

Semi-Annual Public Meeting on the Camisea Project
June 4, 2007
9:00am – 5:30pm
Inter-American Development Bank

Meeting Summary

Introduction:

Meeting Objectives:

This fifth semi-annual public meeting on the Camisea Project held in Washington, DC on June 4, 2007 carried-out the following two objectives:

- Communicate developments and recent reports on the Camisea Project; and
- Hear perspectives from stakeholders on topics related to the Camisea Project.

Meeting participants included representatives from the Inter-American Development Bank (IDB), the Government of Peru (GOP); U.S. Government Agencies, U.S. and Peruvian Civil Society Organizations (CSO's); Transportadora de Gas del Peru (TGP); and consultants from Exponent Failure Analysis and Associates (authors of the Pipeline Integrity Analysis) and ICF Consulting Group (authors of the Independent Environmental and Social Audit of the Camisea Project) A full participant list can be found in Appendix A.

The meeting focused on the following six presentations:

- Status updated for two IDB public-sector loans (Institutional Strengthening of Government Institutions with Oversight over the Camisea Project and Sustainable Development of the Lower Urubamba Valley)
- Description of the flow of project-generated resources to local communities: FOCAM and Cuzco
- Introduction of and overview of findings from “Pipeline Integrity Analysis of the Camisea Transportation System”
- Introduction of and overview of findings from “Independent Environmental and Social Audit of the Camisea Project”
- Overview of findings from “Diagnostic Study Ascertaining the Peruvian Government’s Level of Compliance with IDB Agreements Regarding the Camisea Project”
- Analysis of “Lessons Learned from the Camisea Experience: Enhancing Environmental Policy and Management in Peru”

The meeting agenda can be found in Appendix B. These meeting minutes are organized by agenda topic. For each agenda topic a short summary of the presentation is provided followed by a summary of questions, responses and comments. Where possible, contributors to the dialogue are attributed by organization. Where the organizational affiliation was not clear or when multiple organizations contributed to the comment or question, the sector they represent (e.g., Civil Society Organizations or Government of Peru) are used. The notes also identify IDB commitments if applicable.

Welcome:**Alicia Ritchie, Manager, IDB Regional Operations Dept. 3 (RE3)**

Ms. Ritchie welcomed all participants to the meeting and introduced this as a public forum for the Camisea project and stated that these semi-annual meetings alternate between Washington, DC and Lima, Peru. She spoke of the broader context within which the IDB operates stressing that all work is grounded on the premise of sustainability. It is the IDB's goal to have its investments on infrastructure (within this highly bio-diverse and culturally diverse region) and its commitment to sustainability be mutually constructive. Ms. Ritchie explained that the IDB's participation in this sort of investment as an opportunity to add value in environmental and social aspects of this project. Ms. Ritchie introduced the two consulting firms who developed the analytical reports shared during the meeting. She reminded participants that each firm is well recognized and both were chosen through a competitive bidding process. She stated that the IDB is open to discussion and willing to listen to ideas.

Expectations and Ground Rules:**Catherine Allen, Facilitator**

- The minutes will be circulated ten days after the meeting. All participants will have an opportunity to comment on the notes.
- Every participant was asked to stay for the entire meeting to respect those speakers that traveled long distances to participate in the meeting.
- Participants were asked to engage openly, honestly and with respect.

Acknowledgement of Process Issues:

The representative from Environmental Defense asked that the meeting record reflect that today's agenda was the subject of some controversy. The CSOs requested to include three topics on the agenda. Initially IDB accepted only one topic and later allowed a second after some advocacy from Peru. This is different from the last semi-annual meeting which had presenters representing both the IDB and CSOs for each topic.

A video conference hookup was made available at the IDB office in Lima so interested Civil Society stakeholders could observe the meeting. However, when no person/organization attended, the video conference hookup was terminated. Environmental Defense suggested that the lack of attendance may have been a result of the controversy associated with agenda development.

Presentation #1: Status of the IDB Public-sector Loans for Institutional Strengthening of Government Institutions with Oversight over the Camisea Project**Leonardo Corral, Project Economist, RE3**

Mr. Corral provided a status overview presentation of the Program for Institutional Strengthening and Environmental and Social Management Support for the Camisea Project. A summary of this presentation is below. The complete presentation can be found on the IDB website at:

<http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=995196>

Sustainable Development of the Lower Urubamba Valley**Antonio Guiffrida , Social Programs Division, RE 3**

Mr. Guiffrida provided a status overview presentation of the proposed loan for sustainable development of the Bajo Urubamba (BU). A summary of this presentation is

below. The complete presentation can be found on the IDB website at:
<http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=995194>

**Presentation #2: Flow of Project-generated Resources to Local Communities:
FOCAM and Cuzco *Juan Miguel Cayo, Vice Minister, Ministry of Economy and Finance, Peru***

Mr. Cayo provided a status update on the flow of resources from the Camisea Cannon and FOCAM to the local communities. A summary of this presentation is below. The complete presentation can be found on the IDB website at: at
[http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=995199.](http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=995199)

Key Questions and Responses:

Question: (from CSO representative): All the sustainable projects you discussed are referred to as identified. Which projects have been approved by the National System of Public Investment (SNIP) and how much funding is dedicated to those approved projects?

Answer: (from Vice Minister of MEF) I do not know. However, the regional authorities, using the SNIP methodology, will now be able to decide a project's feasibility without consulting representatives in Lima. This should increase the rate of approval for these projects.

Question: (from Defensoria del Pueblo) If the local government can now make project feasibility decisions, how can the prudence of the project be assured? Is it wise to have those proposing a project also approving its feasibility? Is there any oversight? Currently there is an enviable system for project approval, albeit under staffed. Will that be lost?

Answer: (from Vice Minister of MEF) The approval process maintains all the requirements of SNIP including the technical parameters, etc. There is a separate local committee set up with the distinct responsibility of project approval and this committee can email the MEF in Lima at any time for support.

