

Commonwealth Military Justice systems - the Transformation Project

CLA - April 2025

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The Commonwealth

Brief Background

- Request for technical assistance
- Survey
- Caribbean meeting
- The need for reform
- CLMM 2022



Technical Assistance Requests

- Request for assistance from the Royal Bahamas Defence Force
- Workshop with RBDF and 5 other Caribbean countries
- Outcomes:
 - Regional model laws
 - Technical assistance to tailor the legislation
 - Memoranda of understanding
 - Database
- More recent request from Barbados Defence Force



The Commonwealth Advantage



1. Common law, common foundation.
2. Lacuna: no comprehensive or cohesive regional or world-wide effort to reform military justice systems.
3. Small states support.
4. Aligned with strategic goals.

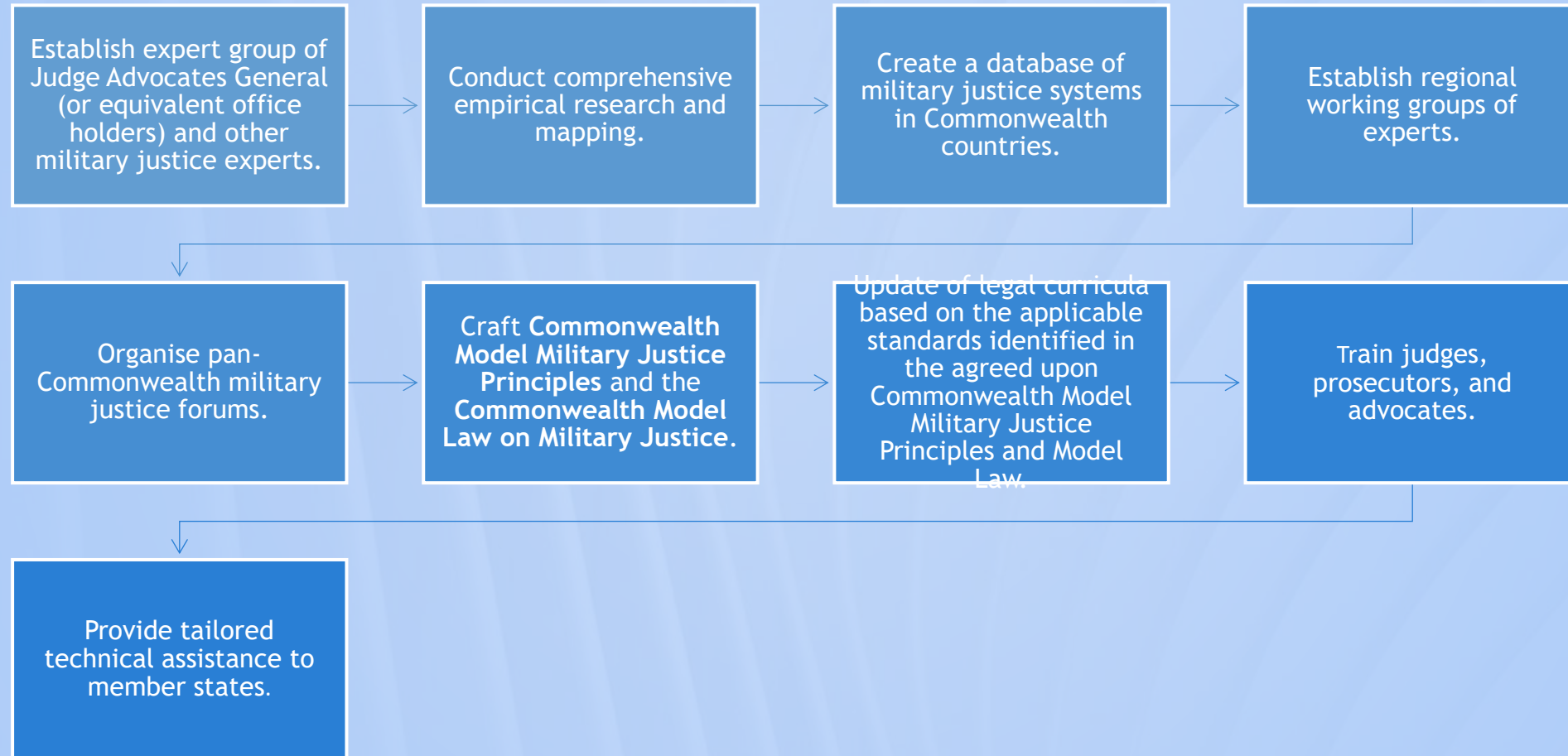
Meeting of Commonwealth Law Ministers Mauritius, November 2022

CLMM Outcome Statement:

47. Law Ministers also received a paper on 'Military Justice Transformation Project' in the Commonwealth. Ministers thanked the Secretariat for the work on this project including the proposal to produce the Commonwealth Military Justice Principles and directed the Secretariat to report on the activities of the Commonwealth Military Justice Transformation Project at their next meeting.



Mandated Activities





Objective of the Project

To transform military justice systems across the Commonwealth to ensure alignment with international norms and standards, including international humanitarian and human rights law, guaranteeing the proper administration of justice through an independent and impartial judiciary that is free from interference and pressure from the other branches of government, as well as guaranteeing the due process of law and equal access to justice.



Commonwealth Model Military Justice Principles

1. Fundamental requirements for military justice systems.
2. Self-evaluation.
3. Basis for reform.
4. Guide the Secretariat's approach when assisting members.

Stellenbosch, November 2023



Stellenbosch Draft

- Jurisdiction
- Prosecution
- Rights of the accused
- Witness and victim protection
- Summary proceedings

Commonwealth Military Justice Principles



COMMITTEE OF EXPERTS



TEN PRINCIPLES



MULTIPLE ONLINE MEETINGS



WORKSHOP IN STELLENBOSCH
IN THE MARGINS OF THE
INTERNATIONAL MILITARY
JUSTICE FORUM



Principles - Next Steps

- Military Justice Working Group
- All five Commonwealth regions represented
- Senior Officials and Law Ministers 2026
- Commonwealth Law Ministers Meeting 2026
- Open to request for technical assistance in reforming military laws



Model Legislation

- In response to requests for technical assistance
- Legislative provisions for summary and court martial systems for smaller armed forces
- Pilot in the Caribbean
- Same procedure as Principles
- Technical assistance in tailoring model law



Other planned activities



Establishing a **database of military justice systems** in Commonwealth countries.



Creating **regional working groups of experts**.



Organising a **pan-Commonwealth military justice forum** to raise issues, meet and discuss topics of interest.



Updating of **legal curricula** based on the applicable standards identified in the agreed upon Commonwealth Model Military Justice Principles and Model Law.



Providing **tailored technical assistance** to member states.





Questions