

CAMISEA.  
**WHY DOES THE CHEAP GAS COSTS SO MUCH?**

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This is still a draft the footnotes need some work 28 01 05

*' not all development is good for the poor'*

Father Gastón Garatea <sup>1</sup>

**SUMMARY**

The Camisea case shows that decisions to invest more or less in the social and environmental aspects mega-projects end up affecting the vulnerable populations. One detailed revision of the impacts caused throughout the layout of gas pipeline shows the inefficiency of current schemes of supervision applied by the I.A.D.B., the OSINERG and the Ministry of Energy and Mines among others. The paper reviews the crucial contribution of the organized civil society, in spite of its ideological and practical division. Detailed information of human rights affected confirm the learned lesson that suggests the need to create in the I.A.D.B. an environmental and social auditor of the project it finances, that reports to a tripartite council formed by civil society, indigenous peoples and multilateral banks representatives.

**RESUMEN**

El caso Camisea muestra como las decisiones de invertir mas o menos en las medidas sociales y ambientales de los megaproyectos terminan afectando a las poblaciones mas vulnerables. Una detallada revisión de los impactos causados a lo largo del trazado del gasoducto permite mostrar la ineficiencia de los actuales esquemas de supervisión aplicados por el BID, el OSINERG y el Ministerio de Energía y Minas entre otros. El artículo revisa el aporte crucial de la sociedad civil organizada, a pesar de su fraccionamiento ideológico y practico. Información detallada de las vulneraciones ocurridas confirman la lección aprendida que sugiere la necesidad de crear en el BID un auditor ambiental y social del BID, que reporte a un consejo tripartito de representantes de la sociedad civil, los pueblos indígenas y la banca multilateral.

The gas deposit of Camisea was discovered during second half of the 1980s, during the difficult years of the government of Alan García (1985-1990). A first exploratory agreement by 3,500 million dollars with Royal Dutch Shell did not get to take shape. Finally, the Gas Transporting partnership (TGP) – conformed by the companies Tecgas N. V., Pluspetrol Resources Corporation, Hunt Pipeline Company of Peru L. L. C., S K Corporation, Sonatrach and Grana and Montero S.A. A. won the auction with an offer of 1,600 million dollars <sup>2</sup> Those 2,000 million difference between both investments largely

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<sup>1</sup> President of Dialogue Board for the Fight against the Poverty.

<sup>2</sup> Grant to Gas Transporter of Perú S.A. the concession of natural gas transport by conduits from Camisea to City Gate in Lima, Supreme Resolution 101-2000-EM (06/12/2000).

explain the ample margin of profit, as well as the ample set of negative externalities that the project transfers to the account of the atmosphere, the indigenous peoples and the local populations. This article presents some of these cases, registered by independent consultants, as well as by civil employees of the Peruvian government.

In the first place only AIDSESP<sup>3</sup> and some North American environmental organizations as *Rainforest Action Network* and *Amazon Alliance* have been against the Camisea project. Whereas the rest of international and national nongovernmental organizations (ONG) have accepted the necessity and importance of the project, but they have differed with the form of its implementation and the negative externalities that have abusively been charged to the account of the weakest actors in the process.

The process of implementation of the Camisea project has been characterized by a policy of *fait accompli* and an ambiguous speech in environmental subjects that, actually, leaves aside taking care for the environment and local populations. As in other socio environmental conflicts the simplicity and generality of policy statements increases as increases the hierarchy of the civil employee who raises it. Thus one has gone from the detailed affirmations of specific problems on the part of the critics to the Camisea project to the affirmations of the company, the Minister of Energy and Mines or the President of the Inter-American Development Bank (I.A.D.B.). The latter has said many times that the project fulfills the international standards for the case, without saying that the Peruvian legislation is weak and that the State suitably does not adequately finance enforcement and supervision.

The Peruvian civil society has itself been divided between some critical to the project such as AIDSESP, the Foro Ecológico del Perú<sup>4</sup> [Peru's Ecological Forum], Foro Ciudades para la Vida [the Forum Cities for Life] and the Sociedad Nacional del Ambiente [the National Society of the Environment], among others, and other NGOs with a more conciliatory approach, that implement components of the project such as CONAP<sup>5</sup> Pro Naturaleza and the Peruvian Environmental Network. This alignment of forces is weak moreover if we consider that those critical to the project been have divided by the interest of AIDSESP of being the unique spokesman, to which the Foro Ecológico del Perú raised that the approaches of indigenous and environmental organizations were complementary.