Comment: (from GOP-MEF) The Camisea Project amounts to \$3 billion of electric energy savings within the integrated national system. There are many steps to be taken yet to improve the social acceptance of this project in the influenced areas, but the energy savings are the project's chief contribution.

Question: (from CSO representative) When can a project be approved?

Answer: (from GOP, Vice Minister of MEF) Only after the feasibility study is completed.

Question: (from Bank Information Center, CSO) What happens to the funds that have not been allocated? Do the resources go to the federal government or do they stay with the municipalities? Can the funds be used the next fiscal year? If the funds stay in the region, how are they managed while waiting project approvals?

Answer: (from Vice Minister of MEF) The funds stay in the region. That is why it is imperative to increase local capacity to carry out projects with high quality of life impacts.

Comment: (from GOP-MOM) In Peru when one talks about these potential benefits, i.e, quality of life impacts for those below or near the poverty line, there is only discussion

regarding the project's problems. These benefits should be more publicized in Peru. It is important to correct the problems but we also need to communicate potential benefits.

Question: (from a CSO representative) This presentation states that there are still issues with the Camisea "Canon" and FOCAM revenue reaching the poor. Wouldn't it be prudent to ensure that this issue was fixed and the transfer system was effective before you proceed on a new project that would increase this bank of currently unused funds?

Answer: (from Vice Minister of MEF) While this is a learning process we should not stop what could be a huge revenue generator. Instead we should keep working and refining the [transfer] process to ensure that the public can use all the resources. We need to continue increasing the capacity for effective social spending as we go.

Question: (from CSO representative) There is a problem when the impact of this project is measured by "transfers" rather than real benefits to the local people. We need to measure benefits in terms of projects in development and tangible benefits to the people. The main goal of FOCAM is to improve people's welfare and increase ecological protection. How are you building local capacity in terms of environmental protection? What is the framework for environmental protection in the region? Do we have a baseline [environmental] measure so that we can measure progress or impact?

Answer: (Vice Minister of MEF) I agree. We need to have relevant performance indicators to measure poverty improvements, education and health care improvements, and decreases in malnutrition. We have a baseline for these and will use these types of measures in the following years. Over the past four years we have increased our environmental impact monitoring capability including a dedicated monitoring staff and have adopted international standards for environmental protection. We have also developed environmental laws around oil extraction. In Peru there are international standards and in the last few years the government has worked on developing allowable limits for soil contamination. There are also laws analyzing the collective social and environmental impacts.

Question: (from WWF-US) What international environmental standards did you use, i.e., the Equator Principles? How does the GOP determine criteria and how do they carry out standard adjudication? How do they measure if a standard is not met?

Answer: (from Vice Minister MEF) The legal framework is different thanks to Camisea. In some cases national environmental standards have been enacted and in other instances international standards have been used.

Question: (from WWF-US) The intention of this project was to have the national benefit of increased natural gas distribution to the residents and businesses in Lima. Has the project successfully distributed natural gas to the residents and businesses of Peru?

Answer: (from Vice Minister of MEF) 65% of the natural gas is going to the electricity sector and is available throughout the country. 32% of the natural gas is going to the power industry, mostly in Lima. One percent of the natural gas is subsidizing low income families' needs and two percent of the natural gas is being used for public transportation.

Comment: (from GOP-MEM/DGAA) It is worth mentioning that our country has reached its provisional goal for the domestic electric sources, as stated by the Vice Minister of

Economy, and the Council of the Ministry has presented a law to Congress so that the pipeline will now extend to the south and eventually to the north of Peru in addition to its capital, Lima. There is no market yet for the oil guarantee that they will grant the construction of a pipeline to the south of the country

Thanks to this improvement in the contract, there has been a substantial change in the small business energy matrix

Peru's goal is to diversify the nation's energy sources so that: liquid hydrocarbons are lowered from 54% of the total energy source to 33% (1/3 of total energy matrix), 1/3 will come from natural gas, and 1/3 will come from renewable energy sources. This will make our country's energy sources more sustainable and less vulnerable to the international market's sudden shifts in crude oil prices

As a result of this change there have been improvements made in the integrated energy system with the principal advantages coming in the form of energy savings. We have to think about using natural gas with the new dealer, Promigas, who has extensive experience in Colombia and is aggressively planning so that the industrial clusters can be supplied with natural gas.

Indigenous populations do not have the rights to natural resources below the land they live on, since they are property of the state. Nonetheless, they are making strides in guaranteeing the three agreements under convention 169 of the International Labour Organisation on indigenous peoples.

From the previous agreement we are working to guarantee these three concessions:

1. Previous consultation process
2. Profit distribution
3. Independent environmental tracking

Question: (from a CSO representative) Regarding the SNIP process, who finances the feasibility study?

Answer: (from Vice Minister of MEF) The feasibility study is partially funded by FOCAM (approximately 5 percent).

Question: (from Amazon Watch) What is the process for local community members to identify and present projects?

Answer: (from Vice Minister of MEF) Most communities have a participatory program for identifying projects to pursue. Civil society can also present proposals.

Question: (from a CSO representative) Are the funds used on each project tracked at the federal level? Is there an accountability system to ensure funds are spent wisely for each project?

Answer: (from Vice Minister of MEF) It is currently difficult to track. The funds are transferred to more than 1800 districts throughout the country. We do not have a record of how the funds are spent. The GOP is working on a new accounting system where the funds will be deposited in one central bank in separate accounts for each district. This should allow for more precise accounting.

Question: (from Amazon Watch) What is the timeframe for the capacity building? When will local community members be ready to manage these types of projects?

Answer: (from Vice Minister of MEF) Local capacity building is a very big challenge. There are high levels of elected local government representative turnover (average person stays in a position for approximately one year) due in part to changes in political control. We are trying to help stabilize this and are opening 25 regional offices, reporting to the Ministry of Economy and Finance (MEF) to help create and sustain capacity.

