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More Like Texas

US state involvement
in the Vaca Muerta
mega-project in Argentina



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Front and back cover

Gas flaring at a shale well near Añelo, Neuquén province, Argentina.
Credit: Martín Alvarez Mullally, OPSur.



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1 Introduction



As US Energy Secretary Rick Perry said in June 2018¹, the aim of US foreign energy policy in Argentina was to help the country become “more like Texas” by bringing US business to work on unlocking Patagonia’s shale oil and gas reserves.

The US State Energy Information Agency ranked Argentina’s shale gas and shale oil resources in second and fourth place globally respectively². These reserves, concentrated in and around the Vaca Muerta shale formation in Northern Patagonia, represent an estimated 50 billion tons of carbon trapped in the ground (almost 1.5 times the annual global CO₂ emissions from the energy sector)³, as well as a direct threat to Patagonia’s freshwater supplies and agricultural industry. Since the discovery of shale oil

and shale gas in Vaca Muerta, the region has seen a rapid influx of interest from international actors, from Big Oil companies to multilateral development banks.⁴

This briefing outlines the role played by the US government and various US public agencies in promoting fracking in Argentina, focusing primarily on the 2017-2019 period: from public finance loans worth hundreds of millions of dollars, and to offering Argentinian business and local officials recommendations on how to work with and regulate the industry.



US Energy Secretary Rick Perry meets with Argentina Minister of Energy & Mines, Juan Jose Aranguren on April 27, 2017 at the Department of Energy

DOE photographer Ken Shipp

2 Public finance: OPIC



The US development finance agency OPIC is considering directly financing Vaca Muerta operations and infrastructure. Public financing – the provision of loans, guarantees, or insurance by a government – de-risks business operations in conditions otherwise challenging to companies.⁵

OPIC's history in Argentina

Established in 1971, the Overseas Private Investment Corporation (OPIC) is a 'self-sustaining US government agency that helps American businesses in emerging markets'. OPIC 'helps US businesses invest overseas, fosters economic development in new and emerging markets, complements the private sector in managing risks associated with foreign direct investment, and supports US foreign policy'.⁶

In 1989, the Government of Argentina signed a comprehensive agreement with OPIC, which allowed OPIC to insure US investments 'against risks resulting from expropriation, inconvertibility, war or other conflicts affecting public order'.⁷

Previous to 2019, OPIC had three active loan projects in Argentina – the latest having been signed in 2012:⁸

- Two \$10 million loans to Plaza Logistica SRL, a warehouse operating company
- One \$10 million loan to Argentina Olive Ranch S.A. for an olive tree farm and olive oil processing plant backed by Jomada Trust, an obscure Illinois-registered investment vehicle.

On November 28, 2018, at the G20 Summit held in Buenos Aires, OPIC CEO Ray Washburne signed six new letters of interest to finance projects in Argentina. A letter of interest is the first preliminary agreement in the financing process. Before any financing can be committed or disbursed, OPIC must evaluate and review the project to determine if it meets OPIC's standard underwriting and policy criteria. The agreements total up to US\$814 million, which will 'catalyze hundreds of millions in additional private capital'.⁹ Among the six proposed investments, the largest was a \$350 million loan for a gas pipeline

“There is business interest to invest in energy, directly and indirectly in Vaca Muerta.”

**Ryan Brennan,
director of operations,
OPIC**

“from the Vaca Muerta deposit to the city of San Nicolás in the Buenos Aires province”.¹⁰ The other investments concerned road building, warehousing, and onshore windfarms.

In May 2019, an OPIC delegation visited Argentina and announced that the first of its new batch of projects – another loan to Plaza Logistica SRL – was now approved. Speaking to Argentinian press, OPIC director of operations Ryan Brennan claimed that the agency was reviewing 17 potential investment projects in Argentina totalling \$5.2 billion: “There is business interest to invest in energy, directly and indirectly in Vaca Muerta. Our investments are long term. Also in services, oil and gas pipelines, trains and other investments related to the development of Vaca Muerta.”¹¹

Brennan also confirmed OPIC's long-term interest in Public-Private Partnerships (PPPs) in Argentina, qualifying that “when PPP financial structures will be ready, we will be ready”. The next financial

2 Public finance: OPIC



decisions, according to the official, could be expected in November (after the presidential elections in Argentina), though Brennan hastened to add that the agency supports “countries not governments”.¹²

Currently there are two known loans to Vaca Muerta under consideration.