Camisea's most serious impact is the environmental and social harm to indigenous populations in voluntary isolation. In a already classic text, Jean Jackson (1984) indicates that four types of negative effects in the relation between State and societies on small scale exist, that is to say, hunting-gatherers groups, with low population density, no stratification and political centrality, that practice horticulture. Those effects are extermination and genocide<sup>6</sup>, loss of their own subsistence economic activities and

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<sup>3</sup> Interethnic Association for the Development of the Peruvian Forest.

<sup>4</sup> The Foro Ecológico del Perú arose as a space for the debate of environmental policies in the context of the pre electoral season of 1995. Since then it has consolidated as a national network of ONGs, citizens and grassroots organizations interested in promoting the sustainable development of Peru. In its last Assembly, in 2001, 1200 members and 250 organizations participated.

<sup>5</sup> Confederation of Amazonian Nationalities of Peru.

<sup>6</sup> On the subject, deserves a separate treatment the case of the health of the towns in voluntary isolation in the Camisea case, where the own Ministry of Health recognizes that deaths have taken place.

their autonomy, specially in regard to the rights to the land and resources; the rupture of the population balance and the deterioration in the health; the reduction of the cultural autonomy and self-determination (Jackson, 1984).

Foro Ecologico del Peru, in a letter previous to the financial closing of the IADB loan<sup>7</sup> it indicated that after "contrasting the statements of the fulfillment report [...] we can affirm that there are serious deficiencies as much in the behavior of the I.A.D.B., the Government of Peru, through the several agencies and levels of the State that participate, as well as on the part of the several companies of the partnership of the Gas of Camisea ".<sup>8</sup> The critics to the I.A.D.B. and their loan to the government of the Peru were centered in that "nor a single dollar of the 5 million loan" that all the Peruvians will pay is destined fortify the capacities of the Peruvian society civil, or to stimulate their coordination and participation, being the case that the resources of the loan have been destined to State agencies for purchase of software, SUV 4x4 and others. Still more, in July of 2004, with the arrival of the closing of the loan, the Peruvian NGOs financed their meetings of coordination and their capacity of proposal without receiving the support of the loan of the I.A.D.B., the partnership of the Gas of Camisea<sup>9</sup> or of the Coordinating

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<sup>7</sup> I.A.D.B. of Gas of Peru (TGP), company in charge of the natural gas transport and liquids from Camisea to the coast, it made a request of financing to the Inter-American Development Bank (I.A.D.B.) and to the Andean Corporation of Promotion (Caf). This request of loan was approved by both directories requiring a series of conditions that must be satisfied before the company/signature of the fulfilled loan or closes financier and/or throughout the loan. The partnership has published the state of the fulfillment in <http://www.camisea.com.pe/esp/estados.asp> Organizations of the civil society from Conservation the International and Peruvian Society of Environmental Right until Ecological Forum is displeasures with this report of state of the fulfillment and asked for to Antonio Rooms and Luisa Elvira Belaunde, to evaluate a consulted revision of the same one to the present indigenous organizations in the case. This report was presented/displayed in a factory that gave reason to that the different organizations were pronounced showing their displeasure with the closing of the project. The letter of the Ecological Forum that is mentioned in this I articulate is originated in this context.

The financing of the I.A.D.B. consists of a loan of 75 million dollars, of the ordinary capital (loan A) by a term of up to 14 years, and a loan syndicated of up to 60 million dollars (loan B) by a term of up to 12 years, whose resources come from financial institutions that subscribe agreements of participation with the I.A.D.B.. The interest rate in both loans will be equivalent to the rates of the market of the private sector (I.A.D.B. 2004).

In December of 2002 the I.A.D.B. approved a loan of 5 million dollars to the Peruvian government to fortify the institutional capacity of governmental agencies to inspect, to supervise and to watch the measures of environmental and social mitigación and the impacts of the project of Camisea, as well as to take additional actions that attenuate the environmental and social impacts.