Presentation #3: Findings from “Pipeline Integrity Analysis of the Camisea Transportation System” Dr. Alfred Pettinger, Senior Managing Engineer, Exponent Failure Analysis Associates

Dr. Pettinger gave an overview of the Pipeline Integrity Analysis of the Camisea Transportation System Report. The executive summary of this report can be found at: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=979296> and the entire report was posted shortly after the meeting at <http://www.iadb.org/idbdocs.cfm?docnum=999499>. The complete presentation can be found on the IDB website at <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=995198>.

Key Questions and Responses:

Comment: (from Environmental Defense) Natural gas is good for Peru but getting that gas should not be used as an excuse to endorse a poor project. Follow on projects should be put on hold in order to really learn from Camisea.

Comment: (from E-Tech) On this issue of the pipes. To all of you sitting at the table, I have passed out letters during the break, and I'd like to respond to this issue of used pipe or new pipe. [Quoting from June 2, 2007 letter to the Chief of the IDB Office of Institutional Integrity] “E-Tech stated in its February 27, 2006 report that a significant percentage of tubes left-over from other projects were used in the Camisea pipelines. This explanation of the poor physical condition of some of the pipe, that the pipe must have been left-over from other projects, was demonstrated almost immediately by TGP to be an incorrect explanation. It was unproductive for E-Tech to state as fact, based on the demonstrable physical evidence of corrosion, what was undocumented opinion. However the substantive technical issue remains real today--accelerated corrosion on the interior walls of the pipeline.” So I do want to make clear that we accepted that these pipes were manufactured and that our opinion was incorrect about the reason of the corrosion.

Regarding the sixth spill incident, there were some discrepancies in the incident reports. TGP said that the spill resulted from an anomaly and there was very little gas released. However other witnesses reported a major spill. Additionally, there were reports that TGP tried to remove the damaged area before an independent entity could inspect it.

Comment: (from GOP- Executive Director to IDB) Some CSOs have stated as fact that some spill incidents were due to the project's use of pipeline intended for other projects. This was later proved to be a false statement. However, this statement was very damaging going so far as to instigate accusations of corruption within the government. This sort of misrepresentation of fact should not happen again. With the assertion that the sixth spill released gallons of gas, etc., misleading information is again being put forward. Officials in Peru did perform an investigation into the incident. The leak was

found early due to increased monitoring. Because of this early detection big issues were avoided.

Comment: (from E-Tech) It was unproductive to state as fact what was an opinion based on observations of the level of corrosion of the pipes three years into use. Exponent did a good job in identifying geo-technical issues. However, we would like more specific information regarding the corrosion identified in the first 50km of the pipe and are interested in the external soil erosion issues since they were not previously mentioned as potential causes of the spill incidents.

Unfortunately, E-Tech has had an adversarial role in the process thus far. We are interested in working in conjunction with the IDB and its partners to develop lessons learned from this project. We would like to work cooperatively to fix problems before any new pipeline is constructed.

Question: (from E-Tech) We are still waiting for public reports for the fourth and fifth spill. Did Exponent have access to this data when performing the study?

Question: (from Environmental Defense) This pipeline was built in an area where indigenous people rely heavily on water in streams. It is very important that the integrity of this pipeline is sound. In Exponent's opinion was the original placement and construction of the pipeline adequate to protect the bio-diverse and culturally diverse area? Was it built in the way it should have been to protect the environment and the people?

Answer: (from Exponent) The design was built to the proper standards. Assessing environmental impacts was beyond Exponent's scope. More investigation and mitigation is needed.

Question: (from Indian Law Resource Center) I am appalled to see that the pipeline went over a river without a good structure to protect it from erosion. A spill from a river crossing can be particularly devastating to environmental and human health. How many river-crossings are there without the proper reinforcements?

Answer: (from Exponent) There are more than 60 river crossings and all of them have concrete reinforcements. Risk assessments are underway to identify what, if any, other reinforcement is needed.

Comment: (from Bank Information Center) There is a procedural issue that needs to be raised. The [Exponent and ICF] Reports were supposed to be available on May 1st, but the executive summary was not put on the website until May 18th, and we are still awaiting the final report. Civil Society Organizations (CSOs) can not be prepared for this meeting without the timely release of reports and other meeting materials.

Question: (from Oxfam America) There are concerns regarding the delays between IDB receipt of reports and their release to external stakeholders. Will IDB make a commitment to release reports the same day they receive them?

Answer: (from IDB) Yes, IDB will release final reports on the same day they receive them.

Comment: (from IDB) It was IDB's intent to release the reports on May 1st. When we realized that this was not going to be possible, we asked Exponent to produce a more detailed Executive Summary, which is what we made available.

Question: (from WWF-US) As early as 2002 it was very well known that that the erosion and vegetation plans were under serious criticism and that the path of the pipeline was in an area at high risk to seismic activity, which could potentially result in landslides and erosion. The complicated geo-technical terrain was discussed and some believed that the proposed mitigation activities would not be fully effective. CSOs asked that the process slow down to give time for more study but this request was not granted. If Exponent had been hired in the planning stages of this project would you have approved that the pipeline go through the terrain it does? Would you have funded the project?

Answer: (from Exponent) This is very difficult to answer. Our study looked at the current status and recommended actions from this point on.

Comment: (from GOP-MEF) The Camisea project has been discussed for the last 20 years. By the 2002 execution the project was already planned. Slowing down the process was not an option.

Comment: (from GOP-MEF) While the project has some issues, we have an independent monitor that said the pipeline was built to the system standard, the welds are consistent with general engineering practice, and TGP is carrying out activities to mitigate risks. The Peruvian people have the right to take advantage of their hydrocarbon resources.

Question: (from Environmental Defense) Given your experience [Exponent], how do six failures in two years fit into the range of what is a typical rate of failures for this type of project?

