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COLLISION IN THE BOSPHORUS STRAITS

Communication by the Government of Cyprus

The attached communication received from His Excellency the High Commissioner of Cyprus in London is circulated pursuant to the request of His Excellency the High Commissioner.



CYPRUS HIGH COMMISSION

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Our ref.: INT/O.37

2nd September, 1994.

H.E. Mr W.A. O'Neil
Secretary-General
International Maritime Organization
4 Albert Embankment
London SE1 7SR.

Dear Mr Secretary-General,

Subject: Collision in Bosphorus Straits on 13 March, 1994

With reference to the letter addressed to you by the Ambassador of Turkey on the above subject, which has been circulated as document number SN/Circ. 168 dated 23 June, 1994 in an attempt to refute the well founded accusations about the Turkish attitude, in the aftermath of the casualty of M/T NASSIA and M/V "Shipbroker", I wish to point out the following:

I would like at the outset to point out that Turkey, by referring to the Government of the Republic of Cyprus as the "Greek Cypriot Administration", reveals once again its contempt of international law and the UN Resolutions which consider that in Cyprus there exists only one state, the Republic of Cyprus, represented by its sole, legitimate and internationally recognized Government. The Turkish references are additional indications of Turkey's real designs and aims against my country.

With reference to the substance of the matter as we pointed out in our letter dated 26/4/94 the responsibility for the investigation of a marine casualty rests primarily with the flag state. The full co-operation and good will between all IMO members are necessary prerequisites for the fulfilment of the objectives of the International Maritime Organization. IMO has proceeded to formalize this common sense approach with Resolution A.637(16) which strongly recommends the co-operation, in the investigation of a marine casualty, of the flag state and other States that have substantial interest in the casualty.

Turkey alleges that their refusal to allow investigation of the accident by the Cyprus Marine Surveyors was due to prejudiced statements and press releases in Cyprus. Quite to the contrary the Government of the Republic of Cyprus took care in its public statements to point out quite clearly the purpose of the investigation which was solely to identify the causes of the casualty and to fulfill its international obligations. By its very nature the investigation requested by Cyprus had nothing to do or interfere with any inquest conducted by Turkey in accordance with its national legislation.

Furthermore, the fact remains that the Turkish Government blatantly refused permission to conduct an investigation into this casualty not only to the Cyprus Authorities but also to any third country as well as to the IMO.

The Turkish Government in its letter accuses Cyprus for not complying in general with its obligations under SOLAS and MARPOL. This statement is not substantiated by facts. Cyprus always respects and complies with its international obligations and has a very good co-operation with the IMO in this respect. Let me point out that the Turkish Government, by accusing Cyprus, just adds insult to injury since its systematic disregard of international law and decisions of UN bodies has been widely demonstrated over many years.

With regard to the allegations of so called "maritime embargo" implemented by the Government of the Republic of Cyprus against the Turkish occupied ports, I wish to remind that the northern part of the Republic of Cyprus is illegally occupied by the Turkish army since 1974. The legal and internationally recognized Government of the Republic of Cyprus has declared those ports as closed to international traffic in exercise of its national sovereignty, since it cannot apply its full jurisdiction and control over the safety of ships, crew and passengers using the said ports. An additional reason for declaring these ports as closed is to prevent the illegal entry into the territory of Cyprus of unauthorized persons. All these actions were taken in line not only with the domestic legislation of the Republic of Cyprus but also with international law and the UN Resolutions on Cyprus.

Recently, specifically on the 5th of July, 1994, the Court of Justice of the European Communities issued its judgement stating clearly that the member states of the European Union recognized the Government of the Republic of

Cyprus as the only legal Government of Cyprus. Consequently, all Cypriot exports must be exported from the legal crossing points of the Republic of Cyprus thus accompanied by the legal phytosanitary certificates issued by the competent authorities of the Republic of Cyprus.

In conclusion, I wish to stress that the term of "Straits of Istanbul", used by the Turkish side is not compatible with the language of the Montreux Convention and is, therefore, not acceptable to my Government.

I kindly request that this letter be circulated to IMO members.

Yours sincerely,

(Signed)

Angelos M. Angelides
High Commissioner.
