**Responsible Renewable Energy: 10 Questions on Human Rights**

**Name of company**: ISAGEN S.A. E.S.P.

**Projects registered under UN Clean Development Mechanism (if any):** Río Amoyá La Esperanza hydroelectric power station. In addition, the Sogamoso hydroelectric project is currently in phase of being registered as a clean development mechanism (CDM) at the Office of the United Nations Framework Convention on Climate Change (UNFCCC)**Human rights policy commitment**[*Examples & guidance*](http://business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-companies/type-of-step-taken/human-rights-policy-statements)

1. Does your company have a publicly available commitment to respect human rights? If so, please provide a link.

Since 2007, ISAGEN has had a policy of promoting respect for human rights and international humanitarian law (IHL) within its business management framework. With this policy, ISAGEN seeks to foster respect for everyone’s rights and freedoms when carrying out its business activities and, at the same time, to promote, among stakeholders, respect for the human rights and international humanitarian law that are recognised by States and societies as being fundamental to essential dignity and harmonious coexistence.

<https://www.isagen.com.co/comunicados/human-rights-policy.pdf>

**Human rights due diligence**[*Examples & guidance*](http://business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-companies/type-of-step-taken/due-diligence-general)

1. Does your company identify its salient human rights issues and does it have a due diligence process to manage them? If so, please list the issues and describe the due diligence process (key steps include: impact assessment, integrating & acting on findings, tracking responses & communicating how impacts are addressed).

ISAGEN understands that the due diligence process falls within PDCA management methods and, therefore, demands planning (P), doing (D), checking (C) and adjusting (A), when required. Consequently, the company conducts risk and impact studies as a fundamental input into every human rights management planning process.

Planning

Currently, all of the company’s power stations in operation have risk and impact assessments. These studies are updated every four years. The last update of the studies for the Oriente Antioqueño, Miel and Termocentro power stations was done by Fundación Ideas para la Paz in 2014. The studies for the Amoyá La Esperanza and Sogamoso power stations are due to be updated in 2016.

Although these studies did not identify any impacts resulting from the company's operations, that is to say, *risks that had materialised*, they did in fact identify risks that, if they were to materialise, would affect the human rights of people living in our areas of influence. The main risks identified are related to the potential for violations of IHL to be committed by State armed and non-State armed agents because they operate in areas where there is a presence of illegal armed agents, to the sexual exploitation of boys, girls and adolescents by workers or contractors, and to the forced recruitment of children by armed agents.

Doing

Consequently, in 2015, all efforts were devoted to managing the gap-closing plans that came out of the studies, in order to prevent the materialisation of such risks at the point where they become impacts on the human rights of a community or any of its members. Thus, among other alliances, the relationship between the public security forces and inter-institutional work to raise awareness of ISAGEN’s human rights policies was strengthened, as was the company's participation in meetings and mechanisms to check the occurrence of human rights abuses by armed agents. In addition, agreements were reached with various bodies to prevent the forced recruitment of boys, girls and adolescents, and, with the International Organization for Migration (IOM), an agreement was improved to help prevent the sexual exploitation of boys, girls and adolescents.

Besides the above and bearing in mind that armed agents can still be found in the company’s areas of influence, management was maintained and strengthened to prevent actions against life, integrity and freedom, and actions of extortion, among others.

Given that international standards like the Voluntary Principles on Security and Human Rights identify that activities presenting a greater human rights risk in countries where there is armed conflict or fragile governability are associated with surveillance and security, ISAGEN pays particular attention to this type of suppliers and, in 2015, it performed a validation, by corporate audit, of the main provider of surveillance and security services. The audit did not find any human rights problems.

The results of the studies are incorporated into the company’s management systems to deal with each category of rights that may be affected by the company’s activities. These are civil and political rights, and international humanitarian law (IHL) that could be affected by the company’s security work, which are addressed by the public risk strategy; environmental rights, which are addressed by the environmental management system (EMS) for permits and licences; workers’ rights, which are addressed by the integral human resources management model; and transparency risks, which are addressed by the business ethics system and the anti-fraud mechanisms. In addition, the right to development and the right to peace are promoted through management programmes supplementing the environmental management system.

