

FOURTH MEETING OF THE FLYWAYS WORKING GROUP

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SEABIRDS AND MARINE FLYWAYS

(Prepared by the Flyways Working Group - Seabirds Sub-Group)

Summary:

This document presents a draft Resolution and draft Decisions on Seabirds and Marine Flyways. It has been developed by the Seabirds Thematic Sub-group of the CMS Working Group on Flyways in response to the mandate set out in Resolution 12.11 (Rev.COP14) *Flyways.*, and specifically Decision 14.140 f) directed to the Flyways Working Group and Decision 14.142 directed to the Secretariat.

[DRAFT RESOLUTION]

SEABIRDS AND MARINE FLYWAYS

Recalling Resolution 12.11 (Rev.COP14) *Flyways* and welcoming the progress made by the Flyways Working Group within the framework of the Scientific Council on implementing the global programme of work,

Appreciating that for thousands of years humanity has been fascinated by seabirds across the continents, as reflected in traditional cultures, art, religions and literature, as well as ecotourism today,

Acknowledging that seabirds are good indicators of overall ocean health and our ability to mitigate climate change, providing ecosystem services at global scale in both marine and terrestrial environments ranging from nutrient deposition to food web stability,

Concerned that seabirds are one of the most threatened groups of birds and more than half of the species have negative population trends, with the top three drivers being fisheries, the introduction of invasive species such as rats and cats at breeding sites and climate change,

Recognizing that seabirds are a taxonomically varied group of more than 360 bird species (around 3.7 per cent of all birds) that depend on the marine environment for at least part of their life cycle,

Further recognizing that seabirds are defined as species in the families Phaethontidae (Tropicbirds), Hydrobatidae (Northern Storm-petrels), Oceanitidae (Austral Storm-petrels), Diomedidae (Albatrosses), Procellariidae (Shearwaters and petrels), Spheniscidae (Penguins), Fregatidae (Frigatebirds), Sulidae (Gannets and boobies), Pelecanidae (Pelicans), Stercorariidae (Skuas), Alcidae (Murre, guillemots and puffins) and Laridae (Gulls and terns),

Acknowledging that many seabirds undertake long-distance migrations including from pole-to-pole or circumnavigating the globe and such immense journeys make their conservation challenging,

Recognizing flyways are the major routes followed repeatedly and consistently by migrating birds of multiple species and populations between their breeding and non-breeding areas and, because there can be variation in migratory strategies between individuals, species or populations, flyways are necessarily broad to represent the main migration routes that most birds use,

Further acknowledging the identification of six “Marine Flyways” by BirdLife International from tracking data of pelagic and long-distance migratory seabirds, demonstrating connectivity at an ocean basin scale and the need for coordinated and cooperative action to address seabird declines [Annex xx],

Recalling Resolution 12.11 (Rev.COP14) *Flyways* through with the Conference of the Parties recognizes that a flyways approach is necessary to ensure adequate conservation and sustainable use of migratory seabirds throughout their ranges, combining species- and ecosystem-based approaches and promoting international cooperation and coordination among States, the private sector, multilateral environmental agreements (MEAs), United

Nations institutions, non-governmental organizations, local communities and other stakeholders,

Further recognizing that the existent set of flyway instruments under CMS and policy tools elsewhere do not target marine flyways and only overlap in peripheral zones,

Also recognizing that there are specific threats to migratory seabirds along marine flyways that continue to impact on these species and their habitats including: habitat loss and degradation (Resolution 14.6 *Deep-seabed mineral exploitation activities and migratory species*), marine infrastructure development (Resolution 11.27 (Rev.COP13) *Renewable Energy and Migratory Species* and Resolution 07.05 (Rev.COP12) *Wind Turbines and Migratory Species*), climate change (Resolution 12.21 (Rev.COP14) *Climate change and migratory species*), direct or accidental killing (Resolution 11.16 (Rev.COP14) *The prevention of illegal killing, taking and trade of migratory birds*, Resolution 11.31 (Rev.COP14) *Illegal and unsustainable taking of wildlife*, Resolution 11.15 (Rev.COP14) *Preventing poisoning of migratory birds*, Resolution 12.22 *Bycatch*), invasive species (Resolution 11.28 *Future CMS Activities related to Invasive Alien Species*), pollution (Resolution 12.20 *Management of Marine Debris* and Resolution 07.03 (Rev.COP12) *Oil Pollution and Migratory Species*) and disease (Resolution 14.18 *Avian influenza*),

