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**“Analysis of the impact of the conflicts of illegal, unreported and unregulated fishing
around the Galapagos Marine Reserve in the diplomatic relationship of Ecuador and
China in the period 2015-2020”**

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DEDICATION

To God for being the light of my life.

To my parents, Diego and Alexandra, for their unconditional love, for their sacrifice,
for accompanying me in every stage and for being my guides,
my breath and my support throughout my life.

To my sister Damaris and to my brother Pablo Eduardo, for every moment we
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ABSTRACT

The following degree thesis aims to analyze if the conflicts of illegal, unreported, and unregulated (IUU) fishing around the Galapagos Marine Reserve between Ecuador and China affect or not their diplomatic relationship. At the same time, this research examines the influence of other areas of interest of their bilateral relationship in the resolution of these fishing conflicts during the last 5 years (2015-2020), to finally anticipate the possible position of Ecuador about IUU conflicts in the near future. Since the rise of China has caused the indiscriminate use of resources, it is important to analyze this problem around the Exclusive Economic Zone of Ecuador (EEZ) and the Galapagos Marine Reserve (GMR). To develop this research, the methodology used combines a bibliographic review of international theories necessary to understand the rise of China; the legal reviews of various normative bodies, as well as the case study “Fu Yuan Yu Leng 999”; and the hermeneutics to interpret the information collected through interviews. As a result, this research seeks to demonstrate how the bilateral relationship between Ecuador and China influences the resolution of illegal, unreported, and unregulated fishing conflicts around the Galapagos Marine Reserve.

Keywords: China, Ecuador, Galapagos Marine Reserve, conflicts, diplomatic relationship.

INTRODUCTION

China's rise in the international community has enabled it to gain the power to influence the decisions on the management of resources of third States. This scenario is most evident in China's relationship with less influential countries in the global South. This is the case of Ecuador, the State that has become one of the strategic allies of China in the Latin American region. Despite this, the diplomatic relationship between China and Ecuador in the maritime sphere is controversial due to the repeated illegal, unregulated, and unreported fishing activity (IUU) around the Galapagos Marine Reserve (GMR) and the national Exclusive Economic Zone (EEZ), which continues despite the application of economic and legal sanctions.

To understand the existing diplomatic relationship between the People's Republic of China and the Republic of Ecuador, this paper will analyze the degree of importance of fisheries conflicts in the Ecuadorian-Chinese bilateral relationship in the period 2015 - 2020. To achieve the stated objective, this research paper will analyze whether or not the conflicts of illegal, unreported, and unregulated fishing (IUU) between Ecuador and China around the Galapagos Marine Reserve affected their diplomatic relationship; at the same time, the importance of other areas of interest within this bilateral relationship in the last 5 years around the resolution of IUU conflicts in the Ecuadorian archipelago will be examined.

Chapter I

Theoretical Approaches and Conceptions of Power in International Relations

1.1. Theoretical Perspectives about the rise of China

The international community actors are exposed to constant changes due to the dynamism of States directly linked to the evolution of societies. Thus, today, as a result of economic, political, and social changes, the creation and rise of new powers can be observed. In this context, it is important to examine the theories of International Relations (IR), because by revising these theories it is possible to analyze the behavior of the traditional and modern actors that make up the international community, understand the dynamics and mechanisms that have allowed new powers to emerge, and at the same time these theories make it possible to understand how large and small countries perceive rising powers. In this regard, the next section will address traditional and alternative theoretical approaches to the emergence of powers, as well as the different conceptions of power that will allow a more systematic understanding of the rise of China and the behavior of smaller States within the subsequent analysis.

1.1.1. Contrast between the realistic vision and the liberal vision

The realist theory has dominated and influenced the exercise of world politics and the study of IR because of its approach to the international system as a constant struggle for power. Morgenthau (1948), one of the main referents of this theoretical approach, established that every political organization acts intending to satisfy its own interests and this leads the State to be in a constant struggle to preserve or increase and demonstrate its power, whether through freedom, prosperity or security. From this point of view, the international system

revolves around the State, which is considered the main actor for having institutionalized power. Morgenthau came to this conclusion based on the political and diplomatic ideals of Machiavelli (1883), father of the modern political science, who established the *Raison D'état* doctrine which states the duty of the State to pursue power and to take appropriate measures that must be guided by the national interest to perpetuate the life of the State.

Considering that realism has several branches that go from classical realism to neoclassical realism, we can synthesize 3 elementary characteristics that encompass this internationalist theory and that allow us to understand how scholars perceive this reality. These are 1) The anarchic international system; 2) human nature and; 3) self-protection and survival.

When scholars suggest that the international system is anarchic, they refer to the absence of supreme central authority with the capacity to maintain a predetermined order among existing States (Miller et al., 1987). In other words, there is no global government, all States are theoretically on the same level, and there is no coercive power that can bind States because they have the sovereignty to decide by themselves. Due to this, States remain in constant uncertainty about what might happen in the future, because they cannot be completely sure about the decisions and actions of other States, and the effects of these changes within the international community cannot be foreseen.

At the same time, realist intellectuals indicate that human nature encompasses the need to compete, excel and win. These postulates are based on the thinking of classical intellectuals such as Hobbes and Thucydides. Thucydides (1950) argues that politics is a

permanent struggle for power because it has its roots in human nature. Similarly, Hobbes (1980) with his Latin phrase "*Homo homini lupus*" implies that the natural state of man is a constant struggle with his neighbor. This action has been carried out to the international level, where men-led States use selfish actions to defend their ideas and achieve their goals.

The third characteristic of realism is the need to protect the State and to survive in the international system. For the realists, the protection of the State sovereignty is fundamental, therefore, they seek to acquire and maintain power mainly through military mechanisms. This dynamic is because States cannot be completely sure of the intentions of other States. Considering this, States can easily become enemies or affect the distribution of power because their national interests are very versatile. This dynamic of the international system hinders cooperation and ensures constant competition to accumulate power (Márquez-Padilla, 2011).

Although there is no single realist theory, and it is possible to differentiate a large number of variants, all of these variants agree that the most important factor, capable of transforming the international community, is power. However, it is the disparity of power between States, known as the relative distribution of State power, that takes on great relevance when analyzing the phenomena of the international system such as the rise and fall of powers. The shift to a powerful State or a declining State occurs because the relative distribution of power allows a State to enjoy greater or lesser power vis-à-vis other States and to establish itself as a strong country or weak country compared to other States within the international community. For this reason, realists argue that changes in the distribution of power caused by a rising power have significant implications for the overall stability of the international system (Schmidt and Roy, 2013).

From this point of view, rising States are a threat that challenges the pre-existing international order, as the distribution of power is directly related to the stability of the international community. Structural realists claim that States are concerned about their relative power position because of the security competition that arises in the anarchism of the international community (Schmidt and Roy, 2013). However, depending on whether the State is considered large with the possibility of emerging or as a small State, the dynamics will be different in case of a possible hegemonic change.

In this sense, the world powers use mechanisms such as containment, negotiated settlements, and preventive war to maintain the current distribution of power within the international community. In this way, the stability of all actors in the international community is preserved and any State is prevented from prevailing over the other States (Morgenthau, 1955). Through these mechanisms, States protect their independence and ensure their survival in the international system. At the same time, States assess whether the rising power is a *status quo* or a revisionist State seeking to change the international system (Schmidt and Roy, 2013). Through this assessment, States can anticipate and protect themselves from potential dangers through temporary alliances according to their convenience (Mearsheimer, 1994).

Nonetheless, what does realism tell us from the perspective of small States? Unlike large countries, small States have a different dynamic with emergency powers. Hey (2003) establishes that the States considered small are those that have small populations, small areas of territory, low levels of production, little wealth, and little military force. For this reason, realism does not pay as much attention to small States as it does to large States. Despite this, it is important to analyze what strategies small States use to survive the changes within the

international community, because, despite their minimal participation in international affairs, these States have the capacity to influence the global system (Gunasekara, 2015).

Realist scholars agree that developing countries and small countries have three possible strategies to safeguard their State security. These are neutrality and non-alignment; balancing; and bandwagoning. To define which of these strategies is used by small States, these countries must analyze their relative power vis-à-vis other countries and their geopolitical position. In the case of neutrality, it serves as a mean to achieve a certain level of security against external threats, even if they are contiguous. The moment when a State decides to be neutral, it adopts a position of equal impartiality towards all belligerent States. Reciprocally, belligerents are prohibited from violating or attacking the territory of neutral States (Karsh, 1988). When States choose to use balancing, they seek to "ally with other States against the prevailing threat" (Walt, 1987). This strategy allows small States to balance the power of a State by allying with other powers. As a result of this dynamic, the State with hegemony potential will lose power and small States will guarantee their survival (Gunasekara, 2015). By contrast, when bandwagoning is used, small States align with the source of danger (Walt, 1987). In other words, weak States join with powerful States or rising powers, appeasing the country with which they aligned and achieving security and longevity for their country (Gunasekara, 2015).

On the other hand, contrary to the realist conception that self-protection and survival must be a constant struggle for relative power, liberalism offers a positive view on the possibility of survival in the international system. Clearly, globalization has allowed States to experience growing economic, cultural, technological, and political interdependence while creating problems that cannot be solved by a single State. Because of this, countries seek to

cooperate, and the possibility of war is reduced by their interdependent relationship. In this scenario, the doctrines of institutionalist liberalism consider that there is a growing demand for new actors, specifically from international organizations. These actors serve to address the dilemmas arising from collective action and help to explain the emergence, dissemination, and internalization of new rules for the functioning of the international system, as well as to interpret the interests of each State (Hurrell, 2006). From this point of view, international organizations can facilitate international cooperation and achieve a win-win situation, creating a greater global integration with the adoption of peaceful solutions in disputes between countries (Mitrany, 1966; Keohane and Martin, 1995; Martínez, 2017).

Furthermore, liberalism has succeeded in contradicting some of the principles proposed by the realist theory, and it presents a different perspective on what the rise of new powers represents for other States. It is important to know that both realists and liberals seek to provide the international system with diplomatic recommendations to reduce the number of conflicts. However, liberalism tends to focus on the internal composition of countries, their link with the international order, and the role of other actors different from the States, and not so much in power as realism does (Friedman et al., 2013). For this reason, the realist conception is considered antagonistic to the liberal conception, since liberalism does not consider the rising powers as a threat to the global order, but as important competitors in the economic sphere.

Liberalism conceives the international system in Kantian terms (Huntley, 1996; Harrison, 2002). In other words, the characteristic capable of driving and transforming the international community is cooperation and the absolute gains resulting from it, but not the power and the relative gains created from the distribution of State power that realism declares.

Although these assumptions contradict each other, they are compatible in an important point: realists and liberals agree that both national welfare and power capacity depend crucially on economic strength (Snyder 2013). Mearsheimer (2001), a realist thinker, agrees with this postulate by saying that "the great powers also aspire to be rich; in fact, much richer than their rivals because military power has an economic base".

From this liberal perception, rising States try to maximize their national prosperity by maximizing their economic strength. While this is not the only way to measure power, most analyzes argue about a nation's well-being based on national GDP. Therefore, liberalism creates a dynamic where trade influences the actions of large States and small States to create a new political-economic reality for the international community. The game now takes place in the shadow of intense commercial rivalry (Snyder, 2013). This is not to say that geopolitical security is worthless in liberalism, it simply emphasizes prosperity and mutual benefits.

Liberalism scholars agree that the strategy that large States and small States will use to safeguard their welfare against possible hegemonic change by rising powers is to prioritize prosperity over the competition in security. by using tools such as trade and diplomacy. This action shows that States are aware that there are benefits for inclusion and costs for being isolated from the international community. The small States use as their main mechanism the economic alignment with the hegemony and the rising powers. These small States do this to gain greater market access, receive foreign investment, and be part of the integration with stronger countries to generate competition in their domestic industries (Hurrell, 2006).

The diplomatic alternative gives voice to large States but also gives voice to small and weak States to legitimize the status of power to another State. However, these actions are

carried out through facilitators, in this case, international organizations, known as places of power capable of giving to the less prosperous States a political space to build new coalitions in order to try to affect emerging rules in ways that are consistent with their interests, and also to counteract or divert the preferences and policies of the most powerful States (Hurrell, 2006). In other words, international organizations may limit large States by using legitimately established procedures and rules. With these procedures small States can show their interests by being part of a coalition with hegemonic countries, and also small States can request support to survive in the international system.

1.1.2. Constructivism and critical approaches

Constructivism

Constructivism is a social theory of IR that explains how sociological processes allow the individual and society to form each other. From this point of view, ideas, culture, norms, social practices, and institutions take a fundamental role in the constitution of identity, the conduct and establishment of the interests of the individual within society and the State in the international community (Finnemore and Sikkink, 2001). Therefore, constructivism not only takes into account military or economic considerations, as in traditional theories but also stresses the importance of ideas in the creation of interests and identities and in the interpretation of reality capable of shaping the international system.

Every variant of constructivism agrees with the existence of intersubjective structures. These structures keep the world irreducibly social and make it impossible for existing actors to decompose. In other words, States are not abstract entities, but rather they are immersed in broader structures of meanings and ideas that influence their behavior. Despite this, the theory in question claims that holism allows agents to have some autonomy through their interactions to build, reproduce, and transform structures (Barnett, 1998). Something similar happens with

standards and rules, as they are modified to adapt to new or heterogeneous situations. As Finnemore and Sikkink (2001) put it, although global standards exist, they are internalized domestically in a different way. A clear example of this dynamic is human activity since the human procedure is a process composed of routine practices within a social context (Barnett, 1998).

Social constructivism, unlike realism and liberalism, questions some of the essential assumptions of the above-mentioned theories, such as human selfishness by nature and the behavior of actors about change in the global order. This theory is also based on human consciousness and its role in international life (Ruggie, 1998). In this way, constructivism makes it possible to create a different perspective from the realist and liberal perspective of international politics and the importance of transnational movements and actors different from States in the international community. At the same time, this theory offers an alternative understanding and reconceptualization of fundamental IR issues such as anarchy, the balance of power, security, and cooperation. For constructivist intellectuals, the world is made up of the material and the normative. This is what Wendt (1995) points out when he defines anarchy as "what States make of it". That is, anarchy will have the meaning that the actors give to it based on their intersubjective and practical knowledge (Hopf, 1998). And these meanings, consecutively, depend on a previously established structure.

The balance of power, one of the fundamental concepts within the IR, is conceived by constructivism as a notion that exists due to the strongly rooted structures at the world level. Barnett (1998) argues that the balance of power does not exist objectively, but that it is the States that debate what the balance of power is, what its meaning is and how they should respond to it. The definition of the balance of power has a high impact at the international

level since it determines the identity of each State and places them as small or large States in relation to others within the international community. Consequently, constructivists argue that the identities of States shape their interests, because "we cannot know what we want unless we know who we are" (Barnett, 1998).

Since the identities of States are created through interactions, these identities tend to change depending on the interests of each State. These interests are not necessarily material in military or economic terms, but, according to constructivists, these interests may be linked to legitimacy. As a result, the more legitimacy a State has, the easier it will be for other States to cooperate with its policies (Barnett, 1998). That is, if States can make their ideals and actions perceived by other States as appropriate and beneficial practices, other States are more likely to begin to use them as well and align themselves with their interests.

When States see themselves as small, their policy focuses on adopting foreign policies that have been legitimized and that allow them to survive in the international community. Sometimes these ideological foreign policy strategies are carried out through the establishment of an agenda with new rules and international organizations. Panke (2011) argues that despite the disadvantages they present, small States are often effective participants in negotiations, prioritizing between and within organizations to achieve an impact where it matters the most. Therefore, although current structures and agendas restrict smaller States, these subjective aspects of power also present new possibilities for smaller countries to seek mechanisms to limit more powerful States, since States while considering themselves as a great country, seek to legitimize their actions by the international community.

The main mechanisms used by weak States are institutions and organizations. Keohane and Nye (1977) affirm that international organizations can provide small States with a forum

and a tool to promote their interests and legitimize them. In this way, small States gain greater influence over norms and institutional processes within the international community, making other States, large and small, obey the normative structures and bodies and comply with existing treaties. Following in this way the logic of the appropriate, that is, a behavior accepted by a large majority as correct or as the best option and that is easily replicated by third parties without being refuted.

Critical approaches

From critical perspectives, it is possible to analyze how the interests and agendas of the States are influenced by the existing hegemonic structures (Cox, 1981). Normally, these structures are formed from the ideologies of hegemonic countries and rising powers. Long (2017) indicates that these structures form relations of mutual constitution, in other words, the structures give shape to the identity of a society, and at the same time, this identity allows to identify the needs and interests that must be satisfied. Similarly, Barnett and Duvall (2005) argue that structures are capable of assigning special capabilities, differential advantages, and shaping subjective interests.

In this sense, the structures allow the great powers and emerging countries to establish themselves as such by their relationship with the less prosperous States and by their privileged position, and at the same time, it shapes the identity and interests of small States. This dynamic is attributed to the productive and structural power that through the agenda and discourse manages to influence the actors of the international system. The small States, therefore, despite seeking strategies to promote their national and international interests, are highly influenced by dominant hegemonic structures. The following section is a summary of the main critical

approaches that help us understand the rise of emerging powers and the behavior of small States.

Marxism

Marxist approaches present a unique view of IR. Unlike realist and liberal theory, this theory expresses that the structure of the pre-existing capitalist system influences every event that occurs in global politics. In this context, Gramsci (1971), despite not being an internationalist theorist, influenced by Marxist ideas, provides a critical theoretical framework for understanding IR and affirms that institutions such as the church, the educational system, and the press shape the political structure in the civil society, thus creating patterns of behavior that are consistent with the hegemonic social order. In this way, it is understood that the structure seeks to ensure that the powerful and the rich prosper at the expense of the poor. As Marx (1873) puts it, the accumulation of wealth at one pole is at the same time the accumulation of misery, unemployment, ignorance, slavery, and brutality at the opposite pole. For this reason, Marxist doctrines express that the social world must be analyzed in its totality to be understood since the actions carried out by one part of society will undoubtedly have repercussions that will affect the other part of society. This perception applies to the internal society of one State and to the international community, as decisions taken by one country have consequences for other countries.

The materialist conception of global history in Marxist doctrine is a fundamental element that makes it possible to understand how the transformation and progress of society depend entirely on economic development. Marx (1911) states that this dynamic creates tension between the means of production and the relations of production, since the mode of production of material life conditions the vital social, political and intellectual process, transforming the

already existing legal and political structure. Thus, contrary to the liberal postulate that establishes that there is symmetry of interests among social groups, Marxism holds that society is prone to create conflict. Therefore, there is a constant class struggle in capitalist society between the bourgeoisie and the proletariat (Marx and Engels, 1967).

Relations of subordination and domination between States can also be differentiated at the international level. The international system can be analyzed through the concepts of Gramsci, who despite not being an internationalist, uses its postulates to understand the interactions within the international system and affirms that one of the main elements of this dynamic of subordination and dominance is the dependence of the less prosperous towards hegemony (Gramsci, 1971). In this way, the powers manage to have relative freedom to determine the most propitious foreign policies that help them to fulfill their domestic interests against the smaller States that present less autonomy to define their course and therefore these small States absorb the ideological currents of the most powerful countries (Cox, 1983). In other words, small States are subordinate to the actions of hegemonic countries and rising powers, since these States have managed to establish themselves in the international community as those with enough power to define the structure.

In this sense, the theorist of the world systems, Immanuel Wallerstein (2011), establishes that there are three economic zones worldwide: the center, the periphery, and the semi-periphery. These economic zones are linked through an exploitative relationship. Their behavior is the same as that of a domestic society, where the bourgeoisie exploits the proletariat for its benefit. As a result, rich areas become richer and poor areas poorer. These relationships are achieved through two mechanisms: coercion and consent (Gramsci, 1971). Consent, which takes shape on the social basis, allows established hegemony to prevail, while coercive

practices are applied in marginal or out-of-the-ordinary cases (Cox, 1983). Thus, consent is given thanks to the structures that have shaped the identity of a society that simultaneously establishes ideas that are automatically accepted without any objection. On the other hand, coercion seeks to exert pressure or punish a society to make it accepts the decisions of the most powerful States. This ensures conformity in the behavior of the majority of people for as long as possible, managing to maintain the current hegemony in the international community (Cox, 1983). In short, these two mechanisms are the tools that the big countries use to control the actions of the peripheral countries and maintain the current hegemonic structure because as was specified above, hegemonic States have sufficient influence over the international community to bring smaller States into line with their purposes.

Speaking of hegemony, Mauricio and León (2013) indicate that this is both a social structure and a political structure. For this reason, the hegemonic States seek to establish norms that are absorbed at the global level, rules that seek to maintain the dominant production model, and international organizations that allow them to spread their ideology. From this perspective, Cox (1983) affirms that international organizations play a fundamental role in the growth and establishment of hegemonies because:

1. They represent the rules that facilitate the expansion of world hegemonic orders
2. They are themselves the product of the world hegemonic order
3. They ideologically legitimize the rules of the world hegemonic order
4. They incorporate the elites of peripheral countries
5. They absorb counter-ideas about the hegemony.

In this way, small States have several limitations when it comes to generating changes in values, ideologies, or in the political-economic order in search of benefits for them since its insertion into the international system is plagued by hegemonic structures produced by the already established powers and by the rising States. These structures are difficult to change because, as mentioned above, international organizations legitimize the international power of large States and at the same time determine the range of foreign policy maneuvers of smaller and fragile States. Therefore, the peripheral countries have as their only alternative to work and participate within the structure established by the dominant States. This behavior completely minimizes the power of States outside the central zone.

