

Assurances et gestion des risques

Insurance and Risk Management



Introduction

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Volume 71, Number 1, 2003

URI: <https://id.erudit.org/iderudit/1093045ar>
DOI: <https://doi.org/10.7202/1093045ar>

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Publisher(s)

Faculté des sciences de l'administration, Université Laval

ISSN

1705-7299 (print)
2371-4913 (digital)

[Explore this journal](#)

Cite this document

Moreau, R. (2003). Introduction. *Assurances et gestion des risques / Insurance and Risk Management*, 71(1), 9–12. <https://doi.org/10.7202/1093045ar>

Symposium sur la r  assurance/ Reinsurance Symposium

Introduction

par/by R  mi Moreau

La r  assurance est d  finie comme une op  ration par laquelle une compagnie de r  assurance prend en charge, en tout ou en partie, moyennant r  mun  ration, les risques souscrits par une compagnie d'assurance, appel   c  dante. Celle-ci, toutefois, r  pond seule et int  gralement aux obligations qu'elle a prises  l'  gard de ses propres assur  s, car le contrat de r  assurance n'a d'effet qu'entre l'assureur et le r  assureur.

Les fonctions essentielles de la r  assurance sont diverses, mais on peut retenir deux buts : permettre d'accroître des possibilit  s de souscription et de r  tention (montants d'assurance) des compagnies d'assurance, surtout en regard des grands risques, et prot  ger la compagnie de r  assurance contre les carts de survenance dans le temps et dans l'espace. Elle est un l  ment important de stabilit   pour les assur  s.

Il existe deux grandes cat  gories g  n  rales de contrats de r  assurance,  savoir les trait  s, tant eux-m  mes class  s en deux cat  gories (r  assurance proportionnelle et r  assurance non proportionnelle) et la r  assurance facultative.

Le pr  sent symposium a pour but de d  mystifier quelque peu ces notions complexes, du point de vue de l'assur  , et de jeter un regard sur les activit  s internes des compagnies de r  assurance qui n'ont pas t   aid  es par une conjoncture favorable depuis une d  cennie.

Dans le premier article de ce num  ro, sign   par deux praticiens sp  cialistes du milieu, Christopher Robey et Keith Fillmore, l'int  r  t est concentr   sur les aspects financiers de la r  assurance. Durant la

en particulier le rôle joué par les réassureurs, est en fait optimale en présence de marchés de capitaux imparfaits qui limitent l'accès des assureurs aux fonds propres nécessaires à leur activité.

Puis, les auteurs Alain Schatt et Isabelle Pras étudient l'impact des événements du 11 septembre 2001 sur la valeur des compagnies de réassurance. Cet article est structuré de la façon suivante. Dans une première partie, ils analysent les causes d'une réaction différenciée du marché financier à l'annonce de l'attentat. Puis, ils présentent la méthodologie. L'étude porte sur 51 compagnies d'assurance et de réassurance cotées en bourse, dont 22 sont américaines et 19 sont européennes. Trois calculs différents ont été effectués, à savoir l'impact à court terme sur la valeur des entreprises, puis l'impact à moyen terme et enfin l'impact sur le risque. Les résultats de l'étude et leur synthèse font l'objet de la partie finale de l'article.

Le dernier article du symposium, rédigé par Abdessatar Ben Hamza, décrit les éléments fondamentaux de la réassurance, notamment dans ses fonctions et dans ses différentes formes, conçues pour des besoins particularisés. L'auteur explique comment la réassurance fonctionne. Plus concrètement, il fait la distinction entre la réassurance proportionnelle, en vertu de laquelle le réassureur s'engage à prendre une portion de tout risque à la charge de l'assureur, et la réassurance non proportionnelle, qui s'applique strictement aux sinistres, lorsque la cédante est indemnisée à la hauteur d'un sinistre qui excède un montant déterminé (le montant de rétention de la cédante). Il décrit plus concrètement encore les traités de réassurance proportionnelle, à savoir les ententes de quote-part et celles en excédent de pleins. L'auteur aborde également les distinctions entre la réassurance obligatoire (réassurance par traité) et la réassurance facultative (réassurance sur risque déterminé, selon une entente distincte).

Nous remercions sincèrement nos collaborateurs, dont plusieurs sont des spécialistes, qui ont gentiment accepté notre invitation de réfléchir sur les éléments fondamentaux ou sur des aspects particuliers de la réassurance et qui sauront intéresser les lecteurs non familiers avec les aspects techniques de cette industrie si nécessaire. Ces articles, pris globalement, présentent d'une façon simple et globale la nature et le fonctionnement de la réassurance, sur les plans techniques, légaux et financiers et sur les défis auxquels sont confrontés aujourd'hui les compagnies de réassurance.

