



## CITY OF JOHANNESBURG

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To : Mr Marc Gbaffou, Chairperson of the African Diaspora Forum  
Subject : Re Memorandum to COJ Executive Mayor  
Date : 26 January 2017

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Dear Mr Gbaffou

Your memorandum presented to the City, and received by MMC Nonhlanhla Sifumba on 19 December 2017 refers.

I apologise that I could not be there to receive your memorandum myself, I was out of the country at the time. I am equally apologetic that it has taken some time for me to formally respond to your memorandum.

I must confess to hold reservations pertaining to the motives in which your organization has operated, given that your focus was not to engage directly with me. Rather you have elected to stage a public gathering which seemed to be more purposed to driving a campaign to the media.

I further note the letter dated 28 January 2017 that you have sent to the President, copying myself, in which you advance a number of views that stray away from the aims of your organization and into a political agenda.

Given how the African Diaspora Forum (ADF) has handled these actions until the present time, I am questioning whether you are engaging with me to attempt to resolve the matter or driving a political agenda.

I would now like to turn my attention to the substance of your memorandum.

Your assertion that I have somehow been engaged in an effort to refine my original words is false. The sentiment that I expressed at the time, remains the sentiment that I hold on this day. As is always the case when a matter is widely reported on by the media, people attached meaning to my words that was not my own.

I remain resolute now, just as I did then, that I would like every person in the world to come and visit our City. I would like people from all over the world to visit our City as tourists, to work in our City, to invest in our City, to share their skills and ingenuity with us and help us to advance our City. My one and only qualification to this, is that they must enter our country legally, and once in Johannesburg, they must abide by our laws. Surely we can see eye-to-eye on this?

I am an unapologetic believer in the Rule of Law as a prerequisite for the kind of City that we would like Johannesburg to be. Anybody who believes otherwise I will not be able to come to terms with. I have been elected into office with a mandate of the people of the City of Johannesburg which includes establishing the Rule of Law in the City.

I regard it to be equally self-evident that a part of achieving a City governed by the Rule of Law, is that the people in our City must be here legally and must obey our laws. People from anywhere in the world who are here legally and abide by our laws, will have my full support and I welcome them.

Much has been made by the ADF about my comments and the link between immigrants and criminality. I believe this matter is very simple. I do not believe all foreigners are criminals and I have never stated anything of the sort.

What I did say then, and stand by today, is that people who live in or visit our City illegally are in fact criminals. You cannot possibly refute the fact that someone who has broken a law in our country, by virtue of passing through our borders illegally, is not a criminal. To refute this is to deny the existence of immigration laws in South Africa or to decide that the Rule of Law must be selectively applied to exclude these laws.

Your memorandum goes to great lengths to describe a number of situations in which people enter our country under duress of the circumstances of their home countries. However, this is something for which the laws of our Country make provision. Our laws require that people under these circumstances must apply for asylum. Once granted asylum, such a person is formerly considered a refugee and protected under Section 24 of the Refugee Act of 1998. As such, my commitment to the Rule of Law involves the defense of such people.

South Africa, as a member of the United Nations, is bound by the Convention of 1951 which protects immigrants fleeing their home country who fear persecution on the grounds of a race, religion, nationality, political opinion or membership of a particular social group. Under the same convention a refugee is also defined as "a person who is in need of protection." I reject, with disdain, the notion that my comments were directed towards asylum seekers or refugees. They were directed at people who break the law of our Country.

I would have hoped that my response would provide some measure of comfort. I advance that if you believe in the Rule of Law and your agenda is as you purport it to be, then I believe you would have found this letter reassuring.

I would like to extend an invitation to you to meet with me so that we can discuss the matter further, and in a fashion oriented towards solutions.

Thank you



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HERMAN MASHABA  
EXECUTIVE MAYOR, CITY OF JOHANNESBURG