



**CONVENTION ON
MIGRATORY
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**PROPOSAL FOR A CONCERTED ACTION FOR
THE FLESH-FOOTED SHEARWATER (*Ardenna carneipes*)
PROPOSED FOR LISTING ON APPENDIX II OF THE CONVENTION***

Summary:

The Governments of New Zealand and Australia have submitted the attached proposal for a Concerted Action for the flesh-footed shearwater (*Ardenna carneipes*) in accordance with the process elaborated in Resolution 12.28 (Rev.COP14).

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CONCERTED ACTION FOR FLESH-FOOTED SHEARWATER (*Ardenna carneipes*)

Proponents

Governments of New Zealand and Australia.

Target species, lower taxon or population, or group of taxa with needs in common:

Flesh-footed shearwater (*Ardenna carneipes*)

Geographical range

Flesh-footed shearwaters nest during the Austral summer on islands around northern New Zealand, on Lord Howe Island off eastern Australia, islands off South Australia and Western Australia and on Saint Paul and Amsterdam Islands, a French territory in the Indian Ocean. Non-breeding and juvenile birds migrate through tropical waters to the Northern Hemisphere, in particular to waters off northern far-east Asia.

Summary of activities

This Concerted Action focuses on managing fisheries bycatch, considered to be the greatest threat to flesh-footed shearwater. This threat occurs across national jurisdictions as well as on the high seas.

The activities to address fisheries bycatch under this Concerted Action include:

- the use of effective seabird bycatch mitigation measures in longline and trawl fishing operations and associated monitoring and compliance;
- data sharing and bycatch risk assessment to better quantify the levels of risk between the diverse range of fisheries across the range of the species, and promote the use of effective seabird bycatch mitigation where appropriate; and
- the collection of data from other fisheries such as squid jigging where there may be a risk of bycatch, vessel collision or other indirect effects.

Other activities, such as maintaining protection and quarantine of breeding sites to protect against incursion of introduced predatory mammals and research to better understand the population dynamics and foraging behaviour are included in this Concerted Action. Quantitative assessment of the risk from plastic pollution and climate change is also included as these threats are intensified due to the highly migratory nature of the species.

Activities and expected outcomes under this Concerted Action cover the following work areas:

1. Fisheries bycatch in Range State jurisdictions;
2. Fisheries bycatch on the High Seas;
3. Research; and
4. Breeding site management.

Activities and expected outcomes can be found in the Annex: Concerted Actions for Conservation of flesh-footed shearwater (*Ardenna carneipes*) under the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

Associated benefits

The risk posed by bycatch in fisheries is not restricted to flesh-footed shearwater alone but also impacts other migratory seabird species that overlap with fishing effort. These include those albatross and petrel species listed on Appendices I and II of CMS that forage exclusively or in part in the South Pacific and Indian Oceans. The bycatch mitigation practices that reduce the risk of bycatch of flesh-footed shearwater will also reduce the risk of bycatch of other seabird species.

Whilst the activities required for flesh-footed shearwater are restricted to the Eastern Indian and Western Pacific Oceans, these Concerted Actions may act as a precedent to improve seabird bycatch management in similar fisheries operating in other oceans.

Additional benefits include opportunities for awareness raising of the conservation status of flesh-footed shearwater and the threats it faces amongst CMS Parties and non-CMS Parties that belong to relevant Regional Fisheries Management Organisations (RFMOs). The Concerted Action may also create a catalyst for capacity building activities relating to seabird bycatch mitigation and data collection among CMS Parties.

Timeframe

Timeframes have been identified for each activity (see Annex).

Relationship to other CMS actions

This Concerted Action supports implementation of the Samarkand Strategic Plan for Migratory Species 2024-2032 (UNEP/CMS/Resolution 14.1) and the CMS Bycatch Resolution (UNEP/CMS/Resolution 12.22).

This Concerted Action is of a similar nature to, and contains some actions that are shared with, the Concerted Action for Antipodean albatross (*Diomedea antipodensis*) (Concerted Action 13.12). Whilst the Concerted Action for Antipodean albatross was focussed on fisheries bycatch in pelagic longline in the South Pacific, this Concerted Action expands scope to the North Pacific and Indian Oceans, as well as considering other fishing methods (demersal longline and trawl) used to target non-tuna species. This expanded scope of fisheries bycatch reduction increases the associated benefits for other seabird species.

It also complements the work of the Agreement on the Conservation of Albatrosses and Petrels (ACAP), a CMS subsidiary agreement. The flesh-footed shearwater is a highly suitable candidate for listing on Annex 1 of ACAP.

