

# Capital Requirements for Kenyan Life Insurance Companies

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## Abstract

**Purpose:** A new legislative requirement in the year 2007 raised the minimum paid up capital for all insurance companies. It is the adequacy of this requirement that this study sought to explore from the industry players. The study was guided by the following general objective: to explore the adequacy of the legislative minimum capitalization of life insurance Companies in Kenya. **Methods:** The study focused on all the Life Insurance companies in Kenya, the study respondents being the Chief Executive Officers, who are charged with the responsibility of charting the strategic direction of the respective Life Insurance companies. A case study design was used with a questionnaire as the main data collection tool. In addition, interviews were used to clarify the responses. The data was analyzed by employing descriptive statistics such as frequencies, mean scores and standard deviations. Statistical Package for Social Sciences (SPSS) was used to aid in analysis. **Findings and Discussions:** The findings of the study show that despite the increase in minimum capital requirement for the various categories of insurance companies, the minimum required capital amounts still fell far below expectations and higher figures were suggested. Indeed the increase in minimal capital requirements had not had a significant effect on the business of the life insurance companies. There is thus need to involve all industry stakeholders in order to arrive at minimum capital requirements that would be agreeable to all, for enhanced effectiveness in the industry.

**Keywords:** Capital requirements; Life Insurance

## ABBREVIATIONS AND ACCRONYMS

AIRB	Advanced IRB Approach
AKI	Association of Kenya Insurers
CAD	Capital Adequacy Directive
CEOs	Chief Executive Officers
EL	Expected Losses
FIRB	Foundation IRB Approach
GDP	Gross Domestic Product
IAIS	International Association of Insurance Supervisors
ICP	Insurance Core Principles
IRA	Insurance Regulatory Authority
OECD	Organization For Economic Co-operation and Development
SA	Standard Approach
SPSS	Statistical Package for Social Sciences
UK	United Kingdom
UL	Unexpected Losses
UNCTAD	United Nations Conference on Trade and Development
US	United States
VaR	Value at Risk

## 1.0 INTRODUCTION

### 1.1 Background of the Study

The IAIS Insurance Core Principles (2000) describes capital adequacy, inter alia, as an area that has to be addressed in the legislation or the regulations laid down by the insurance regulatory authorities or other competent bodies in each jurisdiction. The purpose of supervising insurers is to maintain efficient, fair, safe and stable insurance markets for the benefit and protection of policyholders. Capital adequacy and solvency regimes are one of the most important elements in the supervision of insurance companies. An insurance company is solvent if it is able to fulfill its obligations under all contracts under all reasonably foreseeable circumstances. Insurance regulatory authorities require insurers to maintain assets or surplus capital in excess of liabilities, that is, a solvency margin.

### **1.1.1 Minimum Capital Requirements**

All activities pursued by a company are inherently risky, although to varying degrees. Decisions made at present will show their full consequences only in the future and are affected not only by the behavior of competitors, customers, suppliers, or regulators, but also by the state of nature (Alfon and Andrews, 1999). Even the best evaluated decisions can lead to losses in unforeseen circumstances. This risk is at the core of corporate activities and companies have to ensure that they can bear the risks they are facing. Capital, used in this paper as a synonym for equity unless otherwise stated, acts as a safeguard against the losses that might occur as a result of these risks (Artzner *et al.*, 1999). With capital a company is only forced into financial bankruptcy if the losses exceed the capital held. As losses are related to the risk of a company, it becomes apparent that capital and risks are closely related with each other. In this context, the most important question is how much capital a company needs for a given risk or, equivalently, how much risk it can take with a given capital. This so-called capital adequacy has become increasingly important in recent years, primarily in the regulation of financial institution activities and insurance companies.

Minimum capital requirements are put in place to ensure financial institutions have sufficient capacity to undertake the intermediation function necessary for the development of the economy. Well capitalized financial institutions are able to undertake greater business expansion and allocate resources in order to develop capacity to compete more effectively in a more liberalized environment. The Basel Accord on Capital Adequacy, Basel Committee on Financial institution Supervision (1988), with its amendments as developed by the financial institution for International Settlements (BIS) serves as the basis of most national regulations in advanced economies. The rules currently require a minimum capital of 8 per cent of the risk-weighted assets of the financial institution. Thus far the methods employed to determine the risks of assets are very schematic, but can be expected to improve substantially with a new accord, currently under consideration, called Basel II, Basel Committee on Financial institution Supervision (2001). Similar rules apply also to insurance companies as well as securities firms. There are usually no rules governing the capital adequacy of non-financial companies, however, stakeholders often employ implicit rules when assessing the creditworthiness of a company, e.g. rating agencies or financial institutions.

Efforts in recent years to develop a theoretical approach towards capital requirements, in financial institution and insurance primarily, gave rise to using value at risk (VaR) as the appropriate risk measure to base the capital requirements on. More recently expected shortfall has been proposed due to its superior properties. A common feature of all these contributions is that they attempt to use a single number as a risk measure. It is obvious that it is very difficult to condense all properties of the distribution of losses into a single number, despite advances like the coherence of risk measures, Artzner *et al.* (1999). Rootzén and Klüppelberg (1999) show this limitation of the current approach towards risk measurement in the presence of catastrophic risks.

Mostly in a separate regulation the liquidity of companies, again confined to financial institutions and insurance, is addressed. We can view this regulation as an attempt to manage the risks arising from the asset structure of a company in order to ensure that it does not become insolvent. Although the losses arising from risks and a lack of liquidity are closely related, it is usually treated separately. Thus a more holistic approach towards asset and liability management is still outstanding (Basel Committee on Financial institution Supervision, 2001).

The current study sought to help the insurance companies determine whether the current minimum capital requirements are sufficient to enable them cushion the risks they face.

### **1.1.2 Insurance Industry**

The wave of financial globalization has accelerated the development of insurance markets around the world. The development, though encouraging, has also brought about many challenges and risks for the companies involved in insurance business. Specifically, many insurance companies increasingly focus on operations beyond their national boundaries. However, regulatory and supervisory systems were still sheltered within the domestic zone. In order to address this issue, the International Association of Insurance Supervisors (IAIS) was established in 1994. Since its foundation, IAIS has been involved in the development of insurance mandates and fundamental activities that helped in strengthening the regulatory infrastructure of insurance markets. Most importantly, in 2003, IAIS developed the essential regulatory and supervisory framework, the Insurance Core Principles (ICP) and several key principles, standards and notes for guidance. The development of core principles is aimed at enforcing regulatory and supervisory standards around the world in order to face the challenges due to increasingly globalized insurance and financial markets.

The Insurance industry plays a significant role in a growing economy in terms of providing indemnification of risks faced by both individuals and companies, in addition to being an institutional investor. The growth in the assets of the insurance sector has primarily been due to the enhanced paid-up capital requirements which ultimately increased the risk management capacity of the insurance companies and enabled them to undertake increased insurance business with improved retention capabilities (Peter Mackay, 2003).

The most significant measure of an industry or an activity is its contribution towards employment

generation, strengthening linkages with other sectors of the economy in promoting growth and stability, and creating a sizeable impact on the national income of a country. In developed countries, the Insurance industry is a necessary part of daily life and serves all the above mentioned purposes as opposed to developing countries where insurance is still dependent upon an individual's net disposable income, religious beliefs and government policies. Hence the economic significance of insurance as measured by the share of total gross premiums to GDP, is very high in developed countries in contrast to developing countries.

Generally, insurance companies help businesses and individuals in managing risks which can severely impact their economic well-being. Moreover, insurance companies are also termed as the largest investors in capital markets, in addition to being characterized as the sole suppliers of insurance business to reinsurance companies. This is due to the increased activities in the areas of international trade and commerce and financial institution borrowing which also creates a sizeable demand for non-life insurance, whereas life insurance is either dependent on corporate management practices or on the preference of individuals. Moreover, the composition of assets shows a gradual shift in the ownership structure from state controlled to the domestic private market.

### **1.1.3 Regulation of Insurance Sector in Kenya**

After independence in 1963 the Government of Kenya saw the need to have some control of the insurance sector. The market was then dominated by branch offices of foreign insurance companies particularly from the United Kingdom and India. The Insurance Companies Act of 1960 was based on the UK legislation. In 1978 the Minister for Finance issued an order stopping the operations of branch offices and all insurance companies had to be locally incorporated. Thereafter in the early 1980's the process of drafting a law to regulate the insurance sector was started by the government with the support of UNCTAD.

In 1986 the Insurance Act was enacted with an enforcement date of 1<sup>st</sup> January 1987. The Insurance Act Cap 487 introduced the Office of the insurance regulator and stipulated the various requirements for registration of Insurance companies, reinsurance companies, Insurance brokers, Insurance agents, Loss Adjusters, Assessors, Insurance Surveyors and other service providers. Kenya is one of the largest insurance markets in Africa. There were 42 licensed insurance companies in 2007, twenty companies wrote general insurance only, and seven wrote long term insurance only while fifteen were composite. There were 201 licensed insurance brokers, 21 medical insurance providers, 2664 insurance agents, 2 locally incorporated re-insurers, 23 loss adjusters, 1 claims settling agent, 8 risk managers, 213 loss assessors/investigators, 30 insurance surveyors and 8 risk managers (AKI, 2007).

The Insurance Act of Kenya is very comprehensive and generally provides for the following: Authorization of all persons transacting insurance business in Kenya; Minimum capital requirements for insurance companies and brokers as well as local participation. Insurance companies must be owned 1/3 by Kenya citizens while brokers must be owned 60% by locals; Local incorporation. Branch operations or subsidiaries of foreign companies are outlawed; Reinsurance arrangements must be approved by Insurance Regulatory Authority; Margins of solvency are prescribed and the requirement of admissibility of assets is quite conservative; Investments of assets by insurers are controlled under the Act; Separation of assets attributable to life business from those of general business; Balance sheets and other financial statements are in a prescribed format; Audited accounts must be submitted by 1<sup>st</sup> April of the following year and there are strict penalties for delays or for falsifying statements; On site inspections of all members of the insurance industry; Management expenses including acquisition costs are monitored and the law provides maximum ceilings; Rates, policy terms and conditions of insurance contracts are approved by the Commissioner; Approval of Boards of Directors, CEOs and Managers of Insurance companies; The Act provides for the intervention in the management and eventual winding up of insurance companies; The Act also regulates the process of transfers, amalgamations and mergers of Insurance companies; and The Act stipulated minimum basis for actuarial valuations of all statutory funds and schemes, which must be conducted annually. However, there was a recent amendment where the margin of solvency for long term insurance companies shall be admitted assets of not less than the aggregate value of admitted liabilities and ten million shillings or 5% of admitted liabilities whichever is higher.

