defence Ministry in cooperation with the Ministry of Regional Administration and with other concerned Ministry sets up a board to select those who are not fit for military training.
- (9) - The defence Ministry in consultation with the Ministry of Regional Administration ensures that the Proclamation of National Service and the Regulations and directives issued under it are enforced.
- (10) - The Ministry of Defence ensures that the members of Active National Service or the members of Reserve Army are perfor-

ming their duties and controls that their rights are also respected.

- (12) The Ministry of Defence in cooperation with the Ministry of Foreign Affairs ensures the enforcement of the duty of National Service relating to citizens in foreign countries.

Art.35 -

Responsibilities of the Ministry of Regional Administration

The Ministry of Regional Administration :

- (1) Provides for the registration of those who have reached the age for National Service in every region under the provisions of this Proclamation and distributes cards prepared by the Ministry of Defence.
- (2) Selects and registers the required number to be sent to the Training Center in compliance with the plan drawn by the Ministry of Defence in batches.
- (3) Takes steps to discover those who attempted to conceal themselves from the Training Center or to escape abroad, those who returned from the Training Center without performing their duty and brings them before a Military Court for proper action.
- (4) Records in the Reserve Army the Certificates and accompanying documents issued to those who have returned to their respective Region after completing Active National Service.
- (5) Keeps in every region clear record of the identity of those mentioned in Art.23(1)(a -e) of this Proclamation.
- (6) Submits a report of every Reserve Army in each region as demanded by the Ministry of Defence; keeps record when members of Reserve Army change their permanent address or when a death occurs .
- (7) Receives mobilization and training calls etc. issued by the Ministry of Defence and communicates them to every region so as to ensure that all members of Reserve Army report as soon as possible to the required place and period of time.
- (8) Informs and controls that in emergency mobilization situation the members of Reserve Army do not leave their domicile.
- (9) By virtue of the delegation given by the Ministry of Defence when deemed necessary the Ministry of Regional Administration sets up in every region a Board to issue certification of exemption from National Service to those who are found unfit.
- (10) After a detailed study executes the decisions adopted regarding National Service to be performed by those citizens who have been declared unfit for military training by the Board.
- (11) Issues Instructions and formalities considered useful for the implementation of its National Service Responsibilities.

Art.36 -

Duty of General cooperation

- (1) If Transportation Service of Reserve Army and New Trainees of National Service becomes beyond the capacity of the Regional Administration and the Ministry of Defence; the Ministry of Transport, Associations and individuals who own

means of transport are under obligation of meeting the demands when called upon to do so.

For the success of National Service the Ministry of Information and Public Associations have the duty of cooperation in the preparation and organization of youths so as to have them always ready. Besides the duty mentioned in Sub-Art.1 and 2 of this Article, any person, Government organ, public or private concern has the duty of cooperation in implementing the provisions of this Proclamation.

Art.37 -

Penalty

(1) Violation of the provisions of this Proclamation

Preserving the Eritrean Penal Code of 1991 for more rigorous punishment, anyone that violates the provisions of this Proclamation is liable to two years imprisonment or to a fine of 3000 Birr or to both imprisonment and fine.

(2) Attempting to avoid Active National Service by deceit or by self-inflicted amputation or by other device.

Preserving as it is the more rigorous punishment in the Eritrean Penal Law of 1991, anyone that attempts to avoid his duty in the Active National Service by deceit, or by self-inflicted amputation or by any other device is liable to an imprisonment of two years or to a fine of 3000 Birr and will be subject to National service. If the wound inflicted in the body makes him unfit for service he will be subject to three years imprisonment.

(3) Escape from National Service

Any citizen who knowing that he has the duty of serving in the National Service, avoids the performance of his duty by escaping abroad, will be recorded in the Ministry of Regional Administration and in the Ministry of Interior and if he does not return to perform his service until the age of 40 years he will be liable to punishment or to an imprisonment of 5 years until the age of 50 and his rights to licence, Visa, land tenure and the rights to work will be suspended.

(4) Flight from Active National Service or Registration

Preserving as it is the rigorous penalty provided in the Penal Code of Eritrea (1991), anyone that attempted to avoid National Service by various device or delayed his registration by unjustified motives or created obstacles (by avoid the registration of his name or by cancelling his name from the register or by self-inflicted wounds or by giving false information to the authority appointed to implement this proclamation or by any other means) is liable to punishment under the provisions of Sub.Art.1 of this provision.

Art.38 -

Power to issue regulations

The Ministry of Defence has power to issue directives and Orders for the implementation of the present Proclamation.

Art.39 -

Entry into force

This Proclamation enters into force from the date of its

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publication in the Eritrean Official Gazzette.

Asmara, 23 October 1995

Government of Eritrea

For exact translation