

**2007 SURVEY OF NON-TARIFF BARRIERS
TO TRADE:
DJIBOUTI**

FINAL REPORT



Regional Trade Facilitation Programme

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CHAPTER 1: EXECUTIVE SUMMARY

Djibouti is largely a services based economy, and this is recognized in its liberal approach to trade. Since 2000, the trade dimension of the Djiboutian economy has undergone significant liberalization and modernization, with a particularly strong influence from Dubai. As such, the country in many ways is modeling itself along Dubai's liberal policy, and with limited domestic industry, Government has actively dismantled barriers to external trade.

The country is thus heavily reliant on its port as a means for ocean-based trade for other countries in the region, and particularly Ethiopia. Ethiopia accounts for 95% of Djibouti's regional exports, consisting primarily of domestically produced salt, and re-exports. Ethiopia also provides 76% of Djibouti's regional imports, with Egypt and Kenya also being important regional contributors representing around 11% each. The composition of Djiboutian imports is dominated by intermediary and finished products. Djibouti remains a net importer of alimentary products and drinks, as well as petroleum products, quat (hallucinogenic substance), manufactured products, textiles and chemical products. Within the COMESA region, Djibouti has bilateral trade and co-operation agreements with Ethiopia, Eritrea, Kenya, Uganda, and Rwanda, as well as with Iran, Senegal, Tunisia and Yemen outside the grouping. However, with the exception of the bilateral trade agreement with Ethiopia, these agreements do not appear to be very effective.

Given the liberal approach to trade there is no formal tariff on imported products, regardless of origin. Likewise, the Government appears to have been making a concerted effort to reduce or eliminate NTBs and consequently very few NTBs could be identified that have a substantial effect on trade. Those spoken to within the business community were all generally happy with the processes of importing and exporting from Djibouti, but raised concerns when dealing with red tape in other countries. The few instances where potential NTBs exist revolved around the consumption tax, known as TIC, which in general acts as a *de facto* tariff as well as discriminatory Port dues.

Transport infrastructure and mechanisms for trade beyond Djibouti's borders remains a major hindrance to regional trade. In general it appears as though the COMESA harmonized transit procedures are being implemented, although there is limited knowledge amongst the private sector. In addition, there appear to be problematic administrative issues with the COMESA Yellow Card which has limited its uptake. COMESA Certificates of Origin are issued by and accepted by Djibouti.

There was a limited response to the reporting form, however, the major concern seemed to be that more efficient and regular dialogue between the Ethiopian Customs department and the relevant Djiboutian authorities in Customs and at the Port would be more effective than going through COMESA.

In terms of the process going forward, the Chamber of Commerce is very active in Djibouti and is integrated into current COMESA structures. It is recommended that the Chamber decide on the best internal mechanisms to effect notification, monitoring and elimination of NTBs.

CHAPTER 2: OVERVIEW OF INTRA-COMESA TRADE:

Djibouti is largely a services based economy, and this is recognized in its liberal approach to trade. Since 2000, the trade dimension of the Djiboutian economy has undergone significant liberalization and modernization, with a particularly strong influence from Dubai. As such, the country in many ways is modeling itself along Dubai's liberal policy, and with limited domestic industry, Government has actively dismantled barriers to external trade.

Hence, although Djibouti has a chronic current account deficit, the country is a net exporter of services where exports of services related to trade have experienced a rapid growth, in particular due to the increase of activity at the port of Djibouti since 1998. Aside from the re-exportation of the personal belongings of military staff, Djiboutian exports are dominated by exports of salt, livestock, foodstuffs and animal skins. Ethiopia is the principal destination for Djiboutian exports, with salt from Assal Lake dominating these, as well the principal regional destination of a substantial volume of re-exports. Ethiopia alone accounted for 95% of Djiboutian regional exports in 2005. Overall, Djiboutian exports to COMESA Member States represent around to 10% of total exports.

The composition of Djiboutian imports is dominated by intermediary and finished products. Djibouti remains a net importer of alimentary products and drinks, as well as petroleum products, quat (hallucinogenic substance), manufactured products, textiles and chemical products. Between 2000 and 2004 Djiboutian imports increased by 10%, mainly due to construction activities around the Doraleh project. According to COMESA data, in 2005 Djibouti sourced 77% of their COMESA based imports from Ethiopia, and around 11% each from Egypt and Kenya.