1.2. Conceptions of power and emerging powers

Although all the previous theoretical approaches contribute to divergent perspectives to understand the ascent of emergent potency, implicitly all of them tackle issues related to power. Establishing the concept of power is complex, nevertheless, it is fundamental for the study and the comprehension of the RRII. There exist different dimensions in which it is possible to define power, and throughout the years these conceptions have adapted themselves to its conjuncture. The discipline of the RRII incorporates several schools of thought in competition, Regoli (1974) in his article raises some of the most relevant conceptions throughout the years; Blau (1964) establishes that power is an all kinds of influence between persons or groups, including those who are exercised in the deals of exchange, where one induces others to gain access to its desires rewarding them for doing it; whereas Brown (1960), although he admits that power is the influence that a man or a group exercises, he introduces that this can be through anyway, influencing this way on the conduct of others in the due forms without the need to reward them (Regoli, 1974). Finally, one of the most used terms is of Dahl (1957), who proposes that A has power over B in the measurement in which A can do that B

does something that B would not do otherwise. These concepts developed through the years and in different conjunctures will facilitate the analysis of the conceptions of power further on.

Even though the preceding examples illustrate the complexity of defining power, this notion has been approached predominantly from realism. Indeed, since Carr (1939) launched his devastating rhetorical blow against the "utopians" and claimed power for "realism", the discipline of IR has tended to treat power as exclusive of realism. Associated with this trend, there is a widely accepted conceptualization, which has been considered the only way to understand power. This concept raises how a State uses its material resources to force another State to do something that it does not want to do (Barnett and Duvall, 2005). That is why having a single perspective and not developing alternative conceptualizations of power limits the ability to understand how global conflicts occur and how actors are differentially trained and constrained to determine their fate (Barnett and Duvall, 2005).

Thus, when talking about power in international politics, a consideration of how, why, and when some actors have "power over others" must be included. In addition, it is necessary to consider the enduring structures and processes of global life that allow and limit the capacity of actors to shape their destiny and future (Barnett and Duvall, 2005). Therefore, for a better understanding, it is necessary to construct multiple conceptions of power and thus develop a conceptual framework. To do this, power will be exposed from a traditional perspective and in a second point the alternative conceptions of power in the IR.

Within the analysis of the traditional perspective of power and the alternative vision, the obligatory, institutional, structural and productive power is described. However, to understand these conceptions of power it is necessary to understand how Barnett and Duvall

(2005) came to these concepts. These definitions start from two analytical dimensions that are at the center of the general concept: 1. the types of social relations through which power operates; and 2. the specificity of the social relations through which effects are produced on the capacities of the actors. The first dimension about types refers to the polar positions of social relations of interaction and social relations of the constitution. Consequently, power is an attribute of the particular actors and their interactions, or a social process of constitution of the actors as social beings, that is, their identities and social capacities. The second dimension that encompasses specificity refers to the degree to which the social relations through which power acts are directly and socially specific, or indirectly and socially diffuse (Barnett and Duvall, 2005).

1.2.1. Traditional view of power in international relations

The study of power in IR has been based mainly on an exclusive prerogative of realism. Thus, Hans Morgenthau (1954) proclaimed that International politics, like all politics, is a power struggle, and "whatever the ultimate goals of international politics, power is always the immediate goal." In other words, it emphasizes how "hard power" predominates in the international arena, which means a constant power struggle. However, different perceptions arise within the realist vision. Some consider that power is measurable through indicators such as the size of a country's population or military strength, while others consider power rationally, that is, as the ability of a State to influence other actors in the system. international. Another important discrepancy is that some consider power as the end, while others consider it the means (Schmidt, 2005). To provide an image of how power is understood in IR, this section will broaden the vision of compulsory and institutional power, taking as a basis the taxonomy of power by Barnett and Duvall (2005).

Mandatory power: direct control over another

Barnett and Duvall (2005) argue that binding power can directly shape the circumstances or actions of another. Several conceptions of power coincide with the approach of these authors. In 1962, Aron proposed that power is the capacity that has a political unity of imposing its will on others (Aron, 1962). This idea was also raised by Hans Morgenthau earlier in 1948, where he stated that power is “man’s control over the minds and actions of other men”, and adds that “political power consists of a relationship between those who exercise it. and those on which it is exercised” (Morgenthau, 1948). Blau and Dahl pose a power in terms of influence. Blau (1964) defined power as the influence that one person has on the behavior of another through sanctions, while Dalh (1957) argues that power is best understood as “A’s ability to get B to do what B otherwise I would not do it”. Within, three characteristics stand out from this concept: intentionality, conflict of interest, and disposition of material and ideal resources. However, Barnett and Duvall (2005) establish that binding power does not depend on intentionality, and based on Bachrach and Baratz (1962), they determine that power can be present even when the dominant party unconsciously causes unintended effects in Third parties, that is, binding power is best understood from the perspective of the receiver, but not of the liberator of direct action. For example, a State may be affected by the capital power that multinationals have in their economic policies, this being an indirect way of exercising power over another.

The authors emphasize that binding power is not limited solely to material resources, but that this power includes symbolic and normative resources. Hans Morgenthau (1954) and Schmidt (2005) also argue that power is not only based on resources but also on a relational nature, thus being understood more as an effect and not only in possessive terms. Non-governmental organizations (NGOs) exemplify this situation since they have deployed normative resources to force States to modify their policies through a strategy of shaming (Schmidt, 2005). This is

reflected when a country can be sued for a protection action¹ by NGOs and/or communities due to the violation of the rights of a person or a community (El Universo, 2020). In this way, NGOs have gained arena and power by forcing States to repair damage or take certain actions.

On the other hand, it should be noted that power based on its resources allows it to be presented as something concrete, observable and measurable, which facilitates the calculations of those who formulate foreign policy while establishing a direct and linear relationship between resources that a State possesses and the possibility of achieving the desired results (Creus, 2013).

Institutional power: the control of actors over others who are socially distant

The concept of institutions, like that of power, has not been widely accepted in International Relations because it has different conceptions. A definition that has been used and is consistent with the way that most institutional scholars understand institutions is as a set of rules that stipulate how States must cooperate and compete with each other (Mearsheimer, 1995). Although these rules are generally incorporated into a formal international organization, it is not the organization per se that forces States to obey them, since institutions are not a form of world government (Mearsheimer, 1995). That is, they do not have the legal capacity to sentence or compel the States, instead, they establish the guidelines to be followed.

The institutional power itself refers to when actors indirectly control others. The conceptual approach focuses on the formal and informal institutions that mediate between A

¹ "The protection action will have as its object the direct and effective protection of the rights recognized in the Constitution, and maybe filed when there is a violation of constitutional rights, due to acts or omissions of any non-judicial public authority" (Montero, 2019).

and B. Where A, working through the rules and procedures that define those institutions, guide, direct, and restrict actions (or non-actions) and the conditions of existence of others (Barnett and Duvall, 2005). In other words, A does not "own" the resources of power, but because A has a particular relationship to the relevant institutional arrangements, its actions exercise power over B. Temporarily, institutions established at a given time can have ongoing and ongoing effects. unintentional that lead to these institutions subsequently representing pre-established configurations of privileges and prejudices that may continue to shape future choices of actors. Institutional power analyzes necessarily consider decisions that were not made due to institutional arrangements that limit some opportunities and skew directions, particularly of collective action. These formal and informal institutions can allow actors to shape the behavior or circumstances of others who are socially distant (Barnett and Duvall, 2005). An example of institutionalism is the case of international organizations, where certain States, due to particular characteristics, are in a superior position to others, have greater participation, and vote in global decisions that affect more than one State. In this way, States with less influence have to adopt certain measures or changes as a result of decisions made by others.

Furthermore, Mearsheimer (1995) argues that the rules created by institutions reflect State calculations of self-interest based mainly on the international distribution of power. In this way, the most powerful States in the system create and shape institutions so that they can maintain or increase their share of world power. From this point of view, institutions are essentially arenas for developing power relations. Institutions are the reflection of how power is distributed and its balance and, therefore, the causes of war and peace are a function of this balance (Mearsheimer, 1995). In short, the balance of power is the independent variable that

explains the war, and institutions are simply an intervening variable in the process.

However, it is important to highlight that institutional power makes certain key points visible that liberal theory does not. As is the case with its focus on a non-zero-sum game, which means a win-win scenario. The liberal theory states that in the International system, through international organizations, everyone wins. But institutional power shows the privileges and benefits that international organizations themselves generate for some to the detriment of other actors.

1.2.2. Alternative conceptions of power in International Relations

Structural power: direct and mutual constitution of the capacities of the actors

Structural power concerns the internal relationships that define what type of social beings are the actors, in other words, it focuses on the determination of the capacities and social interests of each subject. Structural power shapes the fate and conditions of existence of actors in two critical ways (Barnett and Duvall, 2005). First, structural positions do not necessarily generate equal social privilege; instead, structures assign differential capabilities, and typically benefits, to various positions. Second, the social structure not only constitutes actors and their capacities but also shapes their self-understanding and subjective interests. Consequently, the structures manage to distribute asymmetric privileges, affecting the interests of the actors, and leaving them often willing to accept their role in the existing order of things (Barnett and Duvall, 2005). In other words, structural power can work to prevent some actors from recognizing their dominance. To the extent that it does so, the actors' self-understanding and disposition for action serve to reproduce rather than to resist the differential capacities and privileges of the structure.

For example, structural power in the financial sector occurs at a time when there is a capacity to create and control the provision of credit by certain more powerful States (United States, China, European Union). This ability to manage credit accessibility, in addition to intervening in factors that determine the terms of trade in transactions, influences the productive structure of third States. This is reflected when consumption and investment increase or decrease, allowing these third States to buy or invest today and pay in the future. This ability to control credit also allows the States that have the structural financial power to influence the amount of money that circulates, the exchange rates, and the interests of other countries (Lea and Sousa, 2010). In other words, this (structural) power that certain more powerful countries, called creditors, have, leads them to be in a better position than the debtor countries, and therefore they are in a privileged position of power to establish the conditions and terms of payment. these credits.

Productive power: production of subjects through diffuse social relations

The productive power for Barnett and Duvall (2005) is the constitution of all social subjects with diverse social powers through knowledge systems and discursive practices of wide social scope. This is reflected in the position of Foucault (1982), for whom power is not something that the ruling class possesses, and postulates that it is not a property, but rather a strategy. That is, power is not possessed, it is exercised. In this way, power is not attributed to structures, they are not effects attributable to an appropriation, but rather, to devices or situations that allow it to function fully. In addition, it formulates that power should not be attributed as something of its own or intrinsic to the State apparatus, since it would depend on a group of people (Ávila-Fuenmayor, 2006).

Productive power concerns discourse, social processes, and knowledge systems through which meaning is produced, fixed, lived, experienced, and transformed. Furthermore, discursive processes and practices produce identities and capacities as they give them meaning (Barnett & Duvall, 2005). For example, productive power is reflected in the perpetuation of certain discourses, such as the dichotomy of the North and the Global South. That is, the location of a country determines the degree of power. The Global North does not need to act and demonstrate its power, its position already reflects the advantage it possesses. This is due to the vision that has been built during the last decades and that is perpetuated to the present day. In Foucault's (1982) formulation, humans are not only the intended targets of power but also its effects. Discourse, therefore, is socially productive for all subjects, constituting the subjectivity of all social beings of various kinds with their identities, practices, rights, responsibilities, and contingent social capacities, although not entirely fluid. Productive power, therefore, differs from structural power in its approach to subjectivity (Barnett and Duvall, 2005).

Soft Power

After the analysis of the taxonomy of power by Barnett and Duvall, it is important to highlight the conception of soft power, since over the years new perspectives and ways of visualizing events in international politics have been developed. Thus, in the 90s the term soft power emerged, translated into Spanish as “soft power”, by Joseph Nye (Ikenberry, 2004). Nye (1990) defines soft power as “the ability of a country to persuade others to do what it wants without force or coercion”, in addition, he argues that for a State to be successful it does not only need hard power, instead it needs both so that they can shape their long-term attitudes and preferences. However, he recognizes the limits of soft power and argues that this type of power tends to have diffuse effects in the outside world and is not easily managed to achieve specific

results. His article takes place in the context of the United States and exemplifies how societies often embrace American values and culture but resist American foreign policies.

Once the concept of soft power was established by Nye, Rothman (2011) raises what would be the mechanisms of influence of soft power. This amounts to creating a theory of how the softer forms of power cause changes in the preferences of the actors, and for this, the two mechanisms will be described: diffusion of norms and dominance of the discourse. First, the attraction through the diffusion of norms occurs through the copying of successful policies or the diffusion of common practices, but, in addition, these norms must directly or indirectly benefit other countries (Rothman, 2011). Second, the control of rhetoric and discourse emerges as a critique of the dominant theory of IR, gender-based discourse, environmental issues, and other issues that have not previously had as much relevance (Rothman, 2011). Actors can use a series of visual actions, rhetorical actions, protests, and other factors to capture media attention and change the way the world discusses a particular issue (Kalland, 2009). These two mechanisms proposed by Rothman are closely related to the taxonomy of Barnett and Duvall since the diffusion of norms personifies the institutional power mentioned by these authors and the power of discourse is related to the productive power.

Nye states that there are three main sources of soft power. These are culture, political values, and foreign policy. Maintaining the three fundamental pillars of Nye, McClory (2011) expands them and divides them into five sub-indices: government, culture, diplomacy, education, and business and innovation. In this context, Jonathan McClory (2011) defines culture as the "set of practices that create meaning for a society". This leads to these universal values promulgated by one country being easy to identify by others and in this way they naturally manage to look more attractive, thus influencing the soft power of a nation. The

category of government is the one that evaluates the public institutions of a State, as well as their values and effectiveness. A national government with a successful model that defends values such as transparency, justice, and equality, in an international setting is more attractive. The Diplomacy sub-index aims to account not only for the global perception of a given country but also for its diplomatic policies and resources, this sub-index includes metrics on development cooperation abroad, membership in multilateral organizations, and cultural missions abroad. . Although the business/innovation sub-index seems to be more “ hard power ” than “ soft power ”, it is not directly related to economic power or the level of production. This sub-index aims to capture the relative attractiveness of a country's economic model in terms of openness, capacity for innovation, and regulation (McClory, 2011).

In addition to listing the main sources of soft power, Raimzhanova (2015) raises the pyramid of channels and the implementing agents of soft power. The main idea is to examine how and where the soft power is activated. This pyramid is made up of three levels: first, agents are the people and organizations that create and implement soft power initiatives, for example, NGOs, the private sector, civil society, etc. .; second, the pillars or spheres is where this type of power is created, for example, foreign policy, education, business, etc. .; third, the instruments are the channels through which soft power is activated, for example, laws and policies, national, regional and international agreements (Raimzhanova, 2015).

The types of power exposed are the basis for the study of the diplomatic relations of Ecuador and China in the field of maritime conflicts for illegal fishing around the Galapagos Nature Reserve. Mandatory power refers to the ability of one actor to influence the actions and circumstances of another. Institutional power, on the other hand, refers to how certain institutions or international treaties can intervene and influence third States or other

organizations. Structural power shows the distribution of power within a system and focuses on determining the capabilities and social interests of each person. While productive power speaks about power through knowledge systems and discourse practices. These types of power exposed are those proposed by Barnett and Duvall, however, soft power is included as a classification of power, since this is the ability of a country to persuade others to do what it wants without force or coercion. This concept will serve for the development of later chapters.

1.3. International regulatory framework for environmental conflicts

With this panorama about the theoretical approaches and types of power in IR, it is important to analyze the current international regulations focused on environmental protection. Environmental protection has been a complex practice that has taken several decades to take hold. As Ortúzar (2014) says, it was not until the 1960s that awareness of nature and reflection on the repercussions of the destruction of ecosystems on a global level began. Thus, the 1972 United Nations Conference on the Human Environment was the first event that succeeded in establishing the environment as an essential issue to be dealt with at the international level.

Over time, funding agencies and mechanisms have been established, as well as regulatory instruments for the protection of the environment and nature at the global level, to address the challenges posed by the dichotomy between economies, environment, and profitable interests (Forcada Barona, 2012; Deiva et al., 2014). Thus, there are currently more than 500 international treaties for environmental care, and at least 30 United Nations agencies and programs dedicated to this area (Forcada Barona, 2012), covering several areas such as the ocean, the atmosphere, the emissions of gas, the non-renewable resources and the biological species (Ministerio del Ambiente, 2016). It should be noted that the environment

is subject to protection (Vattuone, 2013) and it gives rise to some challenges for States since countries "have an erga omnes² obligation to ensure that activities within their jurisdiction do not harm the environment of other States or areas beyond national jurisdiction" (Viñuales, 2008). This implies that all States belonging to the international community are obliged to defend essential collective interests, in this case, the preservation of the environment.

The Vienna Convention (1969), which had the law of treaties as its central theme, provided that any treaty that was ratified was binding on the parties and must be implemented in good faith. It is therefore important to bear in mind that the establishment of any regulatory instrument, whether environmental or not, creates obligations for all the parties. Also, these instruments make it possible to contain the power and influence of the largest and most powerful States in defining the future on issues of great relevance to the entire international community, since the creation of these treaties also involves small States. For purposes of this thesis, the following section will focus on international treaties concerning the care and protection of seas, oceans, contiguous areas, and marine biodiversity, which have been signed by Ecuador and China.

1.3.1. United Nations Convention on the Law of the Sea (UNCLOS)

The earth is covered by 75% water, and 96.5% of it is concentrated in seas and oceans (Mazari-Hiriart, 2003). For this reason, it was imperative the creation of a regime to protect and regulate the seas and oceans from water quality determinants such as plastic landfills and substances, overfishing, and other activities endangering the permanence of marine habitats, the stability of fisheries resources, and the balance of the environment as a whole.

² In front of everyone, in this case, in front of the entire international community.

In this context, in 1982, the Third United Nations Conference issued the United Nations Convention on the Law of the Sea (UNCLOS), which entered into force in 1994 by complying with the required 60 ratifications (Franc, 2007). Currently, 168 States have ratified this convention, Fiji was the first State to ratify in 1982 and Azerbaijan was the last State to ratify in 2016, in addition, China acceded in 1996 and Ecuador ratified the convention in 2012 (UN, 2020). This scenario makes the UNCLOS the main international treaty for the regulation and management of the seas and oceans and it becomes a facilitating instrument for international cooperation in the search for the proper maintenance of the waters and in the search for solutions to maintain peace and security for all States. Therefore, the UNCLOS provides the international foundation for the protection, equitable and efficient use of resources, and the sustainable development of the marine, coastal environment, and its resources (Baus, 2019; UNCLOS, 1982).

This convention, considered as the "Constitution of the oceans", allows States to have sovereignty and to develop proper use of the oceans and their resources by establishing some principles that are of interest to the international community. Among the most important principles is the establishment of 12 nautical miles as the territorial limit for all States (UNCLOS, 1982), so that each coastal State³ exercises full sovereignty over this stretch of sea to act or restrict activities according to its interests. In addition, this convention decrees that the exclusive economic zone of any State shall be 200 nautical miles, which shall include the 12 miles of territorial sea and 24 miles of sea adjacent to the territorial sea, known as the contiguous zone. In this area, coastal States have sovereignty to explore, exploit, manage and take the necessary measures for the conservation of the natural resources of the area (UNCLOS, 1982). On the other hand, article 76 provides that States may appropriate up to

³ State that has a maritime coastline or whose border is an international river or lake.

350 miles of the continental shelf if the coastal State has natural extensions on the continental coasts (UNCLOS, 1982). This provision allows States to extend their sovereignty 150 miles beyond the 200-mile allotted territorial sea.

The Convention on the Law of the Sea has created several fundamental rights for the correct use of water, whether territorial or on the high seas. Within section 3 of this convention the right of innocent passage by territorial sea is established, it must be fast and uninterrupted, not entering inland waters or making stopovers. Moreover, to be regarded as an innocent step, it must not harm the peace, order, or security of the coastal State, that is, certain activities cannot be carried out. Restricted activities include the prohibition of any fishing activity (UNCLOS, 1982). It should be noted that UNCLOS allows the coastal State to enact laws and regulations relating to innocent passage through the territorial sea. These standards include the conservation of the living resources of the sea; the prevention of violations of domestic fisheries laws and regulations; and the preservation of their environment through the prevention, reduction, and control of pollution. In the case of offenses having consequences for the coastal State, or affecting the peace and the order of the country, article 27 says that the coastal State may exercise criminal jurisdiction and make arrests and investigations on board a foreign vessel passing through the territorial sea from inland waters (UNCLOS, 1982).

Something similar happens with the archipelagos, the UNCLOS (1982) defines this space as a "group of islands, including parts of islands, the waters that connect them and other natural elements that are so closely related to each other that they form an intrinsic geographical, economic and political entity or that have historically been regarded as such". Therefore, it has the same amount of territorial sea, contiguous zone, and exclusive economic

zone as any coastal State, and consequently the vessels of all States enjoy the right of innocent passage through archipelagic waters. However, article 53 of UNCLOS (1982) requires archipelagic States to designate appropriate sea and air routes for the uninterrupted and rapid passage of foreign vessels and aircraft through or over their archipelagic waters and adjacent territorial sea.

Similar to the right of innocent passage, it is the right of transit or the right of uninterrupted navigation and overflight to a different place, which applies to straits. The straits, according to Marín-López (1979), are natural passages separating two areas of land and linking the high seas and the territorial sea. UNCLOS (1982) defines straits as "a part of the high seas or an exclusive economic zone and a part of the high seas or an exclusive economic zone". Within these stretches of sea, the transit passage described in article 38 is governed, which means that all ships and aircraft shall enjoy the right of free transit and shall not be hindered. However, coastal States may establish laws and regulations to protect the maritime environment of their area. In the case of fishing vessels, the prohibition of fishing, including the regulation of fishing gear, is declared in Article 42 (UNCLOS, 1982).

Within the exclusive economic zone (EEZ), known as the strip where a State may explore and exploit living natural resources and minerals, all States, whether coastal or landlocked, enjoy the freedoms of navigation and overflight, and other internationally legitimate uses of the sea linked to the operation of vessels, aircraft, cables and submarine pipelines (UNCLOS, 1982). Within this area, coastal States have the right to use their living resources and to apply the necessary measures for their conservation. In order to conserve living resources, UNCLOS (1982) declares that the coastal State shall be responsible, taking into account reliable scientific data, for determining the allowable catch of living resources,

and ensure the conservation and management of living resources so that they are not threatened by overexploitation. As well, the coastal State that owns the EEZ will be responsible for the restoration of biotic populations to reduce environmental effects (UNCLOS, 1982). To meet this objective, the EEZ owner State may cooperate with international organizations dedicated to this area of environmental protection.

