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CONVENTION CONCERNING THE PROTECTION OF THE  
WORLD CULTURAL AND NATURAL HERITAGE

BUREAU OF THE WORLD HERITAGE COMMITTEE

Twenty-first session  
UNESCO Headquarters, Paris, Room X (Fontenoy)

23 - 28 June 1997

Item 4 of the Provisional Agenda : Reports on the state of  
conservation of properties inscribed on the World Heritage  
List

**SUMMARY**

This document was transmitted by the Ecuadorian authorities to comply with the decision of the twentieth session of the World Heritage Committee (Merida, Mexico, 1996). The Committee decided to include Galapagos National Park on the List of World Heritage in Danger effective 15 November 1997, unless a substantive written reply by Ecuador is received at the World Heritage Centre by 1 May 1997 and the Bureau, at its twenty-first session, determine that effective actions have been taken.

The Bureau is requested to review Document WHC-97/CONF.204/INF.9 in relation to item 4 of the Provisional Agenda "State of conservation of properties inscribed on the World Heritage List".

Note No. 4-2-32/97

Paris, 30 April 1997

Sir,

Please find herewith the Report on the state of conservation of the Galapagos National Park, which contains a description of all the measures taken by Ecuador for its protection and preservation, as well as the Emergency Executive Decree emitted by the President of the Ecuadorian Republic.

As you can see from this Report, Ecuador has adopted a number of serious and effective measures of a diverse nature, in favour of the Galapagos Islands, which reflect the importance and priority accorded to them by the Ecuadorian society in general and the Ecuadorian Government in particular.

The Executive Decree for its part sets down the indispensable legal framework to guarantee a rational, harmonious and sustainable management of the ecosystem of the Archipelago. This special decree foresees a special regime for the Islands, including different measures for strengthening institutions, the control of migration and human settlements, and improved protection of the marine reserves through fishing restrictions. It grants new budgetary resources as well as a further series of legal dispositions to respond fully to the problems and observations raised by the World Heritage Committee and which are in conformity with the commitment made by Ecuador during the last session.

I am certain that this documentation will contribute most effectively in showing the high priority and continual interest of Ecuador for the Galapagos Islands and the determination of all Ecuadorians to conserve and maintain them as a unique natural World Heritage.

Please accept, Sir, the assurances of my highest consideration.

Mauricio Montalvo  
Deputy Permanent Delegate  
Chargé des affaires a.i.

For the attention of Mr. Bernd von Droste  
Director of the World Heritage Centre  
UNESCO House

**FABIAN ALARCON RIVERA**  
**INTERIM CONSTITUTIONAL PRESIDENT OF THE REPUBLIC**

*Considering:*

- That the province of Galapagos, with its UNIQUE terrestrial and marine environments, constitutes a Natural Heritage of Ecuador and of the world, which requires the maximum protection of the Ecuadorian State;
- That the Political Constitution, in Article 154 directs that "the province of Galapagos will have a special regime; for its protection, the rights of free residence, property, and commerce can be restricted," and, in the second

paragraph of Article 22, guarantees the people "the right to live in an environment free of pollution, and obliges the State to be vigilant so that this right is respected and to ensure the preservation of nature, and stipulates the law to establish restrictions on the exercise of determined rights or liberties in order to protect the environment";

- That the terrestrial areas of the Archipelago of Galapagos, was declared a National Park, on 4 July 1959, by means of Decree No. 17; its marine areas were declared a Marine Resources Reserve by means of Decree No. 1810 of 13 September 1989, published in Official Register No. 769, and was declared a Biological Reserve of Marine Resources, by means of Resolution R-DE-058 of 18 November 1996 of INEFAN;

- That environmental pollution, accelerated population growth, illegal fishing, and introduced species are producing severe environmental impact on the insular ecosystems;

- That, in consideration of the Special Regulation of Health and Quarantine of Agriculture and of Natural Areas for the Galapagos Islands, published in Official Register No. 494, of 29 July 1994, the introduction of alien species is prohibited, with the aim of diminishing the danger of incidence and proliferation of alien pests and diseases in the Province;

- That, Law No. 151 "Which Improves the Living Conditions of the Inhabitants of Galapagos," published in Official Register No. 927 of 4 May 1992, and its Reform Law No. 177 published in Official Register No. 994 of 6 August 1992, in the first article, indicates the persons who will be considered as residents in said islands;

- That the conservation of the exceptional biological diversity in the terrestrial, coastal, and marine environments of the Islands is the policy of the Ecuadorian State;

In the exercise of the authority that the Constitution and the Law grant, DECREES:

Art. 1.- The conservation of the ecosystems of the Archipelago of Galapagos is declared as a National Priority and for this reason this Decree is issued with the characteristic of Emergency.