Aside from the preferential COMESA trade agreements, Djibouti has bilateral trade and co-operation agreements with Ethiopia, Eritrea, Iran, Kenya, Uganda, Rwanda, Senegal, Tunisia and Yemen. However, with the exception of the bilateral trade agreement with Ethiopia, these agreements remain non-effective. Historically trade data has been problematic, but with the reorganization of Customs trade data should be more recent and available. It is believed that 2006 data is available from Customs, but this has not as yet been received by the consultants.

Table 1: Intra COMESA Imports and Exports by Country by Value (US\$ millions) 2005

Country	Imports	Exports
Angola	0	0
Burundi	0	0
Congo	0	0
Egypt	8.4	1.2
Eritrea	0	0
Ethiopia	58.6	59.5
Kenya	8.7	1.4
Comoros	0	0
Libya	0	0
Madagascar	0	0
Mauritius	0.2	0.1
Malawi	0	0
Rwanda	0	0.4
Seychelles	0	0

Sudan	0	0.2
Swaziland	0	0
Uganda	0	0
Zambia	0	0
Zimbabwe	0.5	0
Total	76.3	62.8

Source: 2005 COMESA Merchandise Trade Statistics Bulletin No. 5 drawn from National Statistical Offices, COMESA Secretariat.

Note: Figures are mirror data from reporting countries and may not correspond with official Djibouti statistics which could not be sourced for only COMESA based trade.

Table 2: Top 10 Products Exported to COMESA Countries by Value 2006 (HS2)

Data not available

Table 3: Top 10 Products Imported from COMESA Countries by Value 2006 (HS2)

Data not available

CHAPTER 3: NTB MEASURES DIRECTLY AFFECTING EXPORTS:

Table 4: NTBs Affecting Exports

Part I: Government Participation in Trade and Restrictive Practices Tolerated by Governments					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part II: Customs and Administrative Entry Procedures					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part III: Technical Barriers to Trade					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part IV: Sanitary and Phytosanitary Measures					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part V: Specific Limitations					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
	V(J)	Export tax	An export tax of FD 500 is levied per tonne of salt	Increased costs of export	

Part VI: Charges on Imports					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part VII: Other					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
	VII(C)	Transport costs	Poor transport linkages into the COMESA region	Increases the cost of intra-regional trade	COMESA

Table 5: Specific Official Regulations Affecting Exports

WTO Inventory Category	Product Group	Legislative Act	Government Controlling Agency	Regulatory Procedure
II(G)	All	law 1008 (2000)	Ministry of Trade	Registration of traders

CHAPTER 4: NTB MEASURES DIRECTLY AFFECTING IMPORTS

Table 6: NTBs Affecting Imports

Part I: Government Participation in Trade and Restrictive Practices Tolerated by Governments					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part II: Customs and Administrative Entry Procedures					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part III: Technical Barriers to Trade					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part IV: Sanitary and Phytosanitary Measures					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part V: Specific Limitations					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
Part VI: Charges on Imports					

	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
	VI(B)	TIC (Consumption tax)	Potential discrimination between local producers (particularly smaller operators) which appear not to pay TIC and imported products which are liable.	TIC operates in place of a tariff for some products	Ministry of Finance / Customs
Part VII: Other					
	WTO Inventory Code	Problem Area	Description of the most severe NTBs	Impact of NTB to businesses and trade	Responsibility/Source of NTB
	VII(C)	Port Dues	Higher port dues levied on imports destined for the local market	Increases the cost of imported goods to the market	Ministry of Finance / Customs
	VII(C)	Transport costs	Poor transport linkages into the COMESA region	Increases the cost of intra-regional trade	COMESA

Table 7: Specific Official Regulations Affecting Imports

WTO Inventory Category	Product Group	Legislative Act	Government Controlling Agency	Regulatory Procedure
II(G)	All	law 1008 (2000)	Ministry of Trade	Registration of traders

CHAPTER 5: KEY ISSUES FROM INTERVIEWS & DESK RESEARCH

In 2004 Djibouti started the construction of a regional centre for the exportation of livestock towards the Arabic peninsula with funds made available by USAID. The centre is geared towards the grand scale health and origin certification of livestock for exportation and will have identification equipment, quarantine areas and veterinary services.

History of Dubai's Influence:

- 2000: Dubai Ports Authority manage the Djibouti Ports operations
- 2004: Djibouti Free Zone established by Dubai Ports Authority
- 2005: Djibouti Customs and Airport managed by Dubai
- 200?: Doraleh - New petroleum port established
- 2008: Doraleh - New deep water container port to be completed

In addition the management of the rail network between Djibouti and its major neighboring trading partner, Ethiopia has been privatized, with a management concession being given to a South African firm.

