

# I. INTRODUCTION

- The Republic of Madagascar has, over the last two years, been engulfed in a protracted conflict that has had an adverse effect over the majority of the Malagasy people...
- ...the reality on the ground is that the possibility of a relapse into a new generation of conflict is very high if the appropriate measures and mechanisms are not put in place to address the basic demands and aspirations of the majority of the people.

...a major contribution by the business community through Corporate Social Responsibility (CSR) initiatives at community level will go a long way in bringing about socio-economic stability and normalization of life...

- 1. The Republic of Madagascar has, over the last two years, been engulfed in a protracted conflict that has had an adverse effect over the majority of the Malagasy people who already can hardly survive on less than a dollar a day. Efforts to find a way out of the crisis have focused on a mediation process aimed at restoring constitutional normalcy in the country. While there are good reasons to believe that eventually the leadership in the country, with the support from the Southern African Development Community, will find a way out of the crisis, the reality on the ground is that the possibility of a relapse into a new generation of conflict is very high if the appropriate measures and mechanisms are not put in place to address the basic demands and aspirations of the majority of the people. Significantly, the history of the Republic of Madagascar has been a history of coups and counter-coups and the cyclical nature of the conflicts has undermined the potential of the country to make optimal use of its abundant natural resources.
- 2. As a result of the protracted conflict, the Republic of Madagascar was placed top of the Forbes list of the World's Worst Economies in 2011. The country, sometimes called the "Eighth Continent", is ranked by the International Monetary Fund number 122 out of 183 countries. On the Africa Forum multiple deprivation ranking for Africa, Madagascar falls roughly in the middle of the ranking table, indicating medium to high deprivation in multiple areas. In a global ranking of the Africa Forum multiple deprivation data, Madagascar comes 25th out of 166, with 1st being the most deprived country and 166th the least deprived. Despite all these bad ratings, the potential for rapid recovery does exist for the Republic of Madagascar. The mediation process in Madagascar is essentially meant to stimulate peace building and national reconciliation, which is a critical prerequisite for the country to lift itself out of the current political, economic and social crisis in which it finds itself.
- 3. However, beyond the mediation process, what is required is a sustained programme of post-conflict reconstruction and development that addresses the root causes of conflicts and allows the majority of the people to improve their social and economic conditions by creating an alternative livelihood. While the post-conflict government is expected to carry the bulk of post-conflict reconstruction and development activities, a major contribution by the business community through Corporate Social Responsibility (CSR) initiatives

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  a community-based social
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- ... Africa Forum is determined to play a major advocacy and facilitation role in supporting the sustenance of democratic values, good governance and harmonization of African society.
- ...foremost in the Forum's outreach policy to seek out initiatives aimed primarily at consolidating peace and stability, with the ultimate objective of reducing poverty and building sustainable economic developmental...

- at community level will go a long way in bringing about socio-economic stability and normalization of life, thus averting a relapse into a new cycle of conflicts. It is therefore in the enlightened self-interest of both the government and the private sector to forge strong partnerships to put in place measures and mechanisms to address the basic needs of the majority of the population.
- 4. Against this background, the Forum for Former African Heads of State and Government, commonly known as Africa Forum (the Forum), has agreed to collaborate with Madagascar Oil to establish a community-based social beneficiation initiative in Madagascar as part of efforts aimed at post-conflict reconstruction and development in that country within the framework of CSR. The Africa Forum was formally launched on 11 January 2006 in Maputo, the Republic of Mozambique, with a primary purpose of contributing to national, sub-regional and regional efforts aimed at addressing Africa's development challenges. The Forum has the necessary competencies to play this role primarily because of the wealth of knowledge, experience, expertise, and the good offices that the former African Heads of States and Government, all of whom have exceptional democratic credentials, bring to the table.
- 5. To this end, the Africa Forum is determined to play a major advocacy and facilitation role in supporting the sustenance of democratic values, good governance and harmonization of African society. While the ultimate objective of the Forum is to contribute towards building developmental capable states, their role is tailored to support and complement the work of African Inter-Governmental Institutions and African leaders, by sharing their individual and collective experience in conflict transformation, peacemaking and peace building, as well as post-conflict reconstruction and development. It is therefore foremost in the Forum's outreach policy to seek out initiatives aimed primarily at consolidating peace and stability, with the ultimate objective of reducing poverty and building sustainable economic developmental states as a prerequisite for other development and growth goals that are both viable and sustainable.



