

GUIDE FOR DUE DILIGENCE IN INSTITUTIONAL STRENGTHENING



GUIDE FOR DUE DILIGENCE IN INSTITUTIONAL STRENGTHENING



Technical Secretariat:



TABLE OF CONTENTS

	INTRODUCTION	5
	SECTION I. DO NO HARM APPROACH	9
	GENERAL PRINCIPLES	10
	PRINCIPLES OF ACTION	10
	1. PLAN	10
	2. DO	11
	3. CHECK	12
	4. ADJUST	12
	SECTION II. PROMOTION	13
	GENERAL PRINCIPLES	15
	PRINCIPLES OF ACTION	15
	1. PLAN	15
	2. DO	16
	3. CHECK	17
	4. ADJUST	17
	GLOSSARY	19

This document is a self-regulating instrument of voluntary application, that serves as a guide to develop business activities in a way that is respectful to Human Rights and International Humanitarian Law. The application of these principles does not imply that *Guías Colombia* certifies the performance of business in Human Rights issues.

The organizations that adhere to *Guías Colombia* do it voluntarily and on their own behalf. The content of this guideline is public and of free access to anyone that wishes to consult and apply it. However, only businesses endorsing the initiative are bound to implement it. As to business associations, their adhesion to *Guías Colombia* does not bind or compromise any of the businesses that are part of it.

Technical Secretariat:
Fundación Ideas para la Paz

Design and Layout:
Ladoamable
www.ladoamable.com

ISBN
 978-958-59761-9-1

Bogotá, Colombia 2017



INTRODUCTION

For companies, respect for human rights in Colombia might prove to be particularly challenging. Some operate in highly complex circumstances, typically characterized by the existence of weak institutions and governance. This ultimately translates into weak State capacity to effectively comply with its duties in some areas of the country; presence of illegal actors; and a widespread culture of illegality¹, among others. This complexity is deepened by the lack of knowledge as to the institutions responsible for guiding and demanding respect for HRs by local actors, as well as the blurry line -in practice- between the State responsibility to protect and guarantee HRs, and that of the companies.²

In this context, the role of companies is crucial due to their potential as agents of change that contribute to transform such realities and to reconstruct the social fabric. This, of course, based on a clear understanding and scope of corporate responsibilities regarding human rights.

In light of these challenges and opportunities, *Guías Colombia* has developed this Guide to provide recommendations on how companies can comply with their responsibility to respect HRs when implementing actions for institutional strengthening. To that effect, this Guide takes as its main reference the United Nations “*Protect, Respect and Remedy*” Framework³, its Guiding Principles on Business and Human Rights⁴, and the Colombian National Action Plan for Business and Human Rights⁵, grounded on three pillars, as follows:

- (i) The State's duty to protect HRs against abuses by third parties, including business, through public policies, regulations, and other appropriate measures.

- (ii) The corporate responsibility to respect HRs; namely, acting with due diligence to avoid infringing the rights of others.
- (iii) The need for more effective access to judicial and non-judicial remedy, for victims of HRs abuses.

Based on a wider concept of institutions⁶ adopted from institutional economy and development cooperation, *Guías Colombia* defines institutional strengthening as follows:



¹ Guáqueta, A. (2006). Operations in Conflict Areas and Weak Governance: Guiding Tools for Businesses in Non-Extractive Sectors. Fundación Ideas para la Paz, Proposal 2, Bogotá, Colombia.

² Fundación Ideas para la Paz and British Embassy in Bogotá (2012). White Paper on Business and Human Rights in Colombia. Bogotá, Colombia.

³ United Nations High Commissioner for Human Rights. Protect, Respect and Remedy: A Framework for Business and Human Rights, A/HRC/8/5 (April 7, 2008). Available at: <https://business-humanrights.org/sites/default/files/reports-and-materials/Ruggie-report-7-Apr-2008.pdf>

⁴ The United Nations High Commissioner for Human Rights (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. Available at: http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf&action=default&DefaultItemOpen=1

⁵ Presidential Advisory Office for Human Rights (2015). National Action Plan for Business and Human Rights 2015-2018. Available at: <http://www.derechoshumanos.gov.co/Prensa/2015/Paginas/Plan-Nacional-de-Accion-Empresa-and-DDHH.aspx>

⁶ Academics endorsing institutional economy, such as North and Williamson, have defined institutions as “humanly devised constraints that shape human interaction and structure incentives for exchange, while defining and constraining individual choices”. This school of thought understands institutions as the rules of the game and organizations as players, interdependently related, where institutions regulate organizations' actions, while those same actions shape up institutions. Accordingly, institutions cannot be dealt with independently from the players. Douglass C. North (1990). Institutions, Institutional Change and Economic Performance. Cambridge University Press.

