MANDELA DAY – 18 JULY 2009
Former President, Nelson Mandela celebrates his 91st birthday. DICO officials do their bit on Mandela Day – Page 6
**WESTERN SAHARA:**

The Diplomatic Dimension, paper delivered by Ambassador Mzuvukile Maqetuka at the 3rd Summer University in Algeria for the youth of Western Sahara, Algiers, 15 July 2009

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**INTRODUCTION**

For South Africa, the struggle for the people of Western Sahara is a struggle for self-determination and is based on the principles of decolonisation, promotion of human rights, international legality, stability and security of the African continent. Above all, the situation of Western Sahara is similar to the struggle of many South Africans waged against the apartheid regime.

It is indeed regrettable and a matter of great shame that some fifty odd years since the liberation of the first African state from the yolk of colonialism that Western Sahara an entity officially recognised by the African Union (AU) is still denied its right to self-determination. This presents a challenge to the African continent in particular and the international community in general to ensure that the Saharawi people also enjoy this fundamental and inalienable right whose defence by the African continent ushered our own freedom on 27 April 1994.

Our aim therefore, is to share with this gathering, South Africa’s positions and intentions on the question of Western Sahara.

**RIGHT TO SELF-DETERMINATION AND DECOLONISATION**

There is a general consensus amongst scholars that the right to self-determination means that all peoples have the ultimate authority without adjudging their self-determination and without any other intervention in the political, economic, social and cultural fields. This right is considered as an important principle of international contemporary positive law stipulated in the United Nations General Assembly resolution 1514 (XV) of 14 December 1960 which contained the Declaration on the Granting of Independence to Colonial Countries and Peoples. According to this resolution, self-determination is a right rather than a simple principle of the UN Charter. According to Sidi Omar, the political imperative of decolonisation also served as the driving force behind that shift and consolidated the right of colonial peoples to self-determination as expressed later in the international human rights covenants.

By virtue of resolution 1514 (XV) and other legal instruments, the colonial peoples were given an inalienable right to self-determination to be exercised by the establishment of an independent state, integration or association with another state. According to Omar, in later cases, the outcome should be the result of the free choice by the people of the territory concerned and expressed through democratic processes.

In sum, the legal basis for the right of the Saharawi people to self-determination lies in the UN doctrine relating to decolonisation and the continuing status of Western Sahara as a Non-Self-Governing Territory. This entails that the Saharawi people have an inalienable right to self-determination and independence to be expressed in a free, fair and democratic manner in line with the UN resolutions.

It is thus important to note that Western Sahara remains the last remaining colony on the African continent and it has been on the United Nations list of Non-Self-Governing Territories since 1963 when it was under Spanish colonial rule. As stated earlier, resolution 1514 (XV) of the General Assembly recognised the inalienable right of the Saharawi people to self-determination and independence. Therefore, the continuous colonial occupation of Western Sahara by Morocco constitutes a challenge to the principles of the UN Charter.

It should also be mentioned that the United Nations or any other international and regional organisations have never recognised Morocco’s territorial claims of sovereignty over Western Sahara. The Moroccan claims to Western Sahara have been rejected by the advisory opinion of the International Court of Justice on 16 October 1975. It will be recalled that the International Court of Justice stated that there were no links of territorial sovereignty between Morocco and Western Sahara prior to Spanish colonisation of the territory. It is therefore incumbent upon the United Nations to assume its responsibilities to redress this injustice and ensure a speedy completion of the decolonisation process in Western Sahara.

The right to self-determination was the basis upon which our own nation, South Africa was formed. Self-determination is enshrined in the United Nations Charter and the African Union Constitutive Act and is regarded as a basic human right. The United Nations in its numerous resolutions reaffirming the right to self-determination of the Saharawis, establishing the Mission for the Referendum in the Western Sahara (MINURSO) in 1991. The United Nations has been unequivocal in its support of this right and has indicated that when territories such as the Western Sahara are transitioning out of colonialism, the people of those territories should have the option of freely choosing between independence, association with an independent state, or integration with an independent state.

**SOUTH AFRICA AND THE RECOGNITION OF THE SAHARAWI ARAB DEMOCRATIC REPUBLIC**

In his State of the Nation Address, in June 2009, the President of the Republic of South Africa, President Jacob Zuma remarked that, “We will support the peace efforts of the African Union and the United Nations on the African continent, including in the Saharawi Arab Democratic Republic...” President Zuma’s statement is consistent with the rich tradition bequeathed to us by that great son of Africa, Oliver Reginald Tambo who expressed in his speeches without fail the constant support of the people of South Africa for the right of the Saharawi people to self-determination. To this end Tambo remarked, “We will continue to support your struggle by all means necessary, in order for both our causes to triumph.”

