Digital Cooperation Organization

Djibouti

Digital Trade Acceleration Initiative

Country Report

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How to Read This Report

This comprehensive report is structured to guide readers to the information that interests them most. Three sections illuminate the regulatory assessment from different perspectives:

Section A is the core of this report. It assesses the domestic regulatory environment across twelve policy areas, with three subsections for each.

1. Our guiding questions analyse how each policy area interacts with digital trade.
2. Our summaries condense the regulatory environment through brief descriptions of the main legal frameworks and oversight authorities.
3. Our source lists provide a repository of official sources to facilitate further analysis.

Section B provides a factsheet that describes the local digital economy across four key dimensions: size and activities, digital infrastructure and connectivity, digital skills, and digital government.

Section C outlines international commitments and references the international fora in which it engages on digital issues.

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Executive Summary

The purpose of this report is to provide a detailed description of the regulatory environment affecting businesses and consumers engaging in digital trade. We illuminate the regulatory environment from three perspectives:

01 A comprehensive regulatory assessment explains the regulatory environment across twelve policy areas.

02 A factsheet describes the local digital economy across four dimensions: size and activities, digital infrastructure and connectivity, digital skills, and digital government.

03 An overview of existing international commitments characterises efforts to accelerate digital trade.

The regulatory assessment is the main contribution of this report and provides the following findings:

Data Protection:
Djibouti has not yet established a regulatory framework governing data protection.

Cross-Border Data Transfers:
Djibouti does not currently regulate cross-border data transfers. Regarding international transfers of credit information, the law on credit information states that recipients must adhere to equivalent standards of security, reliability, and confidentiality.

Location of computing facilities:
Djibouti does not demand data localisation, neither for data in general nor for specific data types.

Online Consumer Protection:
Djibouti regulates online consumer protection by applying its general framework. It prohibits practices including misleading advertisements and abusive contractual clauses.

Electronic Transactions:
Djibouti has not yet adopted a binding, dedicated framework governing electronic transactions. There are currently no rules establishing the validity of electronic transactions, electronic signatures, and electronic authentication. Several laws and frameworks signal the government's intention to establish such rules.

Trade Facilitation with Digital Means:
Djibouti maintains a website with various resources but does not provide all trade administration documents in electronic format. The government has implemented a platform for the electronic submission of trade administration documents (SYDONIAWorld), but no comprehensive single window system.

Cybersecurity:
The cybersecurity law criminalises online practices, including the unauthorised access to systems, the introduction of fraudulent data, the disruption of system availability, the interception, modification, and damaging of data, the creation of counterfeit data, and the possession and distribution of cybercrime tools. Different penalties apply to these crimes.

Artificial Intelligence:

Djibouti has not yet established a regulatory framework for the governance of AI. To date, the government has referenced AI in its National Development Plan and hosted a conference on AI.

Source Code:

Djibouti's copyright law protects computer programs, including source code and object code, as a form of intellectual creation. Exceptions include the producer's personal use and the owner's copying or adaptation of the software for archiving or replacement purposes. Djibouti does not mandate source code sharing.

Digital Economy Taxation and Customs Duties:

Djibouti does not apply customs duties or import-related fees to digital services/products but imposes value-added-tax. Regarding e-commerce, Djibouti levies customs duties and value-added-tax. Djibouti does not impose specific dirtect taxes on providers of digital services/digital products.

Electronic Payments:

Djibouti regulates digital payments through its law on the national payment system and its law against money laundering and terrorism financing. Financial institutions must verify the identity of clients in general and before executing major transactions.

SMEs and Digital Inclusion:

Djibouti has established a comprehensive framework to support SMEs and disadvantaged groups in digital trade, integrating these efforts into its broader national development strategy. The government has implemented various initiatives, ranging from national strategies to specific programmes, aimed at developing digital infrastructure, enhancing skills, and creating an enabling regulatory environment for e-commerce. These efforts involve collaboration between dedicated government institutions and international organisations, with a focus on digital transformation, entrepreneurship support, and the promotion of women-led businesses.

01
Domestic Regulatory Environment Assessment

Domestic Regulatory Environment Assessment

For thriving digital trade among the members of the Digital Cooperation Organization, their regulatory environment should be comprehensive and adaptive. Absence of fundamental regulatory building blocs, regulatory divergence, or explicit barriers can hinder the DCO MS's digital trade reaching its potential.

This section assesses the regulatory environment across twelve policy areas on three layers. First, we answer guiding questions to analyse each policy area's impact on digital trade. Second, we summarise the regulatory environment through brief descriptions of the main legal frameworks and oversight authorities. Third, we provide a repository of official sources to facilitate further analysis.

We conduct this assessment for the following policy areas:

01 Data Protection

02 Cross-Border Data Transfers

03 Location of Computing Facilities

04 Online Consumer Protection

05 Electronic Transactions

06 Trade Facilitation with Digital Means

07 Cybersecurity

08 Artificial Intelligence

09 Source Code

10 Digital Economy Taxation and Customs Duties

11 Electronic Payments

12 SMEs and Digital Inclusion

Data Protection

The purpose of this section is to comprehensively characterise the conditions for domestic data collection and processing. Alignment with international best practices in data protection is important for fostering trust whilst facilitating market access. Deviation from these practices could potentially impact digital trade. If the data protection requirements within the member state are too low, that diminishes trust. If data protection requirements are too high, that may delay market entry from international service providers.

Guiding Questions

We analyse whether user consent is required for the processing of personal data. We then delineate the rights of data subjects and obligations for those processing data, specifically on local representation and registration. Finally, we identify the authority responsible for overseeing and enforcing data protection regulations.

Djibouti does not yet have a regulatory framework governing data protection. There are thus no requirements for data processors or data subject rights. Accordingly, there is currently no dedicated data protection agency and no enforcement action. The Agency for ICT Regulation, under whose mandate data protection would fall, is yet to be established. Recently, the government has signalled its intention to regulate data protection by ratifying the African Union's convention on cybersecurity and personal data protection.

Summary

- There is currently no comprehensive legislation on data protection in Djibouti. The Djiboutian Agency for ICT Regulation (Agence Djiboutienne de Régulation des TIC) is planned to be responsible for proposing draft regulations on data protection and security to the Minister of Communications. Although the law enabling this agency was passed in 2004, the agency has not yet been established.

- In February 2022, the Government of Djibouti issued the National Development Plan 2020-2024, titled Djibouti ICI (Inclusion, Connectivity, and Institutions). Under the first axis of this strategy, Djibouti identifies developing the necessary regulatory framework to establish comprehensive legislation for data protection, IT services, and anti-piracy measures.

- Djibouti signed on to the African Union's Malabo Convention on Cybersecurity and Personal Data Protection in May 2023 and ratified it in January 2024. No public official online sources indicate how the convention will be implemented and which entity will be responsible for oversight.

SOURCES

Primary Legislation

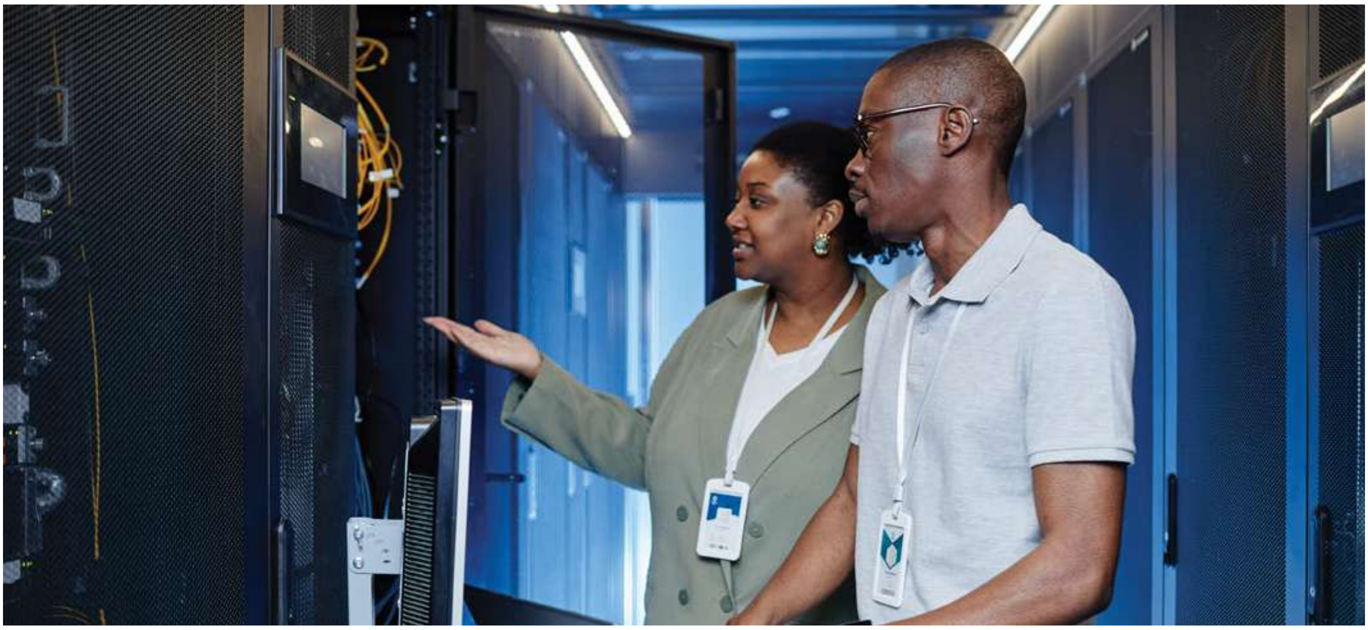
- Law No. 80/AN/04/5th L on the Reform of the Information and Communication Technologies Sector
- Law No. 212/AN/17/7th L on the reorganisation of the Ministry of Communication, in charge of Post and Telecommunications