Institutional strengthening: All actions taken, within the framework of legality and ethics, to avoid triggering adverse impacts and with the purpose of strengthening, on the one side, the capacities and effective operation of State and non-State organizations⁷ and, on the other, the formal and informal “rules of the game” that guide people’s behavior and interactions.

Grounded on this definition, *Guías Colombia* bounds the scope of this Guide to: on the one hand, the strengthening of capacities and tools of organizations; particularly, State agencies⁸ as guarantors of HRs. On the other hand, to the strengthening of civil society organizations⁹ formally established, to enable them to participate in an informed manner in territorial decision-making processes. In addition, *Guías Colombia* bounds the scope of this Guide to strengthening the rules of the game from the perspective of the company’s role regarding the respect and promotion of State regulations and laws, as well as customs and social rules that abide to a framework of legality and ethics.

Guías Colombia recognizes the importance of civil society leaders and organizations not formally established that have legitimacy and meaningful impact in territorial dynamics. Hence, this Guide does not suggest that companies limit their actions or engagement in matters of institutional strengthening to organized civil society. However, for practical reasons, the scope of this Guide focuses on the institutional strengthening of organizations *formally* established. Therefore, for matters concerning interactions with organizations that have not been formally established, please consult the *Guías Colombia* Community Engagement Guide¹⁰.

It is worth stressing that, in the context of institutional strengthening, the 2030 Sustainable Development Agenda¹¹ may be held as a guiding reference for companies pursuing institutional strengthening actions respectful of HRs. The

Agenda’s Sustainable Development Goal 16 ‘Peace, Justice and Strong Institutions’ recognizes the importance of relying on peaceful and stable environments, with solid and effective institutions at every level.¹² For this reason, companies and other territorial actors are asked to commit to long-lasting solutions based on the promotion of HRs.

That said, and according to the concept of institutional strengthening adopted by *Guías Colombia*, this Guide recommends actions for companies following two essential approaches:

Do No Harm¹³: Includes the responsibility to respect HRs and to conduct rigorous due diligence processes, including awareness of and compliance with the law, actions within the framework of legality, local dynamics, actors present in the territory, and their authority and legitimacy, among others.

• • • • •

⁷ See Glossary: State and non-State organizations.

⁸ The decision to undertake institutional strengthening actions addressed to State agencies is discretionary for each individual company implementing this Guide, subject to prior in-house review on convenience, interactions and other factors that may be decisive for the company to support or assist State agencies.

⁹ See Glossary: Civil society organizations.

¹⁰ Please refer to the specific guide for due diligence on human rights prepared under the *Guías Colombia* Initiative, by clicking the following link: <http://www.ideaspaz.org/tools/guias-colombia>. Also, please refer to other instruments regarding engagement with communities, such as: AA1000 Standard or the OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector. Forthcoming is the Community Engagement Guide under *Guías Colombia*.

¹¹ For further information on the Sustainable Development Agenda, click on the following link: <http://www.undp.org/content/undp/es/home/sustainable-development-goals.html>. Also, see the UN Working Group Statement on Business and Human Rights (30 June 2017): The Business and Human Rights Dimension of Sustainable Development: Embedding the “Protect, Respect and Remedy” Framework in SDGs implementation. Available at: <https://business-humanrights.org/sites/default/files/documents/UNWG-SDG-recommendations-30-Jun-2017.pdf>

¹² See the UN Working Group Statement on Business and Human Rights (30 June 2017): The Business and Human Rights Dimension of Sustainable Development: Embedding the “Protect, Respect and Remedy” Framework in SDGs implementation. Available at: <https://business-humanrights.org/sites/default/files/documents/UNWG-SDG-recommendations-30-Jun-2017.pdf>. It is therein provided that: “The Guiding Principles articulate how business enterprises are expected to contribute to the “people part” of the SDGs, namely placing respect for human rights at the center of their activities and business relationships”. (...) “Implementing the Guiding Principles in itself has tremendous potential to contribute towards positive change for the hundreds of millions of the poorest and most marginalized people across the world, for whom the term sustainable development would otherwise ring hollow”. Furthermore, it states that “a development path in which human rights are not respected and protected cannot be sustainable, and would render the notion of sustainable development meaningless”.

