

DRAFTING NOTE

DEMOBILIZATION REGULATIONS, 2026

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Executive Regulations. It identifies the legal and administrative need, the relationship with existing Eritrean law, the matters retained from that law, the principal implementation choices and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft. Apart from replacing the longer title with “Demobilization Regulations, 2026,” the operative text reproduced after this note is identical in content to the complete draft published by The ABC Journey.

2. Legislative need and prior law

Proclamation 82/1995, National Service, establishes eighteen months as the period of active national service, contemplates release after completion and provides completion certificates and priority in employment and education. In practice, national service became indefinite and was used across military, civilian, administrative and development assignments without a reliable release system. The resulting retention wasted human capacity, displaced ordinary employment, damaged family and private life and created a large body of personnel whose legal status, compensation and route into civilian life were uncertain.

3. What the draft retains

The draft retains the statutory eighteen-month period, the Ministry of Defence and National Service Office functions, the exceptional duty arising during a lawfully established war or general mobilization, completion certificates, and the statutory priority accorded to persons who complete service. It also preserves the Civil Service Administration Act as the governing framework for voluntary public employment and leaves appropriations, public borrowing and expenditure subject to Assembly Acts.

4. What the draft updates and modernizes

The Regulations require a verified personnel register, uniform service calculations, priority release of substantially idle personnel, transitional leave and final release by 1 January 2027. Necessary personnel may remain only through informed and voluntary public employment. The draft addresses temporary salary shortfalls through written agreements and acknowledged Government obligations; provides reintegration, training, employment, enterprise and lawful travel assistance; and establishes review, anti-retaliation, public reporting and audit mechanisms. Administrative delay, nominal work and institutional convenience cannot extend compulsory service.

5. Constitutional, code and treaty fit

The instrument relies on the President’s authority under Articles 39 and 42 of the Constitution to direct the executive, command the armed forces, coordinate government and ensure faithful execution of the laws. It recognizes Article 32(1), under which the National Assembly is the supreme legislative body, and Article 57 and the Civil Service

Administration Act, which govern the civil service. The Regulations do not amend an Assembly Act, appropriate money, create public debt, impose an offence or authorize compulsory employment beyond superior law. They require interpretation consistent with applicable international obligations and preserve administrative redress and judicial review.

6. Scope and organization

The six Chapters address preliminary rules; personnel review and release; voluntary public employment; civilian reintegration; implementation, review and accountability; and general and final provisions. The Regulations apply throughout the executive government, including ministries, military commands, public enterprises and regional and local administrations employing national-service personnel.

7. Transition, implementation and consultation

Implementation depends on prompt verification of personnel records, publication of Agency plans, lawful appropriations, civil-service appointments and accessible review. Before issuance, the Government should confirm operational responsibilities with the Ministry of Defence, National Service Office, Civil Service Administration, ministries responsible for labor and finance, the Auditor General and affected administrations. Former and current national-service members should have a practical opportunity to identify errors and implementation risks. Consultation should refine administration without weakening the statutory deadline, voluntary character of post-service employment or protection against retaliation.

CONSULTATION DRAFT — NOT ENACTED LAW

EXECUTIVE REGULATION NO. ____/2026

DEMOBILIZATION REGULATIONS, 2026

(PRESIDENTIAL REGULATION)

AN EXECUTIVE REGULATION TO IMPLEMENT THE STATUTORY EIGHTEEN-MONTH LIMIT ON ACTIVE NATIONAL SERVICE, PROVIDE FOR THE RELEASE AND CIVILIAN REINTEGRATION OF PERSONS WHO HAVE COMPLETED THAT SERVICE, AND REGULATE THE VOLUNTARY TRANSITION OF NECESSARY PERSONNEL INTO PUBLIC EMPLOYMENT

CONTENTS

CHAPTER 1 — PRELIMINARY PROVISIONS
CHAPTER 2 — REVIEW AND RELEASE OF PERSONNEL
CHAPTER 3 — VOLUNTARY PUBLIC EMPLOYMENT
CHAPTER 4 — CIVILIAN REINTEGRATION
CHAPTER 5 — IMPLEMENTATION, REVIEW AND ACCOUNTABILITY
CHAPTER 6 — GENERAL AND FINAL PROVISIONS