Conservation priority

The conservation priority of flesh-footed shearwater is classified as Near Threatened (IUCN), having been up-listed from Least Concern in 2016.

Whilst the overall population trend has uncertainty due to the complexities and difficulties of monitoring this species, some colonies have shown recent declines. The prevalence of flesh-footed shearwater in well monitored relevant fisheries such as the New Zealand bottom (demersal) longline fishery (Edwards et al., 2023) raises concerns for widespread and concerning levels of bycatch. Acting now to address this threat is vital to prevent further worsening of the conservation status of this species.

This Concerted Action will contribute to achieving priority conservation actions in the CMS Bycatch Resolution (UNEP/CMS/Resolution 12.22).

Relevance

The major threat to flesh-footed shearwater is fisheries bycatch at an ocean-basin scale, across multiple jurisdictions and the high seas. The widespread nature of this threat is due to the highly migratory nature of the species. To meaningfully manage this threat across the migratory range of the species requires cooperation and alignment of fishery management efforts by the Range States and other states operating distant water fishing fleets in the area. The Range States include a number of CMS Parties.

Absence of better remedies

There are no other international cooperation initiatives with a focus on flesh-footed shearwater. The notable related mechanism in place with relevance to flesh-footed shearwater is ACAP, where ACAP Parties cooperate on matters such as development of seabird bycatch mitigation advice, and through conservation and management measures adopted by RFMOs. However, as flesh-footed shearwaters are not listed on Annex 1 of ACAP, ACAP's actions do not provide a high level of advocacy for flesh-footed shearwater and may fail to focus efforts on fisheries that may impact flesh-footed shearwater but not ACAP-listed species. An additional benefit of listing flesh-footed shearwater on Appendix II of CMS is that this will elevate the suitability score of flesh-footed shearwater for inclusion on Annex 1 of ACAP (Tasker et al. 2024). Such a listing would further facilitate the anticipated benefits identified here. Given CMS has more Parties with jurisdiction across the range of flesh-footed shearwater than ACAP, listing on both CMS and ACAP would maximise international cooperation to conserve flesh-footed shearwater.

Readiness and feasibility

The activities identified in this Concerted Action are focussed on using existing conservation and fisheries management structures in which many Parties already engage. Effective seabird bycatch mitigation practices, such as those options recommended as ACAP best-practice mitigation advice, have been proven and are used by a number of fleets. Current challenges in the type of fisheries management activities described in this Concerted Action may include observer coverage, monitoring of use of mitigation and data collection and sharing. It is envisaged that adoption of this Concerted Action will facilitate the cooperation to overcome these challenges. As such, the activities are ready and feasible, and require leadership driven by this Concerted Action to achieve the desired outcomes.

The research activities are either underway or based on standard protocols and are thus ready and feasible. Risk assessment methods have been developed and used at a number of scales, and the main challenge (as already highlighted) will be to source adequate data on fishery operations. Breeding site management and biosecurity controls are already in place in most colonies across the range.

Likelihood of success

There remains some uncertainty as to the level of threat to flesh-footed shearwater that fisheries bycatch poses. As such, there remains the risk that the population could still decline even with well managed fisheries bycatch. However, the management of all fisheries impacts across the range of the species is the most substantive and readily manageable threat to the species and thus represents the management intervention with the highest potential benefit to the species.

Magnitude of likely impact

The activities described in this Concerted Action aim to reduce seabird bycatch across fisheries in the main Range States and on the high seas of the Eastern Indian and Western Pacific Oceans north of approximately 40° South. As noted under paragraph (viii), this Concerted Action aligns closely to that developed for Antipodean albatross. Other seabird species known, or likely, to be bycaught in fisheries operating in these areas, and therefore also impacted by the activities to be addressed in this Concerted Action Plan, include the following CMS Appendix II and ACAP-listed species: *Diomedea exulans*, *Diomedea epomophora*, *Diomedea sanfordi*, *Diomedea amsterdamensis*, *Phoebetria fusca*, *Phoebetria palpebrate*, *Thalassarche carteri*, *Thalassarche melanophris*, *Thalassarche impavida*, *Thalassarche chrysostoma*, *Thalassarche bulleri*, *Thalassarche cauta*, *Thalassarche steadyi*, *Thalassarche eremita*, *Thalassarche salvini*, *Macronectes halli*, *Procellaria aequinoctialis*, *Procellaria westlandica* and *Procellaria parkinsoni*.

