



## CONVENTION ON MIGRATORY SPECIES

UNEP/CMS/Resolution 11.15 (Rev.COP13)

Original: English

### PREVENTING POISONING OF MIGRATORY BIRDS

Adopted by the Conference of the Parties at its 13<sup>th</sup> Meeting (Gandhinagar, February 2020)

*Recognizing* that Article III (4)(b) of the Convention requires Parties that are Range States of migratory species listed in Appendix I to endeavour “to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species”,

*Recognizing* that Article III (4)(c) of the Convention requires such Parties to endeavour, “to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger such species”,

*Concerned* that very large numbers of migratory birds are killed annually as a result of poisoning and that this unnecessary mortality can severely affect the conservation status of vulnerable species, including many listed under CMS and its associated instruments, and that for some species poisoning is the primary cause of their unfavourable conservation status,

*Highlighting* the need to provide practical guidance on preventing, reducing or controlling poisoning from, *inter alia*, agriculture pesticides, poison bait, veterinary pharmaceutical treatments and use of lead for hunting and fishing, and potential synergistic effects of different poisons through ingestion from various food sources such as prey species,

*Aware* that international measures and concerted actions to address migratory bird poisoning are urgently needed and should involve CMS Parties, Range States, international and national organizations, the private sector and relevant stakeholders,

*Further aware* of the important role of industries involved in the manufacture of substances that can result in the poisoning of migratory birds; organizations involved in their sale and distribution; and representational bodies of those whose use of such substances can result in migratory bird mortality or morbidity,

*Aware* of the important role of national legislation and its enforcement regarding categorization and selling of such substances, which can result in mortality or morbidity in bird species through permission regime,

*Aware* that deliberate poisoning events could remain undetected or unregistered,

*Underlining* the need of qualified authorities to improve detection and a prosecution of criminal acts of bird poisoning,

*Recalling* Resolution 10.26<sup>1</sup> on minimizing the risk of poisoning to migratory birds, which called on the Scientific Council and the Secretariat to establish an intersessional working group, the Preventing Poisoning Working Group, to undertake a detailed assessment of the severity and scope of poisoning for migratory birds; significant knowledge gaps; and where sufficient knowledge exists to

<sup>1</sup> Superseded by Resolution 11.15 (Rev.COP12) *Preventing Poisoning of Migratory Birds*

recommend suitable responses to address the problems, potentially including areas where enhanced legislation may be required, features of effective regulatory regimes, and understanding socio-economic drivers of poisoning,

*Acknowledging* the positive actions undertaken by some Parties to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) to phase out the use of lead shot for hunting in wetlands,

*Further recalling* that the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia highlights the many African-Eurasian migratory raptors with an unfavourable conservation status at a regional and/or global level as a result of poisoning, which in some cases is connected to poaching endangered species such as elephants and rhinoceroses,

*Acknowledging* the work of the Vulture Working Group and the development of the CMS Multi-species Action Plan to Conserve African-Eurasian Vultures (Vulture MsAP), adopted by Resolution 12.10, which provides a comprehensive strategic conservation action plan covering the geographic ranges of all 15 migratory Old World vulture species and to promote concerted, collaborative and coordinated international actions towards the recovery of these populations to a favourable conservation status by 2029,

*Recalling* that the diclofenac molecule contributed to the catastrophic collapse of vulture populations of the *Gyps* species in South Asia and concerned that other new non-steroidal anti-inflammatory drug (NSAID) molecules in use can have a similar effect on Vulture species or other scavenging raptors,

*Noting* the objectives of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which promotes the environmentally sound use of hazardous chemicals and shared responsibility to protect the environment from harm,

*Noting with satisfaction* Recommendation 164 (2013), adopted by the Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), which raises concern regarding the widespread use of poisons to kill protected species, and calls for strengthened cooperation to enhance national and international actions to eliminate this damaging practice,