<sup>8</sup> Letter of the 26 of Julio of 2004 directed by Julio Diaz Palaces, President of the Ecological Forum of Peru, to Enrique Churches, President of the Inter-American Development Bank, on the fulfillment of the conditions demanded by the bank to the Project of the Gas of Camisea. In this letter the Ecological Forum indicated that it had not received answer to any of letters directed to the I.A.D.B. until then.

<sup>9</sup> the scheme diseñó I accept for the development of dulos the two project included/understood mó that were offered in the modality of integral projects, which means that they paid attention will pará meters objective to fulfill and let into the hands of the investors decisió n and flexibility to choose the cnicos details tea of diseñó n or, construcció n and operació n, within the fulfillment of the effective norms in the paí s. Así first mó dulo of the project is the one of Explotació n of deposits d and gas of Camisea and the second the one of Transport of the gas and the lí quidos of the gas from Camisea to the coast and Distribució n of the gas in Lima and Callao.

body specifically created for this purpose, the GTCI<sup>10</sup>. Worse still, the conditions of the I.A.D.B. do not include a monitoring of biodiversity, a minimum condition of a project that implies direct impacts on five protected areas and indigenous territorial reserves.

A second group of critics of the Foro Ecologico del Peru are aimed at Government of Peru and his agencies, because President Toledo and his Minister of Energy and Mines have always assured that the Camisea gas would arrive to Lima on August 9<sup>th</sup>, 2004, which implied a forced march of the project. This resulted in silencing those who raised observations or manifested breaches of the compromise assumed in the environmental impact assessment (EIA), resulting in public officers been dismissed or forced to resign – like one of the directors of the Institute of Civil Defence, that stood for making a multidisciplinary evaluation of the laying of the gas network in Lurín and Pachacamac, instead of the evaluation of risks that his successor ordered. Other cases involve employees of the GTCI that have been removed by pressure of TGP and Camisea. Moreover, the GTCI has not been a space of debate and reflection on the behavior of the State in the execution of the project, but that has worked like an office of coordination for the ministry of Energy and Mines, in order to assure that the project was not obstructed by the multiple agencies and sectors with competitions on the project.

In a third group of critics the Foro Ecologico del Peru asserts that TGP, Pluspetrol and the subcontractors companies who have pressured public officers not to report or inform

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Mó dulo of explotación of hydrocarbons in the Lot 88 – Gas Deposits of Camisea went you adjudge or to the Partnership formed by the Pluspetrol companies (Argentina), Hunt Oil Co (the USA), SK Corp. (Korea) and Andean Hydrocarbons (Argentina) and the corresponding Contract of License was signed the 9 of December of the 2000.

The module of transport of the gas and the liquids of the gas from Camisea to the coast and the distribution of the gas in Lima and Callao was adjudged to the Partnership formed by the Techint companies (Argentina), Pluspetrol (Argentina), Hunt Oil Co (the USA), SK Corp. (Korea), Sonatrach (Algeria) and Graña and Montero (Peru) and the corresponding Contracts of Concession were signed the 9 of December of the 2000.

<sup>10</sup> By means of Supreme Decree 120 - 2002 - PCM the Government created the Maintenance battalion of Interinstitutional Coordination Camisea (GTCI Camisea), with the purpose of coordinating and of fortifying the mechanisms of supervision, monitoring and control of the environmental aspects and social derivatives of the execution of the Camisea Project. This it is conformed by Organismo Supervisor de la Inversión en Energía - OSINERG Ministerio de Agricultura - Instituto Nacional de Recursos Naturales (INRENA) Comisión Nacional de Pueblos Andinos, Amazónicos y Afroperuanos (CONAPA) Consejo Nacional del Ambiente (CONAM) Ministerio de Salud - Dirección General de Salud Ambiental (DIGESA); Defensoría del Pueblo Ministerio de Transporte (MTC) - Dirección General de Caminos Instituto Nacional de Desarrollo (INADE); Ministerio de Agricultura - Programa Especial de Titulación de Tierras (PETT); Dirección General de Capitanías y Guardacostas en la Marina (DICAPI) Instituto Nacional de Cultura - INC and Ministerio de Energía y Minas - Dirección General de Asuntos Ambientales (DGAA) y Dirección General de Hidrocarburos (DGH).