Cost-effectiveness

The activities identified in this Concerted Action are focussed on using existing fisheries management structures. As such any additional costs related to management of domestic fisheries, or engaging with relevant RFMOs, are low and will consist of resourcing sufficient capacity, and/or prioritising existing capacity, to engage with the bycatch management elements of these fisheries management processes. For relevant fishing fleets that do not currently deploy effective seabird mitigation measures, and/or collect data on seabird interactions, there may be costs involved in improving their operations. Additional costs would be related to the monitoring of the use of mitigation practices and recording the data. However, it must be noted that actions taken by fishing fleets to reduce the risk of flesh-footed shearwater bycatch will also reduce the risk of other seabird species bycatch and therefore enhance sustainability aspects of their operation.

Costs for baseline research and monitoring of the New Zealand populations can be met through current New Zealand Government funding mechanisms. Collaboration or additional funds would allow an expanded programme of research (e.g. additional at-sea tracking, diet assessment).

The costs for continued protection and biosecurity control of the breeding sites have already been allocated by the New Zealand Government.

Consultations planned/undertaken

New Zealand and Australia worked collaboratively to develop this Concerted Action.

The following CMS Parties have been consulted on this Concerted Action: Chile, Cook Islands, Ecuador, European Union, Fiji, France, India, Iran (Islamic Republic of), Kenya, Maldives, Mauritius, New Zealand, Peru, Portugal, Philippines, Samoa, Seychelles, South Africa, Spain and Sri Lanka. Birdlife International was also consulted.

Annex. Concerted Actions for Conservation of flesh-footed shearwater (*Ardenna carneipes*) under the Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Activity	Outputs/Outcomes	Timeframe	Responsibility	Funding
1. Fisheries bycatch in Range State jurisdictions				
1.1 Continue implementation of effective bycatch mitigation measures in longline, trawl and any other relevant fisheries, including outreach to fishers regarding seabird bycatch	Fisheries bycatch risk minimised within Range State jurisdictions	Ongoing	CMS Party Range States	Mechanisms are in place to manage fisheries bycatch. Any new requirements for fisheries operators may incur costs to them
1.2 Ensure there is adequate observation coverage to monitor mitigation use and identify any seabird bycatch to species level	Fisheries bycatch levels and risk, at species level, are known and can be reported	Ongoing	CMS Party Range States	Observation programmes are already in place, and increased requirements will require funding from relevant Parties. May require improvements in seabird identification in some fisheries
1.3 Develop and maintain bilateral/multilateral collaboration with non-CMS Party Range States to promote awareness, development of bycatch mitigation, data collection, data sharing and risk assessment	Collaboration facilities achieving Activities 1.1 and 1.2	Ongoing	CMS Party Range States	Collaborative actions may require new funds on a case-by-case basis, though many actions will be based on existing activities
2. Fisheries bycatch on the high seas				
2.1 Support regular review, and improvement where necessary, of seabird bycatch conservation and management measures to ensure use of effective bycatch mitigation measures is required, in relevant Regional Fisheries Management Organisations (RFMOs): Western and Central Pacific Fisheries Commission (WCPFC), Indian Ocean Tuna Commission (IOTC), Commission for the Conservation of Southern Bluefin (CCSBT), the South Pacific Regional Fisheries	Fisheries bycatch risk minimised in relevant RFMOs through use of effective bycatch mitigation measures	2026-2031 for initial review; further regular reviews - ongoing	CMS Parties that are Members of, or engage with, key RFMOs	This can be met either through reprioritisation of existing capacity from Parties engaging with RFMOs, or by additional capacity which will require funds for time and travel to meetings