Concerning the use of living resources, coastal States shall promote the optimum use of the living resources of the EEZ, determine the capacity to be caught and, if the coastal States do not have the capacity to exploit all the allowable catch, they must give other States access to the allowable catch surplus through agreements (UNCLOS, 1982). In cases where it is agreed that one or more States may fish in the EEZ of a third party, many issues need to be regulated, including the licensing of fishermen, vessels, fishing equipment, and forms of remuneration; the species to be caught and the catch quotas; the fishing seasons and areas; the type, size and quantity of gear; the types, size and number of fishing vessels to be used; the age and size of the fish and other species to be caught; the information to be provided by fishing vessels; and the fisheries research programs necessary for the protection of the marine environment (UNCLOS, 1982).

It is necessary to mention that the Convention on the Law of the Sea pays special attention to highly migratory species, marine mammals, anadromous⁴ populations, and catadromous⁵ species because of its high risk of extinction and its importance in the balance of marine ecosystems. In this way, UNCLOS indicates that it is essential to ensure the conservation and promote the optimal use of these species throughout the region, both within

⁴ Fish populations composed of fish that spend most of their life in the sea but that reproduce in fresh waters (Miteco, 2006).

⁵ Fish populations that spend most of their life in fresh water, but migrate to salty waters to reproduce (Miteco, 2006).

and outside the exclusive economic zone. In the case of marine mammals, as an animal group prone to extinction because of its high commercial value and the limited number of specimens, UNCLOS (1982) proclaims that the coastal State has the power to prohibit, limit or regulate the exploitation of these mammals, in particular cetaceans. Similarly, anadromous populations are protected by the State where they originate, and this State must therefore ensure its conservation by adopting appropriate regulatory measures for fishing in all waters to land from the outer limit of the exclusive economic zone (UNCLOS, 1982). For its part, for catadromous species, the coastal State, in whose waters these species spend most of their life cycle, will be responsible for their administration and will ensure the entry and exit of migratory fish, as well as being responsible for that the capture is carried out only in the waters located in the direction of land from the outer limit of the exclusive economic zones (UNCLOS, 1982).

The seventh part of the UNCLOS focuses on the high seas. According to the Royal Spanish Academy (2010), the high sea is the marine space that includes waters not included in any EEZ, territorial sea, inland, or archipelagic waters, being a space of international interest. UNCLOS declares several freedoms that every State, without any difference, has on the high seas. Among these freedoms are navigation and overflight; the placement of submarine cables and pipelines; the construction of artificial islands and other facilities permitted by international law; freedom of fishing; and freedom of scientific research (UNCLOS, 1982). In other words, this international treaty declares that the high seas will be used exclusively for peaceful purposes, and sovereign appropriation by any State is prohibited because this area is available to all States, whether coastal or landlocked. In this area, ships are subject to the exclusive jurisdiction of the flag State, which will be responsible for giving

them nationality, issuing the necessary documentation for their navigation, and being responsible for the acts carried out by this ship (UNCLOS, 1982).

Another important point of UNCLOS is piracy. This international instrument defines piracy as "any illegal act of violence, detention or any act of predation committed for a personal purpose by the crew or passengers of a private ship or private and directed aircraft" (UNCLOS, 1982). Because of this, the Convention on the Law of the Sea imposes on all States the duty to cooperate to suppress piracy. In order to fulfill this duty, States have the power to seize, on the high seas or in any place not under the jurisdiction of any State, a pirate ship or aircraft captured as a result of acts of piracy in the hands of pirates, and detain the people and seize property on board (UNCLOS, 1982). In addition, the courts of the detaining State shall decide the penalties to be imposed and the measures to be taken in respect of ships, aircraft, or property, without prejudice to the rights of bona fide of the third parties (UNCLOS, 1982). In this regard, it should be noted that the Food and Agriculture Organization of the United Nations (FAO) recognizes illegal, unreported, and unregulated (IUU) fishing as an act of piracy in respect of acts of predation.

This international treaty has developed a section devoted to the conservation and management of living resources on the high seas. First, this section decrees that all States have the right to fish on the high seas, provided that measures are taken for the conservation of the living resources of the high seas in relation to their nationals (UNCLOS, 1982). Second, States should cooperate, either by creating regional organizations or by establishing rules for the proper conservation and management of living resources (UNCLOS, 1982). And finally, all States must ensure the conservation, management, and study of marine mammals, especially cetaceans on the high seas (UNCLOS, 1982). This section is important within this

international treaty since it makes it possible to control the actions of States, whether large or small, in the protection of marine biodiversity which is affected by indiscriminate fishing and which has serious consequences for the environment.

Finally, about conflict resolution, UNCLOS establishes the International Seabed Authority as an alternative dispute resolution mechanism established by the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. The International Seabed Authority has the autonomy to regulate the exploration and exploitation of mineral resources on the seabed, known as "the area" (Lodge, 2016). Therefore, its functions are limited to ensuring sustainable mining that does not affect the rights of third States, but rather to ensure the exploitation of living resources. In addition, the Commission on the Limits of the Continental Shelf is responsible for determining the outer limits of the submarine continuation of the continent, known as the continental shelf, when it extends beyond 200 miles (UNCLOS, 1982). In other words, it analyses data that have been submitted by States to extend the 200 nautical miles that by law belong to any coastal State, up to 350 nautical miles of the territorial sea. This expansion seeks to protect the mineral and natural resources of the area from illegal activities that may affect the ecosystem. Finally, the International Tribunal for the Law of the Sea is the independent judicial body of UNCLOS responsible for resolving disputes relating to the delimitation of maritime areas, navigation, marine scientific research, conservation, protection, and preservation of the marine environment and its living resources (International Tribunal for the Law of the Sea, 2016). Accordingly, this body has the competence to recognize disputes and claims relating to UNCLOS and to resolve them through a judicial decision, which is considered final and obligatory to comply.

1.3.2. Other instruments in force within the bilateral relationship between Ecuador and China

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

In recent decades, international trade has intensified and with it the unsustainable consumption of species for the generation of food, fuel, and medicines. These actions cause an imbalance in the different ecosystems. Although governments controlled what happened within their States, it was difficult to control international trade in marine species. Thus, in 1973 a global agreement was created between governments to regulate or prohibit international trade in endangered species. “CITES is legally binding for the parties, that is, they have to apply the convention, but it does not, for this reason, supplant national laws” (WWF, 2020). To control the trade of the species, CITES establishes a series of controls according to the classification of each species in the various appendices. This international instrument is made up of three appendices, depending on the level of protection of the species, which is determined by the biology of the species, and also takes into account whether its trade influences or may influence its future survival (WTO, 2015).

The convention covers 35,000 species; Appendix I includes endangered species. Trade-in these species must be subject to strict regulations, thus prohibiting specimens from being taken from the wild (CITES, 1973). However, specimens that are bred in captivity or artificially propagated for commercial purposes are considered to be of lower risk to the wild, therefore they are classified as Appendix II specimens. In this second appendix are the species that are not currently in danger of extinction, but that they could be. Species in Appendix II represent 96% of the 35,000 species protected by CITES. The species found in this appendix can be traded but must be subject to strict regulations that allow their survival (CITES, 1973).

Finally, appendix III contains the species that the parties state are subject to regulation within their jurisdiction to prevent or restrict their exploitation (CITES, 1973), therefore, the cooperation of the other members is needed. of the agreement. The species in this appendix can be traded as long as their trade is legal and traceable (CITES, 1973). The effective compliance with CITES is due to its system of permits and certificates that allow traceability of trade. States parties, when ratifying the convention, must submit annual reports to the Secretariat on the exploitation, export, import, or introduction of species from the sea. In addition, the convention ensures that the live specimens, of the three appendices, are conditioned before their transport so that they run the least risk of injury, abuse, or deterioration (OMC, 2015).

If a country is not a party to CITES, Article 5 establishes that, instead of presenting the permits and certificates requested by the convention, States must present comparable documents that meet the requirements already established in this international instrument, these documents must be issued by a governmental authority of the State, not party (CITES, 1973). It should be noted that the effects of CITES have no impact on national legislation or other international conventions. The parties that make up the convention may adopt stricter internal measures regarding the conditions of trade, capture, possession, or prohibition of marine species. As established in article 14 paragraph 2, the provisions of CITES will not affect agreements or treaties that have been ratified by the States parties (CITES, 1973). In case of disputes, Article 18 indicates that if problems arise between two or more parties regarding the application or interpretation of the convention, it will be subject to negotiations (CITES, 1973). However, if an agreement is not reached, paragraph 2 of the same article states that "by mutual consent, the Permanent Court of Arbitration of The Hague must be

submitted to arbitration and the States will be obliged to abide by the arbitration decision" (CITES, 1973).

Convention on Biological Diversity

Another of the international instruments created to conserve nature and biodiversity is the Convention on Biological Diversity (CBD). This agreement, in addition to protecting natural and biological resources, also focuses on the use of components and fair distribution of the benefits of the use of genetic resources (INFORMEA, 2020). The objective of this international instrument is to promote measures that guide to a sustainable future, in addition, it covers directly or indirectly issues of biological diversity and its role in development from science, politics, and education to agriculture, business, culture, and much more (UN, 2020).

The principle on which this agreement is based is that States have the “sovereign right to exploit their resources in application of their own environmental policy and the obligation to ensure that the activities carried out within their jurisdiction or under their control do not harm the environment of other States or areas located beyond any national jurisdiction” (CBD, 1993). The CBD also covers the issue of cross-border information. This topic promotes the exchange of information and consultations on activities that could have significant adverse effects on the biological diversity of other States or areas not subject to national jurisdiction (ECLAC, 2020). The Convention on Biological Diversity (1993) establishes general measures for the conservation and sustainable use of its resources. In this way, Article 6 raises two basic clauses to achieve this. First, it establishes the development of national strategies, plans, or programs for the conservation and sustainable use of biological diversity; these must be closely linked with the measures established in the agreement. Second, the States parties must integrate the conservation and use of biological diversity into sectoral or intersectoral

plans, programs, and policies. As a means of conflict resolution in the event of a dispute, the convention states that the parties should try to resolve it through negotiation; in the event of not reaching an agreement, they may request the mediation of a third party (CDB, 1993). In the event of an unresolved dispute, it recognizes the mandatory nature of a) arbitration under the established procedure; or b) presentation of the controversy to the International Court of Justice (ECLAC, 2020).

Recapitulating, this chapter took as its central point the study of the main theories of International Relations, as well as the types of power that can be generated in the international panorama and the international normative framework for environmental conflicts. Within the IR theories, the behavior of small states in the face of the power disparity with emerging powers and with large states was analyzed from the perspective of realism, liberalism, constructivism, and Marxism. At the same time, within this section, the interests of small and large States were defined in the face of the alteration of power within the international community. On the other hand, in the types of power, the capacity of the States considered to be large or rising to influence the actions and circumstances of third parties from the perspective of mandatory power, institutional power, structural power, and productive power was explained. In allusion to soft power as the ability to persuade without the use of coercion. Finally, the regulatory framework allowed broadening the notion of what are the competencies of international treaties in the face of non-compliance by the parties, and the consequences for their breach were detailed. In addition, this section presented other conventions dedicated to environmental care that are in force and to which the People's Republic of China and the Republic of Ecuador belong.

Chapter II

Impact of the conflicts of illegal, unreported, and unregulated fishing around the Galapagos Marine Reserve during the last 5 years on the diplomatic relationship between Ecuador and China

2. 1. Fishing conflicts between Ecuador and China

Diplomatic practice between two or more countries is one of the most important tools of international policy. Through these practices, the governments of the world maintain what we know as international peace and stability. The ambassadors, consuls, and other diplomats of each country are responsible for using various national and international instruments to hold beneficial negotiations with their countries.

Diplomatic relations between Ecuador and China have now been involved in cases of the use of marine areas for commercial purposes of illegal, unreported, and unregulated (IUU) fishing. For this reason, the next chapter will examine tensions between Ecuador and China arising from illegal, unreported, and unregulated (IUU) fishing conflicts around the Galapagos Marine Reserve to determine whether or not there is an influence in the development of the diplomatic relations between these two nations. To this end, the United Nations Convention on the Law of the Sea (UNCLOS), Ecuadorian national laws, the Constitution of Ecuador, and the official statements of the main diplomatic bodies such as the Presidency, Ministries, and the Ecuadorian Foreign Ministry will be used as instruments of analysis.

2.2. Current Situation of the Galapagos Islands

The Archipelago of Columbus, known as Galapagos, has been part of the Ecuadorian territory since 1832. This set of islands is located in the eastern Pacific Ocean about 970 km from the continental line of Ecuador, it has 13 large islands, 6 medium islands, and approximately 215 smaller islands. Its endemic flora and fauna have been listed as one of the most unique in the world, allowing the archipelago to be recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a world heritage site since 1976, also Galapagos is recognized as a Biosphere Reserve since 1984 and Ramsar⁶ site since 2001 by the same organization (UNESCO, 2019).

Uniquely, these islands have not only gained international recognition, but their importance at the national level is exceptional. The Galapagos Islands are part of Ecuador's regulatory efforts for environmental preservation and conservation since it was declared the first National Park of Ecuador in 1936 and since this year has been part of bills to define this area as a protected area of the country. Several of these projects form what we now know as the National System of Protected Areas. However, the regulations of the Galapagos Islands are the direct competence of the Ministry of the Environment, since this cabinet seeks to generate public policies for the biological protection of the archipelago (Ministerio del Ambiente, 2016).

Ecuador has increased its activities concerning the protection and preservation of protected natural areas because the 2008 Constitution recognized rights to nature, setting a unique normative precedent. This new legislation sought to encourage national policies that

⁶ Wetland of international importance for providing habitat for aquatic birds.

promote citizen participation in issues of conservation and sustainable use of resources. These policies are supported by the 1992 Rio Declaration, the Convention on Biological Diversity, and the Programme of Work on Protected Areas. This dynamic was seen as an effort to seek national and international legitimacy to encourage research, conservation, and social development projects, as well as a search for technical and financial assistance for the management and management of policies that will impact the Galapagos National Park (Ministerio del Ambiente, 2016). However, there is currently a legal flaw in defining which activities should be permissible within Galapagos and which should be objected to. For this, it is important to show the categorization of protected areas in Ecuador defined by the National System of Protected Areas.

Table 1: Categorization of Protected Areas in Ecuador

<p>National Park</p>	<p>This type of conservation area covers more than 10,000 hectares, within which it seeks to conserve complete landscapes and ecosystems. It should have little human presence and activities should be aimed at environmental research and monitoring. Tourism is allowed as a support activity, all other use of this area is restricted.</p> <p>National Parks:</p> <p>-Galápagos, Machalilla, Cayambe Coca, Podocarpus, Llanganates, Sangay, El Cajas, Cotopaxi, Yacuri, Sumaco Napo-Galeras y Yasuní</p>
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<p>Marine Reserve</p>	<p>The size of this area can be variable. Here the conservation of ecosystems, marine species and others directly related to this area is considered a priority. It is considered that its alteration should be between the parameters of little to medium. Within this area, human presence is allowed according to the intensity of fishing performed. Fishing activities must follow the conservation guidelines and the zoning defined in SNAP management plans.</p> <p>Marine Reserves:</p> <p>-Galera San Francisco, El Pelado y Galápagos</p>
<p>Ecological Reserve</p>	<p>They are natural areas of variable extensions whose human intervention is minimal. These areas possess natural resources and/or endemic species of importance. It seeks to preserve ecological diversity, genetic material, scenic beauties and special phenomena.</p> <p>Ecological Reserves:</p> <p>-Manglares Cayapas Mataje, Mache Chindul, Manglares Churute, Arenillas, El Ángel, Cotacachi Cayapas, Antisana, Los Illinizas y Cofán Bermejo</p>

<p>Biological Reserve</p>	<p>This area should cover a wide area of more than 10,000 hectares and its main objective is the complete conservation of its ecosystems and species. There must be little human presence and minimal intervention of this. The priority activities are biological, ecological and environmental research. The resources in this area are in a very high restriction category, meaning that they are mostly restricted to guarantee the ecological processes of the area.</p> <p>Biological Reserves:</p> <p>-Limoncocha, El Cóndor, El Quimi, Cerro El Plateado, Colonso Chalupas</p>
<p>Flora y Fauna Production Reserve</p>	<p>This type of reserve has a maximum area of 10,000 hectares, here the conservation priority is the species and ecosystems susceptible to management. They must have a minimal human presence and their alteration must be little. Actions within this area should be aimed at sustainable wildlife management, environmental education and ecosystem restoration. This area has a level of use with low restriction.</p> <p>Flora and Fauna Production Reserves:</p> <p>-Puntilla de Santa Elena, Manglares el Salado, Chimborazo, Cuyabeno.</p>

<p>Wildlife Refuge</p>	<p>Areas with areas of less than 5,000 hectares that are intended for the conservation of threatened species and their ecosystems. There should be little human presence and the only activities allowed are environmental monitoring and research. Its level of use restriction is high.</p> <p>Wildlife Refuges:</p> <p>-La Chiquita, Estuario de río Esmeraldas, Estuario de río Muisne, El Pambilar, Isla Corazón y Fragatas, Marino Costera Pacoche, El Zarza, Manglares el Morro, Isla Santa Clara, Pasochoa.</p>
<p>Natural Area of Recreation</p>	<p>Within this area the main objective is the conservation of the natural landscape whose modification can be medium. There is medium human presence. There are tourism and recreation activities, as well as ecosystem restoration, research and environmental monitoring.</p> <p>There is little restriction.</p> <p>Natural Areas of Recreation:</p> <p>-Playas de Villamil, Parque Lago, Los Samanes, Isla Santay, El Boliche, Quimsacocha.</p>

<p>Geobotanical Reserve</p>	<p>Area that serves for the conservation of wild flora and outstanding geological resources. It is a priority to protect areas with diverse ecosystems, landscapes and exceptional geological formations in their natural state. It is a germplasm bank of endangered species of flora and fauna. There are opportunities for recreation, national and international tourism for its ecosystem and historical value.</p> <p>Only Pululahua constitutes this type of Reserve</p>
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Made by: López and Suárez (2020).
 Taken from: Ministerio del Ambiente (2015).

According to this classification, the Galapagos National Park and Marine Reserve constitute a territory whose areas are of priority for ecosystem conservation, and where the presence and human intervention are allowed in moderate amounts. Although intervention quantities are not quantified and cannot be measured in technical or mathematical terms, island conservation is focused on tourism control, the limitation in construction of the urban sector and infrastructure for the operation of the National Park, additionally the use of eco-friendly energies is inspected and the movement of national and foreign inhabitants within the Islands is controlled. These actions have contained the depredation of the ecosystem, generating less environmental impact and preventing irreversible damage to the ecosystem and endemic fauna and flora (Suárez, 2018).

2.2.1. Current legal framework for the preservation of the Galapagos National Park and the Galapagos Marine Reserve

Historically, the National Park and the Galapagos Marine Reserve have been considered inalienable and imprescriptible heritage on which no real rights can be constituted, invade, or occupy. This condition is supported by the Constitution of Ecuador, which establishes that the natural heritage is invaluable, inalienable, and imprescriptible and that its conservation and recovery must be ensured (Constitution of Ecuador, 2008). This legal provision has made it possible for any activity carried out within the archipelago for purposes other than biological, ecological, or ecosystem research or conservation purposes not to exist within the territorial limits. However, there is a contradiction in the regulations of the National System of Protected Areas of Ecuador (SNAP), since it establishes that within these areas are allowed commercial and recreational activities such as fishing, tourism, and adjacent activities (Ministerio del Ambiente, 2015). This contradiction in the regulatory framework for the islands makes it difficult to define clearly the activities that are and are not permissible, and it has not even been clarified based on the supremacy of law what regulations must be applied when taking into account the activities to be carried out within the archipelago.

Despite this, the Governing Council of Galapagos Special Regime (CGREG) and the Ministry of the Environment, are the main bodies that have been responsible for regulating planning activities, the management of resources, and the organization of activities that can impact the Galapagos Islands. These entities have been responsible for applying the current regulations of Ecuador in order to preserve and conserve ecosystems, fauna, and endemic flora (Ministerio del Ambiente, 2016).

In summary, among the main legal instruments for the preservation of the ecosystem of the Galapagos Islands, including the National Park and the Marine Reserve, we find:

1. Constitution of Ecuador
2. Organic Code of the Environment
3. Organic Law of Special Regime of the province of Galapagos
4. Delimitation of areas of the National System of Protected Areas

2.3. Conflicts of illegal unreported, and unregulated fishing around the Galapagos

Marine Reserve between 2015-2020

The Galapagos Marine Reserve (GMR) is a sanctuary for marine species. Approximately 3500 endemic and protected species inhabit this area. The GMR covers an area of 133 thousand square kilometers and its protected area is 40 nautical miles from the baselines of the islands that make up the limits of the archipelago to the outside, as well as the inland waters. This space is commonly used for artisanal fishing and tourist activities such as diving and snorkeling. Within the records of the Directorate of the Galapagos National Park, there are 500 legal boats that can fish in this area, which are under constant control of the Ecuadorian Coast Guard and Navy intending to verify that their activities within this area are carried out in a normal manner (El Telégrafo, 2021).

Illustration 1: Galapagos Marine Reserve



Taken from: El Telégrafo (2017).

Despite these relevant controls, due to the high biodiversity and increased demand for fish and marine alien species in many countries of the world, there have been many reports from foreign vessels since 2011, especially from Asian countries, which have threatened exotic and protected marine species from Latin America and even some species endemic to the Galapagos. In the case of Ecuador, the biggest problem has been fishing vessels from China and the species that have been most threatened by these vessels has been the shark (Marco, 2017).

