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SN/Circ.164  
25 April 1994

Ref. T2/2.07

COLLISION IN THE STRAIT OF ISTANBUL

Communication by the Government of Turkey

The attached communication received from the Embassy of the Republic of Turkey is circulated pursuant to the request of the Embassy of the Republic of Turkey.

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W/1147a

ANNEX

## COLLISION ON 13 MARCH 1994 IN THE TURKISH STRAITS

Submitted by TurkeyOutline

On 13 March 1994, a 66,822 gross tons Greek Cypriot oil tanker, the Nassia and a 14,826 gross tons Greek Cypriot cargo vessel, the Shipbroker, collided inside the northern approaches of the Istanbul Strait (Bosphorus). The collision and subsequent explosion in the tanker led to a conflagration in which both ships were enflamed. Of the 29 crew members of the Nassia, six were reported missing; 20 seamen of the Shipbroker died in the accident, while six were missing and three saved. The captain of the Shipbroker is among the missing. This collision was the worst accident in the Straits since the collision involving the Romanian Independenta in 1979 in which 43 seamen died.

The full investigation has not yet been concluded. The case is now being reviewed by the Turkish courts. However, some relevant data has been gathered in this note for the information of interested parties and to allow all concerned to draw their own conclusions on vessel and environmental safety and, in particular, the navigational difficulties of the Straits.

A comprehensive paper entitled "Navigational and Environmental Safety in the Turkish Straits", issued as MSC 62/INF.10, is available on the details of the characteristics and particular hazards that the Straits present to navigation.

Description

At the time of the accident, the 276 m long, 40 m wide Nassia was carrying 98,600 tons of crude oil loaded in the Black Sea port of Novorossiysk in the Russian Federation, to Italy. At 22.20 p.m., between the points Fil Burnu (Cape Fil) and Hamsi Limani (Port Hamsi), the tanker approached the general cargo Shipbroker (length 185 m, breadth 22.8 m) heading north to the Black Sea.

According to the available information, the two vessels had communicated with each other to arrange a safe passing. However, eye witness reports indicate that at this point the Shipbroker veered to port and struck the tanker at an angle of 90°- 100° in the number 1 cargo hold. Both vessels immediately caught fire, as oil gushed out of the oil tanker, and drifted randomly. The freighter apparently then became detached but circled twice or three times within the spreading oil and flames, before running aground in the Anadolu Kavagi area on the Asian side of the Straits. This ramming action destroyed the shore road and caused structural damage to nearby buildings. The flames on the vessel were put out through co-ordinated land and sea fire-fighting by 06.30 a.m. on 14 March 1994.

It is worth noting that at the time of the accident, neither vessel had a pilot on board. A shuttle was carrying the pilot assigned to the Nassia just as the collision occurred, while the pilot of the Shipbroker had left minutes before. The location of the collision is in the standard pilot changing area.

The Strait in the area of the collision area is 1,280 m wide; visibility was good and there were no adverse weather or navigational circumstances.

The Nassia continued to burn off Rumeli Kavagi until late in the night of 15 March 1994, when it was towed to the Black Sea near the area of Karaburun (Cape Kara). The fire was finally extinguished around 4.00 a.m. on 18 March 1994. A number of Turkish and foreign organizations and vessels participated in the fire-fighting, salvage and rescue operations.

On 2 April, the process of transferring the remaining crude oil from the Nassia to another vessel began. Representatives of the ship's P & I Club and the International Tanker Owners Pollution Federation Ltd. (ITOPF) were on the scene of the operations.

#### Contents of the experts' report

The following points have been made in the experts' investigation report prepared for the court inquiring into the matter.

#### M/T Nassia:

- At the time of the accident, the Nassia's speed was greater than what would be considered a safe speed for the area, as defined by COLREG (Rule 6).
- According to the testimony of the surviving crew, no personnel were on look-out duty on the tanker. This constitutes a violation of the relevant treaties (COLREG Rule 5, STCW 78).
- Evidence also suggests that the master of the Nassia was neither fully cognizant of his exact location at the time of the accident nor was he properly monitoring vessel traffic in the area.
- The Nassia was not proceeding in its traffic separation lane as required by COLREG 9(a) and 10(b) but rather in the centre lane.
- The anchors of the Nassia were not ready for lowering which would have been a basic precaution for emergency situations.
- The Nassia could have turned full starboard, along with light and sound warnings rather than trying to stop. This would at least have lessened the impact of the collision.

#### M/T Shipbroker:

The main cause of the accident lies with the Shipbroker. The reason for the sudden port swing of the Shipbroker seems to be a human error. A communication problem with the steersman is a strong possibility. In fact, the pilot who had left the Shipbroker just before the accident, had the impression of presence of language difficulties on board.

Based on its findings and considering that Shipbroker was in violation of Rule 9(a), Rule 19(b)(ii) and Rule 14(a) of COLREG, the experts' report apportioned the blame for the accident five points out of eight to general cargo and three points out of eight to the tanker which, in its turn, was considered in violation of Rule 5, Rule 6, Rule 9(a) and Rule 10(b)(ii) of COLREG. The case is currently being considered in the serious felony court and charges have been brought against the master of the Nassia.

