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FOR EASTERN AND SOUTHERN AFRICA**

Twenty-Fifth Meeting of the Council of Bureaux on the
Regional Third Party Motor Vehicle Insurance Scheme

Nairobi, Kenya
26-28 October 2011

**REPORT OF THE TWENTY-FIFTH MEETING OF THE COUNCIL OF BUREAUX
ON THE REGIONAL THIRD PARTY MOTOR VEHICLE INSURANCE
(YELLOW CARD) SCHEME**

I. INTRODUCTION

1. The Twenty-Fifth Meeting of the Council of Bureaux of the Regional Third Party Motor Vehicle Insurance (Yellow Card) Scheme was held from 26th to 28th October 2011, in Nairobi, Kenya, at the SAROVA Stanley Hotel.

II. ATTENDANCE, OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORGANISATION OF WORK

Attendance

2. The meeting was attended by delegates from the National Bureaux of Burundi, Djibouti, DR Congo, Eritrea, Ethiopia, Kenya, Malawi, Rwanda, Tanzania, Uganda, Zambia and Zimbabwe. Also in attendance were representatives from East Africa Community (EAC), Northern Corridor Transit Transport Coordinating Authority (NC-TTCA), ZEP-RE (PTA Reinsurance Company), Insurance Supervisory Authorities from Uganda and Kenya, Motor Vehicle Accident (MVA) Funds of Botswana, Namibia and South Africa, the Road Transport and Safety Agency (RTSA) of Zambia, Insurance Association of Uganda and other participants from the Insurance industries of Kenya and Zambia. The list of participants is attached as Annex I to this report.

Opening of the Meeting (*Agenda item 1*)

3. The meeting was officially opened by Honorable, Simon Ongare, the Assistant Minister of Transport of the Government of the Republic of Kenya. In his opening remarks, he welcomed all delegates to Kenya and wished them a pleasant stay. The Assistant Minister reaffirmed the commitment of the Government of Kenya to regional cooperation and integration and underscored that regional integration was not an option but a necessary ingredient of any national development strategy as developing economies can no longer individually effectively face the challenges posed by the fast changing and complex global market.

4. Regarding the Yellow Card, he acknowledged the importance of the scheme as a transport facilitation instrument that had stood the test of time and popular with motorists travelling across borders. He gave credit to the National Bureau of Kenya and the insurance industry at large in the successful management of the operations of the scheme in the country.

5. With respect to the Regional Customs Transit Guarantee Scheme, Honourable Simon Ongare welcomed the rollout of the RCTG CARNET in the Northern Corridor, which he said was a historic development which ushered in a new era in trade and transit of goods in the COMESA region from which traders can benefit from through the reduction of transit costs and called upon other corridors to expedite the rollout.

6. Mr Dev Haman, Director of Budget and Finance Division, made a statement on behalf of Mr Sindiso Ngwenya, Secretary General of COMESA. The Director welcomed the delegates to the Council of Bureaux meeting. He pointed to the growing volumes of trade amongst COMESA Member States under the COMESA Free Trade Area. He informed the meeting that these successes needed to be built upon and consolidated by moving towards the COMESA Customs Union, which, at the COMESA Summit in Swaziland, had decided that should be effected in three years period.

7. The Director underscored that conducting insurance business in a large market offers such advantages as improved regional diversification of insured risks, realization of economies of scale and larger choice amongst insurance companies and products and called upon the insurance industry in the COMESA to liberalize the insurance market in the region.

8. Mr Dev Haman, pointed out the achievements made by some National Bureaux in issuing high numbers of Yellow Cards and called upon others to emulate the achievements made. He further pointed out that through the Yellow Card, COMESA had contributed to increased competitiveness by reducing cross-border transport and transaction costs and that this benefit was passed on to the consumers and producers in the region.

9. Earlier, Mrs Dorothy Chapeyama, Managing Director of Reunion Insurance of Malawi and outgoing Vice Chairperson of the Council of Bureaux, welcomed all delegates to Kenya and expressed gratitude to the National Bureau and the Insurance Industry of Kenya for hosting the meeting.

10. The meeting observed a minute of silence as a tribute to the memory of Mrs. Anne Canowira, the former Coordinator of the Yellow Card Scheme of the National Bureau of Uganda and also saved as Chairperson of the Council of Bureaux who passed away in the year 2010.

Vote of thanks

11. The delegate from the National Bureau of Zambia, Mrs. Phidelia S. Mwaba, Head of Strategic Business Unit of ZSIC General Insurance Limited gave a vote of thanks on behalf of the delegates. In her statement, she thanked the Guest of Honor for finding time from his busy schedule to come and open the meeting.

Election of the Bureau (Agenda item 2)

12. The meeting elected the following Bureaux for a tenure of one year.

Chairperson : Kenya

Vice Chairperson : Djibouti

Rapporteur : Malawi

Adoption of the Agenda and Organisation of Work (Agenda item 3)

13. The meeting adopted the following Agenda:

1. Opening of the Meeting
2. Election of Officers
3. Adoption of the Agenda and Organisation of Work
4. Report of the Outgoing Chairperson on the Operations of the Yellow Card Scheme

5. Country Report by National Bureaux on the Operations of the Yellow Card Scheme in their countries
 6. Report of the Thirtieth Meeting of the Technical Management Committee (TMC) on the Yellow Card Reinsurance Pool
 7. Report of the Thirty First Meeting of the Technical Management Committee (TMC) on the Yellow Card Reinsurance Pool
 8. Annual Report and Accounts of the Yellow Card Reinsurance Pool for the year ended 31st December, 2010
 9. Report on Matter Arising from the 31st Meeting of the Technical Management Committee (TMC) of the Yellow Card Reinsurance Pool
 10. Reinsurance Pool Financial Highlights as at 30th September 2011
 11. Progress Report on the Implementation of the Yellow Card Management Information System (YC-MIS)
 12. Report of the 5th Meeting of the Council of Surety of the RCTG on the Regional Customs Transit Guarantee (RCTG-CARNET) Scheme
 13. Presentation on Trade in Insurance Services
 14. Election of New members of the Technical Management Committee (TMC) of the Yellow Card Reinsurance Pool
 15. Presentation by the Printers on the printing of Yellow Card Books and promotional materials
 16. Proposed Budget for the Year 2011/12
 17. Date and Venue of Next Meeting
 18. Any Other Business
 19. Adoption of the Report and Closure of the meeting
14. The meeting agreed on the following working hours:
- Wednesday, 26th October, 2011**
09.00 hours - 13.00 hours - Morning
14.30 hours – 17.00 hours - Afternoon
- Thursday, 27th October 2011**
08.30 hours - 14.00 hours - Morning
14.00 hours – Free afternoon for delegates
- Friday, 28th October, 2011**

Free morning for delegates
17.00 – 1800 hours – Adoption of the Report and Closure of the Meeting

III. ACCOUNT OF PROCEEDINGS

Report of the Outgoing Chairperson on the Operations of the Yellow Card Scheme (*Agenda item 4*)

15. The Outgoing Chairperson of the Council of Bureaux, Mr. David Boucher, Commercial Director of GX Assurance Company of Djibouti and the Yellow Card Co-ordinator of the National Bureau of Djibouti, presented document No. CS/YCRCTG/CB/XXV/2, Report of the Outgoing Chairperson on the Operations of the Yellow Card Scheme for the period 1st July 2010 to 30th June 2011. In his presentation, he provided the meeting with an overview of the activities carried out during the period stated and developments on the operations of the Yellow Card Scheme for the year. He informed the meeting that while his report was a summary of activities carried out, detailed reports were going to be presented by individual National Bureaux on the operations of the Scheme in their respective countries. The highlights of the presentation were as follows:

Status of the Yellow Card Production

16. The meeting was informed that about 99,439 Yellow Cards were issued and a Gross Premium Income of US\$5,191,685 was recorded during the period under review; compared to 91,574 Yellow Cards issued and an annual premium of US\$5.2 million registered in the preceding period. The meeting was further informed that the figure would have been higher, considering that some National Bureaux had not submitted complete reports. Annex I of this report provides a summary of the Cards issued and the premium realized.

17. Regarding the submission of Yellow Card summaries to both the Pool Managers and the Yellow Card Secretariat, the meeting was informed that the late submission of reports by some National Bureaux was affecting the quality of the reports presented to the meeting. On the submission of Yellow Card summaries to both the Pool Managers and the Yellow Card Secretariat, all National Bureaux were urged to submit their reports and returns in good time.

Status of Yellow Card Claims Activities

18. On Yellow Card claims activities, the meeting was informed that 367 claims were reported, 80 paid and 636 were reported as outstanding. The meeting was further informed that some National Bureaux had not submitted their claims statistics. A summary of the claims for the period under review is shown in Annex II to this report.