China has put Ecuador and the international community on alert because it has the largest overseas fishing fleet in the world, with 2460 vessels declared and many more to leave port (BBC World, 2015). Vessels may come to be considered a threat to maritime trade, as they show increasing dominance overseas, altering the balance and the relative distribution of power and management of the sea lanes and their resources (Schmidt and Roy, 2013). This overseas dominance creates uncertainty in the South Pacific area, and alerts the United States,

as its role and influence in the area could be affected. On the other hand, the coastal countries of the South American zone are very alert to the Chinese activities developed in the South Pacific since their fishing fleet represents a great threat to the fishing industry of the zone and the stability of the ecosystem due to the uncontrolled fishing (Deutsche Welle, 2021).

It should be emphasized that Chinese vessels have constantly surrounded the limits of the Galapagos Marine Reserve, and several denunciations and international conflicts have been given for these actions. In May 2015, Ecuadorian authorities seized 200,000 shark fins that were about to be illegally exported to China. Fishing this protected species is prohibited in Ecuador by Executive Decree 486 of fishing and is also restricted in international treaties such as UNCLOS, an agreement to which China and Ecuador are parties. This violation of the law led to the arrest of six persons, including a Chinese person. This case of illegal fishing was solved internally by the Ecuadorian authorities, however, illegal fishing has not been stopped, and threatens the maritime sovereignty of Ecuador and diplomatic relations between these countries (BBC World, 2015).

With this background, in 2016 a new zoning of protected areas entered into force, in which a 33% more restricted area was established in the Galapagos Marine Reserve, where fishing and tourism are not allowed. This initiative seeks to protect Ecuador's independence and sovereignty over its living resources and encourages the protection and conservation of endemic ecosystems, fauna, and flora. Through this action, the survival of the Ecuadorian State is legally guaranteed against any rising or potential State in case of claims for illegal activities that could happen within this territory (World Wildlife Fund, 2016). However, cases of illegal, unreported, and unregulated (IUU) fishing within Ecuador continued to increase.

In July 2017, the Ecuadorian government received several complaints about 260 industrial fishing boats in a "corridor" of international waters, intended for the transit of boats. These fishing vessels, cargo vessels, and factory vessels were among the Economically Exclusive Zone (EEZ) of continental Ecuador established by UNCLOS and also in the Galapagos Marine Reserve. Several of these vessels, previously identified by the Ecuadorian navy as vessels at risk for their IUU fishing activities, carried Chinese flags (Guerrero, 2020).

By August 2017, one of these ships coming from China was stopped in Galapagos east of San Cristobal Island at 35.5 miles. This Chinese fishing vessel known as "Fu Yuan Yu Leng 999" contained in its warehouses about 300 tons of sharks and other protected species from the area (Marco, 2017). The captain and all the persons on board were arrested and tried under Ecuadorian law, by its Integral Organic Penal Code in its article 247-B, which mentions that:

“The person who hunts, fishes, captures, collects, extracts, holds, transports, traffics, profits, permutes or markets specimens or parts thereof, their constituent elements, products, and derivatives, of terrestrial, marine or aquatic wild flora or fauna, of endangered species, in danger of extinction and migratory, listed at the national level by the National Environmental Authority as well as international instruments or treaties ratified by the State, will be punished with imprisonment from one to three years...” (Código Orgánico Integral Penal, 2017).

The Ecuadorian State, being a member of several international organizations and a signatory to several international agreements, may apply various mechanisms of sanction or claim against the People’s Republic of China. To do this, both countries must be members of some international organization or agency and be willing to designate this institution to resolve

the conflict (Snyder, 2013). Otherwise, you can choose to apply the internal law to sanction the crew and the fishing vessel. These decisions were made based on the legal analysis of the judges who were members of the Court in which the case was conducted since judges have full competence to decide which national and international standards should be applied for crimes committed against flora and fauna in this region. This process involved the South Pacific Regional Fisheries Organization, which is responsible for regulating marine species in the South-East Pacific Ocean. However, soon after, it was analyzed that the competence of this regional organization did not apply to the cargo of the detained ship, since oceanic sharks enter directly into the regulatory jurisdiction of CONVEMAR in its Annex I (Suárez, 2018). For this reason, the Foreign Ministry of Ecuador, exhausting its resources, made a formal protest to the Chinese Ambassador in Ecuador, demonstrating its dissatisfaction with the fishing fleet from China that infringed on the EEZ and the international corridor between the islands and the mainland.

In this scenario, Chinese Ambassador Chen Guoyou declared before the Commission on Sovereignty and International Relations that the vessels circulating in Ecuadorian waters are dedicated to the fishing of squid, and that very few vessels use the longline system for illegal fishing. With this declaration, China sought to generate peace and increase international confidence in its fishing fleet. However, the international community is aware of the characteristics of Chinese fishing vessels, as well as the activities they carry out, and therefore the discourse presented by China did not contain international suspicions (Salvador, 2020).

The Ecuadorean Navy constantly notifies that fishing activities near to Ecuador have not decreased, and that, on the contrary, the presence of Chinese vessels has been varying. In 2017 around 297 vessels were detected, in 2018 approximately 300 vessels were navigating

near to Galapagos, in 2019 about 245 ships were identified, and in 2020 approximately 350 ships were seen around the EEZ of Ecuador (Salvador, 2020). It should be emphasized that, although those ships were not within Ecuadorian territory, owing to the sensitivity of marine ecosystems and endangered species that abound in nearby waters, IUU fishing is alarming and poses a threat to biodiversity, and the existence of overfishing in the area may be considered (Guerrero, 2020).

The issue that warns the Ecuadorian government is the acts of IUU fishing that are committed by these vessels because although each vessel must have a satellite tracking system inside, many times these systems are turned off and then are turned on after hours (Guerrero, 2020). In addition, several authorities, artisanal fishermen, and ecotourism guides of Galapagos have registered and lodged complaints about acts of illegal fishing within the Ecuadorian EEZ and the Marine Reserve that involve much larger vessels to those of common fishing between them "[...] large refrigeration vessels that collect the fish of the smallest vessels, to continue fishing without returning to port" (Guerrero, 2020). This action allows fishing vessels to remain on the high seas for a long period of time and their controls over fish influx areas increase, intensifying the suspicion of overfishing and IUU acts being committed in these zones (Guerrero, 2020).

Walter Bustos, former director of the Galapagos National Park and expert in environmental management has publicly expressed that the presence of these Chinese vessels is alarming, since these types of vessels, known as factory ships, serve to process and store the fish without having to take it to port, and can be at sea for long periods of time. Another alarming feature mentioned by the former director of the park is that they use a fishing system that submerges up to 50 meters deep. This system is dangerous and it is prohibited because it

makes no distinction to the type of fishing it takes in its path. According to Bustos, if all vessels bordering on the EEZ have such a system, there is an approximate 3,000 km long-line wall that catches all species coming from the Humbolt Current, so the species in danger of extinction may be prey to this fishery, endangering the balance of marine ecosystems near these vessels (GK City, 2020).

After these declarations, in 2018 and 2019 with the complaints of the government about the increase and variety of Chinese vessels near the Galapagos Marine Reserve, Ecuador began to publicly express its discomfort about the Chinese fleet to the international community and it was set as a precedent the global fight against human activities that threaten the marine ecosystem and its biodiversity. These statements were supported and applauded by the United States, another major global player and an opponent of China. This action of the American country derives from the new initiatives of diplomacy that the current president of Ecuador, Lenin Moreno, has carried out in search of promoting the relations of Ecuador with the world. This scenario generated a status of neutrality for Ecuador, because during the government of Moreno, diplomacy with both powers has been similar, and this has allowed safeguarding Ecuadorian security against the international scene. In addition, Ecuador was able to increase its legitimacy over its claims because several countries in South America followed the initiative by denouncing acts of IUU fishing against China (Salvador, 2020).

Despite the improvement in the control of overfishing vessels and their activities over the past three years, no Chinese vessels or their crew have been prosecuted for containing species that are under a fishing ban and the concerns about IUU fishing within the Galapagos Marine Reserve have not come to an end. The Minister of Defense of Ecuador began to implement from July 24, 2020, a security triangle in the main ports of Ecuador to try to control

any IUU fishing activity that may occur within the country or near its maritime and land limits (Suárez, 2018).

In May 2020, amid all the problems of the pandemic, the Attorney General's Office of Ecuador issued a statement requesting the Chinese government information about the 26 tons of shark fin that arrived in Hong Kong from Ecuador (El Comercio, 2020). These fins came from about 38,000 sharks of various endangered species and were seized by Hong Kong customs, who found this merchandise in two containers from South America, which arrived on April 28 and May 4, both of Ecuadorian origin. This event was an act of bilateral cooperation to combat illegal, unreported, and unregulated (IUU) fishing and the conservation of endangered species, but it carried with it a strategy of positioning the Chinese government towards Ecuador, with the aim of showing a diplomatic act of bona fide and to appease the international panorama (El Comercio, 2020).

This diplomatic action of bilateral cooperation to look for the culprits both in Ecuador and in China remained in bureaucracy and the Ecuadorian government decided to keep a low profile. But the diplomatic situation began to tense on July 10, 2020, when Beijing publicly declared that shrimps imported from Ecuador contained Coronavirus, which meant a strong blow to the economy of the South American country since the Chinese market is the largest purchaser of shrimp, representing 55% of Ecuador's total seafood sales (Guerrero, 2020).

Subsequently, Darwin Jarrin, rear admiral of the Ecuadorian navy, informed to the local media that the countries of the South Pacific region were alarmed by the presence of Chinese fishing vessels in the area, as their fishing acts managed to decrease the flow of

species and limited authorized artisanal fishing, directly affecting the Galapagos Marine Reserve. This act escalated into diplomacy, and President Lenin Moreno together with the representatives of Chile, Peru, and Colombia convened an extraordinary assembly within the Permanent Commission of the South Pacific (PCSP) to express their dissatisfaction with Chinese fishing vessels as a block, and to publicize the measures they would be willing to take against IUU fishing (Guerrero, 2020).

By August 2020 the United States Secretary of State, Mike Pompeo expressed his support to the Ecuadorian government for the denunciations issued against the Chinese fishing vessels and condemned the acts of illegal fishing, calling IUU fishing a historical and irresponsible act of the Chinese government. Furthermore, he stated that it is time for the international community to unite and exert environmental pressure on Beijing, intending to ensure that its actions against the rights and jurisdiction of the States of the South Pacific culminate, adding at the end that the countries of the South Pacific region have the US support to curb illegal fishing and to preserve endangered fauna within the Galapagos Marine Reserve (Salvador, 2020).

Faced with this act, the government of the People's Republic of China responded by mentioning that its administration was being defamed by the United States and that the only American objective was to sow discord among its southern allies; the Chinese government also mentioned that "according to verified information, all Chinese vessels are operating legally in international waters, outside the EEZ and the Galapagos Islands, and do not constitute a threat to anyone" (Guerrero, 2020). However, these tensions were focused by Foreign Minister Luis Gallegos, who declared in the Economic Development Commission of the National Assembly that "China accepts a direct negotiation with Ecuador and has ensured

that it understands and respects the Ecuadorian concerns about the Galapagos Islands as an important natural reserve in Ecuador and as a cultural and natural heritage for all humanity" (Guerrero, 2020). The compromise agreed with the Chinese government included a fishing ban, during September to November, near the Galapagos EEZ to the west of the high seas, this commitment was accepted in Beijing due to the efforts of Ambassador Carlos Larrea and his negotiation with the Bureau of Fisheries of the Ministry of Agriculture of China (Salvador, 2020).

The People's Republic of China, in a diplomatic act, has assured to Ecuador that they understand its concerns about the acts that the Chinese vessels may commit, for this reason, China decided to implement a policy of zero-tolerance against its vessels and companies engaged in IUU fishing. In this situation, China has accepted the predisposition that Ecuador controls the vessels near its territory located on the high seas, and in addition, China is willing to open new channels of communication to allow its government to be informed about any suspected illegal fishing taking place, with the aim of China taking appropriate action against its fleet (Salvador, 2020). These acts of diplomacy and opening of China to negotiations with Ecuador have allowed bilateral dialogue between these countries to seek solutions that allow better actions against illegal fishing; as well as the creation of international fisheries governance initiatives in different organizations to which both are parties, such as the South Pacific Regional Fisheries Management Organization (RFMO-PS) (Salvador, 2020).

However, the efforts of the Ecuadorian government did not end there. By November 2020, the foreign ministers of Ecuador, Peru, Colombia, and Chile issued a multilateral statement on their concern over the increase in illegal fishing activities, with the aim of emphasizing its commitment to the conservation of ecosystems and the preservation of highly

migratory species listed in Annex I of the UNCLOS. The main points of the declaration are to emphasize the will of these nations to take measures "to prevent, discourage and jointly confront IUU fishing activities" (Coba, 2020). It also seeks to generate multilateral cooperation efforts to exchange real-time information on the activities of these vessels in the area (Coba, 2020).

At the end of 2020, several authorities of the Chinese and Ecuadorian government held virtual meetings to discuss issues related to Chinese vessels, since according to the Ecuadorian navy, several vessels turned off their satellite tracking for 17 days, and "ghost" ships were monitored within the territorial waters of the country. These dialogues were supported by María Gabriela Troya, Under Secretary of Sovereignty and Neighborhood Relations of the Foreign Ministry, by the Deputy Minister of Aquaculture and Fisheries, Bernardo Hidalgo, and by Ambassador Carlos Larrea. This diplomatic group stressed to China the international efforts that are maintained in different international organizations to combat IUU fishing and called for China's primary attention to support South America in its efforts to maintain marine biodiversity. At this meeting China through the Bureau of Fisheries of the Ministry of Agriculture and Rural Affairs, the Ministry of Foreign Affairs, and the China Overseas Fisheries Association reiterated China's commitment to respect existing international agreements and international efforts to preserve highly migratory species (El Telégrafo, 2021). These diplomatic acts closed the year of tensions between China and Ecuador over IUU fishing, leaving on the table a set of bilateral and multilateral actions to be carried out during 2021.

2.3.1. The UNCLOS and the Galapagos Islands

Having described the IUU fishing conflicts between the Republic of Ecuador and the People's Republic of China in the period 2015-2020, it is necessary to analyze the conflicts based on the United Nations Convention on the Law of the Sea (UNCLOS). This convention indicates that the limits of the territorial sea that the Ecuadorian State possesses must be taken into account to verify the area in which the vessel was detained and whether the application of standards was in accordance with these regulations. This study makes it possible to define the penalties and controls to be applied to such vessels and also to facilitate the taking of decisions in similar cases. Article 3 of the Convention determines that the breadth of the territorial sea shall be 12 miles from the baseline, within this space ships have a free right of "innocent passage" without being able to enter inland waters or call at the port, nor engage in fishing or other activities which are not permitted by the domestic law of that State (UNCLOS, 1982). Also, the State has the so-called "contiguous zone" which is another 12 miles adjacent to the previous ones or, in other words, 24 miles from the baseline, this is expressed in article 33 of that convention (UNCLOS, 1982). Within these 24 miles, the owner State has full sovereignty and is responsible for issuing or denying fishing permits in the area.

The straits used for international navigation are another important area that Ecuador and its archipelago have, these crossings for international ships are within the waters of the State, either in its exclusive economic zone, in its contiguous zone, or in its territorial sea. Following Article 34 of UNCLOS, the regime of international passage does not affect the exercise of sovereignty or jurisdiction of the coastal State in this area, thus it can be construed that in the event of suspicion of illicit activities by foreign vessels, the State may take action

following its internal rules to intervene and take action against such acts, either through national or international instruments to which it is a party (UNCLOS, 1982).

Within the Economically Exclusive Zone (EEZ) is the "right of transit passage" where all ships, whether domestic or foreign, have the possibility of transiting freely without prejudice to being hindered. However, according to Article 38 of UNCLOS, this right does not apply when the passage is between an island of the coastal State and the continental territory and on the other side of the island the high seas or the termination of the EEZ (UNCLOS, 1982). If this settlement is taken into account, the Chinese fleets that usually surround the archipelago and are located to the east of the islands, but to the west of the continent, would not be entitled to transit passage without prior review and without application of the sovereignty of the Ecuadorian State.

The EEZ has a width of 200 miles from the baseline of the State, in this area, the States can exercise their sovereignty and jurisdiction, including the protection and preservation of the marine environment by such means as the State may deem relevant. On the other hand, it is mentioned on the UNCLOS that foreign States have freedom of navigation and overflight in this area, however, they must comply with the laws and regulations of the coastal State in accordance with the provisions of UNCLOS and other rules of international law (UNCLOS, 1982). Similarly, Article 62 of the UNCLOS on the use of living resources states that States fishing within the EEZ shall take conservation measures into account, as well as species eligible for catch with the appropriate specifications mentioned in the previous chapter (UNCLOS, 1982). In addition, article 64 on highly migratory species provides that foreign States must cooperate with the coastal State and international agencies to maintain conservation and optimal use measures for these species, both within and outside the EEZ (UNCLOS, 1982). It should be noted that this specific section does not mention whether the

applicability of the article can be used at high sea since it only mentions that the conservation and conscious use of species should be "both inside and outside the EEZ".

Several IUU fishing cases have been decommissioned because vessels have been detained within the limits of the EEZ or on the high seas, which are areas where the principles of freedom of fishing and the common heritage of humanity govern (Medina, 2016). Under the second principle, endangered species which are subject to international protection and which are listed in Annex I of UNCLOS, are the responsibility of all the member countries of the convention and any attack against them could be resolved by means of conflict resolution recognized by the UNCLOS and it could be established fair sanctions to violators who carry out this type of damage to the environment.

2.3.2. Case study: “Fu Yuan Yu Leng 999”

Reports of fishing vessels near to the Galapagos Marine Reserve from 2015 to 2020 have been constant and it keeps the Ecuadorian Navy on alert. However, on several occasions, it has not been possible to verify whether these vessels carry out illegal, unreported, and unregulated (IUU) fishing activities within the Galapagos. In 2015, the seizure of hundreds of tons of shark fins that were to be exported to China was a precedent. This action was carried out thanks to the various complaints received by the Ecuadorian authorities about the Chinese fishing fleet and thus the authorities were able to arrest this vessel within the EEZ of the Galapagos Islands, for illegal unreported, and unregulated fishing activities. The case set a strong precedent for all of South America, as Ecuador presented formal claims to the People’s Republic of China (Suárez, 2018).

The case of the ship "Fu Yuan Yu Leng 999", which was captured in 2017 by the Ecuadorian Navy with 300 tons of shark and other protected species, had a lot of importance because the criminalization of this case was carried out taking into account the precedents of 2015 and had more serious actions. To understand the decision of the Ecuadorian State against China and its fishing fleet, a detailed description of the case will be made in the next section and it will serve for future effects of this thesis.

It is important to note this details in the case of "Fu Yuan Yu Leng 999":

1. The fishing vessel was stopped 35.5 miles east of San Cristobal Island.
2. Its trajectory came from the high seas and its destination was the fleet of ships located in the transit corridor located between the Galapagos Islands and continental Ecuador.
3. The provenance of their cargo could not be ascertained, therefore the authorities assumed that the provenance of the fishery came from the high seas where national legislation is not applicable.

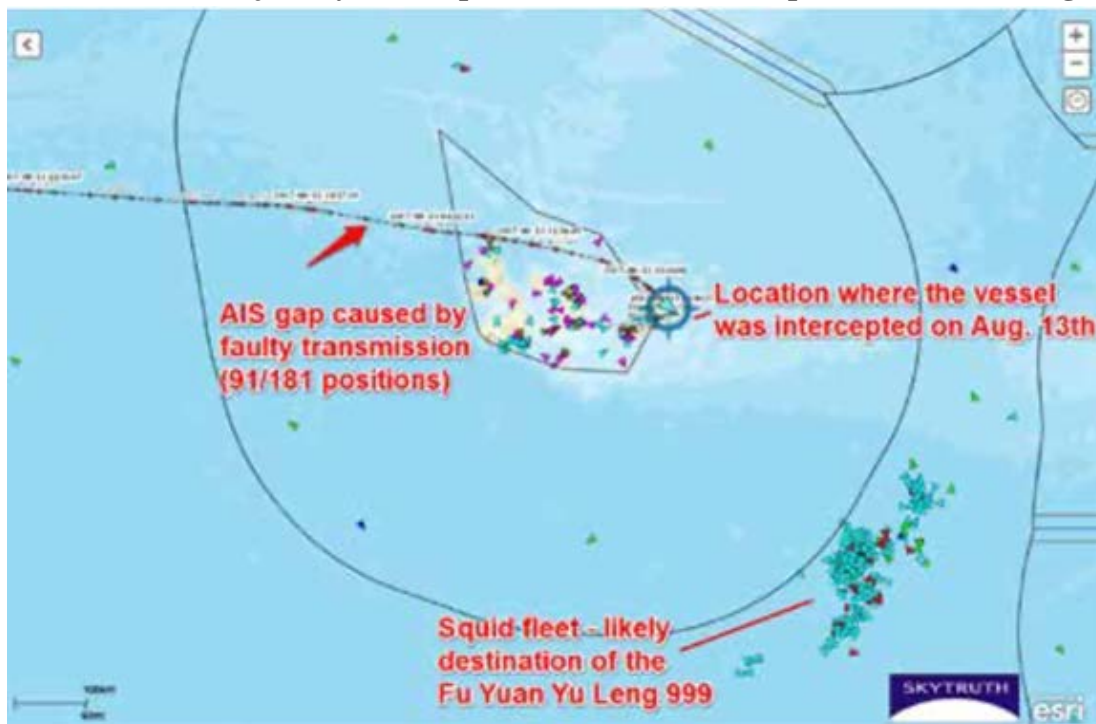
First, it is necessary to take into account that the EEZ of the Galapagos Islands has 200 miles from the baselines of the island's limits of the archipelago (see figures 2 and 3). The vessel was therefore captured within the islands' EEZ. As mentioned above, the Galapagos Marine Reserve has an extension of 40 nautical miles from the outer limit islands, so it was within the protected area. With this first fact, guided by the UNCLOS and its articles 56, 57, 58, and 62, the coastal State, in this case, Ecuador, has full jurisdiction over its waters and has every right to exercise its sovereignty to apply the relevant laws and regulations, as discussed above, any foreign vessel must comply with the jurisdiction of the State to which these waters belong, including their fishing restrictions.