PREAMBLE

WHEREAS under Article 32(1) of the Constitution of Eritrea, the National Assembly is the supreme legislative body, and no person or organization may make a decision having the force of law except as authorized by the Constitution or an Assembly Act;

WHEREAS Articles 39 and 42 of the Constitution vest executive authority in the President as Head of State, Head of Government and Commander-in-Chief, and require the President to ensure faithful execution of the laws, efficient administration of the public service and coordination of the executive government;

WHEREAS Proclamation 82/1995, National Service, authorizes the Ministry of Defence to administer national service, establishes eighteen months as the period of active national service, requires release upon completion, and provides employment and educational priority to persons who have completed their service;

WHEREAS Article 57 of the Constitution and the Civil Service Administration Act govern recruitment, separation, remuneration and other terms and conditions of civil-service employment;

WHEREAS indefinite and unproductive retention in national service is contrary to the statutory scheme, wastes human capacity, restricts private and family life, and impedes national economic and social development;

NOW, THEREFORE, the President of Eritrea, acting under Articles 39 and 42 of the Constitution, Proclamation 82/1995, National Service, and the Civil Service Administration Act, makes the following Executive Regulations.

CHAPTER 1 PRELIMINARY PROVISIONS

Regulation 1 — Short title

These Regulations may be cited as the National Service Completion, Release and Civilian Transition Executive Regulations, 2026.

Regulation 2 — Authority and purpose

1. These Regulations provide for executive implementation of the statutory eighteen-month period of active national service.
2. The purposes of these Regulations are to:
 - a. identify and release persons who have completed the statutory period;
 - b. give immediate priority to persons whose continued assignments make little or no meaningful public contribution;
 - c. restore released persons to civilian, family and economic life;
 - d. convert necessary public-service positions into voluntary and properly compensated employment;
 - e. prevent administrative delay, institutional convenience or labor shortages from producing indefinite national service; and
 - f. establish transparent implementation, review and reporting procedures.
3. These Regulations do not amend Proclamation 82/1995 or authorize any action inconsistent with the Constitution or an Assembly Act.

Regulation 3 — Application

1. These Regulations apply to:
 - a. the Ministry of Defence and every military command;
 - b. the National Service Office;
 - c. every ministry, department, agency, authority and commission;
 - d. every regional and local administration;
 - e. every public enterprise and government-controlled body; and
 - f. every other executive institution to which a national-service member has been assigned.
2. No Agency may avoid these Regulations by changing the title, location, classification or administrative supervision of a national-service assignment.

Regulation 4 — Interpretation

1. In these Regulations, the following expressions have the meanings assigned to them:
 - a. “active national service” has the meaning assigned by Proclamation 82/1995 and includes military training, active military service and civilian or development work performed as part of national service;
 - b. “Agency” means a body listed in Regulation 3;
 - c. “Civil Service Administration” means the institution established under Article 57 of the Constitution and governed by the Civil Service Administration Act; and
 - d. “completion certificate” means the certificate required by Article 20 of Proclamation 82/1995.

2. In these Regulations, the following additional expressions have the meanings assigned to them:

- a. “critical position” means a position whose immediate vacancy would create a specific and substantial danger to life, public health, national defence, essential infrastructure or continuity of an indispensable public service;
- b. “pocket money” means the national-service allowance payable to a national-service member immediately before transitional leave;
- c. “statutory period” means eighteen months of active national service, including the prescribed period of military training; and
- d. “transitional leave” means release from ordinary national-service duties and attendance requirements while formal separation, documentation and civilian-transition arrangements are completed.

Regulation 5 — Governing principles

1. These Regulations shall be administered according to principles concerning the temporary nature and completion of national service:
 - a. national service is a temporary statutory duty and not a system of indefinite employment;
 - b. completion of the statutory period creates a presumption of immediate release; and
 - c. no person may be retained merely because that person provides inexpensive labor.
2. These Regulations shall also be administered according to principles concerning voluntary employment, administrative protection and redress:
 - a. continued public employment after national service must be voluntary and governed by law;
 - b. no administrative delay may extend national service;
 - c. every person affected is entitled to written reasons and meaningful review; and
 - d. no person may be punished or disadvantaged for requesting release.

