

# Report for Fondation Eagle

**August 2017**

The Purchase of 5 tyres for our Mobile Operating Theatre.

Pages 3 to 6 are from our 2017 interim report and this is a follow up to that as the project is still on going.

The tyres purchased were of the highest quality made by Michelin however after 3 days use one exploded.



This tyre had covered just 150 miles; we ordered the vehicle be taken off the road as it presented a potentially dangerous health risk to our team and the junior doctors who travel in it.

This serious fault was reported to:-

- Conrico the U.K. based supplier who supplied us and shipped them; they went back to their supplier Kirby Tyres who refused to accept responsibility.
- Michelin Tyres U.K. they informed us they would liaise with the French parent company and arrange for the tyres to be inspected in Malawi. That was three months ago and we are still waiting.

We had to find a solution and fortunately there was a friend in time of need.

The Thompson Reuters Foundation established Trust Law – see the quote from their website <http://www.trust.org/trustlaw/>

**“TrustLaw is the Thomson Reuters Foundation’s global pro bono legal programme. We connect high-impact NGOs and social enterprises working to create social and environmental change with the best law firms and corporate legal teams to provide them with free legal assistance”.**

We posted a request for help in mid 2016 for the drafting of an agreement to act between us and the junior doctors and medical students, limiting our risks and legally clarifying the arrangement of Medical Elective Placements.

The London based office of Vinson Ellis (A global law firm with head offices in Houston, Texas) agreed to do this for us on a pro bono basis and we were delighted with the results and struck up a good relationship with the team there.

In 2017 we asked if they could assist us in the situation we faced with the tyres and they were delighted to help and set up a team, headed by one of their senior Barristers, all on a pro bono basis and were willing to take the matter to court.

**The results were immediate; Conrico responded by immediately ordering a complete set of new tyres (by Pirelli this time) and shipped them, all completely free of charge.**

The image below shows the tyres (with Michael’s hand!) at Lilongwe airport in July. Now, despite the set backs we can move on.



We have a really interesting new dual role for the Mobile Operating Theatre that will form a key part of an exciting new project we are planning.

*The following is from our 2017 Interim report, published before we knew there would be a problem with the tyres.*

MB

**The Tyres for the Mobile Operating Theatre:**

What a battle! The tyres were ordered from Conrico Ltd at a total cost, including shipping and insurance of £4,919.10 (Made up of £4,802.75 for the tyres and £116.35 for inner tubes and valves).

The shipment arrived in Lilongwe on the 1<sup>st</sup> December; two days later our team went to collect them only to be advised that duty of 2,900,000Mk had to be paid. At the exchange rate on that day of £1 = 892Mk that equated to £3,251 plus a further £2,500 for storage.

In our MOU (Memorandum of Understanding) we signed with the Ministry of Gender in 2001 it clearly stated that we had duty free status and had never before faced demands on previous imports including vehicles.

The Malawi Revenue Authority advised us that they would not honour that agreement.



**Malawi Revenue Authority**

Head Office  
Msonkho House  
Independence Drive  
Blantyre, Malawi

Private Bag 247, Blantyre  
Phone: (265) 01 822 588  
Fax: (265) 01 822 302  
E-mail: mrahq@mra.mw  
Website: www.mra.mw

MRA/DF/LIL/CPC 431 05<sup>th</sup> December, 2016

World Medical Fund (WMI)  
Box 1  
Nkhotakota

Dear Sir,

**RE: APPLICATION FOR DUTY WAIVER FOR CERTIFICATE FOR  
AMBULANCE TYRES**

I acknowledge receipt of your letter dated 05<sup>th</sup> December, 2016 regarding the above subject.

I write to inform you that your application has not been successful because there is no legal provision for exemption of under on above items in the Customs Procedure Code 431.

Yours faithfully,

A. M. M. M. M.  
Station Manager - Lilongwe Port.  
For: COMMISSIONER GENERAL

CC: Deputy Commissioner - Enforcement  
Deputy Commissioner - Technical

ALL CORRESPONDENCE SHOULD BE ADDRESSED TO THE COMMISSIONER GENERAL





# Malawi Revenue Authority

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Website: www.mra.mw

MRA/DF/LIL/CPC 431

08<sup>th</sup> February, 2017

World Medical Fund (WMF)  
Box 1  
Nkhotakota.

Dear Sir,

**RE:APPLICATION FOR DUTY WAIVER ON AMBULANCE TYRES.**

I acknowledge receipt of your letter dated 05<sup>th</sup> December 2016, regarding the above subject.

I regret to inform you that your application has not been successful because there is no legal provision for exemption of duty on tyres under the above stated Customs Procedure Code.