#### General observations

According to the available information, the possible impact of the collision in terms of life, property and the environment was significantly reduced by a number of mitigating factors which together limited the scope of this particular accident.

Bearing in mind that both shores of the Straits are densely populated residential areas, the occurrence of the accident in the relatively wider northern sector of the Straits, rather than in the even narrower centre, meant that the initial impact of the explosion was felt at sea away from the shores. The out-of-control vessels had more room to drift and other vessels could manoeuvre away from the vessels and burning oil spill. Near the centre of the Istanbul Strait, the width of the channel shrinks to 700 m at its narrowest point. In this area, the fire on the vessels could have spread to houses, foliage and constructions on the shore. In certain parts of the Straits, an explosion and fire on the scale of the Nassia could have devastating consequences in terms of life and property.

An additional grave consequence of the collision could have arisen if the accident had occurred near the legs of the Bosphorus Bridge. If not outright destroyed, the effect of the explosion and heat on its construction would, by all estimates, have made the bridge unusable.

Wind direction was also a major relief. The vast smoke funnel rising from the vessels was blown towards the open sea rather than into a city of 10 million inhabitants. The wind at that particular time also helped operations by pushing the Nassia towards the Black Sea rather than back in the bottleneck of the waterway.

#### Environmental impact and response

The accident caused extensive marine and air pollution in the Straits, Black Sea and Sea of Marmara. Of the 98,600 tons of oil in the holds of the tanker, approximately 18,000 tons went up in flames. A substantial amount of oil released from the tanker reached the western coast of the Black Sea between Akpınar and Yalıköy, shores around the approaches of the Strait and both the European and Asian sides of the passageway until about the middle, near the Bosphorus Bridge. The beaches of the Black Sea were contaminated light to medium for the main part, heavily in some sectors. At one point, a spill one km wide and 12 km long was observed. About 60% of the surface area of the Strait was covered with a thin layer of oil.

The collision, fire on board the vessels and the environmental pollution altogether strained the readily available response capability and expertise at the time of the incident. The initial difficulties experienced on the night of the accident were rectified as rapidly as possible; Turkish governmental, local and private resources, as well as international assistance and expertise, were pulled together.

While the clear-up campaign was being conducted, various international organizations provided advice and took part in consultations with the Turkish authorities. In this context, the Programme Co-ordinating Unit of the Global Environmental Facility (GEF) Black Sea Programme, the Mediterranean Assistance Unit of the IMO/UNEP Regional Emergency Marine Pollution Response Centre for the Mediterranean Sea (REMPEC) were at hand. The contracting parties and signatories of the Emergency Response Protocol of the 1992 Convention for the Protection of the Black Sea from Pollution and, through REMPEC, the contracting parties of the Barcelona Convention were informed of the accident.

Ironically, members of the organization Greenpeace, who only 48 hours before the accident had organized a demonstration to draw attention to the environmental threats perpetrated by the passage of large oil tankers through the densely congested Straits, were also witnesses to the explosion and subsequent responses and pollution control efforts.

A preliminary notice on the accident was communicated directly to IMO by the Turkish authorities.

#### Navigational effect

Due to the accident, while the stricken vessels blocked the passageway and while the fire-fighting effort was going on, the Istanbul Strait was naturally blocked to all vessel traffic for safety reasons. Every effort was made in the aftermath of the collision to reopen the Strait to traffic in view of the high financial cost of the disruption of scheduled domestic and international voyages. In fact, as soon as the safety of maritime traffic through the Straits could be ensured, and the environmental damage to the sea and shores of the area was assessed and it was determined that regular maritime traffic would not disrupt the pollution efforts, the Straits were reopened. On 18 March at 10.00 a.m., one-way traffic, with priority for passenger craft and smaller vessels, and as of 20 March 1994, 10.00 a.m., two-way vessel traffic was permitted. The passage by night of tankers greater than 200 m was also temporarily curtailed as a precautionary measure.

#### Conclusion

The situation in the Straits has long been a major concern for Turkey. Action has been taken by working out new traffic separation schemes and rules for navigation. These new measures will enter into effect on 1 July 1994.

Turkey had also informed the Organization of the new measures being designed for the Turkish Straits to regulate maritime traffic and thereby increase the safety level for life, property, the environment and shipping.

Most recently, the amended version of the traffic separation schemes intended for the Turkish Straits were approved by the Sub-Committee on Safety of Navigation at its thirty-ninth session, and forwarded to the Maritime Safety Committee for adoption at its 16-25 May 1994 session. In addition, information on the salient points of the new regulations were brought to the attention of all interested parties and issued as document MSC 63/7/2. An assessment of the circumstances of the accident show that if the transit of the Nassia had taken place subject to the pending regulations, the accident could have been averted.