CHAPTER 2 REVIEW AND RELEASE OF PERSONNEL

Regulation 6 — Comprehensive personnel review

1. Within fifteen days after commencement, every Agency shall prepare a verified register of all national-service members assigned to it.
2. The register shall state:
 - a. the person’s name and national-service number;
 - b. the date national service began;
 - c. the periods of military training, military service and civilian assignment;
 - d. the total period served;
 - e. the present assignment and actual duties performed;
 - f. the ordinary frequency and duration of productive work;
 - g. whether the assignment is necessary, duplicative, substantially idle or no longer required;
 - h. whether the person wishes to leave, seek private employment or consider voluntary public employment;

- i. any pocket money, salary or other compensation paid or owing; and
 - j. the proposed date and method of release.
3. An Agency shall provide every person concerned with access to the information recorded about that person and a reasonable opportunity to correct an error.

Regulation 7 — Calculation of service

1. The statutory period shall be calculated from the date on which active national service began.
2. All periods of military training, military assignment and civilian or development work performed under national-service authority shall be included.
3. Transfer between Agencies, reassignment, change of duties or reclassification shall not restart, interrupt or extend the statutory period.
4. Absence shall not be excluded unless the exclusion is expressly authorized by law and supported by a written determination.
5. Where official records are incomplete, the responsible authority shall consider service cards, payment records, Agency records and other credible evidence.

Regulation 8 — Priority release of substantially idle personnel

1. A person who has completed the statutory period and whose assignment is substantially idle, duplicative, unnecessary or makes no regular and meaningful contribution shall be placed on transitional leave within thirty days after commencement.
2. In determining priority, an Agency shall consider:
 - a. whether the person has regular and identifiable duties;
 - b. whether the work produces a necessary public result;
 - c. whether the person is stationed without sufficient work, equipment or supervision;
 - d. whether existing employees could reasonably perform the work;
 - e. whether continued retention causes disproportionate loss of education, employment, enterprise or family opportunity; and
 - f. the person's expressed wish to leave.
3. An Agency shall not create nominal duties, unnecessarily divide existing work or make an artificial reassignment to prevent release.

Regulation 9 — Transitional leave

1. A person placed on transitional leave:
 - a. is not required to report for ordinary national-service duties;
 - b. is released from daily military or administrative command except for completing necessary separation procedures;
 - c. is free to reside, study, seek employment, establish an enterprise and pursue private and family life;
 - d. may travel internally subject only to laws of general application;
 - e. shall retain access to identity and personal documents; and
 - f. shall continue to receive an amount equal to the pocket money previously payable, subject to lawful appropriation, until a civilian-transition arrangement under these Regulations begins.

2. Transitional leave shall not be used to postpone formal release beyond the deadline in Regulation 10.
3. A person on transitional leave may undertake temporary work for an Agency only under a written and voluntary agreement stating the duties, hours, compensation and right to withdraw.

Regulation 10 — Final release deadline

1. Subject only to Regulation 11, every person who has completed the statutory period shall be formally released from active national service no later than 1 January 2027.
2. From that date, no Agency shall compel such a person to:
 - a. remain at a military or civilian post;
 - b. perform labor or services;
 - c. accept reassignment;
 - d. obtain permission to leave a civilian assignment;
 - e. live in specified accommodation;
 - f. surrender an identity or travel document; or
 - g. refrain from lawful employment, education, enterprise or travel.
3. Failure to complete paperwork, identify a replacement, transfer funds or obtain internal approval does not extend national service.
4. Formal release shall not depend upon accepting public employment or another government programme.

Regulation 11 — Special duty during war or general mobilization

1. Nothing in these Regulations extinguishes a special duty lawfully arising under Article 21 of Proclamation 82/1995 during war or general mobilization.
2. Article 21 shall not be used as a general or permanent basis for indefinite national service.
3. A person may be retained under Article 21 only where:
 - a. war or general mobilization has been lawfully established;
 - b. the competent authority issues a written determination identifying the legal and factual basis for retention;
 - c. continued service is necessary for a specific defence requirement;
 - d. no reasonably available and less restrictive staffing measure is adequate;
 - e. retention is limited in duration and reviewed every thirty days; and
 - f. the person receives written notice and access to administrative and judicial review.
4. Labor shortages, administrative convenience, insufficient salaries, economic difficulties or the usefulness of inexpensive labor do not constitute war or general mobilization.