Illustration 2: Insular EEZ



Taken from: Ecuadorwillana (2020).

Illustration 3: Trajectory and Capture of the Chinese Ship "Fu Yuan Yu Leng 999"



Taken from: Suárez (2018).

Secondly, as regards the navigation and trajectory of the ship, every ship of foreign origin indeed has the right within the EEZ to make use of its "right of transit passage" without being hindered. If this situation is compounded by the fact that the course of the vessel was in a strait used for international navigation, the Ecuadorian authorities were presumed not to have the competence to stop the vessel as they would be violating the UNCLOS. However, as discussed above, this convention in its articles 34, 38, 39, and 42 provide that in the straits of international navigation the coastal States exercise their full sovereignty and that ships in transit must respect the laws and regulations of those States, additionally, the convention states that when a transit passage occurs between the continental shelf and islands part of the coastal State, the ship or vessel in question may be subject to control and review by the coastal State (UNCLOS, 1982).

Finally, in the case of "Fu Yuan Yu Leng 999" where the cargo retained consisted of 300 tons of shark, a species considered to be in danger of extinction and protected at the national and international level, we can highlight article 62 and 64 of the UNCLOS that was previously exposed. The vessel was within the EEZ and the protected area at the time of the retention, and having the precedent that this type of species is abundant within the islands, the application of penalties for illegal fishing of these species is possible, exactly as Ecuador did in implementing the Comprehensive Organic Penal Code (COIP). Additionally, the UNCLOS (1982) establishes that the Member States of the Convention have the duty to sign agreements for the protection and preservation of this species and to carry out the necessary measures for the optimum use of these species both within and outside the EEZ, However, this clause was breached because China and Ecuador have not signed any treaty on fishing activities and the use of living resources within Ecuadorian waters. Therefore, Ecuador was fully entitled to enforce its sovereignty and apply sanctions following domestic laws to

sanction the vessel "Fu Yuan Yu Leng 999" with full legality and national and international legitimacy (Suárez, 2018).

2.4. Analysis of the impact of IUU conflicts on the bilateral diplomatic relationship between Ecuador and China

The above-mentioned conflicts over illegal unreported and unregulated fishing (IUU) around the Galapagos Marine Reserve have generated a series of tensions between the People's Republic of China and the Republic of Ecuador. Before the incidents of 2015 and 2017, any Chinese vessel was hardly suspicious or considered a threat to the marine ecosystems. However, these kinds of problems that have occurred for about twelve years have managed to have a much stronger effect in the last five years, and tensions in diplomatic relations between Ecuador and China have varied depending on the government in turn. It is necessary to remember that the People's Republic of China is one of the main allies of Ecuador since the reopening of diplomacy in the first term of former President Rafael Correa. From that moment on, the Asian giant became one of the main investors and lenders in Ecuador (Salvador, 2020). In this way, China positioned itself as one of the fundamental pillars for the development of the South American country.

Based on this fact, what have been the effects of IUU conflicts on the diplomatic relations of these two States? Realistically, the international order is related to the relative distribution of power, which is strengthened by economic or military factors. Ecuador in the face of IUU conflicts presents a dynamic of "bandwagoning", that is, as a small State links with the economically powerful State regardless of whether it is the "source of danger", in this case, China, which has economic power and positions itself as the main lender of Ecuador (España, 2020). For this reason, there have been few cases in which the Latin country has

brought charges against crimes committed by China because they prefer to align and achieve security and longevity for their state (Gunasekara, 2015). This is the case of the 2015 conflict over shark fins, where the government of Ecuador spoke out to mention that the authorities were going to increase their efforts against illegal fishing, but the case per se did not suppose major statements because the cause of these illegal actions was China, the country with which a strong diplomatic and economic bond has been created over the years (Salvador, 2020).

Similarly, from a realist perspective, China, as one of the major powers of the international community, can be seen to have had great influence in the countries of the South Pacific and to have increased its overseas power to control fishing routes, international corridors, and maintain commercial control over marine resources. With these actions, the Asian giant seeks to sideline the United States, which has historically had a large presence in the area and thus aims to increase its relative power vis-à-vis the American State. This dynamic generates controversies with other States, creating a scenario of competitiveness where any significant change created by a power generates consequences on the overall stability of the international system (Schmidt and Roy, 2013).

Under these premises, it would be believed that any act that the People's Republic of China will carry out within Ecuadorian territory would be accepted by Ecuador and would only cause calls for attention to persuade its counterpart to cease its illegal activities. However, after the vessel "Fu Yuan Yu Leng 999" was captured in 2017 and all its crew processed, the government of Ecuador showed a firmer reaction, and even the President of the Republic, Lenin Moreno, mentioned in official sources that any ship that illegally fishes inside the national territory was going to be arrested and prosecuted according to the law and that any violation of maritime sovereignty was going to be allowed (Salvador, 2020).

Ecuador, as a member of international organizations, such as the UNCLOS, has several mechanisms to sanction or make a claim against China. This scenario seen from the liberal vision of the IR shows that the organizations are facilitators and intermediaries in the resolution of disputes of the international community and that they are capable of generating win-win situations. However, as previously stated, Ecuador chose to apply domestic law to sanction the Chinese fishing vessel and its crew. This dynamic denoted the dependence that Ecuador has on China to maintain its status in the international scene, which causes countries considered developing to isolate the problems that involve the world powers, especially those powers with economic capability.

In other words, if this is analyzed through a liberal perspective, one might believe that Ecuador, being a member of various international organizations would be willing to use the conflict resolution tools of these institutions to safeguard its maritime sovereignty, generate spaces for international cooperation, and demand international responsibility for all States with respect to the Galapagos National Park and its Marine Reserve, and in this way generate a win-win panorama in the face of situations where there is any transgression. However, this has not happened because of the asymmetries of power that exist within the same international organizations, accompanied by the fact that not all States have the same status quo and their actions may or may not be legitimized by the entire international community. Likewise, from this perspective, small States prefer to prioritize prosperity over the competition in security through tools such as trade and diplomacy, because States are aware that there are benefits for inclusion and costs for isolation. For this reason, Ecuador preferred not to affect the diplomatic relationship with China by taking this problem to larger instances and decided to apply the national law mentioned above.

On the other hand, under a constructivist perspective that seeks to emphasize the importance of sociological processes, it can be understood that the identity of a State, regardless of whether it is considered power or small, depends on the interactions it has with the environment since this medium allows each state to condition its behavior, interests, and values within the international community (Ochoa and Prado, 2017). In the case of China, its main interest is linked to questions of legitimacy. That is, if China's actions and interests are legitimized by the international community, it will be easier for other members to cooperate with its policies, and they may even adopt them as a means of survival. But, if a member's actions pose a risk to those who have cooperated with it or go against what they believe is the right thing to do, then social relations would be affected by an indispensable factor: trust.

The People's Republic of China, which has already legitimized its interests vis-à-vis the southern bloc, is currently in a vulnerable situation because the diplomatic relations it has built over the years have been affected by various allegations of illegal unreported and unregulated (IUU) fishing made within the Galapagos Marine Reserve, the territory of its South American ally, Ecuador. This has generated tension at the South American level and has put Peru and Chile on alert, who believe that China currently poses a threat to the territorial integrity and maritime resources of its area. This alert situation has created international pressure in China, raising questions about the interests of the Asian giant vis-à-vis its southern bloc allies (GK City, 2020).

Finally, from the Marxist perspective, it is possible to observe how the structure of the pre-existing capitalist system influences every event that occurs in global politics. As stated above, within the international community we can observe relations of subordination and domination among States. This is the case in China and Ecuador, as the People's Republic of

China has established itself as a large and strong rising State, which has allowed China to have relative freedom to define the structure in its favor and to determine the conducive foreign policy that will help China to satisfy its domestic interests. While Ecuador, being a smaller state, is subordinated to the decisions made by the strongest country, even though these decisions negatively affect its national welfare.

This position accepted by the Republic of Ecuador, where it aligns itself with the purposes of China, is based on the mechanisms of consent and coercion. The consent that is given thanks to the existing structure creates ideas to which there is no objection. In the case of Ecuador, the structure points to China as a powerful country that cannot be dealt with because of Ecuador's weak position. And coercion, which uses methods of punishment to get weaker States to accept the decisions of hegemonic States. In this situation, China can pressure Ecuador through economic dynamics, either by stopping buying Ecuadorian products or by limiting its participation in the Latin country.

2.5. Preliminary conclusions

The Ecuadorian-Chinese diplomatic relations have a historical significance because China is one of the main allies, investors, and buyers of the Ecuadorian State. However, this bilateral relationship, as demonstrated in the preceding analysis, has been weakened by the presence of Chinese vessels around the Galapagos Marine Reserve. These vessels have engaged in illegal, unreported, and unregulated (IUU) fishing activities that endanger the Galapagos fauna and its environmental stability, as well as the maritime sovereignty of Ecuador.

China has a great influence on Ecuador as one of its main economic and political allies, this relationship has undoubtedly limited Ecuador's international action because it has not been able to establish clear public policies on IUU fishing activities within its territory, which has affected its internal interests and allowed its ally to take advantage of its maritime sovereignty. In addition, due to the dependency relationship that Ecuador has with China, the Ecuadorian State has not been able to make significant claims to the People's Republic of China about IUU fishing activities as this would mean a rupture of its diplomatic relations to which Ecuador does not risk.

However, the Chinese reaction to the Ecuadorian shrimp changed Ecuador's position vis-à-vis its Asian ally, since this response was a sign of commercial bad faith, and this led to Ecuador in retaliation claiming China euphorically about the illegal fishing activities that were happening around the Galapagos Marine Reserve. This dynamic of claims between the two countries stressed the economic relationship between them. In this scenario, the Union of South Pacific Countries dedicated to the fight against IUU fishing pronounced its position, and China was forced to take a position where it had to give in to the demands of the coastal states of South America, starting with Ecuador.

Therefore, in order to strengthen their bilateral relationship, China and Ecuador have sought the diplomatic channel to manage the threat that Chinese vessels pose to the Ecuadorean area. In addition, China has predisposed its bona fide as the main bilateral cooperation mechanism, ensuring that its fishing fleet will engage in legitimate and lawful activities in the waters of the South Pacific. This scenario allowed the government of China and the government of Ecuador to reach talks and negotiations where fishing parameters were

established such as the delimitation of the season of prohibition of these activities between September and November, as well as the zero-tolerance policy for IUU fishing activities where China allowed Ecuador to control Chinese vessels that are close to Ecuadorian territory (Salvador, 2020).

IUU fishing was a focal point of tension between China and Ecuador, but the bonafide of both countries has restored the diplomatic relations between them and has reinforced strategic and cooperative alliances between various governing bodies, in this case, the chancelleries and ministries in charge of the preservation of endemic species and maritime trade. It should be emphasized that China was targeted by the international community because its fishing activities are of great importance to all coastal countries in the South Pacific. At present, Ecuador's political and economic relationship with China has not changed significantly, both countries are holding constant meetings to strengthen their mechanisms of cooperation and surveillance of the maritime space near Ecuadorian territory.

Chapter III

Incidence of the main areas of the Ecuadorian - China bilateral relationship in the resolution of conflicts of illegal, unreported, and unregulated fishing around to the Galapagos Marine Reserve

3.1. Main areas

Diplomacy plays a transcendental role in contemporary International Relations since it allows States to develop in the areas of greatest interest and also allows the creation and rise of new powers capable of changing the pre-existing international order. At the same time, it allows the States considered as small to have a voice in the decisions that directly affect their country. In the case of China and Ecuador, their bilateral relationship was established in 1980 (Connelly and Bustamante, 1992), but the links between these States have been strengthened in recent decades, with the signing of the Joint Declaration on the establishment of the Association. Strategic in 2015 a milestone in the bilateral relationship of these two nations (Herrera and Lee, 2017).

The relationship between Ecuador and China has been characterized by addressing different areas such as diplomacy, politics, economy, trade, culture, and strategic points such as foreign direct investment (FDI). In this sense, the following section will address the main areas of cooperation within the bilateral relationship between Ecuador and China in the period 2015-2020, to immediately analyze how the configuration of all these areas influences the decisions that Ecuador makes. with China regarding the conflicts of illegal, unreported, and unregulated (IUU) fishing, in order to finally be able to create a picture about the future of the diplomatic relations between these two States.

3.1.1. Economic cooperation

At present, economic cooperation represents one of the main challenges within the international community, since in order to be carried out there is a need for two or more countries to decide to participate in this dynamic. This economic support has several basic objectives such as making agreements to establish mutual benefits, supporting economic growth along with financial stability, and promoting interstate relations to promote investment and foreign trade (Banda, 2019). According to Erthal and Marcondes (2013), China's economic cooperation consists of non-concessional loans, donations, in some cases export credits, technical assistance, debt forgiveness, humanitarian aid, and infrastructure projects. This economic cooperation is usually combined with financing and direct investment agreements (Erthal and Marcondes, 2013).

It is necessary to emphasize that China has become one of the largest investors and creditors for Latin America, in addition, it is considered an important consumer of the basic products of the area and is a provider of services and infrastructure of various strategic sectors of Latin countries (Freire, 2016). To meet the basic objectives, economic cooperation is assigned to different sectors that reflect the need to be promoted. Specifically, in the case of Ecuador, China contributes economically in sectors such as health and human welfare, education, and technology and infrastructure. These economic cooperation agreements between the Ecuadorian State and the Chinese State have been agreed under three main conditions: 1. by the advance sale of oil; 2. freely available with interests determined by the People's Republic of China; and 3. for the construction of megaprojects conditional on the hiring of Chinese labor and equipment (Castro, 2014).

The following table shows the economic cooperation agreements that have been carried out within the period 2015-2020 between the Republic of Ecuador and the People's Republic of China⁷. It should be noted that the economic cooperation provided by China to Ecuador includes reimbursable aid and non-reimbursable economic and material aid. The reimbursable aid increases the level of indebtedness and makes the asymmetry of power between the Ecuadorian State and the Asian giant more noticeable, since, as previously discussed, the economic factor is seen as a source of power. Instead, the non-reimbursable aid is considered as donations or financial aid that the Ecuadorian government will not have to return to the ROC.

Chart 2: Economic Cooperation Agreements between Ecuador and China (2015-2020)

Ecuador - China Economic Cooperation
2015
The signing of the establishment of a Strategic Association between the States in which 14 bilateral agreements are signed on issues of politics and security; economic, commercial, financial and investment association; exchanges on education, science, technology, innovation, culture, sports, health and tourism and; environmental care.
\$ 5,296 million in concessional credit with Eximbank for social, human mobility, irrigation, and infrastructure projects.
\$ 250 million loan with Eximbank for a project to change the Productive Matrix (induction cookers).
\$ 1.5 billion loan with China Development Bank for the Annual Investment Plan.
\$ 400 million loan with the Bank of China for the construction of Millennium Schools.
\$ 80 million loan with Bank of China for infrastructure.
Agreement with the Academy of Natural Sciences of the People's Republic of China for 300 student scholarships, training in science and technology, and establishing and equip a center for tropical studies in Ecuador.
Investment of \$ 1 million in employee training, scholarship training plans, and the creation

⁷ For the purposes of this thesis, the public information provided by authorized government offices was taken into account. Information of a private nature that was not available to the public at the time of this analysis is excluded.

of advanced technology laboratories at the University of Yachay.
2016
\$ 100,000 donation for the Red Cross and Rescue Specialists Team.
\$ 2 million donations to rebuild places affected by the earthquake.
Credit for \$ 2 billion with the China Development Bank to boost infrastructure in mining, hydrocarbons, and hydroelectric plants.
\$ 5 billion loan with the China Development Bank in three lines of credit for highly profitable works.
Loan valued at \$ 9. 2 million for victims of the Manta earthquake in tents, folding beds, and survival kits.
\$ 13,000 million loan to finance the Pacific refinery.
Donation of 800 Chinese books translated into Spanish.
\$ 150 million non-refundable for the construction of houses and 2 hospitals in Manta due to the earthquake.
2017
Economic cooperation for \$ 3,000 million for industrial projects.
The signing of three cooperation mechanisms for the construction of hospital infrastructures and the promotion of technologies in the area of education.
2018
Agreement for 300 full scholarships for language study, and third and fourth level studies until 2020.
Non-reimbursable cooperation of \$ 28.9 million for the construction of the hospital in Bahia.
Agreement with the private sector for \$ 33 million for the purchase of shellfish, cocoa, and bananas.
Concessional credit for \$80 million for the expansion of Avenida Simón Bolívar.
Donation of \$ 4.7 million and 2 container scanning equipment valued at \$ 6.5 million.
Cooperation agreements in commercial, industrial, judicial, civil aviation, risk management, and security matters in 3 disbursements: \$ 900 million refundable, \$ 30 million non-refundable, and \$ 69.3 million refundable for reconstruction.
2019
Donation of 5 coast guard boats to reinforce operations to control piracy and illegal fishing on the country's coasts.

\$ 900 million loan with the China Development Bank of USD for economic and social development projects.
2020
Provide protective equipment and medical supplies to face the Covid-19 pandemic.
\$ 2,400 million loan for the payment of the external debt to the Industrial and Commercial Bank of China.
Agreement on third and fourth level scholarships for the period 2020-2021

Made by: López and Suárez (2020).

Taken from: Ministry of Economy and Finance (2015). Ministry of Foreign Affairs and Human Mobility (2018). SENESCYT (nd). The Universe (2020).

It is clear that economic cooperation between China and Ecuador has been one of the fundamental pillars in their bilateral relationship. Through economic cooperation agreements, “basic industries, energy, construction of roads, railways, oil, telecommunications, agriculture, forestry and water, public infrastructure, and emerging strategic industries” have been financed (Vice-presidency of the Republic of Ecuador, nd). This scenario of aid from China to Ecuador, and to other Latin American countries, has placed the new dynamics of South-South cooperation (SSC) on the international scene. This new form of cooperation is in charge of emerging states, where China stands out as the country that allocates the greatest amount of resources to other countries for economic development. This dynamic, according to Castro (2014), presents new dynamics that, through processes of self-legitimation and redefinition, seek to reconfigure the rules of the international cooperation game.

This type of contemporary cooperation is characterized by the fact that political dialogue prevails and gives great importance to the complementarity of the economies between the States that intervene in the process of seeking mutual benefits (Ojeda and Echart, 2019). Within the negotiation between the Asian giant and Ecuador, benefits have been generated for both parties. On the one hand, China, through the economic assistance provided,

mostly reimbursable, has managed to secure the resources for its growing energy demand, and at the same time secure the market for its industries, products, and services. On the other hand, Ecuador receives financing and investment to carry out the booming projects of the different strategic sectors of the country, allowing the country to increase the number of commercial and capital partners for the development of the State in general (Castro, 2014).

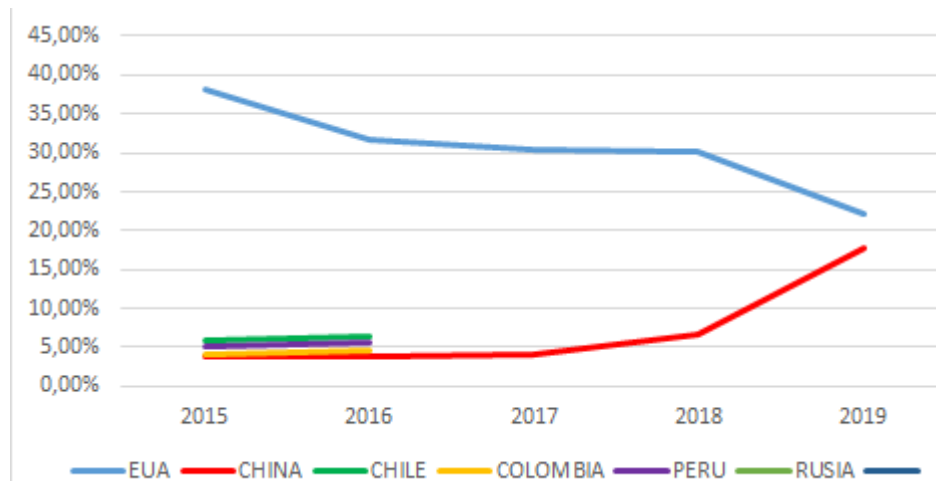
3.1.2. Foreign trade

The Asian giant in 2019 ranked first in exports worldwide with a total of 2.2 trillion USD and ranked second in imports globally with a value of approximately 2.1 trillion USD (Services Innovation Equality, 2020; Fernandez, 2020). This same year it was positioned as the second commercial partner of Latin America, after the United States, representing since 2017 approximately 11% of regional exports and 18% of its total exports (ECLAC, 2019). In the case of Ecuador, the commercial exchange of goods and services between these States represents one of the most important activities for the economy of the South American country. Since 2015, growth in exports made by Ecuador to China can be noticed. Thus, this same year China was ranked as the second country to which Ecuador exports in large quantities.

The following graphs show the ranking of countries that Ecuador carries out the highest number of exports, and the breakdown of Ecuadorian products most consumed by China and Chinese products more consumed by Ecuador presented⁸.

⁸ At the time of carrying out the following analysis, official information was available until 2019.