The Vaca Muerta – Buenos Aires province pipeline

What would OPIC’s proposed \$350 million Vaca Muerta gas pipeline loan support, and what impacts would it have?

The lack of transport infrastructure to get the fuels to industrial centres or export ports is commonly cited as a barrier to massive gas extraction at Vaca Muerta.¹³ Several proposals for a large scale pipeline have long been in planning, with the idea to terminate at San Nicolás in the Buenos Aires province or at Bahía Blanca on the Atlantic coast. According to press reports, there are at least five potential competing proposals for the pipeline.¹⁴

At the time of writing, the Argentinian government has mandated the Energy Secretary to open an official tender for a pipeline project.¹⁵

TGS and Techint’s Tratayén-Salliqueló-San Nicolás pipeline project – the competitor that counts with OPIC’s tentative backing – is expected to cost \$800

million overall, stretch over 600 miles in length,¹⁶ and transport 15 million cubic metres of gas per day.¹⁷

The pipeline is planned to start at Techint’s gas treatment plant in Tratayén, near (though not directly on) to the site of a land dispute between a group of oil companies and the Indigenous Mapuche community Fvta Xayen, whose members were violently evicted in 2017, with several detained by the provincial authorities, and three members of the provincial Mapuche Confederation facing charges of “incitement” as a result.¹⁸ The route of the pipeline, while not yet officially publicised, is expected to largely follow existing infrastructure.¹⁹ From the pipeline’s end point in San Nicholas, a shorter stretch of new pipeline to Rosario would bring the gas to industrial users such as Rosario’s agro-exports complex (world’s biggest soya exports centre),²⁰ feeding concerns about industrial pollution.²¹

There are no available assessments of which specific oil and gas fields would be brought to market by the pipeline. The pipeline’s reported capacity is equivalent to 8,5 million tons of carbon dioxide in the atmosphere annually when burned.

Pipeline contractor mired in corruption scandals

Techint – the parent company of Tecpetrol, one of the two partners in the pipeline project²² and signatory to the Letter of Interest with OPIC²³ – has been named in two recent large-scale corruption scandals in Argentina and in Brazil.

Former Techint director Luis Betnaza admitted paying bribes to the Argentinian government in 2018 as part of the corruption scandal surrounding the Néstor Kirchner and Cristina Fernandez de Kirchner government.²⁴ Techint owner Paolo Rocca was named in court proceedings following the scandal, and issued public statements where he admitted that his company paid bribes to government functionaries, in his account, in return for the government facilitating the company’s exit from Venezuela where a part of Techint’s business had been nationalised.²⁵ Former top-ranking civil servant Claudio Uberti indicated that Betnaza paid “five or six” bribes of over US\$100,000 directly to Néstor Kirchner.²⁶ An individual



2 Public finance: OPIC



investigation into the conduct of Techint owner Paolo Rocca was closed by a higher level court panel on the grounds that there was not sufficient proof that Rocca was aware of the bribes.²⁷

Techint has been fined and received a five-year ban from public works tenders in Brazil as part of the sprawling Lava Jato corruption scandal. The company allegedly participated in a series of fraudulent deals with the oil company Petrobras, where works including pipeline construction were overvalued in order to conceal illicit payments²⁸ valued at \$9.4 million between 2009 and 2014.²⁹ A journalist investigation using the Panama and Paradise papers showed evidence that Techint used a web of offshore entities to siphon off funds for the bribes. Techint denies wrongdoing in relation to these allegations.³⁰



Drilling at Bajada de Polo Oeste

In June 2019 OPIC published information on a second proposed Vaca Muerta project: a loan to Vista Oil and Gas for 110 unconventional oil wells to be drilled and fracked in 4-5 years at the Bajada de Polo Oeste area, and for facilities to process the oil. Vista is a Mexico-registered oil and gas company with interests across Latin America, founded by Riverstone Holdings – a US private equity firm.³¹ Its partner in the project is Aleph Midstream, a specially created company jointly created by Vista, Riverstone Energy (UK domiciled subsidiary of Vista's parent Riverstone Holdings) and equity investment firm Southern Cross Group.³² What do we know about the project's risks and impacts?

