

Proposed Legislation to Extend Compulsory Reserve Duty—February 2024: A Guide

Ariel Heimann and Idit Shafran Gittleman | No. 1831 | March 4, 2024

The war between Israel and Hamas, which started on October 7, will most likely continue for some time; this means there is an operational need to increase the personnel available to the IDF. In this context, the army is proposing to extend compulsory military service for men to three years, to significantly expand the length of annual reserve duty, and to raise the age at which reserve duty ends. This article clarifies and explains the legal memoranda published on this issue, which have far-reaching social implications. Adopting these proposals will increase the burden on those already serving, while many others remain exempt from military service, with the army not utilizing their potential.

With the onset of Hamas's attack on October 7, the IDF declared a state of war and decided on a massive mobilization of reserve forces, in accordance with Article 8 of the Reserve Service Law. The entire IDF—conscripts, the standing army, and reservists—is engaged in intense fighting and other operations. Since the beginning of the war, some reservists have been serving without break in Gaza, the northern front, Judea and Samaria, along Israel's borders, on the home front, and in military headquarters. The working assumption is that the IDF faces an extended period of heightened alert and combat at varying intensity levels on every front and every arena. In light of this, there is an urgent need to increase IDF personnel—both the standing army and reserves—in the near future. This is due not only to increased needs, but also because many soldiers have been killed, wounded, or otherwise incapacitated.

To fully and effectively utilize troops, the IDF has made some operational changes. However, military spokespeople say these changes alone cannot meet the current needs. Therefore, the Defense Ministry recently published several proposed bills to increase the number of both conscripted soldiers and reservists. These proposals have generated a lot of public discussion, and it is important first to clarify the situation, especially for reservists, conscripts, their families, and the general public—those for whom these laws will most affect but who may not fully grasp the intricacies of the proposals. Notably, these proposals do not relate to a situation of all-out war in the North. Clearly, in such a scenario, the needs would increase dramatically as would the burden on reservists and conscripts alike.

Extending Compulsory Service

Since the establishment of the State of Israel, military service has been compulsory in accordance with the Security Service Law. Until 1995, the law stipulated that men had to serve for 30 months. In practice, and already for some 20 years before then, men's military service had been extended across the board by 18 months in accordance with an order issued by the defense minister. In 1995, this order was replaced by a law that stipulated that the duration

of compulsory military service for men was to be 36 months. In 2015, the law was amended again and the service was reduced to 32 months. As of July 2020, the duration of the service was cut by an additional two months, but exactly a year later, the government decided to return to the 32-month service and to postpone the decision to reduce it to 30 months until July 2024.

For many years, the duration of men's military service was identical for everyone, irrespective of their role and the nature of their service. Before the outbreak of the war in Gaza, the IDF presented a new army recruitment model with differential service lengths and remuneration. Soldiers in non-combatant roles would serve for 24 months, while those in other roles would serve 28 months. However, roles requiring special training (combat and technological positions) would require 32 months of service, with a salary increase after the 25th month of service. According to this proposal, the average length of service for men would be 28 months, even though the law would remain unchanged and would formally stipulate 32 months of service.

The duration of women's compulsory service was set at 24 months. In 2000, the "Equality in Service" clause was added to the Military Service Law, opening up every position in the army to women unless it is not possible due to the essence and character of the role. The amendment to the law also stipulated that women who volunteer to serve in certain positions will be subjected to the same regulations that apply to men in terms of the duration of their service. In other words, unlike men, the duration of service for women is differential in terms of the role and the nature of their service.

Proposed Legislation

Extending the length of service: The proposed amendment will extend the compulsory service for men to 36 months—four months more than currently mandated and six months more than the duration of service that was to come into effect in July 2024. The proposed amendment is not limited by time and will apply to all male conscripts currently serving and to new recruits. However, the proposed amendment also will give the defense minister the authority (with approval from the Knesset's Foreign Affairs and Defense Committee) to decide which branch, professions, roles, and units do not need extended service. The duration of service for these soldiers will be at least 28 months but less than 36 months. If the defense minister does indeed use the authority given by this proposed amendment, it will be the first time that a differential system will be applied to the duration of male service in the IDF.

Compensation: Due to the increased burden on soldiers, the Defense Ministry is proposing to compensate those serving for more than 28 months. From their 29th month of service and until they are demobilized, soldiers will receive compensation, which will not be considered a salary, with all that this entails. The IDF will determine the amount, to be approved by the defense minister, and it will be differential, based on the soldier's branch, unit, role, and profession. There is also a proposal for the compensation to increase the longer the soldier serves beyond the compulsory 28 months.