PROGRESS ON IMPLEMENTATION OF ACTIVITIES

19. The Council of Bureaux was informed that progress had been made since the last Council of Bureaux Meeting held in Djibouti and separate reports were presented on the implementation of various activities carried out by both the Secretariat and the Pool Managers.
COMESA/MVA Co-operation on the Motor Vehicle Third Party Insurance System

20. The Council of Bureaux was informed that a follow up consultative workshop to the meeting held by the COMESA / SADC Task team in Gaborone, Botswana in early 2010, on the harmonization of the third party motor vehicle insurance schemes was held in August 2011 in Lusaka, Zambia. The Council of Bureaux was further informed that the meeting agreed to conduct National stakeholders' workshops in Botswana, Lesotho, Swaziland, South Africa, Namibia, Mozambique, Angola and DR Congo during the period from 13 October to 26 November 2011. The main objective of the National workshops was to build consensus on the framework on harmonization of the different approaches to third party motor vehicle insurance and submit a report to COMESA, SADC and EAC on the recommendations regarding the way forward.

21. The meeting was further informed that the National Bureaux of Zimbabwe and Malawi, considered as front line states and which had been involved in the COMESA-SADC harmonization Task Team since inception in 2002, had continued their participation in the Task Team activities and would attend the above mentioned workshops.

Review of Draft Model Legislation on the Third Party Motor Vehicle Insurance

22. The meeting was informed that no progress had been made with regard to convening a stakeholders' workshop to review the draft Model of Legislation on the Third Party Motor Vehicle Insurance due to resource limitations. The Secretariat would continue to look for resources to finalize the review and convene validation stakeholders' workshop.

23. The meeting was further informed that concerns had been expressed by some National Bureaux with regard to the low limit of liability for third party bodily injury under the compulsory motor vehicle insurance laws of some member countries including Ethiopia, Malawi and Uganda.

24. In concluding his remarks, the outgoing chairperson underscored that despite the success achieved, there were several challenges and given the proven commitment of the Council of Bureaux he was hopeful that the challenges would be addressed.

25. During the discussion on the report of the Outgoing Chairperson, the National Bureaux of Ethiopia and Djibouti underscored the importance of reviewing the low limits of liability and urged the Secretariat to consider the various proposals made and to urgently come up with solutions to address the issues.

Decision

26. The meeting decided that the above mentioned National Bureaux should engage the Insurance Regulatory Authorities and other concerned government authorities with a view to encourages them to review the limits.

Country Report by National Bureaux (*Agenda item 5*)

27. Pursuant to the decision of the 19th Meeting of the Council of Bureaux, held from 29-30 August, 2005, in Harare, Zimbabwe, the Coordinators of the National Bureaux presented their reports on the operations of the Yellow Card Scheme in their respective countries for the period July 2010 to June 2011. The reports of National Bureaux on the status of the Yellow Card production and claims activities are shown in the summaries attached as Annex I and II. The

highlights of activities carried out during the period under review and issues raised, proposals and recommendations made by the National Bureaux were as follows.

The National Bureau of Burundi

28. The National Bureau reported as follows:

- a) Issued 7,683 cards and collected US\$118,632 premium income;
- b) Had 55 claims reported with a claim quantum of US\$125,000;
- c) 13 Claims were outstanding amounting to US\$26,838;
- d) Paid their capacity subscription to the Pool in full;
- e) Paid their budget contribution to the Yellow card Secretariat in full;
- f) Pointed out the challenges:
 - i) Lack of communication with the National Bureaux of Tanzania and DR Congo over the confirmation of validity of Yellow Cards
 - ii) Late reimbursement by the Pool Managers on claims settled by the National Bureau of behalf of other Bureaux

The National Bureau of Djibouti

29. The National Bureau reported as follows:

- a) Issued 603 Yellow cards and collected UD\$164,620 premium;
- b) 101 claims were reported; Claims amounting to 81,049,404 DFR (455,433 USD) were paid during the period under review;
- c) Reported that collaborations with the National Bureau of Ethiopia has continued and the National Bureau of Djibouti traveled in July 2010;
- d) Traveled to the Pool Managers for the claims reimbursements; and
- e) Reported the challenge of the new implemented VIATPR proclamation on third party limits of liability it had on Djibouti motorists visiting Ethiopia.

The National Bureau of D R Congo

30. The National Bureau reported as follows:

- a) issued Yellow 5,481 Cards and collected a total premium income of USD310,421.79
- b) 23 claims were reported and 21 paid
- c) Opened Agents offices in Mahagi and Bunia
- d) The Uvira tragedy accident was still outstanding
- e) Reported the challenge of late claims reimbursement from National Bureaux on claims settled on their behalf despite several reminders.

31. The National Bureau recommended as follows:

- a) The Secretariat should supply promotional materials to the National Bureau of DR Congo;
- b) The Pool Managers should reimburse the National Bureau of DR Congo claims settled on behalf of the National Bureaux of Burundi, Kenya and Rwanda; and

- c) National Bureaux should promptly give Yellow Card validity confirmation and settlement authorization once requested to do so.

The National Bureau of Ethiopia

32. The National Bureau reported as follows:

- a) Has a membership of thirteen (13) insurance companies;
- b) Issued 24,283 cards (2.5% higher than previous year's sales) and recorded a premium of US\$1,061,378.89 (representing a 5% decrease from the US\$ premium recorded in the previous year due to the Birr's currency devaluation against the US Dollar);
- c) 7 claims were reported, 5 were paid and 20 are outstanding.

33. The National Bureau raised the following issues:

- a) Implementation of VIATPR Proclamation: Vehicle Insurance against Third Party Risks Proclamation no. 559/2008 is the compulsory motor third party insurance law applicable in Ethiopia. The law, with the intent to keep the local compulsory third party insurance premium on the low side, has set the liability limits as below:
 - i) Death per person up to Eth. Birr 40,000 (US\$ 2,292)
 - ii) Bodily Injury up to Eth. Birr 15,000 (US\$ 859.60)
 - iii) Emergency Medical Treatment Eth. Birr 1,000 (US\$ 57.30)
 - iv) Property damage Eth. Birr 100,000 (US\$ 5,730.56)
- b) Lack of awareness on the operation of the Yellow Card Scheme in remote areas of Ethiopia; and
- c) Non release of an Ethiopian vehicle detained by Djibouti Police Authorities since February 02, 2010 despite numerous communication on the validity of the Yellow Card and authorization to the handling Bureau to settle the claim.

The National Bureau of Eritrea

34. The National Bureau of Eritrea reported that it had issued two (2) cards, had no claims reported and that they had not carried out any promotional activities for the Yellow Card scheme.

The National Bureau of Kenya

35. The National Bureau reported as follows:

- a) Has a membership of 35 insurance companies, issued 10,252 Yellow Cards and collected a total premium income of US\$941,264.40;
- b) 18 claims (with an estimated quantum of US\$55,306.12) reported, three (amounting to US\$16,934.35) paid and twenty six (with a total estimated amount of US\$65,510.20) were outstanding as at 30 June 2011;
- c) Organized and conducted stakeholders' sensitization workshops in Nairobi, and Mombasa and a training of Insurance Officers on the operations of the YC-MIS in Eldoret; and

- a) Conducted Market Visits to individual member insurance companies to discuss issues concerning the running of the Yellow Card Scheme through interactive market visits and meetings.
36. The National Bureau raised the following issues:
- a) The non acceptance of the duly issued COMESA Yellow Cards by Southern Sudan; and
 - b) The rushing of Kenyan accident victims of Kenyan inter border transporters on Yellow card insurance covers to institute court redress in Kenyan Courts of law.
37. The National Bureau recommended the following:
- i) The National Bureau of Kenya should extend its awareness and sensitization campaign to all parts of the country and also involve the media;
 - ii) The Traffic Authorities in member countries should be sensitized to treat traffic offender humanely;
 - iii) National Bureau of Kenya through the members should facilitate defenses of the claims filed in Kenya and when they are agreed upon, presents the claims to the member for settlement;
 - iv) Should the resultant claim amounts to plaintiffs both in Tanzania and those in Kenya exceed USD 10,000 provided for in the Yellow Card Operational Manual, then the National Bureau of Tanzania should on behalf of the member seek for reimbursement of the entire amounts so paid from the Reinsurance Pool; and
 - v) Should the amount of claim not exceed USD 10,000 then the member bears the full cost of the claim.

The National Bureau of Malawi

38. The National Bureau reported as follows:
- a) Has a membership of 8 insurance companies
 - b) Issued 676 Yellow cards and collected a premium income of US\$39,366
 - c) Had 3 claims reported; 3 paid and 8 were outstanding;
 - d) The following were the challenges faced:
 - i) Non prompt response by other National Bureaux in giving Yellow card validity confirmations;
 - ii) The issue of Mozambique not being part of the Yellow card scheme; and
 - iii) Lack of promotional materials to use in the sensitization activities.
 - e) The activities planned were as follows:
 - i) Organizing a joint stakeholders' workshop with COMESA Secretariat to be held in November 2011 and to be attended by Mozambique; and
 - ii) Carry out marketing promotional activities.

The National Bureau of Rwanda

39. The National Bureau reported as follows:
- a) Had issued 6,710 Yellow cards and generated a premium income of US\$138,605.85;
 - b) Had 147 claims reported; 18 paid and 469 were outstanding as at 30 July 2011;

- c) No promotional activities were reported;
- d) Non reimbursement of claims settled by the Pool Managers.

The National Bureau of Sudan

40. The National Bureau reported as follows:
- a) had nine member companies;
 - b) Had issued 35 Yellow cards, generating a premium income of US \$ 7,941.10;and
 - c) Had 8 claims reported; paid 1 claim and 7 outstanding as at 30 July 2011.