- ...Madagascar Oil has requested the Forum to be both a facilitator and independent guarantor of the process to initiate the projects to ensure there is a proper consultative process, responsible oversight, transparency on the financial aspects, and continual monitoring and evaluation on the effectiveness of delivery.
- Madagascar Oil has expressed serious commitment and determination to expand its corporate social initiatives and to deliver to the people of Madagascar a programme of sustainable social development projects that will improve the lives...in its area of operation.
- Africa Forum and Madagascar
  Oil have a meeting of minds in
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  a successful Corporate Social
  Development Plan (CSDP).

- Madagascar Oil continues to support the local communities in its area of operations. In the last five years the Company has made contributions to local programs and schools on a local and regional level. Along with direct contributions and support, the Company has invested in infrastructure for roads and bridges that benefits community access in the region. Madagascar Oil has expressed serious commitment and determination to expand its corporate social initiatives and to deliver to the people of Madagascar a programme of sustainable social development projects that will improve the lives of the "hitherto marginalized rural communities" in its area of operation. Consequently, Madagascar Oil has requested the Forum to be both a facilitator and independent guarantor of the process to initiate the projects to ensure there is a proper consultative process, responsible oversight, transparency on the financial aspects, and continual monitoring and evaluation on the effectiveness of delivery. The Africa Forum considers these to be within the core competence areas of the Forum, which include amongst others advisory, advocacy, facilitation, and leadership development as well as monitoring, assessment and evaluation.
- 7. This concept note outlines the basic terms of reference for an advocacy programme, which the Forum considers critical for the success of the intended project. Africa Forum and Madagascar Oil have a meeting of minds in respect of what is required for a successful Corporate Social Development Plan (CSDP). The Forum and Madagascar Oil understand the imperative need to engage all stakeholders in a consultative process with the aim of establishing general acceptability of the intended CSDP. To this end the advocacy initiative will have to be informed by the report of a scoping mission that must establish the possibility for general acceptability of the project and provide a basic assessment of needs. The concept note, therefore, provides a systematic approach for establishing the CSDP as an integral part of the Corporate Social Responsibility (CSR) initiatives of Madagascar Oil, but also as a platform for the Madagascar Government to facilitate social development, upliftment and empowerment.



### II. BACKGROUND

- 8. On 17 March 2009, the Republic of Madagascar, a member of the African Union (AU) and the Southern African Development Community (SADC), experienced what is commonly referred to in AU and SADC parlance as an "unconstitutional change of government", in which the constitutionally-elected government was overthrown by politically orchestrated street action with tacit backing from the military. On 20 June 2009, the Extraordinary Summit of SADC Heads of State and Government on Madagascar, held in Sandton, South Africa, appointed His Excellency Joaquim Alberto Chissano, former President of the Republic of Mozambique, as the SADC Mediator in the Madagascar crisis. The mandate of former President Chissano, who is also the Chairperson of Africa Forum, was as follows:
  - To create a conducive environment for a productive and successful dialogue;
  - ii. To identify a venue for the dialogue which was acceptable to all parties with the SADC region;
  - iii. To consult with key stakeholders;
  - iv. To collaborate with other international organizations, namely the AU, the UN and other international institutions;
  - v. To hold the first consultative meeting within 30 days after the Summit and map the way forward;
  - vi. To finalize the work of the SADC Mediator upon completion of the inclusive dialogue and holding of the general elections in Madagascar;
  - vii. To report to the SADC Organ Troika (consisting of South Africa, Tanzania, Zambia) on a regular basis; and
  - viii. To encourage the Malagasy stakeholders to take the lead in the inclusive dialogue and work to ensure that the Malagasy people take full ownership of the process.



