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NATO STANDARD

APP-31

**COMBINED INVESTIGATION OF
MARITIME INCIDENTS**

Edition A Version 1

MAY 2018



**NORTH ATLANTIC TREATY ORGANIZATION
ALLIED/MULTINATIONAL TACTICAL PUBLICATION**

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NORTH ATLANTIC TREATY ORGANISATION (NATO)

NATO STANDARDIZATION OFFICE (NSO)

NATO LETTER OF PROMULGATION

29 May 2018

1. The enclosed Allied/Multinational Tactical Publication, APP-31, Edition A, Version 1, COMBINED INVESTIGATION OF MARITIME INCIDENTS, which has been approved by the nations in the Military Committee Maritime Standardization Board (MCMSB) is promulgated herewith. The agreement of nations to use this publication is recorded in STANAG 1179.
2. APP-31, Edition A, Version 1, is effective upon receipt.
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4. This publication shall be handled in accordance with C-M (2002)60.



Zoltan GULYÁS
Brigadier General, HUNAF
Director, NATO Standardization Office

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RECORD OF SPECIFIC RESERVATIONS

Nation	Detail of reservation
DEU	Ratification of this STANAG by the Federal Republic of Germany does not involve a commitment to handle the reports mentioned in the first sentence of paragraph 6 as privileged documents in the national area.
DNK	Danish agreement to the rules in this STANAG contains no obligations to Danish non-military units or non-military individuals.
ESP	It is accepted exclusively the use of C procedure and only for military people and military units.
GRC	Greece agreement to the rules in this STANAG contains no obligation to non-military vessels and non-military personnel.
LVA	The document is indispensable to use only for military personnel and units.
NLD	Netherlands agreement to the rules in this STANAG contains no obligation to non-military vessels and non-military personnel. As procedures A and B contravene existing Netherlands statute-law, these procedures can only be used for the conduct of inquiries into maritime incidents involving Netherlands military units or Netherlands military personnel if the following conditions are being met: 1. Procedure A should be limited to a provisional inquiry on the spot by a combined board of inquiry to ascertain the facts, reporting these facts to ADMNLHOME; 2. Procedure B will be followed only when the facts of the incident are submitted to the "Netherlands Marineraad" according to the Netherlands laws and procedures.
<p>Note: The reservations listed on this page include only those that were recorded at time of promulgation and may not be complete. Refer to the NATO Standardization Document Database for the complete list of existing reservations.</p>	

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CHAPTER 1 PROCEDURES

0101 AIM

1. Participating nations agree to three alternative procedures which should be used for the conduct of inquiries into such maritime incidents. The purpose of these inquiries would be to ascertain the facts, to reach conclusions as to the direct and indirect causes of the event and, if needed, to make recommendations to prevent a recurrence.

0102 AGREEMENT

2. The alternatives are:

- a. Procedure A - Combined Board of Inquiry.
- b. Procedure B - A National Inquiry Attended by Witnesses and/or Observers from Other Nations.
- c. Procedure C - Independent National Inquiries Co-ordinated by the President of those Inquiries.

The Major NATO Commander or Major Subordinate Commander under whose command the units or personnel concerned were operating should recommend the procedure he deems most appropriate for each specific incident. Nations are free to accept the NATO Commander's recommendation or to choose an alternative procedure in consultation with each other. Where there is no common NATO Commander, the procedures to be used should be determined and initiated as agreed between the nations concerned.

3. Nations retain all their existing rights to conduct their own investigations in accordance with their own laws or regulations.

Procedure A - Combined Board of Inquiry

4. A Combined Board of Inquiry will be convened by the appropriate Major NATO or Major NATO Subordinate Commander or as agreed by the nations concerned. The convening authority will appoint officers to form the Combined Board, which shall be composed of a minimum of 3 officers, with each nation involved in the incident represented. The President of the Board is to be superior in rank, and if practicable, the other members are to be equal or superior in rank to any person who may be affected by the findings of the Board.

5. Combined Boards are to be held in private and the record of the proceedings as well as the subsequent reports shall be treated as privileged documents and shall only be used for official

purposes. Information concerning the proceedings, testimony, findings, conclusions and recommendations shall not be released publicly without the agreement of all nations involved.

6. The conduct of the inquiry is to be in accordance with Annex A to this STANAG.

7. The report of the Board of Inquiry is to be forwarded by the President to the convening authority, copies being sent direct to the Ministries of Defence of the nations involved. A verbatim transcript of all oral evidence given before the Board, together with all relevant data and documents presented to or prepared by the Board, should be included.

8. The costs will be met in accordance with established NATO procedures, i.e. administrative and transportation costs are the responsibility of the convening authority and per diem expenses are a national responsibility.

Procedure B - A National Inquiry Attended by Witnesses and/or Observers From Other Nations

9. Boards of Inquiry will be convened by the appropriate national authorities, who will request the attendance of witnesses from other nations. Such witnesses may give evidence under the laws and procedures of the convening nation or if this is not acceptable to the nations involved, may give evidence under the rules for witnesses at a Combined Board (Annex A). Observers from the nations concerned may be present during the relevant part of the discussions.