Illustration 4: Exports from Ecuador to the world

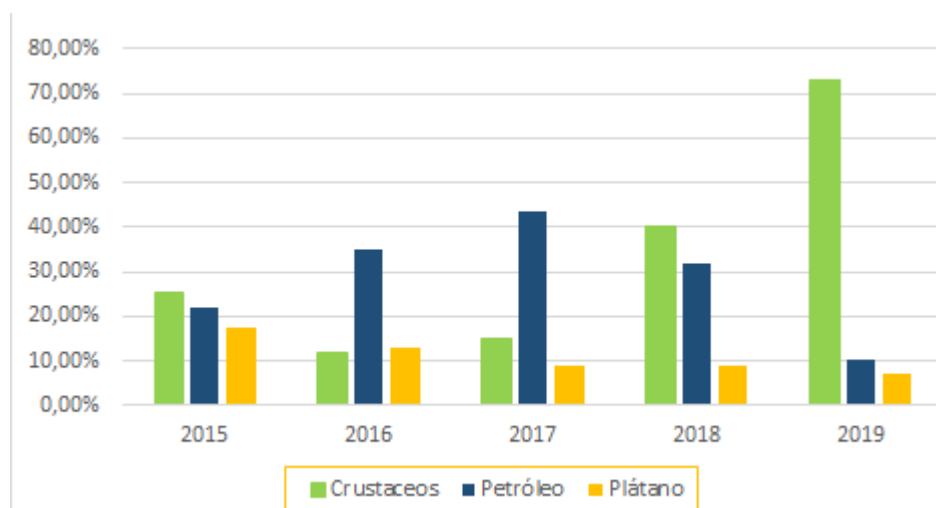


Made by: López and Suárez (2020).

Taken from: The Observatory of Economic Complexity (2020).

The graph shows that, although the United States is Ecuador's main trading partner, exports to China have increased exponentially in recent years, especially since 2015. Ecuador's exports to China represent almost 20% of exports. total annual exports of the Latin country.

Illustration 5: Products exported by Ecuador to China

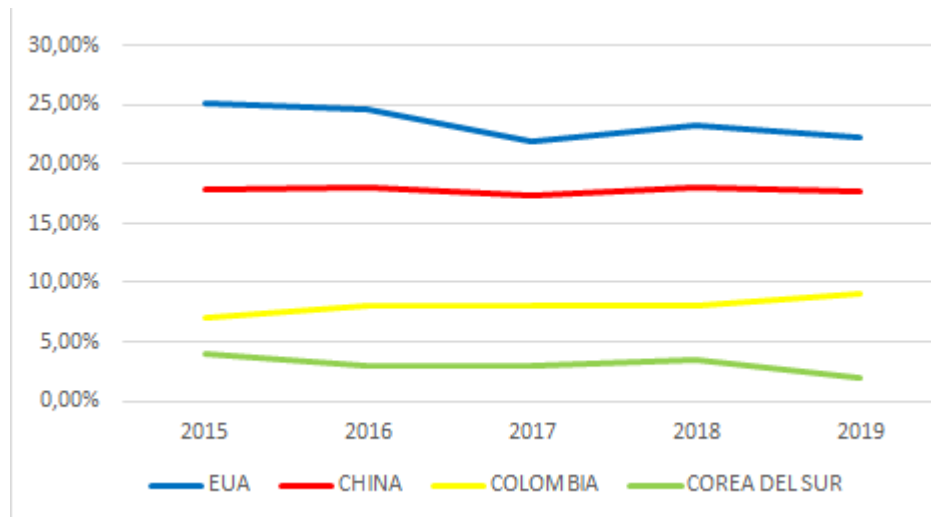


Made by: López and Suárez (2020).

Taken from: The Observatory of Economic Complexity (2020).

Ecuador is known worldwide for being an exporter mainly of oil, followed by seafood and bananas. This trend continues when exporting to China. However, in 2019 this trend varies, and crustaceans become the main product exported by Ecuador. This is mainly due to the increase in demand for seafood by the Chinese population since the high demand for marine products has caused many of the waters of the People's Republic of China to run out of populations of marine species (European Pressphoto Agency, 2018).

Illustration 6: Imports from Ecuador

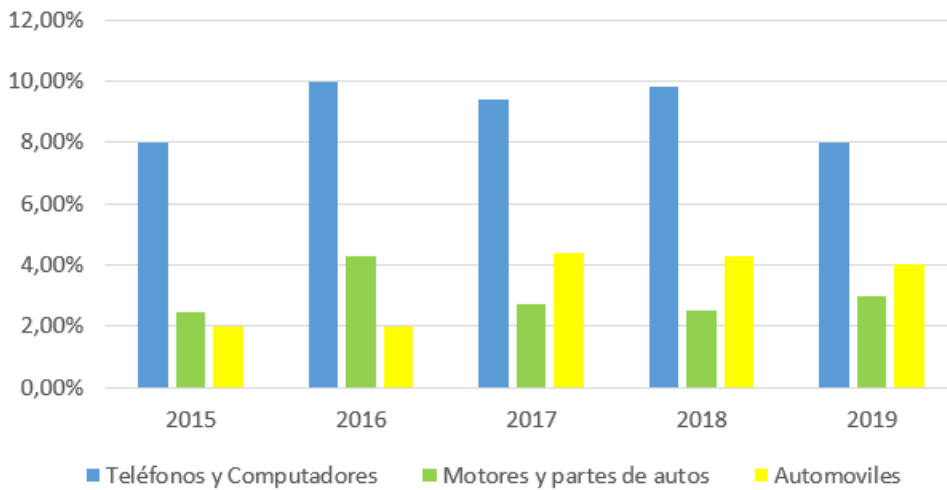


Made by: López and Suárez (2020).

Taken from: The Observatory of Economic Complexity (2020).

In the last five years, Ecuador has imported its products mainly from the United States. However, China appears as the second market to which Ecuador decides to buy its products, followed by Colombia and finally South Korea. Imports from the Asian giant remain between 16% and 20% between 2015 and 2020 of total imports from Ecuador.

Illustration 7: Products imported by Ecuador from China



Made by: López and Suárez (2020).

Taken from: The Observatory of Economic Complexity (2020)

As can be seen, the Asian giant is one of the main commercial partners that Ecuador has. Among the products most consumed by China, a large portion of Ecuador's oil production stands out, the varieties of crustaceans such as shrimp and prawns, and different presentations of plantain, also take great importance. On the other hand, imports from China represent approximately 17% of the international purchases that Ecuador makes annually (see illustration 6). This percentage places the Asian giant in second place among the importing countries of Ecuador. Within the international purchases that Ecuador makes, the most consumed products are condensed into technology. This section includes cell phones, computers, cars, and auto parts.

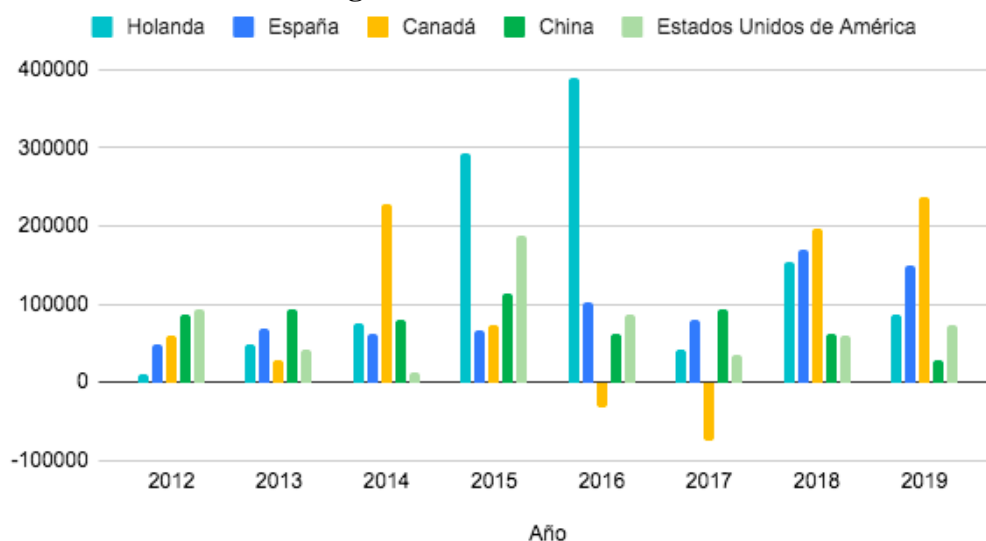
3.1.3. Foreign direct investment

In Ecuador, foreign direct investment (FDI) flows have varied over the years. However, there is a trend in the countries that invest the most in Ecuador. First, there is the Netherlands, followed by Spain, Canada, fourth China, and finally the United States. It should be noted that the data presented refers to the period 2012 - 2019 since in this way the first five

countries with the highest flow of investment within Ecuador can be seen. China is located as the fourth country that invests the most in the South American country, despite the fact that in recent years there has been a decrease in the amount of money destined for the South American country. Due to this decrease in investments received by the country, the Ecuadorian government decided to issue the Regulations of the Productive Development Law with the aim of promoting FDI (Ministry of Economy and Finance, 2018).

This Productive Development Law establishes the operating and simplification procedures when applying tax benefits to new investments. In addition, this law has the objective of protecting inclusion for any investor, whether micro, small, medium, or large, so that they can access the income tax exemption when starting their new ventures within the country (Ministry of Economy and Finance, 2018). Next, the income levels that Ecuador received annually from its largest investors are graphically detailed.

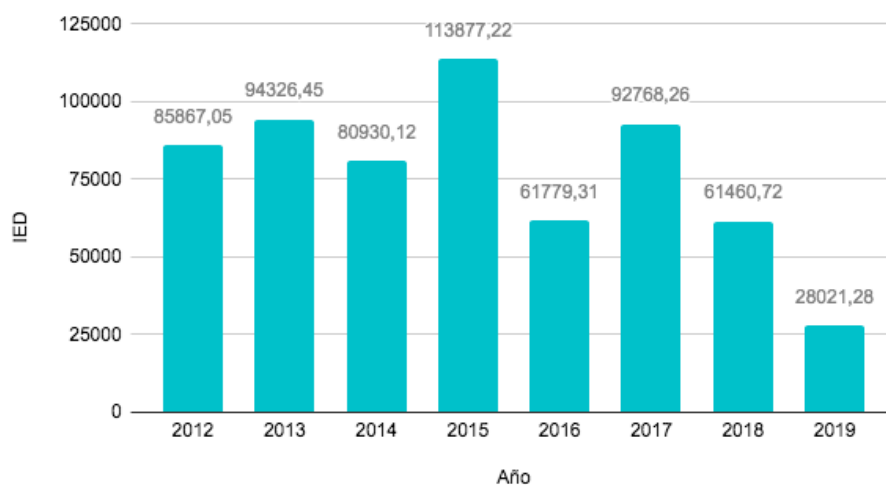
Illustration 8: Direct Foreign Investment to Ecuador



Made by: López and Suárez (2020).
 Taken from: Central Bank of Ecuador (2020).

Within this section dedicated to foreign direct investment (FDI), a systematization of FDI flows from China to Ecuador is presented. At the same time, the evolution of investment by the economic sector in the South American country is presented. This systematization will allow a broad understanding of the impact that Chinese investment has had in Ecuador regarding the resolution of IUU conflicts.

Illustration 9: Foreign Direct Investment in Ecuador from China

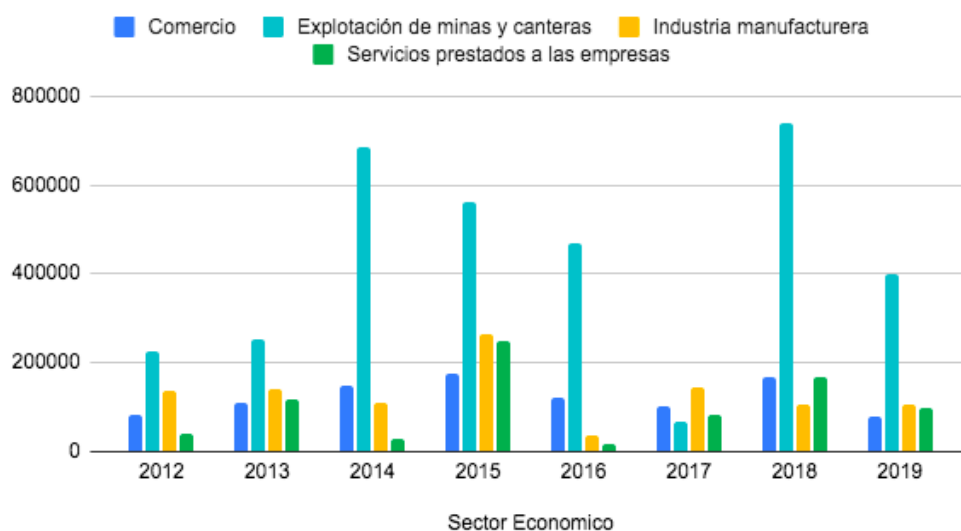


Made by: López and Suárez (2020).

Taken from: Central Bank of Ecuador (2020).

Since 2012, the trend of foreign direct investment flows from China in Ecuador has remained between USD \$ 60,000 and USD \$ 100,000 million, with the exception of 2019 where there was a low investment of USD \$ 28,021.20 million. This scenario is related to the culmination of projects that were negotiated under the previous government of Rafael Correa. Despite this, from 2015 to 2019 Ecuador received \$ 287.4 million in FDI from China that was allocated to meet the requirements of various sectors of the country. It should be noted that during the 2007-2017 presidential period, China and its companies worked on construction projects for hydroelectric plants, bridges, and roads, and when these works were completed, the flows of Chinese capital decreased markedly in Ecuador (Angulo, 2020).

Illustration 10: Foreign Direct Investment by branch of economic activity



Made by: López and Suárez (2020).

Taken from: Central Bank of Ecuador (2020).

As can be seen in the previous graphs, the FDI that Ecuador received on average during the 2012-2019 period was preferentially destined for the sectors of mining, commerce, manufacturing industry, and finally in services provided to companies. These sectors received 80% of China's FDI (see Figure 10). Likewise, the investment that China allocates to the Latin country represents a large part of the capital flow for the projects underway in each strategic sector of the country.

3.2. Impact of the main areas in the resolution of IUU fishing conflicts in the bilateral relationship around the Galapagos Marine Reserve

From the description of the most important areas of the bilateral relationship, which includes economic cooperation, foreign trade, and foreign direct investment, it seeks to analyze to what extent these sectors contribute or not to the effective application of international instruments for conflict resolution. of illegal, unreported, and unregulated (IUU) fishing around the Galapagos Marine Reserve. To meet the proposed objective, the power

taxonomy established by Barnett and Duvall (2005) will be used, which was proposed in chapter 1. Additionally, an analysis will be carried out based on soft power, due to the growing use of this term in the study of the Asian giant.

The intensification of trade and cooperation between Ecuador and China is reflected in the repayable loans that the Asian country has granted to Ecuador. As established in the economic cooperation section, Chinese loans present three conditions to be delivered to Ecuador: for advance sale of oil, freely available with interest determined by the People's Republic of China, and for the construction of megaprojects conditional on the hiring of Chinese labor and equipment (Castro, 2014). In other words, the bilateral relationship between these two States is asymmetric and this allows the People's Republic of China, due to its position as a large-scale creditor, to establish or impose conditions on Ecuador at the time of its diplomatic exchanges. On the contrary, Ecuador, being a debtor country, has less bargaining power and its responses to Chinese demands are weak.

Thus, the motive for cooperation between these two nations is not done in the sense of benevolence. On the contrary, by establishing this bilateral relationship with Ecuador, China seeks to benefit economically, since it manages to secure oil for its country in advance; receives large amounts of money in interest payments for each loan made, and introducing Chinese manpower and equipment it ensures higher income for its people. This scenario, in turn, allows China to increase its economic power vis-à-vis other large states and rising powers. This dynamic represents structural power since this type of power is exercised when a country is able to establish conditions and criteria for another State thanks to its economic power.

Among the loans granted by China to Ecuador, there are onerous credits with a term of approximately 8 years and whose interest rates are not high, as well as credits with low amounts with stronger interest rates and with terms greater than 20 years (Ministry of Economy and Finance, 2016). An example of this scenario is the loan from Eximbank for the reconstruction of the areas affected by the 2016 earthquake, which had an amount of \$ 69.3 million at an interest rate of 2% and a term of 20 years (El Universo, 2018). During the last presidential terms of Rafael Correa and Lenin Moreno, the debt with China has increased exponentially, that is, the bilateral relationship has continued regardless of the government in power. It should be mentioned that within the loan negotiations the anticipated sale of oil is established, however, this amount is not included in the country's debt securities. Additionally, the trading prices of oil within the credit conditions maintain a specific price, without considering the annual variations in the price of this substance (Encalada, 2016). The aforementioned condition represents for Ecuador 90% of all its exportable crude to the Asian giant until 2024 (Kraul, 2018).

This situation is due to the structural power that China exercises, since, although these negotiations help to stabilize the country's economy, loans are not always negotiated under the best conditions for Ecuador. China has not only earned with the interest on the loans, but has also received crude that has served to supply itself as a country, but also to be resold. For this reason, in 2018 President Lenin Moreno negotiated a loan for \$ 900 million at a low-interest rate, without the need to commit oil in the future (Ministry of Economy and Finance, 2018). Despite this type of credit with favorable conditions for Ecuador, the country continues to be highly indebted to China. By the end of 2020, the debt with the Asian country amounted to \$ 5,288 million (Lucero, 2020). This scenario gives way for China to maintain control over the establishment of credit terms with Ecuador since it is evident that the South American country depends on this flow of capital to keep the economy afloat.

In addition to establishing the terms of the credits, which leads China to exercise structural power, the Asian giant also holds discursive power vis-à-vis Ecuador within the framework of its diplomatic relations. As stated in Chapter 1, discourse, social processes, and knowledge systems through which meaning is produced, fixed, lived, experienced, and transformed, are called productive power. In this case, China, since its trade opening with the world in the '80s, has had a strong and well-established discourse on cooperation. Although the Asian country has maintained a speech in which both countries win, zero-sum game, this interdependence that exists can assure China a political alliance with the countries that cooperate. That is, China initially seeks to consolidate close economic ties to later initiate a political dialogue (Cuellar, 2015).

Based on its interest in economic cooperation with the world, it should be noted that China has not sought to build an image of a hegemonic country compared to other countries, on the contrary, it handles the win-win discourse. This is reflected in his discourse introduced in 2012, called New Model (NM), although this term arose for the purpose of redefining relations between great powers, it can also be applied to smaller countries. What the NM model proposes is to create a basis for cooperation with the objective of solving problems from a more symmetrical position, however, does not mean that China does not recognize the international status quo. This speech focuses on four main areas: 1) mutual understanding and strategic trust; 2) mutual respect for “the central interests and main concerns” of each party; 3) Increased mutually beneficial cooperation; and 4) more cooperation and coordination in international and global affairs (Xi Jinping, cited in Chase, 2012: 13; Rocha, 2018).

The NM model has been put into practice in the relationship between China and Ecuador since during the study period of the cases of illegal, unreported, and unregulated (IUU) fishing in the Galapagos Marine Reserve, China maintained a diplomatic discourse and peacefully. However, in the 2017 conflicts over IUU cases, Ecuador filed a formal protest with the Chinese Ambassador to Ecuador. Faced with this scenario, Ambassador Chen Guoyou declared that the vessels from China were exclusively engaged in squid fishing and that they did not use illegal methods (Salvador, 2020). In this way, China sought to generate a peaceful scenario and tried to increase international confidence in its fleet deployed throughout the waters of the Pacific Ocean. This consistent pattern of response will also be reflected in subsequent examples.

Despite the peaceful position adopted by China, the conflicts in the waters of Ecuador continued during the following years, and this situation led the South American country to present an official complaint to the international community against the acts carried out by Chinese fishing vessels. . In May 2020, China presented Ecuador with a report on the illegal fishing of shark fins, but this event was only established as a written act of bilateral cooperation to protect the maritime resources of the area. This behavior can be seen as a positioning strategy by China since it sought to calm the problem in the international arena and show a diplomatic act of good faith. In mid-2020 there was once again the presence of Chinese fishing vessels in the South Pacific region. In view of these events, President Lenin Moreno, together with the representatives of Chile, Peru, and Colombia, convened an extraordinary assembly of the Permanent Commission of the South Pacific (CPPS). Faced with this situation, China responded comprehensively and expressed its full support in implementing a zero-tolerance policy for acts of IUU. As can be seen, the responses of Ecuador and China to maritime conflicts have continually allowed them to be open to

dialogue. However, even though China's discourse on being open to seeking solutions and new forms of cooperation has reassured Ecuador, it has not been able to be put into practice.

During the IUU conflicts in the GMR with Chinese vessels, international mechanisms and institutions were also used. As established by Barnett and Duvall (2005), institutional power refers to the indirect power that certain actors have through which they can manage the course of a certain situation or can influence the decisions of a third party. In the case of IUU conflicts, institutional power was not exercised. Although Ecuador turned to the Permanent Commission of the South Pacific (CPPS) in search of possible solutions for the fishing conflicts with Chinese vessels, China, despite presenting a privileged position within the international community, did not exert influence at the time of look for solutions to the problem. However, in this situation, the Asian giant continued to demonstrate its productive power by responding peacefully to the commission regarding its efforts to comply with the commitment to ban fishing during the months of September and November in Ecuador, thus keeping the conflict low-key. In other words, international institutions did not play a transcendental role in the resolution of the IUU fishing conflicts that arose in Ecuador, since China did not use its privileged position within these international institutions to obtain advantages over the South American country. Likewise, despite the fact that both countries are subscribed to the CONVEMAR, there was no official response to the Ecuadorian State by the pertinent authorities in the case "Fu Yuan Yu Leng 999" that took place in the limits of the Marine Reserve of Galapagos, where the principles of freedom of fishing rule. China, both in its speech and in its response to international instruments, has known how to act in the most diplomatic way possible. This position also reflects the soft power of the Asian country, which will be analyzed later.