Art. 2.- Only those persons holding a Residence Permit, granted by the Residency Qualifying Commission, in accordance with what is established by the Law 151, may enter or remain in any island of the Archipelago of Galapagos.

Exceptions to this disposition are tourists whose permanence in the islands does not exceed ninety continuous days. Public functionaries on assignment, scientists and students with approved projects, personnel of national and international organisations in activities of social, humanitarian, or environmental service, members of the clergy, military and police in active service will have to justify their presence in the islands before the competent authority.

Art. 3.- The issuance of new Residence Permits is suspended until migratory control is issued and reglemented by means of the corresponding law. Renewals will continue to be granted according to Law 151.

Art. 4.- All maritime and air transport between the continent and the islands and to the interior of the Archipelago must deliver weekly a copy of their passenger lists to INGALA.

Art. 5.- The National Institute of Statistics and Censuses (INEC) is delegated, within a period of 60 days from the publication of this decree, to conduct a census of population, habitation, and professional activities in the Province of Galapagos. To this effect, INEC will coordinate the appropriate actions with the Galapagos National Institute [INGALA], the Under-Secretary of Fisheries Resources, and the Ministries of the Environment and of Tourism.

Art. 6.- It was decided to create the Management Authority for the Galapagos Marine Resources Reserve (GMRR), presided by the Minister of the Environment and in agreement with INEFAN, composed of the INEFAN, the Under-Secretary of Fisheries Resources, and the Department General of the Merchant Marine. The Technical Secretary of the Permanent Commission for the Galapagos Islands will act as Secretary.

The Inter-institutional Commission of Control and Surveillance is created, as a dependency of the Management Authority for the GMRR, composed of the Director of the Galapagos National Park, the Sub-Division of Fisheries of Galapagos, and the Representative of the Department of the Merchant Marine. The Director of the Galapagos National Park will preside over this Commission.

Art. 7.- The Inter-institutional Commission of Control and Surveillance will ensure the observance and proper application of the current legal norms in the area of the Galapagos Marine Resources Reserve, as well as the implementation, through the competent authorities, of pertinent corrective measures in case of violation of the legal norms.

In the exterior marine areas of the Marine Resources Reserve, the Navy will intensify the control and vigilance, in coordination with the other competent bodies.

Art. 8.- The members of the Inter-institutional Commission of Control and Surveillance, together with the National Police, will carry out patrols and control of the illegal activities in the Archipelago, which will be coordinated and directed by the Galapagos National Park. It is its obligation to surrender the presumed offenders to the competent authorities for their judgement and sanction.

Art. 9.- The Management Authority for the Galapagos Marine Resources Reserve will regulate the economic activities in the area of the Marine Reserve on the basis of the Management Plan, and the recommendations of the members of the Inter-institutional Commission, the National Fisheries Institute, and the Charles Darwin Station. In this context, a calendar for artisanal fisheries and the fishing gear to be used will be elaborated within the framework of the Management Plan of the Marine Resources Reserve and its zonification, and policies of control and vigilance will be designed in relation to the current Management Plan.

At the same time, a programme devoted to the artisanal fishing sector will be implemented, in which research on the resources, monitoring and evaluation of the artisanal fisheries, and the technical and administrative strengthening of the approved fishing cooperatives in the Province will be included. These actions must be fulfilled within the framework of the review and the updating of the corresponding Management Plan.

Art. 10.- The operation of new fishing vessels within the Marine Resources Reserve is prohibited for vessels that are not registered in accordance with Executive Decree 1731 of May 6, 1994, which refers to fishing vessels. No steps will be taken to legalize new fishing cooperatives.

Art. 11.- The Ecuadorian Committee of Environmental Health (CESA), of the Ministry of Agriculture and Livestock, is in charge of the coordination of the application of the System of Inspection and Quarantine for Galapagos in accordance with the Special Regulation for Health Measures, Veterinary and Agricultural Quarantine.

