AN APPRAISAL OF VESSEL-SOURCE POLLUTION FOR MALAYSIAN LEGAL FRAMEWORK

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BY :

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2. Letter of Offer (Research Grant)

UNIVERSITI TEKNOLOGI MARA

PEMENANG Anugerah Kualiti Perdana Menteri 2008

Surat Kami : 600-RMI/SSP/DANA 5/3/Dsp (~~17~~/2011)
Tarikh : 23 Mei 2011

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Y. Brs. Profesor./Tuan/Puan

KELULUSAN PERMOHONAN DANA KECEMERLANGAN 05/2011

Tajuk Projek	:	An Appraisal Of Marine Oil Spills For Malaysian Legal Framework
Kod Projek	:	600-RMI/SSP/DANA 5/3/Dsp (~~17~~/2011)
Kategori Projek	:	Kategori F (2011)
Tempoh	:	01 Jun 2011 – 31 Mei 2012 (12 bulan)
Jumlah Peruntukan	:	RM 5,000.00
Ketua Projek	:	Pn Nur Irinah Mohamad Sirat

Dengan hormatnya perkara di atas adalah dirujuk.

2. Sukacita dimaklumkan pihak Universiti telah meluluskan cadangan penyelidikan Y. Brs Profesor/tuan/puan untuk membiayai projek penyelidikan di bawah Dana Kecemerlangan UiTM.

3. Bagi pihak Universiti kami mengucapkan tahniah kepada Y. Brs. Profesor/tuan/puan kerana kejayaan ini dan seterusnya diharapkan berjaya menyiapkan projek ini dengan cemerlang.

4. Peruntukan kewangan akan disalurkan melalui tiga (3) peringkat berdasarkan kepada laporan kemajuan serta kewangan yang mencapai perbelanjaan lebih kurang 50% dari peruntukan yang diterima.

Peringkat Pertama	20%
Peringkat Kedua	40%
Peringkat Ketiga	40%

5. Untuk tujuan mengemaskini, pihak Y. Brs. Profesor/tuan/puan adalah diminta untuk melengkapkan semula kertas cadangan penyelidikan sekiranya perlu, mengisi borang setuju terima projek penyelidikan dan menyusun perancangan semula bajet yang baru seperti yang diluluskan. Sila lihat lampiran bagi tatacara tambahan untuk pengurusan projek.

Sekian, harap maklum.

"SELAMAT MENJALANKAN PENYELIDIKAN DENGAN JAYANYA"

Yang benar

MUSTAFAR KAMAL HAMZAH
Ketua Penyelidikan (Sains dan Teknologi)

/RS.

Penolong Naib Canselor (Penyelidikan) : 603-5544 2094/2095 | Bahagian Penerbitan : 603-5544 1425/2785 | Penolong Pentadbiran : 603-5544 2090
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5. Report

5.1 Proposed Executive Summary

Catastrophic oil spills from both tankers and oil wells (notably the *Torrey Canyon* in the English Channel, *Exxon Valdez* in Alaska and the extensive oil well destruction during the Iran- Iraq war in the Arabian Gulf) are among the examples of marine oil spills which have badly affected the natural eco-system in various parts of the world and have triggered concerns over the impacts of oil spills on the natural environment. The concerns have been further intensified by the *Deepwater Horizon* oil spill incident in the Gulf of Mexico in 2010, which is one of the largest accidental marine oil spills in the history of the petroleum industry affecting onshore waters and shores of a number of the Gulf States. As Malaysia stands among the top producer of oil and gas, to a large extent it is deeply concerned by the possibility of such an incident happening in its territorial water. Furthermore, the existing problems such as oil pollution from bilge pumping and tank cleaning, the dumping of oil and sludge by ocean going vessels as well as oil spills caused by collisions and groundings of ocean-going tankers are among the recurring issues that have yet to be effectively addressed. These matters invite a thorough examination of the adequacy of the Malaysian legal and regulatory framework in addressing and managing the problem of oil spill in our territorial water. This research, thus, will examine the gravity of oil spill based on reported cases and incidents. It also will critically analyze the present state of the laws in relation to oil spills in Malaysia as set against the landscape of the international conventions to gauge whether appropriate responses have been made by the Malaysian legislations in view of Malaysian obligations under these conventions and to propose necessary changes accordingly. This research is based on a qualitative research. References will also be made to our local statutes as well as the international conventions. The expected outcome of this research may form the basis for policy maker's consideration in formulating a legislation that specifically addresses the matter.

5.3 Introduction

Vessel-source pollution is one of the major sources of marine pollution that harm the coastal marine environment in Malaysia. It contributes quite significantly towards the ecological disturbances of the marine environment as the western coastal area of Malaysia is extremely sensitive to oil spill hazards when most of the area is covered by mangrove forests. The vulnerability of the coastal area was exposed by the recent incident of oil spill washed up onto a 600m coastal stretch located at the Tanjung Piai National Park, Johor which was believed to have occurred when vessels passing by were conducting illegal oil dumping or oil transferring activities (The Star, 2012). The spill has caused the birds and mangrove threes to be covered in oil sludge and it was feared that it would further endanger the species of birds, shellfish and fish, as the oil which has covered mangrove tree roots can cause the plants to wither in two months. (Ahmad Fairuz Othman and Sim Bak Heng, 2012).

As Malaysia possesses abundance of coastal natural resources with more than 4670 km of its coastal borders endowed with valuable mangrove swamps, providing breeding and nesting grounds for birds, and egg laying areas for shrimp prawns and turtles (Pourvakhshouri, S.Z, 2004), hazardous consequences of oil spills pose dire threats to these natural environments and its inhabitants. The risks of oil spill come from a number of sources including from tankers passing through the Straits of Malacca which is one of the world's busiest super tanker routes and from a major oil field discovered along the eastern seaboard of Peninsular Malaysia that produces crude oil for exports to other countries. (Pauzi Zakaria M, 2000) Furthermore, existing problems such as oil pollution from bilge pumping and tank cleaning, the dumping of oil and sludge by ocean going vessels as well as oil spills caused by collisions and groundings of ocean-going tankers are among the recurring issues that have yet to be effectively addressed.

These matters have invited a thorough examination of the adequacy of the Malaysian legal and regulatory framework in addressing and managing the problem of oil spill particularly vessel source oil pollution in our territorial water. This research thus, will critically analyse the present state of the laws in relation to vessel-source pollution in Malaysia as set against the landscape of the international conventions in order to gauge whether appropriate responses have been made by the Malaysian legislations in view of Malaysian obligations under these conventions and to propose necessary changes accordingly.