On the other hand, during the last 5 years, Ecuador has received large amounts of money from the People's Republic of China. This aid provided within the framework of economic cooperation includes repayable loans and non-repayable loans that amounted to \$ 5,288 million in 2020 (Angulo, 2020). Likewise, the foreign direct investment that Ecuador received from 2015 to 2019 amounted to a net amount of \$ 287.4 million (Angulo, 2020). This scenario poses China as a strong creditor of Ecuador and allows the Asian giant to have the power to shape the decisions and positions that Ecuador takes in various areas of importance to both nations. Faced with this situation, the Ecuadorian authorities are aware that the money that the country receives from its Asian ally supports the country's economy, and they understand that aggravating IUU conflicts, taking them to international organizations, or applying strong sanctions, can result in a breach of the bilateral relationship between these two nations. This fragmentation would be detrimental to Ecuadorian development. Therefore, Ecuador as an economic recipient understands that China has sufficient power to exert economic pressure. Given these circumstances, Ecuador, in order to keep China as its ally in economic terms, prefers not to bring actions against the People's Republic of China, since Ecuador needs China more than China needs Ecuador. This dynamic corresponds to compulsory power, reflecting how the economic status of China and its position in the international community can be decisive in relations with third States of inferior position. This bilateral relationship can also be understood through the hard power approach that exemplifies the capacity that some States have to “use carrots and sticks” (Nye, 1990), where carrots are the incentives and sticks represent the threat. In the case of Ecuador, the incentives granted by China are loans and foreign direct investment. On the contrary, the threat that China represents for Ecuador is condensed in a possible economic sanction or the reduction in loans, donations, and investment. Faced with this implicit threat, Ecuador prefers

to avoid strong conflicts with China and ensure incentives that strengthen the country's economy.

Finally, the position of China regarding maritime IUU fishing conflicts with Ecuador can be analyzed from the perspective of soft power. Since China began to emerge as a superpower, IR scholars have linked it to soft power, which contradicts traditional hard power. Nye's definition of soft power that highlights the use of subtle means and evades coercion reflects the bilateral relationship between China and Ecuador. At the same time, the mechanisms of discourse and promulgation of norms established by Rothman (2011) as resources of soft power coincide with the ideas of Barnett and Duvall regarding the so-called productive power or discursive power. In this way, over the last few years, under the presidency of Rafael Correa and later Lenin Moreno, China's discourse has been maintained and has been able to present itself as a country open to cooperation, seeking that both countries win. This is contrary to what was proposed in International Relations, where there was a domain of realist theory and countries like the United States demonstrated their power as hegemony through hard power of compulsory power. However, China's current subtle position has allowed it to maintain control in the face of different situations and negotiations with Ecuador.

3.3. Preliminary conclusions

Based on the preceding analysis, it has been possible to identify that the main areas of the bilateral relationship between Ecuador and China are economic cooperation, trade, and foreign direct investment since most of the Ecuadorian economy is concentrated in these sectors. In the first place, the economic cooperation that China has provided to Ecuador through repayable and non-repayable loans ensures that fundamental sectors, such as health, education,

technology, and infrastructure, keep functioning and develop more and more. In addition, a large part of the non-repayable loans and donations made by China has been used to meet the needs of vulnerable sectors that have been affected by fortuitous situations such as earthquakes or diseases.

On the other hand, foreign trade between these two nations has been a fundamental pillar for the oil, fishing, and banana sectors of Ecuador, since the most exported products to China, its second commercial partner, are oil, shrimp, shrimp, and bananas. Likewise, Ecuador's imports from China of technological products and the automotive sector represent 17% of the total imports that Ecuador makes annually. In turn, the foreign direct investment that reached the sum of \$ 287.4 million between 2015 and 2019 was destined for the growth of the commercial, mining, manufacturing, and services sectors. Within this framework, Chinese FDI in Ecuador has been another fundamental pillar for the country's growth, because the injection of cash allows the aforementioned sectors to grow and remain, representing the income for Ecuador. These revenues, in turn, have the ability to moderate the financial crisis.

Through the evaluation of the strategic sectors and the analysis of the power taxonomy of Barnett and Duvall, it was shown that these three sectors are able to directly influence the solutions of IUU conflicts between Ecuador and China. This influence is due to all kinds of power that China wields. As discussed in this chapter, China has held structural power when negotiating the terms of loans and projects; Later, it has shown productive power through its diplomatic and peaceful image in the face of Ecuador's claims for the fishing conflicts. All these behaviors of the Asian giant have caused that a concrete solution to the IUU conflicts is not found, since, through official pronouncements, China has calmed Ecuador, however, this has not been implemented or there has been setting nothing concrete to curb IUU fishing around

the Galapagos Marine Reserve. Faced with this situation, Ecuador has few alternatives due to its dependence on China.

On the other hand, it should be emphasized that institutional power has not played an important role when solving IUU conflicts. Although China holds a position of a rising power on the international stage, this position has neither benefited nor harmed it when it comes to solving the fishing conflicts with Ecuador. On the contrary, compulsory power has been present in the Ecuadorian-Chinese bilateral relationship since before the conflicts that arose in the waters of the Pacific Ocean, since China has economic, commercial, and military strength. However, despite the fact that China has binding power, this country prioritizes its peaceful actions closely related to soft power, since the People's Republic of China has always shown itself to be open to a peaceful dialogue. China, through the exercise of these different types of power, has achieved a higher status than Ecuador, which makes it difficult to put an end to IUU conflicts in the Galapagos marine reserve without putting at risk the strategic sectors identified at the beginning. of this chapter.

Conclusions

Within the international community large States, rising Powers, and small States may present changes in the economic, political, cultural area. This alteration is capable of giving rise to the creation and rise of new powers, and can also lead to the downfall of powers, thus changing the pre-existing community order. This is the case of China, an eastern country that in recent decades has positioned itself as a booming world power capable of influencing or altering the decisions of third States, especially those considered as small States. In the face of this phenomenon, the theories of International Relations and the taxonomy of power allowed to understand the position of small and developing States against a power.

In the first instance, theoretical approaches set out the priorities of States and the position of small States within the international community in comparison with the more powerful States. In this way, realism showed that for States within an anarchic international system the most important thing is self-protection and survival. To achieve this goal, countries seek to ensure their economic and military mechanisms. While liberalism raised that States prioritize their prosperity over the competition in security through tools such as diplomacy, cooperation, and trade. In addition, the constructivist vision not only takes into account military or economic considerations as in traditional theories but also highlights the importance of ideas in the creation of interests and identities and the legitimization of actions. Finally, the Marxist position made it possible to understand how the structure defines the relations of subordination and domination in the international community, and how these relations lead to the weaker States being subordinated to the action of hegemony, even though this position may affect them as a country.

Similarly, the different conceptions of power within IR were considered, and the different types of power established by Barnett and Duvall were addressed. In addition, the conceptualization of soft power was discussed, as it is now directly related to the People's Republic of China. The distinction between structural power, productive power, institutional power, obligatory power, and soft power allowed us to understand how a country's wealth, international institutions, the discourse, and the perception that countries have about a specific State, are able to influence decisions and positions on a specific issue.

Based on this analysis, the tensions between Ecuador and China arising from illegal, unreported, and unregulated (IUU) fishing conflicts were taken as the focus of research. Within this section, it was observed that the constant cases of IUU fishing carried out by Chinese vessels around the Galapagos Marine Reserve between 2015 and 2020 influenced the development of the Ecuadorian diplomatic relation with China, because there were cases in which Ecuador decided to speak out to the international community and take legal action against the fishing fleets belonging to the People's Republic of China, for example in the case "Fu Yuan Yu Leng 999". However, due to the position of Ecuador as a small country, and based on what the theories of IR tell us, the South American country, not being in a position of power against China, and being China one of Ecuador's strongest partners, the Ecuadorian Republic decided to make its security and prosperity prevail. This decision implied that Ecuador carries out a bandwagoning dynamic and maintains commercial and diplomatic ties with China, to ensure Ecuador's well-being. On the other hand, China, despite being a large state, is aware that it needs legitimacy to be able to maintain its participation in the region, for this reason, it decided to support Ecuador in its efforts to stop the IUU fishing carried out by its national fishing fleet. In other words, despite tensions in the diplomatic relationship, the essential interests between the two countries prevailed. This position allowed the resolution of

differences regarding IUU conflicts and resulted in the normalization of the diplomatic relationship between the two countries.

In addition, it was identified that the main areas of the bilateral relationship between Ecuador and China are mainly bilateral cooperation, trade, and foreign direct investment. These areas were considered since the information investigated presented that the main link between these two States is their economic relationship. From this perspective, it was evident that these three areas influence the resolution of IUU conflicts in the GMR within the bilateral relationship between China and Ecuador. This conclusion was reached based on the study of the taxonomy of the power of Barnett and Duvall and soft power terminology, which indicate that:

First, the creditor position of the Asian giant allows it to wield structural power since it can establish the terms and conditions of the credits it grants to Ecuador. The terms are not always the most favorable for the debtor, however, given Ecuador's economic needs, the debt with China continues to increase, as does the level of dependency. In this way, a debt of \$5,288 million was accumulated by 2020. This dependence on Ecuador has made it difficult to resolve IUU conflicts on the Galapagos coast since Ecuador needs more from China than vice versa. Second, China has exercised productive power, also known as discursive power, throughout the problems raised by the presence of Chinese vessels in Ecuadorian waters. The Asian giant has managed to handle its response peacefully and diplomatically to these events. Similarly, this has hampered the achievement of a final settlement of the maritime disputes by IUU, since, although the pronouncements calm Ecuador, these implemented have not been efficient and new fishing conflicts continue to arise around the Galapagos Marine Reserve.

Institutional power, on the other hand, did not play a crucial role in IUU conflict resolution. This is mainly since the means of conflict resolution between the two countries have been based on bilateral responses and through the use of the domestic legislation of Ecuador. However, China's binding power has been present, not only against Ecuador but against the entire international community, because in its rise as a power China has demonstrated its economic power. This privileged position in front of the world gives China an intrinsic additional advantage, and Ecuador understands that it is better not to face a booming power. Finally, in terms of soft power, we can see that China's form of response is peaceful and always open to cooperation between countries, in a win-win arena. This scenario is not only with Ecuador, but China has applied this New Model (NM) with all its partner countries, especially with Latin American countries. That is, China has used cooperation as a means of conflict resolution, and has sought to understand and strengthen mutual trust with Ecuador, but concrete measures still need to be put in place to prevent the continued emergence of new IUU fishing conflicts.

To conclude, Ecuador presents a great asymmetry of power compared with China due to the economic dependence that Ecuador has developed in recent years, so it is clear that the Asian giant has enough power vis-à-vis Ecuador directly and indirectly. However, it should be noted that China has made a friendly and diplomatic speech in all its pronouncements, which has led to agreements being reached in the speech, but in practice, it has not been possible to solve the problem raised about GMR. This is reflected in the continuing emergence of new conflicts over illegal fishing by Chinese vessels. A breakdown in the bilateral relationship of these two States, according to the analysis of power, would result in a decrease in economic cooperation in both reimbursable and non-reimbursable credits, and even FDI, affecting the Ecuadorian economy directly and substantially. This situation has caused Ecuador to desist

from aligning against China, and therefore its responses to IUU conflicts with China have been soft or have not existed.

As a final instance, based on the types of power that China displays and on IR theories, no substantial change in the responses of Ecuador or China to illegal, unreported, and unregulated (IUU) fishing conflicts is expected around the Galapagos Marine Reserve. This is because the People's Republic of China and the Republic of Ecuador are different in terms of negotiation and power. However, it is key to emphasize that through the analysis of the case "Fu Yuan Yu Leng 999" came to light the flaws of Ecuador. One of the main flaws is that the resources allocated by Ecuador to control illegal fishing around the RMG are limited, and the necessary tools and personnel are not available to have complete control over these activities. While the Chinese government should control the activities of its fishing vessels in Ecuadorian waters, Ecuador should implement more resources to prevent these conflicts from arising. In other words, to ensure that IUU conflicts are resolved and to avoid the continued emergence of new problems, it is crucial to increase bilateral agreements on environmental protection, but Ecuador should also focus on investing resources for the protection of its natural resources.

Bibliography

- Angulo, S. (21 de diciembre de 2020). Ecuador le deberá más al FMI que a China al cierre de 2020. *Expreso*. <https://www.expreso.ec/actualidad/economia/ecuador-le-debera-fmi-china-cierre-202095699.html#:~:text=Con%20los%20%24%202.000%20millones%20del,que%20asciende%20a%20%24%205.287%20millones>
- Angulo, S. (10 de enero de 2020). La inversión china llegó a su nivel más bajo en la década. *Expreso*. <https://www.expreso.ec/actualidad/economia/inversion-china-llego-nivel-decada-3114.html>
- Aron, R. (1962). *Paz y Guerra entre las naciones*. Madrid: Alianza Editorial.
- Ávila-Fuenmayor, F. (2006). El concepto de poder en Michel Foucault. *Telos*, 8(2),215-234. <https://www.redalyc.org/articulo.oa?id=993/99318557005>
- Banco Central del Ecuador. (2020). *Inversión Extranjera Directa*. <https://www.bce.fin.ec/index.php/component/k2/item/298-inversi%C3%B3n-extranjera-directa>
- BBC Mundo. (29 de mayo de 2015). Ecuador decomisa 200.000 aletas de tiburón que iban a Asia. *BBC*. https://www.bbc.com/mundo/noticias/2015/05/150528_ecuador_trafico_aletas_tiburon_ep
- Bachrach, P. y Baratz, M. S. (1962). Two Faces of Power. *American Political Science Review*, 56(04), 947–952. <http://www.jstor.org/stable/1952796>
- Banda, J. (12 de febrero de 2019). Definición de Cooperación Económica. *Economía Simple.net*. <https://www.economiasimple.net/glosario/cooperacion-economica>
- Barnett, M. N. (1998). Dialogues in Arab politics: negotiations in regional order. *Columbia University Press*. <http://cup.columbia.edu/book/dialogues-in-arab-politics/9780231109185>
- Barnett, M. y Duvall, R. (2005). Power in International Politics. *The MIT Press*, 59(1), 39-75. <http://www.jstor.org/stable/3877878>
- Baus Pinto, A. M. (2019). *Análisis sobre la eficiencia del derecho internacional ambiental frente a la protección del medio marino* [Tesis de grado, Universidad San Francisco de Quito]. <https://repositorio.usfq.edu.ec/bitstream/23000/8508/1/143908.pdf>
- Blau, P. (1964). *Justice in Social Exchange*. University of Chicago. doi:10.1111/j.1475-682x.1964.tb00583.x
- Brown, R. y Gilman, A. (1960). The Pronouns of Power and Solidarity. *The MIT Press*. 253-276. https://www.ehu.eus/seg/_media/gizt/5/5/brown-gilman-pronouns.pdf

- Castro, D. (2014). Condiciones, no concesiones. Cooperación económico-financiera China-Ecuador. *Comentario Internacional. Revista del Centro Andino de Estudios Internacionales*, (14), 163-198. <https://revistas.uasb.edu.ec/index.php/comentario/article/view/33>
- Chase, M. S. (2012) “China’s search for a ‘New Type of Great Power Relationship’”. *Scielo Mexico*, 12(17): 12-16. http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S0185-19182018000200193
- Coba, G. (3 de noviembre de 2020). Ecuador, Colombia, Perú y Chile emiten declaración sobre pesca ilegal. *Primicias*. <https://www.primicias.ec/noticias/politica/ecuador-colombia-peru-chile-pesca-ilegal>.
- Código Orgánico Integral Penal. (2017). Observatorio Legislativo. *Repositorio Asamblea Nacional*: https://observatoriolegislativo.ec/media/archivos_leyes/Contra_de_la_Flora_y_Fauna_Tr._305545.pdf
- Comisión Económica para América Latina y el Caribe. (CEPAL). (2020). Convenio sobre la Diversidad Biológica. *Observatorio del Principio 10 en América Latina y el Caribe*. <https://observatoriop10.cepal.org/es/tratados/convenio-la-diversidad-biologica>
- Comisión Económica para América Latina y el Caribe. (CEPAL). (16 de octubre de 2019). *China y América Latina y el Caribe buscan profundizar su cooperación económica y comercial, en medio de incertidumbre global*. <https://www.cepal.org/es/noticias/china-america-latina-caribe-buscan-profundizar-su-cooperacion-economica-comercial-medio#:~:text=Hoy%20el%20pa%C3%ADs%20asi%C3%A1tico%20es,el%2018%25%20de%20sus%20importaciones>
- Connelly, M. y Cornejo Bustamante, R. (1992). *China-América Latina: génesis y desarrollo de sus relaciones*. Fundación Biblioteca Virtual Miguel de Cervantes. <http://www.cervantesvirtual.com/obra/china-america-latina-genesis-y-desarrollo-de-sus-relaciones-877023/>
- Constitución del Ecuador. (20 de octubre de 2008). *Asamblea Nacional*. https://www.asambleanacional.gob.ec/sites/default/files/documents/old/constitucion_de_bolsillo.pdf
- Convención de las Naciones Unidas sobre el Derecho al Mar (CONVEMAR). (10 de diciembre de 1982). https://www.un.org/Depts/los/convention_agreements/texts/unclos/convemar_es.pdf
- Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres (CITES). (3 de marzo de 1973). <https://cites.org/sites/default/files/esp/disc/CITES-Convention-SP.pdf>

- Convención de Viena. (23 de mayo de 1969). *El Derecho de los Tratados*.
<https://www.cancilleria.gob.ec/wp-content/uploads/2015/09/CONVENCION-DE-VIENA-SOBRE-LOS-TRATADOS.pdf>
- Convenio Sobre La Diversidad Biológica (CDB). (29 de diciembre de 1993).
<https://www.cbd.int/doc/legal/cbd-es.pdf>
- Cox, R. W. (1983). Gramsci, hegemony and international relations: an essay in method.
Millennium, 12(2), 162-175. <https://journals.sagepub.com/doi/10.1177/03058298830120020701>
- Cox, R. W. (1981). Social forces, states and world orders: beyond international relations theory.
Millennium, 10(2), 126-155. <https://journals.sagepub.com/doi/abs/10.1177/03058298810100020501?journalCode=mila>
- Creus, N. (2013). El concepto de poder en las relaciones internacionales y la necesidad de incorporar nuevos enfoques. *Estudios internacionales (Santiago)*, 45(175), 63-78.
<https://dx.doi.org/10.5354/0719-3769.2013.27372>
- Cuellar, B. (2015). *La inserción de China en América Latina: Discurso oficial y relaciones Político-Comerciales de China con Colombia, Chile y Brasil*. [Tesis de grado, Universidad Militar Nueva Granada].
<https://repository.unimilitar.edu.co/bitstream/handle/10654/13754/BIBIANA%20CUELLAR%20CASTRO-%20TRABAJO%20DE%20GRADO%20COMPLETO%20CHINA-AL%20FINAL.pdf?sequence=2&isAllowed=y>
- Dahl, R. (1957). *The concept of power*. Department of Political Science: Yale University.
- Deiva, L., Sibileau, A. y Ulla, M. C. (2014). Aciertos y desaciertos en la gobernanza medioambiental internacional. *Universidad de Buenos Aires*, 231-255.
<http://www.derecho.uba.ar/publicaciones/pensar-en-derecho/revistas/5/aciertos-y-desaciertos-en-la-gobernanza-medioambiental-internacional.pdf>
- Deutsche Welle. (2021). *¿Qué buscan los chinos en las Islas Galápagos?*
<https://www.dw.com/es/qué-buscan-los-chinos-en-las-islas-galápagos/a-54371842>
- Ecuadorwillana. (29 de julio de 2020). *¿Se puede cerrar la brecha marítima entre las islas Galápagos y Ecuador continental?*. <https://ecuadorwillana.com/2020/07/29/se-puede-cerrar-la-brecha-maritima-entre-las-islas-galapagos-y-ecuador-continental/>
- El Comercio. (6 de mayo de 2020). Fiscalía de Ecuador anuncia acciones tras decomiso de aletas de tiburón en Hong Kong. *El Comercio*. <https://www.elcomercio.com/tendencias/fiscalia-ecuador-cargamento-aletas-tiburon.html>

- El Telégrafo. (6 de febrero de 2021). China reitera a Ecuador su voluntad de controlar la pesca ilegal no declarada. *El Telégrafo*. <https://www.eltelegrafo.com.ec/noticias/economia/4/china-ecuador-voluntad-pesca-ilegal-no-declarada>.
- El Telégrafo. (24 de agosto de 2017). 3.500 especies habitan en la Reserva Marina de Galápagos. *El Telégrafo*. <https://www.eltelegrafo.com.ec/noticias/sociedad/6/3-500-especies-habitan-en-la-reserva-marina-de-galapagos>
- El Universo. (17 de junio de 2020). Financiamiento con China avanza pese a tropiezo con petrolera. *El Universo*. <https://www.eluniverso.com/noticias/2020/06/17/nota/7874991/financiamiento-deuda-ecuador-china-creditos-petroleo-lenin-moreno/>
- El Universo. (29 de abril de 2020). Organizaciones y comunidades amazónicas demandan a entidades del Estado por el derrame de petróleo causado por rotura de oleoducto. *El Universo*. <https://www.eluniverso.com/noticias/2020/04/29/nota/7826484/ong-comunidades-amazonicas-demandan-entidades-estado-derrame-crudo/>
- El Universo. (12 de diciembre de 2018). Ecuador consigue crédito chino por \$900 millones, sin comprometer más petróleo. *El Universo*. <https://www.eluniverso.com/noticias/2018/12/12/nota/7095084/ecuador-consigue-credito-chino-900-millones-comprometer-mas/>
- Embajada de la República Popular China en la República del Ecuador. (2021). *Relaciones Bilaterales China-Ecuador. Embajada de la República Popular China en la República del Ecuador*. <http://ec.china-embassy.org/esp/zegx/default.htm>
- Encalada, Y. (2016). *La Deuda Del Ecuador Con China Y Su Influencia En El Desarrollo Económico: Análisis De Criterios Eficientes De Desacoplamiento Económico-Financiero Internacional*. [Tesis de maestría, Universidad Católica Santiago de Guayaquil]. <http://repositorio.ucsg.edu.ec/bitstream/3317/5982/1/T-UCSG-POS-MFEE-59.pdf>
- Erthal, A. y Marcondes, D. (2013). “Cooperación China en América Latina. Las implicaciones de la asistencia para el desarrollo”. *Íconos-Revista de Ciencias Sociales*, (47): 69-85. <https://revistas.flacsoandes.edu.ec/iconos/article/view/826>
- España, S. (1 de octubre de 2020). Ecuador cierra un préstamo de 6.500 millones de dólares con el FMI. *El País*. <https://elpais.com/economia/2020-08-28/ecuador-cierra-un-prestamo-de-6500-millones-de-dolares-con-el-fmi.html>
- European Pressphoto Agency. (9 de julio de 2018). Los océanos se quedan sin peces, reitera el último informe mundial de la FAO. *La Vanguardia*. <https://www.lavanguardia.com/natural/20180709/45782181888/aumenta-sobreexplotacion-recursos-pesqueros-alerta-fao.html>
- Fernandez, R. (12 de octubre de 2020). *Ranking de países importadores en 2019*. <https://es.statista.com/estadisticas/600238/ranking-de-paises-importadores-en/>

