UN environment programme

Convention on the Conservation of Migratory Species of Wild Animals

CMS

FIFTH MEETING OF THE FLYWAYS WORKING GROUP

(Online, 27 May 2025)

UNEP/CMS/FWG5/Doc.4

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.

SEABIRDS AND MARINE FLYWAYS

1. The Flyways Working Group (FWG) established a sub-group on *seabirds,* tasked to discuss ways to promote the issue of seabird conservation under the overarching Flyways work, to support the implementation of Decision 14.140 f). The sub-group had presented a first new draft resolution and set of draft decisions to the fourth meeting of the FWG (FWG4, held on 18 February 2025, online) and received comments from participants.

2. Based on the comments and guidance received (see section 4. of the FWG4 meeting report), the FWG's *seabirds sub-group* prepared a revised draft of the resolution and the decisions, contained in the Annexes of the present document. These versions result from the electronic consultations of the FWG members after the FWG4 meeting, and another meeting of the sub-group held on 6 May 2025.

3. The FWG5 meeting may consider and propose next steps and timeline for producing the final version, and the recommended actions to the ScC-SC8 and COP15 meetings.

Recommended actions:

4. The Flyways Working Group is recommended to:

   a) review the draft resolution contained in Annex 1 of this document;

   b) review the draft decisions contained in Annex 2 of this document;

   c) provide guidance on the next steps and timeline for the finalization of the draft resolution and the draft decisions and their potential submission to the ScC-SC8 and COP15 meetings for consideration.

ANNEX 1

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 world's oceans, 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 a range of scales 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,

Noting with concern that according to regular global assessments the pressure on seabirds continues to increase and that the majority of seabirds face multiple threats, with the main drivers in order of magnitude being invasive species such as rats and cats at breeding sites, bycatch, climate change, hunting/trapping, disturbance, pollution, overfishing primarily from large-scale fisheries, energy and mining development, light pollution and diseases, such as avian influenza,

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), Diomedeidae (Albatrosses), Procellariidae (Shearwaters and petrels), Spheniscidae (Penguins), Fregatidae (Frigatebirds), Sulidae (Gannets and boobies), Pelecanidae (Pelicans), Phalacrocoracidae (Cormorants and shags), Stercorariidae (Skuas), Alcidae (Murres, 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, and hence a full-life cycle approach, 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 ecological connectivity at an ocean basin scale and the need for concerted, coordinated and cooperative action to address seabird declines at Annex 1,

Recalling Resolution 12.11 (Rev.COP14) *Flyways* through which the Conference of the Parties recognizes that a flyways approach is necessary to ensure adequate conservation and that any use of migratory seabirds is sustainable, throughout their ranges, combining species- and ecosystem-based approaches and promoting international cooperation and coordination among States, the private sector, multilateral environmental agreements (MEAs), Regional Fisheries Management Organizations (RFMOs), United Nations agencies, non-governmental organizations, research institutions, local communities and other stakeholders,

Further recognizing that while existing flyway instruments under CMS and other policy tools provide coverage for some migratory seabird species and sites, particularly breeding sites, they do not specifically target the oceanic routes of marine flyways and have limited focus on the full connectivity of pelagic seabirds across ocean basins,

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*), offshore energy and related 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 take (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), Americas Flyways Framework, 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 working group on the Conservation of Arctic Flora and Fauna (CAFF), East Asian-Australasian Flyway Partnership (EAAFP) and species-specific tools such as the Single Species Action Plans for Chinese Crested Tern (*Thalasseus bernsteini*) and Christmas Island Frigatebird (*Fregata andrewsi*), the latter adopted through Resolution 12.12 (Rev.COP14) *Action Plans for Birds*, and Concerted Action 13.12 (Rev.COP14) for the Antipodean Albatross (*Diomedea antipodensis*),