Answer: (from Exponent) It is difficult to answer that because situations vary greatly due to environmental and geographic conditions. In the U.S. six failures would be high. However there are other examples in South America with similar failure rates. Six failures is a concern.

IDB commitments

IDB will release final reports on the same day that they receive them.

Presentation #4: Findings from “Pipeline Integrity Analysis of the Camisea Transportation System” Steve Wyngarden, Alejandro Fernández, and Hilton Rivera, ICF Consulting Group

The ICF team gave an overview of the Independent Environmental and Social Audit of the Camisea Project. The Executive Summary and full text of the Audit can be found at http://www.iadb.org/pro_sites/camisea/progreso_b.cfm?language=sp&parid=3&item1id=4. The complete presentation can be found on the IDB website at <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=995197>.

Key Questions and Responses:

Question: (from CSO representative) Regarding ICF's findings on FOCAM, the program was not implemented as originally intended. Do you know how this affected impacts?

Answer: (from ICF) We can not answer that. We did not evaluate the original design.

Comment: (from GOP-MEM) Just as was previously mentioned, the Ministry of Energy and Mines will not make a judgment until the technical audit has been completed and we know the results and have significantly thought about them. All of the observations and points being raised today are under investigation in the technical audit. Thus, I do not think that it is fair, nor appropriate to comment before these professionals complete their study.

I assure you that the auditors have extensive qualifications and specialized technical backgrounds, and I find it disrespectful that the media discredits these professionals and their work before they are able to complete their study, issue an opinion, or present their work.

Once the technical audit is complete, we will release a public statement.

Comment: (from GOP-MEM) I am also concerned about the results of the Camisea Project and know that there must have been a better way to proceed. The first issue I am going to raise is that this study is focused on documents and procedures, not on the profile and qualifications of the auditor.

In the past, neither the former nor the current Ministries of Energy and Mines waited for the results of studies to be completed before putting forward their opinion statements or even making decisions.

The press print stories without having sufficient proof. These types of media practices point to a bigger problem: how we handle situations in Peru, which unfortunately is not always in the best way.

Comment: (from GOP-MEF) What had been done in terms of interim relief to prevent the six spills from occurring while the consultants were preparing the Environmental and Social Audit and the Integrity of the Pipeline Analysis? The emergency plan and improvements in monitoring the pipeline helped to prevent more serious consequences from occurring during the 6th incident. However, this issue remains separate and distinct from the Technical Audit that is still being worked on.

Regarding social issues, initially the Ministry of Economy and the Ministry of Energy had prepared 666 people from regional and local governments for handling the public works investment projects. However, current investigations that we have conducted indicate that over 50% of these people no longer work in the areas where they were originally hired. If we are collectively trying to build strong public institutions within the Peruvian system, we must recognize the additional challenges that the interior region's unstable political relations poses to this goal.

Some of the mayors have been removed from their offices and the new mayors want to change administrations without accepting the agreements connected with the indigenous communities. As a result, the communities and the mayors face many problems in terms of balancing power and making decisions.

Decisions should come from the community gradually over time and not as arbitrary orders given by the mayor. There is an excellent study explaining how the indigenous communities, Machigengua, and COMARU have taken on leadership roles in the participation and decisions regarding development projects. Additionally, they have organized themselves as strategic allies to each others' communities.

Unfortunately, Pisco finds itself in a more critical situation since the previous government did not administer the funding properly. Currently the Ministry is working with the best of intentions so that the new mayors can reach an agreement with the Camisea representative, and finalize the social license in Pisco and Paracas.

The percentage of the mandatory IDB agreements met yields a net positive settlement, but there are many other developments underway. I recognize the accomplishments that have been made with respect to indigenous rights, but maintain there is still a long way to go. In the end, the credibility of a government will suffer without sustainable development.

Question: (from DAR- Derecho Ambiente y Recursos Naturales) I have a question about the social and environmental management. The *Defensoría del Pueblo* (ombudsmen's office) notes that from the year 2000-2005 the community has been involved in the construction of the pipeline. One of the main issues has been the fulfillment of Agreements, which generally spurs conflicts between the project companies and the communities.

How many items have been signed by the communities and submitted? To what degree have these items been fulfilled, so that we can more accurately measure the impact of the social and environmental management groups? It is very important for the companies as well as in the communities. I could not find any specific numerical references to these acts in the environmental and social audit. What is their relationship to the communities? Which Agreements have been met?

Answer: (from IDB) Allow me to clarify that there is a baseline study for the environmental study that served as the reference point that the project took during the construction phase. In the year 2004, IDB fulfilled its obligation to ensure that an environmental plan be carried out. At the same time, experts working for the Peruvian government directly oversaw the biodiversity program. They know that biodiversity is not measured in the short term; rather it is a long term process that allows for the evaluation of the project's impact on the region's biodiversity.

As a result, the Bank is not aware of an additional audit to the four main audit systems the IDB performs annually. We invite you to read the latest Biodiversity Audit on the revegetation which appears on the Bank's Camisea Web Page.

Additionally, biodiversity is a highly specified topic that cannot be completely covered in this session; however it is to be discussed in further detail in Peru on Friday, June 8, 2007. Undoubtedly Peruvians want to develop their country, but the question is *how*.

Question: (from Defensoria del Pueblo) The companies made agreements and commitments around the construction of this project. Can you give an update of the status of those commitments? Have they been fulfilled?

Answer: (from ICF) The study did not go into detail regarding numbers of commitments fulfilled. We did explore how these agreements were the source of confusion and describe the need for better communication around these commitments.

Question: (from Defensoria del Pueblo) Is there any shared policy between TGP and Pluspetrol for negotiating these commitments?

Answer: (from ICF) The study did not review what policies were shared. Instead it analyzed how effective both policies were. For example, the study identified whether proper ground rules are set and all parties have a shared understanding of each commitment.

