



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20350

SECNAVINST 5711.7  
JAG:10

7 March 1975

SECNAV INSTRUCTION 5711.7

From: Secretary of the Navy

Subj: North Atlantic Treaty Organization Standardization Agreement--"Combined Investigation of Maritime Incidents"--(NATO STANAG No. 1179 (third draft))

Encl: (1) Subject document

1. Purpose. This instruction promulgates enclosure (1) for implementation to naval commands and units.

2. Background. This is a standardization agreement to standardize and lay down procedures which may be followed in the event of maritime incidents involving units or personnel of two or more NATO countries.

3. Agreement. In ratifying STANAG 1179, the United States Armed Forces have formally accepted the contents of the agreement and have agreed to three alternative procedures, one of which may be used for the conduct of inquiries into maritime incidents involving elements from two or more NATO countries.

a. 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.

b. The United States, as well as the other NATO nations, retains all its existing rights to conduct its own investigations.

c. The alternative methods of investigation provided for in STANAG 1179 are:

- (1) Procedure A. A combined board of inquiry
- (2) Procedure B. A National inquiry, attended by witnesses and/or observers from other nations
- (3) Procedure C. Independent inquiries, coordinated by the Presidents of those inquiries

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4. Action. Addressees shall implement the requirements of STANAG 1179 concerning units which come under their cognizance. Prior to ordering the commencement of a combined investigation, as provided in STANAG 1179, addressees will notify the Office of the Judge Advocate General of the Navy for recommendations on the type of investigation required. This standardization agreement does not relieve cognizant U. S. Navy authorities from the reporting requirements contained in Section 1206 and 1207 of the Manual of the Judge Advocate General, in the event of a maritime incident involving a possible admiralty-tort claim for or against the United States. In incidents involving death or injury, care will be taken to meet the requirements set forth in chapter 8 of the Manual of the Judge Advocate General.

a. Whenever a maritime incident occurs, and a possible admiralty claim for or against the United States is associated therewith, the cognizant naval commander shall make an immediate preliminary report of the incident by rapid means to the Office of the Judge Advocate General (Admiralty Division). The report shall indicate, if ascertained, whether any third-party damage or injury is involved, whether responsibility for any damage or injury is attributable solely to one of the participating NATO units or personnel, whether the major NATO commander or major subordinate commander has recommended or taken steps to initiate one of the three alternative methods of investigation, and the method proposed.

b. Thereafter, the need for and extent of a separate subsequent investigative report pursuant to section 1207 of the JAG Manual, insofar as admiralty-tort claims procedures are concerned, will be determined by the Office of the Judge Advocate General (Admiralty Division). This determination does not in any way restrict the cognizant U. S. Navy convening authority in ordering what he determines to be an appropriate JAG Manual investigation, and in this regard the provisions of section 1207 pertain.

c. Participation by the United States in any of the three procedures indicated in paragraph 3c will not be undertaken, where a possible admiralty-tort claim against the United States is involved, without the prior approval of the Office of the Judge Advocate General (Admiralty Division).

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d. In the event of U. S. participation in any of these procedures involving a possible admiralty-tort claim, Navy authorities will preserve and maintain custody of original Navy evidence, such as charts, logs, written statements of naval personnel or civilian employees, etc., in the event such evidence may be required by the Office of the Judge Advocate General for purposes of settling claims or for use in litigation. Certified true copies of such evidence may be submitted to the board of inquiry.

5. Reports. The reporting requirement contained in the directive has been approved. Report symbol NAVJAG 5711-2 "NATO Maritime Incident Report" applies.



J. William Middendorf II  
Secretary of the Navy

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STANAG No. 1179  
(3rd Draft)

ORGANISATION DU TRAITE DE L'ATLANTIQUE NORD  
(OTAN)



BUREAU MILITAIRE DE STANDARDISATION  
(BMS)

# ACCORD DE STANDARDISATION

OBJET: COMBINED INVESTIGATION OF MARITIME INCIDENTS

Promulgué le

(H.-H. WESCHE)  
Contre-Amiral, Marine danoise,  
Président du BMS

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RECORD OF AMENDMENTS

Amdt. No.	Reference and date of amendment	Date entered	By whom entered - Signature and Rank	Remarks

EXPLANATORY NOTES

AGREEMENT

1. This NATO Standardization Agreement (STANAG) is promulgated by the Chairman MAS under the authority vested in him by the NATO Military Committee.
2. No departure may be made from the agreement without consultation with MAS. Nations may propose alterations at any time should they consider that the original has become obsolete or requires improvement. Such proposals should be submitted to MAS where they are processed in the same manner as the original agreement.
3. Ratifying nations have agreed that national orders, manuals and instructions implementing this STANAG will include a reference to the STANAG number for purposes of identification.

DEFINITIONS

4. Ratification is 'The declaration by which a nation formally accepts the content of this Standardization Agreement'.
5. Implementation is 'The fulfilment by a nation's forces concerned of their obligations under this Standardization Agreement'.

RATIFICATION, IMPLEMENTATION AND RESERVATIONS

6. Page iii gives details of the state of ratification and implementation of this agreement by the NATO nations. If no details are shown in the 'ratification' and 'implementation' columns, it signifies that the nation has not yet notified MAS of its intentions: the appropriate Ministry of Defence is requested to do so as soon as possible.
7. Page iv (and page v, etc. if necessary) gives details of any reservations and proprietary rights that have been stated by nations.
8. If an amendment of substance or a new edition (other than an editorially amended edition) is promulgated, all previous ratification, implementation and reservation/restriction details are deleted from pages iii and iv and the amendment or new edition is processed in the same manner as the original agreement.

Agreed English/French Texts

NATO STANDARDIZATION AGREEMENT  
(STANAG)

COMBINED INVESTIGATION OF MARITIME INCIDENTS

Annex A: Conduct of a Combined Board of Inquiry

Related Documents: STANAG 3531 FS Investigation of Aircraft/Missile  
Accidents/Incidents

OBJECT

1. The aim of this agreement is to lay down procedures which may be followed in the event of maritime incidents involving units or personnel of two or more NATO nations.

AGREEMENT

2. 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.

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

4. 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 Presidents of those Inquiries.

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 9 below.
4. A Board of Inquiry is to maintain a verbatim record of all the proceedings.

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5. The Board may receive any evidence which they consider 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 the evidence which they give is, like the report of the Board, privileged and they should not discuss it outside the confines of the Board.

Rights of Persons Who May be Affected

9. 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

10. 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.

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: A. 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.