Art. 12.- INEFAN, through the Galapagos National Park, will immediately strengthen the programmes of control and eradication of introduced species.

Art. 13.- The hiring of personnel necessary for the control and management of the protected areas of Galapagos and for the System of Inspection and Quarantine for Galapagos are excepted from the application of Executive Decree 262, Official Register 59 of 1 November 1996, in accordance with the respective recommendations of the Management Plan and Regulations.

Art. 14.- The Insular Benefit for the public sector employees of the Galapagos (including teachers) will be established in accordance with the Agreement of SENDA, which was established to benefit the public servants in the Province of Galapagos.

Art. 15.- The Permanent Commission for Galapagos will continue to be responsible for the projects of intergovernmental cooperation for Galapagos and must approve all projects of public works, infrastructure, and investment with regard to their environmental compatibility and sustainability.

The composition of the Permanent Commission for Galapagos is modified by means of the inclusion of the Minister of the Environment, who will preside over it. In addition, the Ministry of Foreign Affairs, the

Provincial Prefect, INEFAN, and the Ecuadorian Committee for the Defense of Nature and the Environment (CEDENMA) will be included. The Technical Secretary of the Commission will be in the charge of the Ministry of the Environment. The President of the Commission will be able to form sub-commissions with specific tasks from among the members of the Commission and will be able to invite technical and scientific persons and entities, according to the topics treated. The Commission will continue in function until the Special Law determines the definitive political-administrative structure for Galapagos.

Art. 16.- To import automobiles to the populated islands of the Archipelago, the prior authorization of the Permanent Commission in collaboration with INGALA will be required. The importation of automobiles will be authorized only for activities of conservation, agriculture, tourism and for the renewal of public and private transport. The replaced vehicles must be returned obligatorily to the continent.

Art. 17.- The Ministry of Finance will assign to the Ministry of the Environment the economic resources necessary to finance the actions foreseen in the present decree, by means of the establishment of an extrabudgetary account. These resources will be distributed by the Ministry of the Environment in accordance with the programming of each responsible entity, subject to the submission of a favourable report by the Permanent Commission for Galapagos.

Art. 18.- The Ministry of the Environment and the Permanent Commission for Galapagos are in charge of the elaboration of the proposal for the Law of Special Regime for the Province of Galapagos, which must be presented within a period of 60 days from the date of publication of this Decree.

Art. 19.- The application of this Decree will be entrusted to the President of the Republic and to the Ministry of Foreign Affairs. This Decree will enter into effect from its publication in the Official Register.

Issued in the National Palace, in Quito, on 29 April 1997.

FABIAN ALARCON RIVERA  
INTERIM CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

JOSE AYALA LASSO  
MINISTER OF FOREIGN AFFAIRS

## **REPORT ON THE ACTIVITIES OF THE GOVERNMENT OF THE REPUBLIC OF ECUADOR FOR THE CONSERVATION OF THE GALAPAGOS ISLANDS**

The Ministry of Environment of Ecuador is pleased to inform the international community of the actions undertaken and successfully achieved for the improved conservation of the Galapagos Islands, the terrestrial part of which has been recognized as a natural World Heritage site.

This report notably references the concerns contained in the Report of the Evaluation Mission to the Galapagos Islands World Heritage site drawn up by the World Heritage Committee, and follows its structure.

It would appear unnecessary to describe in detail the problems which are at present affecting the Galapagos, as they have been adequately evaluated, communicated and very correctly analyzed in the above-mentioned report.

### **INSTITUTIONAL, ADMINISTRATIVE AND POLITICAL MATTERS**

#### Ministry of the Environment

The Ministry of the Environment was created in 1996 to improve the management of the environment and to dispose of a body for the orientation, coordination and control of environmental policy matters.

As a national authority for environment, it is in charge of the coordination of all that concerns the Galapagos including the elaboration of a special law and other legal instruments.

Madame Flor de Maria Valverde, Minister of the Environment, has been working actively for many years for the conservation of the Galapagos.

The following institutions and commissions which are involved in the management of the Galapagos are under the Ministry of the Environment.