Question: (from WWF-US) Can you clarify the audit process? Did you give feedback of your first visit and use the second visit to gauge implementation of that feedback?

Answer: (from ICF) No, each visit was to assess different things. Each place we went we evaluated whether the management tools were adequate to handle a given situation. For example, we looked at how complaints were processed.

Comment: (from Oxfam America) Some civil society representatives expressed their discomfort with the timeframe given for review of this document. The public has been given only two weeks to review a 400 plus page document. This public meeting should not be viewed by IDB as an official consultation of this report given the short document review timeframe.

Question: (from CSO representative) Is the list of organizations you interviewed in the report?

Answer: (from ICF) Yes.

Question: (from CSO representative) How was the quality of the management of communications regarding social commitments assessed?

Answer: (from ICF) We had a series of interviews on a range of topics with many different stakeholders. All stakeholders were notified in advance and we tried to work around schedule conflicts if they arose. We cross-checked all this interview data and themes were identified.

Comment: (from the GOP-MEF) For years we have heard that this project had profound negative impacts on the rainforest and the indigenous people. This is the first time we have heard from an independent audit that some things are going well. While some things still need improvement, this news is exciting.

Comment: (from CSO representative) There is a long history surrounding this audit and some stakeholders are looking for it to supply a “clean bill of health” that would allow them to proceed with other projects. Therefore, it is important to note that the CSOs did not agree with the procurement process used by the Bank to hire ICF and they can not have faith in the audit’s credibility. This is not seen by CSO’s as a green light to move forward.

Question: (from Environmental Defense) From this presentation it seems like the audit focused on the development and implementation of management tools and not impacts. Does this report describe the Camisea project’s impact on biodiversity, cultural diversity

and human health? For example, can you summarize biodiversity issues as a result of Camisea?

Answer: (from ICF) Since this is such a short timeframe [initiation of the project to audit development] we can not assess the impact on biodiversity. We did identify whether the project has a process in place to collect information on biodiversity impacts. This audit is not seen as the “end of the line” on project assessment. This is one of the tools in the tool box to make sure that Camisea is meeting all its objectives. This was intended to see if the contract requirements and the regulations were met. There will be an audit every year to ensure continued compliance. There is a wealth of information in the report. It is worth looking at.

Comment: (from Environmental Defense) We would ask that the record reflect that the ICF Audit in fact says nothing about the Camisea' Project's effects on biodiversity.

Question: (from Indian Law Resource Center) What does this tell us about human rights in the region? Is this sufficiently comprehensive to inform us on human rights implications from Camisea?

Answer: (from ICF) ICF was not tasked with looking into human rights violations.

Presentation #5: Overview of findings from the, “Diagnostic Study Evaluating the Peruvian Government’s Level of Compliance with IDB obligations during the Camisea Project”. Alberto Barandiarán, President, Derecho, Ambiente, y Recursos Naturales – DAR, Peru Mr. Barandiarán gave an overview of the study he conducted evaluating the status of 21 agreements the Peruvian government made with the IDB regarding the Camisea Project Area. The complete presentation can be found in on the IDB website at: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=995200>.

Key Questions and Responses:

Comment: (from Pedro Gamio GOP-MEM) It is very important to try to inform everybody with objectivity. It would have been good if my friend Mr. Barandiarán had mentioned that he was able to participate in a meeting where we invited him along with others NGOs to exchange points of view to better accomplish, , these 21 commitments, through the Commission. Unfortunately the meeting didn't have the exposure desired, but it took place in a very civil tone. It has been three to four months since then. The invitation remains to talk about any subject related to the project. You claim unrestricted access to the Vice Ministry. If you had used it, you would have obtained all the information you needed. However, this is the fifth IDB meeting. Why weren't these concerns raised in any of the previous four meetings? While Mr. Barandiarán contends that 50% of the agreements are in progress, the national consensus is that more than 70 % of the agreements are in progress. I invite you to meet with the government in Peru and hold a workshop at the Ministry, aimed at engaging in a respectful dialog to review the Agreements point for point and resolve those that you believe to be unfulfilled. Still, I would much rather have heard these issues raised earlier in Peru, than have you present this problem in the U.S and state that dialogue is impossible among Peruvians. I believe dialogue to be very possible. I emphasize our invitation to review from our particular points of view progress made on the 21 commitments.

I also want to raise the following points:

- 1) Compatibility between hydrocarbon extraction and a protected area is being questioned based on a report written by my predecessor and another report written by INRENA (the National Institute for Natural Resources). What does the phrase, "antes del establecimiento del lote" mean? The commenter says that this is a euphemism; the lot becomes official with the Government's Supreme Decree that approves the contract previously approved by PerúPetro's Board of Directors. The rule prohibits the development of extractive activity within land categorized as a protected area, national park, or historic sanctuary. Hydrocarbon activity is allowed in the remaining protected areas only if and when INRENA deems it favorable.

We are in the process of improving this rule for the most optimal coordination between Perú Petro and INRENA. As it currently stands, INRENA has deemed favorable current hydrocarbon activities in protected areas, under a contract approved by Supreme Decree.

I stress the importance of what the law says: Use of the natural resources in the protected natural areas is only authorized when it is compatible with the area's zoned category and the area's master plan. Use of natural resources is semantically defined, according to this law, as exploitation--whether the use is renewable or non-renewable. There is no use in any of the exploratory lots. Nonetheless, a favorable INRENA opinion is required for the environmental impact study.

