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AMBASSADOR EXTRAORDINARY & PLENIPOTENTIARY AND PERMANENT REPRESENTATIVE OF ANTIGUA AND BARBUDA TO THE INTERNATIONAL MARITIME ORGANIZATION (IMO) LECTURES AT IMLI

Ambassador Dwight Gardiner (Director/Registrar-General, Antigua and Barbuda Department of Marine Services and Merchant Shipping (ADOMS) and the Permanent Representative of Antigua and Barbuda to the International Maritime Organization) visited the International Maritime Law Institute during the 2016-2017 academic year. He delivered a lecture on ‘The Caribbean Memorandum of Understanding (CMOU) on Port State Control and its Legal Implications on the Caribbean Region’ to the IMLI Class.



Ambassador Dwight Gardiner delivering his lecture

Ambassador Gardiner started his lecture by introducing the concept of Port State Control (PSC), how it developed and why it was necessary for today’s maritime affairs and the law of the sea.

According to him, the IMO defined PSC to mean ‘the inspection of foreign ships in national ports to verify that the conditions of the ship and its equipment comply with the requirements of the international regulations and that the ship is manned and operated in compliance with these rules.’ The Students learned that it is for reasons captured in the above definition that most IMO technical conventions such as SOLAS, MARPOL and STCW have provisions for inspection of ships docked at foreign ports to ensure compliance with these requirements.

Ambassador Gardiner recounted that PSC measures first featured in the SOLAS Convention of 1914 where the Port State had limited rights to inspect ships to ensure compliance with regards to their seaworthiness. He stated that PSC measures were reinforced as a response to some of the maritime disasters such as the 1978 “Amoco Cadiz” incident which saw the largest oil spill near the waters of the English Channel. The students learned further that the establishment of the Paris Memorandum of Understanding (MOU) on PSC which allow member States to implement a harmonised system of PSC was a direct response to some of the maritime incidents occasioning marine environmental degradation.

Ambassador Gardiner led the Class in discussing the crucial role played by the IMO in encouraging member States to establish regional PSC measures, and how such efforts eventually led to the establishment of regional MOUs covering the world’s oceans. Examples of regional MOUs include the Pairs MOU of 1982, the Caribbean MOU of 1996, the Mediterranean MOU of 1997 and the West and Central Africa (Abuja MOU) of 1999.

On the Caribbean MOU, Ambassador Gardiner informed the students that 17 members constitute it and that the IMO and ILO are among other organisations with observer status. He indicated that the mission of the CMOU is ‘to eliminate the operation of sub-standard ships in the region through a harmonised system of port State control.’ The objectives of the CMOU were identified to include securing ships compliance with international conventions and standards with regards to the safety of life at sea, security, marine pollution among others.

His lecture discussed other issues relevant to the effective functioning of the CMOU such as the organisational structure, the regime of inspection, jurisdiction and detention.



Ambassador Dwight Gardiner (Director/Registrar-General, Antigua and Barbuda Department of Marine Services and Merchant Shipping (ADOMS) and the Permanent Representative of Antigua and Barbuda to the International Maritime Organization) with the IMLI Class of 2016-2017

In an interview with the editor of the IMLI e-news shortly after his lectures, Ambassador Gardiner gave his take on the significance of IMLI specialised training to IMO member states, particularly the developing member States, and the retention of IMLI graduates upon the successful completion of training.

Discussing the relevance of IMLI training, Ambassador Gardiner said that IMLI had become a beacon of training for IMO member States especially the Small Island Developing States as such training allows for the acquisition of specialised knowledge in international maritime law. He explained that in the case of his country (Antigua and Barbuda) when they realised that they needed a local expert in maritime legislation drafting as well as a legal adviser to put them on the right path, they opted for the training of Mr. Kenroy Simmons at IMLI in 2010. According to Ambassador Gardiner, ‘The knowledge and expertise he acquired from IMLI continue to be of tremendous help to us especially during the negotiation of maritime boundary delimitation agreements with our neighbours.’

