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COLLISION IN THE STRAIT OF ISTANBUL

Communication by the Government of Turkey

The attached communication received from His Excellency the Ambassador of the Republic of Turkey is circulated pursuant to the request of His Excellency the Ambassador of the Republic of Turkey.

TURKISH EMBASSY

43, BELGRAVE SQUARE
LONDON, SW1X 8PA
Tel.No. 071-235 5252

17th June 1994

Dear Sir

With reference to the letter addressed to your office concerning the accident on March 13, 1994 in the Strait of Istanbul, submitted by the Greek Cypriot Administration, I would like to bring to your attention the following important points.

The request of the said Administration to conduct an on-the-spot investigation into the accident in the Strait was assessed in the light of Turkey's international commitments and the relevant domestic legislation and procedures.

As stated in our letter of April 5, 1994 it was not possible to satisfy this request, primarily due to legal unfeasibility. Investigations carried out according to SOLAS and MARPOL are technical in nature and their findings are geared towards identifying ways of improving these Conventions. This purpose is explicitly stated in the relevant articles of these Conventions.

Mr W. A. O'Neil
Secretary-General
International Maritime Organisation
4, Albert Embankment
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Naturally, such investigations will focus on possible human failure as well as the technical sufficiency of the vessels. As such, an investigation of this sort would inevitably overlap with the official inquest into the accident. Accordingly, Turkish legislation, as in most other countries, allows for proper conduct in official inquests, but does not provide a venue for a parallel investigation.

Furthermore, while a separate investigation after the completion of the inquest is procedurally possible, within the conditions determined by domestic legislation, permission for such an investigation is within the Turkish Government's discretion. Firstly, Resolution A.637 (16), to which the said letter makes a reference, is a recommendation. Secondly, this Resolution clearly states that international cooperation after an accident will take place on the basis of mutual respect for national rules and practice. It is apparent that the said Administration has not given a good account of itself in this regard. Immediately after the accident, Greek Cypriot officials, as well as press started issuing statements and declarations full of groundless accusations and prejudiced judgments about the Turkish authorities concerned and the reasons for the accident. It thus became apparent that this biased attitude ruled out any possibility of an approval to conduct a separate investigation.

I would like to recall that, in accordance with the responsibilities emanating from being party to the SOLAS and MARPOL Conventions, and in the spirit of cooperation which underly these understandings, Turkey provided the findings to the IMO as soon as the preliminary inquest of Turkish judiciary authorities was completed (IMO document. SN/Circ.164)

A careful reading of these findings will show that there are grounds for doubts about the professional competence of the crew employed on the Shipbroker, one of the vessels involved in the accident. On the other hand, recent reports in the British press have included claims about misconduct over the insurance premiums of both vessels. In our opinion it would be more fruitful for the Greek Cypriot authorities to carry out investigations in regard to their obligations under SOLAS and MARPOL in other quarters, rather than in Turkey.

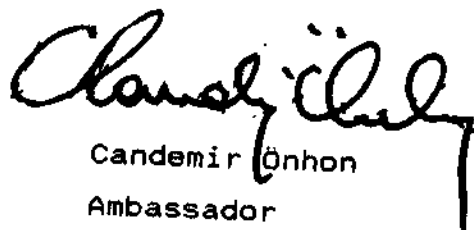
In the light of the above, Turkey interprets the statements made in the said letter as another example of the abuse of international fora against Turkey, which is regularly practiced by the said Administration. We therefore strongly reject the protest made on this issue.

Such attempts, we fear, would undermine the image of the IMO as a technical institution dedicated to the safety of the maritime community.

As for the ban on Greek Cypriot vessels to call on Turkish ports, we would like to emphasize the fact that such a practice has been the consequence of the inhuman maritime embargo implemented by the Greek Cypriot Administration against the Turkish Republic of Northern Cyprus.

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

Yours sincerely,


Candemir Önön
Ambassador