

## **Attacks on the OCA by a former chair emerge 12 months into the court case just as the LLPT are facing contempt hearings**

Bovain Macnab is an Observatory resident and former Chairperson of the Observatory Civic Association. He has recently emerged to publicly criticise the OCA and its leadership and join the call for its takeover in order to stop the OCA's involvement in the court case against the River Club. Here is a detailed explanation of why we believe this is part of a wider effort to protect the developer and has little to do with the well-being or future of the Observatory Civic Association or the Observatory Community.

### **1. What was Mr Macnab's grievance about the OCA's involvement?**

Mr Macnab wrote to the OCA on the 29<sup>th</sup> August 2022 to express his concern about the OCA's ongoing legal action with respect to the River Club and to express the view that "the OCA has now gone beyond "normal" conduct of a Civic". He also expressed the view that the OCA lacks mandate for what it is doing and that the future and solvency of the OCA was at stake.

He then demanded the following information "to allay my concerns":

1. The current signed up membership total of the OCA.
2. Details of the current Executive and when the next Executive Meeting will occur (and whether Ordinary Members are able to attend).
3. Details of the current bank balance (I would think minimal) and list of creditors (Legal Fees, City Rent for Car Park).
4. Details of how the OCA is covering and will cover its Legal Fees.

He added that he believed the OCA is both technically and practically insolvent and trading recklessly, which can make the Executive personally liable, and endangers the organization for the future.

He copied the Ward Councillor on this email.

At the time of writing, Mr Macnab had already posted on the River Club Facebook page a comment (on the 12<sup>th</sup> August 2022) saying "It's time for the residents of Observatory to stand up against the current and ongoing approach of the Observatory Civic Association". At no point did he direct any postings to the OCA website or Facebook page, nor approach the OCA for any meeting about these concerns prior to sending the email on the 29<sup>th</sup> August.

### **2. What was the timeline of Mr Macnab's email to the OCA?**

- a. The LLPT bought the River Club site in 2015 and the first scoping report for the development was released in 2016. The OCA was amongst the first Interested and Affected Parties to make comments in the EIA process.

**Mr Macnab made no submissions to the EIA process nor to the rezoning process between 2016 and 2020, nor to the appeals that were lodged in 2020 and rejected in 2021.**

- b. The OCA signalled that it was going to court over the approvals since 2020 when, in line with its constitution, it adopted a resolution unanimously supported at its

AGM, to seek legal advice and pursue a High Court review of the authorisation decisions. This was widely known to the Observatory Community.

**Mr Macnab made no approach to the OCA about this matter then.**

- c. The developers commenced construction on the 26<sup>th</sup> July 2021. Within one week, on August 2<sup>nd</sup> 2021, the OCA and the Goringhaicona Khoi Khoin Indigenous Traditional Council (GKKITC) lodged papers to review the authorisations granted and to secure an interdict pending the review. This was widely known across Observatory and reported in the press.

**Mr Macnab made no approach to the OCA about this matter then.**

- d. On the 18<sup>th</sup> March 2022, Deputy Judge President Goliath issue an interdict to halt construction at the River Club and then rejected respondents' leave to appeal on the 5<sup>th</sup> May. There was substantial publicity about the interdict and the role played by the OCA in the case.

**Mr Macnab made no approach to the OCA about this matter then.**

- e. On the 29<sup>th</sup> May 2022, I approached Mr Macnab about whether he could share old articles about the OCA from his time as OCA chair. He suggested we meet but I responded that "At the moment, though, we are really busy with the court case on the River Club, as you might imagine." His response to that was "goed so" (fine).

**Mr Macnab did not raise any concerns about the OCA's mandate to pursue the court case, nor whether we were trading recklessly.** By all accounts he had no problem then. Just "goed so".

- f. On the 27<sup>th</sup> June 2022, the LLPT initiated the restart of construction in violation of the interdict. On the 8<sup>th</sup> July, the OCA lodged papers, along with the GKKITC to hold the developers in contempt of court.

**Mr Macnab made no approach to the OCA about this matter then.**

- g. What then followed was a series of challenges to holding the developers in contempt of court:
  - i. On the 12<sup>th</sup> July, the contempt hearing in the High Court (which was disrupted outside the court by violence, threats, intimidation and assault of opponents of the development) was postponed till the 27<sup>th</sup> July.
  - ii. On the 21<sup>st</sup> July, a secret meeting of some Goringhaicona members took place, where the members present claiming to be the NEC for the GKKITC, signed a resolution to dispute the authority of Tauriq Jenkins to act for the GKKITC.
  - iii. On the 22<sup>nd</sup> July, Bovain Macnab contacted me by email asking for my contacts so he can call. This was **the first approach made by Mr Macnab to me regarding the River Club matter.**
  - iv. On the 25<sup>th</sup> July, Tauriq Jenkins received a 549 page interdict from the lawyer acting for this fake Goringhaicona group seeking to interdict him from representing the GKKITC in the court case. The interdict was struck off the urgent role but the matter of the contempt was not heard and rescheduled for a later date. He continues to face harassment and defamation through the submission of affidavits in court that contain

unsubstantiated smears against him. (None of these affidavits, which are disputed, have yet to be subject to oral evidence, which the courts will require when there are disputes of fact.)