Reinsurance is defined as an operation whereby a reinsurer assumes for a monetary consideration, all or some of the risks underwritten by an insurance company (called cedent). Nevertheless, this

insurance company retains its full and exclusive obligations with respect to his own insureds, because the reinsurance contract has an effect only between the insurer and the reinsurer.

The basic roles of reinsurance are principally twofold : firstly to enable insurance companies to expand their underwriting capacity and retention (amounts of insurance), particularly with regard to high risk exposures, and secondly to protect insurance companies from geographic and temporal variations in loss occurrence. Reinsurance provides an important degree of stability.

There are two general forms of reinsurance contracts, such as treaty reinsurance, itself divided in two sub-categories (proportional reinsurance and nonproportional reinsurance), and facultative reinsurance.

The goal of this symposium is to demystify a little bit such notions full of complexity, from an insured standpoint, and to look at inside the reinsurance companies, performing in the last decade under less favorable business conditions.

Written by Christopher Robey and Keith Fillmore, two specialised practitioners from this sector, the first article focused on the financial issues in reinsurance. In the last decade, there has been a great deal of concern about the stability of the worldwide reinsurance business. The dramatic shift in the insurance market began with Hurricane Andrew in 1992, the biggest insured natural disaster. The attack on the World Trade Center accelerated the hard market due to the poor results of the previous years. To name a few examples, the authors provide an overview of the current reinsurance market conditions and Canada's place in the global insurance market; they also discussed 2002 and 2003 renewals for Canadian Business.

In the following article, the undersigned tries to globally review the legal nature and the roles of reinsurance. Considering reinsurance is a distinct contract or agreement, ie the reinsurer does not have any direct relationship with the policyholder, nevertheless the reinsurer is obligated, following a loss event, to accept, as the basis for his own liability under the reinsurance treaty, any claim made against the ceding company covered by the contract of insurance (Follow-the-fortunes Principle). He also points out some particularities of the world reinsurance market. Current conditions in the market are dramatically changed in the wave of the massive losses related to September 11, 2001 attack.

Then, Daniel Zajdenweber's article studies the two branches of the insurance industry especially with regard to the regulation which strongly differentiates them. Insurance companies are everywhere in

the world heavily regulated; reinsurance companies are almost nowhere regulated. This paper analyzes the differences between insurance and reinsurance. It poses the problem of the opportunity and the feasibility of an international regulation for the reinsurance companies. This paper also analyzes the aims and goals the future regulation ought to comply with.

In the next article, Guillaume F. Plantin is asking a question in his article's title : why the reinsurers ? Using the contract and organization theory in order to find an answer to the following question : is the reinsurance traditional market functioning, and the essential role of reinsurers, an historic accident, a brake to the optimum risk mutuality or the best form of organisation in a complex world, inadequately or partially represented by efficient risk models? This article is so designed. The author explains why the reinsurance traditional organization is not optimum from the risk mutuality standpoint. Then, he presents the arguments which explain that this traditional organization, particularly the reinsurers' role, is optimum in presence of imperfect capital markets limiting the insurers' access to necessary appropriate funds for their operation.

The authors Alain Schat and Isabelle Pras study the impact of September 11, 2001 attack on the value of reinsurance companies. This article deals with the following : in the first part, the authors try to analyse why the financial market's reactions following the attack were so differentiated; in the second part, the methodology used by the authors was to do a survey on 51 insurance/reinsurance companies being on the stock market from which 22 are American and 19 are European. The three basis to analyse the companies' value were on short-term value, on mid-term value, and on risk impact value. In the final part, they conclude by the results and synthesis.

Finally, Abdessatar Ben Hamza's article, is a fundamental one in matter of reinsurance, presenting an overview of its functions and the forms used and tailored to meet particular needs. The author explains reinsurance functioning. In concrete terms, he looks at the differences between the proportional form, where the reinsurer assumes a predetermined share of the liability underwritten by the ceding company, and the non proportional form, depending on the arrangement by which losses are apportioned. In other terms, the ceding company is indemnified for the portion of a loss that exceeds a specified amount (the ceding company's net retention). The author describes basically two treaties issued by the proportional reinsurance, such as pro-rata or excess-of-loss agreements. Furthermore, the author explains the concepts of compulsory reinsurance (under treaty) and the facultative reinsurance (where the coverage is not automatic and agreed under separate contract for specified risk).

We sincerely thank our contributors, many of them as reinsurance experts, who have kindly accept our invitation to write their thoughts on reinsurance fundamentals or technical aspects for readers who are unfamiliar with the application of reinsurance, a very essential business. These articles, as a group, describe in simple terms what the reinsurance is and how it functions and, in addition, give a broad overview of technical, legal, and financial issues confronting the reinsurance industry today.

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