Checking

In late 2015 and early 2016, the company disseminated the results of risk and impact studies in the areas of influence in order to identify impacts that had not been found by the Fundación Ideas para la Paz or that had been assessed differently by that think tank, and the measures to prevent any risks listed by the Foundation from materialising.

In addition, as a way of checking the evolution of situations identified by the studies, the complaints and claims system is monitored and the company participates in human rights meetings. Although the issue was not formally raised with ISAGEN, it should be noted that, through the regular monitoring of social networks, it was found that the Ríos Vivos organisation had made unfounded accusations linking the company to a human rights violation. Consequently, ISAGEN brought these accusations to the attention of the competent authorities so that all the investigations of the case could be carried out thoroughly and the relevant measures taken.

Adjusting

In 2015, ISAGEN entered into an agreement with International Alert to support the checking of the human rights policy, among other things, so that it could be updated in the light of the United Nations Guiding Principles on Business and Human Rights.

Communicating

All of this information is shared via multiple channels and strategies defined in accordance with each stakeholder’s own characteristics and interests, and, in general, via our management report published on ISAGEN’s website:

<https://www.isagen.com.co/documents/2016/2015-management-report.pdf>.

**Community engagement & consultation**[*Examples & guidance*](http://business-humanrights.org/en/guidance-community-engagement-0)

1. What criteria does your company use to identify communities that may be affected by renewable energy projects it is involved in?

In accordance with the terms of reference issued by the competent authorities for the granting or otherwise of environmental licences to execute power generation projects, and with the corporate responsibility principles defined by the company to learn about and establish relationships with communities located in the area of influence of the undertakings in the early stages, prior to the start of construction, environmental and social diagnoses are made.

The social diagnoses include knowledge of the inhabitants of the region where the power stations will be built, in respect of their social, cultural, demographic, political and economic components, and of the state of the social and services infrastructure.

The communities are approached gradually, depending on the stage in question. In other words, the early stages consist of an environmental restrictions analysis in which the communities – including ethnic minorities – are identified in order to find out whether or not there are any restrictions that may interfere with the execution of the project in question. In subsequent stages, a diagnosis of environmental alternatives is carried out, which involves a more detailed and participatory approach to the communities, gathering secondary and primary data through interviews and surveys aimed at community leaders, and local and regional authorities.

At the same time, the characteristics of the generation project in question are identified; on top of this comes a diagnosis of communities and, using qualitative and quantitative methodologies in respect of the physical, biotic and social components, any potential impacts that may be caused are identified early.

The identification and quantification of the impacts allows the environmental management plans (EMP) to be produced, which include the measures to prevent, mitigate, compensate and make restitution for any negative changes that may occur, and to strengthen any positive ones. The work to identify means of management is done in a participatory, consultative and concerted manner with the communities located in the areas of influence.

Relating to the communities allows the company to learn about the characteristics, particularities and interests of the inhabitants of areas where generation works are planned, and to reach consensus on the execution of projects by adjusting the company’s environmental management plans (EMP) and supplementary management actions in order to carry out the works while seeking to ensure that their inclusion in the region is a real development opportunity through interactions that contribute to environmental protection, social development and economic growth.

In order to facilitate the communities’ participation, various relational spaces are created, based on the supply of timely information on the company, the characteristics of the work to be executed, the identified impacts and the management measures devised to deal with them. Information is disseminated via printed and audiovisual media and, in order to facilitate interaction, meetings and workshops are held, at which information is shared and adjusted in accordance with the communities’ participation.

Likewise, prior to the start of the works’ construction, socioeconomic and property surveys are conducted in order to ensure the availability of accurate, detailed information about the families that need to be included in the management plan programmes, in accordance with the real effect that the project in question will have.

In short, ISAGEN’s criteria for identifying communities are:

* Observing the legal framework on citizen participation
* Respect for citizens’ fundamental rights
* Respect for cultural, social and political difference
* Precautionary principle
* Community participation as the basis for management
* Building long-term relationships
* Creating development opportunities for the region
* Environmental and territorial sustainability
* Viable projects in viable environments
1. How does your company consult with affected communities (on impact assessments, resettlement, benefit sharing plans, etc.)? Please describe what form consultations take and when they are carried out in a project’s cycle.