Guidelines

- Presentation on the Post and Telecommunications/ICT sector of Djibouti
- National Development Plan 2020-2024 (Djibouti ICI)

International Frameworks

- Law No. 18/AN/23/9th L ratifying the African Union Convention on Cybersecurity and the Protection of Personal Data
- African Union Convention on Cybersecurity and Personal Data Protection



Cross-Border Data Transfers

The purpose of this section is to analyse the conditions for the cross-border transfer of personal information. On the one hand, data flows are the bloodline of the digital economy. On the other hand, data flows are a controversial subject in geopolitical discussions, as governments worry that transferring data across borders may jeopardise its protection. How a government regulates data transfers reveals the balancing act between free data flows and protection of data abroad.

Guiding Questions

We differentiate whether the framework treats cross-border transfers differently from in-country transfers. We then analyse the specific conditions for cross-border transfers, ranging from data subject consent, to governmental adequacy decisions, to certification and contractual mechanisms. Finally, we delineate conditions for specific types of cross-border transfers and distil public policy objectives invoked by the government, where explicitly stated.

Djibouti does not regulate cross-border data transfers, similarly to how it does not have a regulatory framework regarding data protection. Regarding international transfers of credit information, the law on credit information states that recipients must adhere to equivalent standards of security, reliability, and confidentiality as in Djibouti. The goal is to ensure protection against unauthorised access or misuse. The law does not, however, establish mechanisms to enable data transfers.

Summary

- There is currently no primary legislation specifically dedicated to cross-border data transfers in Djibouti. However, the law on credit information, enacted in 2016, stipulates that credit information shared with foreign systems must adhere to equivalent standards of security, reliability, and confidentiality as those mandated within Djibouti. This requirement ensures that transferred credit information is protected from unauthorised access or misuse.

- There are currently no public, official online secondary legislations specifically addressing cross-border data transfers in Djibouti.

SOURCES

Primary Legislation

- Law No. 119/AN/15/7th on the creation of a Credit Information System

Guidelines

- The Presidency: Announcement of the law establishing Credit Information System

Location of Computing Facilities

The purpose of this section is to crystallise instances in which data must be stored in local computing facilities. Data localisation mandates require foreign providers to invest in or rent local infrastructure. This can create a significant barrier to digital trade due to burdensome procedural requirements or costs. Such requirements are thus subject to international scrutiny regarding their justification and scope.

Guiding Questions

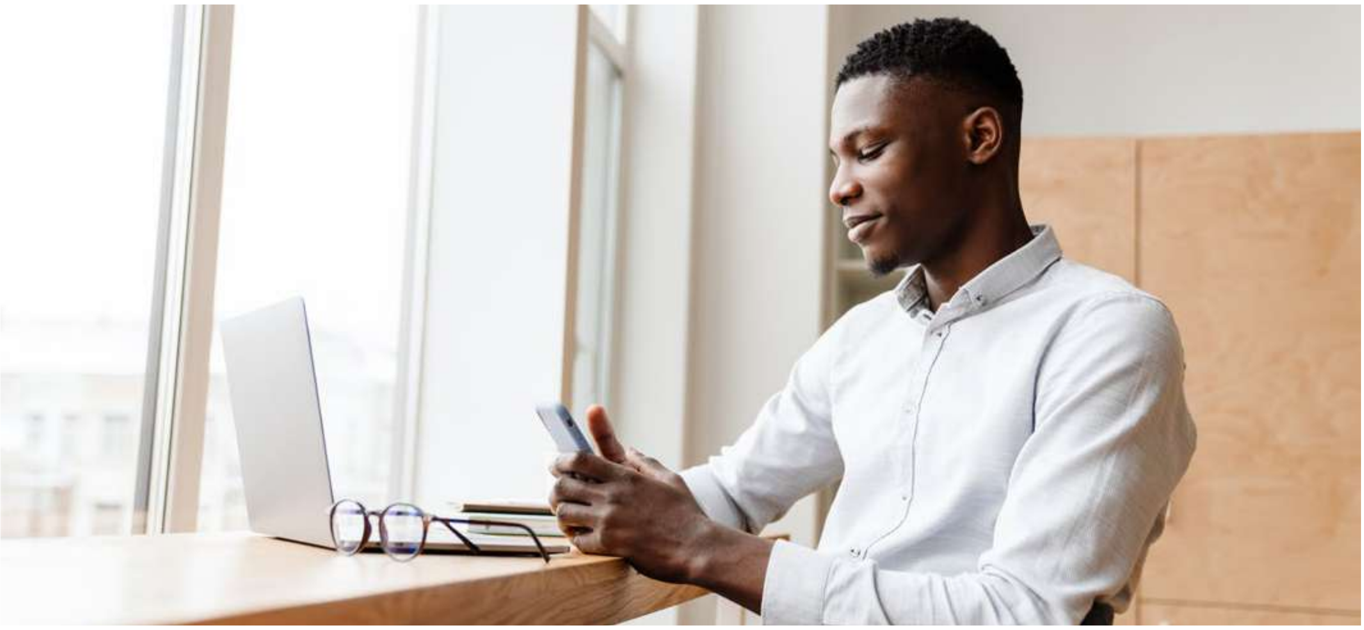
We analyse whether the framework generally requires data to be stored in the national territory. We then analyse whether data localisation requirements apply to specific data types, such as infrastructure or health data. For each identified localisation requirement, we distil the public policy objective invoked by the government, if it is explicitly stated. Djibouti does not demand data localisation, neither for data in general nor for specific data types.

Summary

- There is no comprehensive legislation on general data localisation requirements in Djibouti. In addition, no localisation is required for specific data types, such as communications data, infrastructure data, government data, health data, financial or payment data, accounting records, or geolocation and transportation data.

SOURCES

Not applicable in this section



Online Consumer Protection

This section provides a detailed overview of the approach to protecting online consumers. A well-regulated online consumer protection framework is crucial for fostering trust and confidence in online transactions. In the context of international trade, the implementation of strong online consumer protection regulations enables secure cross-border transactions and promotes the expansion of e-commerce.

Guiding Questions

We contour whether the online consumer protection framework is specific to online consumption or applies general rules thereto. We then delineate the practices that are considered violations of consumer protection and distil any special obligations for e-commerce platforms. We further analyse the regulatory approach regarding spam. Finally, we explain which authority oversees online consumer protection.

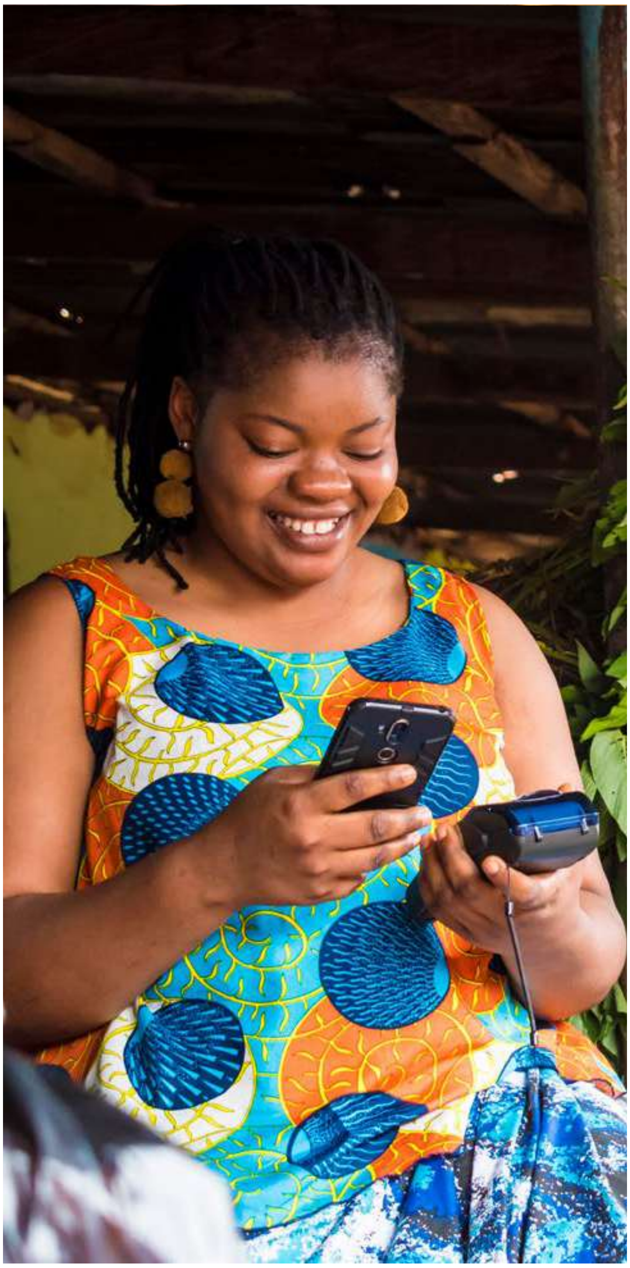
Djibouti regulates online consumer protection by applying its general framework, specifically the law on competition, fraud prevention, and consumer protection. The law prohibits practices including misleading advertisements and abusive contractual clauses. No specific requirements apply to e-commerce providers or to spam. Oversight is divided between the Ministry of Trade and Tourism and the newly established multi-sectoral regulatory authority ARMD. There is currently no publicly available data on enforcement action.