¹³ See Glossary: Do No Harm.

Promotion: Companies may proactively support institutional strengthening processes beyond a *do no harm approach*, bearing in mind the different roles and competences of the State, communities and businesses. To that effect, companies may act jointly with the State, communities and other companies to boost institutional strengthening processes in their respective areas of operation.

The two approaches mentioned are aligned with three cross-cutting axes of action that should be deemed intrinsic to this Guide.

- (i) Compliance with and observance of the law, a culture of legality, and common good.
- (ii) Adoption of the principle of non-discrimination,¹⁴ and the inclusion of persons or groups historically discriminated in both interactions with stakeholders and in strategies and activities pursued for institutional strengthening.
- (iii) Support peacebuilding through the promotion of the effective enjoyment of HRs, citizen participation and avoid triggering and/or aggravating territorial disputes.

Grounded on the above-mentioned approaches and these three cross-cutting issues, companies may pursue specific actions for institutional strengthening associated to the following matters:

1. **Organizations:** Strengthening capacities and tools available for territorial State and non-State organizations for the effective performance of their duties.
2. **Rules of the game:** Strengthening practices, conducts and norms that set the behavior and interactions of actors present in the territory and that promote the respect for HRs.

3. **Culture of legality and transparency:** Respect and promotion of the law, ethics and integrity, coupled with accountability for transparent engagement.

4. **Strengthening of public interests:** Continued pursuit for common good and peaceful relations in the territory.

5. **Sustainable Development Goals (SDGs):** Guiding references that companies may consider to define actions aimed at institutional strengthening, bearing in mind SDG-16.

Finally, it is worth stressing that this Guide is framed within the PDCA cycle (i.e., Plan, Do, Check and Adjust) for continuous improvement. It is expected that, by adopting this Guide, companies take the necessary measures and exert their leverage¹⁵ to extend the application of this Guide to their supply chains, thus maximizing the impact and improvement of the HRs situation in Colombia.

• • • • •

¹⁴ See Glossary: Principle of non-discrimination and inclusion.

¹⁵ According to the Guiding Principles: “Leverage is considered to exist where the company has the ability to effect change in the wrongful practices of an entity that causes a harm. Where a company has not contributed to an adverse human rights impact, but that impact is nevertheless directly linked to its operations, products or services by its business relationship with another entity, the situation is more complex. Among the factors that will determine the appropriate action in such situations are the company’s leverage over the entity concerned, how crucial the relationship is to the company, the severity of the abuse, and whether terminating the relationship with the entity itself would have adverse human rights consequences”. Available at: http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourceidoc=/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf&action=default&DefaultItemOpen=1

DO NO HARM



DO NO HARM

According to the Guiding Principles on Business and Human Rights, companies are responsible for preventing that any corporate strategy, operations or actions undermine institutions and give rise to risky situations for HRs. Businesses are expected to adopt high standards for the respect of HRs, starting with complying with the law.

This section focuses on the obligation of companies to conduct HRs due diligence in the context of actions for institutional strengthening at the local level. The principles below are a minimum for businesses to prevent and manage negative impacts on HRs and institutions, derived from their direct or indirect activities.

GENERAL PRINCIPLES

The company commits to:

1. Adopt a *Do No Harm* approach to prevent that its operations cause negative impacts on organizations and *rules of the game* that frame actions and interactions of actors within a given region.
2. Acknowledge and respect the autonomy and independence of organizations present at the local level, their role of securing and promoting the effective enjoyment of rights, and refrain from causing actions likely to entail adverse impacts on them.
3. Act ethically, honestly, transparently, and in compliance with the law, when interacting with interest groups.

4. Respect and refrain from hindering in any manner whatsoever, lawful processes or spaces of civil participation existing locally.
5. Respect all processes carried out locally to strengthen institutions.