All present here today will recall that South Africa was also at one stage seized for many years with the struggle for self-determination and against apartheid colonialism. It was in this context that the bonds between the people of South Africa and Western Sahara were forged that endures till this day. This was particularly exemplified by the spirit of solidarity that the primary liberation movements of South Africa and Western Sahara, namely the POLISARIO Front and the African National Congress (ANC) displayed towards each other even whilst intensely engaged in the revolutionary duty of liberating their people.

Shortly after the inauguration of South Africa’s first post-apartheid government in 1994, the former South African President, Mr Nelson Mandela, announced a decision by the South African government of its intention to recognise and establish diplomatic relations with the Saharawi Arab Democratic Republic (SADR) consistent with the earlier decisions of the Organisation for African Unity (OAU) which South Africa formally joined in 1964. This intention was translated into action when South Africa formally recognised SADR on 15 September 2004.

We remain firm in the belief that our non-recognition of SADR would constitute a betrayal of our own struggle and commitment to the
respect of the UN Charter and the Constitutive Act of the African Union. Against this background, our government holds the view that the recognition of SADR is not an end in itself, but a means to an end, which is the attainment of self-determination and decolonisation of Western Sahara. In pursuit of the freedom of Western Sahara, at present South Africa is engaged in diplomatic consultations with the SADR government in a bid to strengthen and consolidate bonds of friendship and cooperation between the two countries in the spirit of African solidarity.

WESTERN SAHARA: A FOREIGN POLICY PERSPECTIVE

through our various bilateral and multilateral relations, the South African government is committed to promoting the African Renaissance and the creation of a better world for all in pursuit of the vision of an African continent that is prosperous, peaceful, democratic, non-racial, non-sexist and united, and which contributes to a world that is just and equitable.

In an increasingly conflict ridden world, the role of international law and the continued affirmation of the legal rights of the people and nations through the promotion of multilateralism, human rights and democracy are the central pillars of a policy of securing peace and prosperity at home, on the African continent and the world at large.

South Africa foreign policy on Western Sahara remains anchored on the following priorities:

- Right to self-determination;
- Decolonisation and the sanctity of colonial borders;
- Respect for human right and humanitarian support;
- International legality and the centrality of the international community;
- Non-exploitation of natural resources of the illegally occupied territory, and;
- Peace, security and stability of the Maghreb region.

It is in this context that South Africa supports the inalienable right of the Saharawi people to self-determination and finds utterly regrettable the countless violations of United Nations Security Council and International Court of Justice resolutions by Morocco.

During its tenure as a non-permanent member of the UN Security Council from January 2007 to December 2008, South Africa joined other Council members in regularly renewing the mandate of the UN Mission for a Referendum in Western Sahara (MINURSO) and encouraged both parties to the dispute to participate in negotiations in pursuit of a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara. We remain confident that in the spirit of African solidarity that Uganda which took over the seat from us as a Non-Permanent Member of the Security Council in January 2009 will continue to champion the cause of the Saharawi people and the African continent at large.

South Africa envisages that the current Personal Envoy of the United Nations Secretary General to Western Sahara, Mr Christopher Ross, will take heed of previous United Nations and International Court of Justice resolutions which reaffirm the international recognition of the right of the Saharawi people to self-determination through the organisation of a referendum. We are therefore encouraged by Ross’ stance that a final solution to Western Sahara needs to take into account the right of the Saharawi people to self-determination in line with previous UN resolutions on Western Sahara.

WHAT WE BELIEVE IS TO BE DONE?

At this juncture, I would like to share with you the most critical issues surrounding the question of Western Sahara as we see it:

- We support the participation of both parties (POLISARIO Front and Morocco) in negotiations and in compliance with UN Security Council resolutions on Western Sahara which reaffirm its commitment to assist the parties to achieve a just, lasting and mutually acceptable solution, which will provide for the self-determination of the people of Western Sahara.

- We condemn profusely the human rights violations inflicted on the Saharawi people in the occupied territories. It is in this context that we support the proposal that the monitoring of human rights be included in the broader mandate of MINURSO.

