

IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH)

PORT ELIZABETH, FRIDAY, 23RD FEBRUARY 2018

BEFORE The Honourable Madam Justice BESHE

Case No. 1487/2017

In the matter between:

THE SAHARAWI ARAB DEMOCRATIC REPUBLIC	1ST PLAINTIFF
THE POLISARIO FRONT	2ND PLAINTIFF
AND	
NM SHIPPING SA	1ST DEFENDANT
THE MASTER OF THE MV "NM CHERRY BLOSSOM"	2ND DEFENDANT
FURNESS WITHY (AUSTRALIA) PTY LTD	3RD DEFENDANT
BALLANCE AGRI-NUTRIENTS LIMITED	4TH DEFENDANT
OCP SA	5TH DEFENDANT
PHOSPHATES DE BOUCRAA SA	6TH DEFENDANT
THE MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION OF THE REPUBLIC OF SOUTH AFRICA	7TH DEFENDANT

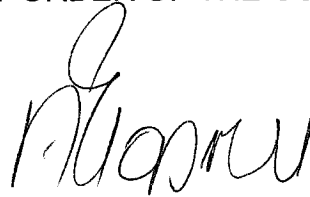
Having heard Advocate Cooke, Counsel for the Plaintiffs and Advocate Wragge SC, Counsel for the First, Second and Third Defendants and having read the documents filed of record,

IT IS ORDERED:

1. That this action is transferred for determination by the Court exercising its admiralty jurisdiction.

2. That in terms of Rule 33(4) of the Uniform Rules of Court the Plaintiffs' claim for the declaratory relief set out at prayer (a) of the Particulars of Claim shall be determined separately.
3. That it is declared that:
 - 3.1 The First Plaintiff is the owner of the whole of the cargo of phosphate presently laden on the motor vessel "NM Cherry Blossom"; and
 - 3.2 Ownership in the phosphate has never lawfully vested in the Fifth and/or Sixth Defendants, and they were, and are, not entitled to sell the phosphate to the Fourth Defendant.
4. That the costs shall stand over for later determination.

BY ORDER OF THE COURT



B LUCAS (MS)

pp REGISTRAR

VAN WYK ATTORNEYS