*Acknowledging* the Ramsar Convention's Resolution XI.12 on ecosystem approaches to wetlands and health, which recognizes the interactions between disease - including poisoning - in wildlife, human and domestic animals, which stresses the urgent need to ensure that policy responses are better integrated in a 'One Health' approach across these sectors for most effective outcomes,

*Acknowledging* also the Resolutions of the International Union for Conservation of Nature (IUCN) World Conservation Congress WCC-2016-Res-014 on combatting the illegal poisoning of wildlife, WCC-2016-Res-022 on conservation measures for vultures, including banning the use of veterinary diclofenac, and WCC-2016-Res-082 on a path forward to address concerns over the use of lead ammunition in hunting,

*Noting* that poisoning is a problem affecting taxa other than birds as well, and *highlighting* the importance of a global analysis of the impact of this cause of mortality for wildlife and a need of appropriate prosecutions for illegal cases of poisoning,

*Recognizing* that whilst activities associated with some substances toxic to birds can have social and/or economic significance, such as the protection of agricultural crops from pests, experience shows that strategies to minimize and prevent the risk of poisoning of birds can be, nonetheless, sustainably implemented with benefits to the provision of wider ecosystem services,

*Noting* the report of the Special Rapporteur on the right to food transmitted to the Human Rights Council of the United Nations General Assembly (A/HRC/34/48), which highlights the adverse impacts of pesticides used in agriculture on human rights, the negative consequences of pesticide practices on human health, environment and society, which were underreported and monitored in the shadow of a prevailing and narrow focus on “food security”; and its recommendations on the regulation of hazardous pesticides and promotion of agroecology as an alternative to the extensive use of pesticides,

*Recalling* that the 2030 Agenda for Sustainable Development and targets, in particular Target 3.9 calls for the substantial reduction of the number of human deaths and illnesses from (a) hazardous chemicals and (b) air, water and soil pollution and contamination by 2030, and Target 12.4 calls for the environmentally sound management of chemicals and all wastes throughout their life cycle, and the significant reduction of their release into the air, water and soil in order to minimize their adverse impacts on human health and the environment by 2020,

*Noting* that UNEP/EA.3/Resolution 4 *Environment and Health* and UNEP.EA.4/3 Implementation Plan *Towards a Pollution-free Planet* encourage Member States and the Executive Director, in cooperation with all relevant stakeholders, to raise awareness of [...] the dangers to the environment of lead in ammunition, and to encourage research regarding alternatives to such chemicals and drugs that are toxic to wildlife, as well as safety testing thereof,

*Welcoming* the proposal within the European Union to introduce an EU-wide ban on the use of lead shot in wetlands under the REACH regulation (Registration, Evaluation, Authorization and Restriction of Chemicals; (Regulation (EC) No 1907/2006) to address the estimated one million waterbirds that succumb annually to lead poisoning within the EU,

*Welcoming* the request made in 2019 by the European Commission to the European Chemicals Agency (ECHA) to develop a restriction proposal in the framework of REACH in relation to use of lead in fishing weights and ammunition,

*Recognizing* that under strictly supervised conditions and on a selective basis, the legal and regulated use of poison baits can have important conservation benefits through the control of alien invasive species,

*Concerned* that there is a serious geographical bias in relevant research and knowledge, and *emphasizing* that further research on and monitoring of migratory birds and sources of poisoning are urgently required for some poisoning sources, and that studies should be designed so as to better assist in formulating and monitoring policy,

*Acknowledging* that a number of Parties are already applying relevant policies, for example, the removal of certain toxic pesticides from the market, use of canine patrols to deter and detect poison baits, implementation of training programs for relevant bodies and authorities on investigation and prosecution, implementation of programmes of Integrated Pest Management, and promotion of the use of non-toxic ammunition for hunting and *commending* those Parties for such actions,