Women's Service: The amendment stipulates that women who volunteer to serve in the same positions as male soldiers will serve the same amount of time as their male counterparts and, of course, would be entitled to the same remuneration and other benefits as the men.

Extending Reserve Duty and the Exemption Age

In the past, the duration of duty for reservists was determined in accordance with the Military Service Law and changed over the years. In 2008, the Knesset approved for the first time the Reserve Service Law, which determines the duration of service based on three-year calculations:

- A soldier who is not an officer or a commander will serve up to 54 days of reserve duty every three years.
- A soldier who is in a command position but is not an officer will serve up to 70 days every three years.
- An officer will serve up to 84 days every three years.

It is up to the IDF to determine how these days are divided up during the course of the three years.

Additional limitations were also determined. Reservists will not perform more than 25 days of operational activity and will not be called for operational activity more than once in a three-year period, unless the defense minister issues a decree declaring that more than one is needed. In addition, the defense minister is authorized to determine professions and roles that require a longer period of reserve duty, if, for example, the role requires longer training. Regardless, reservists will not serve more than 108 days of reserve duty over the three-year period.

The age of exemption from reserve duty is determined in accordance with the Reserve Duty Law:

- A soldier who is not an officer will be exempt from reserve duty at the age of 40.
- An officer will be exempt from reserve duty at the age of 45.
- The defense minister has the authority to set the exemption age for certain roles and professions at 49.

The Proposed Amendment

Length of service: According to the proposed amendment, the duration of reserve duty service will be determined annually and not on the basis of the three-year calculations that currently exists:

- A soldier who is not a commander will serve up to 42 days of reserve duty a year.
- A soldier who is in a command position will serve up to 48 days a year.
- An officer will serve up to 55 days a year.

The amendment essentially doubles the number of annual days of duty for reservists.

The amendment also seeks to allow the army to call reservists for operational activity once a year and the maximum duration of this operational activity will rise from 25 days a year to 40 days (to be included in the annual day count).

The amendment also seeks to change the special professions and roles from a three-year calculation to an annual one, whereby reservists will serve 48 days of reserve duty a year, in line with soldiers in command positions.

Compensation: The proposed amendment seeks to increase the minimum daily pay for soldiers to 310 NIS. This is a significant increase for reservists who are not working (students, for example) or for those whose daily salary in civilian life is lower. The amendment specifies that the Defense Ministry intends to improve the benefits and bonuses to reflect the planned changes to the law, but does not specify what or when, how much, or where the funding will come from.

Even before this amendment was tabled, the government decided to implement several steps—to the tune of around nine billion shekels, to compensate reservists, their employers, and their families.

The changes in the proposed amendment do not relate to the issue of voluntary service, which remains unaffected. It is also important to note that the legal memorandum is not an emergency order and is not limited in time.

Incidentally, during the current war, the Knesset already approved an emergency order to raise the exemption age from reserve duty by one year—from 40 to 41 for anyone who is not an officer and from 45 to 46 for officers. For special professions and roles, the age rose from 49 to 50. This emergency order will remain in effect until February 29, 2024, and a request to extend it has already been submitted to the Foreign Affairs and Defense Committee.

Significance

These changes to the law—both in terms of compulsory service and reserve duty—are highly significant and have justifiably reignited the discussion on distributing the burden of military service in Israeli society. The Defense Ministry and the IDF have presented amendments that increase the burden on the few who already serve by increasing the number of days of reserve duty and extending compulsory service. Among them are soldiers who have been fighting in the Gaza Strip for more than 100 days. In contrast, many members of Israeli society do not serve at all. This situation has highlighted the issue of equally dividing the burden with the ultra-Orthodox and has infuriated reservists and the rest of Israeli society.

Even without recruiting the ultra-Orthodox, the IDF can and should turn to its pool of unutilized personnel; there are many potential reservists who are quite capable of returning to reserve duty but have not been assigned to units or who have been exempted before even reaching the age of exemption, and despite having been trained. The establishment of additional military frameworks will, of course, reduce the burden on the units currently serving. The IDF is addressing the issue, but it seems that the process is dragging and there has been no significant progress. In addition, the Defense Ministry erroneously introduced the changes as an amendment to the existing law, rather than as a short-term emergency

measure. We can only hope that during the legislative process, if the bill does indeed make it to the Knesset, it will be altered and turned into an emergency order.

While the need for additional personnel in the coming year or two is evident, the Defense Ministry should come up with solutions that will reduce the proposed burden on the reservists, and Israeli society should have to mobilize all its human resources to ameliorate the burden on the economy, society, and those who currently serve.

Editors of the series: Anat Kurtz, Eldad Shavit and Judith Rosen