#### Galapagos Coordination

Since her appointment, the Minister has established a special coordination for the Galapagos, with a view to strengthening support for the conservation of the Islands, but also to review and accelerate the process of establishing a Special Law for the Islands. This coordination, entrusted to Dr Günther Reck, former Director of the Charles Darwin Station, organized working meetings within a few weeks, with many public and private organisations. Dr Reck, who took part in 1996, in the World Heritage Evaluation Mission, is well-acquainted with international concerns regarding the Galapagos.

#### Permanent Commission for the Galapagos (CPG)

This Commission was created in 1991 to coordinate the policies and actions relating to the Galapagos at the highest decision-making level and with the consensus of the different sectors. The President of the Republic presently envisages the relaunching of the Permanent Commission under the direction of Ministry of Environment, so as to guide policies and governmental activities in the Islands.

The functioning of this Commission will noticeably improve the necessary bases for coordinated and well-informed decision-making. It will also enable the implementation of international projects linked to the functioning of the Commission, thus contributing to the conservation of the Islands. This is the case with the Environmental Management Programme of the Galapagos which is being executed with Interamerican Development Bank funds (IDB), in accordance with an agreement concluded with the Ecuadorian Government which designated the CPG as executive body for the Programme.

#### INEFAN

The National Institute of Forests and Protected Natural Areas is responsible for the administration and creation of protected areas throughout the national territory. The Galapagos National Park falls under its responsibility.

The present Government has confirmed that INEFAN is under the umbrella of the Ministry of the Environment. This is an important precedent to guarantee that the action of the National Park will benefit from strong direct support from the Ministry which grants it the highest priority.

Moreover, this will permit the improvement of coordination with the other sectors of the State, through commissions and links with other bodies.

#### Special Regime Law

The need for a law establishing special norms for the islands has been felt for some time. But only when the constitutional reforms were approved in 1995 was the legal precedent established enabling, by means of a Special Regime Law, the imposition of restrictions on certain liberties and, in particular, the control of the spread of human settlements. Previous legislative projects were never adopted, either because they contained elements which did not encourage conservation, or because they did not sufficiently take into consideration the institutional, financial and social aspects.

The previous government had created an Executive Commission responsible for drawing up a Draft Special Law with the support of several international organizations and a multidisciplinary working group which outlined the main aspects accepted as a basis for discussion by the present government.

Inconsistencies were revealed, in particular with regard to institutional aspects (also criticised in UNESCO's report) that are fundamental to the application of the Law.

It must be pointed out that, for political reasons well known to all, there has been a long interruption of the efforts to enforce the Special Law, and it took time to resume the process previously engaged.

For the time being, it has been decided to create a technical-legal group to work rapidly and with the support of an institutional base, in order to reach an agreement between the different sectors concerned. The aim is to create a simpler and more representative institutional structure, but, at the same time, one which can benefit from the support of the different social sectors.

#### Urgent Decree of Ecological Priority

Recognizing that the Special Regime Law is in a phase of elaboration that is dependant on a political situation, but also that several management aspects of the Galapagos require urgent solutions, various ministries and representatives of the public and private sectors, as well as the Minister of the Environment, have been consulted in order to draft a Decree that would serve as a basis for the management of the Islands, whilst awaiting the Special Law that will fix the final norms and enable the allocation of funds to finance urgent projects in all areas: terrestrial, marine, protected areas and human settlement zones. The project has been submitted to the President of the Republic.

### **POPULATION POLICIES**

It is presently estimated that the archipelago counts close to 14 000 inhabitants, whilst in 1974 there were only 4 000. This accelerated growth is due, amongst other factors, to the recent wave of immigration stimulated by the improvement of the network of communications with the continent and by the perspectives offered by the development of tourism.

This problem, although not completely resolved, will be considerably diminished by the Special Law and one of its most important aspects -- demographic control. However, the concentration of inhabited areas on only 3% of the land surface imposes natural restrictions on the population increase. It is hoped that the enactment of the Law will lead to a 2% reduction in the population growth that presently exceeds 7% (due to immigration). At

present, the tendency is towards a consensus on the necessity to limit the numerous economic subventions that, till now, have encouraged migration towards the islands.

## **GALAPAGOS NATIONAL PARK**

### Territorial Integrity

The Galapagos National Park, created in 1959, was finally demarcated in 1974, which enables the protection of 97% of the terrestrial surface of the archipelago. This area largely exceeds the predictions formulated in the first conservation proposals.