- We are alarmed by the harsh conditions which the Saharawis have been confined to in the refugee camps for more than 40 years mainly due to the non-resolution of this urgent matter by the international community. We as South Africa thus support the provision of humanitarian aid to the Saharawi refugees in a way that is predictable, sustained and timely. To this end, we applaud initiatives recently taken by the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) who coordinated a donors Mission composed of donor Embassies accredited to Algeria to the Saharawi Refugee Camps in Tindouf in March 2009. Similarly, we find very important the recent fact-finding mission by the African Union Committee on Refugees, Returnees, and Internally Displaced Persons to the Saharawi this Day newspaper and Nigerian National Television which recently visited the Saharawi Refugee camps and liberated territories in a bid to sensitize the Nigerian populace about this urgent matter. Prior to the visit of the Nigerian media contingent a survey had been conducted amongst the youth of the most populous country on the continent on their knowledge of the issue of Western Sahara which came out negative. The visit by the Nigerian media contingent was therefore an attempt to address the apparent lack of knowledge of the youth on Western Sahara. A precedent for all to follow has been set!

- We are convinced that urgent steps are needed to resolve this last case of decolonisation in our continent in line with UN processes.

- We discourage the illegal exploration and exploitation of the natural resources of Western Sahara and the involvement of foreign companies in such activities.

- In the era of globalisation, the youth of our continent must utilise the internet to propagandise for the just cause. Their peers about the challenges that the Saharawi people are faced with. This action must begin with the youth of Western Sahara that is currently attending this Summer University. The internet has proven to be a powerful mode of communication on various occasions.

It is in this context that we encourage the progressive forces of this world to gather together and mobilise in a similar manner they did in the struggle against apartheid in our country. Our internationalist and solidarity obligations dictate to us that the struggle of the Sahrawi people is a struggle for the decolonisation of Africa.

CONCLUSION

In conclusion, the Saharawi Arab Democratic Republic (SADR) is a fully fledged member of the African Union. The pending resolution of the Saharawi question, the remaining decolonisation issue on the agenda of the African Union thus presents the continent with its biggest moral dilemma. The non-resolution of the Western Sahara dispute is detrimental to the development and reconstruction of the whole continent and ultimate integration. Any solution would thus need to take into account the principle of the rights of the peoples of former colonial territories to self-determination.

South Africa remains fully committed to the resolutions of conflicts in the African continent in particular and the world at large. The case of Western Sahara thus places the imperative mandate on us to work together to seek a just and mutually acceptable political solution to the current impasse. A just and lasting solution for the people of Africa’s last remaining colony is impossible without international law principles being upheld.

The international community and South Africa in particular have always been convinced that urgent steps are needed to resolve this last case of decolonisation on our continent in line with UN processes.
Commemorating Mandela Day

The Nelson Mandela Foundation and 46664, the campaign vehicle of the Mandela organisations, called for a Mandela Day on 18 July, to be recognised as an annual international ‘day of humanitarian action’ in celebration of Nelson Mandela’s life and legacy.

Mandela Day at our Missions

PARAGUAY

The Embassy attempted to celebrate Mandela Day by identifying a project which would have an optimal ratio between impact on society and the cost of participation in the same. The meeting with all staff of the Embassy to discuss possible scenarios led to enthusiastic discussion, but concluded that current budgetary realities limited the Embassy’s options to projects that would still have a significant impact whilst demanding modest inputs such as minimal personal financial contributions, manual labour, goodwill and good humour.

With this scenario in mind, the Embassy identified a project at one of the Uruguayan government’s properties that are focussed on providing support to families. These properties are called CAIFs (Centre for Attention to Infants and Families) and are scattered around the neediest areas of urban Montevideo. The CAIF’s provide basic educational - and dietary support to families and infants (0 to 4 years of age) in the very lower income groups of Uruguayans society. With much attention and entire budgets spent on the fulfilment of basic needs such as educational material to improve social behaviour as well as quality food for families, these centres are poorly maintained and in need of much attention when it comes to their physical appearance and general level of sanitation. However, these issues of appearance and proper maintenance remain important as there is agreement that “a dignified environment creates dignified behaviour …”

The Embassy therefore focussed its attention on working for 4 hours at an identified CAIF. This CAIF was in urgent need of maintenance such as painting and general clean up of the surrounding areas (garden) of the property. A classical informal approach to assistance was followed by engaging a local NGO, Serve the City. The NGO provided the Embassy with basic materials such as paint and brushes. Hence, the Embassy’s contribution focussed on minimal contributions for food, labour from the two transferred officials and five local Embassy staff members, as well as transport to the venue.