Ambassador Gardiner further explained that the lack of expertise in international maritime law was not just an isolated case of Antigua and Barbuda but with the wider Caribbean region and other regions including Africa.

He stated that 'IMLI training has indeed given the respective maritime administrations in term of the graduate coming back to serve, the ability to fulfil their international responsibilities concerning compliance with their international maritime obligations.' To that extent, he implored the governments of the Caribbean region and other governments to send their candidates to IMLI for training.

On the retention of IMLI graduates to serve their respective countries upon completion of their training, Ambassador Gardiner maintained that determining the government's sense of purpose and priority of needs is very crucial in retaining IMLI graduates. He pointed out that there are instances when IMLI graduates are not given the opportunity to contribute meaningfully to the development of the maritime industry, and as such become frustrated and eventually leave for the private sector. This robs the government of the opportunity to benefit from the knowledge and expertise acquired by these graduates. He urged governments to give opportunities to graduates to impart their newly acquired expertise.

In his concluding remarks, Ambassador Gardiner applauded IMLI for its foresight in introducing new programmes which would be beneficial to other senior government officials other than lawyers. This way, future maritime policy and legislation will be brought to the front burner as a priority for the developing countries.

Ambassador Dwight Gardiner is currently the Director/Registrar-General of the Antigua and Barbuda Department of Marine Services and Merchant Shipping (ADOMS) and the Antigua and Barbuda Ship Registry (2009 to present). He is the Permanent Representative of Antigua and Barbuda to the International Maritime Organization (2005 to present), Permanent Representative of Antigua and Barbuda to the International Seabed Authority (2015 to present) and Chairman of the Caribbean Memorandum of Understanding (CMOU) on Port State Control (2008 to present). He is also Ambassador Extraordinary and Plenipotentiary of Antigua and Barbuda with special responsibility for the International Mobile Satellite Organization (IMSO), International Oil

Pollution Compensation Funds (IOPC Funds) and the Association of Caribbean States (ACS). Ambassador Gardiner has been involved in the maritime sector of Antigua and Barbuda for over 30 years. From 2004-2009, he was the Maritime Advisor to the Government of Antigua and Barbuda; Vice Chairman of the Caribbean MOU on Port State Control from 2003-2008. He was the Deputy Permanent Representative of Antigua and Barbuda to the IMO from 2003-2005; and Senior Deputy Director and Registrar of Ships of the Antigua and Barbuda Department of Marine Services and Merchant Shipping from 1991 – 2003. Ambassador Gardiner was also elected Vice Chairman of Committee 1 of the 25th Assembly of the IMO in 2007 and one of the Vice Presidents of the Diplomatic Conference of Parties to the International Convention on Standards of Training and Certification and Watch-keeping for Seafarers, in June 2010 (STCW Manila Amendments 2010). Ambassador Gardiner is an Attorney at Law, a Notary Public, and holds Associates of Science Degrees in Marine Technology and Marine Management with Distinction and also a Bachelor of Science Degree in Applied Technology with Honours majoring in Business Management and Marine Technology from the Florida Institute of Technology in Melbourne, Florida, USA. He also possesses a Master of Science Degree in Maritime Safety Administration (Nautical) from the World Maritime University in Sweden, a Bachelor of Laws Degree from the University of Buckingham in the United Kingdom and a Legal Education Certificate from the Sir Hugh Wooding Law School in Trinidad and Tobago. He also studied at the Canadian Coast Guard College. Ambassador Gardiner is a Lieutenant Commander in the Antigua and Barbuda Defence Force Coast Guard (Reserve), Commissioner of the Antigua and Barbuda Port Authority, and has been accorded numerous awards nationally, regionally and internationally for his contributions to the international maritime industry.

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*** For further information please contact Mr. Buba Bojang (Editor, IMLI e-News) at publications@imli.org*