PRINCIPLES OF ACTION

Companies who are members of Guías Colombia commit to:

1. PLAN

- 1.1. In its risks and impacts HRs assessment, identify:
 - Practices and *rules of the game* of State agencies and non-State actors, that support, promote, respect and secure HRs and, any other practices or rules of the game that may potentially hinder the effective enjoyment and respect for HRs.
 - Illegal practices or illegal organizations which, acting directly or through third parties, hinder the effective enjoyment and respect for HRs.
 - The way business operations and actions may impact territorial practices and *rules of the game* of local organizations.

- 1.2. Identify formal legal communication channels available for companies to interact with State and non-State actors present at the local level.
- 1.3. Identify as part of the local stakeholder map, the elements that bring actors together (social connectors) and those that separate them (social dividers), or that may cause or aggravate conflicts, as well as any potential impact of business operations upon connectors and dividers.¹⁶
- 1.4. Identify processes, procedures, practices and any other mechanism directly or indirectly adopted by the company that may compromise the autonomy of legal State and non-State actors present locally to protect and respect HRs.
- 1.5. Identify processes, procedures, practices and any other mechanism directly or indirectly adopted by the company that may have adverse effects on the local culture of legality.
- 1.6. Identify legal processes and participation spaces where citizens, civil society and companies have the opportunity of influencing territorial public decisions.
- 1.7. Prepare an action plan that encompasses the elements set forth above, to guide any institutional strengthening measure to be developed by the company.

2. DO

- 2.1. Adopt measures to prevent negative impacts of the company's actions –either directly or indirectly– on the legitimacy and proper functioning of the *rules of the game*, or the proper functioning of State agen-

cies and non-State organizations that are committed to the promotion, protection, and respect for HRs.

- 2.2. Base its engagement with other legal actors at the local level on the recognition and respect of their autonomy to make their own decisions concerning local development.
- 2.3. Prioritize the use of formal institutional channels when interacting with local authorities.¹⁷
- 2.4. Integrate a culture of legality into corporate operations, as well as into interactions with stakeholders and other State and non-State actors; for instance, forbidding corrupt practices, paying bribes or favors, among others.¹⁸
- 2.5. Take measures to avoid causing or aggravating local conflicts, by adopting a *Do No Harm* approach in the company's management processes and by implementing adequate measures; for example, a grievance and complaints mechanism aligned with HRs criteria.¹⁹
- 2.6. Refrain from participating in any practice or action likely to hinder processes and lawful civil participation spaces that promote the common good and contribute to promote HRs protection and respect at the local level.

¹⁶ See Glossary: Connectors and social dividers.

¹⁷ Formal institutional channels are those within the legal framework. They are transparent and provide traceability. For instance, the tools set out in the Colombian Strategy of On-Line Government, virtual or physical State inboxes, right of petition, among others.

¹⁸ See Law 1474/2011, Anticorruption Act.

¹⁹ See the *Guías Colombia* Guide on Grievance and Complaints Mechanisms, by clicking the link below: <http://www.ideaspaz.org/tools/guias-colombia>

3. CHECK

- 3.1. Periodically assess corporate operations to confirm that its activities are not causing or contributing to cause negative consequences on State and non-State legal organizations, as on the *rules of the game* that contribute to the promotion and respect for HRs. This may be done by using, among others, the company's grievance and complaints mechanisms available to communities, and the outcomes of periodic HRs risk and impacts assessments.
- 3.2. Monitor the performance of mechanisms implemented to avoid strengthening practices and actions by State agencies, non-State or illegal organizations that prevent the effective enjoyment and respect for HRs.
- 3.3. Assess the company's management of current or potential local conflicts associated to its operations, and monitor and systematize learned lessons.
- 3.4. Permanently monitor potential local conflicts associated to the company's operations, and conflicts that have ended up in crisis.
- 3.5. Monitor compliance with the law and the company's ethical behavior at the local level through assurance mechanisms.²⁰

4. ADJUST

- 4.1. Define an improvement plan in case of identifying adverse impacts of the company's operations or activities on the capacities and autonomy of organizations, as well as on the *rules of the game* of State and non-State legal actors at the local level.
- 4.2. Adopt measures to mitigate any adverse impact of the company's operations that reinforce practices contrary to the respect for and enjoyment of HRs of other actors present locally.
- 4.3. Implement action plans based on lessons learned from the management, monitoring and assessment of local conflicts.
- 4.4. Adopt corporate disciplinary and corrective measures in case of unethical or illegal actions detrimental to the respect for HRs identified within the company.