## **1.2 Statement of the Problem**

Today, Life Insurance Companies are competing not just on a national arena, but increasingly at an international and global level. In Kenya, there are 7 insurance companies that write long term business while 15 others are composite. The penetration of Insurance computed as a ratio of Gross premium to Gross Domestic product was 2.62% in 2007 compared to 2.54% in 2006 (AKI, 2007). Long term insurance recorded a penetration ratio of 0.80% while that of general insurance was 1.82% (AKI, 2007).

Competition has further been aggravated by emergence of Health Management Organizations and Pension Administration Schemes that now provide services traditionally offered by Insurance companies. Competitive pressures have led insurers to assume greater risk in order to offer consumers more attractive prices and products, resulting in larger and more frequent insurer failures (Klein, 1995). With increased emphasis on

globalization, regionalization and the opening of insurance markets in the region, the industry now faces greater competition from its neighbors. Faced with the increased environmental turbulence, insurance companies in Kenya can no longer rely on their historical strengths. Since insurance companies play a significant role in the economic development of this country, their survival and success in this turbulent environment is vital.

In the recent past, the insurance sector in Kenya has been characterized by the collapse of a number of insurance companies largely attributed to inadequate legislative and regulatory framework and subsequently a weak financial base.

During the year 2007, the minimum capital requirements for Insurance Companies was increased by the amendment of the Schedules to Section 23 of the Insurance Act, The Minimum Capital requirement was raised for: (i) long-term insurance business from Kshs.50m to Ksh.150m; (ii) General insurance business from Ksh.100 million to Ksh.300m; and (iii) Composite insurance business from Ksh. 150 million to Ksh.450 million. The insurance companies are expected to comply with these requirements within two years.

In Kenya, studies in the insurance sector so far include the following: - Magbenu (1976), focused on the portfolio holding of insurance companies in Kenya; Nyamila (1985), focused on the investigation of factors that influence motor insurance premium in Kenya; Angima (1987), focused on the adequacy of Life Assurance in Kenya; Mirie (1997), focused on marketing of insurance services; and Gitari (1989); focused on the risk-return relationship among Kenya public quoted companies.

None of the above studies focused on the adequacy of minimum capital requirements in the insurance sector in Kenya. The current study attempted to bridge the knowledge gap by seeking answers to the following research questions: (i) What is the current level of capitalization in the life insurance Companies in Kenya?; (ii) How adequate is the legislative enhanced capital level?; and (iii) What are the strategic responses of the Life insurance companies towards meeting the legislative capital requirement?

### **1.3 Objectives of the Study**

#### **1.3.1 General Objective**

To explore the adequacy of the legislative minimum capitalization of life insurance Companies in Kenya.

#### **1.3.2 Specific Objectives**

The study was guided by the following specific objectives:-

- 1) To determine the current level of capitalization of Life Insurance Companies in Kenya.
- 2) To assess the adequacy of the legislative minimum capital requirements.
- 3) To identify the possible strategic responses the Life Insurance firms may take towards meeting the enhanced capital requirements in Kenya.

### **1.4 Scope of the Study**

The study focused focus on all the Life Insurance companies in Kenya. The study respondent in each of the organizations was the Chief Executive Officer, who is charged with the responsibility of charting the strategic direction of the respective Life Insurance companies. Despite the researcher's determination to interview only the respondents mentioned above, some of them were either away on official duties or on leave, were busy and as such, had to delegate to their juniors. In their absence therefore, the researcher hopes that the responses from the officers who were delegated the responsibility of responding to the questionnaires provided objective answers.

## **2.0 LITERATURE REVIEW**

### **2.1 Introduction**

This chapter presents a review of the literature related to the purpose of the study. The chapter is organized according to the specific objectives in order to ensure relevance to the research problem. The review was undertaken in order to eliminate duplication of what has been done and provide a clear understanding of existing knowledge base in the problem area. The literature review is based on authoritative, recent, and original sources such as journals, books, thesis and dissertations.

### **2.2 Justification for state regulation**

According to International Association of Insurance Supervisors (IAIS) (2002), the goal of capital adequacy requirements is to provide banking, securities and insurance supervisors with principles and measurement techniques (a) to facilitate the assessment of capital adequacy on a group-wide basis for heterogeneous financial conglomerates; and (b) to identify situations such as double or multiple gearing which can result in an overstatement of group capital and which can have a material adverse effect on the regulated financial entities. It has been said that the main justification for state regulation should be to protect the public, but this aim must also be accompanied by socially desirable strategy. During his address to the 15<sup>th</sup> African Insurance Organization conference held in Harare in 1988, the then Nigerian Insurance Commissioner Mr. Eugene Okwor observed that:

.....it is not enough for governments to concern themselves mainly with ensuring the safeguard and protection of policyholder's interests, but also to create the atmosphere for the growth of the industry and encourage it to respond to the prevailing needs of the society in general. These can be achieved by creating suitable investment opportunities and taking monetary and fiscal measures (Okwor, 1988: 35)

Indeed, governments have a duty to impose on insurance enterprises regulations that go beyond the normal provisions of company law. A few examples of government intervention in the conduct of insurance business can be traced back several centuries. However, it was during the 19<sup>th</sup> century that the mushrooming of new insurance companies in the United States and Europe, often followed by their equally rapid failure due to increasing competition for business, management incompetence and sometimes fraud, led to public demands for official supervision of the formation, organization and financial well-being of insurance companies and certain aspects of behavior. Before examining the various elements of insurance supervision, it may be worthwhile to list first those characteristics of insurance business which single it out from other industries for special treatment. Insurance contracts are promissory in nature in that at the time of the sale the insurer undertakes to make a payment to, or on behalf of the policyholder upon the occurrence of a specified future event or at a future date.

The value of the insurance contract to the insured is entirely dependent upon the ability and willingness of the insurer to honor its undertaking, which in some cases may fall due many years after the commencement of the contract. The amount to pay and when to pay may not be known in advance and will depend upon chance as protection is normally provided upon against uncertain future events. Major costs relating to these obligations are not known at inception of a contract when the premiums are normally fixed. Eventually the claims costs may substantially deviate from the contract expectations.

According to Stoughton and Zechner (1999), for insurers to be able to meet their obligations, they must: (i) hold sufficient funds to cover run-off risks and; (ii) manage, adequately their continuing underwriting risks; and (iii) invest prudently, premiums collected to generate adequate returns to cater for extra risks. The value of assets, premiums and investment returns do fluctuate substantially from time to time. The insurance industry plays a vital role in the economic and social development. Insurance is a mechanism for transferring risk from those exposed to uncertain loss producing events to insurers. Insurance companies in a bid to manage such risks do resort to creating large pools of similar and homogenous risks in addition to seeking further protection by way of reinsurance.

Denault (2001) identified the broad areas, which comprise the main regulatory tools. These are: (i) Entry restrictions through licensing; (ii) Disclosure of information; (iii) Conduct of business; (iv) Product development; (v) Governance and fiduciary responsibilities; (vi) Solvency and capital requirements; (vii) Liquidity requirements; and (viii) Accountability requirements. Historically, supervisory examinations focused primarily on compliance; that is, on finding contraventions of the rules and regulations regardless of their materiality. This view is gradually changing to a more pro-active risk-based approach, which emphasizes on development of policies geared to ensuring capital adequacy and good corporate governance.

### **2.3 The Concept of Minimum Capital Requirements**

Capital provides a foundation for an organization's future growth and protects the organization against unexpected future losses. For instance, adequately capitalized and well-managed financial institutions are better placed to withstand losses and to provide credit to consumers throughout all business cycles. The major challenge has always been to determine how much capital is needed to create a sufficient buffer against future unexpected losses. If capital levels are too low, financial institutions may be unable to absorb high levels of losses and thereby increase the risk of financial institution failures, which may put depositors' funds at risk. On the other hand, if capital levels are too high, financial institutions may not be able to make the most efficient use of their resources, which may affect their ability to make credit available.

The international debt crisis in the 1970s brought to the fore the issue of the regulatory supervision of internationally active financial institutions and was a catalyst for the setting of international standards for capital adequacy by way of the original Basel Capital Accord (Basel I), which was announced by the Basel Committee on Financial Institution Supervision in 1988 and implemented in 1992. It established a method of relating capital to assets using a simple system of risks weights and a minimum capital ratio of 8. This framework became the basis for financial institution capital regulation and was adopted in more than 100 countries, including Kenya. Its aim was to increase the levels of capital in the financial institution industry, which had dropped significantly since 1970. Basel I requires financial institutions to group their exposures into pre defined "classes", which reflects similar types of exposure. Exposures to the same kind of borrowers (such as all balances with other financial institutions or exposures to all corporate borrowers etc) are subject to the same capital requirement. A major criticism of Basel I is its non-recognition of the potential differences in the creditworthiness and risks that each individual exposure within a "class" of exposure might pose. For example, in a corporate loan portfolio not all loans will have the same risks, and it has been argued that lending to different governments

poses different risks. Basel II adopts more risk-sensitive minimum capital requirements for financial institutions. It provides incentive and creates opportunity for financial institutions to improve their risk measurement, management and reporting processes, which is expected to improve financial institutions' overall efficiency and resilience. It is also expected to strengthen market discipline by enhancing transparency in financial institutions' financial reporting processes.

The approach will bring the following improvements in the capital framework:

- (i) It aligns the minimum regulatory capital held against credit risk with formal risk-assessment of individual counter-parties;
- (ii) For the first time, financial institutions will be required to hold capital against operational risks;
- (iii) Regulators will set total capital requirements by assessing financial institutions' overall risk profiles and their risk measurement and management processes; and
- (iv) New disclosure rules, which are aimed at giving more information to the market on the adequacy of financial institutions' capitalization.

Whilst it will in due course be beneficial for financial institutions to move to adopt certain aspects of Basel II, the level of sophistication and products range available in our market may make it difficult for financial institutions to employ and fully utilize all its aspects. Indeed responses received by the Financial institution for International Settlements from 22 African countries to a questionnaire on Basel II indicated that three quarters of the respondents intended to implement Basel II between 2006 and 2009 but that such implementation would be in progressive stages with the less sophisticated approaches being gradually adopted before moving on to the more advanced approaches.

Of course, capital adequacy rules alone will not persuade individuals to deposit more of their money in the financial institution. Other considerations come into play such as the extent to which any interest return on such deposits is eroded by inflation or taxation.

## **2.4 Minimum capital requirement for covering credit risk**

Credit risk is defined as the risk resulting from the failure of the counterparty (debtor) and is connected with losses on the side of the creditor. Counterparty's failure in this context is understood to mean the state reached by a debtor when it is not able or willing to settle its obligations towards the bank in accordance with the agreed conditions. The loss resulting from this risk comprises two parts: expected losses from a debtor's failure and unexpected losses from a debtor's failure. With the aim of eliminating the transfer of these losses from the risk to the depositor, a financial institution must correctly identify, quantify and create funds for covering the credit risk. While expected losses are a component of the calculated costs of a financial institution's credit business and are reflected directly in the interest rate, a financial institution should cover unexpected losses by a minimum capital requirement.