Regulation 12 — Completion certificates and separation documents

1. The Ministry of Defence and the National Service Office shall issue a completion certificate to every person formally released.
2. The certificate and all necessary separation documents shall be issued no later than fourteen days after verification of service.
3. A delay or refusal shall be accompanied by written reasons and information concerning the available review procedure.

4. Failure to issue a certificate does not authorize continued compulsory service after the statutory period.

CHAPTER 3 VOLUNTARY PUBLIC EMPLOYMENT

Regulation 13 — Identification of critical positions

1. An Agency seeking to employ a person who has completed national service shall determine whether the position is critical.
2. The written determination shall identify:
 - a. the indispensable public function performed;
 - b. the likely consequence of an immediate vacancy;
 - c. the qualifications required;
 - d. the availability of other qualified personnel;
 - e. the measures taken to recruit or train a replacement;
 - f. the proposed salary and employment conditions; and
 - g. the period for which continued employment is required.
3. Classification of a position as critical does not authorize compulsory retention.

Regulation 14 — Offer of voluntary employment

1. A person serving in a critical position may be offered employment under the Civil Service Administration Act.
2. The offer shall be written and shall state:
 - a. the position and duties;
 - b. the place and ordinary hours of work;
 - c. the salary, benefits and payment schedule;
 - d. the duration of employment and any probationary period;
 - e. leave, pension and other employment rights;
 - f. disciplinary and grievance procedures;
 - g. the right to resign; and
 - h. the time allowed to consider the offer.
3. Acceptance must be free, informed and recorded in writing.
4. Silence, continued attendance, prior national service or economic necessity does not constitute acceptance.
5. Refusal of an employment offer shall not delay release, documentation, accrued payment or access to public services.

Regulation 15 — Conversion to civil-service employment

1. Upon written acceptance of an offer, the person's national-service assignment shall end.
2. The resulting relationship shall be governed by the Civil Service Administration Act and other applicable employment law.
3. The appointment shall be processed through the Civil Service Administration and placed on the lawful establishment and payroll of the employing Agency.
4. Previous national service shall be recognized for pension, seniority, training and other purposes to the extent provided by law.

5. A contract of employment shall not reproduce military discipline, compulsory residence, restrictions on private life or other incidents of involuntary national service.

Regulation 16 — Temporary inability to pay full salary

1. An Agency shall not compel continued work because it cannot presently pay the lawful salary.
2. Where an Agency requires continued voluntary service but cannot immediately pay the full salary, employment may continue only if:
 - a. the employee freely accepts a written and time-limited transitional agreement;
 - b. the agreement states the full salary lawfully due;
 - c. the Agency continues paying at least the amount previously paid as pocket money;
 - d. the unpaid balance is recorded monthly as an acknowledged obligation of the Government;
 - e. the obligation is reported to the ministry responsible for finance, the Civil Service Administration and the Auditor General;
 - f. payment is made in accordance with lawful appropriation and public-finance legislation; and
 - g. the employee may resign without penalty.
3. An acknowledgment of indebtedness shall state:
 - a. the employee's identity;
 - b. the period of employment;
 - c. the salary lawfully due;
 - d. the amount paid;
 - e. the unpaid balance; and
 - f. the Agency responsible for payment.
4. This Regulation does not authorize borrowing, expenditure or creation of public debt contrary to an Assembly Act or appropriation.
5. A transitional agreement shall not continue for more than six months unless the employee renews it in writing and the competent financial and civil-service authorities approve it.

CHAPTER 4 CIVILIAN REINTEGRATION

Regulation 17 — Reintegration assistance

1. Every Agency shall facilitate the civilian reintegration of persons released under these Regulations.
2. Assistance shall include, as reasonably available:
 - a. completion certificates and identity documents;
 - b. employment records and references;
 - c. recognition of training and occupational skills;
 - d. access to vocational training and education;
 - e. information concerning employment, housing, land, finance and enterprise programmes;
 - f. medical, psychological and disability support;
 - g. family reunification and relocation assistance; and

- h. referral to public and private employment opportunities.
- 3. Assistance shall be administered transparently and without discrimination based on political opinion, ethnicity, religion, sex, region, former assignment or criticism of the Government.