- 9. Since then, the mediation process has progressed considerably. A Roadmap to end the crisis has been signed and is now being implemented. The SADC Summit held in Luanda, Angola, from 17 to 18 August 2011, reaffirmed the SADC's commitment to support the mediation process in Madagascar. The SADC Summit mandated the Organ Troika, assisted by the SADC Mediator to continue to engage the Malagasy stakeholders to fully implement the "Roadmap for Ending the Crisis in Madagascar" as amended by the decision taken by the SADC Extraordinary Meeting held as a matter of urgency in June 2011 with a view to returning the country to constitutional normalcy.
- 10. The SADC Organ Troika is convinced that considerable progress has been accomplished by way of implementing the Roadmap. This is therefore a propitious moment for Africa Forum and Madagascar Oil to initiate the CSDP as part of a sustainable process of post-conflict reconstruction and development in Madagascar. It is in the enlightened self-interest of both the Transitional Government and Madagascar Oil to implement the CSDP which must be visible, sustainable and based on clear terms of reference that are understood by all sides government, local communities and the project management. The communities must exercise ownership of the CSDP.
- This is...a propitious moment for Africa Forum and Madagascar Oil to initiate the CSDP as part of a sustainable process of post-conflict reconstruction and development in Madagascar.

DIAGRAM 1: THE BUSINESS IN SOCIETY (After Mallen Baker, 2005)



# III. CSDP WITHIN THE FRAMEWORK OF CSR

- 11. To place the above reference to Corporate Social Responsibility (CSR) in context and to thus better inform the understanding of the CSDP as developed herein, a brief overview is given here of the dimensions and interrelationships in CSR.
- 12. CSR, which is also sometimes called corporate citizenship, social performance, sustainable responsible business, corporate conscience, or corporate social beneficiation, is a form of corporate self-regulation integrated into the business models of commercial corporations (see Diagram 1).
- 13. International Standard Organization ISO 26000 is the recognized international standard for CSR. Public sector organizations (the United Nations for example) adhere to the triple bottom line (TBL). It is widely accepted that CSR adheres to similar principles but with no formal act of legislation. The UN has developed the Principles for Responsible Investment as guidelines for investing entities (see Diagram 2).
- 14. Proponents of "Corporate Social Responsibility" argue that corporations make more long-term profits by operating with a CSR perspective, while critics argue that CSR distracts from the economic role of businesses. Others argue CSR is merely window-dressing, or an attempt to pre-empt the role of governments as a watchdog over powerful multinational corporations.

#### **DIAGRAM 2:**

# The UN Principles for Responsible Investment

www.unpri.org/principles

The UN Principles for responsible investment were drawn up in 2005 by an international group of institutional investors, convened by the United Nations Secretary-General. After extensive deliberations, they committed themselves as follows, and invited other investors and developers to do the same:

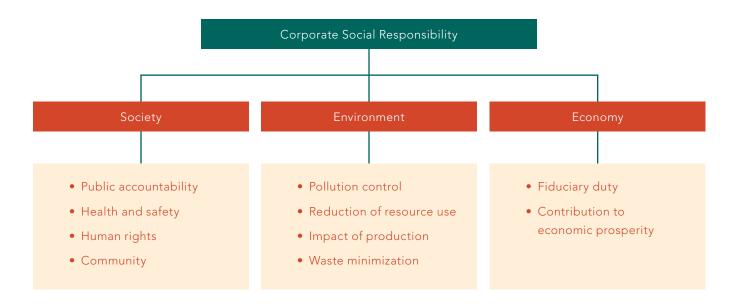
Where consistent with our fiduciary responsibilities, we commit to the following:

- We will incorporate Environmental, Social and Corporate Governance (ESG) issues into investment analysis and decision-making processes.
- We will be active owners and incorporate ESG issues into our ownership policies and practices.
- We will seek appropriate disclosure on ESG issues by the entities in which we invest.
- We will promote acceptance and implementation of the Principles within the investment industry.
- We will work together to enhance our effectiveness in implementing the Principles.
- We will each report on our activities and progress towards implementing the Principles.