According to Denault (2001), a key variable in quantifying the minimum capital requirement is the receivable's risk weighting. It is primarily in the manner of determining this variable for individual receivables that lie the main differences between Basel I and Basel II, as well as between the individual approaches contained in Basel II itself. Several approaches with a varying degree of administrative demands, complexity and risk sensitivity are given in Basel II for quantifying the minimum capital requirement.

### **2.4.1 Approaches to quantifying the minimum capital requirement**

In contrast to Basel I, Basel II provides the following three approaches to calculating the minimum capital requirement for covering credit risk: (i) Standardized Approach (SA); (ii) Foundation IRB Approach (FIRB); and (iii) Advanced IRB Approach (AIRB). The administrative demands, implementation costs and amount of the minimum capital requirement in the case of the individual approaches differ significantly. A successful introduction of the new rules into banks' practice will require large investments in information systems, preparatory training of professional staff and improving the overall system of risk management. The extent of this initial investment will, depend on how the particular bank at present has its rating systems set and on which approach it opts for (Brealey, 2001).

According to Danielsson *et al* (2001), initial investments will be returned in the form of lower capital requirements. Achieving a lower capital requirement is though first and foremost conditional upon a client having a high rating. A low capital requirement should be manifested at a bank in the form of lower costs for capital and consequently a lower cost of credit for businesses, which for both sides means a competitive advantage. On the side of the bank a low capital requirement will also be manifested in the form of a growth in its lending ability. A competitive advantage of low costs for credit together with a bank's high lending ability creates good conditions for the bank to increase its market share. In this regard it must be emphasized that, conversely, a business's low rating will negatively influence the bank and business in all the mentioned ways.

## **2.5 Principles on Capital Adequacy and Solvency of Insurers**

The International Association of Insurance Supervisors (IAIS) (2002) set out principles that should serve as the

basis for solvency regimes. The Principles on Capital Adequacy and Solvency as set out by the IAIS are applicable to all insurance companies and are relevant for evaluating the solvency of life insurance undertakings and non-life (or general) insurance undertakings. The extent to which the principles will be directly applied with respect to reinsurers will depend on the degree of regulation of the reinsurance industry within the relevant jurisdiction. Adherence to these principles by insurance regulatory authorities does not eliminate the need for consumers to take the utmost care in assessing the risks and the suitability of an insurance product to their needs. Insurance companies should be required to disclose relevant information to the public. In addition, the principles do not remove the need for an insurer to carefully manage the risks of the business it undertakes. A sound supervisory system has to combine capital adequacy and solvency regimes with requirements for risk management systems for risk reduction and mitigation.

One of the core principles deals with Minimum capital. A minimum level of capital has to be specified. The regulatory framework has to set out a threshold minimum capital requirement for companies. This minimum level of capital is designed to provide a minimum assurance of the financial capacity and soundness of the insurer. The amount of the minimum capital should take into account the types of risk that are intended to be covered. The required minimum capital should by no means be used to compensate for normal foreseeable fluctuations in the development of certain risks. Nor should the setting-up costs of a new enterprise be covered by this minimum capital. Insurance regulatory authorities may impose a higher level of initial capital on the start-up of an insurer to support the business during its formative years.

The Insurance Act (CAP 486 of the Laws of Kenya) provides for minimum Paid up capital for life insurance companies. An amendment to the schedule to Section 23 of the Act, raised the minimum capital requirements to Kshs. 150 million from the previous Kshs. 50 million. The current level of capitalization of the companies in Kenya is detailed in Table 4.0 below.

**Table 4.0: Paid Up capital for Life Insurance Companies in Kenya**

Name of Company	In Year 2006 in Kshs	In Year 2007 in Kshs.
CFC Life	62,340,000	62,340,000
Metropolitan Life	200,000,000	380,000,00
Pan Africa Life	500,000,000	500,000,000
Pioneer	50,000,000	65,000,000
Trinity Life	51,000,000	100,000,000
Apollo	150,000,000	150,000,000
Old Mutual	100,000,000	100,000,000

Source: IRA 2006 and 2007 reports

## 2.6 Capital regulation as an incentive mechanism

Brealey (2001), suggests that financial institutions hold a buffer of free capital to avoid regulatory intervention, and that the amount of capital financial institutions desire to hold depends upon franchise value, and that portfolio decisions are relatively insensitive to regulatory requirements.

### 2.6.1 Financial Institutions hold a buffer of free capital to avoid regulatory intervention

Brealey (2001) asserts that financial institutions are forward looking. They also seek to avoid regulatory interventions, requiring them to recapitalize or adjust their asset portfolio to comply with capital regulations. Such intervention is costly because it distorts the financial institution's decisions and uses up scarce senior management time. Assuming some fixed cost on the institutions' shareholders whenever regulatory capital is found to have fallen to the minimum required level, it turns out that the financial institutions will typically hold a buffer of capital comfortably exceeding the regulatory minimum.

Other related justifications for holding a buffer of free capital can be provided. The financial institutions' management may wish to have a "war chest" of capital, allowing them freedom to make acquisitions or other major investments without having to concern themselves with balance sheet constraints. A substantial buffer may also help maintain their credit standing. For all these reasons financial institutions will wish to avoid infringing the regulatory requirements and almost always hold capital in excess, often substantially in excess of regulatory minima. Almost never do financial institutions hold exactly the minimum amount of regulatory capital.

Milne and Whalley (1999) model, in a continuous time setting, the fluctuations of financial institutions' capital between the minimum regulatory requirement and a desired maximum target level (the latter corresponding to the standard "economic capital" routinely calculated in the financial institutions' risk management). Financial Institutions use retained earnings to build up capital. Occasionally however weak performance drives down their level of capital towards the regulatory minimum.

### 2.6.2 Strong Financial Institutions hold substantial buffers, weak Financial Institutions hold inadequate buffers

The incentives to hold a buffer of free capital depend on the strength of the financial institution. A financial

institution with a substantial franchise value will always recapitalize, rather than undergo insolvency and bear the subsequent loss of franchise value to shareholders. Moreover, even for fairly large discrepancies between the costs of equity capital and debt finance, such financial institutions choose to hold substantial buffers of free capital and only rarely are subject to regulatory intervention. Typically the capital of such a financial institution will be at or close to the desired maximum level.

A weak financial institution with little franchise value, on the other hand, will pay capital out to shareholders rather than risk losing that capital by keeping it inside the financial institution. Following a regulatory intervention it will also become insolvent rather than recapitalize. Such a financial institution holds an inadequate buffer of free capital and – assuming vigilance on the part of supervisors – only survives a relatively short period before it is closed down by regulators.

This divergence in the behavior of strong and weak financial institutions reflects the disciplining role of franchise value. ‘Financial institutions with something to lose’ seek to avoid insolvency by maintaining substantial buffers of free capital. When, as is usually the case, they hold substantial buffers of free capital close to desired levels and no regulatory intervention is in prospect, then regulatory capital requirements have only a minor impact on their behavior. It is only when an adverse earnings shock triggers a decline in the buffer of free capital, and the possibility of a breach of regulations become large enough to figure in the financial institution’s decision making, that regulatory capital requirements impinge on financial institution behavior. They then take steps to reduce their exposure to risk.

## **2.7 The effect of regulatory capital requirements on financial institution portfolios.**

Milne (2001) explores the special case where returns are realizable in liquid markets, so that any financial institution struggling to meet regulatory capital requirements can do so simply by realizing its position. In this case capital requirements have an impact on portfolio decisions only in the unusual situation that capital declines so far that financial institutions are directly constrained by capital requirements. Milne further asserts that this is an extremely rare occurrence. This suggests that the 1988 capital requirements, contrary to received wisdom, may have introduced little distortion in the allocation of financial institution assets between AA corporates (weighted at 100%) and OECD sovereigns (weighted at 0%). Financial institutions with excess capital could still comfortably lend to AA corporates in the knowledge that this exposure could be relatively easily adjusted in the event of subsequent capital shortage.

The analysis of Milne (2001) also suggests that the 1988 requirements may also have had relatively little long run impact even on the portfolio shares of illiquid assets. In the long run, when financial institutions have had time to build up actual capital close to desired levels, portfolio allocation is determined by the relatively small divergence between the long run costs of regulatory equity capital and debt finance. Consider a well capitalized institution that can treat insolvency or even a breach of the minimum capital requirements as a remote and unlikely possibility. For such a financial institution under Basel 1988 rules an investment of \$100mn in a totally illiquid asset with a 100% risk-weighting will need to be backed by \$8mn of equity or other risk-absorbing capital, plus some additional capital buffer that is determined independently of regulatory capital requirements. Supposing rather generously that the real cost of regulatory capital is 200 basis points higher than the real cost of debt, then the regulatory requirement imposes a 16 basis point increase (8% of 200) on the overall cost of funding this asset. This calculation suggests that the portfolio impact of capital requirements on holdings of illiquid assets is relatively small compared, for example, to that of fluctuations in market rates of interest or assessment of credit risk.

## **2.8 Costs and Benefits of Regulatory Capital Regulation**

The consultation documents issued by the Basel committee offer no discussion of the costs and benefits of capital adequacy requirements, even though reform of financial institution capital regulation cannot be justified without some analysis of the benefits and costs. This section will review both benefits and costs, demonstrating the weakness of the case for greater risk-sensitivity of minimum capital regulations.

### **2.8.1 Three benefits of minimum capital requirements**

There is no standard accepted framework for capturing the benefits of minimum capital requirements. This section distinguishes and discusses three principal benefits: (1) internalizing the social costs of financial institution failure; (2) improvements in risk management; and (3) reduction in regulatory forbearance. Discussion of capital regulation often ignores the second and third of these benefits.

**Internalizing the social costs of financial institution failure:** A basic rationale for financial institution capital regulation is that financial institution management and shareholders do not bear the full costs of insolvency. There are additional external social costs including the insolvency of other institutions, the loss of valuable credit relationships with borrowers that are worth more than simply the profits that are made from them, and potential breakdown of systems of payment and settlement. Higher capital ratios, at the time loan decisions and other exposures are determined, reduce the probability of financial institution’s failure and hence the incidence of



these external costs.

These externalities may be exacerbated by financial institution 'moral hazard' created by the financial institution safety net. Whenever large scale financial institution sector problems arise regulatory authorities often respond to the social costs of major financial institution failure by protecting depositors against loss of wealth and the financial institutions themselves against the threat of insolvency. Anticipating such protection, the rates of return to depositors and other debt holders do not fully reflect the risk of financial institution insolvency. This moral hazard reduces further the extent to which the costs of financial institution failure are internalized in financial institution's decision making.

This benefit of capital regulation depends upon an increase of regulatory capital requirements increasing total capital, and hence reducing the overall probability of financial institution insolvency. It does not require matching minimum regulatory capital requirements to financial institution portfolio risks. Provided minimum levels of capital are set sufficiently high then the frequency of financial institution failure can be made as low and the match between the private and social benefits of portfolio decisions as close as desired, without any risk-sensitivity of minimum capital requirements.