Recognizing that a well-connected and ecologically coherent network of marine protected areas and other effective area-based conservation measures (OECMs) that protect key areas for seabirds throughout their annual cycle within the marine flyways framework, is one of the most effective measures to improve the conservation status of seabirds if the are sufficiently protected and managed including 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 is needed 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 strengthening 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, and

Welcoming World Migratory Bird Day as a global campaign of CMS, AEWA, Environment for the Americas (EFTA) and the 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 1 as a concept to support coordinated conservation action of migratory seabirds listed on the Appendices of the Convention and those that potentially meet the criteria for listing in Annex [xx];

2. [*Placeholder for recommendations from the policy gap analysis on marine flyways (added to POW under Marine Flyways), which will for example highlight key geographical gaps in Party coverage. This conf. document should be reviewed by ScC8 before going to COP15.*]

3. *Requests* Parties to CMS, Signatories of CMS Family and/or other relevant flyway instruments and other Range States to implement conservation actions for migratory seabirds, in particular those included on Appendix I and II, where required, by promoting research, undertaking threat assessments, mitigating threats on land and at-sea, and building capacity of land and sea managers to take action to conserve migratory seabirds;

4. *Further requests* Parties to develop listing proposals for all eligible seabirds listed in the Annex to Resolution 14.20 *Potential Avian Taxa for Listing*, including undertaking all necessary consultations with Range States, and submit proposals for consideration to future meetings of the Conference of the Parties;

5. *Invites* the Scientific Council to initiate the development of situation analyses for individual marine flyways 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;

6. *Decides* that the Flyways Working Group expand its scope to include marine flyways and *invites* seabird experts to join the working group, if and when required;

7. *Invites* Parties and Signatories to relevant CMS avian instruments, such as ACAP and AEWA, to support implementation of actions in marine flyways;

8. *Urges* Parties, Signatories to CMS Family and/or other relevant flyway instruments and

other Range States and *encourages* other initiatives 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;

9. *Encourages* Parties to apply the following available tools and resources when identifying critical sites within the marine flyways, in addition to those outlined in Resolution 12.11 (Rev.COP14), including but not limited to, Key Biodiversity Area criteria and guidelines, data within the Seabird Tracking Database and methods made available via the Marine Megafauna Conservation Toolkit;

10. *Calls upon* the Scientific Council to review relevant scientific and technical information, including from 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;

11. *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;

12. *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;

13. *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 acknowledge 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 *requests* the Secretariat to present the above-mentioned CMS mandates to the BBNJ [Preparatory Commission/Scientific Body], [Parties] and the [Interim] Secretariat, as appropriate;

14. *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 migratory seabirds as regards their sites and habitats are integrated into land- and marine-use policies and planning; and

15. *Requests* the Secretariat to consider highlighting the plight of marine flyways and migratory seabirds through World Migratory Bird Day.

ANNEX 1 to Resolution 15.xx

SUPPORTING INFORMATION

THE SIX GLOBAL MARINE FLYWAYS

Similar to the well-established terrestrial flyways under CMS, migratory birds also cross the oceans, following repeatable migratory routes. Marine flyways are the broad oceanic routes used cyclically and predictably by multiple pelagic, migratory seabird populations and species.

Six marine flyways have been identified by BirdLife International across the four global ocean basins, based on an analysis of tracking data from pelagic, long-distance migratory seabirds[1], as illustrated in Figures 1 and 2. Further information for policymakers can be found in the accompanying Policy Gap Analysis [UNEP/CMS/COP15/Doc.xx.x], including how the individual marine flyways overlap with CMS Parties and Non-Parties, their current status in terms of threats and recommended conservation actions.