- This surface protection has also enabled the preservation of 99% of the littoral of the archipelago which has not been permanently colonised.
- During the 23 years of existence of the National Park, as delimited in 1974, and in spite of a series of attempts to reduce the surface or otherwise invade the area, these demarcations have been maintained.
- The new law will permanently prohibit the reduction of the surface of the National Park and the extension of human settlements.

### Conservation

International cooperation, offered and managed for over 35 years through the intermediary or with the support of the Charles Darwin Foundation, keeps the country's doors wide open and has the full support of the Ecuadorian Government. The Government will encourage the participation of international organisations and, in particular, of the Darwin Foundation, and will support coordinated group action, as well as national and local bodies in favour of conservation.

### Control of Introduced Species

In spite of the persistence of several serious problems inherited from the past century, following the introduction of exogenous species, and in spite of the dispersion of a great number of new exotic species during the past decades, particularly plants and invertebrates, noteworthy progress has been accomplished both in the past and through activities undertaken over the last few years.

- The young goats have been exterminated in the Islands of Santa Fe, Española, Plaza Sur and Rábida, and their numbers are kept very low on the Island of Pinta.
- As to the grave problem of the high rise in the number of young goats in the proximity of the Alcedo volcano, 30 000 of these animals were eliminated during the extensive campaigns supported by international organisations. A fund has been set up to facilitate further control efforts.
- An agreement has been signed with the Armed Forces, and a massive campaign is in preparation in order to continue the control in a permanent and systematic manner.
- The population of wild pigs on the Island of Santiago has been reduced to 100 animals (out of more than 5000 originally counted). Obviously, the final phase will be the most difficult.
- The rats could not be exterminated, except on a small island, but interesting experiments have been carried out for local and seasonal control of the breeding sites of local and endemic species.
- A pilot programme about to be launched for the Inspection and Quarantine System will enable control of the introduction of new and diseased species in the Galapagos. Regulations at legal level already exist.

The Draft Decree confers the status of national priority to the conservation of the ecosystems of the Galapagos, and makes it possible to undertake the project with the necessary personnel and means.

### Protection of the Local Fauna and Flora



The breeding and repatriation of iguana and giant turtles have greatly progressed and been undeniably successful.

During the last months, no turtle deaths through poaching have been reported. The National Park initiatives have been effective in this regard.

A near extinct population of land iguana of Raltra Island is presently being reconstituted through breeding efforts. The Armed Forces that control the site participate in this operation.

### Tourism

Although the direct consequences of tourist activity have been controlled, the stretching of its present capacity is causing more and more environmental repercussions and an increase in population.

In spite of ever-growing international demand, and in the face of strong pressure from the private sector (on both the continent and the islands), for unlimited increase in the contingents of tourists, especially foreigners, in the islands, the legal restrictions in force have effectively held the demand in check to ensure the conservation of the natural environment of the Galapagos.

- The Ministry of Tourism and the private societies of tour operators provide valuable assistance for conservation efforts.
- Tourism management remains an example of good cooperation between the conservation bodies, management and businesses. The training of guides and their active participation in management remains an important element of control.
- The new Law on tourism sets a moratorium until the year 2005 on the authorization of new permits for cruise ships.
- During these past months, four pleasure crafts have had their licence and corresponding shares withdrawn, and they have not been replaced. Amongst these licences are 90 shares of one of the high-capacity motor boats which have been paid back to the State.
- The boat itineraries have been improved. The study on the carrying capacity of the Galapagos National Park carried out by INEFAN, will provide information to improve management of tourism on the archipelago.

### **GALAPAGOS MARINE RECOURCES RESERVE (created in 1986)**

#### Designation of Biological Reserve

In December 1996, the Marine Resources Reserve was declared a "Biological Reserve" by INEFAN, with reference to the management categories of the National System of Protected Areas established in accordance with the Forestry Law. Within this legal framework which applies to protected territories, the Galapagos National Park Service is encouraged to extend its management authority to the marine zone and to sanction fraudulent acts, in conformity with this Law. Without overestimating the final management plan of the Marine Resources Reserve, the management and administration of the marine area is being revised, and appropriate coordination mechanisms (which do not presently exist) with the Fisheries Sector are being studied.