**Improvements in financial institution risk management and control:** A second benefit of minimum regulatory capital requirements is to encourage financial institutions to develop better systems of risk management and internal control. Financial institution insolvencies are commonly associated with failures of internal control. Individual financial institution employees exposing their financial institution to large amounts of risk or conducting major fraud have triggered well known individual financial institution failures, such as those of Barings Financial institution or Banco Ambrosiano. Inadequate controls over lending have also played a major role in exacerbating financial institution losses on lending to newly industrialized countries in the 1970s, to commercial property in the 1980s, and on a wide variety of loans in Japan, France, and elsewhere in the 1990s. Crude as they were, the simple risk-weightings of the 1988 Basel accord forced financial institution management to address, very often for the first time, the question of whether the returns obtainable on their assets could justify the associated risks. Moreover financial institutions that failed to manage their capital and come close to infringing the 1988 minimum capital requirements have been penalized heavily by the markets through deterioration in the cost and availability of external finance.

The 1996 Basel accord on market risk, and the European Union's capital adequacy directive (CAD) was a further catalyst for improvements in financial institution risk management, supporting the introduction of portfolio wide systems for measuring market Value at Risk (VaR) in investment financial institution. The current consultation on the new Basel accord seeks to encourage financial institutions to progress from standardized procedures where credit risk assessment is based on class of asset, through various levels of internal rating based modeling that allow for the quality of individual assets. These developments will, in turn, increase the safety and soundness of the financial institution system. It is therefore appropriate that the minimum regulatory capital requirements for credit risk should be revised, so as to provide greater incentive for the proper measurement and management of credit risks.

But how, exactly, are capital requirements to be used to encourage better standards for measuring and managing credit risk? The internal models approach introduced by the 1996 Basel accord and CAD, exemplifies one approach, that of offering institutions the opportunity to use their own internal risk-management systems for the computation of regulatory capital requirements. This provides an incentive to develop internal models, provided that they result in an overall reduction of capital requirements. But other more direct incentives can be envisaged that do not involve the use of the financial institution's own systems for computing regulatory capital charges. For example all financial institutions could be subject to simple standardized calculations of capital charges for credit risk, with significant reductions in the overall requirement for those financial institutions that can demonstrate that they have in place a satisfactory system for measuring and managing their portfolio risks. It follows that encouraging improvements in risk management does not require increased risk-sensitivity of capital requirements.

**Reduced forbearance costs:** Minimum capital requirements provide an opportunity for regulatory intervention in a failing financial institution when regulatory capital requirements are breached but before a financial institution becomes insolvent. This opportunity, may, if supplemented by appropriate regulatory action, reduce the forbearance costs associated with financial institution failure (Estrella, 1995).

Regulatory authorities can require that a financial institution breaching minimum capital requirements recapitalize through new issue, merger with a stronger institution, or other balance sheet restructuring. Without minimum capital requirements, the regulators will typically have to wait until insolvency is threatened and a liquidity crisis is provoked by withdrawal of demandable deposits before taking action. This benefit of regulatory capital requirements is best achieved when capital ratios: (i) reflect up to date information about the financial soundness of the financial institution and in particular are computed according to accounting standards which force recognition of loan losses as soon as they can reasonably be foreseen; (ii) are simple computations where success or failure in meeting the requirements can be easily assessed; (iii) do not alter substantially over

time, except when there are major shifts of assets onto or off the balance sheet.

Experience of the 1980s savings and loan crisis in the US and of other financial institution sector crises illustrates how rapidly the losses associated with financial institution failure can mount, when regulators do not intervene to close down failing institutions at the earliest opportunity. The 1991 FIDICIA act in the US attempts to deal with this forbearance problem by setting legislative defined sequence of interventions in a troubled institution, based on various measures of capital adequacy.

The possibility of shifting to internal ratings based computations of internal capital offered in the new Basel accord, creates potential problems for intervention in troubled institutions. Capital ratios will shift over time, as assets are re-rated. While supervisors will be closely watching the techniques used to determine ratings, financial institutions may be able to manipulate internal ratings so as to avoid regulatory intervention. Pillar 1 of the new Basel accord, as it is currently framed, erodes the ability of regulators to intervene in troubled institutions.

### **2.8.2 The direct and indirect costs of capital requirements**

Analysis of costs can be based on a more standard framework, distinguishing the direct costs of operating the regulations, the costs of compliance (the costs of meeting the regulations that would not be borne by financial institutions without the regulations), and any indirect costs that arise because of restrictions to competition or other external effects created by the change in regulations.

According to Brealey (2001), the direct costs of minimum capital regulation increase with the degree of complexity of the regulations. The 1988 accord involved relatively low direct costs, because risk-weighted capital could be calculated readily from basic balance sheet information including a breakdown of loan assets. The standardized approach of the proposed new Basel accord is not much more complex and involves little significant increase of direct costs. Direct costs are considerably higher, when ratings are computed according to internal ratings or using credit risk models, because supervisors must devote resources to ensuring that the ratings or model used to compute the requirements are sound.

Compliance costs are those additional resources, devoted to computing capital ratios and making these calculations available to external audit or supervisory inspection that would not be required by the financial institutions were there no minimum capital regulations. Again costs of compliance will vary considerably, depending upon the complexity of the regulatory capital calculations. Using a standardized 'building block' approach these costs are generally fairly small.

An important exception is that even under a standardized approach computing the appropriate charges for off-balance sheet exposures may be costly, especially if the interpretation of the rules is not clearly established and the supervisors must be contacted to determine the application of minimum capital standards. The compliance costs may indeed be so high, in the case of derivatives or other off-balance sheet exposures, that financial institutions avoid certain contracts altogether. This in turn may inhibit the hedging of risks.

The use of external ratings for determining minimum capital requirements will introduce some additional costs, since a rating must be paid for. Compliance costs of internal ratings are relatively small, provided that the financial institution in any case have been operating the rating system for its own management purpose and is able to use the same system both for management control and for regulatory purposes. Perhaps the most important compliance costs associated with regulatory capital requirements is that financial institutions operate with lower levels of debt and higher levels of equity or other risk-absorbing capital than they would otherwise choose. This is a cost if equity capital is more expensive than debt. However standard corporate financial theory suggests that these costs are rather small. There is a tax advantage to debt, since interest payments are deductible. But this is not a social cost; it is rather simply a transfer from financial institution shareholders to the fiscal authorities. If there is concern over the magnitude of this transfer, then regulatory capital requirements could be made tax-deductible at some appropriate rate of interest (that on long-term government debt).

Debt is also less expensive than equity because it plays a role in disciplining financial institution management – reducing the so called 'agency costs of equity' i.e. the opportunity that high levels of equity capital give to management to pursue goals other than the maximization of shareholder value. Regulatory intervention may however be a substitute for such discipline and if this is the case the cost of regulatory capital is not substantially higher than that of debt.

This is the theory. In practice regulatory capital may often appear to management to be more expensive than debt. Suppose equity market valuations are widely believed to be based on return on equity or earnings per share, without any adjustment for the ratio of debt and equity on the balance sheet. In this case reducing equity and increasing debt, provided this shift does not threaten financial distress, will be expected to raise market valuations. Regulatory capital may therefore be perceived by management as a cost, since it requires them to have more equity on the balance sheet than they would otherwise choose.

To the extent that regulatory capital is more costly than debt, then raising minimum capital requirements will also tend to increase the overall cost of a financial institution operation, decrease the number of financial institutions in the industry, and raise financial institution margins. This indirect cost will be reduced

if financial institution capital requirements are made more risk-sensitive. But this impact is likely to be swamped by other indirect costs that are increasing with the degree of risk-sensitivity of capital requirements. If capital requirements are raised during an economic downturn then this risks provoke financial distress in financial institutions, a reduction of lines of credit and of lending, and a regulatory ‘credit crunch’ exacerbating the downturn. Because of this pro-cyclicality risk-sensitive capital requirements might actually increase rather than reduce systemic financial institution instability. This macroeconomic externality is a major indirect costs of capital regulation and provides a further reason for not making regulatory capital requirements risk – sensitive. Additionally, risk-sensitive capital requirements discourage investment in risky assets, at all stages of the business cycle. So if financial institution aversion to risk exceeds what is socially desirable i.e. if there is a social externality to financial institution lending, then there will be a further indirect cost of increased risk sensitivity.

## **2.9 Other arguments in favor of risk-sensitivity of capital requirements.**

This sub-section considers three standard arguments favoring increased risk-sensitivity of capital requirements, discussing their relationship to the framework of benefits and costs already outlined.

***Argument 1: Risk-sensitivity is needed to impose greater discipline on financial institutions that seek to exploit the financial ‘safety net’ through greater risk-taking.***

Standard franchise value arguments suggest that only a small proportion of financial institutions engage in moral hazard of this kind. The large majority of solvent financial institutions with some expectation of net positive future returns will seek to hold a buffer of capital to protect shareholders from the costs of insolvency or breach of capital requirements and will not seek to exploit the safety net. For such financial institutions the analysis of benefits put forward in this section is complete (Milne and Whalley, 1999).

In principal argument 1 is relevant to a small minority of weak undercapitalized financial institutions. In practice such weak financial institutions have every incentive to avoid regulatory requirements, for instance through false reporting or “window dressing” (temporarily acquiring or disposing of assets so as to comply with regulatory capital requirements). So even in these cases financial institution discipline via risk-sensitive capital requirements is relatively ineffective. The moral hazard argument suggests no great benefit to greater risk-sensitivity of capital regulation, not captured in the benefit-cost framework proposed in this section. Control of moral hazard has to be sought through close and effective supervision of weak financial institutions and rapid intervention in failing institutions (Jon, 2001).

***Argument 2: The crude risk-weighting such as that of the 1988 Basel accord are ineffective and need to be replaced by more sophisticated requirements.***

Specifically it is often argued that financial institutions can use asset backed securitization as a way of avoiding the impact of capital requirements. This argument is irrelevant because it does not address costs and benefits of regulation. The concern with asset backed securitization is dealt with quite simply in the new accord by allowing a reduction in capital requirements only when there assets are taken off balance sheet with no possibility of recourse to the originating financial institution.

It is true that financial institutions have tended to increase holdings of some assets whose true risks were relatively high compared to their 1988 regulatory risk-weightings. But this development was a response to the relative risk and return on different asset classes and would have taken place even in the absence of capital regulation. The use of more risk-sensitive regulatory capital requirements to discourage such portfolio shifts is justified only if it can be demonstrated that financial institution decisions over these asset holdings did not sufficiently internalize the social externalities of financial institution failure and that greater sensitivity of regulatory capital requirements would be a cost effective way of internalizing these social externalities. Our discussion has already challenged these assumptions.