The National Bureau of Tanzania

41. The National Bureau reported as follows:
- a) Has a membership of 19 insurance companies; issued 6,093 Yellow cards and collected a total premium income of US\$450,198.52;
 - b) Had 1 claim reported for the period under review;
 - c) Has settled 14 claims from 1998 to 2006 on behalf of other National Bureaux to which they had not being reimbursed;
 - d) Carried the following activities;
 - i) Conducted random crack down investigations on the people behind the issuance of fake Yellow Cards;
 - ii) wrote to the Commissioner of Insurance to request him to facilitate for a roundtable meeting with all the insurance Industry to meet and work as a team and discuss how best to tackle this problem of fake Yellow cards and other Yellow card operations related issues.
 - e) The National Bureau raised the following issues:
 - i) Had problems with late submission of monthly returns by member insurance companies; and
 - ii) The issue of forged Yellow cards posses challenges to the National Bureau
 - f) Further the National Bureau reported that it plans to carry out the following activities:
 - i) Erect Bill Boards at all cross-border points and in big towns like Dar es Salaam, Arusha and Mbeya; and
 - ii) Educate the general public on the consequences of buying fake Yellow Cards through making announcement on radio, newspapers and the electronic media.

The National Bureau of Uganda

42. The National Bureau reported as follows:
- a) Has a membership of 20 member insurance companies;
 - b) Issued 11,369 Yellow Cards and collected a premium income of US\$ 689,926.73;
 - c) Had 25 claims reported and 95 claims were outstanding;

- d) Organized and conducted a stakeholders' sensitization workshop at Busia border point;
- e) Reported the following challenges faced:
 - i) Stolen Yellow card books from the National Bureau;
 - ii) Poor response by some National Bureaux;
 - iii) Premium rate under cutting by member insurance companies; and
 - iv) Fake Yellow cards sold at border points.

The National Bureau of Zambia

43. The National Bureau reported as follows:
- a) Issued 18,336 Yellow cards and collected a premium income of US\$509,033.36
 - b) Had 6 claims reported; 2 settled and 5 were outstanding
 - c) The following activities were carried out:
 - i) Held an inter bureaux consultative meeting at Kasumbalesa with the National Bureau of DRC;
 - ii) Travelled to Nakonde border post to facilitate release of three Tanzanian trucks impounded in 2008 following court order pending settlement of COMESA claims for deaths, injuries and property damage; and
 - iii) Held consultative meetings with other Bureau members to review the premium rates.

The National Bureau of Zimbabwe

44. The National Bureau reported as follows:
- a) had 24 member insurers who transact motor insurance business;
 - b) Issued 11, 878 Yellow Cards and collected premium of USD 760,298
 - c) Had 6 claims reported; reimbursed the National Bureau of Zambia on all the claims settled on its behalf;
 - d) had paid premium cession to the Pool Managers;
 - e) carried out the following promotional activities:
 - i) Gave out pamphlets providing information on the Scheme to member insurers for distribution to the public;
 - ii) The members have been supplied with posters for display at their premises;
 - iii) Held 3 workshops on the Administration of the Yellow card scheme and is planning a training workshop in Harare in November 2011; and
 - iv) Held a briefing for the CEO's of member companies on 22nd September 2011 to encourage sales of cards and to emphasize the importance of submitting timely returns to the Bureau.

Decision

45. The meeting noted the country reports submitted by Coordinators of the National Bureaux and decided that the Secretariat should consider the issues raised and recommendations proposed and find solutions in consultation with the concerned National Bureaux.

Reports of the Thirtieth and Thirty-First Meetings of the Technical Management Committee (TMC) on the Yellow Card Reinsurance Pool (Agenda item 6 & 7)

46. The COMESA Secretariat presented document No CS/CB/TMC/XXX/8 and CS/CB/TMC/XXXI/8- Reports of the 30th and the 31st Meetings of Technical Management Committee (TMC) of the Yellow Card Reinsurance Pool. The Council of Bureaux on the Regional Third Party Motor Vehicle Insurance Scheme noted that the 30th and 31st Meetings of Technical Management Committee were held from 28th to 29th April 2011, in Lusaka, Zambia and 8th to 9th of September 2011, in Kampala, Uganda, respectively. The Secretariat highlighted the progress made on the operations of the Reinsurance Pool and various activities carried out in accordance with the decisions of the Council of Bureaux as follows:

I. Capacity Subscription

47. With regard to the payment of Capacity Subscription, the Council of Bureaux noted that the National Bureau of Burundi had settled its subscription to the Pool in full in October 2011. The meeting further noted that the National Bureau of Malawi had not yet made any payment while Sudan was yet to settle its outstanding balance.

48. In the ensuing discussion, the delegate from the National Bureau of Malawi informed the meeting that they were making efforts with the help of the Coordinating Ministry to settle their capacity subscription.

49. The Council of Bureaux commended the National Bureau of Burundi for settling its arrears of capacity subscription to the Pool in full.

Decisions

50. The Council of Bureaux endorsed the recommendations of the 30th and 31st Meeting of the Technical Management Committee(TMC) as follows:

- a) The National Bureau of Malawi, which had not made any payments at all and the National Bureau of Sudan that had only made partial payments, to pay their capacity subscription in full;
- b) The Secretariat and the Pool Managers should continue their follow ups with the National Bureaux of Sudan and Malawi and the COMESA Coordinating Ministries to ensure that their financial obligations to the Pool and the Yellow Card Scheme are remitted;
- c) The Pool Managers should engage the National Bureau of Sudan to off-set the outstanding capacity subscription payable by National Bureau to the Pool with the claim amount payable by the Pool to the National Bureau; and
- d) The Secretariat should explore the possibility of having the National Bureau of Sudan pay its financial obligations to the Yellow Card Scheme by using the Regional payment system window through the involvement of the coordinating Ministry in Sudan.

National Stakeholder's Workshops

51. The Council of Bureaux noted that, National stakeholders' workshops on the Yellow Card Scheme were organized in Kenya and Tanzania jointly with Secretariat.

52. The meeting was further informed that the Secretariat following the consultation with the National Bureau of Malawi and the COMESA Coordinating Ministry of Malawi, had agreed to

convene a joint Malawi and Mozambique stakeholders' workshop on the operation of the Yellow Card and RCTG schemes in mid November 2011 in Malawi with a view to interest Mozambique to join the Yellow Card and RCTG Schemes. The meeting further noted that COMESA Secretariat would cover the travel expenses for four participants from Mozambique to attend the workshop.

Decisions

53. The Council of Bureaux endorsed the 31st Meeting of the Technical Management Committee(TMC) recommendations that the National Bureaux:

- a) Convene regular meetings with members of the Bureau to familiarize primary insurance companies and agents with the operations of the scheme
- b) Organize at least two National workshops annually to sensitize stakeholders namely: Traffic Police, Customs Officers and transporters.
- c) Market the Yellow Card to increase the volumes of Yellow Cards sold
- d) Allocate budget for organizing and conducting national stakeholders' workshops, and that;
- e) The Secretariat should provide technical support to National Bureaux organizing stakeholders' workshops.

Status of long outstanding Yellow Card Claims

54. The Council of Bureaux noted that most long outstanding claims between National Bureaux reported in the previous meetings had been settled.

55. With regard to the DR Congo and Kenya - SANGE/UVIRA CLAIM, a tragic accident that happened in DRC, on the 3rd of July 2010, involving a Kenyan registered Fuel Tanker KBL 317 S and trailer ZD 3860 during which a number of people died and others survived however with injuries. The meeting noted that follow ups were made with both the National Bureau of the DRC and Pool Managers on the progress with a view to have the issue quickly resolved. However, the Pool Managers advised that there was still outstanding information to be provided by the concerned National Bureau to assist them in the determination of the quantum of the claim and the recovery process with reinsurers on the Yellow Card XL program and as such no progress had been made.

56. The meeting noted the 30th Meeting of the TMC recommendation that the National Bureau of the Democratic Republic of Congo should provide the Pool Managers with the necessary information for them to have the claim resolved without further delay.

57. The meeting further noted, the concern expressed by the 31st Meeting of the TMC on the overall handling of the claim and underscored that the delays might lead to undesired outcome and urged the Pool Managers to be fully involved in the process of the claims.

Decisions

58. The Council of Bureaux noted and endorsed the recommendations of the 31st TMC in order to expedite the claims process as follows:

- a) the Pool Managers jointly with the Issuing National Bureau and/ or the lead Reinsurer, if required with a legal expert, should mount a mission to DR Congo as soon as possible and by mid October 2011 at the latest to establish the facts

- and collect the required information and documents and take a position on the claims;
- b) The cost of mission to DR Congo should be considered as part of the cost of claims handling; and
 - c) the Pool Managers should submit a report on their findings and the position established on the claim to the 25th Meeting of the Council of Bureaux, which will be held on 26-28 October 2011, in Nairobi, Kenya.

Progress on the Withdrawal of Unused Old Cards by National Bureaux

59. The Council of Bureaux noted that despite the Secretariat having made several follow ups, only the National Bureau of Uganda had responded of having successfully retrieved all unused old Yellow card books from their member insurance companies and destroyed them in their presence.