MEASURES DIRECTLY AFFECTING IMPORTS

All legal persons intended to import into Djibouti have to register annually to import into the country and are issued with a reference number. All trade operators are *de facto* members of the Chamber of Commerce. Djiboutian nationality is not required to be able to engage in commercial activity in Djibouti, and all foreign operators enjoy national treatment. Traders have indicated that the registration process is a mere formality, which is used for tracking purposes by Customs and assists in efficiency. This occurs under the relevant law 1008 (2000). There do not appear to be any restrictions to exporting, with the exception of standard SPS or safety requirements where for instance a certificate from the Ministry of Health is required for the export of fish and shrimps.

The COMESA customs declaration document (DDDCOM) is required in order to process the custom clearance of imports destined for Djiboutian consumption. In addition, the DDCOM has to be accompanied by other documents such as the commercial invoice, the transport letter, certificate of origin and in some cases the letter of credit.

According to the authorities it takes about half a day to process customs inspection for goods if all documentation is in order. Since 2005, when Dubai Customs took over customs control and implemented the Imasor Systems and e-clearance procedures revenue collection has increased by 50% and businesses have reported much improved and hassle-free customs clearance procedures. None of the trading companies spoken to were unhappy about the current customs clearance arrangements.

Given the liberal approach to trade there is no formal tariff on imported products, regardless of origin. However, there is a consumption tax, known as TIC, levied on all products coming into the country. It is however, unclear whether this tax is applied uniformly to domestically produced products. It appears as though one or two of the major domestic producers pay this tax on production, but many of the smaller producers do not. In general the tax is applied as 33% of CIF, although a lower rate is applied on certain products, such as basic food stuffs (10-20%), and medicine, books, newspapers and construction equipment at 8%. In addition,

there is also a surcharge on certain commodities that appears to be uniformly applied across domestically produced goods and imports. In 2004, the TIC, which plays the role of import tariffs, accounted for close to 62% of Djiboutian fiscal revenues.

Apart from the TIC a general solidarity tax of 5% is imposed on all legal persons who trade without a license to import into Djibouti.

Surtaxes are applied to imports of tobacco, alcohol, petroleum products, quat, mineral water and non-alcoholic drinks, fruit and vegetable juice (indicated in the table below).

Import Surtaxes

Products	Rate
Tobacco	
Manufactured tobacco	54%
Tobacco extract and sauces	54%
Alcohol	
Biers	4 700 FD/litre of pure alcohol
Rape (wine making)	4 700 FD/litre of pure alcohol
Wine of ordinary grapes	100 FD/litre
Other grape wines	160%
Vermouth other similar wines	160%
Ciders and other fermented drinks	4 700 FD/litre of pure alcohol
Non- denatured ethyl alcohol	4 700 FD/litre of pure alcohol
Mixed alcoholic preparations	4 700 FD/litre of pure alcohol
Other alcoholic beverages	4 700 FD/litre of pure alcohol
Perfumes containing alcohol	300 FD/litre of pure alcohol
Perfumes and parfume extracts containing alcohol	2 500 FD/litre of pure alcohol
Petroleum products	
Ordinary petrol and premium petrol	49,5 FD/litre
Gas oil	6 FD/litre
Lamp oil	14 FD/litre
Lubricants, brake oils, greases	100 FD/net km
Quat	
Quat	561 FD/gross km
Mineral waters and non alcoholic beverages	
Natural or artificial mineral waters	14 FD/litre
Sparkling waters (aromatised or coloured)	14 FD/litre
Other non alcoholic beverages	14 FD/litre
Fruit and vegetable juices	
Fruit juices	160 FD/net km
Vegetable juices	160 FD/net km

Prohibitions, quantitative restrictions and import licenses

In general, the imports of goods threatening public order, security, health and environment are prohibited, except when derogation is granted by the relevant authority. Most of these prohibitions are within the international conventions and agreements. According to legislation the only products prohibited from being directly imported into the country are vehicles with a steering wheel on the right and non-biodegradable plastic bags (although such bags still find their way into the Djiboutian market). According to the authorities, Djibouti

does not apply any quantitative restrictions on imports and does not dispose of any anti-dumping legislation.

SPS

In terms of SPS issues, certain imports have to obtain approval from the Ministry of Health, including certain food stuffs and medication. In addition, certain products which could have an effect on the environment are regulated, as are arms and ammunitions. However, none of these regulations appear to be NTBs, and traders treat them as a necessary, but not unduly restrictive formality. As trade, and the variety of products increases, the customs and SPS procedures have to be formalized, but this appears to be done in a transparent manner.