Summary

- The law on competition, fraud prevention, and consumer protection was enacted in December 2008. In 2021, Djibouti issued a new law to create their Multisectoral Regulatory Authority (ARMD) to conduct investigations, ensure compliance, impose administrative sanctions in the event of violation, ensure and facilitate the settlement of disputes, and give directives to service providers.

- Djibouti issued multiple decrees on the mandates and authorities of the different governmental institutions, including after the government restructuring in 2021. The Quality Control and Standards Service of the Ministry of Trade and Tourism was granted responsibility for overseeing consumer protection in 2011. In 2022, the decree that implemented the law creating the ARMD, enshrined the implementation of competition and consumer protection regulations as a primary mandate for the ARMD.

- The National Development Plan 2020-2024, titled Djibouti ICI (Inclusion, Connectivity, and Institutions), also discusses consumer protection in the context of regulating the market for goods and services. It emphasises the importance of transparency, competition, and the repression of fraud as part of a broader strategy to regulate these markets, and highlights the need to establish a legal framework for consumer protection as part of its broader goals of ensuring market regulation and protecting citizens.



SOURCES

Primary Legislation

- Law No. 28/AN/08/6th on Competition, Fraud Prevention, and Consumer Protection
- Law No. 175/AN/22/8th Law on the organisation and operation of the Ministry of Trade and Tourism
- Law No. 33/AN/18/8th adopting the National System of Standardisation and Quality Promotion
- Law No. 175/AN/22/8th on the organisation and operation of the Ministry of Trade and Tourism
- Law No. 74/tAN/20/8th Law establishing the Djibouti Multisectoral Regulatory Authority (ARMD)

Secondary Legislation

- Decree No. 2011-030/PR/MCI of Law No. 28/AN/08/6th Law on competition, fraud prevention, and consumer protection
- Erratum No. 0 An error of inattention has crept into the Official Journal No. 24 of December 21, 2008, concerning the title of Law No. 28/AN/08/6th L
- Decree No. 2021-114/PRE fixing the attributions of the Ministries
- Decree No. 2022-047/PRE adopted for the application of Law No. 74/AN/20/8th Law establishing the Multisectoral Regulatory Authority of Djibouti (ARMD)

Guidelines

- National Development Plan 2020-2024 (Djibouti ICI)

Oversight Authorities

- Multisectoral Regulatory Authority of Djibouti (ARMD)

Electronic Transactions

The purpose of this section is to identify whether there are any regulatory hurdles to electronic transactions compared to paper-based or face-to-face transactions of equivalent substance. A transaction contains different aspects such as the validity of the contract, signature, and authentication.

Guiding Questions

We focus on whether the electronic transactions framework is binding and whether it recognises electronic transactions as equivalent to paper-based transactions. We then differentiate the various types of electronic signatures in the framework. Finally, we distil whether electronic authentication is permitted and whether the government provides such authentication.

Djibouti has not yet adopted a binding, dedicated framework governing electronic transactions. There are currently no rules establishing the validity of electronic transactions, electronic signatures, and electronic authentication. Several laws and frameworks signal the government's intention to establish such rules, with the most recent proposal being a dedicated Digital Code.

Summary

- Djibouti does not have a binding electronic transactions framework. However, several laws touch on aspects of electronic transactions. The law on the reform of the information and communication technologies sector, enacted in 2004, aimed to promote the development and use of the internet and electronic transactions. The law on the national payment system, introduced in 2016, requires the Central Bank of Djibouti to issue regulations related to electronic payment order and transfers, focusing on user protection for electronic payment instruments. The law on the delegated Ministry for the Digital Economy and Innovation, enacted in 2022, assigns the Ministry responsibility for developing governance frameworks for digital trust, including electronic certification, e-signatures, and certification authorities.

- Oversight in this area is managed by several entities. The National Digital Identification Agency (abbreviated ANIN) is a public institution created under the authority of the Ministry of Digital Economy and Innovation and is tasked with managing electronic identification and state-issued documents. The agency is responsible for overseeing technical, administrative, and legal aspects related to digital identification. Additionally, the Ministry of Communications, as per a 2021 decree, is responsible for developing and regulating electronic communications networks and services.

- The National Agency for State Information Systems (ANSIE) notes that Djiboutian authorities are working towards establishing a comprehensive legal framework for electronic transactions, including e-signatures. In collaboration with the Ministry of Communication a project is underway to develop a Digital Code. This proposed code aims to consolidate and modernise existing regulations, addressing key areas such as personal data protection, electronic communications, cybersecurity, e-commerce, and consumer protection. The development of the Digital Code is expected to address current gaps and update regulations in the digital sector.

SOURCES

Primary Legislation

- Law No. 80/AN/04/5th on the Reform of the Information and Communication Technologies Sector of 2004
- Law No. 118/AN/15/7th on the creation of a National Payment System, its Regulation and Supervision
- Law No. 164/AN/22/8th on the missions, organisation and operation of the Ministry of Digital Economy and Innovation of 2022

Secondary Legislation

- Decree No. 2021-114/PRE laying down the powers of the Ministries of 2021
- Decree No. 2023-155/PR/MCPT on the creation, organisation and operation of the steering committee of the DjiboutiDigitalFoundation Project (DFN)

Guidelines

- The National Agency for State Information Systems (ANSIE): Digital Code

Oversight Authorities

- Ministry of Digital Economy and Innovation
- Central Bank of Djibouti
- The National Agency for State Information Systems (ANSIE)

Trade Facilitation with Digital Means

This section analyses how well the domestic regulatory environment is set up to welcome goods and services trade made possible through digital tools. This includes the use of electronic trade documentation, as well as measures designed to support "trade in parcels" and streamline cross-border transactions in the digital economy.

Guiding Questions

We analyse whether trade administration documents for imports are available and can be submitted in electronic form. We then focus on single windows, enabling persons to submit documentation for import, export, or transit through a single entry point to authorities. Specifically, we outline whether a single window system is operational for trade documentation and whether this system supports international data or document exchange. Finally, we highlight expedited or simplified customs procedures for low-value shipments.

Djibouti's Directorate General of Customs and Indirect Taxes maintains a website with resources but does not provide all trade administration documents in electronic format. The government has implemented a platform for the electronic submission of trade administration documents (SYDONIAWorld). There is currently no comprehensive single window system in Djibouti. Finally, shipments valued below DJF 5000 undergo a simplified procedure, with zero import duties.

Summary

- Djibouti's current legal framework does not have comprehensive rules regarding paperless trade. The Customs Code of Djibouti governs customs procedures and trade administration but does not explicitly address paperless trade or the use of electronic documentation.

- Currently, Djibouti's government websites do not provide electronic access to all trade administration documents necessary for imports. The Directorate General of Customs and Indirect Taxes (DGDDI) employs the SYDONIAWorld platform, which aims to enable the electronic submission of trade administration documents. The platform is not currently accessible. According to the e-Government website, managed by the National Agency for State Information Systems (ANSIE), another website is currently under construction, aiming to provide access to electronic customs declaration documents. There is currently no public, official information online available on whether Djibouti's electronic systems are aligned with international standards or support data exchange with global trade networks.

- The Customs Code includes provisions for simplified customs procedures for low-value shipments, such as family consignments with a maximum weight of 3 kilograms and a value not exceeding DJF 5000, which are subject to zero duties.

- In addition to the primary legislation, two decrees support the framework for paperless trade in Djibouti. A 2018 decree issued by the Presidency set new tariffs for customs services provided by the DGDDI, aiding the digitisation of customs processes. Another decree from 2024 established the National Agency for Financial Intelligence, which oversees financial transactions and enhances the secure handling of financial data within paperless trade systems.

- The DGDDI has outlined its strategic focus for 2024-2027, aiming for efficient and innovative customs practices, and has established a code of conduct and a charter of controls to guide customs operations.

