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Legal Pluralism and The Rights of Nature in The Fragile Island Ecosystem of The Galapagos Islands

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ABSTRACT

This study analyzes legal pluralism and the rights of nature in fragile island ecosystems in the Galapagos Islands, Ecuador, considering both the national legal framework and customary practices present on the islands. Through a qualitative approach based on the review of normative documents and ethnographic fieldwork, the paper identifies the ways in which customary law interacts with formal governance structures in marine resource management. Semi-structured interviews were conducted with national and local authorities, non-governmental organizations and community actors, as well as focus groups on different islands. The results reveal tensions, synergies, and opportunities for articulation between legal systems, highlighting the need to incorporate intercultural and participatory approaches in the protection of nature in the Galapagos. This study concludes by proposing the strengthening of effective legal pluralism that contributes to the ecological and social sustainability of the region.

Keywords: Environment, Law, Ecosystem, Galapagos, Justice, Nature, Pluralism.

INTRODUCTION

Island ecosystems, such as those in the Galapagos Islands, are characterized by high biodiversity, ecological fragility, and social complexity. These factors require innovative approaches to their management, as traditional models, based exclusively on state regulations, are often insufficient to address the environmental and sociocultural challenges facing these territories.

In this context, legal pluralism, understood as the coexistence and interaction of multiple regulatory systems within a single geographic space, is positioned as a relevant theoretical and practical tool for ensuring a healthy and ecologically balanced environment and the rights of nature.

In the Galapagos, this coexistence is evident in the articulation of state and regional laws, local ordinances, the ancestral knowledge of the various settlers who have settled on the islands, and the regulations imposed by international conservation organizations.

This regulatory multiplicity does not necessarily imply conflict, but can open up opportunities for more inclusive, legitimate, and territorial management.

Considering diverse legal and cultural frameworks fosters participatory processes, recognizes the diversity of stakeholders involved in conservation, and enables consensus-building that strengthens ecological sustainability and environmental justice.

This article analyzes how legal pluralism and the rights of nature manifest themselves in the Galapagos Islands, emphasizing their potential to improve decision-making and reduce tensions between actors. Ultimately, it argues that the inclusion of diverse legal systems is not only a reflection of the archipelago's legal reality but also a necessary strategy for addressing the challenges of the 21st century.

The analysis is based on three key conceptual approaches:

a) Legal pluralism: Which is the coexistence of several normative systems of peoples or collectives, different from the State, with their own sources of production of norms, values, institutions and procedures (Yrigoyen 2017).
b) The rights of nature, which are based on three basic principles: 1. Differentiation, by which each being and species has its own identity, evolution and place on the planet and in the cosmos. By this principle, any tendency towards uniformity, as conceived in industrial agriculture to feed us, is contrary to the rights of nature. In this sense, there is a human right, a right of the ant, a right of the mountains, a right of the Earth. 2. The principle of autopoiesis, by which each being has its self-regenerative capacity and, as the Montecristi Constitution says, its life cycle. When a human activity prevents or hinders this capacity, it violates the rights of nature. 3. The principle of communion, by which we subscribe to the notion that nature, the world, and humans have evolved through processes of collaboration and solidarity, and not through individualism or competition [Avila 2018: 12].
c) Legal ethnography: It allows us to approach the empirical phenomenon from a "micro" or "local" dimension without universalist pretensions, but in qualitative-holistic-socio-cultural terms, which implies giving it meaning—and legitimacy—based on the knowledge of the explanations that the subjects of study can offer of their practices, acts, objects, discourses and the observation that the researcher carries out in his or her interaction with them (Barrera and Guthmann 2010: 161).

Martínez (2017) highlights that overcoming inequality and the search for inclusive elements of marginalized groups have been the pillars of the need for a new constitutionalism [4, p. 8], but Salgado (2017) mentions that the term “new” was used ironically because in reality, under careful analysis and patient reading, one comes to the conclusion that it is not, except for the label or denomination; new political facts?, as he puts it. To address the multiple problems of politics, government and society that were not solved in the 20th century and as a "new" recipe, in some countries such as Ecuador, hyper-presidentialism was used. (Salgado 2017).

Gargarella (2019) complements this by highlighting the aforementioned “flawed democracies” of Latin America that have the following common features: Inequality, democratic dissonance, concentration of powers and hyper-presidentialism, social rights and the “engine room problem of the Constitution”, moral perfectionism and political and social violence.