***Argument 3: financial institutions pursue fixed targets for return on equity. Hence, when they are subject to increased capital requirements, they will respond by shifting their portfolio into high risk/ high return assets so as to maintain earnings in relation to total equity capital.***

Such an operational objective is inconsistent with the proper exercise of market discipline since it implies that financial institution behavior does not reflect the market price of risk and is destructive of shareholder value (Alfon and Andrews, 1999). It seems implausible that many financial institutions would behave in such a manner but this is ultimately an empirical question. Suppose it can be demonstrated that financial institutions respond to increased capital requirements by increasing portfolio risk (and this author is aware of no evidence at all that this is in fact the case). Then greater risk-sensitivity of capital, by imposing greater costs on such risk-acquisition, might usefully substitute for market discipline and be of net social benefit. The cost-benefit framework proposed in the present section assumes rational (forward looking) shareholder value enhancing behavior on the part of financial institutions and hence excludes this potential benefit of risk sensitive capital regulation.

## **2.10 Implications for Regulators and Life Insurance Companies**

A much greater challenge lies ahead, as regulatory and supervisory authorities and Life Insurance companies

prepare themselves for its implementation. The adoption of the new minimum capital requirements entails an indispensable role for supervisory authorities and market discipline in encouraging Life insurance companies to continually improve their risk management practices. As a consequence, it would require extensive preparation on the part of financial regulatory and supervisory authorities, significant legal and regulatory changes, and intensified international cooperation among relevant authorities.

Specifically, the adoption of the new minimum capital requirements will result in the following challenges to regulatory authorities: (i) As good supervision is a necessary requirement for the effective implementation of the new requirements, additional resources need to be devoted to attain a significant upgrading of expertise and skills among staff of supervisory authorities in many emerging economies. Much work is also required in amending legislation and further developing supervisory policies and guidelines in many jurisdictions; and (ii) While there is a need to ensure the implementation of the new requirements on a consistent, transparent and fair basis across all players in the industry, there may also be situations under which supervision should be able to override certain aspects of the accord in order to maintain its relevance.

Much work also needs to be done in ensuring effective and meaningful disclosure of financial information through improved accounting and auditing standards and in promoting comparability of financial information.

### **2.11 Challenges of developing Life Insurance Business**

The development of life business in developing countries poses several challenges both to the regulators and the providers. These include the following: (i) Due to the collapse of insurance companies, the public has lost trust and confidence in the institutions that offer insurance services; (ii) Poor and imprudent management of funds by insurers and trustees; (iii) In economies with uncontrolled rates of inflation, the life sector suffers as the savings are eaten away. Traditional life insurance products find it difficult to appeal in those situations; (iv) In addition, where the contract guarantees a fixed rate of return, any major change in the interest rates in the economy can seriously affect life business; (v) Skills on life assurance business particularly on actuarial science are lacking within our markets. This hinders the development of these classes of business; (v) HIV and AIDS pose a serious challenge to life business in Africa. Insurers have reacted in diverse ways in the face of this challenge. This is certainly one problem that shall continue to haunt the industry into the future; and Globalization which has led to liberalization and opening up of our markets.

### **2.12 Winning strategies**

The strategies outlined below apply to life insurance business arrangements:- Packaging and repackaging of products; Availability of customized and flexible products ; Innovation and development of need driven products e.g. HIV/AIDS and dread diseases insurances; Adopting and encouraging professionalism in the industry; Introduction of good governance and transparency in the insurance companies; Increasing the public confidence regarding the credibility of insurance service providers; Increasing the public confidence regarding the credibility and ability of regulators; Increasing the public awareness in relation savings, available investment channels and the advantages of savings; Encouraging the development of professional skills; Correcting the negative perception by upholding high degree of discipline in the conduct of business amongst insurance practitioners; and Improved channels of distribution.

### **2.13 Conclusion**

In conclusion therefore, the role of the regulator can be summarized as follows: to protect public interest by ensuring that the insurers and schemes are financially solvent and that policyholders are not exposed to loss by underwriters being not able to meet their obligations; to promote an even, fair playing ground by ensuring members of the industry operate within acceptable principles, practices and standards; to foster competence by requiring a high level of professional competence and conduct. Insurers must uphold professional ethics and encourage professionalism among their technical and field staff; and to play a developmental role by encouraging the industry to take an active part in the economic development of the country. Indeed regulators must participate actively in the education of and creation of awareness to the members of the public on the benefits of life assurance and pension arrangements. However, to achieve these objectives, there must be close cooperation and partnership between the regulator and the market players.

## **3.0 METHODS AND PROPOSITIONS**

### **3.1 Introduction**

The literature review in Chapter 2 looked at the concepts surrounding the research questions, the main ones of which are state regulation, capital adequacy and other risk management measures in financial institutions. We now derive propositions relating to life insurance companies from the concepts discussed.

### 3.2 Propositions

#### **Proposition 1: *That the legislative capital requirements met the expectations of the life insurance Companies in Kenya.***

The state holds a supervisory role in the Insurance Industry (section 2.2). The benefits of this transcends to the individual company's own survival, the social benefit as well as the protection of policyholders.

One of the regulations that the state uses is the prescription of minimum capital requirements (Sections 2.3 and 2.5). The Capital base is however one of a myriad of factors that affect the survival of an insurance company. The International Association of Insurance Supervisors has in addition to the requirement that a minimum level of capital be specified outlined 13 other principles that serve as a basis for solvency regimes. For example, the expectation of the insurance companies in the consideration of technical provisions when forming capital adequacy requirements may differ. The reasons for this may be that each insurer has to have regard to its own experience and market experience when determining its technical provisions. Further the valuation of insurance business includes some uncertainty in the estimation of claims.

Capital adequacy depends heavily on risk and ought therefore to be risk sensitive (Section 2.9). This will vary from company to company as the business in their books is different.

#### **Proposition 2: *That the Legislative requirements, will reduce the number of players in the life insurance business.***

There are various costs and benefits attached to the prescription of minimum capital requirements (Section 2.8). Some of these will be direct whereas others are indirect (Section 2.8.2). Once the minimum requirements are prescribed, a different competitive landscape may emerge. There is the likelihood of closure of some businesses that may not be able to raise the enhanced paid up capital. Mergers, buy outs and acquisitions are also a possibility.

Some of the companies hold substantial buffers (Sections 2.5, 2.6.1, 2.6.2). The legislative requirements will not affect them in terms of increasing their paid up capital. They may however choose to buy out or merge with the smaller companies. The companies holding buffers have the infrastructure in place running similar business and thus relatively easy for them to run additional similar business.

## 4.0 METHODOLOGY

### 4.1 Introduction

This chapter aims at defining the research design and methodology used in the study. It contains a description of the, research paradigms, research methodology, philosophical underpinnings, population, sample and sampling, study setting, data collection, data analysis, issues of reliability and validity and ethical and other practical considerations.

### 4.2 Research Paradigms

Two terms often used to describe the major research approaches to management or organizational researches are quantitative and qualitative. Other terms used include functionalist, objectivist or positivist for the former and interpretivist or subjectivist to describe the latter. Within management and organizational studies, the quantitative approach is seen as objective, that is, relating to phenomenon or conditions independent of individual thought and perceptible to all observers, and relying (Jean, 1992), heavily on statistics and figures. On the other hand the qualitative approach is seen as subjective, relating to experience or knowledge as conditioned by personal mental characteristics or states, and preferring language and description. Van Maanen (1983; 9) refers to the qualitative mode as an attempt to reduce distance between context and action through "trade in linguistic symbols". This approach involves the examination of perceptions in order to gain an understanding of social and human activities.

The distinctions here are useful in recognizing the two approaches, however, they do not portray the differing paradigms that underpin each approach and how these affect the research process. An investigation of this dichotomy in research approaches is undertaken here to reveal the relationship between research, the research process and the two principle research paradigms. This research exploration is conducted through the research process. The concept of paradigm or paradigms is discussed first. Discussion then proceeds to research and the research process. Finally contrasts in the quantitative and qualitative approaches to the research process are detailed to see how paradigms influence the research process and the researcher.

A paradigm provides a conceptual framework for seeing and making sense of the social world. According to Burrell and Morgan (1979), to be located in a particular paradigm is to view the world in a particular way. Patton (1990) termed paradigm as a world view. However, Kuhn (1970) who introduced the term has universally recognized scientific achievements that for a time provide model problems and solutions to a community of practitioners, and suspected that something like a paradigm is a prerequisite to perception itself. In the postscript to his second edition, Kuhn (1970) provides a useful definition; it stands for the entire constellation of beliefs, values and techniques, and so on shared by the members of a community.

The significance of paradigms is that they shape how we perceive the world and are reinforced by those around us, the community of practitioners. Within the research process the beliefs a researcher holds will reflect in the way the research is designed, how data is both collected and analyzed and how research results are presented. For the researcher it is important to recognize their paradigm, it allows them to identify their role in the research process, determine the course of any research project and distinguish other perspectives.

#### **4.3 Research Methodology**

According to Brown *et al* (2003), research design provides the glue that holds the research project together. A design is used to structure the research, to show how all of the major parts of the project, which include the samples or groups, measures, treatments or programs, and methods of assignment work together to try to address the central research questions.

A descriptive survey was undertaken. The method was selected as it permits gathering of data from the respondents in natural settings. Descriptive designs result in a description of the data, whether in words, pictures, charts, or tables, and whether the data analysis shows statistical relationships or is merely descriptive. “What” questions invariably lead to descriptive designs. Descriptive research is designed to describe the characteristics or behaviors of a particular population in a systematic and accurate fashion. Survey research uses questionnaires and interviews to collect information about people’s attitudes, beliefs, feelings, behaviors, and lifestyles.

Descriptive design was preferred because no matter what method is chosen to collect the data; all descriptive designs have one thing in common: they must provide descriptions of the variables in order to answer the question. One of the most useful methods of numeric analysis available is statistics and this study shall use this method to describe and make inferences about measurable characteristics of a large group based on measurements from the representative sample of the population. In particular, frequency distribution which will be used in this study is intended to show the distribution (or the count) for each business entity to clearly spell out to what extent each of the various factors influences that particular company’s social responsiveness activities.

#### **4.4 Philosophical Underpinnings**

In management or organizational research, the term paradigm encompasses three levels. The philosophical, basic beliefs about the world we live in. The methods and techniques ideally adopted when conducting research. At a philosophical level organizational theories contrast in five sets of assumptions (Burrell and Morgan, 1979) in a subjectivist /objectivist dimension; ontological, epistemological, axiological, methodological assumptions and assumptions about human nature. These assumptions trickle through to lower levels and influence the research process.

Ontology refers to the nature of social reality. To the realist the social world is tangible, hard made up of relatively immutable structures that exist independently of our individual descriptions. The social world is real and external to the individual. The nominalist however views reality as constructed in the names, labels and concepts that are used to structure that reality. Individuals create the social world; therefore there are multiple realities.