The objectives of the GTCI are:

- a. To guarantee the environmental protection of the areas of the project, coordinating the supervision, monitoreo and control of environmental and social aspects.
- b. To contribute to a vision of sustainable development of the communities and populations of the project.
- c. To contribute to preserve the ethnic and cultural values of the communities and populations of the Camisea Project.
- d. To be contraparte governmental of the Program of Institutional Fortification and Support to the Environmental and Social Management of the Camisea Project, financed by the Inter-American Development Bank (I.A.D.B.) and the resources of the Public Treasure.

against the project and when they have done so this information was not allowed to spread in the official Web site of the project <sup>11</sup>. For example, the report of the Ministry of Health on the deaths among the populations of the Nahua-Kugapakori Reserve and the Machiguenga populations of the Lower Urubamba were not accepted to be published in the Web page of the project and it was only published in Internet in the AIDSESEP Web page <sup>12</sup>. On the other hand, the ministry of Energy and Mines approved the EIA of the gas plant of Pluspetrol indicating in the selection of site that Playa Loberia, in the buffer zone of the Paracas National Reserve was the only possible site in all the Peruvian coast after considered 17 possible sites, including Playa Melchorita. Months later when considering the proposal of Hunt Oil for another gas plant, this time in Playa Melchorita, the selection of site says again that it is the only possible site in all the Peruvian coast. Even worse Pluspetrol discarded the engineering design now approved for Hunt Oil gas plant in Melchorita.

Finally the compensations have been forced on the population without giving them opportunity to receive legal or accounting counsel in order to evaluate the impacts that were to be compensated for the 33 year period project. Some of the affected have been discriminated among, in detriment of those who helped organize others to defend the population such as in the case of Angel Bautista who was only compensated for direct damage and not for other two concepts <sup>13</sup> that were being compensated to the others.

The Caffrey report declares that the objective of the personnel of communitarian relations of the companies of the TGP partnership was to negotiate the amounts of compensation, community by community (Caffrey, 04/2002). During February and March, Pluspetrol, TGP and Techint pressed each community so that they signed compensation agreements. The process, the calculations, the legal and technical documents were very complex, according to Caffrey:

"[the negotiations] have overwhelmed the indigenous communities creating an atmosphere of confusion, tension and competition. The communities are not prepared to respond to the eurocentric tactics of negotiation used by lawyers and managers of the companies that have visited them. These communities lack technical and legal support in order to make informed decisions. The negotiation process is completely unsuitable and unfair. The companies have dictated the negotiation terms and the communities feel pressed to respond although they do not understand the terms or the proposals of the companies sufficiently".

In another case, Caffrey explains the case of a letter containing an agreement between Techint and the Chokoriari community, in the lower Urubamba, for the use of two hectares for a camping of workers. This letter had clauses that would force the community to make things that had not been consulted to do. These documents and the perception of the communities on the process *"emphasize the fact that their rights to*

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<sup>11</sup> [www.camisea.com.pe/](http://www.camisea.com.pe/)

<sup>12</sup> [www.aideseep.org.pe/](http://www.aideseep.org.pe/)

<sup>13</sup> the contracts of compensation by right of via, the right acquired by TGP to use a band 25 meters wide throughout gasoducto, included/understood three concepts:

- a. the direct damage to cultures and property within the 25 meters,
- b. The dismissed profit by the period of production, services and others that are lost by effect of works of installation of gasoducto, and
- c. the direct damage to cultures and property outside the 25 meters,

*carry out an informed and free consent have been and will continue to be violated if significant changes are not introduced ".*

On the other hand the commissioners of the offices of the Defensoría Del Pueblo<sup>14</sup> in Ayacucho, Cusco, Huancavelica and Ica visited the zones cut by gas pipeline, and received complaints of citizens and communities, reporting:

*"In the Andean zone of Ayacucho and Huancavelica environmental problems appeared (cutting of fruit trees and lumber, damage to natural grass by excavation of ditches and spill of toxic chemical liquids; migration of wild animals and death by use of explosives; destruction of fish tanks and water sources; alteration and depredation of flora and fauna; alteration of the natural landscape; contamination of water, ground and air, as well as noise pollution), socioeconomic problems (impacts on road access towards the communities; generation of internal conflicts within the communities by the agreements subscribed by its leaders; the hiring of leaders in the Camisea project debilitated the capacity of negotiation of the communities; conflicts between the communities to accede to work in the Camisea Project; the right of consultation to the communities was not respected; citizen insecurity by the arrival of foreigners; reclamations of unmarried mothers parenthood not recognized by personnel of companies, for example, in the District of San Miguel; hiring of foreign manual labor and not of the zone; conflicts between the comuneros due to the unsatisfactory terms that accepted their boards of leaders in the negotiation of the compensatory agreements with Techint – in some cases the agreements occurred without participation of the comuneros affected by the right of way – lack of information of the community, which causes that the comuneros do not have capacity to enter a negotiation; unequal balance of power that affects citizens and communities in the negotiations with companies Techint or TGP; sub valuation of land for compensation; differentiated treatment to set the amount of the compensation in function to the level of communal organization; non uniform criteria to determine compensations; inequitative distribution of royalties between the regions affected; increase of the cost of life; increase of respiratory and sexual transmission diseases; destruction of archaeological sites found in the route of gas pipeline) and political and institutional problems (absence of state organizations that supervise the operations of companies laying the pipeline and the fulfillment of agreements; lack of resources and capacity of answer from State institutions to protect the rights of the citizens; deficient handling of problems by the State regulatory organizations; insufficiency of regular mechanisms to lodge and process claims; not clear definition of duties between regulatory organizations; ignorance and inaction of the State regulatory agencies." <sup>15</sup>*

In the Amazonian slopes of Cusco, in the Upper and Lower Urubamba environmental problems have appeared: migration of birds and fish by noise pollution, waters pollution and illegal logging, the fauna and biodiversity in general have been affected. They were accompanied by socioeconomic problems: lack of information of the native communities on the EIA document and process, citizen insecurity by arrival of

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<sup>14</sup> Peru's ombudsman office.

<sup>15</sup> The original relation was elaborated by the Dr Iván Ormachea Shock.

migrants, women infected with diseases of sexual transmission (sífilis), lack of advice and counsel to the communities and citizens to confront the negotiations with the companies, change of the social customs and loss of identity of the Amazonian indigenous peoples, change of the extractive patterns of the natural resources; lack of land titling, sprouting of new diseases in the zone and deaths by diseases (influenza, sífilis), change of nutritional habits in the native population, migration of colonos and exclusion of the native ones of its zones of influence; territorial invasion of Amazonian indigenous peoples by colonos, increase in alcohol consumption; changes in family production patterns (men leave to work for activities of project Camisea and women assume work that was previously assumed by men), presence of retailers in zone of project, presence of prostitution, entrance of migrants and foreigners increases pressure on natural resources, asymmetry in handling negotiations by lack of information of citizens and communities, discrimination labor (foreigners obtain greater income by the same work, preferences for personnel recommended or relatives of local authorities when contracting manual labor), invasion of land in the passage of gas pipeline in order to obtain compensations. Also there are political-institutional problems: eagerness of the local and regional governments to try to access to project resources, lack of coordination between the authorities to solve citizens' reclamations, discrepancy between organizations who represent or protect the rights of Amazonian indigenous peoples affected by the Camisea Project – the state-run CONAPAAA<sup>16</sup> and the indigenous peoples organizations AIDSESP, COMARU<sup>17</sup> and CONAP).

In the western slope of the Andes, in the department of Ica environmental problems have been registered: water contamination of the Pisco river, depletion of the shrimp river ecosystem, location of the natural gas plant in the Lobería beach, in the buffer zone of the Paracas National Reserve, noise pollution by machinery, trucks and ships, impacts over the migratory birds visiting the reserve, increase of ships' affluence increase the risk of collisions and pollution of marine waters. Some socioeconomic problems have also been identified: Shrimp collectors affected by damage to the ecosystem in the Pisco river, possible damage to tourist activities as a result of industries and companies that settle in the buffer zone of the Paracas National Reserve.