- 2) INDEPA (the National Institute for Andean, Amazonian and Afro-Peruvian Peoples), is in fact merging with a ministry, but there will always be an entity responsible to protect and defend indigenous peoples. INDEPA has deployed surveillance posts in the Nahua-Kugapakori Reserve and is also publishing the regulations of the law for people living in voluntary isolation. A list of investment projects has been developed under participatory mechanisms with the Management Committee of the Lower Urubamba, where COMARU and the Machigengua are represented.
- 3) Regarding the improvement and development of norms, we found that the main problem lies in the absence of a consistent set of standards to guide the project. The general Peruvian environmental law and area regulations lack environmental quality standards and maximum allowable levels. The law is not enough if there are not maximum parameters in place binding it. Temporarily we had used the World Bank extractive industry standards for reference, but Peru's Congress needs to reach a consensus on updated standards.
- 4) Obviously FOCAM is different than originally intended, due to consensus that needed to be achieved in Congress, but we cannot overlook the financial benefits from the project that have been extended throughout the area of influence into remote provinces. I think it is very unfair to qualify FOCAM as negative, but I rely on independent audits that gave it a good review.

Comment: (from Iris Cardenas DGAAE) Regarding transparency with the environmental impact studies, all studies and similar reports are posted on the DGAAE Web Site for civil society to read.

You mention the issue of outreach to isolated populations. One official entity that has taken this seriously is DGAAE, despite there being no decrees that assign us this role. Please review Supreme Decree 015 article 61: all companies must present an anthropological plan and follow protocol in areas where there is a chance to find communities in voluntary isolation. There are several laws that establish limits and standards for water, noise, and soil, in 2001, 1974, 2003

There is an effort towards standardization, not as formal as a meeting. We always work together with INRENA, INDEPA, OSINERG, DIGESA (General Directorate for Environmental Health). It is routine for all state agencies to work together. We don't need Mr. Garaycochea to call everybody.

Comment: (from Juan Miguel Cayo, MEM)

I apologize for any transparency shortcomings, but I will make sure you get all the documentation you need.

Regarding FOCAM, I was part of the original design it and we designed it like a fully loaded Mercedes. Unfortunately the MEF didn't get the idea, the Congress didn't get the idea and now we have a Toyota, or a Beetle. There is always room to improve FOCAM, but it is something that has to go through Congress, it is not something that only involves the Executive Branch.

Finally a correction: you mentioned that stage two of Camisea involved public debt. It does not. it is private debt.

Comment: (from Alfredo Dammert OSINERGMIN)

We all have the same goals, for Peru to develop and for poor people to increase their income, but we also want things to be done the right way, abiding by all regulations. OSINERGMIN has placed 16 sanctions against TGP. Paying penalties is important, but it is not the only part in the process. When we analyze accidents or problems, we instruct TGP that if they don't take corrective measures we will have to stop operations, as with Tocate. These are measures beyond penalty payments that are not seen, improvements that we deem urgent.

Out of 16 penalties to TGP, seven were paid, two were taken to the Judicial System (where one was awarded to OSINERGMIN), three penalties are in process since they are recent, two are under appeal, and the others were just issued.

The current independent audit was proposed by OSINERGMIN as a part of a set of proactive measures taken by us and other institutions, showing tangible results, thus ensuring that the Camisea Project complies with applicable regulations.

Presentation #6: Analysis of “Lessons Learned from the Camisea Experience: Enhancing Environmental Policy and Management in Peru”. Dr. Carlos Alza, Associate Defender for Public Services and Environment, Defensoría del Pueblo.

The complete presentation can be found on the IDB website at on the IDB website at <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=995200>.

Key Questions and Responses:

Comment. (from Iris Cardenas DGAAE) We would have liked the Ombudsman's report to have been updated. The report you mention, number 103, is not recent. When we spoke in my office with people from the Ombudsman's Office, before it came out, it would have also been a good idea to speak among other members of the State because the Ombudsman's Office is also a part of the State. Sometimes we come here to Washington and wind up speaking and finding out about issues and opinions from State institutions other than our own.

The process of citizen participation you described is not entirely correct either. The communities do not just wait until after publication to find out about the Environmental Impact Assessments (EIA) and review their content. The rule originating from Ministerial Resolution 535 from 2004 points out that there are three phases of civil society participation: before, during, and after the EIA is presented. The first phase is reviewing the company's proposed developments. Second, is the baseline study, very important not only from physical point of view, but also from the social perspective of human health. Afterwards the document is read again, and the third stage involves traveling from community to community to conduct informative workshops, a new method established by a norm to get feedback.

You have said that in the hydrocarbon sector, regulation and enforcement lies in the Ministry. That's incorrect; OSINERGMIN was the supervisor for energy, which included electricity and hydrocarbons, and now they have included mining also.

The flu that was responsible for the lives of many natives of the Camisea Reserve Area cannot be linked directly to the companies' activities in the area. Instead, an extreme cold front weakened these individuals' immune systems and is considered the cause of these deaths. Thus, you also must be very careful when citing this incident.

Now, you ask us for a social baseline study of the human health for those unaffected by these sicknesses. How, though are you going to ask us for a baseline study of the health status of the *survivors* of the flu? We can do the baseline study for affected communities or where populations could possibly be affected.

Another issue you raised was monitoring and tracking of minutes, which is required as part of the Environmental Impact Assessment. Additionally in the case of the Camisea project, the *Defensoria de Camisea* (Camisea Ombudsman's Office) was initially created as the institution in charge of monitoring and tracking these minutes. The companies have their official documents; well the communities also have a book of their own. The communities speak Spanish, not all of them speak Machingengua. There is a bilingual culture and their leaders are trained and knowledgeable in their work and the laws.

We have invited the Ombudsman's Office to come to us during the workshops, but unfortunately they say they are overloaded with other tasks and can't make it. In the future, we could all benefit by having representatives from the Ombudsman's Office coming to the workshops so that they can see firsthand and come to understand how we develop our process.

Another issue is compensation, in 2003, a study was completed on different compensation methods. You mentioned that we should change course before proceeding with Camisea we have changed course. With decree 015, all companies are required to do economic assessments of environmental impacts. These are the base documents for negotiating between companies and communities. I think that it is the only sector to do an economic valuation of environmental impacts. Communities do not come alone to these negotiations, they have NGO advisors come with them and their ability to negotiate is not hindered, as you suggested.