The Embassy’s assistance was well received and a short explanation on the motivation for our efforts was given to the CAIF management. This explanation focussed on the work and life of our Former President, Mr Nelson Mandela, and the goodwill in serving communities that was – and still remains the centre of his life.

The public Diplomacy section kindly made available two photographers that accompanied all three delegations during the handing over of donations.

UNIVERSITY OF PRETORIA

The first beneficiary to be visited on 17 July was the University of Pretoria Student Centre. Mr Fadi Nacerodien, Chief Director: Canada and the Americas, acted as the speech giver on behalf of Branch: Multilateral and also from Ms Sonja Schenk. The Public Diplomacy section kindly made available two photographers that accompanied all three delegations during the handing over of donations.

The theme for this year was; “Care for the Most Vulnerable in your Community”.
A musical group called Sagainen Merah Putih gave a resounding performance to everyone’s delight. They are a community of musically talented youth who come from challenging circumstances with age range from 12 to 18. They play violin and perform music from different genres and era. Coca-Cola in Jakarta has been providing them with support in the form of musical instruments, a place to practice and musical tuition. Ambassador Lehoko made remarks on the significance of the Man- dela Day on 18 July, which henceforth is to be recognised as an International annual cele- bration for his lifetime of commitment. He further stated that ‘the day will represent an ongoing call to action for all to make an imprint and to celebrate the occasion by volunteering 67 minutes of their time on the day in the service of their community, or of others less able or fortunate than themselves.

In his remarks the Deputy Governor on Environmental Affairs expressed his ap- preciation on behalf, the city of Jakarta and the government of Indonesia to the Embassy and the Government of South Africa for the tree planting initiative and women.

The South Africa Embassy in Kuwait joins the collective effort of the interna- tional community to dedicate 67 minutes of our time in the service of others on Mandela’s birthday. Transferred Officials spent the day with the Kuwaiti Society for the Disabled to contribute in the effort of highlighting the concerns of disabled people and their needs. The Head of Administration, Ms. Yoliswa Boniwe and the Administration At- tacké spent the better part of Monday, 20 July 2009 spending the day with disabled children and their families.

Ndileka Mandela was initiated by the Nelson Mandela Foundation to celebrate his 67 years in active public life, from his pivotal role in the anti apartheid struggle , to his presidency and finally to his work as me- diator in peace talks and as an Aids Activ- ist. Mandela Day is not a holiday but a day devoted to service.

In this regard Former President Mandela in a video recording stated: “We are hum- bled by the call for an annual Mandela Day in our honour. Our struggle for freedom and justice was a collective effort. Mandela Day is different. It is in your hands to create a better world for all who live in it.”

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The official mascot Zakumi, joined the group. The event was successfully concluded with a presentation on the tournament we could see that we are ready. We will prove that a multi-cultural so- ciety is possible. We are a token of hope for the world. 67 minutes of our time in the service of others on Mandela’s birthday.

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FIFA 2010

Promoted around the Globe

GERMANY

One Day Ahead of Nelson Man- dela’s 91st birthday, representa- tives of numerous organisations met at the Embassy of the Republic of South Africa in Berlin in order to get infor- mation about the state of the preparations for the FIFA Soccer World Cup next year and to participate in discussions with the then Ambassador, Mr. Ndiouye. The footballing structures were un- derlined as the 90th Anniversary of Nelson Mandela commemor- ational African dance and singing)

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The African Youth Charter: The implications of the African Youth Charter on stakeholders

BACKGROUND

The African Youth Charter (AYC) was adopted by the Seventh Session of the Assembly, held in Bangui, The Republic of the Congo on 12 May 2005. The adoption of the AYC is not just a mere cosmetic change, but rather a paradigm shift with profound implications. This article is simply intended to provide an epigrammatic overview of the AYC and as well offer snippets of information as regards its implications on stakeholders.

The Republic of South Africa signed (by the former Minister in the Presidency, Minister Manto Tshabalala-Msimang) the AYC on 07 May 2005, Addis Ababa, Ethiopia. The Republic of South Africa ratified the AYC on 28 May 2009 and deposited the instrument of ratification with the Commission on 08 July 2009. South Africa is the fourteenth country to ratify the AYC, which required the deposit of fifteen instruments of ratification to come into force. The Republic of The Gambia was the fifteenth African Union (AU) Member State to ratify the AYC. As a result the AYC will enter into force on 08 August 2009 (Article 30(2) of the AYC provides that “the AYC shall enter into force 30 days after the deposit of the fifteenth instrument of ratification”).

