

CONFLICT RESOLUTION AS A KEY ELEMENT FOR CONSERVATION AND SUSTAINABLE RESOURCE MANAGEMENT WITH LOCAL PARTICIPATION: THE CASE OF THE GALÁPAGOS ISLANDS (1)

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CASE IDENTIFICATION

Country and Region

Ecuador, Galápagos Islands

Type of Renewable Resource

Marine resources are particularly important as regards sustainable development for the local population. The land ecosystems are especially valuable for science and ultimately for the tourism industry. Both the fishery resources and the tourism resources are subject to pressures from the national and international outside markets. The economic crisis besetting mainland Ecuador is reflected in the Galápagos by the constant increase in the number of immigrants.

Relevant Contextual Factors

The Galápagos are a world 'landmark' and is protected by various national and international legal instruments. This special situation creates great opportunities, but also entails numerous restrictions for the local inhabitants. The State plays an important role, since it is responsible for meeting its international commitments and enforcing the existing laws and rules.

At the international level Ecuador is obliged to respect the commitments assumed under, among others, the following applicable instruments:

- Convention for the Protection of the World Cultural and Natural Heritage (Announcement declaring the Galápagos to be a Natural Heritage of Humanity in 1974);
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and,
- The Biodiversity Convention.

At the national level, 97 percent of the land area of the Galápagos, declared a National Park in 1959, is governed by the Law on Forests and Conservation of Natural Areas and Wildlife. The marine area, declared a Marine Resources Reserve in 1986, is governed by the provisions of its Management Plan, approved in 1992.

In January 1996 certain constitutional reforms entered into effect which cleared the way for preparation of a draft Special System Law for the Province of Galápagos. The relevant bill was drafted in 1997 and finally approved by Congress in January 1998.

Involvement

The writer of this paper has been involved with the Galápagos Islands since 1982, when she worked for 18 months as Chief of the Human Ecology Area of the Charles Darwin Scientific Station in Puerto Ayora, on Santa Cruz Island. Since that time she has participated, directly or indirectly, in processes connected with the conservation of the area. She was executive officer of the Centro de Educación y Promoción Popular (CEPP), an Ecuadorian NGO which has carried out activities and produced materials for environmental education in the Galápagos. She has also worked as a consultant or advisor to various institutions connected with the islands. In 1996 she was a member of the consultant team financed by the Inter-American Development Bank for preparing the Environmental Management Program for the Galápagos. In 1997 she assisted the WWF in the project executed by Ecuador's Fundación Natura for monitoring the environmental and social policies in the Galápagos. As an independent analyst she has written numerous reports and articles on the region. She is currently an associate member of the CEPP.

THE INITIAL SITUATION

Situation Before the Institutional Change

The Galápagos were declared a national park by the Ecuadorian Government in 1959. Subsequently, authority to set the boundaries was granted to an international non-governmental conservation organization, without either the participation or the support of the local population. The declaration of the Marine Reserve, although announced some considerable time later, was also marked by conflict because there was no true local participation process for the preparation of the respective legal and administrative instruments. This situation weakened the legitimacy of various important decisions and created ill-feeling among the local population, who had, for the most part, shown themselves to be hostile to the existing legal framework. In these adverse circumstances it has been very difficult to rely on the population to apply a strategy requiring collaboration in the interest of sustainable management of local resources.

Unsatisfactory Elements

In the Galápagos the main problem is how to resist the combined pressures of the market (fishery and tourism) and of the economic crisis (lack of employment and low incomes in the lower reaches of the mainland population), in order to apply a development policy that is viable over the long term and which: (i) Has the least possible impact in the park area; (ii) Improves the quality of life for the islands' inhabitants; and, (iii) Does not exhaust the renewable resources (tourism, fishery).

Duration of the Problem

The 1970s, with the arrival of tourism, and the 1980s and 1990s, with the explosion of fishery, were critical for the conservation authorities and the scientific community. The local population was also impacted by the sharply increased inflow of persons migrating to the islands, combined with the municipal governments' inability to step up the supply of urban services at the same pace. The latter had the effect of sensitizing a large part of the islands' population to the need to place limits on immigration, since it was causing an increasingly uncontrollable situation.

Potential Impactees

The local fishers, the tourism industry and the land and marine wildlife.

THE PROCESS OF CHANGE

A characteristic of the public policies since the creation of the national park has been the systematic superimposition of authority between the development institutions and the conservation institutions; i.e., between the provincial authorities (who administer 3 percent of the territory) and the National Park authorities. The former have shown themselves in general interested in reproducing the development model applied in the rest of the country, with the aim of benefiting from the economic and administrative advantages enjoyed by their peers on the mainland. The park authorities, on the other hand, have responded by increasing the number of legal controls and prohibitions, without any concern for the implications such measures could have for the life of the local inhabitants. In the 1970s, the cause of friction was the delimitation of the land area, while in the 1990s it was the imposition of restrictions on the use of the marine resources.

This strategy raised the situation to extremes of conflict which flared into a popular uprising spurred by a segment of the local population in 1995, with threats being made to take tourists hostage and burn parts of the National Park. The violence contained in these threats was such that the reaction of concern about rejection by national and international public opinion was immediate, to the point that the island population, which is directly and indirectly dependent upon the tourism and conservation activities and which up till that moment had by its inaction tacitly supported the protest movement, was then obliged to react, distancing itself from what was going on and publicly declaring itself for peace.