Within the social rights and the “engine room problem of the Constitution” it is highlighted that the Latin American Constitutions still exhibit, today, very “progressive” declarations of rights and, at the same time, very outdated organizations of powers, which are still characterized by a marked concentration of powers, a problem that I called “the engine room problem” of the new Constitutions (Gargarella, 2019).

For Gargarella (2019) There is no major progress in the recognition of new rights in the Constitutions, and we could include the Ecuadorian constitutional text in its analysis, since it highlights the following about the Latin American “progressive” constitutions: This institutional framework tends to be lethal for the application or the real life of the “new rights”: these progressive rights end up being, finally, dependent on the discretionary will of a few (and particularly on the will of the President), in control of political power.

Gargarella (2014) is critical of the Constitutions of Ecuador, Venezuela and Mexico and sets them as examples of Constitutions that, on the one hand, seek to maximize rights and propose generous mechanisms for popular participation, while at the same time maintaining strongly centralized political organizations.

In Ecuador, a successful case of the application of legal pluralism is found in the Kayambi people, who have the capacity to make decisions about water and the ecosystems that depend on it in their territory (Borja 2023).

in the fragile island ecosystems of the Galapagos Insular Region over the past year, one of which was the use of noisy fireworks that produce loud explosions, despite their use having been banned in the Galapagos since 2018.

This research analyzes successful cases of recognition and application of legal pluralism in the fragile island ecosystem of the Galapagos Insular Region. To understand the perspectives of settlers in the fragile island ecosystem of Galapagos on the rights of nature, interculturality, plurinationality, and legal pluralism, this research conducted fieldwork on the islands of San Cristóbal, Santa Cruz, Isabela, and Baltra.

As a guide for the reader, I emphasize that after this introduction to this scientific article, legal pluralism is analyzed, thirdly, the rights of nature, and finally, referring to the fragile island ecosystem of the Galapagos and the conclusions of this research work. This provides a coherent view of the context and purpose of this research.

Legal Pluralism

From the institutional sphere, it is considered difficult for modern states to recognize a legal system exclusive to ethnic minorities, generally ruling out any possibility of legal pluralism in the territory through the uniformity of the State legal system (Backenköhler 2021).

Respect for human dignity is fundamental to legal pluralism, since every person carries within themselves dignity, which is inseparable from their human condition. Therefore, it is affirmed that dignity is inherent to the human being, as are the rights considered essential (called human rights or constitutional rights). Therefore, human dignity must be respected and is above all ideology, whatever it may be; in such a way that dignity becomes an essential prerequisite for rights (Salgado 2023).

Legal pluralism arises when there are different ideas, principles or normative or legal systems that are applicable to a single context or situation. Legal pluralism often occurs in coastal-marine and post-colonial contexts. It is therefore a common phenomenon in Pacific Island countries, with their colonial legacy and strong links to the sea (Rohe et al. 2019).

In functional or intermediate legal pluralism, mutual normative accommodation is possible, with which the legal and cultural duality of many people is recognized, by allowing them to have a justice system that is applied in certain issues or powers delegated by the judicial function (Wolkmer 2018).

For Gargarella (2014)Legal pluralism is not something new and highlights the centrality that the "indigenous question" had in constitutionalism from the end of the 20th century until today. For him, all the new Constitutions tended to make explicit and enthusiastic mention of the rights of indigenous peoples.

Towards the end of the 20th century, the constitutionalization of indigenous rights found its decisive moment in Nicaragua, after a conflict between the Sandinista government and the Miskito indigenous group in 1987 (Asamblea Nacional Constituyente 1987; Cunningham 2024), also highlights the cases of the Constitution of Guatemala of 1985 (Asamblea Nacional Constituyente 1985)and Brazil 1988 (Asamblea Nacional Constituyente 1988)until the appearance in 1988 of the well-known Convention 169 of the International Labour Organization (ILO) (Organización Internacional del Trabajo 1989), which would change the entire discussion on the subject (Gargarella, 2014).

