

OFFICIAL GAZETTE



**of the
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AND SOUTHERN AFRICA**

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TABLE OF CONTENTS

I.	LEGAL NOTICE NO. 7 OF 2001	Page(s)
	Notice of Initiation of Proceedings	1 – 2

By Order of the Council

Mr. Erastus J.O. Mwencha, MBS
Secretary-General
COMESA

LEGAL NOTICE NO.7 OF 2001
RULES OF THE COURT OF JUSTICE, 1998
NOTICE ON INITIATION OF PROCEEDINGS
(Under Rule 10)

IT IS HEREBY NOTIFIED in terms of Rule 10 of the Court of Justice that the following Application was filed under Rules 82 and 83 of the Rules of the COMESA Court of Justice on 21st August, 2001 as a preliminary Application of Reference No. 3 of 2001.

(a) Names of the parties:

The Republic of Kenya

The Commissioner of Lands, Kenya - **(Applicants)**

vs.

Coastal Aquaculture Limited - **(Respondents)**

(b) Addresses of the Parties:

Applicants:

C/O The Attorney General of Kenya
Attorney General's Chambers
Sheria House
State Laws Offices
Harambe Avenue
P.O. Box 40112
Nairobi
Kenya

Tel: 254-2-227461
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Respondents:

Messrs Walker Kontos
Advocates
5th Floor, Williamson House
4th Ngong Avenue
P.O. Box 60680, 00200
City Square
Nairobi
Kenya

Tel: 00254-2-713023-6, 718433-6
Fax: 254-2-718429
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(c) Subject matter of proceedings:

The subject matter of the proceedings relates to:

- (i) The COMESA Court of Justice established under Article 7 of the Treaty for the Common Market for Eastern and Southern Africa (hereinafter referred to as the COMESA Treaty) lacks jurisdiction to entertain the main reference in view of the provisions of Article 19, 23 and 26 of the COMESA Treaty;
- (ii) The Respondent has no Locus-Standi to file this reference, in that the Respondents have not established a basis upon which it is invoking the jurisdiction of the COMESA Court of Justice.

(d) Form of Order sought:

The Applicants are seeking the following Orders from the Court:

- (i) The Applicants pray that the COMESA Court of Justice do decline to entertain Reference No. 3 of 2001.
- (ii) Costs to be awarded to the Applicants herein

Thus done at Lusaka, Zambia, this 24th day of August, 2001.

Habben Nkonkesha
ACTING REGISTRAR
COMESA COURT OF JUSTICE