

SHORT COMMUNICATION

Notes on the fisheries compensation for the Independenta/Evriali incident in the Istanbul Strait, Turkey

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Abstract

The Independenta/Evriali marine incident in 1979 was one of the major disasters in the Sea of Marmara and Istanbul Strait due to its fire, oil spill, air pollution and explosion. Collision of the two ships caused significant economic and ecological damages particularly for fisheries in the above area. After the incident 15 fishery cooperatives were compensated with the total amount of 350,000,000 TL, equivalent to 291,500 USD, due to loss of fisheries income, damage of fishing nets, fishing boats and pollution of the marine environment. This amount was divided among those fisheries cooperatives in 1988 after the court decision.

Keywords: Marine incident, oil spill, Istanbul Strait, fishing damage, compensation

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The length of the Istanbul Strait is 31km and its width changes from 0.7 km to 3.5 km. The average width of the strait is 1.3 km. Water depths vary around a mean of 33 m with a maximum depth of 110 m (Güler *et al.* 2006). Ship traffic is regulated according to the Montreux Convention signed in 1936. This convention has given Turkey control over the Straits and regulates all kinds of activities in the region.

The Strait is a narrow 'S-shaped' complex natural channel with several sharp turns and headlands, which prevents a proper overview and makes navigation difficult as the route changes with currents. This structure of the strait itself causes a risk for ship incidents mostly in bad weather conditions. Besides, engine and human failures also cause incidents as well. On 15 November 1979, a Romanian tanker Independenta collided with a Greek cargo ship Evriali due to bad weather,

off Haydarpaşa at the entrance to the Istanbul Strait. It was estimated that 30,000 tons of crude oil was burned and that the remaining 64,000 tons was spilled into the sea (Baykut *et al.* 1985).

Heavy oil accumulations contaminated the surface water of the sea and on the shores of the Marmara Sea and Istanbul Strait. After contamination, the light components evaporated to the atmosphere and the remaining oil sank to the bottom of the sea around the incident area. Nearly three miles diameter of the sea bed was coated by a thick oil layer of the concentration of 46g/m² and 96% mortality of benthic organisms was reported in this polluted area. Petroleum which coated the sediment affected the coastal ecosystem and fisheries extensively as a result of bottom sweep activities (Baykut *et al.* 1985). Besides, both benthic and pelagic ecosystems were largely impacted by the incident (Öztürk and Öztürk 1996). Fishing boats did not operate for several days due to the oil spill and contamination. In addition, after the explosion some pelagic fishes, such as horse mackerel, bluefish and bonito, stranded ashore due to the explosion shock.

Damages were classified into three parts by the Istanbul court. The first part was concerning loss of fishing gear, the second part fishing boats and nets, and the third one the environmental pollution. Fifteen fisheries cooperatives in both European and Asian sides requested and later obtained the compensation for the damage are shown in Figure 1.

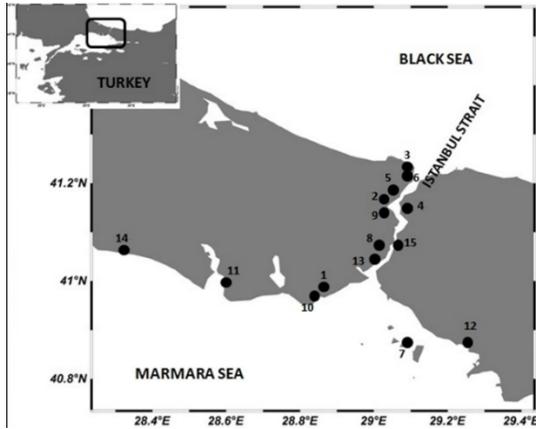


Figure 1. Location of compensated fisheries cooperatives after the Independenta incident. 1: Istanbul Fish Producers Association, 2: Rumeli Kavak Fish Producers (FP), 3: Rumeli Feneri FP, 4: Anadolu Kavağı FP, 5: Sarıyer Yeni Mahalle FP, 6: Garipçe FP, 7: Adalar Aquaculture Production and Valorisation Cooperative (APVC), 8: Anadolu APVC, 9: Büyükdere APVC, 10: Kumkapı APVC, 11: Mimarsinan APVC, 12: Pendik APVC, 13: Ortaköy APVC, 14: Silivri APVC, 15: Anadolu Hisarı APVC.