SOURCES

Primary Legislation

- The Customs Code
- Finance Law No. 64/AN/23/9th L on the Initial State Budget for the FY 2024
- Law No. 103/AN/24/9th L on the prevention and fight against Corruption and similar offences

Secondary Legislation

- Decree No. 2018-261/PR/MB fixing the new rates of fees collected by the Customs and Indirect Taxes Directorate for Services rendered and repealing the previous text
- Decree No. 2024-052/PR/MJDH on the attribution, organisation and operation of the National Agency for Financial Intelligence

Guidelines

- Directorate General of Customs and Indirect Taxes (DGDDI): Strategic Plan
- Directorate General of Customs and Indirect Taxes (DGDDI): Code of Ethics
- Directorate General of Customs and Indirect Taxes (DGDDI): Charter of Customs Controls
- Directorate General of Customs and Indirect Taxes (DGDDI): Guide for the new reporting module in SYDONIAWorld
- Directorate General of Customs and Indirect Taxes (DGDDI): New Guideline for scanned documents in the Customs declaration
- Customs Declaration Webpage

Cybersecurity

This section aims to assess whether the cybersecurity requirements of the member state broadly align with international best practices. While cybersecurity is a critical component of digital policy, its relevance to digital trade is limited. Cybersecurity primarily concerns national defence, critical infrastructure, cybercrime prevention, and system integrity. However, alignment with international cybersecurity standards is essential for creating a secure environment conducive to digital trade. Insufficient cybersecurity standards can undermine trust, while overly stringent requirements may hinder market entry for international service providers.

Guiding Questions

We outline whether there is a regulatory framework regarding cybersecurity. We explain whether this framework is risk-based, creating tiered obligations depending on the extent of cybersecurity risk. We then analyse whether and to whom incident notification is required. Finally, we explain which authority oversees cybersecurity.

Djibouti's cybersecurity law criminalises several online practices, including the unauthorised access to systems, the introduction of fraudulent data, the disruption of system availability, the interception, modification, and damaging of data, the creation of counterfeit data, and the possession and distribution of cybercrime tools. Different penalties apply to these crimes. The framework does, however, not establish risk-based obligations or demand incident notification. Oversight is divided between the Ministry of Digital Economy and Innovation and the Directorate of Digital Intelligence (DIN) under the General Directorate of National Security. There is publicly available data on enforcement action.

Summary

- The law on cybersecurity and the fight against cybercrime was enacted in July 2014. It aims to protect computer systems, data integrity, and public safety by outlining penalties for cyber offences and providing detailed procedures for investigating and prosecuting these crimes. Djibouti also ratified the African Union Convention on Cybersecurity and the Protection of Personal Data.

- The Ministry of Digital Economy and Innovation is primarily responsible for overseeing the cybersecurity law in Djibouti. The recently established High Council of Economy and Innovation will approve the national cybersecurity strategy. The Directorate of Digital Intelligence within the Directorate General of National Security contributes to combating cybercrime. The National Communication Commission (CNC) and the National Agency for State Information Systems (ANSIE) regulate internet service providers and protect minors.

- The newly established Directorate of Digital Intelligence under the General Directorate of National Security is tasked with preventing and combating crimes related to information and communication technologies. The Directorate's responsibilities include collecting and protecting data from national telecommunications networks, monitoring internet communications to prevent terrorist or subversive acts, and protecting state security. It handles reports of unacceptable online behaviour, filters illicit content, detects subversive activities on social media, aids judicial authorities in digital investigations, combats cybercrime, and conducts technological surveillance in digital intelligence.

- The 2023 decree on the protection of minors from illicit content includes comprehensive measures for internet safety. It will be implemented by internet service providers in collaboration with the CNC and ANSIE.

- The National Development Plan 2020-2024, titled Djibouti ICI (Inclusion, Connectivity, and Institutions), addresses cybersecurity as an essential component of the broader strategy to protect the country's digital infrastructure and data. This includes ensuring the protection of personal data, implementing cybersecurity policies, and developing the institutional capacities necessary to manage and respond to cyber threats effectively.

- The Digital Transformation Roadmap focuses on four axes: an efficient legal framework, cyber sovereignty, digital skills of excellence, and digital infrastructure and connectivity. Together with the World Bank, through the Digital Foundations Project, Djibouti will work on the development of a diagnosis of the digital economy and a national innovation strategy.

SOURCES

Primary Legislation

- Law No. 66/AN/14/7th on Cybersecurity and the Fight against Cybercrime
- Law No. 164/AN/22/8th on the missions, organisation and operation of the Ministry of Digital Economy and Innovation

Secondary Legislation

- Decree No. 2018-039/PRE establishing a Directorate of Digital Intelligence within the Directorate General of National Security
- Decree No. 2021-114/PRE laying down the powers of the Ministries
- Decree No. 2023-109/PR/MFF on the procedures for the implementation of measures for the protection and prevention of minors on online dangers

Guidelines

- Digital Djibouti Transformation Roadmap
- Diagnosis of the Digital Economy and National Innovation Strategy

International Frameworks

- Law No. 18/AN/23/9th L ratifying the African Union Convention on Cybersecurity and the Protection of Personal Data
- Decree No. 2023-155/PR/MCPT on the creation, organisation and operation of the steering committee of the Djibouti Digital Foundation Project (DFN)

Oversight Authorities

- Ministry of Digital Economy and Innovation
- National Agency for State Information Systems (ANSIE)

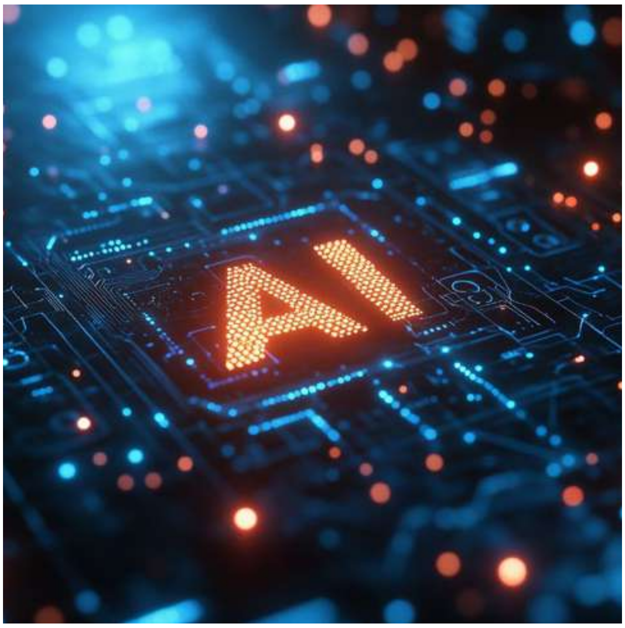
Artificial Intelligence

This section offers an overview of how artificial intelligence (AI) is regulated in the member state. The focus is on the policy response to the rise of widely accessible AI, covering both AI-specific regulatory frameworks and the application of existing laws to AI technologies. From a digital trade perspective, the key consideration is whether the member state aligns with emerging international practices.

Guiding Questions

We outline whether there is a specific regulatory framework addressing AI. If so, we analyse whether the framework is risk-based, meaning it establishes obligations based on the level of AI risk. We also analyse whether the framework is technology-based, meaning it establishes rules based on specific AI technologies. Finally, we reference guidance released by regulatory agencies on how the existing, non-AI-specific framework, applies to AI providers.

Djibouti has not yet established a regulatory framework for the governance of AI. Regulatory agencies have not published guidance on the application of existing rules to AI providers. To date, the government has referenced AI in its National Development Plan and hosted a conference on AI.



Summary

- There is currently no comprehensive primary or secondary legislation on AI in Djibouti. However, the Minister Delegate for Digital Economy and Innovation highlighted the critical role of digital technology in driving socio-economic progress in Djibouti, with a particular focus on the Vision 2025 Strategy. This strategy involves significant investments in digital infrastructure to position Djibouti as a leading ICT hub in East Africa.

- Furthermore, the National Development Plan 2020-2024, titled Djibouti ICI (Inclusion, Connectivity, and Institutions), highlights the importance of new information technologies, without explicitly mentioning AI. It emphasises that new information technologies are key drivers of economic and social development, stressing digitalisation's role in fostering a dynamic and inclusive economy. It also highlights the strategic importance of digital transformation and digital connectivity as a critical element of Djibouti's development strategy. Finally, it includes a dedicated program for leveraging digital technologies to enhance economic growth and innovation.

- In addition, Djibouti is actively engaging in the international discourse on AI. Djibouti recently hosted a conference on AI and Data Science, emphasising Djibouti's commitment to digital development and showcasing its human potential in the digital era. Djibouti also attended the second Global AI Summit in September 2022 under the theme "AI for the Good of Humanity." The summit focused on eight areas: smart cities, capacity building, healthcare, transportation, energy, culture, environment, and economic mobility. During the summit, the member states of the Digital Cooperation Organisation adopted the Riyadh AI Call for Action Declaration (RAICA). Djibouti was also one of the countries participating in the OECD and African Union Dialogue on AI, in March 2024, and adopted the UN General Assembly's AI Resolution in the same month.