- ...practicing CSR [Corporate
  Social Responsibility] in the tight
  economic times of the present not
  only assists communities that are
  hard-hit by the global economic
  downturn, but it positions the
  companies practicing CSR to grow
  sustainably when times are better
  again.
- "...by applying these principles
  [UN Principles for Responsible
  Investment], investors will be
  better aligned with the broader
  objectives of society."
- Madagascar Oil... will be seen as a responsible investor, not only by the target beneficiary communities but by others in the sector and generally in Madagascar.

- 15. Whilst CSR has been practiced in Europe and Northern America for 20 to 30 years, it has become a global imperative since the turn of the century. Although there are still those who are opposed to CSR on ethical principles (managers are "stealing the profits of shareholders to give it to communities/ society"), the arguments in favor of CSR far outweigh the negatives. It has been shown that CSR is aligned with organizational objectives (see Diagram 3), provided one takes a medium to longer term view, and that practicing CSR in the tight economic times of the present not only assists communities that are hard-hit by the global economic downturn, but it positions the companies practicing CSR to grow sustainably when times are better again
- 16. With reference to the UN Principles for Responsible Investment, institutional investors have a duty to act in the best long-term interests of their beneficiaries. In this fiduciary role, it can be shown that ESG issues can affect the performance of investment portfolios to varying degrees across companies, sectors, regions, and asset classes and through time. It is also true that by applying these principles, investors will be better aligned with the broader objectives of society.
- 17. With specific reference to the exploration and development activities of Madagascar Oil, the communities affected by these activities may face the risk of displacement when full scale development goes ahead. Using the argument in point 12. above, Madagascar Oil should position itself for the future by continuing and expanding its CSR initiatives, and thus will be seen as a responsible investor, not only by the target beneficiary communities but by others in the sector and generally in Madagascar.

DIAGRAM 3: RELATIONSHIP BETWEEN CSR AND ORGANIZATIONAL OBJECTIVES





- 18. With reference to the bottom half of the impact zone of the activities of corporations, where the specific impact on society becomes evident, as schematically depicted in Diagram 1, the corporate social responsibility of the company is to address those areas proximate to its operations where hardship and need occurs. In this respect we believe that the multiple deprivation model linked to marginalization of populations as developed by the Africa Forum in its recent IAMMPSSA¹ study is a most appropriate reference framework to use. Diagram 4 briefly outlines the key elements of this approach.
- 19. The IAMMPSSA study further showed that one can assess the potential degree of marginalization in any specific community by following a process of community assessment and enquiry that will, once completed, identify those areas where the community is potentially in dire need. In the case of Madagascar Oil, these areas should define the scope of the company's CSR programme and will form part of the initial scoping missions referred to below.
- 20. The CSPD should therefore assume that CSR is not only a nice-to-have trend amongst the most profitable companies but has also become a business imperative which contributes to the longer-term financial sustainability, viability and profitability of the corporation. Far from being a liability, CSR is a strong asset of the corporation. It has also been shown how Madagascar Oil can go about identifying the strategic framework and scope of its proposed CSDP programme to serve as input for the CSR.

#### **DIAGRAM 4:**

#### MARGINALIZATION AND MULTIPLE DEPRIVATION

Africa Forum (2011) Study on the Most Marginalized Populations in Sub-Saharan Africa.

Marginalization is precipitated by any or all of the following deprivations persisting for a sustained period of time in any given community:

- Material Deprivation, that is, the lack of access to sustainable sources of income;
- Health and Healthcare Deprivation, that is, the lack of access to sustainable sources of healthcare and a viable medical infrastructure;
- Education Deprivation, that is, lack of access to an education infrastructure where children from the age of 6 can obtain schooling and to which both genders have equitable access;
- Living Environment Deprivation, that is, lack of access to a habitable living environment which has a sustainable provision of running water and electricity, as well as of other municipal services;
- Good Governance Deprivation, that is, lack of access to good governance and governability;
- Law and Order Deprivation, that is, lack of access to a society free of conflict and where all peoples live in harmony with one another.

- by Holme and Watts in "Making Good Business Sense", namely that "CSR is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large."
- ...Madagascar Oil has asked the Africa Forum to be both a facilitator and independent guarantor of this process by ensuring that there is a proper consultative process, responsible oversight, transparency on financial aspects, and continual monitoring and evaluation of effective delivery.
- The Forum is determined to ensure that the CSDP is implemented in a manner that meets or exceeds the ethical, legal, commercial and public expectations which society has of business.