According to an analysis conducted by FARN, Vista

Oil and Gas's Environmental Impact Assessment (EIA) for the project, as submitted to OPIC,

- Fails to explain how Vista plans to control oil or drilling mud spills, despite these already being a common occurrence in Vaca Muerta operations;
- Fails to disclose what contractor company will be managing and treating solid waste, and evaluate the risks and impacts of waste treatment. Waste site Treater Neuquén S.A., just three miles outside the town of Añelo, is the subject of a lawsuit led by the Mapuche Confederation of Neuquen. According to Greenpeace analysis cited in the lawsuit, the waste treatment plant has been dumping industrial waste containing hydrocarbons, heavy metals, and radioactive elements directly on the ground in violation of provincial and national environmental laws.³³
- Professes incomplete information on some of the most serious local environmental risks: "it is not possible to assess" compliance of the levels of hexavalent chromium, cadmium and arsenic in processed treated water with guidelines; it is "difficult to prove" whether or not Vista's activities lead to earthquakes; and "details on specific air emission sources are not yet available".

As FARN points out, Vista negates the need to consult indigenous communities, on the basis that no indigenous populations have been identified within or near the Projects' sites. However, the Convention ILO 169, signed and ratified by Argentina, indicates that all indigenous communities not only in the directly affected area by the project but also the ones that could be indirectly affected by it (in this case, for example, by transportation, silica mining, or waste treatment) should be consulted.

Although Vista claims to have held a public consultation on the project, the Neuquén Environmental Under-secretary advertised this consultation as only referring to an oil pipeline,³⁴ not the drilling of 110 wells and construction of

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processing facilities.

There is no available estimate of overall amounts of carbon in the atmosphere unlocked by the project, as Vista does not consider emissions from use in its EIA and does not report on the overall expected volumes of oil and gas extraction. Based on Vista's assumption that each well will produce around 875 barrels of oil / day, if in full operation, 35.13 million barrels of oil will be extracted annually, equivalent to 11.137 million tons of CO₂ annually when burned.³⁵

The Future of OPIC

“It is not possible to assess” compliance of the levels of hexavalent chromium, cadmium and arsenic in processed treated water with guidelines; it is “difficult to prove” whether or not Vista’s activities lead to earthquakes; and “details on specific air emission sources are not yet available”

On October 5, 2018, Donald Trump signed the Better Utilization of Investments Leading to Development (BUILD) Act, effectively creating a new US development agency: the US International Development Finance Corporation (USIDFC). While the operationalisation of the new USIDFC is likely to take up to a year, OPIC is entering a transition period during which Congress will plan its reorganisation. The Center for Strategic and International Studies outlines some of the expected differences between USIDFC and OPIC. The new USIDFC will be allowed to:

- make equity investments;
- provide technical assistance;
- increase the ability to take smart risks using local currency loans, first loss guarantees, and the provision of small grants;
- raise the spending cap of the USIDFC's investments to \$60 billion, more than doubling OPIC's current \$29 billion funding cap;
- provide a 7-year authorization; and
- create a “preference” for U.S. investors, rather than a requirement.

Notably the new USIDFC will merge OPIC with some key private capital functions previously falling under USAID.³⁶ It is unclear at the time what the impact this shift will have on current OPIC activities in Argentina. OPIC officials have confirmed that the organisation would not be revising its social and environmental protocols and policies while the transition is ongoing, though it appears that OPIC is actively approving new loans in Argentina.

3 Official visits



High level US and Argentinian officials have exchanged at least ten visits to promote Vaca Muerta deals over the past two years – see table below.

Date	US officials involved	Argentinian officials involved	Detail
November 2017	Unknown	Neuquén governor Omar Gutierrez	Gutierrez presents Vaca Muerta opportunities to the Independent Petroleum Association of America ³⁷
March 2018	Unspecified State Department and Energy officials	Neuquén governor Omar Gutierrez	Gutierrez heads a business delegation to Houston and Washington to promote investment in Vaca Muerta ³⁸
June 2018	US Energy Secretary Rick Perry	Energy minister Juan José Aranguren	At the G20 energy ministers' gathering, the two sides discuss US assistance in exploiting Vaca Muerta ³⁹
June 2018	US Energy Secretary Rick Perry, OPIC President Ray W Washburne	Energy minister Javier Iguacel	Iguacel replaced Aranguren as energy minister shortly after the G20 meetings, and went on this US visit the same week, taking part in the World Gas Conference alongside bilateral meetings ⁴⁰
June 2018	Unknown	Neuquén deputy secretary for industry Claudia Afione	Afione visited Houston to participate in an exchange programme organised by AmCham (the American Chamber of Commerce in Argentina) and meet oil and gas businesses ⁴¹
September 2018	Deputy Assistant Secretary for Oil and Natural Gas Shawn Bennett	Energy minister Javier Iguacel	Iguacel traveled to Houston to meet companies operating and interested in Vaca Muerta, as well presenting at a lunch organised by the IAPG (Instituto Argentino del Petroleo y del Gas), an industry lobby group, with businesses and US officials. ³ Iguacel's predecessor Juan José Aranguren publicly criticised the promises made in Iguacel's presentation as "exaggerated" ⁴²