60. The Council of Bureaux also noted that National Bureau of Zimbabwe reported that it had withdrawn all the unused old Yellow card books from its member insurance companies.

Decisions

61. The Council of Bureaux endorsed the 31st Meeting of the TMC recommendations that National Bureaux should:
- a) Ensure that all old yellow card books are accounted for and the outstanding stock be withdrawn from members to ensure that the old Yellow cards are not being issued; and
 - b) Send reminders to all their member insurance companies requesting them to hand over all unused old yellow card books to their National Bureaux and members of the Bureau who fail to meet this requirement should not be supplied with new yellow card books.

Progress report on the implementation of the YC-MIS in the Northern Corridor Countries

62. Regarding the implementation of the YC-MIS in the Northern Corridor Countries, the Council of Bureaux noted that no much progress was made as the Developer (Modernization Alternatives Ltd) withdrew their services at the time the Secretariat was making preparations to roll out the YC-MIS in the Northern Corridor.

Decision

63. The Council of Bureaux endorsed the 31st Meeting of the TMC recommendations that the Secretariat should in future enter into a contract that would require the recruited IT Firm to reimburse the Secretariat expenses and additional costs incurred as a result of withdrawal of the Firm from the contract.

Comparison of Yellow Card Rates and Nationally Issued Motor Vehicle Cover

64. Regarding the comparison of Yellow Card Rates and Nationally Issued Motor Vehicle Cover, the meeting noted that no progress had been made on the comparison of Yellow card premium rates with the rates charged on nationally issued compulsory third party motor vehicle insurance cover due to non submission of the requested information by National Bureaux, with the exception of the National Bureau of Kenya, Uganda and Sudan to the Secretariat.

65. The meeting also noted that the National Bureau of Zimbabwe informed the 30th TMC that it had responded to Secretariat's reminders and the position communicated was that it could not get any response from its member insurance companies.

66. During the discussion on the issue, National Bureaux were urged to submit the requested information without further delay.

Forged Yellow Cards printed and issued in Tanzania

67. Regarding Forged Yellow Cards printed and issued in Tanzania, the meeting noted that the COMESA Secretariat had engaged the National Bureau and the Insurance Association of Tanzania in June 2011 to find lasting solutions to the issue. The issue was deliberated at length during the stakeholders' workshop in Dar es Salaam and attended by the law enforcement agencies, insurance companies, transporters, and the Insurance Supervisory Authority. Measures were agreed on for immediate implementation by the National Bureau of Tanzania in collaboration with other stakeholders, which included the following:

- i) Engage Transporters' Association, Traffic Police and Association of Tanzania Insurers (ATI) to involve them in the fight against the printing and use of forged yellow cards;
- ii) Conduct awareness workshops, jointly with ATI, for Transporters/Drivers, Traffic Police, Customs Officers and the Insurance Officers and other stakeholders to educate them on the implications of using forged Yellow Cards;
- iii) Put up posters and adverts at key border posts including in Tunduma, Namanga, Sirary and Kasumula; and
- iv) Advertise on T.V, Radio and newspapers to caution the public against using fake Yellow Cards.

68. During the discussion the delegate from the National Bureau of Tanzania informed the meeting that efforts were made to address the issues, however did not produce the desired outcome. In view of this, the National Bureau had started consultations with concerned high government authorities to involve them in tackling the issue.

69. The Council of Bureaux also noted the issue of motorists buying Yellow Card across the border. The meeting further noted and endorsed the 31st Meeting of the TMC recommendations to minimize the circulation of forged cards, as follows:

- a) National Bureaux should hold workshops on the Yellow Card scheme to sensitize Agents, Customs Officer, Traffic Police officers and Transporters at border posts; and
- b) National Bureaux should periodically review their Yellow Card Premium rates to be compatible with rates of other National Bureaux.

Progress on the Printing of Yellow Card Books and Promotional Materials

70. The Council of Bureaux noted the progress made on the printing of Yellow Card Books and the recommendations of the 30th Meeting of TMC as follows:

- a) the new process of printing and delivery arrangement agreed between the Secretariat and TAWs Printers be adopted and be implemented with effect from 15th May 2011 and National Bureaux be advised accordingly;
- b) The initial order for promotional materials be financed with the available budget allocation of US\$5,000 in the following quantities:
 - i) 4,000 round stickers: Price at US\$0.50 per sticker
 - ii) 4,000 Avenus posters in English with inclusion of all the addresses for the National Bureaux: Price at US\$0.60 per poster
 - iii) 1,000 Avenus posters in French with inclusion of all the addresses for the National Bureaux: Price at US\$0.60 per poster
- c) The TMC recommended that the Secretariat should supply any future orders for promotional materials on the Yellow Card scheme to National Bureaux on request and on a cost recovery basis.
- d) The National Bureau of Kenya should assist the Secretariat in making follow ups on the printing and delivery of Yellow Cards and promotional materials; and
- e) The Secretariat should provide the designed artwork of the promotional materials to the National Bureau of Kenya for proof reading, comments and follow up with the Printers

71. The Council of Bureaux further noted that:

- i) The Printer (Taws) was advised of the new agreed printing arrangement and National Bureaux are now able to make direct orders for the supply of Yellow Card books upon remittance of the printing and delivery costs to the Printers; and
- ii) The artworks for the promotional materials (Posters) were designed and pending proof reading by Secretariat.

Decisions

72. The Council of Bureaux endorsed the 31st Meeting of the TMC recommendations as follows:

- a) The initial order for promotional materials be financed with the available budget allocation of US\$5,000 in the following quantities:
 - i) 4,000 round stickers: Price at US\$0.50 per sticker
 - ii) 4,000 Avenus posters in English with inclusion of all the addresses for the National Bureaux: Price at US\$0.60 per poster
 - iii) 1,000 Avenus posters in French with inclusion of all the addresses for the National Bureaux: Price at US\$0.60 per poster
- b) the Secretariat should supply any future orders for promotional materials on the Yellow Card scheme to National Bureaux on request and on a cost recovery basis; and
- c) The National Bureau of Kenya should assist the Secretariat in making follow ups on the printing and delivery of Yellow Cards and promotional materials.

Review of the Yellow Card Manual

73. The Council of Bureaux noted that the COMESA Secretariat had advised all the National Bureaux to handle any future claims in accordance with the revised Section 2.2.3(b) Limits of Sum Insured under medical expenses in the Yellow Card Manual.

74. The Council of Bureaux noted the recommendation of the 30th Meeting of the TMC that the Secretariat should resend the official advice letter to all the National Bureaux on the revision of Section 2.2.3 (b) Limits of Sum Insured under medical expenses in the Yellow Card Manual and provide the soft copy of the revised Yellow Card.

Status of outstanding cost of printing & delivery incurred by the Secretariat on behalf of National Bureaux

75. The Council of Bureaux noted that despite several reminders having been sent to the concerned Bureaux, little progress had been made by National Bureaux in settling the amount incurred by the Secretariat on behalf of National Bureaux for the cost of printing and delivery of Yellow card Books. The summary of the outstanding amounts was as shown in the table below:

National Bureau	Old Yellow Cards		New Yellow Cards		Total Due (US\$)	Status
	# Ordered	Amount O/S	# ordered	Total Cost		
Burundi	240	2,338.48	200	1,411.74	-	Paid
DR Congo	100	1,367.80	500	5,105.35	-	Paid
Djibouti	-	-	100	1,169.55	-	Paid
Eritrea	-	-	100	1,073.70	1,073.70	O/S
Ethiopia	840	8,044.36	900	6,272.59	3,047.00	O/S
Malawi	-	-	100	1,139.55	-	Paid
Rwanda	360	-	100	1,157.03	-	Paid
Tanzania	230	1,956.07	700	3,878.70	-	Paid
Uganda	500	3,031.62	1000	5,312.96	3,929.62	O/S
Zambia	-	-	100	1,265.40	-	Paid
Zimbabwe	-	-	100	1,240.00	-	Paid
Sudan	100	670.49	200	2,140.28	3,200.77	O/S
Kenya	500	2,067.79	500	-	-	Paid
Total	2,870	19,476.61	3100	31,166.85	11,251.09	O/S

76. During the discussion on the issue the delegate from the National Bureau of Eritrea informed the meeting that it had never placed an order and was not appropriate to request the Bureau to pay for the Printing and delivery cost of the 100 books. The delegate further informed the meeting that the National Bureau was not fully operational and during the few years in operation, it had only issued 22 cards.

77. Regarding the outstanding printing and delivery costs on the account of the National Bureau of Ethiopia, the delegate from Ethiopia informed the meeting that they were aware of the outstanding printing and delivery costs and requested Secretariat to provide them with the invoice for payment.

78. The delegate from the National Bureau of Uganda informed the meeting that the indicated outstanding amount for printing and delivery of Yellow Card books on the account of the National Bureau of Uganda where paid to the Printers directly and hence the statement should be corrected. The National Bureau further promised to provide the funds transfer documentation made to the Secretariat.

79. In responding to the issue raised by the delegate from Eritrea, the Secretariat informed the meeting that in accordance with the decision of the Council of Bureaux, 100 books were printed and delivered to those National Bureaux that had not placed any order in preparations for the introduction of new Generation of Yellow cards.