- 21. The CSDP has to be predicated upon the understanding that the CSR is about how companies manage their business processes to produce an overall positive impact on society. It is often suggested that "companies need to answer to two aspects of their operations: the quality of their management both in terms of people and processes and the nature of, and quantity of their impact on society in the various areas." Perhaps one of the most eloquent definitions of CSR is that which is provided by Holme and Watts in "Making Good Business Sense", namely that "CSR is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large."
- 22. Clearly this is much focused on "operating the core business in a socially responsible way, complemented by investment in communities for solid business reasons." Significantly, it is generally accepted that social responsibility becomes an integral part of the wealth creation process, which if managed properly should enhance the competitiveness of business and maximize the value of wealth creation to society. This is precisely what the CSDP is all about and Madagascar Oil has asked the Africa Forum to be both a facilitator and independent guarantor of this process by ensuring that there is a proper consultative process, responsible oversight, transparency on financial aspects, and continual monitoring and evaluation of effective delivery. The Forum is planning to undertake serious advocacy work to raise awareness between and among stakeholders in Madagascar on the importance of the CSDP and CSR. The Forum is determined to ensure that the CSDP is implemented in a manner that meets or exceeds the ethical, legal, commercial and public expectations which society has of business.





- The priority is, therefore, to focus on the provision of basic human needs within the framework of the United Nations Millennium Development Goals (MDGs).
- Madagascar Oil is addressing issues such as poverty, hunger, safe drinking water, education, and medical treatment for HIV/AIDS & Malaria.
- Madagascar Oil is committed to making a substantial contribution towards realizing the MDGs in Madagascar.
- 23. The priority is, therefore, to focus on the provision of basic human needs within the framework of the United Nations Millennium Development Goals (MDGs). The United Nations General Assembly resolved in September 2000 to halve, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger and, by the same date, to halve the proportion of people who are unable to reach or to afford safe drinking water. Additionally the MDGs seek to ensure that, by the same date, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education. The MDGs also express commitment to have by then halted, and begun to reverse the spread of HIV/ AIDS, the scourge of malaria and other major diseases that afflict humanity. According to the MDGs' Declaration, the attainment of the MDGs is only achievable by developing strong partnerships with the private sector and with civil society's organization in pursuit of development and poverty eradication. Madagascar Oil is committed to making a substantial contribution towards realizing the MDGs in Madagascar.
- 24. The CSPD recognizes the provision of basic human needs as fundamental to the development CSR initiatives at national level. As stated, public opinion makes an important contribution towards reaching an informed result. However, in order to ensure that Madagascar Oil cannot be accused of getting involved in a biased or one-sided CSDP, it is important to follow the procedural steps as outlined in the environmental and social impact assessment (ESIA) literature. Key to the ESIA approach is the establishment of the community of "interested and affected parties" that includes all those potentially impacted by oil exploration activities, as well as those interested in the potential impacts and their mitigation. This latter group could also include local, regional and/or global organizations that act on behalf of stakeholder groups.
- 25. Associated with the discussion on ESIA in the previous paragraph, it is important to consider that the exploration and development activities of Madagascar Oil may ultimately lead to the displacement of persons and/or communities from the land that they have inhabited historically. If this were to be the case, the ESIA process should formally deal with this situation, since the displaced persons/communities will become part of the community of interested and affected parties. This will inter alia may result in the United Nations OCHA Report on "Guiding Principles on Internal Displacement" becoming the guidelines by which internal displacement and the associated resettlement of peoples will be evaluated and debated.