3 Official visits



Date	US officials involved	Argentinian officials involved	Detail
October 2018	Deputy Assistant Secretary for Oil and Natural Gas Shawn Bennett, US embassy officials	Energy minister Javier Iguacel, Neuquén governor Omar Gutierrez	Bennett presented a seminar to Argentinian businesses and officials on opportunities for strategic links with US companies, and opened the Expo Argentina Oil and Gas Patagonia together with Iguacel and Gutierrez ⁴³
November 2018	Unknown	Energy minister Javier Iguacel	Joint “road show” with Argentinian oil companies presenting to US investors, with stops in New Orleans, Houston, and New York ⁴⁴
February 2019	Unknown	Mendoza governor Alfredo Cornejo	Cornejo heads a business delegation to attract investment in Mendoza in several sectors including Vaca Muerta oil and gas ⁴⁵
March 2019	Energy Secretary Rick Perry, International Energy Agency director Fatih Birol	Finance minister Nicolás Dujovne, energy minister Gustavo Lopetegui	Dujovne and Lopetegui meet Perry, Birol, and oil company executives, to promote investment in Vaca Muerta, ⁴⁶ discuss “LNG and energy technology collaboration.” ⁴⁷ Shortly after, Lopetegui promises a visit from Perry to Argentina with oilfield services companies, date to be defined ⁴⁸
April 2019	US Ambassador to the UN Nikki Haley	Neuquén governor Omar Gutierrez	Gutierrez meets oil and gas businesses and investors and participates in the HSBC Latin American Investment summit ⁴⁹

4 Training and capacity-building



Training and capacity-building is one of the ways in which the US has cemented its involvement in the Argentinian extractive sector. Some of the key actors involved include: the US Department of State Unconventional Gas Technical Engagement Programme and Pennsylvania State University.

The US Department of State has long been involved in helping foreign governments develop their 'oversight and governance capacity in the energy sector'.⁵⁰ In 2010, the US set up a program called the Global Shale Gas Initiative later renamed Unconventional Gas Technical Engagement Program (UGTEP), managed by the Bureau of Energy Resources. The stated aim of the UGTEP is for 'foreign nations [to] learn from government

regulatory experts and private representatives of the oil and gas industry'.⁵¹ The programme aims to disseminate what are seen as 'best practices' based on the lessons learned in the US in the environmental, social, health and safety, and commercial application of unconventional gas development. This happens through visits to and from the US, technical workshops addressing the environmental, social, and economic ramifications of unconventional gas development, and regulator training courses.⁵²

At the 2018 G20 summit, Vince Campos, a State Department Spokesman said the Department was keen to 'share best practices concerning technical, regulatory, and fiscal underpinnings required to ensure safe and sustainable resource development in



Main entrance of Old Main, at Penn State University, University Park, Pennsylvania

Por George Chriss

4 Training and capacity-building



As none of the project's research outputs are publicly available, it is unclear what recommendations on risk mitigation, governance, social licence, and legislation the Marcellus Center has been promoting to its partners in Patagonia

order to advance global and US energy security'.⁵³

In June 2018, US Secretary of Energy Rick Perry traveled to Bariloche on behalf of the US Department of Energy, for the G20 Summit, and expressed his desire to help Argentina become 'more like Texas' through technology partnerships and assistance.⁵⁴

Since 2017, the Department of State funded Pennsylvania State University's Marcellus Shale Center to carry out a knowledge exchange programme with Argentinian officials and stakeholders.⁵⁵ The Marcellus Center for Outreach and Research is a shale energy education and research initiative 'serving all stakeholders including state and federal agencies, elected officials, communities, landowners, industry, and environmental groups'.⁵⁶ Workshops as part of the programme have been led by Tom Murphy from PSU, often in cooperation with Groundwater Protection

Council, the Department of Interior's International Technical Assistance Program and the US Bureau of Land Management.