²⁰ Assurance or compliance mechanisms allow to detect and manage risks associated to non-compliance or breach to regulatory obligations, mitigate risks concerning penalties and capital or reputational losses derived from such non-compliance or breach.



PROMOTION

Although companies are not responsible for guaranteeing the effective enjoyment of rights, they may commit to the promotion of institutional strengthening actions that contribute to the exercise of rights.

The purpose of this section is to propose to companies a number of principles to guide them in the implementation of measures to strengthen institutions for the promotion and respect of HRs. These principles recognize that there are no “unique recipes” for institutional strengthening; that institutional strengthening should be a process intentionally pursued by companies to contribute to the common good; and, that business have enough potential to act as agents for positive transformation in their areas of operation.

GENERAL PRINCIPLES

The company should:

1. Promote the strengthening of practices and *rules of the game* that favor the respect and effective enjoyment of rights.
2. Identify and contribute to the institutional strengthening processes pursued by lawful local actors, seeking complementarity and coordination with other ongoing initiatives.
3. Support capacity building and promote the legitimacy of organizations that have positive effects and motivate the protection and respect for HRs.

4. Promote compliance and respect of the law to reinforce the culture of legality and the defense of public goods, as an issue of general interest.
5. Promote respect for HRs among its stakeholders.
6. Support and contribute to the reinforcement of local capacities for peace²¹ through the respect for HRs.
7. Consider the possibility of making a commitment for the promotion of SDGs.²²

PRINCIPLES OF ACTION

Within the framework of initiatives or exercises for the promotion of institutional strengthening, companies are advised to:

1. PLAN

1.1. Identify organizations to be strengthened, based on:

- **Dependence:** How much does the company need this organization to be strengthened and

²¹ See Glossary: Local Capacities for Peace.

²² See the UN Working Group Statement on Business and Human Rights (30 June 2017): The Business and Human Rights Dimension of Sustainable Development: Embedding the “Protect, Respect and Remedy” Framework in SDGs implementation. Available at: <https://business-humanrights.org/sites/default/files/documents/UNWG-SDG-recommendations-30-Jun-2017.pdf>. The document reads: “This is not to suggest that business should address all SDGs. Rather, they need a principled process that reflects international standards, to identify the SDGs through which they can maximize their contribution”.

how much does that organization depend on the company to be strengthened for the sake of common good?

- **Relevance:** Based on its contribution to the common good, how relevant is it for the company, the community and the local context the strengthening of an organization?
- **Influence:** How much capacity does the company actually have to strengthen that organization?

- 1.2. Identify and prioritize actions aimed at reinforcing practices and *rules of the game* of State and legal non-State organizations that contribute to the promotion and respect for HRs.
- 1.3. Include in the risk and impact assessment the social, the local political and cultural characteristics,²³ and identify vulnerable populations.
- 1.4. Develop a strategy to communicate to stakeholders the company's intentions and expectations regarding the reinforcement of practices and *rules of the game* of State agencies and legal non-State organizations that contribute to the promotion and respect for HRs, through actions consistent with the law and ethics.
- 1.5. Prioritize the company's support to build local capacities for peace²⁴ that contribute to the effective enjoyment of HRs, the non-generation or aggravation of conflicts, and the involvement of stakeholders in seeking common good at the local level.
- 1.6. To the possible extent, coordinate corporate initiatives on institutional strengthening with municipal and regional development plans.

2. DO

- 2.1. Establish partnerships to avoid duplication of efforts in reinforcing practices and *rules of the game* of State agencies and legal non-State organizations contributing to the promotion and respect for HRs. In that regard, it is advised to enter into partnerships with other organizations already involved in local institutional strengthening processes.
- 2.2. Adopt measures to build capacities and strengthen the autonomy of identified legal non-State organizations that encourage the enforcement of HRs and broad civil participation in decision-making at the local level.
- 2.3. Support initiatives for capacity building of local organizations willing to implement civil oversight exercises and willing to influence public decisions through peaceful citizen participation.
- 2.4. Participate in capacity building of local State agencies for the fulfilment of their duties and obligations as guarantors of rights, in the fight against corruption, and to support citizen oversight.
- 2.5. Participate in fostering the streaming of information and interaction among citizens and government agencies, through accountability and transparent government practices.