After Convention 169 of the International Labour Organization (ILO) (Organización Internacional del Trabajo, 1989)Constitutions with indigenous rights and positions favorable to legal pluralism appear (Gargarella, 2014), highlighting: Colombia 1991 (Asamblea Nacional Constituyente, 1991), Paraguay 1992 (Convención Nacional Constituyente, 1992), Argentina (Convención Constituyente, 1994)and Bolivia 1994 (Honorable Congreso Nacional de Bolivia, 1994), Ecuador 1996 (Congreso Nacional del Ecuador, 1996)(1998) (Asamblea Nacional Constituyente, 1998), Venezuela 1999 (Asamblea Nacional Constituyente, 1999)and Mexico 2001 (Honorable Congreso de la Unión, 2001). These documents adopt formulas that define the State as multicultural or pluricultural (Colombia, Peru (Congreso Constituyente Democrático, 1993), Bolivia, Ecuador), and guarantee either the right to cultural diversity (Colombia (Asamblea Nacional Constituyente, 1991), Peru (Congreso Constituyente Democrático, 1993)), or the equality of cultures (Colombia (Asamblea Nacional Constituyente, 1991), Venezuela (Asamblea Nacional Constituyente, 1999)), thus breaking the monocultural design inherited from the 19th century (Gargarella, 2014).

Oyarte (2022)highlights that in accordance with the principles established in Article 9 of Convention 169 of the International Labour Organization (Organización Internacional del Trabajo, 1989), since the Political Constitution of the Republic of Ecuador of 1998, the so-called *indigenous justice is expressly recognized* (Oyarte, 2022) and we can verify this by reviewing the repealed constitutional text, which in Article 191, paragraph four, stated […] The authorities of indigenous peoples shall exercise the functions of justice, applying their own rules and procedures for the resolution of internal conflicts in accordance with their customs or customary law, provided that they are not contrary to the Constitution and the laws. The law shall make those functions compatible with those of the national judicial system (Asamblea Nacional Constituyente, 1998).

In the Republic of Ecuador, legal pluralism has been strengthened since the Constitution of the Republic of Ecuador came into force on October 20, 2008 (Asamblea Nacional Constituyente, 2008a). The Constitution of 2008 (Asamblea Nacional Constituyente, 2008b)differs from that of 1998 (Asamblea Nacional Constituyente, 1998)in that previously indigenous authorities exercised "justice functions", now with the current Constitution they exercise "jurisdictional functions" (Oyarte, 2022).

Martínez (2017), highlights that the Ecuadorian Constitution is part of the impulse of democratic regeneration that the Latin American constituent processes have supposed, since 1991, and that has been doctrinally called new Latin American constitutionalism.

Oyarte (2022)insists that the Constitution determines the territorial jurisdiction of indigenous authorities (Constitución de la República del Ecuador, 2008), while Convention 169 clarifies jurisdiction based on persons (Organización Internacional del Trabajo, 1989), constitutionally there is obscurity regarding material jurisdiction, and there are no indications regarding jurisdiction based on degrees (Asamblea Nacional Constituyente, 2008b).

The principles enshrined in Article 9 of Convention 169 of the International Labour Organization (Organización Internacional del Trabajo, 1989)are: 1. To the extent compatible with the national legal system and internationally recognized human rights, the methods traditionally used by the peoples concerned for the repression of crimes committed by their members shall be respected; and; 2. The authorities and courts called upon to decide on criminal matters shall take into account the customs of those peoples in this regard (Organización Internacional del Trabajo, 2023).

Therefore, it is essential that there be a compatibility law, since in the Ecuadorian case it is highlighted that "Since the 1998 Constitution, the need for a compatibility law was established, which the 2008 Charter defines as one of "coordination and cooperation between the indigenous jurisdiction and the ordinary jurisdiction" (Art. 171, paragraph 2, CE)" (Oyarte, 2022)

The Judicial Branch of Ecuador is aware of this need, and in the Organic Code of the Judicial Branch it reiterates the need for a law that, in addition to the Constitution, determines the jurisdictional functions of the indigenous authorities (Art. 7, paragraph 2, COFJ), containing an insufficient title relative to the relations of the indigenous jurisdiction with the ordinary jurisdiction, starting with certain rules that state officials must apply (Asamblea Nacional del Ecuador, 2009).

But for Oyarte (2022) pointing out that the authorities of indigenous peoples exercise jurisdiction brings with it other problems: what is the competence of these authorities; what is the legal basis of the resolution; what legal nature does the decision have and what are its effects; and, what happens with due process.