As indicated in the previous point, the communities are approached gradually depending on the project’s stage or cycle, as a means of preventing the generation of false expectations. However, taking into consideration that community participation is the basis of ISAGEN’s social and environmental management, the aim is to establish assertive and proactive relationships with the communities from the early stages.

The issues on which there is consultation are the baseline, the identification of impacts inherent to the construction and operation of power stations, and agreement is reached on the management measures to prevent, mitigate, compensate and make restitution for any potential negative changes or impacts, and on actions to strengthen any positive ones. Since the aim is not only to deal with the impacts but also to contribute to the territory’s sustainability by improving the inhabitants’ living conditions, the company creates and facilitates various spaces and mechanisms for the communities’ participation.

Relations with the communities come under the community participation and information programme, which ISAGEN runs directly, that is to say, it is not delegated to consultants or contractors. The programme’s objectives are:

* To establish an information, communication, participation and agreement system that enables people to come together for the purposes of exchange and interaction, reaching agreements and forging alliances between the company, communities, social organisations, public authorities and institutions in the area of influence.
* To promote the linkage of community leaders and the community’s participation in general for the execution of the environmental management plan.
* To strengthen relational mechanisms and spaces and the community’s participation in the area of influence.
* To establish a communication system that facilitates the flow of clear, timely and truthful information about the project and the stakeholders involved in the process.
* To provide participation elements for discussion and consultation actions.
* To jointly build agendas, clear rules of the game, commitments and agreements to be met by all the actors involved in the consultation process of each of the EMP’s programmes and projects, where so required.
* To build a list of stakeholders asking for information about the project, the environmental management measures and the company’s management.
* To create and maintain a favourable climate of understanding and trust between the company and the communities in order to stimulate and foster the communities’ participation in the environmental management plan’s execution.

Among the activities undertaken to meet the objectives are:

* Information and consultation meetings in which information is given about the project’s activities, the works’ characteristics and progress, the management plan’s activities, impacts, management measures and scope of the company’s management. Likewise, the communities’ concerned are addressed.
* Workshops to agree on activities are held with the families and people directly engaged with the project’s activities in order to define and specify the management measures, work strategies, and monitoring and support mechanisms, as necessary. The workshops entail the development of methodologies to facilitate the participation of the communities’ members.
* Personal attention and direct agreements with affected families, in accordance with the works’ specific activities and the EMP’s programmes that concern them.
* Attention to visits. In order to raise awareness of the works, to facilitate understanding and to respond to concerns, visits to the company’s other power stations and the project’s execution works are organised. Visits are organised for community groups, educational bodies, and local, regional and national institutions.
* Setting up a community service office in the project’s area of influence to gather, respond to and offer clear, timely and truthful information about the project.
* Producing and distributing information required by the communities in different types of media: i. Print – bulletins, posters, leaflets, booklets, flyers. ii. Audiovisual – radio and TV programmes, videos. iii. Monitoring mass media and disseminating information via local and regional media outlets.
* In addition to direct contact and the community service office, the company has e-mail addresses to facilitate communication with the communities, including the one for ISAGEN’s ethics line.

In general terms, the community information, consultation and agreement processes are carried out in the following phases:

Phase 1. Project information and primary data gathering:

It is oriented towards presenting the company and the project’s characteristics, as well as the consultants in charge of conducting the studies and the methodology of the work to be done.

The communities’ concerns, comments, contributions, suggestions and expectations in relation to the project and the company’s social and environmental management are addressed.

In order to learn about the territory and to identify the environmental and social impacts, strategies like the ones that follow are used: documentary review, meetings and workshops with communities and local authorities. In order to carry out the surveys, interviews are conducted home by home.

Phase 2: Dialogue on the studies’ progress:

Information is given about the environmental and social baseline (the territory’s physical, biotic, social and cultural conditions before the project’s construction), and the progress made on the project’s technical definition is presented.

Phase 3: Consultation on impacts and management measures:

Information is given about the results obtained from the studies and the proposed management programmes are consulted, in accordance with the families’ location relative to the works and the impacts that may be caused by them.

Phase 4: Feedback:

On completion of the studies, the results are shared with the competent authorities, territorial bodies and communities in the area of influence in extensive meetings and by delivering copies of the studies in order to facilitate consultation.