Epistemology refers to the nature of knowing and construction of knowledge and is divided into the positivist and anti-positivist stance. The former believing that true objectivity as an external observer is possible, the latter that the knower and known are interdependent and that social science is essentially subjective. The positivist studies the parts to understand the whole, they look for regularities and causal relationships to understand and predict the social world. To the anti-positivist the social world can only be understood by occupying the frame of reference of the participant in action. Axiological assumptions are closely related to the epistemological. These are assumptions regarding the role of values. Can values be suspended in order to understand, or do values mediate and shape what is understood?

Assumptions about human nature are deterministic or voluntarist. One views individuals as products of their environment; the other believes individuals create their own environment (Putnam, 1983). Finally there are assumptions about the process of research, the methodology. Nomothetic methodology focuses on an examination of regularities and relationships to universal laws, while ideographic approaches centre on reasons why individuals create and interpret their world in a particular way (Putman, 1983). The social world can only be understood by obtaining first hand knowledge of the subject under investigation.

#### **4.5 Population, Sample and Sampling**

**Population of the Study:** The study focused on the Insurance Industry in Kenya. The population of interest was the Life insurance companies operating in Kenya, whose number stood at seven as at 30<sup>th</sup> December, 2008 (Association of Kenya Insurers, 2008) (Appendix I). The Life Insurance companies offer life covers, group life products, and medical and savings products.

**Sample and Sampling:** The sampling frame is the list of ultimate sampling entities, which may be people,

households, organizations, or other units of analysis. For purposes of the current study, the sampling frame was the Life Insurance companies in Kenya. In order to address the objectives of the study, the Chief Executive Officer was the respondent in each of the organizations. The Chief Executive Officers of the various Life Insurance companies were selected to participate in the study since they are the ones charged with the responsibility of setting the strategic direction of the companies, and were better placed to articulate issues pertaining to strategy.

Researchers usually cannot make direct observations of every individual in the population they are studying. Instead, they collect data from a subset of individuals, referred to as a sample and use those observations to make inferences about the entire population. Ideally, the sample corresponds to the larger population on the characteristic(s) of interest. In that case, the researcher's conclusions from the sample are probably applicable to the entire population. A census of the seven organizations was undertaken and each of the organizations was represented by the Chief Executive Officer.

#### **4.6 Study Setting**

The study was undertaken in seven Life Insurance companies in Kenya. In order to gain access the participating organizations, a letter of introduction was sent to the various CEOs to seek permission. Consent was received and the researcher was able to proceed with data collection.

#### **4.7 Data Collection**

According to Polit and Hungher (1999:700), data collection is the gathering of pieces of information that are necessary for the research process. A structured approach to collecting data was utilized.

##### **4.7.1 Data Type and Source**

Both primary and secondary data were collected. A desk study was undertaken, in which a review of the relevant literature was carried out. The sources of information included various websites, books, magazines and Journals.

##### **4.7.2 Research instruments**

A data collection instrument is the device used to collect data in an objective and systematic manner for the purpose of the research. Data collection instruments can be questionnaires, interview schedules, tests and available records (LoBiondo – Wood and Haber, 2002). For purposes of the current study, primary data was collected from the respondents with the aid of a semi-structured questionnaire. The survey method was used to collect data. The semi-structured questionnaires consisted of two sections, Section I and section II. Section I consisted of items pertaining to profile of the respondents while section II consisted of items pertaining to the area of study. Since all the Life insurance companies have their head office in Nairobi, the researcher administered the questionnaires by hand delivery and interviewed 3 of the respondents to clarify their responses.

##### **4.7.3 Validity**

According to LoBiondo – Wood and Haber (2002), the validity of an instrument refers to whether the instrument measures what it is intended to measure. When an instrument is valid, it truly reflects the concept that it must measure. LoBiondo – Wood and Haber further argue that an instrument cannot measure in a valid manner the attribute in each question it is varying, incoherent and inexact. It should be pointed out that there are various types of validity according to the type of information provided and the purpose of the research.

For this study, face and content validity was applied. LoBiondo – Wood and Haber assert that face validity is a rudimentary type of validity which basically ascertains whether the instrument gives the appearance of measuring the concept. It is an intuitive type of validity where researchers ask colleagues or a research expert to read the instrument and to evaluate the content in terms of whether it seems to reflect the concept that the researchers intend to measure. Content validity refers to “the extent that the items of an instrument represent the universe of the content” and it is validated by means of the literature reviews (Polit and Hunger, 2005). For purposes of the current study, the researcher not only sought opinions of colleagues, but also consulted the supervisor to ensure enhanced validity of the data collection instrument.

##### **4.7.4 Reliability**

According to LoBiondo – Wood and Haber (2002), reliability is “the coherence or consistency of a measuring instrument. Therefore, reliability refers to coherence, precision, stability, equivalence and homogeneity of the instrument’s content. They further assert that a reliable measure is a measure that can produce the same results if the behavior is measured repeatedly by means of the same scale. Furthermore, the reliability of an instrument is the same level in which the instrument produces the same results over repeated measurements.

##### **4.7.5 Pilot Study**

For purposes of the current study, the questionnaire was pre - tested on two randomly selected respondents to enhance effectiveness and hence data validity. The pre-testing necessitated adjustments in order to make the questionnaire more suitable and minimize bias in responses.

##### **4.7.6 Data Collection Procedures**

The questionnaires were pilot tested on two randomly selected respondents before they are administered. The

purpose of the pilot testing was to ensure that the questionnaires were understood in their correct perspective, in order to meet the research objectives. The procedure that was used in collecting data was through distribution of the questionnaires that is, dropping and picking questionnaires from respondents at their most convenient time that was agreeable to both parties. A letter of introduction, stating the purpose of the study, was attached to each questionnaire. In addition, the researcher made telephone calls to the respective respondents to make follow up on the questionnaires that had been delivered to the respondents. Once completed, the researcher personally collected the questionnaires. This gave her the opportunity to clarify certain issues arising from the various responses.

#### **4.8 Data Analysis and Presentation**

Once all the data was collected, data cleaning was undertaken in order to enhance accuracy. The cleaning exercise ensured that only relevant data is retained for analysis. The data was then be coded to enhance manageability before analysis is undertaken. According to Marshall and Rossman (1999), data analysis is the process of bringing order, structure and interpretation to the mass of collected data. Statistical Package for Social Sciences (SPSS) was used as an aid in the analysis. The researcher preferred SPSS because of its ability to cover a wide range of the most common statistical and graphical data analysis and is very systematic. The SPSS was used to generate percentages, frequencies, mean scores and standard deviations.

For purposes of the study, the data pertaining to the profile of respondents was analyzed by employing content analysis. Content analysis is a research tool used to determine the presence of certain words or concepts within texts or sets of texts. Researchers quantify and analyze the presence, meanings and relationships of such words and concepts, then make inferences about the messages within the texts, the writer(s), the audience, and even the culture and time of which these are a part. Texts can be defined broadly as books, book chapters, essays, interviews, discussions, newspaper headlines and articles, historical documents, speeches, conversations, advertising, theater, informal conversation, or really any occurrence of communicative language. To conduct a content analysis on any such text, the text is coded or broken down, into manageable categories on a variety of levels - word, word sense, phrase, sentence, or theme - and then examined using one of content analysis' basic methods: conceptual analysis or relational analysis.

The data pertaining to the objectives of the study was analyzed by employing descriptive statistics such as mean scores, frequencies and standard deviations. Descriptive statistics are used to describe the basic features of the data in a study. They provide simple summaries about the sample and the measures. Together with simple graphics analysis, they form the basis of virtually every quantitative analysis of data. Descriptive statistics help us to simply large amounts of data in a sensible way. Each descriptive statistic reduces lots of data into a simpler summary. Computation of frequencies in tables, charts and bar graphs were used in data presentation. In addition, the researcher used standard deviations and mean scores to present information pertaining to the study objectives. The information was presented and discussed as per the objectives and research questions of the study.

#### **4.9 Ethical and Other Practical Considerations**

In undertaking the study, the researcher strictly adhered to the Ethical Issues that guide researchers in order to protect the rights of the research participants besides arriving at objective findings. These included the following:-

(i) The principle of voluntary participation requires that people not be coerced into participating in research. This is especially relevant where researchers had previously relied on 'captive audiences' for their subjects -- prisons, universities, and places like that.

(ii) Informed Consent: - Closely related to the notion of voluntary participation is the requirement of informed consent. Essentially, this means that prospective research participants must be fully informed about the procedures and risks involved in research and must give their consent to participate. Ethical standards also require that researchers not put participants in a situation where they might be at risk of harm as a result of their participation. Harm can be defined as both physical and psychological. There are two standards that are applied in order to help protect the privacy of research participants.

(iii) Confidentiality: - Almost all research guarantees the participants' confidentiality - they are assured that identifying information will not be made available to anyone who is not directly involved in the study. The stricter standard is the principle of anonymity which essentially means that the participant will remain anonymous throughout the study - even to the researchers themselves. Clearly, the anonymity standard is a stronger guarantee of privacy, but it is sometimes difficult to accomplish, especially in situations where participants have to be measured at multiple time points (a pre-post study). Increasingly, researchers have had to deal with the ethical issue of a person's right to service.

The information obtained will thus be treated with confidentiality and any use to be made from such information will need express permission from the individual respondents to be used as such.



## 5.0 RESULTS AND ANALYSIS

### 5.1 Introduction

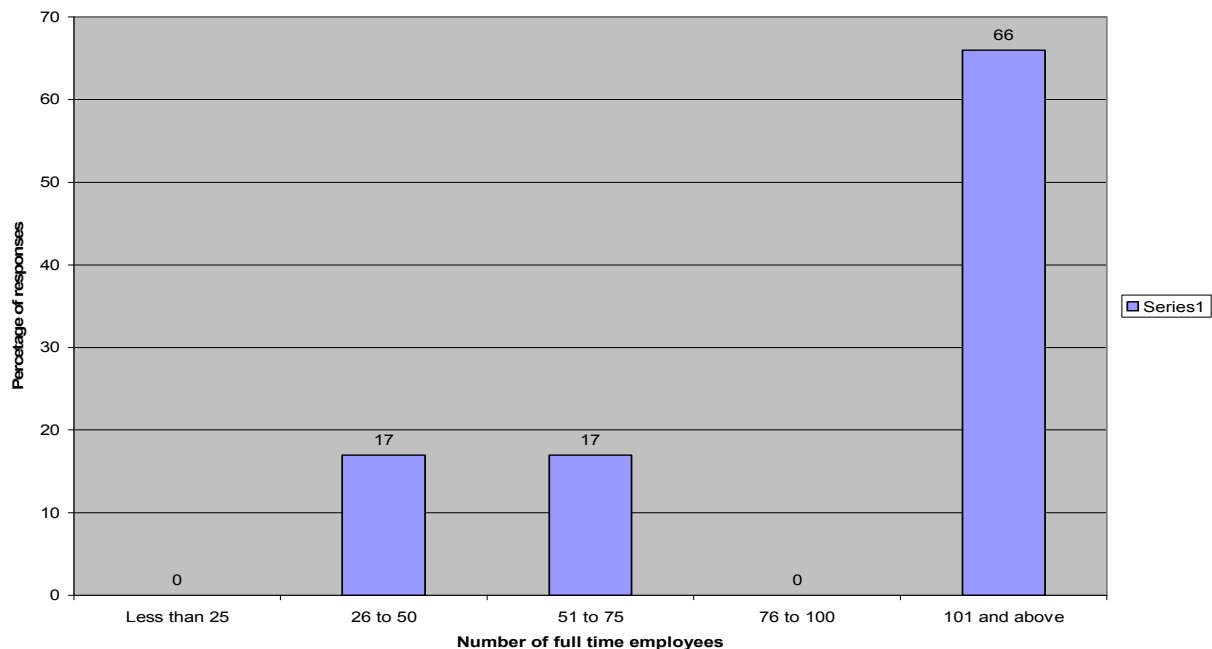
This chapter covers the data analysis and presentation of findings. It presents findings on study of the adequacy of minimum capital requirements for Life Insurance Companies in Kenya.