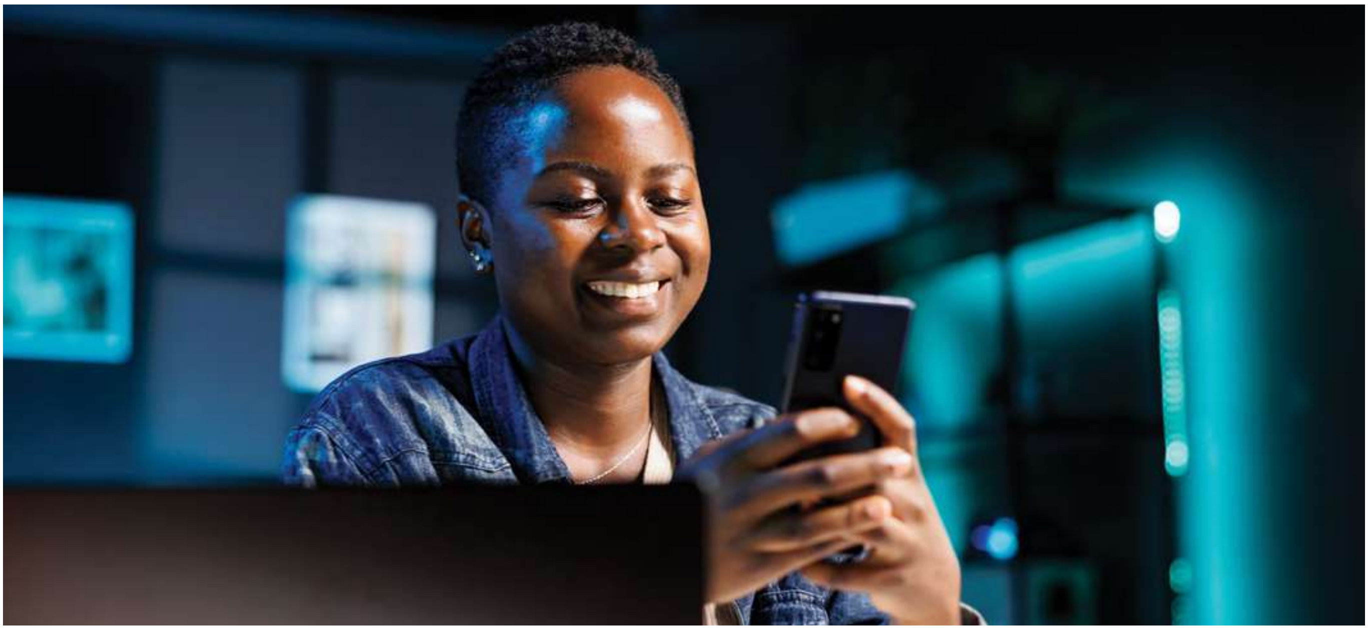
SOURCES

Guidelines

- National Development Plan 2020-2024 (Djibouti ICI)

International Frameworks

- World Bank Supports Digital Transformation in Djibouti through a new Development Project [other government source]
- Organisation for Economic Co-operation and Development (OECD)/The African Union (AU) AI Dialogue [other government source]
- General Assembly of the United Nations adopts landmark resolution on AI [other government source]
- Digital Cooperation Organization: Riyadh AI Call for Action Declaration [other government source]



Source Code

Source codes are among the essential trade secrets of the digital economy. Potential disclosure requirements toward the government or domestic private companies can be a major hurdle to market access. The purpose of this section is to identify regulatory or enforcement requirements that risk the required disclosure of source code.

Guiding Questions

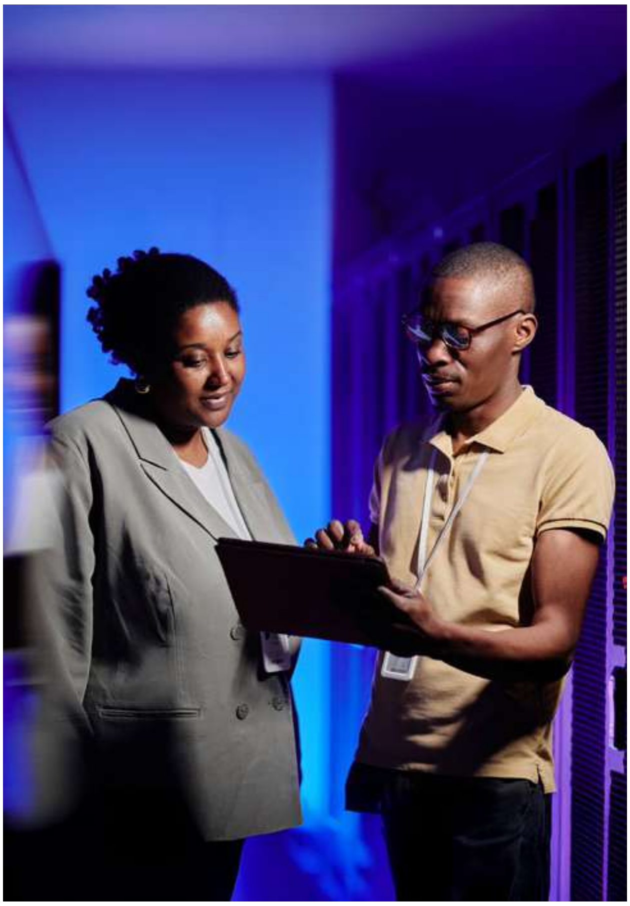
We explain whether source code is generally protected under the intellectual property framework and whether there are exceptions to this protection. We then identify potential source code sharing requirements, explaining the circumstance and specific software to which they apply. Where explicitly stated, we reference the public policy objective invoked by the government.

Djibouti's copyright law protects computer programs, including source code and object code, as a form of intellectual creation. Exceptions include the producer's personal use and the owner's copying or adaptation of the software for archiving or replacement purposes. Djibouti does not mandate source code sharing.

Summary

- In Djibouti, source code is protected under the intellectual property framework. The copyright law explicitly includes computer programs, whether expressed in source code or object code, as protected works. As a result, source code is regarded as a form of intellectual creation and is afforded copyright protection. There are specific exceptions outlined in the law. These exceptions allow for the reproduction, translation, adaption, or transformation of a work, including computer programs, for personal or private use. Additionally, the legitimate owner of a copy of a computer program may create a copy or adaptation for archiving purposes or to replace a legally acquired copy that is lost, destroyed, or rendered unusable. Copying is also permitted if necessary for the use of the program in accordance with its intended purpose.

- The Djiboutian Office of Industrial and Commercial Property (ODPIC) is responsible for the oversight of the intellectual property framew ork in Djibouti. It has published a guideline to provide individuals and companies with all the information necessary to prepare a patent application.



SOURCES

Sources

- Primary Legislation
- Law No. 50/AN/09/6th on the Protection of Industrial Property
- Law No. 154/AN/06/5th on the protection of copyright and neighbouring rights
- Law No. 162/AN/22/8th on the Organisation of the Ministry of Youth and Culture (MJC)
- Law No. 95/AN/20/8th on the reorganisation of the Ministry of Muslim Affairs, Culture and Waqfs Goods
- Law No. 001/AN/18/8th amending and supplementing the Commercial Code
- Law No. 150/AN/02/4th on the accession of the Republic of Djibouti to the International Conventions on Intellectual Property
- Law No. 63/AN/94/3e on the accession of the Republic of Djibouti to the Bangui Agreement establishing the African Intellectual Property Organisation (A.O.P.I)

Secondary Legislation

- Decree No. 2021-114/PRE laying down the powers of the Ministries

Guidelines

- Djiboutian Office of Industrial and Commercial Property (ODPIC): Applicants Guideline

Oversight Authorities

- The Djiboutian Office of Industrial and Commercial Property (ODPIC)

Digital Economy Taxation and Customs Duties

The purpose of this section is to identify how the digital economy is taxed domestically and at the border. This covers direct taxes, indirect taxes, and customs duties, applicable to both digital services/products and e-commerce imports. We focus on whether a) requirements are applied identically to digital services/products as to their analog equivalents and b) requirements are applied identically to domestic and foreign suppliers.

Guiding Questions

We explain whether customs duties apply to digital services/products as well as e-commerce imports. We then analyse whether indirect taxes, such as value-added-tax, apply to digital services/products as well as e-commerce imports. In addition, we identify any direct taxes imposed specifically on providers of digital services/products, such as digital service taxes. For each tax or duty, we mention whether electronic registration is possible for foreign providers.

Djibouti does not apply customs duties or import-related fees to digital services or digital products but imposes a value-added tax of 10%. Regarding e-commerce, Djibouti levies customs duties on physical goods imports with rates based on the good type (20% for finished goods including consumer products). The value-added tax of 10% applies to e-commerce imports, too. Djibouti does not impose specific direct taxes on providers of digital services or digital products.