Recruitment of an Insurance Expert

80. The meeting noted that an Insurance Expert had been recruited on secondment basis to mitigate the severe manpower shortage at the office of the Council of Bureaux at the COMESA Secretariat to enhance the personnel capacity of the Unit for it to effectively deliver on the directives of the Council.

81.

Progress Report on the outstanding issues specifically claims that have been handled and settled by other Bureaux on behalf of the National Bureau of Zimbabwe

82. The Council of Bureaux noted that the representative from the National Bureau of Zimbabwe presented progress Report on the outstanding issues specifically Claims that have been handled and settled by other Bureaux on its behalf. The meeting further noted the progress made on the following:

- a) On the claims reimbursement amounting to US\$3,422 due to the Pool, the Pool Managers could not provide supporting documents to enable the National Bureau of Zimbabwe to effect reimbursement. No other liabilities had been advised to them as outstanding by the Pool Managers.
- b) The National Bureau of Zimbabwe reimbursed the National Bureau of Zambia of a total of \$31,805.71 (including handling fees) relating to 12 claims settled on their behalf. A total of US\$3,804 was deducted from their reimbursement dues being settlement in respect of 4 claims settled by the National Bureau of Zimbabwe on behalf of the National Bureau of Zambia.
- c) Only two claims were reported by the National Bureau of Malawi as claims handled on behalf of the National Bureau of Zimbabwe and one claim was settled and the other one was still outstanding. The TMC also noted that, despite several reminders to Malawi requesting them to provide with the documentation for reimbursement, nothing has been supplied.

Decision

83. The Council of Bureaux endorsed the 31st Meeting of the TMC recommendation that since the Pool Managers had not provided supporting documents to enable the National Bureau of Zimbabwe to effect reimbursement, the claims amount of US\$3,422 shown in the statement be written off.

iii. Study Report on the Application of the Policy Condition on the Notification of Accident of Yellow Card Claims

84. The Council of Bureaux noted the report Secretariat presented on a study report on the application of the policy condition on the notification of accident of Yellow Card claims. The meeting noted the findings of the study which included the following:

- a) The third party insurance policy just like any other general insurance policies carried operative clauses and conditions that governed the admissibility of any claim and the accident notification condition was one of the insurance policy conditions that needed to be adhered to by the insured.
- b) Non compliance of the accident notification condition may render the claim to be repudiated by the insurers and hence making the condition to be a condition precedent to any claim being admissible.
- c) Yellow Card insurance cover is an extension of primary policy hence it should follow all the terms and conditions applicable to the policy cover and the legal provision of the compulsory third party motor insurance of the visited countries as provided in the protocol.

Decisions

85. The Council of Bureaux endorsed the recommendations of the 31st Meeting of the Technical Management Committee as follows:

- a) The Yellow Card should follow the applicable accident notification condition of the prime policy and the provisions of the compulsory third party motor vehicle insurance of that particular member country in which the incident would have occurred;
- b) Member insurance companies selling yellow cards to embark on awareness campaigns to sensitize the drivers, insured and/or their legal representatives to comply with the need to notify the handling Bureau in the country the incident would have taken place or occurred;
- c) Print the notification condition and attaching a copy to each and every Yellow Card sold during issuance;
- d) The Secretariat should consider the possibility of reflecting the Notification Condition on the Card; and
- e) Issuing Bureaux to promptly report the accident to the handling Bureau immediately such accidents are reported directly to them as stipulated in the operations manual.

iv. Draft Dividend Policy of the Reinsurance Pool of the Yellow Card Scheme

86. On the Draft Dividend Policy of the Reinsurance Pool of the Yellow Card scheme, the meeting noted that the Pool Managers had presented a draft dividend policy with a view to establish the basis for allocation of dividend to members.

87. The meeting further noted that based on the Reinsurance structure, the Pool Managers recommended that the proposed dividend payout be allocated based on share of business contributions to the Pool, namely: premium contributed and premium settled, as follows:

- i) 50% on the basis of Premium contributed by each member in that particular year.
- ii) 50% on the basis of Premium settled by each member in that particular year.
- iii) Defer the issue of dividend payment into the future.
- iv) Adopt a conservative dividend policy starting from 5% and growing it gradually to 25%.

88. The Council of Bureaux further noted that the 31st Meeting of the TMC recommended that the draft dividend policy should be further reviewed taking into account the following criteria for allocation of dividend to member National Bureaux during the period under consideration:

- a) Premium contribution by each National Bureau;
- b) Premium settled by each National Bureau;
- c) Loss ratio of each National Bureau; and
- d) that higher weighting points should be given to premium settled, followed by premium contribution and then claims ratio.

Progress Report of the Pool Managers on the Operations of the Yellow Card Reinsurance Pool

89. The Council of Bureaux noted the highlights of the progress reports of the activities of the Pool Managers on the operations of the Yellow Card Reinsurance Pool submitted to the 30th and 31st Meeting of the Technical Management Committee for the period ended 30th June 2011.

Proposed changes

90. The Council of Bureaux noted that in order to address operational challenges and enhance the operations of the Reinsurance Pool and the overall efficiency of the Yellow Card scheme, the Pool Managers had submitted proposed changes as follows:

The Pool to fully absorb the cost of Common XL Protection

91. As over the years the National Bureaux had not been able to collect members' share of the XL Treaty, that the Pool should fully absorb the excess of loss premium. It was explained that currently the Pool absorbs only the 1st layer of the excess of loss premium, while members bear the 2nd & 3rd layers. However, over the years, members had not settled the amounts of excess of loss premium due from them, which lead to accumulation of US\$ 853,247 as at 31st December 2010. Owing to the delays in settlement by members, a sum of US\$ 748,108 was provided for as bad debt.

92. In order therefore, to address the issue, it was proposed that the Pool absorbs all the Excess of loss premium layers, namely: 1st layer, 2nd and 3rd in exchange of reduction in the premium commission. This saving from payment of commission would assist the Pool to cover the cost of the layers as shown below:

- a) The cost for the 2nd & 3rd Layers in year 2010 and year 2011 was: US\$ 105,139 and US\$ 125,460 respectively.
- b) 30% premium ceded to the pool in 2010 : 1,571,314
 - i) 10% commission 2010 premium : \$157,131
 - ii) 8% commission :2010 premium \$125,705
- c) The above illustration shows that the cost of 2nd and 3rd layers in 2010 was UD\$125,406 , which is equivalent to 8% percent premium commission of \$125,705

93. In order therefore, for the Pool to fully absorb the cost of the Common XL Protection, members should reduce the commission charged on premium from current 10% to 2%. However, the rate of commission charge could vary from time to time depending on the cost of XL protection and the total amount premium generated annually.

Decisions

94. Taking into account the challenge of National Bureaux in collecting the Excess of loss premiums due from member for the 2nd and 3rd Layers, the Council of Bureaux endorsed the recommendations of the 31st meeting of the Technical Management Committee as follows:

- i) the commission rate payable to primary insurers on the 30% cession to the Pool be reduced from 10% to 5%, with effect from 1st January 2012;
- ii) the Reinsurance Pool of the Yellow Card scheme should absorb the total premium for the common excess of loss treaty, with effect from 1st January 2012;
- iii) National Bureaux should collect and settle in full total outstanding Excess of Loss premium due from their members up to 31st December 2011; and
- iv) The Pool Manager should review the commission rate payable to the members of the national bureau every two years taking into account the cost of the Common XL treaty arrangement and 30% total premium cession to the pool. The Pool Managers should prepare brief notes on the benefits of the revised common XL cover arrangement and circulate to the National Bureaux for them to explain the new arrangement to their members;
- v) The Pool Managers should submit a progress report which give a picture of the status of operations since the last TMC meeting in comparison to the preceding period and the same period last year with a detailed current figures and breakdowns covering all activities that would enable the TMC to review the progress and guide the overall operations.

Increase in the number and cost of small claims- Franchise

95. With regard to the increase in the number and cost of small claims-Franchise the Council of Bureaux noted that the retrocession placement was and had been a major issue in the Yellow Card operations. During the years there had been a tremendous growth in premium and claims. Claims amounts had increased due to inflation and other reasons. The Council of Bureaux further noted that in order to address the challenges, the Pool Managers had restructured the Reinsurance programme in January 2008 by increasing the franchise to USD 15,000 up from USD 10,000. However this had not been ease due to the financial pressure on the Pools' own account (that is in excess of \$10,000 up to \$15,000). In view of the increase in

cost of claims from 1998 to 2010, it is imperative to review the limit of small claim borne by the Issuing Bureaux from a franchise of US\$ 10,000 to a franchise of US\$ 15,000.

96. In the ensuing discussion, the National Bureau of Zambia was of the view that given the 5% reduction in the amount of commission payable to primary Insurance companies and the increase in the limit of small claims payable by the Issuing Bureaux a detailed study should be carried out.

Decision

97. After some discussion, the Council of Bureaux endorsed the 31st meeting of the TMC recommendation that the limit of small claim borne by the Issuing Bureaux be reviewed from a franchise of US\$ 10,000 to a franchise of US\$ 15,000 with effect from January 2012.

Income from Investment

Decision

98. On the investment spread, the Council of Bureaux endorsed the recommendation of the 31st Meeting of the TMC that the Pool Managers should review the investment Policy to indicate the limit of exposure of the pool funds invested at any one institution or investment tool.

