



CONVENTION ON MIGRATORY SPECIES

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PREVENTING POISONING OF MIGRATORY BIRDS

Adopted by the Conference of the Parties at its 12th Meeting (Manila, October 2017)

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 which 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,

Recalling Resolution 10.26¹ 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 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,

¹ Superseded by Resolution 11.15, Preventing Poisoning of Migratory Birds

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,

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,

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 a 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 stressed 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 other taxa than birds as well, and *highlighting* the importance of a global analysis of the impact of this cause of mortality for wildlife,

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,

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, removal of certain toxic agricultural insecticides from the market, implementing programmes of Integrated Pest Management, and promoting 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 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 2nd 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 the third Meeting 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* 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;

6. *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;
7. *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;
8. *Instructs* the Secretariat, in close cooperation with relevant CMS instruments, to liaise with the Bern Convention Secretariat 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;
9. *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;
10. *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;
11. *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 scavenging migratory bird species through either lethal or sub-lethal impacts, and using the results to provide guidance to the veterinary sector;
12. *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;
13. *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;
14. *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 and regulations, transferring technology, 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;
15. *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, support of regional workshops, and the provision of financial assistance to developing countries for relevant capacity-building;

16. *Proposes* the continuation of the open-ended PPWG until COP13 under the Terms of Reference annexed to this Resolution, which now includes a new Task Group addressing the issues of lead poisoning, 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; and
17. *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.COP12)

TERMS OF REFERENCE OF THE PREVENTING POISONING WORKING GROUP

(for the intersessional period until COP13)

1. Background and purpose

This Working Group was established by Resolution 10.26¹ to assist the Parties to the Convention on Migratory Species (CMS) and its associated instruments, relevant 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. 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 COP11 as well as other relevant frameworks for action;
- 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;
- e. Actively seek engagement from and with relevant agrochemical, veterinary pharmaceutical industries, and companies manufacturing lead ammunition or fishing weights;
- 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

¹ Under the name Minimising 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, NGOs 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, AEWa Technical Committee, Raptors MOU Technical Advisory Group, 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; and
- Independent experts on an ad hoc basis as necessary and appropriate.

The Lead Task Group will invite:

- A communications expert
- An expert on soil remediation of polluted environments
- An international hunting body representative
- An ammunition trade manufacturing stakeholder
- A firearms trade/manufacturing stakeholder
- A technical shooting/ballistic expert
- A member of the CMS Scientific Council
- A member of the AEWa Technical Committee
- A member of the Raptor MOU Technical Advisory Group
- A representative of the United Nations Environment Programme
- A representative of the IUCN
- A representative of an international NGO
- A lead poisoning scientist/technical expert
- A wildlife management stakeholder
- An international angling body representative
- A representative of the Intergovernmental Task Force to Address Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA)
- Up to three invited experts on an ad hoc basis, as necessary and appropriate – noting that additional observers/experts could be asked to contribute to particular meetings or pieces of work as non-permanent members.

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 prepare 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.

7. Lead Task Group

The role of the Lead Task Group is to facilitate concerted efforts, knowledge and information sharing, including communication, education and public awareness raising to minimize poisoning of migratory birds from anthropogenic environmental sources of lead prioritizing ammunition and fishing weights and also those identified in the Guidelines: leaded paint, discarded lead and that from industrial mining and smelting processes. It will:

- a) Facilitate understanding and offer technical advice and support to Contracting Parties on the Guidelines as they relate to lead poisoning as well as provision of information on other relevant frameworks for action;
- b) Keep the Guidelines, as they relate to lead actively under review in the light of developing research findings and other relevant information and report to the Preventing Poisoning Working Group.
- c) Assist in resource mobilization for priority work;
- d) Actively seek engagement from and with relevant industries, organizations and companies manufacturing lead ammunition or fishing weights;
- e) Encourage the dissemination of the Guidelines, and other relevant resources as they relate to lead, widely within relevant networks, as well as to end-users and others;
- f) Stimulate internal and external communication and exchange of information, alternatives, experience, best practice and know-how; and
- g) Strengthen relevant regional and international networks.

Appendix 1

CMS and AEWA Resolutions and adopted guidance that address issues relating to lead poisoning from ammunition or fishing weights and other sources

Cause of additional unnecessary mortality	Strategic guidance and objectives agreed by AEWA Parties	Relevant AEWA & CMS Resolutions	Relevant AEWA & CMS Guidance
<p>Poisoning through the use of lead ammunition</p>	<p>AEWA Action Plan para 4.1.4 Strategic Plan 2.1: "By 2017 the use of lead shot for hunting in wetlands is phased out by all Contracting Parties."</p>	<p>AEWA Res 1.14 Phasing out of lead shot in wetlands AEWA Res. 2.2 Phasing out lead shot for hunting in wetlands AEWA Res. 3.4 Submission of national reports to MOP3 and MOP4 and reports on the phase out of lead shot in wetlands AEWA Res. 4.1 Phasing out lead shot for hunting in wetlands AEWA Res. 5.23 AEWA's contribution to delivering the Aichi 2020 biodiversity targets AEWA Res. 6.4 Conservation and sustainable use of migratory waterbirds AEWA Res. 6.12 Avoiding additional and unnecessary mortality for migratory waterbirds CMS Res. 10.26² Minimizing the risk of poisoning to migratory birds CMS Res. 11.15 Preventing poisoning of migratory birds</p>	<p>AEWA Conservation Guidelines (No. 5) on sustainable harvest of migratory waterbirds (document AEWA/MOP 6.36) AEWA 2009. <i>Non-toxic shot. A pathway towards sustainable use of the waterbird resource.</i> AEWA Technical Series No. 3 AEWA 2009. <i>Phasing out the use of lead shot for hunting in wetlands. Experiences made and lessons learned by AEWA Range States.</i> 30 pp. CMS Res. 11.15 Guidelines to prevent the risk of poisoning to migratory birds</p> <ul style="list-style-type: none"> • Recommendations to prevent risk from lead ammunition

² Superseded by Resolution 11.15, Preventing Poisoning of Migratory Birds

Cause of additional unnecessary mortality	Strategic guidance and objectives agreed by AEWA Parties	Relevant AEWA & CMS Resolutions	Relevant AEWA & CMS Guidance
Poisoning through the use of lead fishing weights	AEWA Action Plan para 4.3.12	CMS Res. 10.26 ³ Minimizing the risk of poisoning to migratory birds CMS Res. 11.15 Preventing poisoning of migratory birds	CMS Res. 11.15 Guidelines to prevent the risk of poisoning to migratory birds <ul style="list-style-type: none"> • Recommendations to prevent risk from lead fishing weights
Poisoning through other sources of lead		CMS Res. 11.15 Preventing poisoning of migratory birds	CMS Res. 11.15 Guidelines to prevent the risk of poisoning to migratory birds <ul style="list-style-type: none"> • Recommendations to prevent risk from other sources of lead (industrial pollution, leaded paint and discarded lead)

³ Superseded by Resolution 11.15, Preventing Poisoning of Migratory Birds