

## **HOW NICARAGUA APPROVED THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS**

The WHO Framework Convention on Tobacco Control was signed by the State of Nicaragua on 7 June 2004 at the United Nations headquarters in New York (USA). The Convention was approved by the National Assembly through Decree A.N. No. 5318, and published in the Nicaraguan Official Journal Gazette No.23 of 1 February 2008; the instrument of ratification was subsequently deposited on 9 April 2008, and the Convention entered into force in Nicaragua on 8 July 2008.

On 29 June 2010, the National Assembly approved the Law No. 727 on "the Control of Tobacco" published in Gazette No. 151 of 10 August 2010. Further, the related regulations, contained in Decree No. 41-2011 were approved on 11 August 2011 and published in Gazette No. 155 of 18 August 2011.

The approval of this law in 2010 was the result of many work sessions with tobacco control stakeholders, including institutions related to health, environment, trade, civil society, and others.

Nicaragua actively participated in the meetings of the intergovernmental negotiating body and contributed to the drafting of the Protocol to Eliminate Illicit Trade in Tobacco Products.

Following Nicaragua's active participation in the drafting of the Protocol and thanks to the strong support of the President's Office, the ratification of the Protocol was promoted, also taking advantage of the available information and their need to control illegal trade of tobacco products that was booming in the country.

Nicaragua was present and signed the Protocol during the ceremony held at WHO Headquarters on 10 January 2013.

Another point to stand out is that the Law No. 727, in its Chapter V, already prohibits any illegal trade activity related to tobacco products throughout the national territory; it also bans the import of tobacco products without paying the corresponding taxes and establishes actions to seize and destruct illicit tobacco products. The Law also mandates the competent authorities to develop the necessary administrative and legal measures that allow to effectively document, monitor and control the transfer of tobacco products entering the country or transiting to another country.

The President of Nicaragua, Daniel Ortega Saavedra determined to support tobacco control, sent a proposal for the ratification of the Protocol to the National Assembly in September 2013

In October 2013, the proposal supported by the Ministry of Health and the Ministry of Trade Development, was discussed by the National Assembly in its plenary session and was subsequently assigned to the Committee on Production, Economy and Budget.

That same month, the Committee considered and discussed the Presidential proposal and sent a positive response to the Secretary of the National Assembly. On 13 November 2013, the proposal supported by the Committee was discussed in a plenary session of the National Assembly and approved by majority.

On 14 November 2013, the Secretary of the Presidency of the Republic of Nicaragua was subsequently informed about the decision of the National Assembly, followed by the request of President Daniel Ortega Saavedra to publish the text of the ratification of Protocol in the Official Gazette on 19 November.

On 20 December 2013, Nicaragua informed the United Nations and deposited its instrument of ratification, thus becoming the first country to ratify the Protocol to Eliminate Illicit Trade in Tobacco Products.

What were the main conditions that led to the ratification of the Protocol by Nicaragua?

1. Strong political support from President Daniel Ortega Saavedra
2. Definite knowledge of the ministries of health, trade and customs of the need to control the problem of illegal trade of tobacco in Nicaragua
3. Strong support in the National Assembly for the ratification proposal sent by the President of the Republic
4. Concerns related to illegal tobacco trade already considered during the ratification of the WHO Framework Convention on Tobacco Control