Pool Managers Report and Financial Statements for the Year Ended 31st December 2010 *(Agenda item 8)*

99. The Pool Managers presented the Audited Annual Report and Accounts for the year ended 2010, in line with Article 6, item 4(d) of the Constitution of the COMESA Yellow Card Reinsurance Pool. In doing so, they gave the highlights of the Manager's Report and Financial Statement for Year ended 31st December 2010. The Pool Manager also informed the meeting that the accounting period of the Reinsurance will be changed to be from 1st July to 30th June in order to match with the Council of Bureaux operations.

100. With regard to the Management letter, the Council of Bureaux noted that the 31st Meeting of the TMC recommended as follows:

- a) the Auditors observed that the Pool debtors had a continuous increase from the previous year is not correct and should be revised to reflect the correct picture;
- b) the observation on lack of awareness of the existence of the Yellow Card by the general public is unsubstantiated and should be removed;
- c) the recommended implementation dates for action should be specific;
- d) the Secretariat should implement the YC-MIS without further delays, among others, to improve communication among members and the Pool and oversee the printing and issuing of Yellow Cards by primary insurance companies;
- e) the Pool Manager should implement the decision of the Council of Bureaux to increase collection of the outstanding debts from members; and
- f) the Pool Manager should ensure, without delay, that all receipts from the National Bureaux are matched with the relevant debit note and report the progress made to the 25th Meeting of the Council of Bureaux which will be held on 26- 28 October 2011, in Nairobi, Kenya.

101. The Council of Bureaux further noted the 31st Meeting of the TMC recommendations as follows:

- a) Directed the Pool Managers to liaise with the Auditors on the bad debtors provisions made for excess of loss premium due from members taking into account the measures recommended by the 31st TMC to address the issues;
- b) the Pool Managers should submit a detailed report to the 25th Meeting of the Council of Bureaux explaining how the loss on currency exchange rates stated in item b) above was incurred

102. The Council of Bureaux endorsed the 31st Meeting of the TMC recommendations as follows:

- a) Urged the Pool Managers to take necessary measures to address the issues which resulted into huge currency exchange losses; and
- b) the remuneration of the Pool Managers should be revised taking into account the following factors :
 - i) the gross premium written;
 - ii) the profitability of the Pool; and
 - iii) the returns achieved on investment being managed by the Pool.

103. In the discussion that followed the meeting observed that:

- a) Page 6 in the report of the Pool Manager on capacity subscription table II, the heading "settled but not due from refund" should be amended to read "accrued but not due for refund";
- b) The new Accounting Policy, namely: the adoption of the new and revised International and Financial Reporting Standard (IFRSs) should be presented for consideration and adoption by the Council of Bureaux Meeting;
- c) The Secretariat should be involved in the discussions with the External Auditors, and
- d) With regard to provisions for bad debts, distinction should be made between Trade debts and sovereign Debts.

Decisions

104. The Council of Bureaux considered the Annual Report and Financial Statements for the Year ended 31st December, 2010 and 31st Meeting of the TMC recommendations:

- a) approved the audited accounts in line with Article 6 item 4 (d) and (f) of the constitution of the COMESA Yellow Card Scheme;
- b) appointed Deloitte & Touche, of Nairobi, Kenya, as External Auditors for the year 2011, at a fee of US\$5,000 (refer Article 6.4(i) of the Pool Constitution); and
- c) directed the Pool Managers to assist the Secretariat in the process of selection and appointment of the Pool's External Auditors for the period 2012.

105. The audited accounts be submitted for consideration and approval by the Council of Bureaux, as provided in Articles 6 item 4(d) and (f) of the Constitution of the COMESA Yellow Card Reinsurance Pool.

Decision

106. The Council of Bureaux decided that the Pool Managers should implement the recommendations of the External Auditors on the issues pointed out in the Management letter.

Providing Yellow Card Cover to non COMESA member Motorists visiting the COMESA Region

107. The Council of Bureaux noted that the Yellow Card had undergone several changes and improvements which included allowing National Bureaux to issue Yellow Cards to motorists coming from non COMESA region. The Council of Bureaux also noted the challenges and opportunities in issuing Yellow Card covers to non COMESA Member States.

108. The Council of Bureaux further noted that the National Bureau of Zimbabwe had recently engaged an Insurance Agent namely Association of Automobile (AA) to issue Yellow Cards to Non COMESA member motorists visiting the COMESA region.

109. In the discussion that ensued, the delegate of the National Bureau of Malawi expressed concern that the issuance of Yellow cards to motorists from non Member States to the scheme would affect the Yellow card business in Malawi as motorists travelling from Mozambique to Malawi would buy Yellow cards from other Member States.

Decisions

110. The Council of Bureaux endorsed the recommendations of the 31st meeting of TMC as follows:

- i) The National Bureau of Zimbabwe should convene a Tri-partite meeting of COMESA Secretariat, AA and ICZ in mid October 2011 to discuss the issues and develop a draft terms of engagement and submit the draft to the 25th Meeting of the Council of Bureaux which would be held from 26 – 28 October 2011, in Nairobi, Kenya for consideration;
- ii) National Bureaux/Primary insurance companies should issue Yellow Cards to motorists from countries that are not party to the scheme, in conformity with the provisions of the protocol, the Inter-Bureaux agreement and the operations manual;
- iii) National Bureaux should establish or appoint or designate Agents at their busiest border posts to issue Yellow Cards to cross border motorists;
- iv) National Bureaux should organize workshops on the operation of the Yellow Card for insurance Agents to enhance their knowledge and promote the scheme; and
- v) National Bureaux should emulate the Insurance Industry of Zimbabwe and explore the possibilities of engaging the Revenue Authorities to issue Yellow cards and the local cover at the border posts in return for payment of commission.

Report on Matter Arising from the 31st Meeting of the Technical Management Committee (TMC) of the Yellow Card Reinsurance Pool (Agenda item 9)

111. The Pool Manager presented a Report on Matters Arising from the 31st Meeting of the Technical Management Committee (TMC) of the Yellow Card Reinsurance Pool. In presenting the report the meeting was informed that pursuant to the recommendations of the 31st TMC held in Kampala Uganda, in September 2011, that the Pool Manager address the concerns raised and present a report to the Council of Bureaux, the following is the highlights of the presentation:

Concerns raised

112. The meeting was informed that efforts to reduce the amounts not matched against respective debit amounts were made and that by the period ending 31st December 2010 the amounts had reduced from US\$ 835,367; as at 31st December 2009 to US\$ 457,199. The meeting was further informed that the closing figures as at 30th September 2011 had risen to US\$644, 023 and follow ups were being made to obtain details of settlement to facilitate matching.

113. With regard to loss of US\$358,000 on exchange rate, the Pool Manager explained that the reasons for the loss were the following:

- a) most regional currency in member states experienced depreciation of the currencies during the period 2009/2010 and 2010/2011 and that the depreciation of the currencies had impacted negatively on the performance of the Pool.
- b) The Pool Manager further pointed out that the delay in the settlement of the premium contributed to the exchange losses.

Decisions

114. The meeting noted the explanation given and adopted the following measures to address the issues:

- a) The members submit to the Pool through the National Bureaux returns accompanied by the Settlement as soon as possible in conformity with Article 2.12.2 of the operations manual of the Yellow Card Scheme .
- b) That National Bureau should promptly submits to the Pool returns together with settlement payments made by members.
- c) That in the event of delay in the settlement, subsequent payment be made at the rate ruling at the permanent booking date.

Matching of the Receipts against Debits

115. The Pool Manager pointed out that the unmatched amounts (reclassified as payable) reduced from US\$ 835,367 to US\$457,199 as at 31st December, 2010 owing to amounts received in 2011. However, due to some payment made by some National Bureaux without settlement details, the amount had arisen to US\$ 644,023 as at 30th September 2011.

116. In order to eliminate mismatch of receipts and debits, the Pool Managers requested National Bureaux to provide settlement details at the time of making their remittances.

Decisions

117. The meeting noted the explanation given and adopted the following measures to address the issues:

- a) The National Bureaux should provide to the Pool Manager with details of settlement on the amounts already remitted.
- b) That going forward, the National Bureaux should provide to the Pool Manager details of settlement at the time of making remittances.

UVIRA, SANGE, DR CONGO

118. The representative of the Team recalled the recommendation of the 31st Meeting of the TMC that Pool Managers jointly with the Issuing National Bureau and/ or the lead Reinsurer, if required with legal expert, should mount a mission to DR Congo as soon as possible and by mid October 2011 at the latest to establish the facts and collect the required information and documents and take a position on the claims; and submit a report on their findings and the position establish on the claim to the 25th Meeting of the Council of Bureaux. He informed the meeting that a mission was mounted and pointed out the findings of the mission. The detailed report is as shown in annex of this report.

119. The meeting was informed that:

- a) the claim has potential to get out of proportion if not managed well considering the circumstances it had been handled as it was likely to determine / set precedent on how such or similar claims would be expected to be handled in the future; and
- b) It would be an opportune time for the Comesa Yellow Card policy framework to be reviewed in order to provide clearly the procedures as well as sanctions for Local National Bureaux in the manner of handling of claims within their regions. This will limit claim exposure levels to the Pool.