Appreciating the existing CMS family instruments and other relevant mechanisms that support the conservation of migratory seabirds and their habitats including: Agreement on the Conservation of Albatross and Petrels (ACAP), African-Eurasian Migratory Waterbird Agreement (AEWA), Central Asian Flyway Initiative (CAF), Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Antarctic Treaty System, OSPAR Convention, Baltic Marine Environment Protection Commission – also known as the Helsinki Commission (HELCOM), the Arctic Council and species-specific tools such as the Single Species Action Plans for Chinese Crested Tern and Christmas Island Frigatebird, the latter adopted through Resolution 12.12 (Rev.COP14) *Action Plans for Birds*),

Recognizing that a well-connected and ecologically coherent network of marine protected areas and other effective area-based conservation measures across coasts and oceans within the marine flyways is one of the most effective measures to improve the conservation status of seabirds through protecting important areas throughout their annual cycle and to strengthen their capacity to adapt to climate change (Resolution 14.16 *Ecological Connectivity*),

Recognizing that a range of actions and solutions to support the conservation of migratory seabirds and marine flyways including protecting habitat and supporting connectivity (Resolution 14.16 *Ecological Connectivity*, Resolution 12.24 *Promoting Marine Protected Area Networks in the ASEAN Region*, Resolution 12.25 *Promoting Conservation of Critical Intertidal and Other Coastal Habitats for Migratory Species*),

Welcoming the positive momentum towards the new Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement) coming into force and the contribution this instrument is likely to have to strengthen marine flyways conservation in the High Seas, not least through area based management tools, including the designation of marine protected areas,

Acknowledging the negotiations towards a global plastics agreement and the potential for this to *inter alia* reduce plastic production, phase out chemicals of concern and reduce the overall input of plastics into the oceans, which would benefit seabirds across the marine flyways,

Welcoming World Migratory Bird Day as a global campaign of CMS, AEWA, Environment for the Americas (EFTA) and the East Asian-Australasian Flyway Partnership (EAAFP) to

strengthen recognition and appreciation of migratory birds and highlight the urgent need for their conservation,

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

1. *Welcomes* the definition and recognition of the six marine flyways contained in Annex [xx] as a concept to support coordinated conservation action of migratory seabirds listed on the Appendices of the Convention and those that meet the criteria for listing;
2. *Requests* Parties to CMS, Signatories to CMS and/or the relevant CMS flyway instruments and other Range States to implement conservation actions for migratory seabirds, in particular those included on Appendix I and II, by, where required, promoting research, undertaking threat assessments, mitigating threats on land and at-sea, and building capacity of land and sea managers;
3. *Further requests* Parties to develop listing proposals for all eligible seabirds listed in the Annex to the Resolution 14.20 *Potential Avian Taxa for Listing*, including undertaking all necessary consultation with Range States and submit proposals for consideration to future meetings of the Conference of the Parties;
4. *Invites* Parties to initiate the development of situation analyses for individual marine flyways in order to advance targeted conservation action with the relevant stakeholder groups and *requests* the Secretariat and the Flyways Working Group to assist and guide Parties, as appropriate;
5. *Decides* that the Flyways Working Group expands its scope and membership to include marine flyway and seabird experts;
6. *Invites* Parties and Signatories to relevant CMS avian instruments, such as ACAP and AEWA, to support implementation of actions in marine flyways;
7. *Urges* Parties, Signatories to CMS and/or the relevant CMS flyway instruments and other Range States to support the identification and protection of critical sites that represent key areas within the six marine flyways associated with important life-history stages of migratory seabirds that may encompass both national and international waters;
8. *Calls upon* the Scientific Council to review relevant scientific and technical information, including international initiatives and processes linked to migratory seabirds, their habitats within marine flyways and the threats associated with them and make recommendations on priorities and knowledge gaps to address for each marine flyway;
9. *Encourages* the Secretariat to liaise with the secretariats of CMS instruments, relevant MEAs, international organizations, international conservation initiatives, NGOs and the private sector to promote synergies and coordinate activities related to the conservation of marine flyways and migratory seabirds including, where appropriate, the organization of meetings and joint activities;
10. *Requests* the Secretariat, Parties and all others involved with CMS, to actively seek closer cooperation among those instruments, initiatives and partnerships, within and outside the United Nations, relating to migratory seabirds and the habitats upon which

they depend, and as a priority to focus on and address specific threats to halt the decline in the populations of these birds;