If, in the cycles or stages of the projects when the environmental impact studies are conducted, the execution of the works does not commence when there is clarity on their execution, the studies are updated and the entire process of consultation and agreement with the communities is carried out again.

The consultations involve the recognition of elements that make up the territory, as expressed by its inhabitants, in order to create a space of interaction, and social and cultural self-recognition; the compilation of a collective report on their points of reference, the identification of the project’s potential impacts, the formulation of mitigation proposals and the definition of management measures.

Once ISAGEN has analysed the data supplied by the communities, the adjustment that the studies and management plan programmes require are made, and they are delivered to the competent environmental authority. All of the agreements and meetings with the communities are recorded in minutes signed by the parties. The agreements are disseminated via the various media, both print and audiovisual.

As part of the assurance for communities of the seriousness of the company’s commitments, the consultation processes are monitored and followed up by the competent authorities, both environmental and territorial: the National Environmental Licensing Authority, Autonomous Regional Corporations, the Ombudsman, the Office of the Attorney General for Environmental and Agrarian Issues, the Offices of Municipal Attorneys, as well as Mayoral Offices and Departmental Governments, as guarantors of the communities’ individual and collective rights.

In addition to the consultative meetings and workshops held by the company with the communities and local authorities, other participation and consultation mechanisms are implemented, such as:

* Consultation of the Ministry of the Interior on the presence or otherwise of black or indigenous communities, or other ethnic minorities.
* Public environmental hearings.
* General assemblies of owners in possession of plots.
* Working meetings to address specific topics or those pertaining to the company’s supplementary management.
1. Does your company ensure its consultations include the perspectives and respect the rights of all affected community members (including those who may be marginalised for reasons of race, ethnic origin, gender, social status, age, religion, wealth or income or other considerations)? How is this ensured?

In accordance with the consultation criteria and mechanisms, ISAGEN facilitates and fosters the participation of the communities’ members in meetings and workshops, in which different strategies are employed to ensure that everyone can participate.

The meetings and workshops are coordinated with the communities, with which the following are defined: the time, date and place for them to be held. To ensure the participation of the communities’ members, extensive calls are made via written communications, posters, radio adverts, contact with leaders and, where applicable, via public address systems.

Consultations are carried out transparently in relation to society, and that is why bodies and organisations charged with protecting citizens’ rights and freedoms are invited to take part in them. Such bodies and organisations include the Ombudsman, the Offices of Municipal Attorneys, Mayoral Offices and Municipal Councils. They are invited so that they can be vigilant and serve as the guarantors of the consultation, response and action processes that ISAGEN carries out in the execution of its projects.

For meeting and, in particular, workshops, methodologies are developed to enable and facilitate the participation of all members of the communities, regardless of gender, age, ideology, faith or financial situation. In order to facilitate the development of participatory methodologies, the support of specialised consultants is occasionally contracted.

On the other hand, the way of validating the data obtained from the surveys conducted is to present the results to the communities themselves, and, if necessary, the data is adjusted. That data is disseminated and the results are delivered to the local authorities serving as guarantors of the citizens’ rights, such as Mayoral Offices, the Offices of Municipal Attorneys, the Ombudsman and the National Environmental Licensing Authority.

**Free, prior and informed consent**[*Examples & guidance*](http://business-humanrights.org/en/business-action-0/issue-guidance/indigenous-peoples)

1. Under what circumstances does your company commit to seeking an affected community’s free, prior & informed consent to a project? Please provide examples of projects where free, prior & informed consent was sought (if applicable).

After establishing that indigenous or African-descent communities exist in the project’s area of influence, which is certified by the Ministry of the Interior, the company carries out a prior consultation process with the communities settled there in compliance with the regulations.

In this respect, prior consultation processes have so far been carried out for the following projects:

* Wind potential projects in La Guajira (Wayúu indigenous communities).
* Cañafisto hydroelectric project (African-descent community).
* Tufiño bi-national geothermal project – Chiles – Cerro Negro (Pasto indigenous community).
1. What is your company’s process for obtaining and evaluating free, prior & informed consent?