The Istanbul Strait is traditionally a rich fishing ground as it is a migratory passage of many pelagic fish (Öztürk and Öztürk 1996). There are small-scale artisanal fisheries and large-scale industrial fisheries in the strait. The artisanal fisheries are carried out with pots, dredges, trap nets, beach nets, lift nets, lines, gill and trammel nets and diving whereas the industrial fisheries are carried out with purse seines only. These fishing activities face problems such as increasing sea traffic, oil spill, overfishing and invasive exotic species (Öztürk *et al.* 2002).

Fishermen belonging to 15 fisheries cooperatives temporarily lost fishing grounds, their fishing equipment and boats were damaged and polluted by dispersed oil, fish prices decreased in the market. Most importantly, however, fish habitats and fishing grounds in both the pelagic and benthic zones were contaminated by the incident. As a result, the fishermen could not work for many days and the fish caught were tinted with oil. Besides, oil slicks were dispersed over most popular beaches in the Strait and Sea of Marmara.

In 1988, the total of 208,198 USD was paid as the first payment to the fisheries cooperatives in Istanbul according to the Istanbul court order dated 25.03.1987 with the order numbers 1982/911 and 1987/140 on “Fish catch damage compensation” caused by the incident. Later the same court decided the amount of the second compensation as 83,280 USD for “Fishing boats, fishing nets, and pollution of the environment” as a result of the same incident. These amounts of money were calculated according to UDS/TL ratio obtained from Central Bank of the Republic of Turkey. There is no exact method to calculate fisheries compensation due to ship collision or oil spill in the Turkish Straits System, even several incidents had occurred in previous years. Nevertheless, the documentation of fish price and bills was one of the prerequisites for the application of damage request by fishery cooperatives. Another incident occurred in the Istanbul Strait by Nassia in 1994 resulted in an economical loss of about 400,000 USD estimated by Macalister Elliott and Partners (1994). Nevertheless, this amount of money may not be real equivalency of the damage compensation for the fisherman and marine environment because the total of 2160 people were working directly as fishermen in the Istanbul Strait in those days. Besides, there are thousands of people working in the fishing industry, as shelling mussels, buying and selling fish, processing fish, working at seafood restaurants etc. Ship incidents are one of the threats for the fisherman in the Strait and mitigation measures should be taken by ship owners and local authorities to minimize damage for marine life and environment, consequently fisheries.

Türkiye, İstanbul Boğazı, Independenta/Evriali kazası balıkçılık tazmini üzerine notlar

Öz

Independenta/Evriali çatışma kazası neden olduğu yangın, petrol sızıntısı, hava kirliliği ve patlama gibi etkileri nedeniyle Marmara Denizi ve İstanbul Boğazı'nda meydana gelmiş en büyük denizel felaketlerden biridir. Bu iki geminin çarpışması özellikle İstanbul Boğazı ve Marmara Denizi balıkçılığı üzerinde ciddi ekonomik ve ekolojik zararlara neden olmuştur. Kaza sonrası 15 farklı balıkçılık kooperatifine balıkçılık gelir kaybı, balıkçı ağları ve teknelerin kullanılamaz hale gelmesi ve deniz kirliliği gibi zararlar için toplamda ortalama 291.500 dolara tekabül eden 350.000.000 TL'lik tazminat ödenmiştir. Bu miktar 1988 yılı mahkeme kararı ile balıkçılık kooperatifleri arasında zarar tazminatı olarak paylaştırılmıştır.

Anahtar Kelimeler: Independenta kazası, petrol sızıntısı, İstanbul Boğazı, balıkçılık zararları, tazminat

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