10. Unless otherwise agreed, the evidence of each foreign witness, and any findings which affect him, are to be forwarded to the nation concerned. Evidence and findings of concern to NATO shall be forwarded to the relevant NATO Commander by the national authorities.

11. The nation convening the inquiry shall be responsible for the cost of attendance of foreign witnesses.

Procedure C - Independent National Inquiries Co-ordinated by the Presidents of the Inquiries

12. Inquiries under this procedure consist of two phases. In the first phase, each National authority concerned appoints its own Board of Inquiry acting in accordance with national rules and regulations and hearing evidence only from its own nationals. During this phase the Presidents of the Boards of Inquiry shall exchange initial national reports of the incident. If they consider it necessary, the Presidents may meet in order to obtain or exchange any further information they deem appropriate to the establishment of the facts.

13. In the second phase, the reports drawn up by the national Boards of Inquiry are compared by a Combined Commission composed of the Presidents of the National Boards with any other members agreed by the nations concerned. The Combined Commission then prepares a summary showing where the reports agree and where they differ. The summary is sent to the

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Ministries of Defence of the nations involved, and if applicable, to the NATO authorities concerned.

14. The combined summary and any information exchanged between the Presidents of the National Boards of Inquiry shall only be used for official purposes and are not to be released without the consent of all the nations concerned.

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Annex-A - Conduct of a Combined Board of Inquiry

Terms of Reference

1. The convening authority shall provide a Board of Inquiry with a convening order which shall contain full and specific instructions to:

- a. The composition of the Board.
- b. The place and time at which the Board shall assemble, unless the President is directed to issue his own orders in this respect.
- c. The investigation required.
- d. The matters on which findings or recommendations are required.
- e. The security classification of the matter to be investigated.
- f. Responsibility for providing the necessary administrative and clerical support for the Board.

A draft Convening Signal is at Appendix 1.

Responsibilities of the Board

2. The Board shall ascertain the facts, reach conclusions as to the direct and indirect causes of the event and make recommendations to prevent a recurrence.

3. The Board may invite a person to:

- a. attend as a witness, or
- b. make a statement in writing.

Persons will be advised of their rights as witnesses as set out in para 10 below.

4. A Board of Inquiry is to maintain a verbatim record of all the proceedings.
5. The Board may receive any evidence which it considers relevant whether or not it would be admissible in a civil or criminal court.

Procedures

6. Evidence will normally be received in French or English; however, interpreters will be made available when required.
7. Evidence before a Board of Inquiry shall not be taken on oath, unless the national procedures of a particular witness so require. A witness testifying on oath before a Board shall take the oath recognized by his belief or national practice.
8. Witnesses shall be cautioned that they are not to disclose, outside the confines of the Board, any evidence which they have given or any other knowledge concerning the matter under enquiry which they may have become aware of as a result of the investigation procedures.
9. The obligation of witnesses as stated in paragraph 8 above, does not affect their duty to give evidence in accordance with national rules of procedure.

Rights of Persons Who May Be Affected

10. A witness or other person designated by the convening authority or the President as someone who may be affected by the findings of the Board shall be advised of and accorded the following rights:
 - a. To be given notice of the proceedings.
 - b. To be present during the proceedings, but not when the investigation is closed for deliberation.
 - c. To be represented by counsel or adviser.
 - d. To testify as a witness.
 - e. To introduce evidence.

- f. To cross-examine witnesses.
- g. To refuse to answer any question the answer to which would incriminate himself.
- h. To make a written statement to be included in the records of proceedings.
- i. To address the Board at the conclusion of presentation of evidence.

Custody of Evidence

11. The authority convening the Board is to issue orders for the preservation and custody of evidence, such as charts, logs, signal messages, etc. until they can be delivered to the Board.

**Appendix 1 to Annex A
Draft Convening Signal**

FROM : (To be inserted)

TO : (Ships and authorities concerned)

INFO : (MODs of Countries concerned)
(Major NATO Commanders concerned)
(NATO Subordinate Commander concerned)

Classification: (To be inserted)

DIG : (To be allocated when appropriate)

SUBJECT: Combined Board of Inquiry

REFERENCE: STANAG 1179 (NOTAL)

1. A Combined Board of Inquiry comprising the following officers is to assemble on board (ship/place) at (date/time/zone) or as directed by the President:

a. (President)

b.

c.

et seq

2. The Board is to inquire into the circumstances attending the (scope of inquiry). The classification is

3. The Board is to be conducted in accordance with STANAG 1179 Procedure ALPHA (and is to make recommendations to prevent a recurrence).

4. The following documents/exhibits are to be impounded and forwarded to the President. Supplementary instructions are to be issued by the President as necessary.

a.

b.

c.

et seq

5. Stenographer will be provided by

6. copies of the Board's report are to be submitted.

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