### 5.2 Profile of Respondents

**Period of operation of the respondent organizations:** The respondents were asked to indicate the length of time their respective organizations had been in operation in Kenya. The assumption is that the longer the organizations had been in operation in Kenya, the more experience they had and the more objective the responses would be. The findings show that all the respondent organizations (100%) had been in operation in Kenya for a period exceeding 16 years.

**Ownership of the respondent organizations:** The respondents were asked to indicate ownership of their respective organizations by ticking as appropriate against given choices. The responses show that all the respondent organizations (100%) were predominantly local, with 51% or more of the shareholding being local.

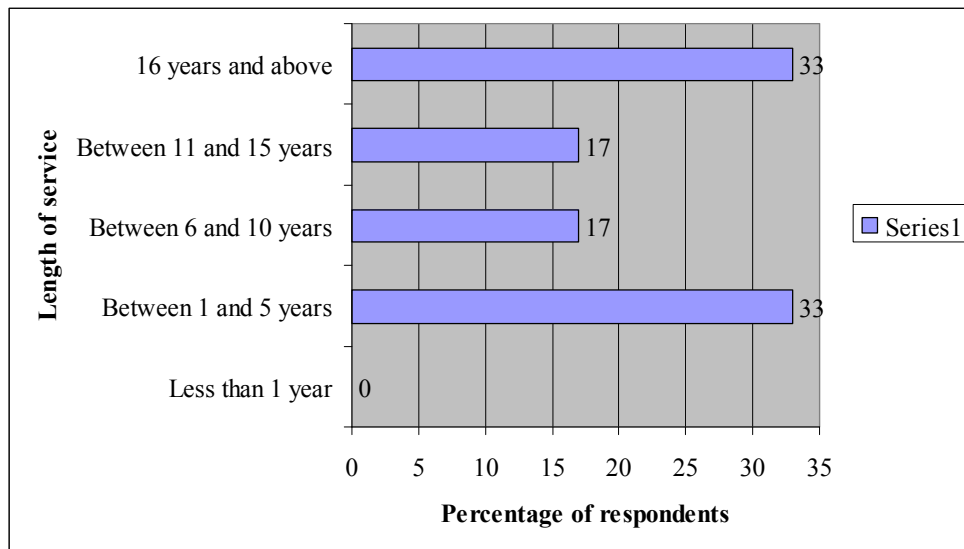
**Number of full time employees:** The respondents were asked to indicate the number of full time employees their respective organizations had. The question was meant to give an indication of the size of the organization, with the assumption that the bigger the number of full time employees, the larger the size of the organization. The findings are summarized and presented in figure 5.1 below.



**Figure 5.1: Number of full time employees**

The findings in figure 5.1 show that 66% of the respondent organizations had more than 100 employees.

**Length of service of respondents:** The respondents were asked to indicate the length of time they had worked in their respective organizations. It is assumed that the longer one worked in an organization, the more experience they understood the organizations and hence the more objective the responses would be. The responses are summarized and presented in table 5.2 below.

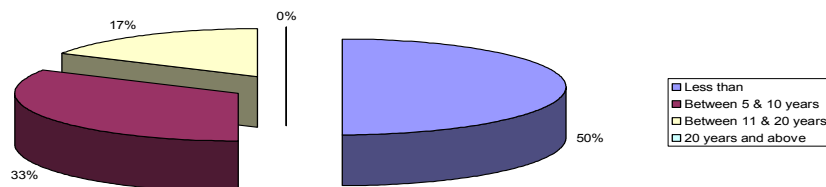


**Figure 5.2: Length of service of respondents**

The findings in figure 5.2 show that whereas none of the respondents had worked for their respective organizations for less than one year, majority of the respondents (67%) had worked in their respective organizations for at least 6 years. Their responses were thus expected to be objective.

## 5.2. Number of branches

The respondents were asked to indicate the number of branches their respective organizations had. The responses are summarized and presented in figure 5.3 below.



**Figure 5.3: Number of branches**

The findings in figure 5.3 show that 50% of the respondent organizations had less than five branches each, 33% had between 5 and 10 branches while only 17% had one branch only. Further probing gave the indication that though majority of the organizations had few braches, they provided their products and services online and were also represented by agents countrywide.

## 5.3 Minimum Capital Requirements for Life Insurance Companies

In order to meet the first proposition of the study, “that the legislative capital requirements met the expectations of the life insurance Companies in Kenya.” the respondents were asked a series of questions.

### 5.3.1 Increased minimum capitalization for insurance companies

**Minimum capitalization for composite insurance companies:** Firstly, the respondents were asked to indicate their perception of the increased capitalization for composite insurance companies from Kshs. 150 Million by ticking as appropriate against three alternatives – adequate, inadequate and prohibitive. The responses show that all the respondents (100%) indicated that the minimum capital requirement was still inadequate. When asked to

suggest an amount they believed would be the adequate minimum capital requirement, the responses given are summarized and presented in table 5.1 below.

**Table 5.1: Minimum capitalization for composite insurance companies**

Suggested minimum capitalization for composite insurance companies (Kshs)	Responses	
	Frequency	Percentage
Between 750 Million and 1 Billion	1	17%
At least 1 Billion	3	50%
1.5 Billion	2	33%
<b>Total</b>	<b>6</b>	<b>100</b>

The responses in table 5.1 show that though the minimum capital requirement for composite insurance firms in Kenya had been raised from 150 Million to 450 Million Kenya shillings, the amount fell far below expectations. Whereas 17% of the respondents suggested a minimum capital requirement of between 750 million and 1 billion, 50% suggested at least 1 billion and the other 34% suggested 1.5 billion.

**Increased minimum capitalization for general insurance companies:** Secondly, the respondents were asked to indicate their perception of the increased capitalization for general insurance companies from Kshs. 100 million to Kshs 300 million. The responses show that all the respondents (100%) indicated that the minimum capital requirement was still inadequate. When asked to suggest an amount they believed would be the adequate minimum capital requirement, the responses given are summarized and presented in table 5.2 below.

**Table 5.2: Minimum capitalization for general insurance companies**

Suggested minimum capitalization for general insurance companies (Kshs)	Responses	
	Frequency	Percentage
At least 500 million	2	33
At least 750 million	3	50
At least 900 million	1	17
<b>Total</b>	<b>6</b>	<b>100</b>

The responses in table 5.2 show that though the minimum capital requirement for general insurance firms in Kenya had been raised from 100 Million to 300 Million Kenya shillings, the amount fell far below expectations. Whereas 33% of the respondents suggested a minimum capital requirement of 500 million, 50% suggested at least 750 million and the other 17% suggested 900 million.

**Increased minimum capitalization for long term insurance companies:** Thirdly, the respondents were asked to indicate their perception of the increased capitalization for long term insurance companies from Kshs. 50 million to Kshs 150 million. The responses show that all the respondents (100%) indicated that the minimum capital requirement was still inadequate. When asked to suggest an amount they believed would be the adequate minimum capital requirement, the responses given are summarized and presented in table 5.3 below.

**Table 5.3: Minimum capitalization for long term insurance companies**

Suggested minimum capitalization for long term insurance companies (Kshs)	Responses	
	Frequency	Percentage
At least 250 million	3	50
At least 500 million	3	50
<b>Total</b>	<b>6</b>	<b>100</b>

The responses in table 5.3 show that though the minimum capital requirement for long term insurance firms in Kenya had been raised from 50 Million to 150 Million Kenya shillings, the amount fell far below expectations. Whereas 50% of the respondents suggested a minimum capital requirement of at least 250 million, the other 50% suggested at least 500 million.

### 5.3.2 Effects of the minimum capitalization and the strategic responses employed by the Life Insurance Companies in Kenya

In order to meet the second proposition of the study, “That the legislative capital requirements will reduce the number of players in the life insurance business.” the respondents were asked to indicate the effects of the minimum capitalization requirement on their respective organizations. The responses varied. Multiple answers were allowed and the responses are as presented in table 5.4 below.

**Table 5.4: Effects of changes in minimum capitalization on life insurance companies**

Effects of changes in minimum capitalization on life insurance companies	Responses	
	Frequency	Percentage
No effect since the company's capital base is higher than the minimum capital requirement	2	20
Casual investors in the insurance sector who distort the value chain will be weeded out	1	10
Helps create a sizeable fund that leads to economies of scale	1	10
Increased organization to marketing and sales	1	10
The industry will earn more trust from the society	1	10
We have to retain earnings in order to meet the requirement	1	10
A few strong companies will remain in the industry	1	10
We are interested in acquiring a smaller firm's portfolio	2	20
<b>Total</b>	<b>10</b>	<b>100</b>

In addition, the respondents were asked to indicate the extent to which listed responses have been used by Life Insurance Companies to cope with the minimum capital requirements by ticking as appropriate along a five point scale. The responses are summarised and presented in table 5.5 below.

**Table 5.5: Strategic responses to minimum capital requirements**

Strategic responses to minimum capital requirements	Responses (Frequency)					Mean score	Standard deviation
	Not at all (1)	Neutral (2)	Somehow (3)	Much (4)	Very much (5)		
Mergers and Acquisitions	2	1	2	1	-	0.419	0.837
Closure of some companies	3	2	1	-	-	0.652	1.304
Take over by other financial institutions	2	1	1	1	1	0.224	0.447

The findings show that each of the listed strategic responses had at least been used to cope with the minimum capitalization requirement. With regards to mergers and acquisitions, whereas 2 respondents indicated "Not at all", 1 respondent remained neutral, 2 of the respondents indicated "somehow" and 1 respondent indicated "much". This gave a mean score of 0.419 and a standard deviation of 0.837.