Activity	Outputs/Outcomes	Timeframe	Responsibility	Funding
management Organisation (SPRFMO) and the Southern Indian Ocean Fisheries Agreement (SIOFA)				
2.2 Develop, or leverage existing, relationships with key non-CMS Parties that are members of relevant RFMOs to promote this Concerted Action and facilitate consensus decisions at RFMOs to achieve the desired outcomes of this plan	Fisheries bycatch risk minimised in relevant RFMOs through agreement on the use of effective bycatch mitigation measures	2026-2028 for initial development and maintained ongoing	CMS Parties that are Members of, or engage with, key RFMOs	This can be met either through reprioritisation of existing capacity from Parties engaging with non-CMS Party RFMO Members, or by additional capacity which will require funds for time and travel to meetings
2.3 Support development and distribution of outreach materials to fishers regarding seabird bycatch, including seabird identification guides, where required	Fisheries bycatch risk minimised in relevant RFMOs through increased awareness, improved use of mitigation by fishers, and more accurate reporting to species level	Ongoing	CMS Parties that are Members of, or engage with, key RFMOs	Development of any new materials will require funds on a case-by-case basis
2.4 Support compliance monitoring of seabird bycatch conservation and management measures in relevant RFMOs	The compliance monitoring and reporting against each RFMO seabird bycatch conservation and management measure is demonstrated in RFMO reports	2026-2031 (and maintained ongoing)	CMS Parties that are Members of, or engage with, key RFMOs	This can be met either through reprioritisation of existing capacity from Parties engaging with RFMOs, or by additional capacity which will require funds for time and travel to meetings
2.5 Support robust bycatch-related data collection and sharing in relevant RFMOs	Fisheries bycatch risk is documented and measurable through data reporting	Ongoing	CMS Parties that are Members of, or engage with, key RFMOs	This can be met either through reprioritisation of existing capacity from Parties engaging with RFMOs, or by additional capacity which will require funds for time and travel to meetings. If increased levels of observation are necessary, this will require funds from relevant RFMO Members
2.6 Support robust bycatch data reporting and periodic bycatch assessments in relevant RFMOs	Estimation of fisheries seabird bycatch risk at RFMO scale	Ongoing	CMS Parties that are Members of, or engage with, key RFMOs	Assessments may be funded through RFMO or other budgets, or may require funds from supporting Parties on a case-by-case basis

Activity	Outputs/Outcomes	Timeframe	Responsibility	Funding
2.7 Support data gathering in high seas fisheries where other types of seabird interactions, such as vessel strike, disorientation by artificial light or entanglement, remains poorly known.	Risks posed by all relevant fishing methods are understood	2026-2031	CMS Parties that are Members of, or engage with, key RFMOs	This can be met either through reprioritisation of existing capacity from Parties engaging with RFMOs, or by additional capacity which will require funds for time and travel to meetings. If increased levels of observation are necessary, this will require funds from relevant RFMO Members, such as those operating squid jig fleets
3. Research				
3.1 Develop and implement a multi-year population project to provide a platform for key research questions (e.g. population size and trend, foraging range)	Ongoing assessment of the current status of the population and a better understanding of biological drivers of change	Develop and implement initial plan for 2026-2031, then reassess	New Zealand with collaboration from other interested CMS Parties	Funds for monitoring of the New Zealand populations can be met through current New Zealand Government funding mechanisms. Other monitoring programmes may require additional funds.
3.2 Continue the deployment of tracking devices to better describe areas of fisheries overlap	Detailed knowledge of foraging range, suitable to inform detailed overlap analysis with fishing effort and spatially explicit fisheries risk assessment and to target fisheries bycatch reduction activities	2026-2029	New Zealand with collaboration from other interested CMS Parties	Funds for targeted additional tracking from New Zealand colonies can be met through current New Zealand Government funding mechanisms. Additional extension of tracking programmes will require additional funds
3.3 Assess levels of plastic ingestion	Better understanding of the potential risk posed by plastic pollution	2026-2031	New Zealand with collaboration from other interested CMS Parties	Sample collection is funded through the programme outlined in 3.1. Additional funds for collaboration will be required for further analysis
3.4 Investigate the nature, extent and drivers of land slips and other climate-driven impacts at breeding colonies	Better understanding of potential risks posed by land slips	2029-2031	New Zealand with collaboration from other interested CMS Parties.	Data collection is funded through the programme outlined in 3.1. Additional funds or collaboration will be required for extended analysis

Activity	Outputs/Outcomes	Timeframe	Responsibility	Funding
3.5 Develop opportunities into mātauranga Māori (New Zealand's indigenous knowledge) to inform the management of the species and help facilitate opportunities to develop a stronger connection with the birds	Mātauranga Māori available to inform future management and conservation actions	Ongoing	New Zealand	Additional funds will be required on a case-by-case basis
3.6 Assess the impact of light pollution at-sea	Better understanding of the nature and extent of vessel collisions at-sea due to light attraction	2029-2031	Interested Parties CMS	Any new research programmes will require additional funding
3.7 Assess the impact of offshore wind farms	Better understanding of flight height and other parameters relevant to assessing the impact of offshore wind farms	2026-2031	Interested Parties CMS	Any extension of current or planned research programmes will require additional funding
4. Breeding site management				
4.1 Continued protection and biosecurity control to main breeding site islands	Prevent the accidental introduction of predators to provide for safe and protected breeding sites with no human-induced threats	Ongoing	New Zealand Australia	Funds are committed by the New Zealand Government for ongoing site management of New Zealand colonies Biosecurity arrangements are ongoing at major Australian colonies