Port Dues

One area where a distinction between goods destined for the domestic market and those destined for exports can be found is in the Port taxes. Where goods are bound for consumption in Djibouti a fee of around USD 278 per 20ft container is levied, or around USD10 per metric ton. However, containers destined for export are only charged around USD55 per 20ft container, or between USD2-4 for break bulk. Although this is a significant difference in price, it is unlikely to act as a significant bias against imports as the overall cost increase passed on per kilogram / product will be minimal. It appears as though this is part of a strategy, perhaps of cost subsidization, to promote exports, rather than punish imports. Traders recognize that port costs are higher in Djibouti than other comparable ports, but put this down to higher costs of operation, as opposed to excessive pricing structures.

MEASURES DIRECTLY AFFECTING EXPORTS

Export taxes

Djibouti has an export tax of 500FD per one ton of salt.

Prohibitions, restrictions and export licenses

The exportation of wood and corals originating from Djibouti is prohibited. There are no other restrictions on Djiboutian exports. Nor does Djibouti require any export licenses or impose export quotas.

The Djibouti (Dubai) free zone regime provides a number of advantages for exporters. According to the authorities Djibouti does not subsidize any of its exports.

Trade with Ethiopia

A standard theme from both Government institutions and the private sector is the perception that it is easy to import or export goods from Djibouti, but significant hassles come in on the Ethiopian side of the border. The issue of insufficient communication between Djibouti and Ethiopia (and other COMESA countries) was raised by both business and Government. Having said this, the Chamber of Business of Djibouti regularly attends COMESA Business Council meetings, and hence the problem appears to be mainly in the official channels. The Chamber of Commerce is very active and celebrates its centenary anniversary in 2007. The

Chamber represents some 1,300 businesses. The Chamber is currently conducting a survey of its members' perception of and experiences of trading within the COMESA bloc.

Businesses trading with Ethiopia complain about the difficult process of export into and out of Ethiopia, with numerous offices, people and paperwork to satisfy.

Ethiopia is currently Djibouti's major trading partner in COMESA, although Djibouti is also exploring the possibility of acting as a transit point for Rwanda and Burundi. In addition, the Free Zone provides an attractive processing / inventory storage point for goods destined for other COMESA countries, provided Rules of Origin can be met. The major restriction towards trading with other COMESA countries has been identified as a lack of communication, understanding and particularly lack of transport linkages (namely specific vessels and lack of flights).

CHAPTER 6: ASSESSMENT OF PROCEDURES FOR HARMONIZATION OF TRANSIT TRAFFIC BETWEEN COUNTRIES IN THE REGION

In general it appears as though the COMESA harmonized transit procedures are being implemented, although there is limited knowledge amongst the private sector. In addition, there appear to be problematic administrative issues with the COMESA Yellow Card which has limited its uptake.

Djibouti adheres to the COMESA road transit charge guidelines, and currently charges less than the recommended amount. It is believed that Djibouti attempted to increase these fees in 2007 to equate the COMESA guidelines, but this was not agreed to by Ethiopia. The fees appear to be around USD20 entry and USD20 exit (USD40 for a round trip of about 440km). As Djiboutian trucks on the Djibouti-Addis corridor only represent around 1% of the total number of trucks, the transit charge is levied on both vehicles of international and Djiboutian registration. The Djibouti Ministry of Transport raised concern that the transit charges on entering Ethiopia remain high, and that Ethiopia does not apply the COMESA Harmonised Transit Procedures.

Djibouti accepts COMESA carriers licenses, however, given the French history, maximum vehicle loads remain at 13 tons, somewhat higher than the 10 ton COMESA guideline. However, in practice as Ethiopia has a maximum weight level of either 10 or 11 tons, and most trucks from Djibouti are bound for Ethiopia the limit of 13 tons would be seldom reached. Given the relatively easy access into Djibouti for foreign COMESA vehicles, but rigid access procedures into neighboring countries for Djiboutian vehicles, transit companies in Djibouti prefer using Ethiopian vehicles to transport their products from the Djibouti port. This trend is further compounded by the higher costs of doing business in Djibouti, such as higher wages demanded by Djiboutian truck drivers.

Djibouti has also proposed establishing a vehicle Observation Centre for the Addis Ababa – Djibouti corridor.

COMESA Certificates of Origin are issued by and accepted by Djibouti.