Due process must be respected, since the Ecuadorian Constitution (Asamblea Nacional Constituyente, 2008b) and ILO Convention 169 (Organización Internacional del Trabajo, 1989)are conclusive in this regard: human rights must be respected, which naturally include due process rights and in this kind of decisions there are obvious predicaments regarding due process rules such as double conformity, either because there are no resources or because the decision taken is executed immediately, or the legality of the evidence (Art. 76, No. 4 and 7, letter m, CE), although many times there is a tendency to confuse cases of justice by one's own hand with indigenous justice, even when there is no intervention of indigenous authorities (Oyarte, 2022).

The Constitutions that have been born in this last quarter of a century in the Andean region, for the first time and officially according to Wolkmer, recognize and enshrine legal pluralism and indigenous justice as a distinct right, but one that must be applied in parallel to the traditional and functional state judicial function (Wolkmer, 2018).

But for its application, respect for human rights and their values is essential and for this reason Carbonell (2016) highlights that human rights are the expression of such democratic values as equality, freedom, legal security, the rights of peoples, religious tolerance, etc. By establishing a list of fundamental rights in the Constitution, what we are actually doing is " legalizing " democracy: giving it legal form and thus granting it substance and content.
Andean constitutionalism questions the political economy of the dominant legal knowledge that considers the South as a mimetic space, as a space for the reproduction and dissemination of legal knowledge created in other latitudes. Likewise, these constitutional changes have influenced the incipient turns towards radical interculturalism that the Colombian courts have taken through the sentences in which they have recognized rights to rivers such as the Atrato or the Cauca or to ecosystems such as the Amazon (Bonilla, 2021).
In the Ecuadorian sphere regarding legal pluralism or Oyarte indigenous justice highlights not only that the 2008 Constitution uses the concept of jurisdiction to identify the activity, but that other rules of the constitutional text leave no doubt regarding the nature of these decisions: the non bis in idem rule applies to the decision and its resolutions are challengeable through the extraordinary action of protection (Arts. 76, No. 7, letter i, 171, paragraph 2, and 437 CE, 65 and 66 LOGJCC) (Oyarte, 2022).

Gargarella (Gargarella, 2014)highlights that the Constitutions of Ecuador 2008 and Bolivia 2009 represent the best efforts in the region in favor of indigenous rights. The Constitutions of Ecuador 2008 (Comparadas, 2022)and Bolivia 2009 (Asamblea Nacional Constituyente, 2009)being the initiatives that illustrate some of the most important advances promoted by the new Latin American constitutionalism in defense of indigenous rights, were also the most controversial in questioning the organization and distribution of existing powers.

Rights of Nature

By way of historical background, in 1969 the U.S. Forest Service approved a project in California's Sierra Nevada Mountains that would cover just over 80 acres (Boyd, 2020). At about the same time, a young law professor at the University of Southern California, Christopher Stone, was teaching a property law course when he came across the possibility that nature might have legal rights of its own. The idea apparently electrified his law students (Boyd, 2020).

Immediately, Stone began developing legal arguments for rights of nature for publication in a scholarly journal. In his article, Stone argued that there were technically no legal barriers to granting rights to nature, since other non-human entities, such as ships and corporations, have legal rights vested in them. Stone wrote that society

should "grant legal rights to forests, oceans, rivers, and other so-called 'natural objects' in the environment—indeed, to the natural environment as a whole (Boyd, 2020)

Despite losing their case before the Supreme Court, the Sierra Club ultimately prevailed in the court of public opinion. Walt Disney's ski resort was never built. Mineral King Valley remains wild to this day, replete with lakes and waterfalls, providing habitat for black bears, mule deer, and yellow-bellied marmots, beneath the iconic Sawtooth Peak . Cell phones still do not work there because the valley is so remote and rugged. Mineral King Valley was added to Sequoia National Park in 1978 by the United States Congress, thus protecting it from ill-conceived development forever (Boyd, 2020)

Professor Stone's visionary article continues to be widely discussed in law schools nearly fifty years later. Lawsuits have been filed on behalf of various components of nature, including a beach, a rare bird species, dolphins, salmon, a swamp, a national monument, a river, and, as Stone anticipated, a tree. The United States Federal Court allowed a lawsuit to be filed on behalf of the Byram River (along the New York-Connecticut border) against the Village of Chester, based on alleged pollution damage from the village (Boyd, 2020)

After this precedent of the United States, the Constitution of the Republic of Ecuador, which was published in the Official Registry 449, dated October 20, 2008, was the first to constitutionally recognize nature as a subject of rights (Registro Oficial, 2008).