Regulation 18 — Priority in employment and economic opportunities

- 1. A person who has completed active national service shall receive the priority in employment and educational opportunities provided by Article 22 of Proclamation 82/1995 when that person satisfies the applicable qualifications.
- 2. In public recruitment, completion of national service may be used as a published tie-breaking consideration between substantially equally qualified candidates.
- 3. The Civil Service Administration shall ensure that priority:
 - a. remains consistent with merit;
 - b. does not exclude persons lawfully exempted from national service;
 - c. does not create permanent discrimination; and
 - d. is applied through published and reviewable criteria.
- 4. Ministries responsible for commerce, investment, finance, agriculture, fisheries, industry and local development shall identify lawful programmes through which released persons may obtain training, technical assistance, credit and investment support.
- 5. Priority under this Regulation does not authorize:
 - a. award of a public contract without lawful competition;
 - b. waiver of a mandatory professional, health, safety or environmental standard;
 - c. allocation of land, credit or public property without lawful procedure;
 - d. discrimination prohibited by the Constitution; or
 - e. expenditure without appropriation.

Regulation 19 — Employment and opportunities abroad

- 1. No Agency shall obstruct lawful foreign travel by a person who has completed active national service.
- 2. The competent authorities shall process passport, exit and related applications according to published law and procedure.
- 3. No unwritten national-service condition may be imposed after completion of the statutory period.
- 4. The ministries responsible for labor and foreign affairs may:
 - a. identify lawful employment and educational opportunities abroad;
 - b. cooperate with foreign governments and employers on safe labor-mobility programmes;
 - c. provide information concerning employment contracts, recruitment fraud, trafficking and consular protection; and
 - d. facilitate recognition of Eritrean qualifications.
- 5. Participation in foreign employment shall be voluntary, and no person shall be pressured to leave Eritrea.

Regulation 20 — Transitional financial support

1. Subject to lawful appropriation, a person placed on transitional leave shall continue receiving an amount equal to the pocket money previously payable.
2. Payment shall continue until the earliest of:
 - a. commencement of properly remunerated employment;
 - b. commencement of another transitional benefit established by law; or
 - c. expiry of a period determined through a lawful appropriation or civilian-transition programme.
3. Within ninety days after commencement, the Cabinet shall submit to the National Assembly any appropriation or legislation necessary to establish a coherent transitional-support programme.
4. Transitional support shall not be treated as salary for compulsory labor or as consideration for surrendering the right to release.

CHAPTER 5
IMPLEMENTATION, REVIEW AND ACCOUNTABILITY

Regulation 21 — National Service Completion and Transition Board

1. A National Service Completion and Transition Board is established to coordinate implementation of these Regulations.
2. The Board shall consist of representatives of:
 - a. the Ministry of Defence;
 - b. the National Service Office;
 - c. the Civil Service Administration;
 - d. the ministry responsible for labor;
 - e. the ministry responsible for finance;
 - f. the ministry responsible for foreign affairs;
 - g. the ministry responsible for economic development; and
 - h. two persons appointed after consultation with former national-service members, at least one of whom shall be a woman.
3. The Board shall:
 - a. supervise the personnel review;
 - b. monitor transitional leave and release;
 - c. resolve disputed service calculations;
 - d. coordinate civilian reintegration;
 - e. monitor voluntary conversion to public employment;
 - f. identify legal and financial obstacles;
 - g. recommend necessary legislation and appropriations; and
 - h. publish implementation reports.
4. The Board may coordinate executive administration but may not extend national service, create compulsory employment, authorize expenditure or restrict a right without authority under superior law.

Regulation 22 — Agency implementation plans

1. Within thirty days after commencement, every Agency shall submit to the Board the following personnel-review and release information:
 - a. its verified personnel register;
 - b. the number of persons who have completed the statutory period;
 - c. the number placed on transitional leave; and
 - d. the schedule for final release.
2. Within the same period, every Agency shall also submit to the Board the following implementation and transition information:
 - a. the positions identified as critical;
 - b. the proposed voluntary employment offers;
 - c. the estimated salary and transitional-support costs;
 - d. the identified reintegration needs; and
 - e. the name and contact information of the responsible implementation officer.

