

# NFA LEGAL FRAMEWORK

**Ms. NANCY TAKA**

**28<sup>th</sup> JUNE 2021**

# ABSTRACT

- ▶ The rules, rights and obligations of companies, government agencies and citizens are set forth in a system of legal documents called a legal framework. Documents in a legal framework include a country's constitution, legislations, policy's, regulations and contracts.
- ▶ The Legal Framework of NFA as a statutory authority of the government would then be the laws and regulations that are in place to guide NFA to regulate the fishing industry in order to achieve the government's policy.
- ▶ Laws and policy are supposed to have more authority than a contract. However, contracts can be written to explicitly override the laws and regulations.

# 3 Broad Groups of Fisheries

- 1) Oceanic Fisheries (Tuna)
- 2) Inshore/Coastal Fisheries
- 3) Aquaculture

# Legal Framework

- 1) Constitution
- 2) Fisheries Strategy
- 3) Fisheries Management Act 1998 as amended
- 4) Fisheries Management Regulation 2000 as amended, PNG Standards for Fish and Fish Products
- 5) Fisheries Management Plans,
- 6) License Conditions
- 7) International Treaties(eg; PSMA)
- 8) Policies

# Contracts

- ▶ State Agreements (Tuna)

Contracts between NFA and Onshore Fishing Companies

- ▶ Access Agreement(Tuna)

Contracts between NFA and Distant Water Fishing Nations/companies/associations.

# Key Challenges

- 1) Illegal, Unregulated and Unreported Fishing
- 2) Surveillance Capacity
- 3) Whole of government Coordination

# PSMA

- First binding international agreement to specifically target IUU fishing.
- Objective: Prevent, deter and eliminate IUU fishing by preventing vessels from landing their catches.
- The PSMA applies to fishing vessels seeking entry into a designated port of a state which is different to their flag state.

# PSMA ACCESSION

- ▶ PNG is yet to accede to the PSMA.
- ▶ NEC paper signed by Minister.
- ▶ Instruments to be deposited with FAO once Parliament approves.