.....
²³ The social, political and cultural dimension which determines interaction and behavior patterns in the communities is defined according to factors such as: household structure and prevailing social hierarchies (social structures setting out the symbolic order of a community), religion, beliefs and prevalent values (criteria governing social behavior), cultural and social conflicts, among others.

²⁴ See Glossary: Local Capacities for Peace.

²⁵ Latin-American Center for Rural Development: the local perspective is based on the territory as a central unit of analysis and it encompasses a broad spectrum of actors, economic activities (agricultural and non-agricultural), and institutions. For further information, visit: http://www.bibliotecavirtual.info/wp-content/uploads/2011/06/desarrollo_rural_desde_una_perspectiva_territorial.pdf.

- 2.6. Ensure that its institutional strengthening initiatives have a territorial, participatory, and HRs approach,²⁵ within the framework of legality and ethics and, to the extent possible, driven to overcome the dynamics causing or fueling local conflicts.
- 2.7. Identify and strengthen local participation spaces and local planning settings where there is interaction between citizens and public agencies, as a way for promoting and securing the effective enjoyment of rights.
- 2.8. Implement actions that enhance communities' trust in public agencies.
- 2.9. Implement initiatives aimed at promoting the peaceful solution of disputes and building local capacities for peace.²⁶
- 2.10. In case of having a commitment towards the implementation of the SDGs, promote initiatives aligned to such commitment.

3. CHECK

- 3.1. Have in place a mechanism to monitor the implementation of plans and actions to strengthen practices and *rules of the game* of State agencies and legal non-State organizations contributing to the promotion and respect for HRs.
- 3.2. Receive feedback from State agencies and legal non-State organizations undergoing institutional strengthening processes, to determine if the implemented actions are effective.
- 3.3. Analyze the impact of actions for strengthening State agencies and legal non-State organizations in

the reduction or aggravation of disputes in the company's area of operations.

- 3.4. Monitor the company's participation in processes or other local spaces for citizen participation, as deemed relevant.
- 3.5. Monitor and analyze the impact of the company's actions in building local capacities for peace.²⁷
- 3.6. In case of promoting initiatives aligned to the SDGs, monitor the results.
- 3.7. Analyze the impact of the company's actions in strengthening the culture of legality and compliance with the law.

4. ADJUST

- 4.1. Establish and implement an action plan based on gaps and improvement opportunities found as a result of monitoring activities, to ensure that any measure undertaken reinforces practices, *rules of the game*, State agencies and legal non-State organizations contributing to the promotion and respect for HRs.
- 4.2. Create and implement contingency measures in case of identifying that actions performed by the company have triggered dividing elements in the society, or adversely affected capacities, practices and *rules of the game* of State and legal non-State local organizations.

.....
²⁶ See Glossary: Local Capacities for Peace.

²⁷ See Glossary: Local Capacities for Peace.

- 4.3. Systematize any lessons learned from the strengthening of practices and *rules of the game* of State agencies and legal non-State organizations that contribute to the promotion and respect for HRs, as well as actions for building local capacities for peace.²⁸
- 4.4. Establish and implement an action plan so that the company's actions strengthen the culture of legality, ethics and the respect for the law and State agencies.
- 4.5. Encourage the company's participation in processes and citizen participation spaces for the defense of the common good and for influencing public decisions in the territory, deemed crucial and relevant by the company.

.....
²⁸ See Glossary: Local Capacities for Peace.

GLOSSARY



GLOSSARY

CIVIL SOCIETY ORGANIZATIONS

Citizens' associations that use physical and symbolic resources, organizational skills, and emotional and moral affinities.

They act collectively for a given cause and pursue a material or symbolic interest outside the political system, disregarding the logics of the market. Neme, Valderrama and Vásquez (2014). Organizaciones de la Sociedad Civil y Objetivos de Desarrollo del Milenio [Civil Society Organizations and Millennium Development Goals]. Espiral, vol. XXI, No. 60, p. 139.

COMPLEX ENVIRONMENTS

Refers to the presence of at least one of the following factors: (i) illegal armed actors; (ii) illegal economies; (iii) weak institutions; or (iv) poor governance. International-Alert, Conflict-Sensitive Business Practice: Guidance for Extractive Industries, 2005.