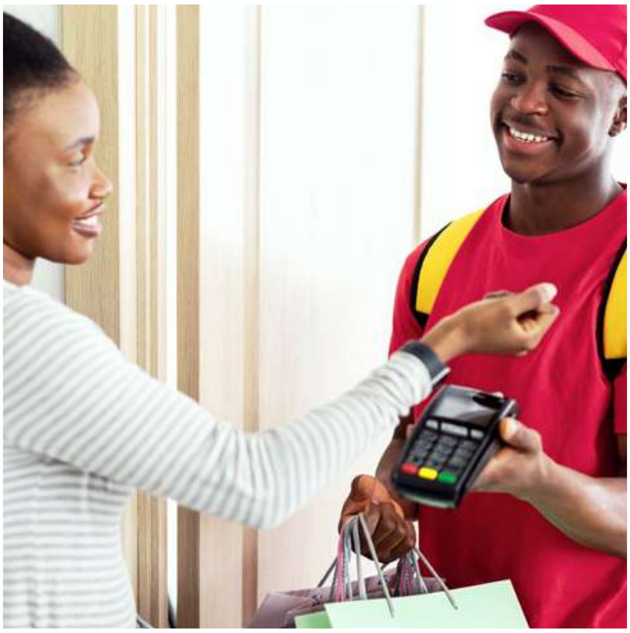
Summary

- The taxation and customs framework in Djibouti primarily revolves around the application of value-added tax (VAT) and customs duties. Customs duties are generally applied to the import of physical goods based on their cost, insurance and freight value. Digital services and products, while not subject to customs duties, fall under the general VAT regime. The VAT rate is set at 10% for all taxable transactions, as outlined in the Finance Law of 2024, which applies to both physical and digital services or products without any specific exemptions or reduced rates for digital services.

- The Directorate General of Customs and Indirect Taxes (DGDDI) is the primary authority responsible for overseeing customs duties and related processes. The application and management of VAT and customs duties fall under its jurisdiction, ensuring compliance with the national customs and taxation laws. The Central Bank of Djibouti plays a significant role in the overall financial management, while the Ministry of Finance oversees the regulatory and fiscal measures related to VAT.

- Djibouti's customs and tax regime has been further detailed through secondary legislation, including a 2018 decree that specifies new tariffs for services rendered by the Customs and Indirect Taxes Directorate. This decree replaces a 2005 regulation, outlining how collected fees are allocated to the Customs Services Equipment Fund. The decree defines the framework for the management and utilisation of these funds, but there are no secondary regulations that specifically address the taxation or customs treatment of digital services or products.

- There are no official guidelines online on the taxation of digital services in Djibouti. However, customs authorities have provided guidance on the processing of postal parcels, which is particularly relevant for e-commerce imports. These guidelines clarify the customs duties applicable to goods imported through e-commerce platforms, confirming that standard customs duty rates based on the product category apply to such goods. Additionally, the DGDDI has published its strategic plan for 2024-2027, which emphasises transparency, integrity, and efficiency in customs operations, but does not specifically address the digital economy or paperless trade.



- Djibouti does not currently have any international tax treaties, including Double Taxation Treaties (DTT), with other countries. Djibouti has a bilateral agreement with the United States, which is not classified as a full tax treaty. In the context of international trade, there is currently no indication of interoperability between Djibouti's customs systems, such as SYDONIAWorld, and global trade networks or data exchange standards. As a result, the legal framework does not currently support international integration for cross-border data or document exchange related to customs procedures.

SOURCES

Primary Legislation

- The Customs Code
- Finance Law No. 64/AN/23/9th L on the Initial State Budget for the FY 2024
- Law No. 103/AN/24/9th L on the prevention and fight against Corruption and similar offences
- Law No. 104/AN/24/9th L amending Law No. 110/AN/11/6th L on the fight against the Financing of Terrorism

Secondary Legislation

- Decree No. 2018-261/PR/MB fixing the new rates of fees collected by the Customs and Indirect Taxes Directorate for Services rendered and repealing the previous text

Guidelines

- Directorate of Customs and Indirect Taxes: Presentation on Postal Parcels

Electronic Payments

This section evaluates the key aspects of the regulatory environment governing electronic payments and its openness to processing payments across borders. Electronic payments are a critical enabler of digital and digitally facilitated trade. While data protection, data flows, and electronic transactions play a significant role in electronic payments, they have been addressed previously. This section focuses on whether a) digital payment services/products are subject to the same requirements as their analogue equivalents, and b) whether these requirements are applied equally to domestic and foreign providers.

Guiding Questions

We outline whether there is a regulatory framework specifically addressing electronic payments. We then distil know-your-customer, anti-money-laundering, and counter-terrorism-financing rules that apply to electronic payments. In addition, we delineate licensing requirements and procedures for entities that offer electronic payment services. Finally, we reference special regulatory requirements for cross-border electronic payments.

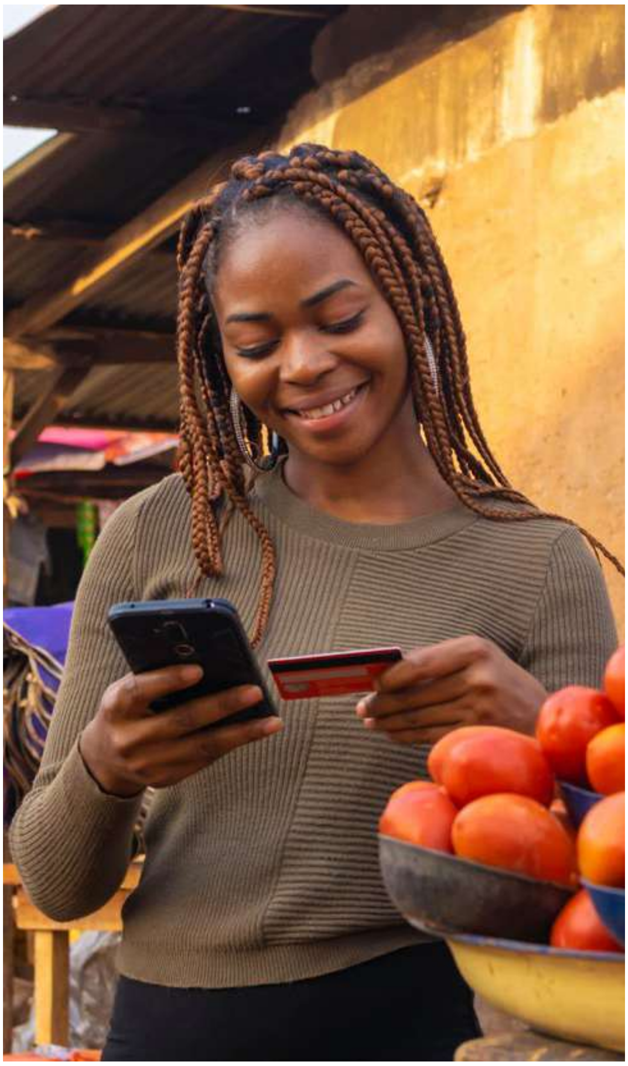
Djibouti regulates digital payments through its law on the national payment system and its law against money laundering and terrorism financing. Financial institutions must verify the identity of clients in general and before executing any transaction above DJF 1 million. For virtual payments, the threshold is DJF 177000. Payment providers must further uphold anti-money-laundering and counter-terroism-financing rules. A licence by the central bank is required to provide payment services. Finally, no special rules apply to cross-border payments.

Summary

- Djibouti's digital payments framework is governed by several key laws and regulations. The National Payment System Law of 2016 provides the legal framework for all payment services and systems operating within the country. This law defines critical terms, and covers activities like money transfers and the issuance and management of payment instruments. It mandates secure, standardised procedures for payment operations, including transaction settlement and the use of electronic financial instruments. The Central Bank of Djibouti is designated as the primary supervisory authority overseeing the national payment system.

- In 2022, further regulation was introduced through the law on the missions of the delegated Ministry in charge of Digital Economy and Innovation. This law tasked the Ministry with defining and implementing strategies to promote and develop electronic commerce and digital payments. The Ministry is responsible for setting digital payment standards and procedures, working in collaboration with relevant institutions, and evaluating strategies for innovation and the digital economy. A dedicated sub-directorate for digital payments was also established.

- The operation of electronic money issuers (EMIs) in Djibouti is regulated by a decree issued by the Central Bank in 2017. This decree requires EMIs, including non-credit institutions, to obtain a licence from the Central Bank and comply with prudential standards. EMIs must be structured as Public Limited Companies or Limited Liability Companies and meet a minimum capital requirement of FDJ 100 million. They are permitted to use distributions for customer onboarding, money loading, and payments, but must ensure compliance with governance and risk management requirements. Electronic money is defined as a stored monetary value issued upon receipt of funds, accepted as payment by entities other than the issuer, and is not less than the value of the received funds. Additionally, the Central Bank of Djibouti manages the Djibouti Automated Settlement System (SYRAD), a financial infrastructure that combines a Real-Time Gross Settlement system and an Automated Clearing House since 2021.



SOURCES

Primary Legislation

- Law No. 118/AN/15/7th on the creation of a National Payment System, its Regulation and Supervision
- Law No. 104/AN/24/9th L amending Law No. 110/AN/11/6th L on the Fight against the Financing of Terrorism
- Law No. 106/AN/24/9th L on the fight against money laundering, terrorist financing and the proliferation of weapons of mass destruction
- Law No. 164/AN/22/8th on the missions, organisation and operation of the Ministry of Digital Economy and Innovation
- Law No. 196/AN/02/4th on Money Laundering, Confiscation and International Cooperation in the Proceeds of Crime
- Law No. 112/AN/11/6th supplementing Law No. 196/AN/02/4th L on money laundering, confiscation and international cooperation in the field of proceeds of crime

Secondary Legislation

- Decree No. 2006-0083/PR/MJAPM implementing Law No. 196/AN/02/4th L on money laundering, confiscation and international cooperation in the field of proceeds of crime and on the organisation and operating procedures of the Financial Intelligence Service
- Instruction n°2017-01 on the Conditions and Modalities for the exercise of the activities of Electronic Money Issuers and Distributors

Guidelines

- The Central Bank of Djibouti: Presentation of the SYRAD System

Oversight Authorities

- Financial Intelligence Service (SRF)
- The Central Bank of Djibouti

SMEs and Digital Inclusion

Digital trade holds the potential to open global markets to SMEs and disadvantaged groups. By leveraging digital technologies, small businesses, rural enterprises, and minority-owned businesses can overcome traditional barriers to international trade, such as high costs, limited market access, and logistical challenges. E-commerce platforms, digital payment systems, and online marketing tools enable these businesses to reach international customers, integrate into global value chains, and attain economies of scale previously limited to larger corporations. This section highlights recent support measures targeted to helping SMEs and disadvantaged groups capitalise specifically on the opportunities of the global digital economy.