# IV. TERMS OF REFERENCE (TOR) FOR THE IMPLEMENTATION OF THE CSDP

26. The Africa Forum and Madagascar Oil have come to the conclusion that for the CSDP to succeed, it would require a comprehensive supportive advocacy programme. To this end, the Africa Forum has decided that advocacy for the CSDP should be carried out under the guidance of and with close monitoring by the Africa Forum Committee on Post Conflict Reconstruction and Development, established by the 2nd General Assembly of the Forum in November 2006. The members of the Committee include:

HE Lt John Jerry Rawlings, Former President of the Republic of Ghana;

HE Sir Dr Dawada Kairaba Jawara, Former President of the Republic of Gambia;

HE General Abdusalami Abubakar, Former Head of State of the Federal Republic of Nigeria;

HE Dr. Sam Nujoma, Former President of the Republic of Republic of Namibia:

HE Pierre Buyoya, Former President of the Republic of Burundi;

HE Bakili Muluzi, Former President of the Republic of Malawi;

HE Dr Babacar N'Diaye, Former President of the Africa Developement Bank (AfDB);

HE Sir Ketumile Masire, Former President of Botswana;

HE Chief Emeka Anyaoku, Former Secretary General of the Commonwealth of Nations; and

HE Karl Auguste Offmann, Former President of the Republic of Mauritius.

27. The general terms of reference for the Committee and all the missions on advocacy under the aegis of the committee will include but will not necessarily be limited to:

#### 1. At the Level of Africa Forum

- Raise public awareness about the CSDP and the commitment of Madagascar Oil to initiate sustainable social beneficiation projects in Madagascar;
- ii. Work to secure the acceptance of the CSDP by both the Transitional Government and the post-election government, as well as to secure the necessary support from communities;
- iii. Coordinate, govern, manage and facilitate each of the phases and steps of the project;





- iv. Provide substantial support in all efforts to have Madagascar Oil implement the CSDP in a manner acceptable to all;
- Ensure that the launching of the project receives the necessary visibility and attention at all levels;
- vi. Establish a lean project management structure devoid of bureaucracy, in order to ensure that the funds are optimally used for the CSDP;
- vii. Ensure broad visibility of the CSDP both within and outside the country, especially with representation of the donor community and international organizations in Madagascar;
- viii. Make the appropriate arrangements for the launching of the CSDP with the participation of Former African Heads of State and Government to give the necessary visibility of the ground breaking event;
- ix. Finalize the Project Document with the consent and approval of all stakeholders;
- x. Establish and maintain a sustained process of consultation with all stakeholders towards the success of the CSDP; and
- xi. Assist in collaboration with the Government, Madagascar Oil and the local communities to identify the needs of the specific communities upon which the CSDP would be structured;

#### 2. At the level of the Government

- i. Provide the necessary political and social environment for the success of the CSDP and the envisaged social beneficiation projects;
- ii. Facilitate collaboration between the Forum, Madagascar Oil and the local communities to identify the needs of the specific communities upon which the CSDP would be structured;
- iii. Provide political and administrative support and protection to the CSDP Project; and
- iv. Ensure effective liaison facilities between Madagascar Oil, Africa Forum and Madagascar Government throughout the implementation of the CSDP

#### 3. At the Level of Madagascar Oil

- Provide the requisite resources, upon the approval of the first phase of the CSDP which focuses essentially on advocacy based on specific agreed tranches;
- Provide logistical and other forms of support during advocacy missions in Madagascar as appropriate; Participate, as appropriate, in the consultative process under the aegis of the Africa Forum;
- iii. Participate actively in the process of monitoring and evaluation of the CSDP and its deliverables; and
- iv. Assist in collaboration with Africa Forum, the Madagascar Government and local communities to identify the needs of the specific communities upon which the CSDP would be structured;