Regulation 23 — Written decisions and review

1. A material decision under these Regulations shall be recorded in writing and accompanied by reasons.
2. A person affected by a decision may request reconsideration by the responsible Agency.
3. The Agency shall decide the request within seven days.
4. A person dissatisfied with the decision, or receiving no decision within seven days, may appeal to the Board.
5. The Board shall determine the appeal promptly through a fair procedure and provide a reasoned decision.
6. Nothing in these Regulations limits constitutional administrative redress or judicial review.

Regulation 24 — Prohibition of retaliation

1. No person shall be arrested, detained, transferred, denied documentation, dismissed from lawful employment, deprived of a benefit, threatened, harassed or otherwise disadvantaged for:
 - a. requesting release;
 - b. disputing the calculation of service;
 - c. declining voluntary employment; or
 - d. seeking administrative or judicial review.
2. No person shall be arrested, detained, transferred, denied documentation, dismissed from lawful employment, deprived of a benefit, threatened, harassed or otherwise disadvantaged for:
 - a. reporting an idle, unnecessary or wasteful assignment;
 - b. disclosing unlawful retention or nonpayment; or
 - c. assisting another person to exercise a right under these Regulations.

Regulation 25 — Public reporting

1. Beginning thirty days after commencement, the Board shall publish a monthly implementation report.

2. The report shall state, by Agency:
 - a. the number of national-service members reviewed;
 - b. the number who completed the statutory period;
 - c. the number placed on transitional leave;
 - d. the number formally released;
 - e. the number entering voluntary public employment;
 - f. the number exceptionally retained under Regulation 11;
 - g. the compensation obligations formally acknowledged; and
 - h. the complaints and appeals received and determined.
3. Personal information shall be protected, but confidentiality shall not be used to conceal institutional noncompliance.

Regulation 26 — Audit

1. The Auditor General shall be requested to audit records and financial matters, including:
 - a. national-service personnel records;
 - b. pocket-money and salary payments; and
 - c. acknowledged compensation obligations.
2. The Auditor General shall also be requested to audit deployment and release practices, including:
 - a. the use of national-service labor by Agencies and public enterprises;
 - b. compliance with release deadlines; and
 - c. any creation of artificial or nominal work intended to prevent release.

CHAPTER 6 GENERAL AND FINAL PROVISIONS

Regulation 27 — Inconsistent executive instruments and practices

1. An executive directive, circular, order, practice or internal instruction inconsistent with these Regulations shall cease to be applied to the extent of the inconsistency.
2. These Regulations do not repeal, amend or displace an Assembly Act.
3. If an Agency considers that an Assembly Act prevents implementation, it shall identify the exact provision and submit the matter to the President, the Advocate General and the National Assembly.

Regulation 28 — No extension through administrative delay

Failure to complete a form, prepare a register, recruit a replacement, transfer funds, locate a record or obtain internal approval does not authorize compulsory service beyond the statutory period.

Regulation 29 — Interpretation consistent with superior law

1. These Regulations shall be interpreted consistently with the Constitution, Proclamation 82/1995, the Civil Service Administration Act, public-finance legislation and applicable international obligations.
2. Where a provision is reasonably capable of more than one interpretation, the interpretation that best protects liberty, voluntary employment, timely release and faithful execution of the statutory period shall be preferred.

Regulation 30 — Severability

If a court holds a provision of these Regulations invalid, the remaining provisions shall continue to operate to the extent that they can function lawfully and independently.

Regulation 31 — Commencement

1. These Regulations enter into force on the date of publication in the Gazette of Eritrean Laws.
2. The personnel review, priority-release, transitional-leave and implementation provisions shall be applied immediately.
3. Every Agency shall achieve full compliance with Regulation 10 no later than 1 January 2027.

Made at Asmara, this ____ day of _____ 2026.

PRESIDENT OF THE STATE OF ERITREA

Head of State, Head of Government and Commander-in-Chief