120. The meeting having considered the findings of the mission adopted the following recommendations:

- a) for purposes of good order, the facts and circumstances surrounding the accident and the fire incident be brought in the clear. This would require that the judgment be challenged. According to Congolese laws, this would only be undertaken by the Prosecutor of a higher court upon review of the various gapping flaws and it could only be done within 3 months of the judgment i.e. by 18th November 2011;
- b) a local lawyer in DR Congo be engaged together with an expert assessor or other professionals deemed necessary to discreetly verify the positions and obtain full information on the ground with regard to the actual victims, verify submitted documentation with the respective hospitals and health facilities;
- c) the lawyer engaged to facilitate and also pursue the appeal by the Prosecutor. The appeal should be heard in a different region away from the Uvira area, preferably in Kinshasa, in order to guarantee a free and fair trial; and
- d) the COMESA Yellow Card, Pool Managers and the reinsurers covering this claim immediately take note of the magnitude of the claim in preparation for any eventuality of its settlement (i.e. in case the appeal approach does not bear fruit).

121. In the discussion that followed, the National Bureau of DR Congo informed the meeting that it was pleased that the Pool Managers were now fully involved in the handling and processing of the claim. He further informed the meeting that due to the extra-ordinary nature of the accident, the National Bureau had challenges and limitations in handling the claim and assured the meeting that it would closely work with the Pool Managers and the Issuing National Bureau and Technical Management Committee to ensure that the process is well managed.

Decision

122. The meeting decided that the Pool Managers implement the recommended measures with immediate effect.

Reinsurance Pool Financial Highlights as at 30th September 2011 (*Agenda item 10*)

123. A representative of the Pool Managers presented a report on the Reinsurance Pool Financial Highlights as at 30th September 2011. In his presentation, he informed that meeting that the Pool recorded a gross premium income of US\$ 1, 055,820 during the period ended 30th September 2011.

124. The meeting noted the financial highlights as shown below:

	September 2011 US\$
Gross premium income	1,055,820
Reserve fund	4,600,002
Total assets	7,253,469
Capacity subscription	250,000
Short-term investments	3,913,265

Progress Report on the implementation of the Yellow Card–Management Information System (YC-MIS) (*Agenda item 11*)

125. The COMESA Secretariat presented document No CS/YCRCTG/CB/XXV/5. The meeting was informed that the rollout of the YC-MIS in the Northern and other Corridors had been delayed due to the System Developers' late submission of the revised YC-MIS and their subsequent withdrawal of their services in May 2011 by denying to take up the maintenance contract.

126. The meeting was further informed that an IT consulting firm, namely Walgate Company Limited of Zambia had been identified and a maintenance contract was being processed for them to take up the task of incorporating outstanding issues, updating and implementing the YC-MIS in all the corridors as follows:

- i) Northern Corridor Countries: December 2011
- ii) North – South and Central Corridor: April 2012; and
- iii) Horn Corridor: June 2012.

Decisions

127. The Council of Bureaux approved the activity work program for the rollout of the revised YC-MIS in all the Corridors and endorsed the Award of the maintenance contract to Walgate Company Limited to incorporate, update and participate in the rolling out of the system in all the Corridors.

Report of the 5th Meeting of the Council of surety of the RCTG on the Regional Customs Transit Guarantee (RCTG-CARNET) Scheme (*Agenda item 12*)

128. The COMESA Secretariat presented document No CS/RCTG/CS/V/12 – Report of the Fifth Meeting of the Council of the RCTG on the Regional Transit Guarantee (RCTG CARNET). On the progress made in the rollout of the RCTG CARNET the meeting noted as follows:

- a) Northern Corridor: Major companies in Kenya, namely: SDV, Keuhun & Nagel and Spedag had executed regional bonds and would commence the rollout of the CARNET in November 2011;
- b) North-South Corridor: the implementation activities would start as soon as Zambia and DR Congo finalized the ratification of the RCTG agreement;
- c) Central Corridor: Tanzania was participating in the RCTG Scheme and would implement the Rollout of the RCTG CARNET for transit between Tanzania and Burundi; and
- d) Horn Corridor: The rollout of the RCTG –CARNET would commence as soon as Djibouti establish.

129. The meeting noted the progress made in the implementation of the RCTG CARNET in the Member States.

Presentation on Trade in Insurance services (Agenda item 13)

130. A representative of the COMESA Secretariat made a presentation on Trade in Insurance Services. In doing so, she explained the importance of insurance services in economic development and pointed out two categories of Insurance Services, namely: Long term and short term insurances and the two types of Insurance Enterprises which include Life Insurance and General or non-life companies. The meeting was informed that Insurance Services would contribute to the economic development by promoting financial stability, fostering the efficient allocation of a country's savings, mobilizing and channeling savings (life insurance), relieving pressure on the government budget, supporting trade, commerce and entrepreneurial activities, lowering the total risk faced by the economy, improving individual's quality of life and increasing social stability and granting export opportunities for African countries in terms of outsourcing.

131. The meeting was further informed that Trade in Services in COMESA contributes at least 40% of GDP in most COMESA Member States. In the late 1990s COMESA included Trade in Services as part of the integration programmes and formed a working group on trade in services. The objectives of the programme, among others, are to eliminate barriers to trade in services, promote growth and development. The meeting was further informed that negotiations in the four priority sectors had commenced.

The meeting was informed that COMESA Secretariat was organizing a Conference which will be held in Nairobi, Kenya from 7th to 9th November 2011 . The meeting will consider papers and presentations and establish a Committee on Trade in Insurance Services to oversee and guide the process of liberations of the Insurance Sector in the COMESA Region.

132. The Council of Bureaux noted the presentation on Trade in Insurance Services with appreciation.

Election of New Members of the Technical Management Committee (TMC) on the Yellow Card Reinsurance Pool (Agenda item 14)

133. The Secretariat presented Document No. CS/YCRCTG/CB/XXV/6, Election of Members of the Technical Management Committee (TMC) of the Yellow Card Reinsurance Pool. The Secretariat recalled the decision of the 19th Meeting of the Council of Bureaux, held from 29-31 August, 2005, in Harare, Zimbabwe, decided to review the tenure of the TMC members to two years and the number of members to five and informed the meeting that the tenure of the current TMC members had expired and requested the Council of Bureaux to consider the status of participation of National Bureaux, which was attached to the report, and elected new members for the forthcoming TMC.

Decision

134. The meeting considered the status of participation of National Bureaux in the TMC, elected the National Bureaux of DR Congo, Ethiopia, Rwanda, Tanzania and Zambia as members of the Technical Management Committee of the Reinsurance Pool of the Yellow Card Scheme for the next two years 2012 and 2013.

External Auditors Report on the Accounts of Council of Bureaux 30th June 2010 *(Agenda item 14)*

135. The meeting was informed that external auditors for the Council of Bureaux account, namely Deloitte & Touche were in the process of examining the Council of Bureaux Account and that Management Account and Financial Statement would be presented to the 32nd Meeting of the TMC for consideration and recommendation to the next meeting of the Council of Bureaux.

Decision

The Council of Bureaux decided that the External Auditors Annual Report and Accounts of the Council of Bureaux Account for the year ended 30th June 2011 should be presented to the 32nd Meeting of the TMC for consideration and recommendation to the 26th Meeting of the Council of Bureaux.

Presentation by the Printers on the printing of Yellow Card Books and promotional materials *(Agenda item 15)*

136. A representative from the current Yellow Card Printers, Taws Security Printers Limited, made a presentation on the printing of Yellow Card Books and Promotional Materials and informed the meeting that they were happy to be the printers of COMESA Yellow Card Materials.

137. The Meeting noted the following challenges faced by the Printers:

- i) Regular revision of delivery cost rates by the Couriers;
- ii) Late funds remittance by National Bureaux of Printing and delivery cost; and
- iii) The Printing and delivery costs remitted by National Bureaux were less by US\$15 to US\$50 being bank charges from sending source.

138. The meeting further noted the proposed recommendations made by the Printers to address the challenge on the deductions being made on their printing and delivery cost remittances by remitting banks as follows:

- a) The National Bureaux should include in their funds remittances for Printing and delivery costs for their orders an extra amount to cover for bank charges; and
- b) The Printers to send additional invoices for bank charges deducted from their Printing and delivery cost remittances to respective National Bureaux.

139. In the ensuing discussion, the National Bureaux made the following observations and comments:

- a) The National Bureau of Ethiopia requested the Printers to address the proforma invoice and other shipping documentations in the name and address of the National Bureau of Ethiopia (Ethiopia Insurance Corporation) and include all the payment conditions in the proforma invoice.
- b) The National Bureau of Tanzania informed the Printers that they had received a consignment that had some books with mixed up serial numbers but had to continue using them as they had very limited stock. The National Bureau of Tanzania further requested the Printers to provide them with the proforma invoice for their additional order.

Proposed Budget for the Year 2011/2012 (*Agenda item 16*)

140. The Secretariat presented Document No CS/YCRCTG/CB/XXV/7- Proposed Budget for the Council of Bureaux for the year 2011/2012 as follows:

Status of Income in 2010/2011

141. The meeting was informed that all National Bureaux, except Malawi and Sudan had paid their budget contributions with DR Congo making partial settlements for the period under review. The National Bureau of Eritrea was given exemption. A total amount of US\$348,306 including arrears was recorded during the 2010/2011 fiscal year.