*Noting* the United Nations Development Programme/Global Environment Facility (UNDP/GEF) 'Migratory Soaring Birds Project' implemented by BirdLife International, and its document “Preventing the Risk to Migratory Birds from Poisoning by Agricultural Chemicals: Guidance for Countries on the Rift Valley/Red Sea Flyway”, which aims to ensure that the conservation needs of migratory soaring birds are addressed by industry, including the agriculture sector, along the Red Sea/Rift Valley Flyway, and *recognizing* the potential this project has to promote the implementation of this Resolution and the associated “Guidelines to Prevent the Risk of Poisoning to Migratory Birds” nationally and locally,

*Further noting* the Sub-regional Implementation Plan to Prevent Poisoning of Migratory Birds in Southern African Countries 2017-2020, developed at the Regional Workshop on Preventing Poisoning of Migratory Birds, held in Cape Town, South Africa, on 24 August 2015, in response to Resolution 11.15,

*Further noting* the European Action Plan to Prevent Risk from Poison-Baits of the 'European Network on Environmental Crime' (ENEC), funded by the Criminal Justice Support Programme of the European Union to improve the implementation and application of the Directive 2008/99/EC on the protection of the environment through criminal law,

*Stressing* that capacity-building at national and regional level is of fundamental importance for the effective implementation of this Resolution,

*Noting* the Report of the 2<sup>nd</sup> Meeting of the Preventing Poisoning Working Group (UNEP/CMS/COP12/Inf.8) and its Programme of Work (POW; UNEP/CMS/COP12/Inf.9),

*The Conference of the Parties to the  
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Adopts* the *Guidelines to Prevent the Risk of Poisoning to Migratory Birds* (the Guidelines) Annex 2 to document UNEP/CMS/COP11/Doc.23.1.2, agreeing that it is for each Party to determine whether or how to implement the recommended actions, considering the extent and type of poisoning risk, whilst having regard to their international obligations and commitments, including those under the Convention;
2. *Invites* the United Nations Environment Programme to further discuss this issue at meetings of the United Nations Environment Assembly, recognizing that this is an issue which has wider environmental impacts;
3. *Urges* Parties and *encourages* non-Parties to disseminate and implement the Guidelines, as appropriate, across all flyways, where necessary translating the Guidelines into different languages for their wider dissemination and use;
4. *Encourages* CMS Parties and *invites* Parties and Signatories of CMS Family instruments to identify within flyways, those geographical areas where poisoning is causing significant mortality or morbidity in migratory birds, and address these as a matter of priority applying the Guidelines as appropriate;
5. *Urges* CMS Parties and *invites* Parties, Signatories and non-Parties of CMS Family instruments, that are range states of Vultures and other scavenging Raptors to:
  - a) ensure safety testing of existing veterinary NSAID and, withdraw licensing of vulture-toxic NSAIDs (including diclofenac) for veterinary use or implement adequate risk assessment with particular reference to known threats to vultures and other scavenging Raptors;
  - b) ensure that safety testing of new veterinary NSAIDs are conducted for these groups of birds as part of the protocol of research and development departments of and financed by the pharmaceutical industry, making licencing conditional on the results of these tests; and
  - c) contribute to identification and promotion of safe alternatives drugs;
6. *Urges* the Secretariat to consult regularly with relevant stakeholders, including government agencies, scientific bodies, non-governmental organizations and the agricultural, pharmaceutical, hunting and fishing sectors, in order to monitor the impacts of poisoning on

migratory birds and to support the elaboration of national strategies and sector implementation plans as necessary to minimize detrimental impacts;