From that moment on conditions propitious for negotiation were created. One of the main protagonists in the conflict, the local fisher community, was invited to participate in the drafting of the mutual concessions that the parties involved had to make.

The key player in the process was a group of local inhabitants, the majority of them young people, who form part of a new generation whose personal convictions together with their livelihood and economic success depend in the existence of the National Park and, therefore, on the application of a sustainable development model. This is a better educated generation than the previous one, and one which gains its livelihood from tourism or conservation, but also in some cases from fishery. Its position is midway between protectionism and unbridled development. This group shares the conviction that the Galápagos are a 'natural asset' that must be conserved, and that certain control measures are necessary to that end (limitation of immigration, introduction of a quarantine system, etc.).

A presidential commission, set up in 1992 to provide a forum for meeting and mediation, was made responsible for the negotiation process. As of 1997, the leadership of the discussions on the draft law was assumed by the Ministry of the Environment. This made it possible to move the debate to a site that was more neutral and more consistent from the legal standpoint.

THE MAIN OUTCOME

The chief outcome of the process is an important legal and political reform expressed in the preparation, negotiation and adoption of the Special System Law for the Province of Galápagos. The text of this law is the end product of a long process of tensions and conflicts which finally gave way to a participatory experiment involving consultation and negotiation commencing in February 1996. At that time a seminar was held that was attended by all the parties concerned, with the aim of seeking to arrive at a "consensus for the sustainable development of the Province of Galápagos."

The main implication of approval of the law is the clarification of the legal system governing the entire island territory. This will put an end to the jurisdictional disputes between the provincial and conservation authorities, while delimiting the spheres of authority and action of each and clearly spelling out how the available economic resources will be allocated.

What is even more important, is that it will set a precedent for sustainable resource management in other regions through implementation of the following provisions:

- A residency system as a means for controlled population growth management;
- Fishery conservation and zoning principles, guidelines for sustainable use of hydro-biological resources, and exclusion of any other activity which is not non-industrial and of any person who is not a permanent resident and an active member of one of the cooperatives;
- Introduction of the environmental audit requirement prior to implementation of infrastructure and service works;
- Freezing of the number of automobile vehicles;
- Redistribution of the revenues from tourism to benefit mainly the local municipalities; and,
- Channeling of two thirds of the income collected by the National Park for financing its management.

One point that reflects the complexity of the negotiations and interests involved is that the law does not designate a single entity to be responsible for the application of the new legal system. The National Park maintains full jurisdiction over the protected land area but must share the mandate over the marine area, as well as submitting itself to the decisions of the respective regulatory agency for the development activities.

The impacts expected from the introduction of the legal and political reform are the following:

- Strengthening of the local environmental and development authorities' decision capacity;
- Participation of the island in the management of the fishery resources;
- More equitable distribution of the tourism earnings for financing the work of the municipal governments;
- Controlled growth of the population in order to be able to meet the needs of the permanent residents better; and,
- Curbing of the external pressures from economic and governmental sectors wanting freedom to exploit the tourism and fishery resources.

THE LESSONS LEARNED

In developing countries where, in general, the practice of democracy is more formal than real, there is a tendency to make decisions having a major impact on the household economy of entire populations without including measures to provide alternative or compensatory sources of income.

This is also repeated in the cases where, as in the present instance, an attempt is made to introduce the concept of 'sustainable resource management' in an exceptional region where it is taken for granted that conserving the region's nature as intact as possible is more important than meeting the demands and aspirations of the human population.

Without necessarily being mutually exclusive, these two interests can give rise to extreme levels of confrontation and conflict when the capacity of players who have a key role to play but are maybe not well positioned or equipped to articulate their proposals is underestimated: This is the case of the local community of non-industrial fishers of the Galápagos. Players of this type can react with unexpected forcefulness when one or more of the following elements are present:

- Threat to their interests from decisions made without their participation or consent;
- Absence of reasonable alternatives; and,

- Perception that other parties are obtaining unjustified privileges or are not subjected to equivalent restrictions.

To successfully induce a local population to decide to introduce changes in its personal or production-related habits so as to collaborate with a view to sustainable resource management, it is essential that:

- Decisions be made with the participation and consent of all parties involved;
- Reasonable alternatives and compensatory measures be considered for those impacted by the changes; and,
- The ‘sacrifices’ entailed by the change be shared equitably among all parties, and that this be done in a transparent fashion.

In the case of the Galápagos, the universal pattern of conflict revolving around management of natural resources in areas of high conservation priority was reproduced. This pattern of conflict is defined by the following elements:

- Presence of players with different levels of power;
- The cost of applying the sustainable models is higher for the weaker parties; and,
- Inability or indecision on the part of the governments, or simply slowness, as regards proposing compensation arrangements for the weak parties, with the aim of securing their collaboration for application of sustainable resource management models.

In its turn, various characteristics make the case of the Galápagos unique:

- It is an exceptional area for conservation (being included in various lists of international agreements and conventions and works campaigns);
- The specific legal and political framework, arrived at through negotiations, has wide-ranging repercussions and considerable impact, especially if it is borne in mind that the island population is only a tiny fraction of the population of the country as a whole;
- There was unprecedented participation by a most heterogeneous range of local, national and international players, both powerful and weak, governmental and civil, and representing both development and conservation interests; and,
- The weakest parties in the process, the local community of non-industrial fishers, positioned themselves as key protagonists, with capacity to have their rights respected while at the same time accepting reasonable restrictions.

Endnote

- (1) This document is an abbreviated translation of the original text in Spanish.