Budget 2010/11

142. The meeting was informed that the budget assessment for the year 2011/2012 was US\$429,538 representing an increase of 16% from the 2010/2011 budget which stood at US\$371,940. The meeting was further informed that the increase was mainly due to the additional budget for the Insurance Expert who will be recruited during the period.

Administrative matters

143. The meeting was informed that taking into account the decisions of the Council of Ministers on cost of living adjustments, the Council of Bureaux had approved the budget with the adjusted salaries and benefits of its staff members, however, the staff members were not paid accordingly. The meeting was further informed that the Secretary General of COMESA had directed that the anomalies be corrected and the staff members be paid the balances.

Work Programme for 2011/2012

144. The meeting was informed that the Work Programme for the 2011/2012 included the following major activities:

- a) Oversee the implementation of decisions of the Council of Bureaux and the Technical Management Committee (TMC) on the Yellow Card;
- b) Undertake studies, among others, on:
 - i) the competitiveness of the YC premium rates;
 - ii) the impact of the YC scheme in reducing transport and transit costs; and
 - iii) the standardization of Yellow Card premium rates for the COMESA Region.
- c) Implement the rollout of the IT Management Information System for the Yellow Card Scheme (MIS-YC) in all Northern Corridor countries followed by the North-South and Horn Corridor countries;
- d) Convene a Workshop on Insurance Supervisory Services for Insurance Authorities and Chief Executives of Insurance and Reinsurance companies to develop a framework for the liberalization of the in Insurance Services in the COMESA region;
- e) Coordinate and implement the harmonization of the Third Party Motor Vehicle Insurance Scheme for COMESA-SADC and EAC Regions;
- f) Prepare technical papers, working documents and reports;
- g) Prepare project proposals and mobilize extra budgetary resources
- h) Organize national stakeholders workshops on the Yellow Card;
- i) Organise and service the Council of Bureaux and TMC Meetings;
- j) Carry out the annual work programme of the Regional Customs Transit Guarantee (RCTG) Scheme and Trade in Insurance Services;
- k) Produce promotional materials and publications to promote the Yellow Card Scheme; and
- l) Carry out the day-to-day functions of the Yellow Card Office at the Secretariat.

Development Budget (Extra-Budgetary Resources)

145. The meeting was informed of the extra budgetary resources mobilised by the Secretariat to carry out specific activities during the year under review as follows:

- a) **Regional Customs Transit Guarantee Scheme:**
Secured \$302,000 for the 2010/2011 period from USAID East Africa and a total funding of US\$2million since 2002. USAID was expected to reduce its funding and discontinue its financial support for the implementation of the RCTG activities in 2012.
- b) **Trade in Insurance Services:**
COMESA Secretariat allocated US\$80,000 from Regional Integration Support Programme (RISP) funded by European Union and accordingly, a meeting on Trade in Insurance Services for Insurance Supervisory Authorities and Insurance and Reinsurance companies is scheduled to be held from 7th to 9th November 2011, in Nairobi, Kenya.

Contributions Payable by National Bureaux for 2011/2012

146. In the discussion that followed, the meeting expressed concern on the high amount of arrears of some National Bureaux. It was also pointed out that the proposed budget was not prepared on the basis of the actual expenditure incurred but rather on previous projected budget.

147. The National Bureau of Malawi informed the meeting that their income from Yellow Card business was not enough to meet the annual budget contributions to the Council of Bureaux and payment of Capacity Subscription to the Reinsurance Pool and that the government as principal contracting party to the Yellow Card Protocol, had agreed to meet the commitments of the National Bureau.

148. The National Bureau of DR Congo assured the meeting that it would soon settle its arrears.

149. With regard to the proposed budget, the meeting observed that:

- a) The budget was projected on activity basis and not on actual expenditure;
- b) The total income usually received including arrears during the year was lower than the approved budgets; and
- c) The budget mainly covers contractual payments and expenses for the Council of Bureaux activities and that the COMESA Secretariat subsidize operational and other expenses of the Council of Bureaux

Decisions

150. In view of the above, the Council of Bureaux made the following decisions:

- a) approved the annual budget of US\$429,538 for the year 2011/2012;
- b) approved the work programme for 2011/12;
- c) decided that each National Bureau should pay US\$35,795 as its contribution to the Budget of the Council of Bureaux for the financial year 2011/2012; and
- d) the Secretariat should recruit an Insurance Expert at the earliest possible time and the post should be advertised in all Member States that are party to the Scheme.

The 2011/2012 Annual budget and contribution required from each National Bureau including arrears

Table V: Total amount of contribution required from each National Bureau, including arrears

NATIONAL BUREAUX	2011/12 ANNUAL BUDGET CONTRIBUTION US\$	ARREARS AS AT 30/09/11 US\$	TOTAL AMOUNT REQUIRED FROM EACH NATIONAL BUREAU US\$
Burundi	35,795	(18,823.55)	16,971
Djibouti	35,795	(15,125.57)	20,669
DR Congo	35,795	76,009.04	111,804
Eritrea	Exempted	18,824	18,824
Ethiopia	35,795	-	35,795
Kenya	35,795	-	35,795
Malawi	35,795	167,931	203,726
Rwanda	35,795	(9,531)	26,264
Sudan	35,795	117,085.69	152,881
Tanzania	35,795	(18,536)	17,259
Uganda	35,795	-	35,795
Zambia	35,795	-	35,795
Zimbabwe	35,795	-	35,795
Total	429,538	317,833.61	747,374

Note: The credit balances for the National Bureaux of Burundi, Djibouti, Rwanda and Tanzania are still under examination.

Date and Venue of Next Meeting (*Agenda item 17*)

151. The COMESA Secretariat will consult with Member National Bureaux and advise the exact date and venue of the next Council of Bureaux Meeting.

Any Other Business (*Agenda item 18*)

152. Under this Agenda item, the meeting was informed as follows.

Road Transport and Safety Agency (RTSA) Zambia

153. The participant from Road Transport and Safety Agency-Zambia, Mr Pumi Mfwankila, Principal Licensing Officer, thanked COMESA for the invitation and assured the continued support of the Agency to the Yellow Card scheme. He further informed the meeting in an effort to contribute to the smooth operations of the Scheme in Zambia they had continuously engaged counterparts from Nakonde, Chirundu and Kasumbaleasa border posts on the operations of the Scheme. He further informed the meeting that his delegation which included from the same border posts as an effort to have them well informed and equipped with the operations of the Scheme.

The Motor Vehicle Accident Fund- MVA-Funds

154. The participants from the Motor Vehicle Accident Funds (MVA) Fund of Botswana, Namibia and South Africa, thanked COMESA and the Council of Bureaux for the invitation to the meeting and assured to strengthen the working relationship between MVA Funds and the Yellow Card scheme.

155. The participant from National Bureau of Zimbabwe, Mr Patrick Munyaradzi Kusikwenyu, Managing Director – Allied Insurance Company, National Bureau of Zimbabwe informed the meeting to put on record the request they had made in the previous meetings to have their outstanding premium cession accrued written off when their economy was not performing well.

Adoption of the Report and closure of the Meeting (*Agenda item 19*)

156. The Council of Bureaux meeting considered the report paragraph by paragraph and adopted the report with amendments.

157. A representative from the National Bureau of Zambia moved the motion to adopt the report and was seconded by the National Bureau of Uganda.

158. A representative from the National Bureau of DR Congo in giving the vote of thanks on behalf of the delegates thanked the government and people of Kenya for the warm hospitality and the effort put by the National Bureau of Kenya in hosting the meeting and the facilities that were made available to the delegates. He also expressed his gratitude to the representatives of SACU for their presence throughout the meeting.

Annex I

Summary of Yellow Cards Issued and Premium Income realized per Country

Table I

Issuing Country	No. of cards		Premium collected in local currency		Premium collected in US\$	
	2009/10	2010 / 11	2009 / 10	2010 / 11	2009 / 10	2010 / 11
Sudan	126	35	76, 838	20,302.29	32,628.00	7,941.10
Ethiopia	23,689	24,283	16,725,271	18,263,133.27	1,117,882.00	1,061,378.89
Uganda	11,850	11,369	175,516,287	1,267,156,068	793,490.00	689,926.73
DR Congo	5,414	5,481			369,440	310,421.00
Tanzania	7,685	6,093	513,408,000	776,592,447	342,272.00	450,198.52
Malawi	527	676	3,508,982	6,770,952.50	23,273.00	39,366
Djibouti	655	603	28,425,075	29,302,216	159,843	164,620
Eritrea	3	2	2,835	930	190.00	
Kenya	8,521	10,252	74,635,527	92,243,911	968,428.00	941,264.40
Rwanda		6,710		82,886,300		138,605.85
Burundi	7,553	7,683	118,952,135		95,931.00	118,632.00
Zimbabwe	7,035	11,878			479,198.00	760,298.00

Zambia	18,642	18,336	2,202,955,528	2,545,166,812	44,0591.00	509,033.40
Total	91,574	99,439			434,373	5,191,685.89

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LISTE DES PARTICIPANTS****BOTSWANA**

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