11. *Calls* on Signatories and Parties to the Agreement on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) to take note of the CMS mandates on marine flyways, including critical sites, species, threats and required action in order to strengthen synergies and to take note of these mandates in the development of area-based management tools, including Marine Protected Areas, and elsewhere in the BBNJ portfolio of mandates, as appropriate, and *request* the Secretariat to present the above-mentioned CMS mandates to the BBNJ [Preparatory Commission/Scientific Body], [Parties] and the [Interim] Secretariat, as appropriate;
12. *Calls upon* Parties and the CMS Secretariat to promote the collaborative conservation of migratory seabirds by working with other bodies whose prime objective is not wildlife conservation (governmental institutions, MEAs, Regional Fisheries Management Organizations, UN institutions, non-governmental organizations and other organizations, including from the private sector), to ensure that the requirements of habitats of migratory seabirds are integrated into land- and marine-use policies and planning;
13. *Requests* the Secretariat consider highlighting the plight of marine flyways and migratory seabirds through World Migratory Bird Day.

DRAFT DECISION(S)

SEABIRDS AND MARINE FLYWAYS

Directed to Parties

15.AA Parties:

- a) are urged to support meetings of the Flyways Working Group and the appointment of a marine flyways coordinator for the triennium 2026-2029;
- b) are encouraged to develop listing proposals according to the guidance in Resolution 13.7, and *Concerted Actions* according to the guidance in Resolution 12.28 (Rev.COP14), for seabird species listed in the Annex to the Resolution 14.20, including by undertaking all necessary consultation with Range States, and to submit these listing proposals and proposals for Concerted Actions for the consideration of the 16th meeting of the Conference of the Parties;
- c) are encouraged to manage the critical sites in order to improve the conservation status of the species affected and to include the identified critical sites in their national marine spatial plans, as well as plans to achieve the targets under the Global Biodiversity framework, notably targets 2 and 3; and
- d) are urged to report progress in implementing Resolution 15.XX *Seabirds and Marine Flyways* in their National Reports, including monitoring the efficacy of measures taken, to the 16th meeting of the Conference of the Parties (COP16).

Directed to intergovernmental organizations, non-governmental organizations and others

15.BB Non-Parties, organizations, the private sector, donors and other stakeholders are invited to financially and technically support the Flyways Working Group, and to cooperate in the implementation of its priorities on Marine Flyways.

Directed to the Scientific Council

15.CC The Scientific Council, through its Flyways Working Group, is requested, subject to the availability of external resources, to:

- a) coordinate with relevant CMS instruments and other flyway mechanisms to support the implementation of priorities within the existing programmes of work;
- b) review relevant scientific and technical issues, international initiatives and processes linked to migratory seabirds, their habitats within marine flyways and the threats associated with them and make recommendation on priorities and gaps to be addressed;
- c) undertake a situation analysis specific to each marine flyway that seeks to enhance migratory seabird conservation through the identification, recognition and threat analysis of marine flyways;

- d) identify critical sites within the six flyways that represent key areas associated with important life/history stages of migratory seabirds that may encompass both national and international waters for consideration by the 10th meeting of the Sessional Committee of the Scientific Council and subsequently the 16th meeting of the Conference of the Parties;
- e) develop an action plan for each marine flyway that identifies priorities for implementation; and
- f) report progress to the 10th meeting of the Sessional Committee of the Scientific Council.

Directed to the Secretariat

15.DD The Secretariat is requested, subject to the availability of external resources, to:

- a) organize sub-regional meetings aimed at sharing best practices and lessons learned on marine flyway-scale conservation, awareness-raising of marine flyways and seabirds, and on the development of adequate institutional frameworks to protect them;
- b) facilitate dialogue between the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement) and the relevant CMS processes on seabirds to ensure relevant area-based management tools can benefit seabirds; and
- c) encourage a focus on marine flyways and seabirds as a theme for World Migratory Bird Day.