



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

NEWSLETTER 149 - 15 February 2024

Dear Readers,

Welcome to a new edition of our newsletter.

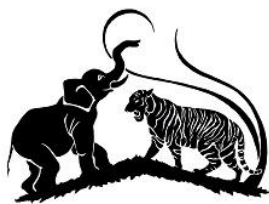
1. Update on the draft for national service

We received substantial feedback on our [last newsletter](#) which reported the State Administration Council's ("SAC") triggering of the 2010 National Service Law on 10 February 2024. Please find our own translation of the law [on our homepage](#) as we found the unofficial translation available on the internet to be somewhat unreliable.

(a) Establishment of the Central Body for Drafting National Servicepersons and drafting process

Only 3 days after activating the 2010 law, the SAC followed up with establishing a Central Body for Drafting National Servicepersons ("**Central Body**") on 13 February 2024 (see gray box below). According to the 2010 law, the regular drafting process involves the following:

- **Targeted age groups:** 18-35 years (men), 18-27 years (women), 18-45 years (male experts), and 18-35 years (female experts).
- **Length of service:** 24 months, or 36 months for persons drafted as technicians or experts, or 5 years "if there is a state of emergency in the Union".
- **Exemptions:** Buddhist, Christian and Hindu clerics (there seems to be no exemption for Muslims); married women (including divorced women with children); persons with a permanent disability; persons determined by the Armed Forces Medical Examination Board to be permanently unfit for military service; persons exempted according to an order issued by the Central Body.
- **Deferments:** Persons determined by the Armed Forces Medical Examination Board to be temporarily unfit for military service; civil servants; students; persons taking care of otherwise helpless parents; persons receiving treatment to quit drugs; persons serving prison terms.
- **Administrative infrastructure:** The Central Body is to set up drafting bodies at the level of Regions/States, districts and townships (it seems to have already [started doing so](#)). Applications for exemptions and deferments are reviewed at each level until finally being decided by the Central Body.



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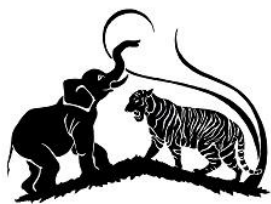
- **Creating rosters of targeted persons:** The Ward and Village Tract “Peace and Development Councils” (presumably now: “Administrators”) shall compile and send lists of residents of military age to the relevant Township Body for Drafting National Service Persons by 1 January each year.
- **Mobilisation:** If there is a “state of emergency for the national defence and security in all or parts of the Union,” the Union Government may mobilise all or some persons of military age and all or some persons having completed national service.
- **No loss of employment:** Employers are obliged to re-employ persons drafted for national service after its completion.
- **Evasion:** Punishable with imprisonment of up to 5 years.

Republic of the Union of Myanmar
Union Government
Notification No. 1/2024
1385, 4th Waxing Day of Tabodwe
13 February 2024

Establishment of the Central Body for Drafting National Servicepersons

Every citizen shall adhere to the 3 objectives which are non-disintegration of the Union, non-disintegration of National solidarity, and perpetuation of sovereignty, and in order to enable implementation of these objectives, the National Service Law was enacted for military education and national defence. In order to implement this law, the Central Body for Drafting National Servicepersons has been established with the following persons according to section 6 National Service Law:

- | | | |
|-----|---|---------------|
| (a) | Deputy Prime Minister and Union Minister
Ministry of Defence | Chairman |
| (b) | Chief of the General Staff (Army, Navy, Air)
Office of the Commander-in-Chief (Army) | Vice-Chairman |
| (c) | Union Minister, Ministry of Home Affairs | Member |



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(d)	Union Minister, Ministry of Border Affairs	Member
(e)	Union Minister and Union Attorney-General, Ministry of Legal Affairs	Member
(f)	Union Minister, Ministry of Information	Member
(g)	Union Minister, Ministry of Religious Affairs and Culture	Member
(h)	Union Minister, Ministry of Immigration and Population	Member
(i)	Union Minister, Ministry of Labour	Member
(j)	Union Minister, Ministry of Education	Member
(k)	Union Minister, Ministry of Health	Member
(l)	Union Minister, Ministry of Ethnic Affairs	Member
(m)	Quartermaster General, Office of the Quartermaster General	Member
(n)	Judge Advocate General, Office of the Judge Advocate General	Member
(o)	Chief of Armed Forces Training, Office of the Chief of Armed Forces Training	Member
(p)	Director, Directorate of Medical Services	Member
(q)	Adjutant General, Office of the Adjutant General	Secretary
(r)	Director, Directorate of People's Militias and Border Forces	Joint-Secretary

By order

Zaw Than Thin
Secretary
Union Government

(b) Scope and timeline

In an interview with [BBC Burmese](#), SAC spokesperson Major General Zaw Min Tun stated that orders, directives and bylaws still had to be issued, but that the SAC expected to start



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the draft after the Thingyan holidays in April with “less than 5,000 persons being drafted per week”. He furthermore said that no restrictions had been imposed on the renewals of passports and departures abroad because of the soon to be implemented draft.

In a separate [press release](#), he is quoted among others as saying that there are more than 60,000 village tracts and wards, and that there was “no reason that more than one or two should serve per ward”. Further wording suggests that there are 6.3 million men and 7.7 million women of military age, but only a small fraction will be drafted.

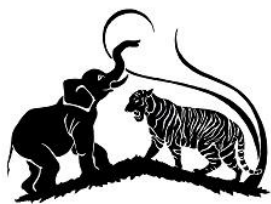
2. SAC activates Reserve Forces Law

On [13 February 2024](#), the SAC activated the 2010 Reserve Forces Law ([unofficial English translation](#)), like the National Service Law a product of the previous State Peace and Development Council. It makes it compulsory for veterans who left the Armed Forces to rejoin them if they are called to do so within 5 years after their resignation or retirement. So far, veterans seem to have been recalled to military duty officially on a voluntary basis.

We hope that you have found this information useful.

Sebastian Pawlita
Managing Director

Nyein Chan Zaw
Director



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About Lincoln Legal Services (Myanmar) Limited

Lincoln Legal Services (Myanmar) Limited provides the full range of legal and tax advisory and compliance work required by investors. We pride ourselves in offering result-oriented work, high dependability and a fast response time at very competitive prices. Please do not hesitate to contact us:

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