

28. Nicaragua

Statement made in the Sixth Committee, Seventy-third session (2018), 28th meeting, 30 October 2018.⁷⁴

In the case of Nicaragua, the Constitution states that international treaties must be approved by the National Assembly so that they [...] acquire legal effects inside and outside Nicaragua “once they have entered into force internationally, by deposit or exchange of ratifications or compliance with the requirements or deadlines, provided for in the text of the international treaty or instrument”. In Nicaragua the provisional application of a treaty would require that the instrument be approved by the National Assembly in order for it to have legal effects inside and outside of Nicaragua.

A recent example that evidences the practice of Nicaragua in this regard is the 2010 International Cocoa Agreement, which entered into force provisionally on July 15, 2013, the date on which the instrument of accession was deposited with the Secretary General of the United Nations, having undergone the normal process of adherence before the National Assembly, regardless of whether the instrument was destined to be applied provisionally.

In a context that is not the same but similar, the *Association Agreement of the European Union with Central America* is provisionally applied partially on the understanding that only the provisions relating to commercial aspects are applied. At this point, it is worth clarifying that this type of partial provisional application must be differentiated from a total provisional entry into force of an instrument such as the first example. In any case, both modalities require the approval of the National Assembly.

⁷⁴ Unofficial translation (from Spanish) by the United Nations Secretariat. Full text available at: https://www.un.org/en/ga/sixth/73/pdfs/statements/ilc/nicaragua_2.pdf.