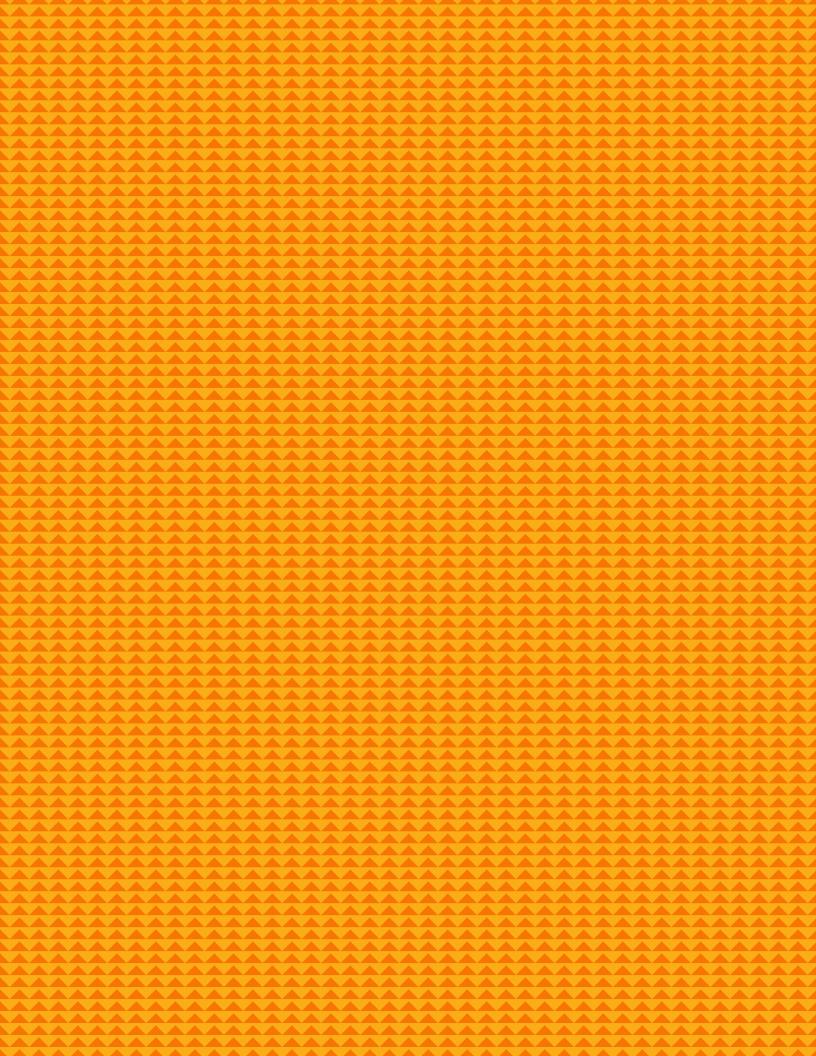
#### 4. At the Community level

- Provide the necessary environment and conditions for easy access and realization of the proposed projects;
- ii. Raise awareness of shared responsibilities and shared values in the execution of the beneficiation programmes;
- iii. Share the experiences and cooperate in identifying and assessing the needs that would be structured;
- iv. Assist in collaboration with Africa Forum, the Madagascar Government and Madagascar Oil to identify the needs of the specific communities upon which the CSDP would be structured;
- v. Also assist the CSDP project partners (Africa Forum, the Madagascar Government and Madagascar Oil) in identifying those in the potentially affected communities with special needs (for example, the aged, persons with physical disabilities, persons with hearing loss and the blind; as well as the terminally ill) and take ownership to ensure that the project partners deal with these person groups with special needs in an equitable and appropriate manner;
- vi. Provide awareness the people's beneficiation fundamental interest; and
- vii. Exercise ownership of the CSDP

# V. CONCLUSION

28. Madagascar Oil and Africa Forum are committed to structuring the CSDP to deliver long-term economic benefits to Madagascar that will become a model of CSR in the years ahead. The overall objective is to demonstrate to the host country, and in particular the communities within which Madagascar Oil is operating, a commitment towards delivering a programme of sustainable and long-lasting social development projects that will improve the lives of the hitherto marginalized rural communities. The Africa Forum in its facilitation role is determined to ensure that in line with the objective of maximum delivery to the previously marginalized populations, as much of that budget as possible will be applied to actual deliverables to the rural communities in the specific areas of operation. To this end, a lean project management structure will be established within the Executive Secretariat of the Forum in Pretoria with a view to providing the necessary backstopping to the Project. The Africa Forum considers the CSDP as a potential framework for averting a possible relapse into new generation of conflict in Madagascar.

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- The overall objective is to demonstrate to the host country, and in particular the communities within which Madagascar Oil is operating, a commitment towards delivering a programme of sustainable and long-lasting social development projects that will improve the lives of the hitherto marginalized rural communities.





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