### Fishing

Illegal fishing has not been completely controlled. Not only is sea cucumber, shark and harpoon fishing being pursued, it is accompanied by an intensification of deep sea fishing by various methods which threaten the islands' protected fauna.

Violent acts have been committed during these past weeks: a park warden was wounded by gunshot in the exercise of his functions. This incident reflects the rise in aggressiveness surrounding fishing activities and the powerful economic interests that are at stake.

Faced with this situation, the Ministry of the Environment contacted the competent authorities and asked them to impose severe penalties to the offenders.

### Application of Legal Norms

During these past weeks, a notable improvement in the areas of management and control has been witnessed.

- In the last 12 months, the Galapagos National Park carried out 24 control missions and regular inspection flights over the coastal area of the archipelago with the assistance of military authorities.
- These operations led to the eviction and elimination of 20 clandestine fishing campsites operating without permits.
- More than 170 000 sea cucumbers, as well as 400 shark fins corresponding to more than 1000 animals, were seized.
- 12 tunny boats were arrested.
- A small craft used for the illicit transport of sea cucumbers was confiscated by INEFAN and is being auctioned off. This will clearly demonstrate the determination and will to severely punish illicit activities and discourage new offences.
- Following the intervention of several authorities and the complaints filed, the group of fishermen who committed the acts of violence and received almost all of the poached sea cucumbers, left the islands without being controlled, interrupting the clandestine fishing at least temporarily for lack of commercial outlets.
- Regrouped in cooperatives, the fishermen are ready to participate actively in the rapid expansion of an activity that is more compatible with respect for the environment.
- The surveillance rounds of the National Park have been strengthened by a complementary agreement with the Department of the Merchant Marine, the personnel of which accompany the patrol boat during regular rounds.
- In liaison with the Ecuadorian Ministry of the Environment, and conscious that part of the illicit fishing is commercialised in the United States, this country has begun to control the products, in order to halt the import of sea cucumbers or shark fins coming from Ecuador.
- The Ecuadorian Fishing Industry Associations have officially accepted the Management Plan of the Marine Resources Reserve. However, there is strong pressure from artisan fishermen of the Galapagos for industrial fishing to be totally excluded from the Galapagos zone. This shows a tendency towards improvement.

### Management Plan

The Management Plan of the Marine Resources Reserve, drawn up in 1992, has finally been recognized by the fisheries sector as a valuable instrument for the administration and exploitation of resources. It needs to be revised, however, and this has been undertaken by INEFAN with the assistance of the Charles Darwin scientific base, in conformity with the terms of the Agreement for the Creation of the Biological Reserve.

### **FINAL COMMENTS**

This information testifies to the will of the Ecuadorian Government to continue to give the Archipelago all necessary protection by reason of the exceptional quality of its environment. The work of the Ministry of the Environment will guarantee appropriate national and international coordination which takes into account the parameters of an explicit conservation policy and sustainable development.

Without underestimating the real threats to the biotes of the Galapagos, both in the short and long term, it must be acknowledged that the islands constitute one of the best conserved oceanic archipelagos, where most of the original and endemic taxonomic groups are maintained.

In this context, it is appropriate to refer to the recent declaration of the ethnologist Irenaus Eibl-Eibesfeldt, following his visit to the Galapagos Islands several weeks ago. Professor Eibl-Eibesfeldt had gone to Ecuador 40

years ago in the framework of a UNESCO mission in charge of evaluating the state of conservation in the islands and proposing conservation measures (including the construction of the Charles Darwin Station). Although he recommended stronger enforcement of the law and expressed particular concern with the abusive exploitation of marine resources, Professor Eibl acknowledged numerous successful conservation efforts and stated emphatically that the state of conservation of the islands had considerably improved since 1957, and in certain ways even surpassed the forecasts made during this period. This in no way detracted from its international recognition as an example of nature conservation.

We wish to reiterate the will of the Ecuadorian Government to continue to give the Archipelago all necessary protection by reason of its unique environmental characteristics. The work of the Ministry of the Environment will guarantee appropriate national and international coordination which takes account of the parameters of an explicit conservation policy and sustainable development.

We hope that the considerable efforts accomplished by the Ecuadorian State for the conservation of the Islands will be acknowledged at international level.

Dr. Flor de Maria Valverde  
Ministry of the Environment