DO NO HARM

The *Do No Harm* approach is based on the assumption that companies may positively contribute to transform territories and bridge social gaps; however, companies may also cause adverse impacts on HRs, increase conflicts and social tensions, and weaken the social fabric. Therefore, the *Do No Harm* approach encourages organizations to undertake a systematic review of their day-to-day endeavors and ways of interacting with different social actors, to identify, manage and prevent adverse impacts on such social actors. CDA (2013). Guidance Note: Human Rights and Do No Harm. For further information on Human Rights and Do No Harm click on the following link:

> <http://cdacollaborative.org/publication/guidance-note-human-rights-and-do-no-harm/>

INSTITUTIONAL STRENGTHENING

According to *Guías Colombia*, institutional strengthening in the framework of HRs refers to all actions taken, within the framework of legality and ethics, to avoid triggering adverse impacts and with the purpose of strengthening, on the one side, the capacities and effective operation of State and non-State organizations and, on the other, the formal and informal “rules of the game” that guide people’s behavior and interactions.

LOCAL CAPACITIES FOR PEACE

Local capacities for peace are understood as organizations and processes contributing to create and strengthen actions, attitudes, values, experiences and symbols that connect and bring together local actors around peace as a common good. Fundación Ideas para la Paz - *Capacidades Locales para la Paz* (2015). For further information click on the following link:

> <http://www.ideaspaz.org/especiales/capacidades-locales-para-la-paz/>

NON-DISCRIMINATION AND INCLUSIVENESS PRINCIPLE

The non-discrimination principle prohibits any distinction, exclusion or preference, based on sex, sexual orientation, gender identity, race, religious beliefs or political opinion, social or economic position, physical or mental condition or civil status, with the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on equal footing of HRs and fundamental freedoms of given groups of persons. Convention on the Elimination of All Forms of Discrimination against Women – CEDAW (1979). Available at:

> <http://www.un.org/womenwatch/daw/cedaw/>

NON-STATE ORGANIZATIONS

Agencies that have no sovereignty, that exercise meaningful economic, political and social influence, both domestically and internationally. These include agencies pursuing the common good and other private entities. See Vargas-Alzate, L. (undated), *Actores no estatales y política exterior: una revisión preliminar del caso colombiano* [Non-State Actors and Foreign Policy: a Preliminary Review of the Colombian Case], p. 196 [on-line]. Available at:

- > <https://revistas.utadeo.edu.co/index.php/RAI/article/viewFile/922/956>

SOCIAL CONNECTORS AND DIVIDERS

Within the framework of building local capacities for peace, social connectors are factors that bring together or connect people, and call for the respect of rights, tolerance and peace. Dividers are factors that divide and cause tension in social relations. GIZ – SerMacarena (2012). Workshop on Do no harm and building environmental/territorial peace in *La Macarena* Special Management Area, Villavicencio Workshop, October 4-5 2012.

STATE ORGANIZATIONS

Agencies affiliated to, funded by and under the direction of the State; these are structured and governed “under the legal system, created, defined and enacted by a sovereign power, seeking the common good”. Likewise, these are considered public entities. See: Juárez, F. (2012). *Teoría General del Estado* [General Theory of the State], Ed. Tercer Milenio, México, p. 23. Available at:

- > https://www.upg.mx/wp-content/uploads/2015/10/LIBRO-18-Teoria_general_del_estado.pdf

SUSTAINABLE DEVELOPMENT AGENDA

It is the United Nations' (UN) new global development agenda outlined for the forthcoming 15 years, which came into force on January 1, 2016. It is grounded on the UN Agenda for the Millennium Development Goals (2000-2015), and it seeks to re-inforce the efforts to eradicate poverty in all its forms, reduce inequality and combat climate change (among others).

VULNERABLE POPULATION

Group of persons living unprotected or powerless from threats to their psychological, physical and mental condition, among others. It refers to population traditionally excluded from the enforcement of their rights, in view of their own particularities or due to socioeconomic reasons. Definition adapted from the Ministry of National Education of Colombia.

- > <http://www.mineducacion.gov.co/cvn/1665/article-82770.html>

GUIDE FOR DUE
DILIGENCE IN
INSTITUTIONAL
STRENGTHENING