7. *Encourages* CMS Parties to monitor and evaluate the impact of poisoning on migratory bird species regularly at national level, as well as the effectiveness of measures put in place to prevent, minimize, reduce, or control poisoning impacts, as appropriate;
8. *Calls on* Parties and non-Parties, including inter-governmental organizations and other relevant institutions to elaborate strategies to address poisoning or to include measures contained in this Resolution and in the Guidelines in their National Biodiversity Strategies and Action Plans (NBSAPs) or relevant legislation as appropriate to prevent, minimize, reduce or control the impact of poisoning on migratory bird species and for this purpose involving relevant enforcement authorities;
9. *Instructs* the Secretariat, in close cooperation with relevant CMS instruments, to liaise with the Bern Convention Secretariat, the European Commission and other relevant international organizations in order to update the Guidelines as necessary, and *invites* Parties to contribute to the dissemination and updating of the Guidelines;
10. *Invites* the IUCN and its Species Survival Commission (SSC) to cooperate actively with CMS and the Preventing Poisoning Working Group (PPWG) on a global analysis of the impact of poisoning on wildlife, resources permitting;
11. *Invites* the Rotterdam Convention on the Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade to cooperate actively with CMS on matters related to poisoning of migratory birds, and in particular on the question of clarifying existing guidelines used in decision-making processes under that Convention as appropriate;
12. *Invites* the International Cooperation on Harmonization of Technical Requirements for Registration of Veterinary Medicinal Products (VICH) and the Organization for Economic Cooperation and Development (OECD) to consider conducting an evaluation of the risk that veterinary medicinal products pose to migratory bird species and other species, that might be poisoned by their food resources containing such products through either lethal or sub-lethal impacts, and using the results to provide guidance to the veterinary sector;
13. *Encourages* all those concerned with preventing poisoning of migratory birds to engage with such groups and create active partnerships – at appropriate scales – as a priority in implementing the Guidelines;
14. *Invites* Parties to note that neonicotinoid insecticides have become a main replacement for the organophosphates and carbamates reviewed; and to consider conducting further research on and monitoring migratory bird mortality incidents associated with the use of these and other insecticides;
15. *Calls on* Parties and *invites* non-Parties and stakeholders, with the support of the Secretariat, to strengthen national and local capacity for the implementation of this Resolution including, *inter alia*, by developing training courses, translating and disseminating examples of best practice, sharing protocols, experiences and regulations, transferring technology, forensic techniques and promoting the use of online tools to address specific issues that are relevant to prevent, reduce, or control poisoning of migratory birds protected under the Convention;
16. *Urges* Parties, the United Nations Environment Programme and other relevant international organizations, as well as the industry, bilateral and multilateral donors and others, to consider supporting financially the implementation of this Resolution and the Guidelines, including through the coordination provided by the PPWG and the Intergovernmental Task Force on Phasing Out the Use of Lead Ammunition and Lead Fishing Weights as per operative

paragraph 18, support of regional workshops, and the provision of financial assistance to developing countries for relevant capacity-building;

17. *Proposes* the continuation of the PPWG until the 14<sup>th</sup> meeting of the Conference of the Parties (COP14) under the terms of reference annexed to this Resolution, renewing its membership to incorporate expertise from geographical regions currently absent as well as representatives of industry and governments, to address the impact of other sources of poisoning, and geographic gaps, and to monitor the implementation of the Guidelines;
18. *Instructs* the Secretariat, subject to availability of resources, to convene an Intergovernmental Task Force on Phasing Out the Use of Lead Ammunition and Lead Fishing Weights to take forward the implementation of the Guidelines in its relevant sections, as appropriate,
19. *Requests* the Standing Committee to develop and approve terms of reference for the Task Force at its second meeting after COP13, building on the terms of reference adopted by COP12 for the Lead Task Group and including a provision to ensure reporting to the COP on its work and any recommendations for consideration by Parties; and
20. *Calls on* Parties to report progress in implementing actions taken under this Resolution, and results achieved to future COPs through their National Reports.

## **Annex to Resolution 11.15 (Rev.COP13)**

### **TERMS OF REFERENCE OF THE PREVENTING POISONING WORKING GROUP (PPWG)**

(for the intersessional period until COP14)

#### **1. Background and purpose**

This Working Group was established by Resolution 10.26<sup>2</sup> to assist the Parties to the Convention on Migratory Species (CMS) and its associated instruments, relevant Multilateral Environmental Agreements (MEAs) and Conventions to review the causes and consequences of poisoning of migratory birds, and to recommend suitable responses to address the problems.