Prior consultations form part of the community information programme (answer to Question 4). In the particular cases of ethnic communities, the process is as follows:

* Approaching the communities in the area of influence about the project and raising their awareness of it.
* Producing preliminary agreements with the community.
* Applying to the Ministry of the Interior – Directorate of Prior Consultation – for certification of the presence or otherwise of ethnic communities in the area of influence of the project, works or activity to be executed, in accordance with the parameters set out by that authority.
* Receiving notification of certification from the Ministry of the Interior of the presence or otherwise of ethnic communities in the area of influence of the project, works or activity to be executed.
* Sending the preliminary agreements reached with the community to the Ministry of the Interior and the application to start prior consultation to the Directorate of Prior Consultation (Ministry of the Interior).
* Holding a prior consultation coordination and preparatory meeting with the Directorate of Prior Consultation (Ministry of the Interior): presentation of the information that will be given to the community and submission of a proposed timeline for carrying out the prior consultation, which complies with the following stages:
	+ Pre-consultation stage (presentation of the regulatory framework for prior consultation, the methodology for carrying it out, the project and the company that is going to implement it).
	+ Prior consultation stage:
		- Meetings with the community
		- Time for the analysis and identification of impacts and formulation of management measures
		- Time for the formulation of agreements
		- Time for formalisation
	+ Agreement monitoring stage
	+ Closing stage: The fulfilment of commitments made and formalised is checked.
		- The prior consultation process is closed once the fulfilment of all commitments made has been checked.
1. Has your company faced any challenges in its process to seek free, prior & informed consent for renewable energy projects? If so, please describe what steps your company has taken to overcome these challenges.

The administrative and management procedures for prior consultation with the Chiles indigenous reservation to undertake the campaign for the exploration and characterisation of the geothermal resource in the Chiles area, Cumbal Municipality, Nariño Department, are currently underway, with the support and coordination of the Ministry of the Interior's Directorate of Prior Consultation. The activity is undertaken with the support and coordination of the Ministry of the Interior's Directorate of Prior Consultation. For this purpose, the Ministry of the Interior called and held the first pre-consultation meeting with the authorities and leaders in the study’s area of influence. There were delays in the process due to issues of an internal nature within the Chiles community. In order to address and overcome this situation, the person in charge within the Directorate of Prior Consultation was contacted, and continuation of the process is awaited.

**Security**[*Examples & guidance*](http://business-humanrights.org/en/security-issues-conflict-zones-0)

1. What steps does your company take to ensure that its own personnel, private security companies it contracts with, and/or government forces providing security to its projects, respect the rights of workers and community members, including those who may oppose its projects?

The human rights policy forms part of the internal rules and, consequently, it must be fulfilled by all of the company’s workers.

Accordingly, ISAGEN has an online course that raises awareness of its human rights policy. It guides the actions of each and every one of the company's workers to ensure that they are respectful of the rights and freedoms of all, and it also guides those who have the duty to supervise contracts and agreements on human rights issues.

Through the supervision of contracts and agreements, ISAGEN ensures that the parties to contracts and agreements are aware of the company’s policies and guidelines on matters of respect for the rights and freedoms of everyone living in the company’s areas of influence.

All contracts and agreements that ISAGEN enters into have a clause relating to respect for human rights that obliges the parties to be aware of and observe ISAGEN’s human rights policy and to respect the human rights of people directly or indirectly connected with the execution of those contracts and agreements. Likewise, it obliges them to receive, record and administratively investigate any complaint or accusation relating to possible human rights abuses by the people or subcontractors through whom or which the object of the contracts and agreements is carried out, and to notify ISAGEN of such complaints and/or accusations, and of the outcome of the respective investigation and, when so required, to immediately inform the competent authorities and ISAGEN and to collaborate in the investigations of the case. The fulfilment of these obligations is subject to regular monitoring by the contract and agreement supervisors.

Bearing in mind the significance of this issue, ISAGEN has a policy document of guidelines for relations with the public security forces, in which all the requirements are clearly set out in order to ensure that the actions of ISAGEN’s workers, surveillance companies and the public security forces fall within the regulatory powers of each one, are respectful of human rights and of international humanitarian law, and respond to the guidelines of the Voluntary Principles. The public security forces’ attention is constantly drawn to this document in coordination meetings, and this is minuted.

