

Accord No. 125

The Ministry of Environment

Considering

That the Constitution of the Republic of Ecuador, in Article 66, Section 13, recognizes and guarantees the people: "The right to associate, assemble and demonstrate freely and voluntarily";

That the Codification of the Civil Code, published in the Supplement to the Official Register No. 46 of June 24, 2005 in Article 577 first paragraph provides that corporations can not be dissolved by themselves, without the approval of the authority that legitimized its establishment;

That, by Executive Order No. 16, published in Official Register Supplement No. 19 of June 20, 2013, the Regulations for the Operation of the Unified Information System of Social and Citizen Organizations, whose Article 26 states as grounds for dissolution in paragraph 2: "Deviating from the aims and objectives for which it was created" and in paragraph 7: "Engaging in partisan political activities, reserved for political parties and movements registered with the National Electoral Council, of interference in public policy that threatens the internal or external security of the state, affecting public peace."

That on the said Regulation for the Operation of Unified Information System of Social and Citizen Organizations, in its Article 28 states: "The civil society organizations will be dissolved and liquidated by their own initiative or upon complaint, which the diversion of its purposes is evidenced or have committed any of the grounds for dissolution..."

That by Ministerial Decision No. 250 dated December 30, 2010, the Environment Minister, authorized the Coordinator General's Legal various functions, among which is contained in Article 1, subparagraph d) "Approving Statutes corporations, foundations and associations linked to the areas of competence of this Ministry and their reforms, as well as dissolve, giving reasons, corporations, foundations and associations under the grounds provided for in the bylaws of each organization";

That, in letter No. MDI-VSI-2013-00030 of December 4, 2013 the Deputy Minister of Internal Security, Ministry of Interior, Mr. Javier Felipe Córdova Unda requests that the Ministry of Environment execute the immediate dissolution of the Pachamama Foundation in compliance with the second and seventh paragraphs of Article 26 of the Regulations for the Operation of the Unified Information System of Social and Citizen Organizations.

**Ministry of the
Environment**

That, the letter No. MDI-VSI-2013-00030 of December 4, 2013 and the documents attached thereto, it is clear that "On November 28, 2013, bidding proceeded for thirteen hydrocarbon blocks, an event which was attended by government officials, leaders of local indigenous nationalities as well as several international and national authorities, among them the Ambassador of the Republic of Chile, Juan Pablo Lira and the Director of the company Belorusneft of the Republic of Belarus, Andrey Nikonov. Despite the normal development of the event, upon the time of completion, a group of pseudo activists representing the organizations "Pachamama" and "The Ant" began a violent protest, undermining public order and the physical integrity of the attendees, especially the aforementioned officials, who members of the National Police proceeded to protect and enable their departure, but not before also being assaulted physically and verbally (...) for these reasons and on the basis of the provisions of the eighth paragraph of Article 3 of the Constitution of the Republic of Ecuador, which makes it a prime duty of the State to guarantee its citizens the right to a culture of peace, integral security and to live in a democratic society, that Ministry in its capacity as lead agency for domestic protection, maintenance and control of public order in accordance with the provisions of the letter b) of Article 11 of the Law on public Security and the State requested that the Ministry of Environment execute the immediate dissolution of the "Pachamama" Foundation, in compliance with the second and seventh paragraphs of Article 26 of the Regulations for the Operation of the Unified Information System of Social and Citizen Organizations, to be evidenced by their violent acts, the deviation from the aims and objectives for which it was created, and for intervention in public policy attacking the internal security of the State and affecting the public peace."

That upon analysis of the police reports and magnetic records attached to letter No. MDI-VSI-2013-00030 of December 4, 2013 facts are evidenced in a report which the configuration of the grounds for dissolution under Article 26 of the Regulations for the Operation of the Unified Information System of Social and Citizen Organizations in section 2, as follows: "To deviate from the aims and objectives for which it was created" and in paragraph 7: "To engage in partisan political activities reserved for political parties and movements registered with the National Electoral Council, interference in public policy that undermines the internal or external security of the State, affecting public peace."

That, in exercise of the powers set out in Article 154 paragraph 1 of the Constitution of the Republic of Ecuador, the Executive Decree No. 16. published in the Supplement to Official Register No. 19 of 20 June 2013.

AGREES

Article 1.- To dissolve the Pachamama Foundation, located in the city of Quito, Pichincha Province, approved pursuant to Ministerial Decree No. 52 of 6 November 1997, the same that is void under this Agreement, for being guilty of the second and seventh grounds for dissolution under Article 26 of the Regulations for the Operation of the Unified Information System of Social and Citizen Organizations.

Article 2.- To serve a copy of this Agreement to the "Pachamama" Foundation, in accordance with the provisions of Sections 126 and 127 paragraph 1 of the Statute of the Administrative Legal System of the Executive Branch.

Article 3.- To solicit and direct the General Administration of Police of Pichincha, in order to verify and execute the provisions in this Agreement.

Article 4.- To bring this resolution to the attention of the Internal Revenue Service, the Superintendency of Banking and Insurance, the National Secretariat of Policy Management and Superintendency of Popular Economy and Solidarity.

Article 5.- This Agreement becomes effective upon signature without prejudice to its publication in the Official Register.

Issued in Quito, 04 DEC. 2013

COMMUNICATED AND PUBLISHED.-

Juan Raul Guaña Pilataxi, Esq.
General Legal Coordinator
Delegate of the Minister of Environment.