TERMS OF REFERENCE: LEGAL DRAFTING GROUP FOR MANDATE AND COMPOSITION PROVISIONS OF INTERNATIONAL LEGALLY BINDING INSTRUMENT ON PLASTIC POLLUTION

Submitted by: Like Minded Countries

1. The intergovernmental negotiating committee (“committee”) of the international legally binding instrument on plastic pollution hereby establishes an open-ended legal drafting group (“group”) to prepare and submit to the committee a report and draft proposed legal text of the instrument. The draft proposed legal text developed by the group will be subject to review to ensure that the text is reflected in a legally sound manner and ultimate approval by the committee, when the group make recommendations on the language to the plenary for its consideration.

2. The legal drafting group shall not consider policy issues, if any policy issues it may identify in the course of its work would be referred back to the plenary.

3. The group shall be an open-ended working group for all member states, serving as legal advisers to Member States participating in the negotiations, who have recognized expertise in the fields of international environmental law or public international law and who are fluent in at least one working language of the committee.

4. The group will be tasked with conducting a legal review of any elements of the final draft text negotiated and agreed upon by all member states forwarded to it by the plenary of the committee with a view to ensuring that the text is reflected in a legally sound manner and make recommendations on the language to the plenary for its consideration. During this process, the group shall maintain the integrity of the ideas put forth by Member States during the negotiations and ensure that legal implications from the proposed draft text remain unchanged.

5. At its first meeting, the group shall decide by consensus to two co-chairs and a rapporteur. The INC secretariat shall provide administrative assistance to the group as needed. The group will conduct its work in person during the INC5 sessions.

6. The group or members thereof may be called on for interventions or consultations during the fifth session of the committee. Unless their term is extended by the committee, the group shall conclude their work at the conclusion of INC5.

7. Any Member who wishes to do so, can designate a legal expert. The committee invited the Members to communicate the names of the legal expert in writing to the secretariat by 1 August 2024, with the option of providing any updates by 1 September 2024 with respect to participation in the group at INC5. It further requested the secretariat to make the compiled list of legal experts participating in the group available on the INC website.