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COLLISION IN THE STRAIT OF ISTANBUL

Communication by the Government of Cyprus

The attached communication received from the Cyprus High Commission is circulated pursuant to the request of the Cyprus High Commission.

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CYPRUS HIGH COMMISSION
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Our ref.: INT.0/37

26 April, 1994

Mr. W. O'Neil
Secretary-General
IMO
4 Albert Embankment
London SE1 7SR

Dear Sir,

We refer to the recent collision between two Cyprus ships, "NASSIA" and "SHIPBROKER" in the Bosphorus where heavy loss of life, pollution of the sea and substantial damage to the ships occurred and wish to raise some questions of great concern, not only to Cyprus but also to the international community, which arose from the attitude of Turkey in the aftermath of this collision.

As we have already mentioned to you, the Cyprus Government immediately requested from the Turkish Embassy in Greece to grant entry visas to two marine surveyors of the Department of Merchant Shipping of the Republic of Cyprus in order to proceed to the place of the accident to conduct an in situ investigation of the above-mentioned accident in cooperation with the appropriate Turkish authorities.

The Turkish authorities, replied a few days later, rejecting our request, justifying their refusal on the basis of internal legislation alleging that preliminary criminal investigations are carried out exclusively by the authorized public prosecutor and are confidential. This argument is untenable and not valid since the Government of Cyprus did not request to participate in the criminal investigation but to carry out its own inquiry to ascertain the causes of the tragic accident and inform the International Maritime Community accordingly as per our obligations emanating from international Conventions and resolutions.

In addition to the direct approach to Turkey, we have, as you are aware, requested the IMO to intervene as the competent International Body and persuade the Turkish authorities to allow either Cypriot surveyors or casualty investigators of another country, acting on its behalf, to conduct the investigation in cooperation with the Turkish investigators.

Despite your intervention and persistent efforts, for which we are grateful, the negative and uncooperative stand of Turkey remained unaltered.

Turkey's unprecedented denial prevents Cyprus from fulfilling its obligations arising under International Conventions, in particular SOLAS, LOADLINES and MARPOL, to which both Turkey and Cyprus, are contracting parties. It also prevents Cyprus as a responsible maritime nation, from carrying out its obligations towards the international shipping community to provide information so that similar incidents could be avoided in the future. An important ramification of their stand is that IMO Resolution A.637(16) is rendered inoperative and powerless and in our opinion the IMO should make sure that this resolution is respected by all IMO members, including Turkey.

Cyprus expresses its strong protest against Turkey's uncooperative and negative attitude with regard to the collision of two Cyprus ships in the Bosphorus. This attitude combined with Turkey's ban for Cypriot flag vessels to call on Turkish ports amounts to unacceptable behaviour from an IMO member state.

In our view, it is inconceivable that political considerations should interfere with obligations undertaken by Contracting Parties and which aim at facing collectively, challenges to the International Community as a whole. Even if these obligations are not mandatory in nature, there are good reasons in subduing narrow national interests to the wider aims of global cooperation.

The Cyprus Government hopes that the IMO, after drawing the necessary conclusions from the Turkish attitude, will ensure that such behaviour will not be repeated again in the future, in the interest of safe international navigation.

I kindly request that this letter be circulated among all member states of the IMO.

Yours sincerely,

(Signed)

Chirstos Ioannou
Ag. High Commissioner.