As for the work on standards, what I wanted to stress earlier was that it seemed as though Peru is the only country that hadn't had environmental standards when Camisea began. But, don't forget that the environmental departments of the government came about in the 1990s. At the time the World Bank energy and mining standards were consulted for guidance. The standards were established in 2001-2003 with restrictions specific to the activity. Now they are working on publishing more definitive limits, which is difficult because they must be in accordance with international standards.

As far as the problems are concerned, you said there are an incredible number of issues that people raise every day, I wonder how many of those are hydrocarbon-related.

Regarding audits, all government offices are audited by the Controller's Office and by our internal control organism.

Regarding the protected natural areas, we are all searching for a way for the institutions to coordinate and reach an agreement. It is not possible to request financial records at the beginning. Why not? Because says, in article 116, Point A the law speaks of a competent sector authority and PerúPetro is not a sector authority, it is a private company. So, legally, Articles 27 and 28 speak of utilization, which is defined as making a monetary profit in the extraction phases. We have read the Ombudsman's report that provides both perspectives and we have been meeting with INRENA and we are releasing a norm that will coordinate PerúPetro with INRENA.

There are many advances, so we need to establish more permanent dialogue between the national government institutions so that we know what each other is doing. If not, we are giving conflicting positions. A sustainable development policy is required, and social, economic growth and environment components need to be synchronized for the design of an energy policy

Question: (from Leonardo Corral, IDB) It surprised me that you didn't mention that the capacity building for the Ombudsman's Office to address Camisea issues, was funded by GTI. I would like to know what type of procedures you took to GTI to be financed?

Comment: (from DAR) I want to comment on the issues raised by DGAAE (i.e., GOP-MEM). We are talking about the entirety of the law, so we can't interpret one article in isolation from all others. There is a law that has the same rank as the law about natural protected areas that refers in its Article 22 to "utilization and any other hydrocarbon activity". The regulations on hydrocarbon activities also state that exploration is considered hydrocarbon activity. So as far as that is concerned, there are no doubts.

If we want to go beyond this we can look at the fundamental law concerning sustainable development on protected lands, which I believe is Article 13, that designates the Peruvian state's and their institutional members' obligation to coordinate in granting the

use of natural resources. Moreover, there is no agreement between interpretations of Article 116 of the protected areas regulations.

The Ministry of Energy and Mines (MEM) is trying to coordinate.— We had a meeting more than one year ago where they expressed their concern. Now one year later there are seven or eight more stipulations for extracting a primary resource within a protected area. The problem is that we do things a bit late. But at any rate it is still interesting and important.

Now, about the compensation. We should not only consider compensation for use of the lands. In the September 2006 IDB public meeting in Lima, three times TGP denied not fulfilling the obligations with the community organizations. They all said that this claim was false. So, was this claim false? No, it has not been fulfilled. The Camisea Ombudsman has said so, as well as the President of the Lower Urubamba Committee. I don't think the Lower Urubamba Committee has really addressed this topic, though. My opinion is that they need to strengthen an existing institution, the Camisea Ombudsman Office and not create a parallel entity that weakens institutionality.

Question Armstrong Wiggins – Indian Law Resource Center: One thing that I didn't hear from you is whether or not justice is working in Peru. What is the legal system doing for these kinds of problems? Is it possible to bring this to the Inter-American System, the Commission and the Inter-American Court if this cannot be resolved in Peru? Maybe this can help set precedent for what we do when the justice system does not work in Peru. We need to prevent something similar to Chiapas, Mexico happening in Peru, which can happen if we don't do the right thing.

Responses from Dr. Alza to GOP Comments and Questions:

Government Agency Cooperation

In the first place, at the Ombudsman's Office we are coordinating with other government offices every day. But, on the other hand they do not take our suggestions. We have a relationship with OSINERGMIN and with Sr. Gamio to coordinate and facilitate. Since I have been Ombudsman, my team and/or I have met various times with others; our office is open to coordinating and it is essential that we do so. Hopefully this will happen with PerúPetro and INRENA soon, but this is the process.

Baseline Studies

I don't believe that there is incoherence regarding the development of the baseline studies. Actually, I think that it is the opposite because the only government office that has the authority to enter into the isolated indigenous communities and their territorial reserves is the Ministry of Health. They are granted access to conduct a baseline study of the environmental health effects on the affected communities and protected lands. In reality though, these people are not isolated voluntarily. Historically their rights have been affected and they have been pushed further to isolate them from the rest of the country.

Monitoring

Regarding minutes, we have shared our idea with MEM through Mr. Carvajal at the Social Management Directorate, to coordinate monitoring of the fulfillment of obligations as stated in the official minutes. We have a unit for monitoring the minutes from meetings involving social conflicts generated by extractive industries or other reasons.

Some incidents in which we have intervened include, Río Corrientes and the Achuar of Iquitos. We at the Office of Ombudsman are doing tracking and monitoring the production of official minutes to make sure that they comply with all of their obligations. If we find that PRONAA (National Food Assistance Program) isn't following through with their commitment of giving food to the Achuar, we would approach PRONAA and we would tell them that their lack of fulfillment of a commitment could start a conflict.

Citizen Participation

When we speak of the workshops we need to be very careful. Everything that we have spoken about today falls under the main subject of "citizen participation". However, in reality, the quality of the participation is questionable. If I go to a hearing but I don't have any material to prepare for it before hand, and I can't understand the information that is being presented to me, this is not truly participation.

I go to these sessions, participate in them, and speak. But if my opinion does not count, if I am not being considered, if what I say doesn't matter, and if the information I'm receiving isn't in a language that I can understand, then how am I participating? It is necessary that the authority gives a response to all the participants to address their concerns, and let them know where they stand and why they have made specific decisions. This has happened in some cases, but not all. I think this would help to improve the quality of the participation process.