With regards to closure of some companies, while 3 of the respondents indicated "not at all", 2 respondents remained neutral while 1 respondent indicated, "Somehow". This gave a mean score of 0.652 and a standard deviation of 1.304. With regards to take over by other financial institutions, while 2 of the respondents indicated "not at all", 1 respondent was neutral, 1 respondent indicated "somehow", 1 respondent indicated "much" and 1 respondent indicated "very much". This gave a mean score of 0.224 and a standard deviation of 0.447.

## 6.0 FINDINGS AND DISCUSSIONS

### 6.1 Introduction

The study aimed at determining the adequacy of Minimal Capital Requirements for Life Insurance Companies in Kenya. This chapter covers the discussion of the study findings. The chapter highlights the similarities and differences between the findings and those of studies reviewed.

### 6.2. Profile of Respondents

Findings of the study show that all the respondent organizations (100%) had been in operation in Kenya for a period exceeding 16 years. The Life Insurance companies had been in operation in Kenya for a long period of time, which gives them a good understanding of the business environment. The responses received would thus be considered objective.

The findings show that all the respondent organizations (100%) were predominantly local, with 51% or more of the shareholding being local. The findings show that the Life insurance industry in Kenya is controlled by the Kenyans.

The findings show that 66% of the respondent organizations had more than 100 employees. Should the number of employees in an organization be used to indicate the size of the organization, it follows that majority of the Life Insurance firms in Kenya are large in size.

The findings show that whereas none of the respondents had worked for their respective organizations for less than one year, majority of the respondents (67%) had worked in their respective organizations for at least 6 years. The respondents had been with their respective organizations for a long period of time, had a good

understanding of their respective organizations and were thus expected to give objective responses to the study questions.

**6.3. Proposition 1: *That the legislative capital requirements met the expectations of the life insurance Companies in Kenya.***

The minimum capital requirements for composite firms in Kenya were increased from 150 Million to 450 Million Kenya shillings. The findings show that the increase in minimum capital requirements did not affect the operations of the Life Insurance companies in Kenya as the figure fell far below expectations. All the respondents suggested a minimum of 750 Million Kenya Shillings, with 50% of the respondents suggesting a figure of at least 1 Billion and a further 34% suggesting a figure of at least 1.5 Billion Kenya shillings.

According to the International Association of Insurance Supervisors (IAIS) (2002), a minimum level of capital has to be specified. The regulatory framework has to set out a threshold minimum capital requirement for companies. This minimum level of capital is designed to provide a minimum assurance of the financial capacity and soundness of the insurer. The amount of the minimum capital should take into account the types of risk that are intended to be covered. The required minimum capital should by no means be used to compensate for normal foreseeable fluctuations in the development of certain risks. Nor should the setting-up costs of a new enterprise be covered by this minimum capital. Insurance regulatory authorities may impose a higher level of initial capital on the start-up of an insurer to support the business during its formative years. The findings show that though the minimum capital requirements have been set, they fall below industry expectations, which could be attributed to non-involvement of the stakeholders, who include the industry players.

The findings further show that the increase in minimum capital requirements for general insurance companies from 100 Million to 300 Million Kenya Shillings did not have any effect on the industry since companies' capital base exceeded the set amount. Whereas 33% of the respondents suggested a minimum capital requirement of 500 million, 50% suggested at least 750 million and the other 17% suggested 900 million.

According to Stoughton and Zechner (1999), for insurers to be able to meet their obligations, they must: (i) hold sufficient funds to cover run-off risks and; (ii) manage, adequately their continuing underwriting risks; and (iii) invest prudently, premiums collected to generate adequate returns to cater for extra risks.

The findings further show that though the minimum capital requirement for long term insurance firms in Kenya had been raised from 50 Million to 150 Million Kenya shillings, the amount fell far below expectations. Whereas 50% of the respondents suggested a minimum capital requirement of at least 250 million, the other 50% suggested at least 500 million.

According to International Association of Insurance Supervisors (IAIS) (2002), the goal of capital adequacy requirements in to provide banking, securities and insurance supervisors with principles and measurement techniques (a) to facilitate the assessment of capital adequacy on a group-wide basis for heterogeneous financial conglomerates; and (b) to identify situations such as double or multiple gearing which can result in an overstatement of group capital and which can have a material adverse effect on the regulated financial entities. It has been said that the main justification for state regulation should be to protect the public, but this aim must also be accompanied by socially desirable strategy.

An examination of the responses proposition 1 tests negative in that the majority of the respondents felt the minimum capital requirements fell below their expectations. The goal of capital adequacy in Kenya may not be met if stakeholders in the industry are not involved in deciding the minimum capital requirement.

**6.4 Proposition 2: *That the Legislative requirements, will reduce the number of players in the life insurance business.***

As a result of increase in minimum capital requirements for insurance companies, the findings show that the following effects were felt:- It ensured that insurance companies created a sizeable fund that leads to economies of scale; increased organization to marketing and sales; the casual investors in the insurance sector who distort the value chain have were weeded out; that the industry will earn more trust from the society; that companies would have to retain earnings in order to meet the requirement; a few strong companies will remain in the industry; some are interested in acquiring a smaller firm's portfolio.

Various effects were given by the respondents. 20% of the respondents were looking forward to buying out the smaller companies that would probably not manage to raise their paid up capital to the required minimum. 20 % were certain that there would be closures. 30% felt that the competitive landscape would improve in terms of trust by the society, weeding out of casual investors and better sales.

The findings show that the responses used by the insurance companies to cope with changes in minimum capital requirements included the following: - Mergers and Acquisitions; Closure of some companies; and Take over by other financial institutions. The finding is in line with the argument advanced by Brealey (2001), that financial institutions' management may wish to have a "war chest" of capital, allowing them freedom to make acquisitions or other major investments without having to concern themselves with balance

sheet constraints. A substantial buffer may also help maintain their credit standing. For all these reasons financial institutions will wish to avoid infringing the regulatory requirements and almost always hold capital in excess, often substantially in excess of regulatory minima. Almost never do financial institutions hold exactly the minimum amount of regulatory capital. Majority of the respondents pointed out changes in the number of life insurance companies within the industry. The second proposition has tested positive in that there is a relationship between prescription of minimum capital requirements and changes in the competitive landscape

## **7.0 CONCLUSIONS AND RECOMMENDATIONS**

### **7.1 Introduction**

This chapter presents the conclusions based on the study findings. The chapter also presents recommendations for policy and practice, besides presenting recommendations for further research.

### **7.2 Conclusions**

In view of the findings of the study, the following conclusions are drawn:

Despite the minimum capital requirement for composite insurance firms in Kenya being raised from 150 Million to 450 Million Kenya shillings, the industry players felt that it was still inadequate, with majority of the respondent companies suggesting at least Kshs 1 Billion.

The Life insurance companies were also of the view that the increased capitalization for general insurance companies from Kshs. 100 million to Kshs 300 million was still inadequate, with majority of them suggesting at least a minimum of Kshs. 750 Million.

The increase in capitalization for long term insurance companies from Kshs. 50 million to Kshs. 150 million was perceived to be inadequate and majority of the respondent insurance companies suggested at least Kshs. 500 million.

The increases did not affect the operations of the Life insurance companies as their capital base is still higher than the minimum capital requirement. The strategic responses used by Life insurance companies when faced with increases in minimum capitalization include take over by other financial institutions, closure of some companies and Mergers and Acquisitions

### **7.3 Recommendations**

#### **7.3.1 Recommendations for Policy and Practice**

Based on findings of the study, it is expected that the stakeholders, who include the regulators and investors in the insurance industry will gain a better understanding of the adequacy of minimum capital requirements and challenges posed by changes in the capitalization requirements. The following recommendations are made:

In view of the findings of the study, the following conclusions are drawn:

In order to make minimum capital requirements in the Life insurance industry more effective, future increases should be an inclusive exercise, where all key stakeholders will be involved in decision making. The

In order to enhance performance of Life insurance companies in Kenya, there is need for more cooperation among the companies. For instance, when responding to external environmental factors, which include increases in minimum capital requirements, such response strategies as mergers and takeovers can only succeed if there is a close working relationship among the industry players.

Since the consolidation in the range of products offered by insurance companies and banks is growing, therefore there is a need to harmonize banking and insurance rules.

There should be strict supervision by the regulators. The supervisors should be responsible for monitoring the amount of the existing capital. The audit process should also be coordinated and standardized according to requirement. The regulatory mechanism should ensure that there are fewer players in the industry, who are trusted and are strong enough to deliver quality service cost effectively.

There should be enhanced disclosure such that the public will have greater access to information about the financial stability of insurers. The industry regulators should put in efforts to ensure that competition resulting from solvency will force insurers to comply with quality and security standards.

#### **7.3.2 Recommended areas of Further Research**

The findings of this study, it is hoped, will contribute to the existing body of knowledge and form basis for future researchers. The following areas of further researcher are thus suggested: - (1) Whereas the current study focused on responses from the management of the insurance companies, future studies should focus on the regulators and the customers of the insurance companies; and (2) The current study should be replicated to other sectors of the economy in Kenya.

### **7.4 Limitations of the study**

The study was limited to Life insurance companies in Kenya thereby limiting the findings to this category of the insurance Industry. The results may have been different had all players in the Industry been considered. The

Limitation of time for this thesis did not allow for consideration of a wider exploration for reliability of the research.

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**APPENDIX I: LIST OF LIFE INSURANCE COMPANIES IN KENYA**

<b>COMPANY</b>	<b>CONTACT</b>	<b>PRINCIPAL OFFICER</b>
1. CFC Life Assurance	P.O. Box 30390-00100 Tel. 020-2866000 CFC House, Mara Road Nairobi.	Abel Munga
2. Apollo Life Insurance Ltd.	P.O. Box 30065-00100 Tel 020-343585 Hughes Building Kenyatta Avenue Nairobi.	S.M. Shah
3. Metropolitan Life Assurance Company (K) Limited	P.O Box 46780-00100 Tel: 243126 International Life House, Mama Ngina Steer, Nairobi.	Linus Makhulo
4. Old Mutual Life Assurance Company Limited	P.O. Box 30059, Tel. 221187/8, 335407, Old Mutual Building Mara/Hospital Road, Nairobi.	T. Madzinga
5. Pan Africa Life Assurance Company Limited	P.O. Box 44041-00100, Tel. 2225050 Pan Africa House, Kenyatta Avenue, Nairobi	Tom Gitogo
6. Pioneer Life Assurance Co. Limited	P.O. Box 30129-00100, Pioneer House, Tel. 2220814/5, Nairobi	Moses Kimani
7. Trinity Life Assurance Co. Ltd.	P.O Box 12043-00400 Tel: 244282 Re-insurance Plaza Nairobi	James Macharia

**Source:** Association of Kenya Insurers (AKI), 2007



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