The Marcellus Center's track record of events in Argentina goes as far back as 2014, and includes a variety of presentations including the titles "Attaining Social License to Operate in a World with Social Media" (Buenos Aires, Argentina, September 25, 2014) and "Local Communities – Achieving Positive Engagement and Communication" (Latin America/World Shale Conference, June 22-25, 2015).⁵⁷

The Center's recent programme for Argentina aims 'to provide in-country and distant (digital) education to governmental officials in Argentina, related to the development of Vaca Muerta shale resource in the western region of the country'.⁵⁸ As far as could be ascertained, Argentina is the only country targeted by a specific programme of this kind by the Marcellus Center. The programme themes include the creation of successful regulatory protocols, governance, issues of social license,⁵⁹ local workforce and business development, environmental/water risk mitigation, and legislative initiatives including revenue generation.⁶⁰

As part of this programme, the Marcellus Center ran a series of municipal level workshops on shale hydrocarbon development. In August 2018, for example, a workshop for the municipality Rincón de los Sauces reportedly attracted participation from local councillors, the municipal police chief, members of the municipal Chamber of Commerce, a schools inspector, academics from the National University of Comahue, and provincial officials.⁶¹ A similar workshop was held in Centenario and another planned in Vista Alegre, both sites of intense local protests against the advance of fracking.⁶² In San Patricio del Chañar, the planned workshop was cancelled "for security reasons".⁶³

A description of the programme on the Penn State University website projects a "strategic roadmap" to be delivered in Neuquen in March 2019.⁶⁴ As neither the roadmap nor any of the project's other research outputs are publicly available, it is unclear what recommendations on risk mitigation, governance, social licence, and legislation the Marcellus Center has been promoting to its partners in Patagonia.

5 Military



The US military announced the construction of an ‘Emergency Operation Centre’ in Neuquen, reportedly at the request of the provincial government. Argentinian social movements, environmental and Indigenous organisations have voiced concerns about what is seen as establishing US military presence in the region, and some have claimed that the base would infringe on Argentina’s law 25.880, which requires that the government seek congressional approval for the entry of foreign troops.⁶⁵ Critics have questioned the base’s location – near Vaca Muerta oil and gas infrastructure and a possible connection of the focus on seismic events to the effects of fracking.⁶⁶

According to the US government, the \$1.3 million facility will be built in a 6,458 square feet compound near the Neuquen city airport, and financed by SOUTHCOM – the US Department of

Defence’s Unified Combatant Command responsible for operations in Central and South America and the Caribbean.⁶⁷ The compound is to include an ‘operations center’ as well as ‘offices with equipment for contingency monitoring, coordination, and planning purposes’ and ‘warehouse for humanitarian aid materials donated to the province by the United States in 2009 and 2017’, including tents, cots, six-wheel drive vehicles, and other materials necessary to set up an evacuation center. The US government announced⁶⁸ and the Neuquen provincial government confirmed in response to a Freedom of Information request by FARN⁶⁹ – that when the EOC is completed, the province will take control over ‘management, operations, staffing and maintenance’.

As of the time of writing, construction has not yet begun.



US Embassy Charge d’affaires Tom Cooley presents a donation of emergency response equipment to Neuquén Province, 2017

US Embassy in Argentina

6 Conclusion



This briefing has outlined the extent of efforts by US government and state institutions to push forward fracking in Patagonia.

Exchanges between US and Argentinian energy officials – at least ten official visits over two years, six of them at ministerial level - have focused on maximising US oil company and investor presence in Patagonia.

The US State Department has taken a strategic interest in promoting shale gas drilling in Argentina, with a multi-year capacity-building programme where US-based academics and officials make recommendations on fiscal regimes, negotiating with communities, and environmental safety to their Argentinian counterparts. There is no public information on the legislative and fiscal proposals the State Department is promoting to Neuquen Province, and whether the province is adopting these.

Two projects under consideration for financing by development finance agency OPIC threaten to:

- Lock in an annual 8,5 million tons of carbon dioxide potentially released into the atmosphere for at least seventeen years, through a new gas pipeline connecting Vaca Muerta oil and gas fields to industrial and export use;
- Enable around 11.1 million tons of CO₂ annually from 110 fracked oil wells drilled by Vista Oil and Gas.

Vista Oil and Gas has so far failed to consult indigenous communities who may be affected by the project (violating the right to Free, Prior, Informed Consent), to hold proper consultation with other local communities or civil society groups, or to disclose information on some of the project's most acute risks, including air and water pollution.

These diplomatic and financial efforts together combine an obscure, unaccountable influence on Argentina's energy governance, and a push to unlock one of the world's largest remaining "carbon bombs".



US Embassy in Argentina

US Embassy Charge d'affaires Tom Cooley meets Neuquén governor Omar Gutierrez in 2017

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Platform is a London-based organisation that conducts research, education, and campaigns towards a just future beyond fossil fuels.

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