Please note that you may appeal at Head Office if you are not satisfied with the above decision.

Yours faithfully,

A.Mtukuleni.  
Station Manager- Lilongwe Port.  
**For: COMMISSIONER GENERAL**

CC : Deputy Commissioner – Enforcement.  
: Deputy Commissioner – Technical

ALL CORRESPONDENCE SHOULD BE ADDRESSED TO THE COMMISSIONER GENERAL

As we provide free medical and surgical care to the poorest children in Malawi free of charge we felt this was totally unacceptable and we had no choice other than to take a stand against it. We knew this would be a major battle but one we had to win.

1. Our Executive Director in Malawi was then approached by two individuals (one a MRA employee) who suggested the tyres could be released on payment of £2,000 in cash. This was, in our view plainly an illegal proposal; our policy is never to engage in such activities and it has now been reported to the relevant authorities.
2. We enlisted the help of an old friend VS (Mr Victor Sibale) who spent over ten years as P.A. to one of Malawi's most senior politicians who held many senior Ministerial positions including the

Speaker of the Malawi Parliament. VS was a key asset as he knows the inner workings of the corridors of power and has many political contacts at high level.

3. Our first contact was with the Permanent Secretary for Health; he advised that we needed to liaise with the Minister for Health as he alone could apply to the Minister of Finance to give us full duty free status.

4. VS met with the Minister of Health, introduced our C.E.O. to him.

5. The Minister for Health, following lengthy communications by telephone and email with VS and our C.E.O. agreed to support us and stated he had written to the Minister for Finance requesting duty free status for this organisation. He also proposed that we should sign an MOU with the Ministry and collaborate in the delivery of medical care to the remote poor. He also suggested that the salaries of our Malawi team could be met wholly, or in part by the Ministry.

6. VS met with the Commissioner General and the Director of the Malawi Revenue Authority and introduced our C.E.O.

7. From this point on it became clear that negotiation on the release of the tyres was being blocked and all paperwork became unavailable.

8. Our CEO and VS pressed all key players on a daily basis for the next three months. The Commissioner General for the MRA assisted in every way he could and finally ordered the release of the tyres with the duty situation to be decided at a later date and paid in instalments.

9. This initiative however was continuously blocked at a senior level.

10. A further appeal was made to the CG who stated his displeasure that his instruction was continually being blocked. *(We are advised there can be friction between the Commissioner General who is a political appointee and the Director who holds a career position).*

11. On Friday 10<sup>th</sup> March the Director of MRA called to state the tyres were being release FREE of DUTY.

12. There were more days of delays while the “paperwork was located” then at 4pm on the 15<sup>th</sup> March the tyres were finally released. Suitable transport was ordered and the tyres arrived at last at our Nkhotakota compound at midnight that day.

13. **SUCCESS!**





## CONFIRMATION

**Invoice Name & Address:**  
World Medical Fund For Children  
World Medical Fund Malawi  
P.O. Box 1, Nkhosakota  
Kamuzu International Lilongwe  
Exec Director Matson Dezi

**Customer Name & Address:**  
World Medical Fund For Children  
World Medical Fund Malawi  
P.O. Box 1, Nkhosakota  
Kamuzu International Lilongwe  
Exec Director Matson Dezi

COPY DOCUMENT

You were served by: David Wiltson  
Inv. Printed By: David Wiltson

Email: info@ukwmf.org

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|-------------|-----------------|------------------|--------------|------|
| 0022        | 0               | 21/ 11/ 2016     |              |      |
| W.I.P. No.  | Job No.         | Route            | Terms        | Page |
| P 64654 A   | 0               |                  | No Credit    | 1    |

| Description of Goods / Services     | Qty.  | Unit Price | Unit | Net Total | V | Origin |
|-------------------------------------|-------|------------|------|-----------|---|--------|
| Z365/ 80R20 08/ 09 Ambul ance tyres | 5. 00 | 760. 50    | EACH | 3802. 50  | O |        |
| ZAI R AIR FRE GHT                   | 1. 00 | 952. 70    | EACH | 952. 70   | O |        |
| ZI NS Insurance Charges             | 1. 00 | 47. 55     | EACH | 47. 55    | O |        |
| ZTR78A Val ve                       | 5. 00 | 23. 27     | EACH | 116. 35   | O |        |

  

| Signature | V | Rate | Service/Goods | VAT | Currency UML   |
|-----------|---|------|---------------|-----|----------------|
|           |   |      |               |     | Net 4919. 10   |
|           |   |      |               |     | V. A. T. 0. 00 |
|           |   |      |               |     | Total 4919. 10 |
|           |   |      |               |     | Paid 0. 00     |
|           |   |      |               |     | Owing 4919. 10 |

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