The constitutionalization of the rights of nature in Bolivia and Ecuador and the recognition of river rights in New Zealand and India, for example, have attracted the attention of legal and social science scholars in both the Global North and South (Bonilla, Michaels and Zalamea, 2022)The rights of nature have been prototypically articulated by the legal systems of Bolivia, Ecuador, and New Zealand. Ecuador's 2008 Constitution, Bolivia's Laws 71 of 2010 and 300 of 2012, and the Te Awa Law Tupua of 2017 of New Zealand recognize that nature is a legal subject (Bonilla, 2022).

But it should be noted that the recognition of the rights of nature differs in each of these countries. For Bonilla the rights of nature contemplated in these three legal systems are not identical. Thus, for example, while in Bolivia and Ecuador it is recognized that Pachamama , nature as a whole, is a subject of rights, in New Zealand only the Whanganui River (a part of nature) is conceived as a subject of rights (Bonilla, 2022).

In Ecuador there is a formal recognition of the rights of nature, but in the material aspect there is still much to be done, since according to the environmental performance index carried out annually by Yale University (United States) in 2008 before the current constitutional text came into force, it was in 22nd place and currently occupies 55th place. The Environmental Performance Index combines 58 indicators across 11 topic categories, ranging from climate change mitigation and air pollution, waste management, sustainability of fisheries and agriculture, deforestation and biodiversity protection (Universidad de Yale, 2024).

Chalco (Chalco, 2017)also emphasizes the issue of oil exploitation in the Yasuní National Park , which is the area with the greatest biodiversity in the entire Ecuadorian territory. It maintains a significant presence of sixteen indigenous communities, including Kichwas and Waorani , and Peoples in Voluntary Isolation. However, despite being a zone declared under protection, the Executive, with a constitutional provision that enables it, can request that this National Park be declared a space of national interest for oil exploitation. This is how it proceeded [42, pp. 233–234].

The current constitutional text also guarantees interculturality, plurinationality and specific modifications are made to aspects related to legal pluralism, established in the constitutional text of 1998 (Asamblea Nacional Constituyente, 1998). The advisor to the constituent processes of Venezuela (1999), Bolivia (2006-2009), Ecuador (2007-2008) and the first process in Chile (2021-2022) Rubén Martínez [43, p. 8]highlights the plurinationality and interculturality, which are reflected in the Ecuadorian Constitution of 2008 [43, p. 8].

The Ecuadorian Constitution recognizes nature as a subject of rights, establishing that individuals, communities and nationalities may demand their fulfillment (Bravo, Pozo and Shakai, 2025). Bonilla highlights that Andean constitutionalism has been one of the direct sources of inspiration for the recognition of the rights of nature in countries as diverse as Canada, New Zealand and Switzerland (Bonilla, 2021).

While the Constitution of Ecuador and the laws of Mother Earth of Bolivia include a wide number of precise rights of nature, for example, to life, to restore its cycles, to not be contaminated and to balance the Te Awa Law New Zealand's Tupua states generically that the Whanganui River has the same rights and duties as any other subject of rights (Bonilla, 2022).

While in Bolivia and Ecuador both the State and citizens can represent the legal interests of nature, in New Zealand the law created a legal entity to fulfill this objective (Bonilla, 2022). In Bolivia, the creation of institutions, such as the Ombudsman of Mother Earth, was mandated to be formed and administered like any other state entity; and in New Zealand it was determined that the legal entity representing the Whanganui River would be headed by a representative of the Government and a representative of the Maori people (Bonilla, 2022).

It is also essential to highlight the relevant rulings of the Constitutional Court of Ecuador in the area of legal pluralism and the rights of nature, which are the following:

Table 1. Relevant rulings on the rights of nature and legal pluralism in Ecuador

Year	Central theme	Sentence number
2015	Unconstitutionality of Ministerial Agreement No. 080 issued by the Ministry of the Environment (Corte Constitucional del Ecuador, 2020)	20-12-IN/20
	Violation of the right to legal security within a process on possession of community lands (Corte Constitucional del Ecuador, 2015a)	065-15-SEP-CC 166-15-SEP-CC
	Violation of the guarantee of motivation in a process related to alleged environmental damage caused by shrimp farming activities (Corte Constitucional del Ecuador, 2015b)	218-15-SEP-CC
	Violation of the rights of nature due to the exploitation of stone material (Corte Constitucional del Ecuador, 2015c)	
2017	Unconstitutionality of arts. 86 and 136 of the Environmental Regulation of Mining Activities (Corte Constitucional del Ecuador, 2021a)	32-17-IN/21
2018	Unconstitutionality of several rules of the Organic Code of the Environment and its regulations (Corte Constitucional del Ecuador, 2022a)	22-18-IN/21
2019	Rights of nature of the Los Cedros Protective Forest (Corte Constitucional del Ecuador, 2021b)	1149-19-JP/21
2020	Violation of the rights of nature due to the events that ended in the death of the chorongo monkey "Estrellita" (Corte Constitucional del Ecuador, 2022b)	253-20-JH/22
	Recognition of ownership of the rights of nature to the Aquepi River and declaration of its violation by the State (Corte Constitucional del Ecuador, 2021c)	1185-20-JP/21
2021	Recognition of ownership of nature rights to the Monjas River and declaration of its violation (Corte Constitucional del Ecuador, 2022c)	2167-21-EP/22

Source: Prepared by the author based on the publication Rights of Nature, Guide to Constitutional Jurisprudence (Villagómez, Calle and Ramírez, 2023).

Ecosystem of the Galapagos Islands

The history of rules and regulations relating to oceans and other bodies of water is rich and complex, which is related to the fact that these environments provide e(Rohe *et al.*, 2019)and services to humans (Rohe *et al.*, 2019). This has long motivated societies to take collective action to regulate use of and access to resources (Rohe *et al.*, 2019). Thus, law in the aquatic and marine domain developed on the basis of customary patterns, which later became institutionalized (Rohe *et al.*, 2019).

Regarding the historical background, according to Garrido (Garrido, 2024)the Galapagos are, without a doubt, one of the most important archipelagos in the world (Garrido, 2024). In addition, he highlights that its biodiversity, although not as abundant as in the South American Amazon, has a significant level of endemism, which has put this group of islands, since the arrival of Charles Darwin in the 19th century, in the sights of the scientific world, as well as in the travel plans of millions of people [56, p. 3].

In the Galapagos, "a large number of Ecuadorians have come together since 1830, the year in which Ecuador took possession of the islands, they have populated them and those who are known today as settlers have established themselves" (Garrido, 2024).

The region, officially incorporated into Ecuadorian territory on February 12, 1832, has an area of 147,195.4 km2 of which around 97% corresponds to the Galapagos National Park (PNG), founded in 1959 (Navarrete et al., 2023). In addition, it must be taken into account that the Organic Law of the Special Regime of the Province of Galapagos published in 2015 (Lexis, 2015), limits residences and settlements in the Archipelago.

This colonization by Ecuadorians, besides being intermittent, was also progressive (Garrido, 2024). It can be assured, however, that the islands did not have any Ecuadorian inhabitants settled in that territory at the time of the official annexation during the Flores government [56, p. 3].

With this annexation, Ecuador added kilometers to its vast extension of the first half of the 19th century, although it is known that Flores not only sought the annexation of the islands to expand the Ecuadorian territory on the maps of the time - islands that, by the way, appeared under the name of King Charles Islands - but also intended to immortalize himself by naming them initially as Las Florianas , a name that never prospered (Garrido, 2024, p. 3).

That is to say, Ecuador "had the mission, since the 19th century, to populate and colonize these islands that were located about 1,000 km away from the so-called continental Ecuador, which at that time were not easy to cross" [56, p. 3].

The first settlers marched within an official program of the Flores government, led by the main architect of the possession of the islands: José de Villamil and launched by Colonel Ignacio Hernández [56, p. 3]. Which had as objective "in addition to making effective the possession of the islands, also sought to consolidate the jurisdiction and strengthen the Ecuadorian sovereignty in that remote place (Garrido, 2024).

Although the ideas about what to do with the Galapagos Islands by the Flores government were not yet entirely clear at the time of Ecuador's possession, what can be said is that General Villamil had several projects related to agricultural production on the islands. Shortly thereafter, making the islands a prison would affect a good part of the projects carried out by private individuals [56, p. 3].

The origin of its name dates back to the 16th century and derives from the presence of populations of giant tortoises (turtle islands), one of the most characteristic species of its local fauna (Salas and Tuci, 2020). In recognition of their importance, the islands were designated a World Heritage Site in 1976, a Colón Archipelago Biosphere Reserve in 1984, and a Ramsar site in 2001 [57, p. 28].