The countries that have signed and ratified the AYC include: Burkina Faso, Djibouti, Gambia, Gabon, Guinea Bissau, Libya, Mal, Mauritius, Mozambique, Namibia, Niger, Rwanda, South Africa, Togo, and Uganda.

IMPLICATIONS OF THE AYC ON STAKEHOLDERS

The Member States of the AU (in the ‘Preamble’ of the AYC) “NOTED with concern the situation of African youth, many of whom are marginalised from mainstream society through inequalities in income, wealth, and power, unemployment and underemployment, and deprived access to education and training, unemployment and underemployment, education and training, and exposure to violence, including gender violence, engaging in armed conflicts and experiencing various forms of discrimination”. Consequently, the AYC is envisaged to address the concerns noted by the Member States of the AU.

The AYC defines the term “Youth” as “for the purposes of this Charter, youth or young people shall refer to every person between the ages 15 and 35 years”. The term Minors is defined in terms of the Charter to refer to “young people aged 15 to 17 years subject to each country’s laws”.

The AYC has policy implications on State Parties of the AYC. Articles 1-28 (except Article 26) of the AYC deal with the responsibilities of the State Parties to the AYC. These articles of the AYC respectively highlight areas upon which youth participation is vital: education and skills development, employment, national youth policies, national youth administration, action for poverty reduction, human rights, and responsibilities of young people to the continent and the world. The AYC also has implications on the Commission of the African Union. The Commission of the African Union has certain duties to discharge. Those duties include ensuring that State Parties respect the content of policy made and fulfil the duties outlined in the AYC by, for example: (1) collaborating with governmental, non-governmental institutions and developmental partners to identify best practices on youth policy formulation and implementation and encouraging the adaptation of principles and experiences among State Parties; (2) inviting State parties to include youth representatives as part of their delegations to the ordinary sessions of the AU and other relevant meetings of the policy organs to broaden the channels of communication and enhance the discussion on youth-related issues; (3) instituting measures to create awareness of its activities and make information on its activities more readily available and accessible to youth; and (4) facilitating exchange and co-operation between youth organisations across national borders in order to develop regional youth solidarity, political consciousness and democratic participation in collaboration with development partners.

The young people of the continent are beneficiaries of the AYC. In addition to these benefits afforded to the African youth, Article 26 specifically, outlines the responsibilities of young people by stating that young people on the continent have responsibilities towards their families, the society the State, and the international community. Their duties include (Article 26 of the AYC): becoming custodians of their own development, protect and work for family life and cohesion, have full respect for parents and elders and assist them anytime in cases of need in the context of positive African values, partake fully in citizenship duties including voting, decision making and governance, and engage in peer-to-peer education to promote youth development in areas such as literacy, use of information and communication technology, HIV/ AIDS prevention, violence prevention and peace building, and protect the environment and conserve nature, etc.

CONCLUSION

The AYC is indubitably a distinctive instrument for the protection and promotion of rights of young people on the continent. This milestone further signifies the importance of young people in the development of the continent. Their participation in the affairs of the continent could revolutionise the way the young people and the continent is perceived. The AYC creates a legally binding framework for governments to build up supportive policies and programmes for the youth, and serves to accelerate the implementation of such policies and programmes. It also provides a platform for youth to assert their rights and fulfil their responsibility of contributing to the continent’s development.

It’s worth noting that the AU Heads of State and Government at their 12th Ordinary Session held in Addis Ababa declared the years 2009-2012 as the decade on youth development in Africa and also endorsed at their last Summit held in Sre, Libya, a proposal declaring 2010 as the International Year of Youth. This is another step towards the right direction.

Finally, the former Minister in the Presidency, Dr. Manto Tshabalala-Msimang, pointed out that the AYC will be implemented within the context of the National Youth Policy (NYP) 2009-2014 which was recently approved by Government. The NYP is a national policy framework whose development was largely driven by the country’s youth sector. She further pointed out that it contains the principles and processes that will guide the implementation of interventions to address issues of education, health, economic participation, and social cohesion. South Africa has already discharged most of the obligations in the AYC.


The diplomat
7/2009
International Relations

International Relations

Not too small to matter!
SA Embassy in Sweden sends us the following:

“A proud father looks on as little Kian Schalk van der Merwe from South Africa becomes the first ever Sandton-issued South African passport from Ambassador Zeph Makgetla in Stockholm. Zeph was the first new look SA passport issued to a South African child in Stockholm. Judging from the look, it was received with great interest!”


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Where were you...?