CHAPTER 7: RECOMMENDED ACTIONS ON NOTIFICATION, MONITORING & ELIMINATION of NTBs

Response to the Standard NTB Reporting Template

Customs did not see the need for such a form at all, but recommended more efficient and regular dialogue between the Ethiopian Customs department and the relevant Djiboutian authorities in Customs and at the Port. There is an Ethiopian customs office at the Djibouti port, which enables goods to be inspected and with the necessary documentation obtained, then to be loaded onto trucks straight to Addis Ababa where duty is then levied on the goods.

Recommended Actions

The Chamber of Commerce is very active in Djibouti and is integrated into current COMESA structures. It is recommended that the Chamber decide on the best internal mechanisms to effect notification, monitoring and elimination of NTBs. They could liaise with the appropriate Government Departments as well as with the NTB Unit at COMESA Secretariat.

ANNEX 1: LIST OF PEOPLE INTERVIEWED

Organisation	Name	Position	E-mail	Tel	Fax	Cell
Agence Maritime Marill (AMM)	Jean-Louis Gaudaire	Director	dir.amm@intnet.dj	253-320081		253-869900
Banque Centrale De Djibouti	Malik Garad	Chef de Service Etudes et Relations Externes	malik.garad@banque-centrale.dj	253-312012	253-356288	253-352751?
Chamber of Commerce	Said Omar Moussa	President	saidom1@hotmail.com / ccd@intnet.dj	253-351070 / 353444	253-356361	
Chamber of Commerce	Issam Ali Ahmed	Assistant treasurer	ccd@intnet.dj			253-810204
Chamber of Commerce	Mr. Mohamed Omar Dabar	Secretary General	ccd@intnet.dj	253-351070		
Chamber of Commerce	Jamad	Chargee de Mission de la CCD	djamaddoualeR@yahoo.fr			253-871810
Chamber of Commerce / Les Etablissements TANI	Youssef Mohamed Eusman	1st Vice-President	tani@intnet.dj	253-350337	253-352333	
Customs	Mr. Kabirhamza Abdallah Youssouf	Director?	kabi.hamza@dpworld.com	253-358388		253-824044
Djibouti Free Zone	Anand Cyparsade	Free Zone Manager	anand_cyparsade@dfz.dj	263-359049	253-359039	253-822901
Djibouti Free Zone	Fatouma	Administrative Assistant	fatouma_ayan@dfz.dj			253-843637
Dubai Customs World	Abdulla Essa Haji Amiri	Assistant Director General - Djibouti	abdullah_amiri@dcworld.ae	253-359777		971-50-6441516
Inchape Shipping Services	Ahmed Osman Guelleh	Managing Director	ahmed.guelleh@iss-shipping.com	253-353469	253-353294	253-811800
L'association du Transit / Massida Transit	Andre Massida	Directeur General	massida@intnet.dj	253-351531	253-355518	
Ministere de l'Equipment et des Transports Fonds d'Entretien Routier	Souleiman Moumin Robleh	Ingenieru genie civil / Directeur du FER	robleh2007@yahoo.fr	253-356467		253-848049

Ministere de l'Equipment et des Transports Fonds d'Entretien Routier	Mr.Clem Mohamed	Conseiller Technique	clemmohamed@yahoo.fr	253-357246		253-865470
Ministre de Finances / Customs	Abdomahuman Aouad Izzi	Assistand du directeur de Recetter et de Douains, Conseiller technique du Ministere de Finances	aouadizzi@yahoo.fr			253-821960
Ministrie du Finance	Prahale					253-811633
Ministre Du Commerce et de l'industrie	S.E. le Ministre Rifki Abdoukader Bamakhrama	Ministere du Commerce, de l'Industrie et l'Artisant		253-351297	253-354909	
Ministre Du Commerce et de l'industrie	Mme. Roda Dahe	Conseilleie Technique du Ministere du Commerce et de l'industrie	roda.dahe@yahoo.fr			
Ministre Du Commerce et de l'industrie	Abdazzah Daher Hassan	Direction du Commerce	leboss_66@yahoo.fr			253-863900
Presidency	Neiaueh	Advisor to the President				253-310338
Sarl Massida Transit	Odette Houssein	Attache Commerciale et Administrative	massida@intnet.dj	253-351531	253-355518	
Societe Maritime L.Savon & Ries	Jerome Passicos	Director?	smsr@intnet.dj	253-352350	253-351103	253-815696
Steinweg-Sharaf (Djibouti) FZE	K. Swaminathan	Manager	swami@asldjibouti.com	253-356224	253-355664	253-845960
Contacted but not met						
	Mr Izzo		michel.izzo@intnetdjibouti.dj	253-351065		