- Finnemore, M. y Sikkink, K. (2001). TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics. *Annual Review of Political Science*, (4), 391-416. <https://www.annualreviews.org/doi/full/10.1146/annurev.polisci.4.1.391>
- Fondo Mundial para la Naturaleza. (22 de marzo de 2016). WWF. <https://www.wwf.org.ec/?264151/Zonificacin-de-las-reas-Protegidas-de-Galapagos>
- Forcada Barona, I. (2012). El futuro de la gobernanza medioambiental internacional (The Future of International Environmental Governance). *Revista de Derecho Ambiental*, (32), 145-164. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2715731
- Foucault, M. (1982). The subject and power. *Critical inquiry*, 8(4), 777-795. <https://www.jstor.org/stable/1343197?seq=1>
- Franc, M. (2007). Los principios de derecho ambiental, su naturaleza y sus relaciones con el derecho internacional marítimo. Un cambio para los legisladores nacionales. *Anuario Mexicano de Derecho Internacional*, (7), 189-225. <https://www.redalyc.org/articulo.oa?id=402740622005>
- Freire, M. (2016). *Relación Bilateral Ecuador – China: Perspectivas Del Comercio Exterior E Inversión Extranjera Directa (2007-2014)*. [Tesis de posgrado, Instituto De Altos Estudios Nacionales Universidad De Postgrado Del Estado]. <https://repositorio.iaen.edu.ec/bitstream/24000/3807/1/TESIS%20MAESTRIA%20RIyD%20-%20MERY%20FREIRE%20ACOSTA%20-%202016.pdf>
- Friedman, R. y Oskanian, K., Pardo, R. P. y Pardo, R. P. (Eds.). (2013). After liberalism?: the future of liberalism in international relations. *Springer*, 90(3), 699-701. <https://www.jstor.org/stable/24538518>
- Guerrero, S. (17 de septiembre de 2020). Conflicto diplomático por la pesca en altamar: Flotas chinas amenazan a la vida marina cerca de las islas Galápagos. *Centro Mexicano de Relaciones Internacionales*. <https://cemerri.org/art/conflicto-diplomatico-por-pesca-en-altamar-flotas-chinas-amenazan-las-islas-galapagos/>
- GK City. (23 de julio de 2020). Se detecta una numerosa flota pesquera que amenaza a las Galápagos. *GK City*. <https://gk.city/2020/07/23/flota-pesquera-galapagos-china/>
- Gramsci, A. (1971). *El materialismo histórico y la filosofía de Benedetto Croce*. Buenos Aires: Nueva visión. <https://creandopueblo.files.wordpress.com/2011/08/gramsci-elmaterialismohistorico.pdf>
- Gunasekara, S. N. (2015). Bandwagoning, balancing, and small states: A case of Sri Lanka. *Asian Social Science*, 11(28), 212. DOI: 10.5539/ass.v11n28p212
- Harrison, E. (2002). Waltz, Kant and systemic approaches to international relations. *Review of International Studies*, 143-162. <https://doi.org/10.1017/S0260210502001432>

- Herrera, M. R. y Lee, P. C. (2017). *La relación China-Ecuador en el siglo XXI*. Instituto de Altos Estudios Nacionales (IAEN) Centro de Economía Pública y Estudios Estratégicos. <https://editorial.iaen.edu.ec/la-relacion-china-ecuador-en-el-siglo-xxi-elementos-relevantes-para-la-discusion/>
- Hey, J. A. (2003). *Small states in world politics: Explaining foreign policy behavior*. Lynne Rienner Publishers.
- Hobbes, T. (1980). *Leviathan (1651)*. Glasgow 1974.
- Hopf, T. (1998). The Promise of Constructivism in International Relations Theory. *International Security*, 23(1), 171-200. doi:10.2307/2539267
- Huntley, W. L. (1996). Kant's third image: Systemic sources of the liberal peace. *International Studies Quarterly*, 40(1), 45-76. <https://www.jstor.org/stable/2600931?seq=1>
- Hurrell, A. (2006). Hegemony, liberalism and global order: what space for would-be great powers?. *International affairs*, 82(1), 1-19. <https://www.jstor.org/stable/3569127?seq=1>
- Ikenberry, J. (2004). *Review: Soft Power: The Means to Success in World Politics By Joseph S. Nye, Jr.* Council on Foreign Relations. <https://www.foreignaffairs.com/reviews/capsule-review/2004-05-01/soft-power-means-success-world-politics>
- Informe. (2020). *Convenio sobre la Diversidad Biológica*. ONU Website. <https://www.informe.org/es/treaties/convenio-sobre-la-diversidad-biol%C3%B3gica/>
- Kalland, A. (2009). *Unveiling the whale: discourses on whales and whaling*. Berghahn Books. <https://www.jstor.org/stable/j.ctt9qd9tk>
- Karsh, E. (1988). *Neutrality and small states*. Routledge. DOI:10.4324/9780203721308
- Keohane, R. y Nye, J. (1977). *Power and interdependence: world politics in transition*. Scott, Foresman and Company. <https://doi.org/10.1080/00396337308441409>
- Keohane, R. y Martin, L. (1995). The Promise of Institutional Theory. *International Security*, 20(1), 39-51. doi:10.2307/2539214
- Kraul, C. (2018). Por los créditos negociados con China, Ecuador se enfrenta a un enorme déficit presupuestario. *Los Angeles Times*. <https://www.latimes.com/espanol/internacional/la-espor-los-creditos-negociados-con-china-ecuador-se-enfrenta-a-un-enorme-deficit-presupuestario-20181210-story.html>

- Lodge, M. (2016). *La Autoridad Internacional de los Fondos Marinos y la explotación minera de los fondos marinos*. Crónica ONU. <https://www.un.org/es/chronicle/article/la-autoridad-internacional-de-los-fondos-marinos-y-la-explotacion-minera-de-los-fondos-marinos>
- Long, T. (2017). Small states, great power? Gaining influence through intrinsic, derivative, and collective power. *International Studies Review*, 19(2), 185-205. <https://doi.org/10.1093/isr/viw040>
- Lucero, K. (29 de noviembre de 2020). China no prestará un dólar más al Ecuador sin petróleo de por medio. *Gestión Digital*. <https://www.revistagestion.ec/economia-y-finanzas-analisis/china-no-prestara-un-dolar-mas-al-ecuador-sin-petroleo-de-por-medio>
- Marco, D. G. (21 de agosto de 2017). La enorme operación ilegal de barcos pesqueros de China en aguas de América Latina. *BBC*. <https://www.planv.com.ec/historias/sociedad/la-enorme-operacion-ilegal-barcos-pesqueros-china-aguas-america-latina-1>
- McClory, Jonathan. (2011). The New Persuaders Ii: A 2011 Global Ranking of Soft Power. *Institute for Government*. https://www.instituteforgovernment.org.uk/sites/default/files/publications/The%20New%20PersuadersII_0.pdf
- Márquez-Padilla, P. C. (2011). Conflicto y cooperación en las relaciones internacionales. *Norteamérica*, 6(2), 7-34. <http://www.scielo.org.mx/pdf/namerica/v6n2/v6n2a1.pdf>
- Martínez, F. M. (2017). Teorías de las Relaciones Internacionales en el Siglo XXI. *Revista de El Colegio de San Luis*, (13), 265-284. <https://dialnet.unirioja.es/servlet/articulo?codigo=5843449>
- Maquiavelo, N. (1883). *Discourses on the first decade of Titus Livius*. Kegan Paul, Trench, & Company. https://books.google.com.ec/books/about/Discurso_sobre_la_primera_decada_de_Tit.html?id=IYESEAAAQBAJ&printsec=frontcover&source=kp_read_button&redir_esc=y#v=onepage&q&f=false
- Marín-López, A. (1979). Los estrechos internacionales y la III Conferencia de las Naciones Unidas sobre el Derecho del Mar. *Depósito Académico Digital. Universidad de Navarra*, 43-66. <https://core.ac.uk/download/pdf/83570654.pdf>
- Marx, K. y Engels, F. (1967). *The communist manifesto (1848)*. London.
- Marx, K. (1873). *Capital: A critical analysis of capitalist production*. Humboldt.
- Marx, K. (1911). *A contribution to the critique of political economy*. CH Kerr.
- Mauricio, R. G. y León, M. A. L. (2013). Control social y construcción de hegemonía en la ciudad de Concepción (Chile), 1860-1900. *Anuario de Estudios Americanos*, 70(2), 641-671. <https://dialnet.unirioja.es/servlet/articulo?codigo=4699348>

- Mazari-Hiriart, M. (2003). El agua como recurso. *Cómo ves*, 54, 10-12. <http://www.comoves.unam.mx/numeros/articulo/54/el-agua-como-recurso>
- Mearsheimer, J. (2001). *The tragedy of great power politics*. WW Norton & Company.
- Mearsheimer, J. (1994). The False Promise of International Institutions. *International Security*, 19(3), 5-49. doi:10.2307/2539078
- Mearsheimer, J. (1995). *The False Promise of International Institutions*. International Security. <http://www.jstor.org/stable/2539078>
- Medina, A. V. (2016). *El aporte ecuatoriano a la pesca legal declarada y reglamentada: un proceso en construcción*. [Tesis de posgrado, Instituto de Altos Estudios Nacionales] <https://repositorio.iaen.edu.ec/bitstream/24000/4049/1/TESiS%20DEFINITIVA.%20PDF.pdf>
- Miller, D., Coleman, J., Conolly, W. y Ryan, A. (1987). *The Blackwell encyclopedia of political thought*. Wiley-Blackwell
- Ministerio de Economía y Finanzas. (2015). *Ecuador suscribe con China convenios de financiamiento*. <https://www.finanzas.gob.ec/ecuador-suscribe-con-china-convenios-de-financiamiento/#:~:text=Beijing%2C%207%20de%20enero%202015.&text=Adem%C3%A1s%2C%20se%20firm%C3%B3%20un%20convenio,de%20Inversiones%20de%20este%20a%C3%B1o>
- Ministerio de Economía y Finanzas. (2016). *Finanzas suscribe convenio de crédito con Eximbank de China para Yachay*. <https://www.finanzas.gob.ec/finanzas-suscribe-convenio-de-credito-con-eximbank-de-china-para-yachay/>
- Ministerio de Economía y Finanzas. (2018). *Gobierno expide Reglamento de Ley de Fomento Productivo*. <https://www.finanzas.gob.ec/gobierno-expide-reglamento-de-ley-de-fomento-productivo/>
- Ministerio de Economía y Finanzas. (2018). *En China se logran \$ 900 millones a la tasa más baja de la historia*. <https://www.finanzas.gob.ec/en-china-se-logran-900-millones-a-la-tasa-mas-baja-de-la-historia/>
- Ministerio del Ambiente. (2015). *Sistema Nacional de Áreas Protegidas*. <http://areasprotegidas.ambiente.gob.ec/es/content/categor%C3%ADas-de-manejo>
- Ministerio del Ambiente. (2016). *Políticas y Plan Estratégico del Sistema Nacional de Áreas Protegidas del Ecuador 2007-2016*. *Sistema Nacional de Áreas Protegidas*. <http://www.fao.org/faolex/results/details/es/c/LEX-FAOC180861/>
- Ministerio para la Transición Ecológica y el Reto Demográfico. (Miteco). (18 de abril de 2006). *La migración y los peces migradores*.

https://www.miteco.gob.es/es/biodiversidad/temas/conservacion-de-especies-amenazadas/cap01_tcm30-195242.pdf

Ministerio de Relaciones Exteriores y Movilidad Humana. (2018). *Gobiernos de Ecuador y China firmaron siete convenios bilaterales en cooperación, comercio y seguridad*. <https://www.cancilleria.gob.ec/2012/09/28/gobiernos-de-ecuador-y-china-firmaron-siete-convenios-bilaterales-en-cooperacion-comercio-y-seguridad/>

Ministerio del Ambiente. (2016). *Instrumentos internacionales sobre medio ambiente y desarrollo sostenible*. <https://www.ambiente.gob.ec/wp-content/uploads/downloads/2016/10/Convenios-Acuerdos-Tratados-Multilaterales-sobre-medio-ambiente.pdf>

Mitrany, D. (1966). *A working Peace System*. Chicago: Quadrangle Books

Morgenthau, H. (1948). *Politics Among Nations: The Struggle for Power and Peace*. University of Chicago.

Morgenthau, H. J. (1955). Reflections on the state of political science. *The Review of Politics*, 17(4), 431-460. <https://www.jstor.org/stable/1405001?seq=1>

Morgenthau, H. J. y Mazal Holocaust Collection. (1954). *Politics among nations: The struggle for power and peace*. New York: Knopf.

Nye, J. (1990). Soft Power. *Foreign Policy*, (80), 153-171. www.jstor.org/stable/1148580.

Ochoa Bilbao, L. y Prado Lallande, J. P. (2017). Cosmopolitismo, constructivismo y liberalismo institucional: diálogo teórico en torno a la cooperación internacional para el desarrollo. *Revista Iberoamericana de Filosofía, Política, Humanidades y Relaciones Internacionales*, (37), 273-299. <https://revistascientificas.us.es/index.php/araucaria/article/view/3496>

Ojeda, T. y Echart, E. (2019). *La cooperación Sur-Sur en América Latina y el Caribe: Balance de una década (2008-2018)*. CLACSO. https://www.clacso.org.ar/libreria-latinoamericana/libro_detalle.php?orden&id_libro=1621&pageNum_rs_libros=0&totalRows_rs_libros=1315

Organización Mundial del Comercio. (OMC). (2015). *La CITES OMC - Promover la cooperación con miras a un desarrollo sostenible*. https://www.wto.org/spanish/res_s/booksp_s/citesandwto15_s.pdf

Organización de las Naciones Unidas. (ONU). (2020). *Convenio sobre la Diversidad Biológica, instrumento internacional clave para un desarrollo sostenible*. Naciones Unidas. <https://www.un.org/es/observances/biodiversity-day/convention>

Organización de las Naciones Unidas. (ONU). (2020). Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements. *Division for Ocean*

affairs and the law of the Sea.
https://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm

Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura. (UNESCO). (2019). *Reserva de la Biosfera Archipiélago de Colón - Galápagos (Ecuador)*.
<https://es.unesco.org/biosphere/lac/galapagos>

Ortúzar, F. (2014). *El Derecho Internacional Ambiental, historia e hitos*. Asociación Interamericana Para La Defensa Del Ambiente (AIDA).

Panke, D. (2011). Small states in EU negotiations: Political dwarfs or power-brokers?. *Cooperation and conflict*, 46(2), 123-143. <https://www.jstor.org/stable/45084634?seq=1>

Raimzhanova, A. (2015). *Power in IR: Hard, Soft, And Smart*. Institute for Cultural Diplomacy and the University of Bucharest. Institute for Cultural Diplomacy and the University of Bucharest.
http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/2015-12_annual/Power-In-Ir-By-Raimzhanova,-A.pdf

Real Academia Española. (2010). *Diccionario de la lengua española (23.a ed.)*. Madrid, España: Autor.

Regoli, R. (1974). The conception of power: reconsidered. *The Kansas Journal of Sociology*, 10(2), 157-169. <http://www.jstor.org/stable/23255212>

Rocha, M. (2018). El discurso de China sobre el Nuevo Modelo de Relaciones entre Grandes Potencias y la relación con Estados Unidos durante los gobiernos de Bush y Obama (2005-2017). *Revista mexicana de ciencias políticas y sociales*.
http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S0185-19182018000200193

Rothman, S. (2011). Revising the soft power concept: what are the means and mechanisms of soft power?. *Journal of Political Power*, 4(1), 49–64. doi:10.1080/2158379X.2011.556346

Ruggie, J. G. (1998). What makes the world hang together) neo-utilitarianism and the social constructivist Challenge. *International Organization*, 52 (4): 855.
<https://www.jstor.org/stable/2601360>

Salvador, G. (2020). La flota pesquera china, las Galápagos y el calamar gigante. *Panorama Global*, (12), 16-17. <https://www.uide.edu.ec/wp-content/uploads/2020/12/BOLETIN-RRII-12-NOV-FINAL-BAJA-comprimido.pdf>

Schmidt, B. C. y Roy, N. (2013). Rising powers: A realist analysis. In *After Liberalism?*. Palgrave Macmillan, London. (pp. 67-87). https://doi.org/10.1057/9781137303769_5

Schmidt, B. C. (2005). Competing Realist Conceptions of Power. *Millennium - Journal of International Studies*, 33(3), 523–549. <https://doi.org/10.1177/03058298050330031401>

- Secretaría de Educación Superior, Ciencia, Tecnología e Innovación. (SENECYT). (s.f.) *Boletines de prensa*. <https://www.educacionsuperior.gob.ec/?s=china>
- Servicios Innovación Equality. (15 de junio de 2020). *Principales países exportadores*. <https://www.equality.es/principales-paises-exportadores/>
- Snyder, Q. Z. (2013). Integrating rising powers: liberal systemic theory and the mechanism of competition. *Review of International Studies*, 209-231. <https://doi.org/10.1017/S0260210511000593>
- Sousa, J y Lea, S. (2010). *Cambios en el poder estructural y países emergentes el papel de Brasil como actor internacional*. Universidad Complutense de Madrid, 89. http://funag.gov.br/loja/download/1029-Cambios_en_el_Poder_Estructural_y_Paises_Emergentes.pdf
- Suárez, J. D. (5 de mayo de 2018). CONVEMAR y la Reserva Marina de Galápagos. *Ciencias de Seguridad y Defensa*, IV (2), 91-92. <http://geo1.espe.edu.ec/wp-content/uploads/2018/10/9.pdf>
- The Observatory of Economic Complexity. (OEC). (2020). *Ecuador*. <https://oec.world/es/profile/country/ecu/?comparisonDeltaYear=customYearDelta1&yearSelector1=exportGrowthYear21>
- Thucydides. (1950). *The history of the Peloponnesian*. New York: E.P. Dutton and Company, Inc.
- Tribunal Internacional del Derecho del Mar. (2016). *Tribunal Internacional del Derecho del Mar*. Oficina de Prensa.
- Vattuone, E. X. R. (2013). La naturaleza... un sujeto con derechos. *Integra Educativa*, 121-136. <http://www.scielo.org.bo/pdf/rieiii/v6n3/n6a07.pdf>
- Viñuales, J. E. (2008). La protección del medio ambiente y su jerarquía normativa en derecho internacional. *International Law: Revista Colombiana de Derecho Internacional*, (13), 11-44. <https://www.redalyc.org/articulo.oa?id=82420293002>
- Vicepresidencia de la República del Ecuador. (s.f.). *Jorge Glas afirma que cooperación china ayuda al fortalecimiento de Ecuador*. <https://www.vicepresidencia.gob.ec/jorge-glas-afirma-que-cooperacion-china-ayuda-al-fortalecimiento-de-ecuador/>
- Wallerstein, I. (2011). El debate en torno a la economía política de: el moderno Sistema-Mundial. *Repositorio Digital FLACSO*, 5-12. <https://repositorio.flacsoandes.edu.ec/handle/10469/7122>
- Walt, S. (1987). *The Origins of Alliance*. Cornell University Press. <http://www.jstor.org/stable/10.7591/j.ctt32b5fc>

Wendt, A. (1995). Anarchy is What States Make of It: The Social Construction of Power Politics (1992). In *International Theory* (pp. 129-177). Palgrave Macmillan, London.

WWF. (2020). *¿Qué es la CITES?*. World Wildlife Fund Website. <https://www.worldwildlife.org/descubre-wwf/historias/cites>

Annex

Annex 1: Diplomatic responses between China and Ecuador (2015-2020)

Diplomatic Relations Ecuador - China (2015-2020)	
2016/04/08	In an interview with the magazine Travesía, the dissemination body of the Chinese Business Association, Ambassador Wang Yulin (2016) states that "Bilateral relations are at the best time in history".
2016/09/28	Ambassador Wang Yulin at the Reception on the occasion of the 67th Anniversary of the Foundation of the People's Republic of China.
2017/09/01	Interview with Mr. Wang Yulin, Ambassador of China to Ecuador by ANDES Agency - Case "Fu Yuan Yu Leng 999".
2018/04/19	17th World University Competition "Puente Chino" Ecuador-2018.
2019/05/21	Opening of the First International Seminar on Strategic Studies in China-Latin America and the Caribbean.
2019/06/05	Statement by Ambassador Chen Guoyou on: the trade dispute with the United States, the sanctions imposed on Huawei, and the steps taken by the Asian giant.
2019/07/12	Declaration on trade, political and cultural relations between the two countries: "Cooperation and ties for the development of people".
2019/09/26	Event "Development, Cooperation and Global Governance: China in the 21st Century".
2019/11/10	Ambassador's Exposition: Sharing the New Era of Cooperation and Singing the Most Sonorous Opening Note
2020-01-16	40th Anniversary of the Establishment of Diplomatic Relations between China and Ecuador and of the Chinese New Year.
2020/02/07	Statement by Ambassador Chen Guoyou on the prevention and control of the outbreak of pneumonia caused by the new coronavirus.
2020/03/30	Official Communiqué on the Illegal Trade in Wild Animals.
2020-04-19	Official communiqué on the COVID-19 outbreak and readiness for cooperation.

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