Compensation

With respect to the compensation, there have been studies in which we have shown the two compensatory models. But in reality, we can't just rely on the companies to follow through with the payments to the communities. Instead, the State must protect these vulnerable people's rights, especially those who live 13 hours into the depths of the jungle.

The communities by and large are not alone and do have some sources of support. However, those who do arrive at the Ombudsman Office usually are alone and don't have anyone else, so we need to lend them support.

GTCI (Inter-institutional Technical Coordination Group)

At the beginning the GTCI supported us with two offices: social conflicts and environmental issues. These were two distinct offices we coordinated with and two separate institutions and specialists. Many people raised concerns about not receiving payments, or not receiving the amount due to them. As a result, the Ombudsman's Office went to the GTCI and we asked them permission to conduct a study to assess the issue of unfulfilled payments and what alternatives we could propose to help alleviate this problem for the people. GTCI immediately rejected our proposal, saying they would take control of it. But in reality, they didn't do anything until much later.

We have some informational brochures which spell out indigenous rights and where can they go if their rights are not being respected.. There was never a helpful mechanism and still there isn't one today. The Camisea Ombudsman was ineffective and never had the visibility needed in the area. When they needed to go to the area, they had to ask us to go with them, because the community wouldn't accept them. So, there is a credibility problem, because this is what the communities observe when there are conflicts

International vs. National Justice Options

The judicial system needs an integral reform, so we should avoid resolution through it. Obviously, when domestic resources have been exhausted and the peoples' rights have not been taken into account, you can elevate the issue to an international court like the Inter-American Commission to seek justice, but I think that this is a problem that can be resolved at the policy level. That is why the Ombudsman Office doesn't concentrate only on particular cases, but is also supervising public policy within the Government, thus we can guarantee rights for indigenous peoples. We are launching a system to defend peoples' rights that will function throughout the entire Amazon region. That is where we can move forward

Timeliness of the Study

This study was presented last March, but that does not alter its validity. It encompasses events that occurred during 2002-2005. It has allowed us to give a voice to those who traditionally have not been heard in this process.

Comment: (from IDB) We at IDB would like to sincerely thank Dr. Alza for his presentation. Often times we know the problems and the issues, so it is very helpful to be presented with concrete solutions like these, which we are able to work with once the meeting is finished.

Comment: (from TGP) TGP is proud to be part of the Camisea Project. We hope today's information demonstrated that no spill incidents occurred because old pipe was used or because of uncertainty regarding the quality of the pipeline construction. TGP is committed to a safe operation and, therefore, is committed to continue improvements on erosion control and implementation of a monitoring system that will help us better understand conditions in both the wet and dry seasons. This is an interactive and continuous process.

Closing:

Christian Gómez, Deputy Manager of the IDB's Regional Operations Department 3, thanked all the presenters for their efforts to prepare their presentations and for traveling to be at this meeting. Mr. Gómez also thanked all the meeting participants for attending the meeting and sharing their candid questions and perspectives on the topics presented today.

Appendix A
5th Camisea Public Meeting
Washington DC June 4, 2007
Participant List

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Appendix B **Meeting Agenda**

Semi-Annual Public Meeting on the Camisea Project

June 4, 2007

9:00am - 3:00pm

Inter-American Development Bank

Conference Room CR2

1330 New York Avenue, NW, Washington, DC

Agenda

Objectives:

This fifth semi-annual public meeting on the Camisea Project is being held in Washington, DC. The objectives of this public meeting are to: 1) communicate developments and recent reports on the Camisea Project; and 2) hear and discuss perspectives from stakeholders on topics related to the Camisea Project. This meeting will focus on the following topics:

- Findings from two reports: 1) Pipeline Integrity Analysis and 2) Independent Environmental and Social Audit of the Camisea Project
- Update from the Government of Peru on the status of the FOCAM (Camisea fund) and flow of project-generated resources to local communities
- Status of the IDB public-sector loans
- Discussion on specific aspects of the Camisea project from stakeholders

9:00-9:20am	Welcome/Introductions/Agenda Review Alicia Ritchie, Manager, IDB Regional Operations Dept. 3 (RE3) Catherine Allen, Facilitator
9:20-9:45am	Status of the IDB Public-sector Loans for Institutional Strengthening of Government Institutions with Oversight over the Camisea Project (in execution) and Sustainable Development of the Lower Urubamba Valley (proposed) Leonardo Corral, Project Economist, RE3 Michael Jacobs, Chief, Social Programs Division, RE 3
9:45-10:30am	Flow of Project-generated Resources to Local Communities: FOCAM and Cuzco Juan Miguel Cayo, Vice Minister, Ministry of Economy, Peru Mr. Cayo's presentation will be followed by 30 minutes of Q&A
10:30-10:45am	Break
10:45-11:45am	Findings from “Pipeline Integrity Analysis of the Camisea Transportation System” Exponent Failure Analysis Associates The presentation will be followed by 30 minutes of Q&A

11:45-12:45pm	Findings from “Independent Environmental and Social Audit of the Camisea Project” ICF International The presentation will be followed by 30 minutes of Q&A
12:45 – 1:15pm	Lunch (Self-service light lunch available)
1:15 – 1:30pm	Civil Society Perspective: The IDB Loans to the Peruvian Government Alberto Barandiarán, President, Derecho, Ambiente y Recursos Naturales – DAR, Peru
1:30 – 1:45pm	Perspective of the Peruvian Government's Defensoría del Pueblo Dr. Carlos Alza, Associate Defender for Public Services and Environment, Defensoría del Pueblo
1:45 – 3:10pm	Open Discussion IDB welcomes questions and comments from stakeholders Camisea Project stakeholders. Participants will be asked to limit their questions or comments to no more than five minutes. IDB representatives will be available to respond to questions or comments and engage in discussion.
3:10 - 3:15pm	Closing