#### **2. Role and Scope**

The role of the Working Group is to facilitate concerted efforts, actions and procedures to prevent poisoning of migratory birds other than lead poisoning which is dealt with by the Intergovernmental Task Force on Phasing Out the Use of Lead Ammunition and Lead Fishing Weights. Its geographical scope is global. The Working Group will cover all migratory bird taxa as identified by CMS and its relevant associated instruments.

The Working Group, resources permitting, must report taking into account the regional aspects.

#### **3. Remit**

The Working Group will:

##### **Support implementation of the Preventing Poisoning Guidelines**

- a. facilitate implementation of the Preventing Poisoning Guidelines and other relevant Resolutions adopted by COP as well as other relevant frameworks for action on relevant issues other than lead poisoning;
- b. set and implement priorities for its work;
- c. keep the Guidelines actively under review in the light of developing research findings and other relevant information and report relevant developments to the Scientific Council;
- d. assist in resource mobilization for priority actions, in collaboration and through the creation of synergies with other initiatives such as the Intergovernmental Task Force on Phasing Out the Use of Lead Ammunition and Lead Fishing Weights and the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean, the Vulture Working Group, and the Landbirds Working Group;
- e. actively seek engagement from and with relevant agrochemical and veterinary pharmaceutical industries so as to develop alternative less detrimental solutions;
- f. review, take account of, and communicate best practice when poisons are used as management tools in the protection of migratory birds and other biodiversity;
- g. encourage the translation and dissemination of the Guidelines widely within relevant networks, as well as to end-users and others;
- h. monitor the implementation of the relevant decisions and plans and their effectiveness and submit progress reports to the governing bodies of the participating MEAs;
- i. stimulate internal and external communication and exchange of information, experience, best practice and know-how;
- j. strengthen relevant regional and international networks; and

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<sup>2</sup> Under the name Minimizing the Risk of Poisoning to Migratory Birds Working Group.

## **Assess other causes of migratory bird poisoning**

- k. resources permitting, consider the need for additional guidance for preventing impacts on migratory birds from other types of poison (for example pheromone-type substances) and geographic gaps, and how these might be developed.

For effective working, the Working Group will establish task groups addressing either thematic issues (e.g., for different poison types) and/or geographical regions to progress its work.

## **4. Membership**

The membership of the Working Group will comprise the Secretariats of the participating MEAs, as well as academic institutions, non-governmental organizations and other stakeholders, as appropriate.

The following representatives will also be invited to contribute to the Working Group:

- Representatives of CMS Parties;
- Representatives of the CMS Scientific Council, the Technical Committee of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), Technical Advisory Group of the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptor MOU), Bern Convention Expert Group on Birds;
- Representatives of the CMS Mediterranean Illegal Killing, Taking and Trade Task Force, African-Eurasian Migratory Landbird Working Group and Flyways Working Group;
- Independent experts on an ad hoc basis as necessary and appropriate; and
- ECHA.

## **5. Governance**

The Working Group will elect a Chair and a Vice-Chair from amongst its members and will operate by seeking consensus among the Group. The Working Group will report to the Scientific Council on its actions, membership and other related issues.

## **6. Operation**

Funding permitting, a coordinator will be appointed with the following functions:

- organizing the meetings of the Working Group and preparing the background documents;
- maintaining and moderating the Working Group's communications;
- facilitating fundraising and resource mobilization; and
- facilitating engagement with stakeholders within and beyond the Working Group.

Meetings of the Working Group will be convened at appropriate intervals, as considered necessary and funding permitting. Between meetings, business will be conducted electronically, which will provide the primary mode of communication.

The Working Group, in collaboration with Parties and relevant international organizations, subject to the availability of funds, will organize regional workshops in trouble spot areas to assist in developing appropriate local or regional solutions to prevent the poisoning of migratory birds.