The Galapagos Islands host a diverse range of ecosystems, created not only by the unique oceanographic conditions but also by their isolation and volcanic origin [57, p. 28]Ecosystem dynamics are influenced by local and annual climate patterns; there is a warm, wet season from January to May and a cool, dry season from June to December [57, p. 28].

The province of Galapagos is administered according to article 4 of the Organic Law of the Special Regime of the Province of Galapagos (Registro Oficial, 2015)by the Governing Council of the Special Regime of the province of Galapagos (Registro Oficial, 2015). The Galapagos Islands, like the eastern region, were completely forgotten and relegated by the governments of the entire 19th century and a good part of the 20th century [56, p. 5].

The main aim in these two regions was always to seek the generation of profits for the State through the exploitation of their natural resources, in some cases handing over the ownership of these territories to natural persons and appointing governors who would be in charge of the control and collection of taxes, but without investing a single cent in these two distant places in services such as education or health for its population [56, p. 5].

In the 1920s, foreigners arrived on the islands, attracted by the myth of the archipelago's unique and unspoiled nature [59, p. 64]. The first foreign migrants who colonized the islands at the beginning of the last century were attracted by economic programs promoted by Norway and Germany linked to agriculture, fishing and tourism [59, p. 64].

Later, the tourism drive would be linked to the naturalist conservation project associated with the creation of the Charles Darwin Foundation in 1959 [59, p. 64]. Science played an important role in the emergence of the tourism phenomenon in the Galapagos [59, p. 64]. In 1923, for example, a naturalist expedition sponsored by the New York Zoological Society (NYZS) represented the first attempt to turn the islands into a naturalist's paradise, guided by the idea of a global botanical laboratory. By then, the islands were already world-renowned thanks to Charles Darwin's visit to them [59, p. 64].

Another important event was the creation of the Galapagos National Park by the Ecuadorian State in 1959, and its inclusion in the UNESCO World Heritage List in 1978 [59, pp. 64–65]. In 2007, UNESCO highlighted the poor management of the islands by the tourism sector, noting a significant impact on its natural environment [59, p. 66]. From then on, international cooperation efforts focused on projects aimed at environmental conservation and thus promoting ecotourism [59, pp. 66–67].

Using legal ethnography, the research conducted in the fragile island ecosystem of the Galapagos Islands was mixed (qualitative and quantitative) and descriptive-exploratory. It was mixed (qualitative and quantitative) as it combined documentary review (bibliographic, doctrinal, and jurisprudential analysis) with qualitative fieldwork (semi-structured interviews and focus groups).

It was also descriptive-exploratory, because it describes legal pluralism in the fragile island ecosystem of the Galapagos . Regarding the methodological design, it is highlighted that it is non-experimental since there is no manipulation of variables, and it is cross-sectional since the data were collected at a specific time (March 2025). There is also methodological triangulation since three complementary approaches were used: documentary (literature review) and ethnographic/qualitative (interviews and focus groups).

It is also important to highlight the population and study group, the theoretical population being the settlers of the Galapagos province who practice legal pluralism and the specific study group being the 10 inhabitants interviewed using the focus group technique.

The sample size was 10 people (3 municipal officials, 1 university official, 1 transporter, 1 tourist, 1 official from the Charles Darwin Station, 1 resident of Puerto Baquerizo Moreno, 1 resident of Puerto Ayora and 1 resident of Puerto Villamil), since in the focus group technique a number of 6 to 12 interviewees is recommended, highlighting that the focus group technique is a space for opinion to capture the feeling, thinking and living of individuals, provoking self-explanations to obtain qualitative data [61, p. 56].

Working in groups facilitates discussion and activates participants to comment and give their opinions even on topics that are considered taboo, which allows for the generation of a wealth of testimonies (Hamui-Sutton and Varela-Ruiz, 2013, p. 56).

Finally, regarding the data collection techniques and instruments in the first section, which consists of the documentary review, the content analysis technique was used and the instruments were academic databases, jurisprudence and legal doctrine.

In the second section, which deals with fieldwork, semi-structured interview techniques were used, using open-ended questions and focus groups; the instruments used included question guides, audiovisual recordings, and field notes.

As results it is highlighted that the colonization of the islands according to what was stated by the settlers began on San Cristóbal Island, specifically where the rural parish of El Progreso is currently located, later the colonization of the US Armed Forces took place on Seymour Island (Baltra), and finally a "disorderly" colonization on Santa Cruz Island, currently the most populated of all the islands in the Archipelago and the subsequent arrival of settlers to islands such as Isabela or Floreana .