Guiding Questions

We analyse whether the government has established specific programs or initiatives to support SMEs or disadvantaged groups in participating in the digital economy or digital trade. For each program, we distil the objective of the support, the form of support provided, and the target group of the program.

Djibouti has established a comprehensive framework to support SMEs and disadvantaged groups in digital trade, integrating these efforts into its broader national development strategy. The government has implemented various initiatives, ranging from national strategies to specific programmes, aimed at developing digital infrastructure, enhancing skills, and creating an enabling regulatory environment for e-commerce. These efforts involve collaboration between dedicated government institutions and international organisations, with a focus on digital transformation, entrepreneurship support, and the promotion of women-led businesses.

Summary

- Djibouti's national development strategies articulate ambitious goals for digital transformation and private sector-led growth in the information and communication technology (ICT) sector. The Vision 2035, developed in 2014, the National Development Plan 2020-2024, and sector-specific frameworks such as the "Djibouti Smart Nation" Roadmap (2022) collectively outline the country's digital agenda. These strategies emphasise the role of ICTs in fostering a diversified and competitive economy and acknowledge the importance of micro, small, and medium-sized enterprises (MSMEs). The Vision 2035 specifically highlights the promotion of ICTs as levers of competitiveness, aiming to support MSME growth, job creation, digital skills development, and the cultivation of a service-oriented economy. In 2021, the Djibouti government established a designated ministry, the Ministry of Digital Economy and Innovation (MDENI). MDENI, operating under the Ministry of Economy and Finance, is tasked with coordinating the digital economy programme and strengthening the institutional environment for digital enterprises.
ment across all sectors.

- The Center for Leadership and Entrepreneurship (CLE), under the tutelage of MDENI, supports SMEs and digital entrepreneurship in Djibouti. As a government-sponsored incubator and accelerator, the CLE focuses on developing entrepreneurship and innovation across various economic and industrial sectors. The CLE offers a range of services to businesses and the broader innovation ecosystem, including shared facilities, high-speed internet access, and private office space. It operates an innovation building, a training and acceleration centre, and a research centre.

- The World Bank's Digital Foundations Project, approved in December 2021, aims to accelerate digital transformation and build a more inclusive digital economy in Djibouti. With an initial budget of USD 10 million, the project has received additional support through a 3.9 million Euro contribution from the European Union, signed in December 2022. This funding supports the World Bank's MSME Business Development Project in Djibouti, which provides services to MSMEs, including access to digitalisation, improved accounting practices, credit applications, business plans, and legal and marketing strategies. The project also supports the creation of a virtual "one-stop-shop" for MSMEs to access permits and other services. Beneficiaries include new and existing MSMEs needing business development services, recipients of support from the World Bank's Djibouti Support to Women and Youth Entrepreneurship Project, and aspiring entrepreneurs. The project aims to foster entrepreneurship in sectors beyond transportation and port activities, thereby promoting job creation and economic diversification.

SOURCES

- Ministry of Economy and Finance: Djibouti Vision 2035
- Ministry of Economy and Finance: National Development Plan 2020-2024
- Ministry of Digital Economy and Innovation: Djibouti Smart Nation Roadmap
- World Bank: Djibouti Digital Foundations Project
- Center for Leadership and Entrepreneurship: Women Entrepreneurs Finance Initiatives

02 Digital Economy Factsheet

Digital Economy Factsheet

This factsheet describes Djibouti's digital economy across four key dimensions: digital economy size and activities, digital infrastructure and connectivity, digital skills, and digital government.

Size and Activities of the Digital Economy

To describe the size and activities of Djibouti's digital economy, we used data provided by the World Trade Organization and conducted our own calculations. We specifically analyzed the share of advanced technology products in total trade, cross-border trade in telecommunications, computer, information and audiovisual services, and total digitally delivered services.

Advanced technology products accounted for 8.3% of Djibouti's imports. The share of advanced technology products in exports was lower at 2.13%, indicating a technology trade imbalance.

Figure 1:

Telecommunications, Computer, Information and Audiovisual Services.

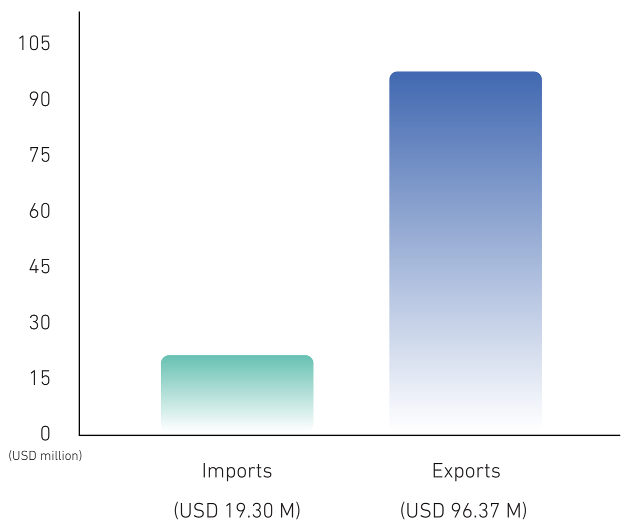


Figure 1 provides data for Djibouti's telecommunications, computer, information, and audiovisual services in 2022.

Figure 2:

Digital Delivered Servicest

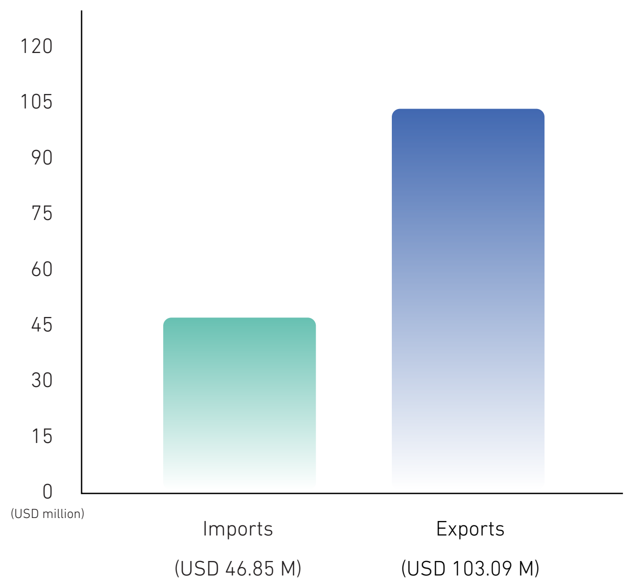


Figure 2 provides data for the total digitally delivered services in 2023.

Digital Infrastructure and Connectivity

To analyze Djibouti's digital infrastructure and connectivity, we analyzed data provided by the International Telecommunications Union. We focused on internet access, broadband coverage, and traffic, as well as mobile phone ownership.

Figure 3:

Digital Infrastructure and Connectivity

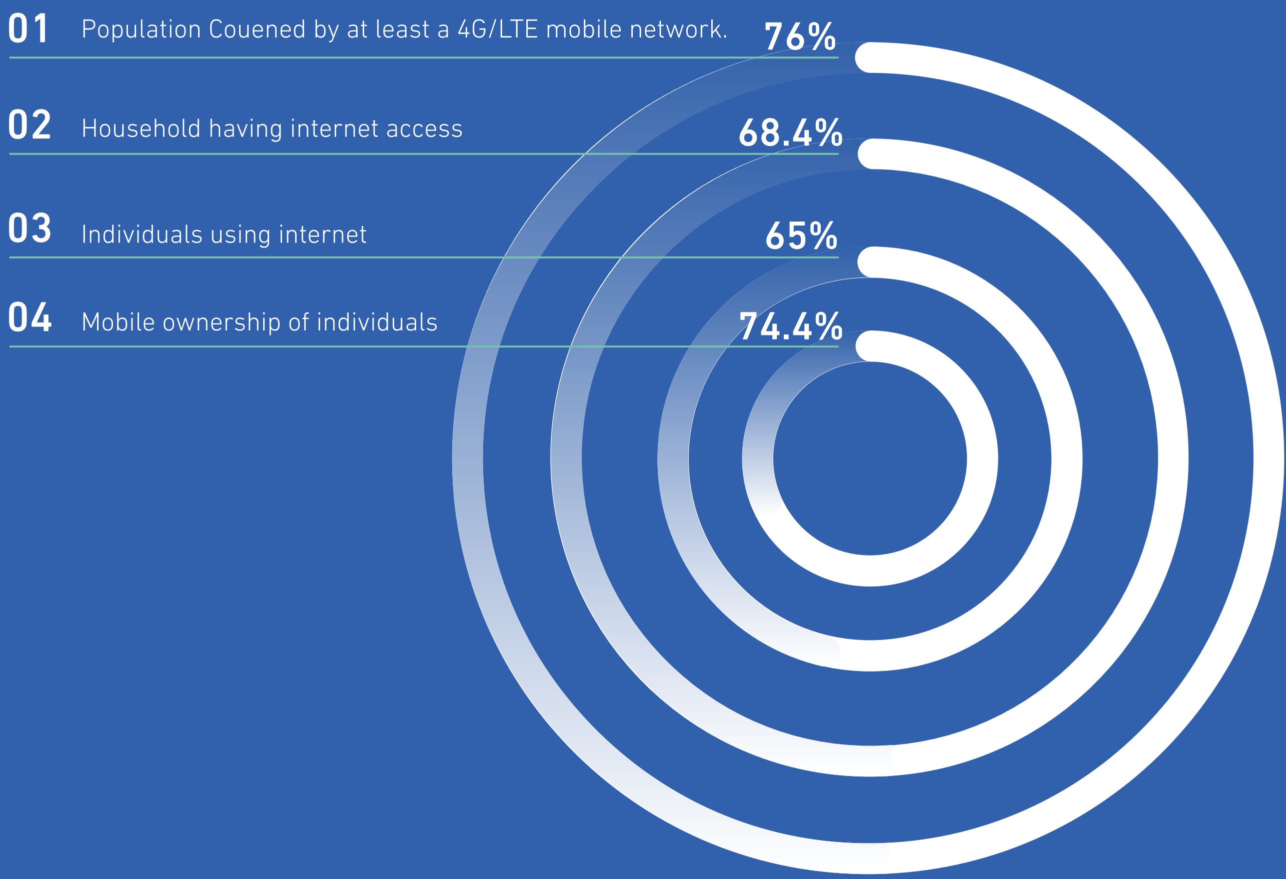


Figure 3 provides data to analyze Djibouti's digital infrastructure and connectivity in 2022.

Digital Skills

To document Djibouti's digital skills, we draw on data by UNESCO. We use data points relevant to digital skills, beginning with general education and moving to specific digital skills.

The upper secondary education completion rate in Djibouti was **39.76%** in 2017. Gross tertiary education enrollment ratio stood at **5.21%** in 2011, indicating low participation in higher education. Government expenditure on education data was not available.

The proportion of youth and adults with basic digital skills in Djibouti showed varying competency levels:

19.93%
were able to copy or move a file or folder (2017).

11.91%
had created electronic presentations with presentation software (2017).

13.03%
could find, download, install and configure software (2017).

Digital Government

To examine the state of digital government in Djibouti, we rely on the World Bank's GovTech dataset. Specifically, we analyze how Djibouti provides digital government services, establishes institutions, and drafts strategies.

In terms of digital government services in 2022, Djibouti did not have a government cloud platform. It had a government interoperability framework in draft or planned. It did not have a government open-source software policy or action plan. Djibouti did not maintain an open government portal but did have an open data portal.

Regarding institutional frameworks for digital government in 2022, Djibouti had established a government entity focused on government technology or digital transformation. It did not have a government entity focused on public sector innovation. Djibouti had a whole-of-government approach to public sector digital transformation in draft or planned.

Finally, Djibouti had drafted various strategies to advance digital government in 2022:

01 It had a government technology or digital transformation strategy planned or in draft

02 It did not have strategies or programs to improve digital skills in the public sector

03 It did not have strategies or programs to improve public sector innovation

03 International Commitments and Collaboration

International Commitments and Collaboration

The purpose of this section is to outline the existing international commitments of Djibouti and explain in which fora it engages in. We focus on international commitments and collaboration with a digital component, meaning a connection to the pertinent policy areas explained above.

To outline international commitments, we analyse binding free trade agreements and conventions, as well as non-binding guidelines/recommendations/principles and model laws. We also reference other commitments, both binding and non-binding. For each commitment, we explain whether it is binding and which policy area(s) it can impact. Regarding international fora, we analyse participation in discussions at the pluri- and multilateral level.

Commitments

Free Trade Agreements

Djibouti has not signed any free trade agreements, which include provisions related to digital trade.

Conventions

Djibouti is party to the following conventions and agreements:

01 International Covenant on Civil and Political Rights (Data Protection)

02 African Union Convention on Cyber Security and Personal Data Protection (Cybersecurity, Data Protection, Data Transfers)

03 Berne Convention for the Protection of Literary and Artistic Works (Source Code)

Guidelines, Recommendations, and Principles

Djibouti is a member state of the United Nations, which has adopted the following frameworks:

01 United Nations Guidelines for Consumer Protection (Online Consumer Protection)

02 United Nations Educational, Scientific and Cultural Organization Recommendation on the Ethics of Artificial Intelligence (Artificial Intelligence)

03 United Nations draft Resolution A/78/L.49 on Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development (Artificial Intelligence)

Djibouti is a member state of the United Nations Economic and Social Commission for Western Asia (ESCWA), which has adopted the following frameworks:

01 ESCWA Guideline on e-communication and freedom of expression (Electronic transactions)

02 ESCWA Guideline on e-transactions and e-signatures (Electronic transactions)

03 ESCWA Guideline on e-commerce and consumer protection (Online consumer protection)

04 ESCWA Guideline on personal data protection (Data protection)

05 ESCWA Guideline on cybercrime (Cybersecurity)

06 ESCWA Guideline on intellectual property rights in cyberspace (Source Code)

Djibouti is a member state of the African Union, that participates in the Group of 20 countries (G20), which has adopted the following frameworks:

01 G20/Organisation for Economic Co-operation and Development High-Level Principles on SME Financing (SMEs and Digital Inclusion) (Note: The Principles on SME Financing were adopted in 2015 before the African Union joined the G20 in 2023.)

02 G20 Artificial Intelligence Principles (G20 Ministerial Statement on Trade and Digital Economy, 2019) (Artificial Intelligence) (Note: The G20 AI Principles were adopted in 2019 before the African Union joined the G20 in 2023.)

Models

Djibouti has not adopted or been influenced by any model frameworks.

Other Commitments

- Djibouti is a member of the World Trade Organization and as such is subject to the Moratorium on Customs Duties on Electronic Transmissions (Customs Duties), the Trade Facilitation Agreement (Trade Facilitation) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (Source Code).

- Djibouti is a member of the African Union, which has adopted the Continental Artificial Intelligence Strategy (Artificial Intelligence) and the Digital Transformation Strategy for Africa (Cross-cutting).

- Djibouti is a member of the African Continental Free Trade Area, which has published the draft Protocol to the Agreement establishing the African Continental Free Trade Area on Digital Trade [Third party source (leak)] (Cross-cutting).

- Djibouti has implemented the United Nations Conference on Trade and Development Automated System for Customs Data. (Trade Facilitation with Digital Means)

- Djibouti is a member of the Smart Africa Alliance, which has adopted the Artificial Intelligence for Africa Blueprint. (Artificial Intelligence)

- Djibouti is a member of the African Commission on Human and People's Rights, which has passed a Resolution on the need to undertake a Study on human and peoples' rights and artificial intelligence (AI), robotics and other new and emerging technologies in Africa - ACHPR/Res. 473 (EXT.OS/ XXXI) 2021 (Artificial Intelligence).

Djibouti is a member of the International Organization for Standardization, which has issued various technical standards including:

- ISO/IEC 22989:2022 (Information technology — Artificial intelligence — Artificial intelligence concepts and terminology) (Artificial Intelligence)
- ISO/IEC 42001:2023 (Information technology — Artificial intelligence — Management system) (Artificial Intelligence)
- ISO 22376:2023 (Security and resilience — Authenticity, integrity and trust for products and documents — Specification and usage of visible digital seal data format for authentication, verification and acquisition of data carried by a document or object) (Cybersecurity)
- ISO 31700-1:2023 (Consumer protection — Privacy by design for consumer goods and services) (Consumer protection)
- ISO 13491-1:2024 (Financial services — Secure cryptographic devices (retail) (Cybersecurity)
- ISO/TS 23526:2023 (Security aspects for digital currencies) (Cybersecurity)
- ISO 23195:2021 (Security objectives of information systems of third-party payment services) (Electronic payments)
- ISO 32111:2023 (Transaction assurance in E-commerce — Principles and framework) (Electronic transactions)

Fora

Djibouti participates in the following international fora that touch upon digital issues:

- United Nations Global Digital Compact (Cross-cutting)
- Arab Federation for Digital Economy (Cross-cutting)
- Arab Federation for Digital Economy Memorandum of Understanding to establish a new regional data centre in the Kingdom of Bahrain (Cross-cutting)
- European Union - African Union Digital Economy Task Force (Cross-cutting)
- Smart Africa Alliance (Cross-cutting)
- African Digital Compact (Cross-cutting)

Digital Cooperation Organization

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