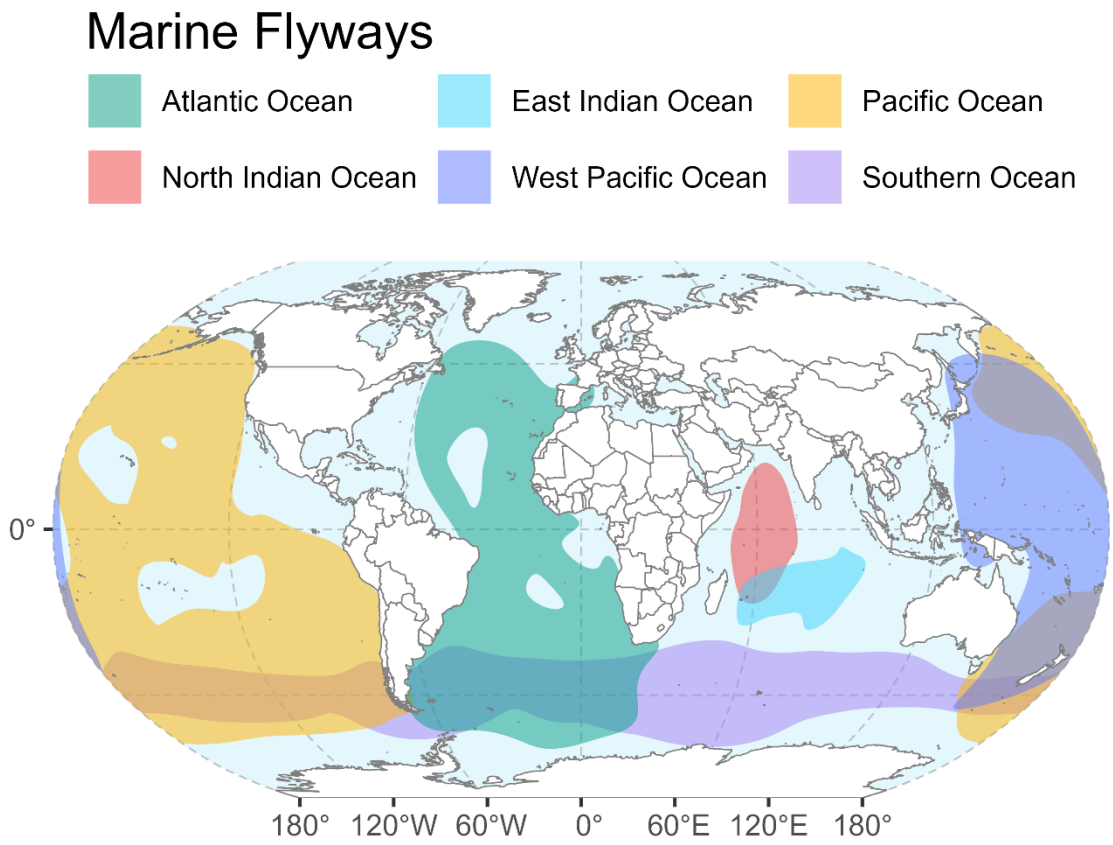

Figure 1 The six marine flyways identified across four ocean basins from analysis of tracking data for 48 pelagic seabird species[1].

[1] Morten et al. 2025 Global Marine Flyways Identified for Long-Distance Migrating Seabirds from Tracking Data. *Global Ecology and Biogeography*, Vol. 34, Issue 2. https://doi.org/10.1111/geb.70004