In Lima, citizens of the Southern districts Lima complained for not having been properly and timely informed of the gas pipe works that affected their states. Other citizens also from Southern districts such as Lurín and Pachacamac, have denounced breaches to the EIA such as 90° curves in the main gas pipeline<sup>18</sup>, the tube has not been manufactured with a protective polyethylene cover, which resulted in that the tubes showed the signs of corrosion while they seated next to their final installation site. The risk worsens in this case when we consider that the grounds where the pipeline has been laid down experiences a seasonal cycle of ascent and descent of saline water.

In a more specific manner Iván Brehaut, a consultant contracted by the GTCI to review the issue of compensations to local populations, shows weaknesses of the local federations to be able to assimilate a legal process and an economic valuation, for

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<sup>16</sup> National Commission of Andean Towns, Amazónicos and Afroperuanos.

<sup>17</sup> Machiguenga Advice of the Urubamba River.

<sup>18</sup> is a main line of ducto with almost 1500 pounds of pressure by inch. The disposition is that the curves must have an angle of 28 degrees instead of 90 degrees, obviously it requires greater distance for the curve, but being a main line it is necessary to avoid excessive increases of the pressure on the line.

instance the sole presence of a federation in the negotiation process is not necessarily a guarantee of a balanced process between companies and communities. The information on the procedures to establish compensations cannot be reserved information. No negotiation can be equitable if its terms, as well as the valuation scales are not openly discussed between communities, federations, companies and the State, something which has not happened in this case. Although to negotiate compensations at the community level is most advised, there is a need to have a defined criteria to guide the agreements and to guarantee minimum standards for the compensation, as well as to guarantee the independent legal and technical support for the communities; in the case of the community of Huancano, Ica, the farmers were instructed of not asking for legal advice nor showing the proposed contract to nobody. Serious questions remain unanswered in regards to the processes of compensation carried out by TGP and Pluspetrol, the use of valuations different from those from CONATA <sup>19</sup> as officially committed before the State and the use of non equivalent values are among the most serious concerns. Brehaut concludes that the State would have to review the valuation and compensation process applied by TGP (Brehaut: 2004).

The fact that the Ministry of Energy and Mines behaves as it has done it favoring a 'fait accompli' strategy, locally known as "Camisea como sea" does not surprise, but that the I.A.D.B. seems not to pay attention to concrete proposals to correct these problems really disappoints us, and questions the suitability of these organisms to evaluate the environmental impact of the projects that they finance. In order to show an example, the letter from Foro Ecologico proposed:

*"That the I.A.D.B. environmental team with participation of members of the Peruvian civil society civil participate in an inspection visit to the whole Camisea pipeline and gas plants, they should not only fly over Camisea but also visit the field sites, as a fundamental requisite to proceed to the closing of the financing.*

*That an independent audit be carried out, in order to prevent impacts for next the 32 years of the project.*

*That the Peruvian civil society and the GTCI should be called to propose quality standards for the management of this project.*

*That access to all monitoring information should be provided.*

*That the participation of the Peruvian civil society in the project should be financed."*

The I.A.D.B. person in charge environmental aspects of Camisea answered indicating in a general way that they had taken care of environmental aspects, but without answering any of the five point raised as a requisite for the loan closing. What is the use of the I.A.D.B. having an environmental department and policies, if when it arrives to the implementation of a project that it finances, it lets itself to be drag by the policy of 'fait accompli', which in the Camisea case has meant that the infractions to the original EIA are not sanctioned but became "a modification to the EIA" despite the fact that it was approved after the facts that it supposedly "anticipated" had occurred.

It is not strange then that local populations do not trust the seriousness of the intervention of the I.A.D.B. and the national legal and institutional mechanisms for

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<sup>19</sup> National Advice of Appraisals.

environmental. This is the case of the intervention of OSINERG <sup>20</sup> and the Ministry of Energy and Mines. These cases do not make but confirm the necessity to fortify the participation of the civil society as a vehicle for dialogue between society, State and the corporations on the opportunity and need of development. It is time to create in the I.A.D.B. an environmental and social audit unit, that reports to a tripartite board made of representatives of civil society, indigenous peoples and multilateral banks.

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<sup>20</sup> Organism Supervisor of the Investment in Energy.