Likewise, ISAGEN constantly raises the awareness of the public security forces and invites them to talks on their role, as a State institution, in the protection of all citizens’ human rights. In all collaboration agreements with the public security forces, resources are allocated to preparing agents to respect human rights.

Regarding surveillance companies, everyone providing security services for ISAGEN is trained annually in human rights, and participatory workshops and case analyses of their routines are held and performed to ensure that they know how we should act according to the Voluntary Principles on Security and Human Rights, and what the reporting obligations are when they become aware of a potential case of violation of the premises of human rights.

There are also protocols to deal with social demonstrations and understand how to carry out the protection of people and infrastructure, which are underpinned in terms of strategic aim by respect for human rights.

Risk and impact studies, the complaints and claims system, and the information obtained from human rights meetings serve to identify any human rights situation that may arise.

**Remedy**[*Examples & guidance*](http://business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/access-to-remedies-grievance-mechanisms/non-judicial-grievance-mechanisms/company-based)

1. Does your company have a grievance mechanism in place at each project site for affected communities and workers to raise concerns about local impacts, including human rights abuses? If so, were affected communities involved in the design of the grievance mechanism, including its set-up and the types of remedies it provides?

ISAGEN has a business ethics system (BES) that comprises preventive, detective and corrective management elements that fall within a framework of continuous improvement and constant promotion (<https://www.isagen.com.co/our-company/management-practices/business-ethics/>).

One of the detective elements of the BES is the ethics channel (<https://www.isagen.com.co/our-company/management-practices/business-ethics/detective-or-participation-elements/>), which is the mechanism through which communities, workers and, in general, any stakeholder can communicate concerns, events or irregularities committed by workers or third parties that affect or may affect the company’s interests or its stakeholders; this includes reports on alleged human rights abuses. The mechanisms available under the ethics channels are e-mail, phone and/or fax; they are all administered by an independent third party that guarantees confidentiality, should the person making a report prefer to keep matters confidential.

Every case reported is analysed by the ethics committee, which is one of the corrective or improvement elements of our BES (<https://www.isagen.com.co/our-company/management-practices/business-ethics/corrective-or-improvement-elements/>). The outcomes of the analysis and/or investigations conducted are the recommendations that the ethics committee makes to the management for any relevant corrective or improvement actions it considers necessary; these may include remedy.

In addition, the community participation and information programme has a mechanism for dealing with requests, complaints and claims that, in the interest of considering the stakeholders’ particularities, has multiple channels for dealing with demands.

The first is the attention given to such matters through the company’s direct contact with the communities at extensive meetings or in visits to families, social organisations, people or groups that require it, where the opportunity arises to deal first hand with the demands.

In the execution of projects, priority is given to setting up community service offices. These are located in well-known places that are accessible to the community in order to facilitate the receipt of requests, complaints, claims and concerns. The offices are staffed by professionals with expertise in social areas who act in accordance with a protocol defined by the company to ensure that due attention is given.

Likewise, demands can be submitted to the company via written communications addressed directly to the addresses made known, via e-mail addresses (including the one in ISAGEN’s ethics line), and via social networks (the project's mailbox, Facebook, YouTube).

The company’s channels form part of a mechanism for administering human rights complaints and claims, which was put together in light of the Colombia Guidelines on Human Rights and International Humanitarian Law and the guidelines of the United Nations Guiding Principles on Business and Human Rights.

In order to deal responsibly with the impacts that may have been or may be caused by the development of the construction of its power generation projects, ISAGEN contracts and enters into cooperation agreements with reputable firms and bodies. The companies or bodies conduct technical, environmental and social studies, build and supervise the works and execute the EMP's environmental and social programmes.

When differences arise between the designs produced by bodies contracted by ISAGEN and the proposals made by the communities, regional bodies and those opposing the projects, the company has, on occasions, had the openness to resort to the opinions and studies of third parties or advisory boards so that they could give their views on situations in which doubts existed.

Another way of checking concerns is through ISAGEN’s regular monitoring of mass media and social networks in the areas of influence, where the inhabitants’ complaints or reports are made.

In cases of reports of human rights violations, ISAGEN has urged the competent authorities to carry out the necessary investigations and to adopt appropriate measures in regard to those responsible for the abuses reported.

**Other information**Please provide any further information regarding your company’s policies and practices on human rights that you think is relevant.