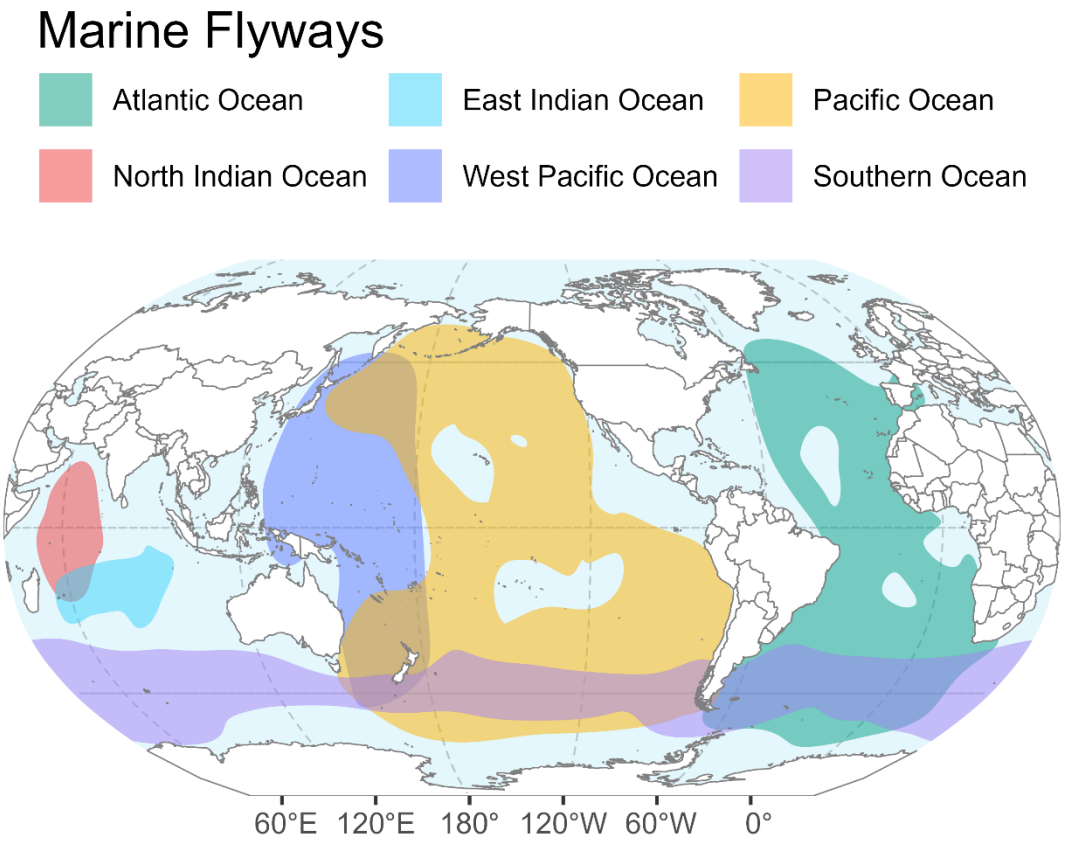

Figure 2 The six marine flyways identified across four ocean basins from analysis of tracking data for 48 pelagic seabird species[1]. Map shown in Robinson projection centred at 140°W.

ANNEX 2

DRAFT DECISIONS

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 based on Annex [xx] of Resolution 15.XX, 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 protect, manage and restore the critical sites of seabirds, both within their jurisdiction and collaboratively in areas beyond national jurisdiction in order to improve the conservation status of the species that depend on them 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, 3 and 10;

d) are encouraged to engage in 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) processes, as relevant, to support the development and implementation of area-based management tools that benefit seabirds across the marine flyways; and

e) 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 collaborate and engage in partnerships to support the work of the Flyways Working Group including through financial and technical contributions 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 for migratory seabirds 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, the threats associated with them and evidence for effective solutions and make recommendation on priority actions and gaps in information to be addressed;

c) undertake the development of situation analyses for individual marine flyways in order to advance targeted conservation action with the relevant stakeholder groups;

d) identify critical network of sites within the six flyways that represent key areas associated with important life history stages of migratory seabirds, including breeding, foraging, stop-over and wintering, noting that the sites may encompass both national and international waters, for consideration for protection, management and restoration by the 10th meeting of the Sessional Committee of the Scientific Council and subsequently the 16th Conference of the Parties. ;

e) facilitate the development of an implementation plan for each marine flyway that identifies roles and responsibilities and 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 migratory 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 migratory seabirds; and

c) encourage a focus on marine flyways and migratory seabirds as a theme for World Migratory Bird Day.