Due to the archipelago's distance from the mainland, it was noted that these territories were initially administered according to their own practices and traditions, without the concept of a unified state or society with continental Ecuador.

As there are several stages in colonization, the interviewees stated that different types of social order, diversity of cultures and even languages have developed.

What is worth highlighting is that since there was no local or ancestral population on the islands, all the inhabitants and descendants of the first settlers who arrived after 1830 are referred to as "settlers."

There have been problems related to environmental pollution and tourism monopolies that direct tourists to their exclusive cruises, affecting local businesses and tourism operators.

Environmental legal pluralism, or the protection of the rights of nature on islands, is based on the recognition of islands as a unique place on the planet by their inhabitants, who are conscious of the need to protect their environment.

The archipelago's three Decentralized Autonomous Cantonal Governments have collaborated to translate these practices into ordinances that seek, for example, waste separation, the orderly and separate delivery of garbage to collectors, and the use of biodegradable waste for composting.

However, these types of practices differ in each of the island municipalities, as they operate, for example, with different schedules, procedures, and types of waste separation on each island.

It should be noted that in Puerto Ayora, being the most populated and commercial city in the archipelago, pollution from objects harmful to the fragile island ecosystem of the Galapagos and nature, such as plastics and glass, is more evident. One of its residents even carries out recycling campaigns for cigarette waste, which he uses to make figures of the archipelago's representative animals.

In Puerto Baquerizo Moreno, being the second most populous city and the capital of the archipelago, the presence of waste that could be collected, separated, or recycled is also evident. For example, on the road leading to the Lobería beach resort, a large amount of rubble and garbage dumps can be seen with the naked eye.

In contrast, Puerto Villamil, due to its small population and location on the largest island in the archipelago, Isabela, offers even more natural landscapes, without a significant presence of environmentally harmful objects or hazardous waste.

It is worth noting that three of the interviewees are officials from the Environmental Management departments of the three municipalities. They stated that with Donald Trump 's return to the presidency in the United States , they had suffered cuts in resources from American non-governmental organizations. Therefore, they urgently require investment and financial support for projects that seek to protect the fragile ecosystem of the Galapagos.

Among those interviewed was an official from the Universidad San Francisco de Quito, Puerto Baquerizo Moreno Campus, which offers two programs: a Bachelor's Degree in Business Administration and a Bachelor's Degree in Environmental Management. As a former student and resident, she emphasized that priority is given to island residents in the workforce, who also contribute to environmental protection and academic research through the two programs offered by the higher education institution.

The transport operator interviewed emphasized the need to differentiate between fares charged by tourists traveling directly from the airports to cruise ships and entry fees charged by tourists visiting the islands' interior. The Charles Darwin Station official emphasized the need for more resources and investment in environmental conservation, especially for the various endemic turtle species that characterize the archipelago's various islands.

The three residents who represented the three most populated islands in the interviews agreed on the need for greater resource allocations and preferential, effective, and efficient distribution of resources by the central government to encourage the various practices of environmental legal pluralism they practice, but where there should always be an incentive or support from local and central governments.

In general, many operational aspects related to legal pluralism in the Galapagos island system require support and incentives from the State, to jointly contribute to the protection of nature as a subject of rights and to guarantee a healthy and ecologically balanced environment.

CONCLUSION

In conclusion, the doctrinal and jurisprudential analysis of legal pluralism, the rights of nature, and fragile island ecosystems highlights that they are fundamental mechanisms for connecting citizens with nature and the State.

Legal pluralism and the rights of nature are fundamental to the protection and conservation of the fragile island ecosystem of the Galapagos Islands, as they allow citizens to seek the most effective mechanisms for protecting nature through the coexistence of diverse systems or models, ensuring a healthy and ecologically balanced environment in the Galapagos Islands.

The assessment of the current legal status of the fragile island ecosystem of the Galapagos Islands regarding the recognition of nature as a subject of rights and the guarantee of a healthy and ecologically balanced environment reflects the need for greater support from the central government.

The urgent need to incorporate a manual that compiles and unifies all the practices that are beneficial to nature and the environment and that are being implemented by the inhabitants of the Galapagos Islands in parallel with national and provincial legislation and local ordinances is needed.

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