- v. From that point on, the contempt hearing was delayed repeatedly for various reasons including three interventions by the lawyer acting for the fake Goringhaicona group, all having the nett effect of delaying the contempt hearing and to further immobilise the GKKITC.
- h. On the 1<sup>st</sup> August I received a call from Bovain Macnab asking how many members we have, how are we funding the case and whether members are resigning from the OCA. He also commented to me that he believes the court decision was incorrect and that the law cannot stop a development once approvals are given unless there is criminality. He also made disparaging remarks to me about Judge Goliath's ability as a judge. It appears that he was unaware that the High Court review will examine exactly the question of the lawfulness of the approvals.
- i. On the 26<sup>th</sup> August the OCA lodged an urgent application for an interim interdict to stop the construction until the contempt matter could be heard. We were forced to go to court without the GKKITC because of the legal mischief being perpetrated against the GKKITC.
- j. On the 29<sup>th</sup> August, Mr Bovain Macnab sent me an email expressing his concerns about "OCA's ongoing legal action with respect to the River Club" which he believes "has now gone beyond "normal" conduct of a Civic." He accused the OCA of acting without mandate, trading recklessly and being insolvent. At no time did he request a meeting with the OCA to discuss his concerns.
- k. The interdict application by the OCA was heard on the 2<sup>nd</sup> September in the Cape High Court. The judge has still to issue a finding.
- l. On the 6<sup>th</sup> September, the OCA wrote to Bovain Macnab to refute his allegations. We also indicated we had considered his membership application and rejected it on the basis he had brought the OCA into disrepute by making accusations about reckless management by the OCA to a third party.
- m. Mr Macnab responded on the 7<sup>th</sup> September rejecting our reasons and copying both the Ward Councillor and former Ward Councillor asking "the City to investigate whether it still formally recognizes the OCA as a properly constituted Civic."
- n. The OCA published in its newsletter on the 9<sup>th</sup> September an account of Mr Macnab's interventions on the River Club alongside a response to the anonymous and prima facie illegal website claiming to be the bestforobs and the smear pamphlets distributed across Observatory. Mr Macnab's response was to take umbrage and further denigrate the OCA and individuals in the OCA. He described the pamphlets not as illegal or defamatory but "part of frustrated contestation" which he framed as "a result ... of the approach the OCA has chosen with regard this matter to date." **He did not condemn the distribution of these defamatory and illegal pamphlets at all.**

### 3. Why is the timing of Mr Macnab's intervention significant?

- The current situation is that the developers are building themselves into an impregnable position by continuing construction in violation of the court order issued on March 18<sup>th</sup>. This is articulated in the court papers. Although they claim they are doing so on the basis of a legal opinion, this is a legal opinion of their own senior counsel and as our counsel argues, this amounts to a form of 'self-help' where a party to a case can simply claim to disregard an order of the court based on a procured legal opinion.
- This means that the developers know they are seriously at risk of being found in contempt. And they know that now, because [18 Khoi and San Councils and groups have come out to oppose the development](#) and support our case, they risk losing the case in the review.
- We believe that their solution is simple - to attack and demobilise the applicants. It is our view that they have brought extraordinary pressure on the legitimate leaders of the GKKITC through a proxy agent and, to the extent that the case cannot proceed if the GKKITC leadership issue is resolved, that strategy has paid off. Note that Tania Kleinhans, a leader in the First Nations Collective, has been instrumental in organising what we see as a fake challenge to the true GKKITC. There are deep vested interests there, since the FNC stand to benefit directly from the development as clearly stated in the court papers.
- The fact is that the intervention by Mr Macnab has only appeared since the developers have acted in contempt of court. He has shown no concerns about our campaign or the legal case over the past 6 years. Even after we went to court in 2021, he did not express any concerns. As recently as May 29<sup>th</sup> 2022, when the OCA chair engaged him about accessing old OCA documents for an archive, he made no mention of any concerns about the campaign, despite the OCA chair mentioned to him that "we are really busy with the court case on the River Club, as you might imagine." His response then as "Goed so." It is only now that he is so deeply bothered about the OCA going 'beyond normal conduct of a Civic.' We find that anomalous.
- But what is the action taken by the OCA since June 27<sup>th</sup> that is so bothering to him? The only action taken by the OCA in this period is simply the act of asking the court to force LLPT to obey the law and to comply with a lawful interdict issued by a High Court Judge. How exactly is expecting compliance with the law "abnormal"?

- We are puzzled as to why a former OCA chair, who has not shown any interest or concern about the case or the OCA's future or the solvency of the organisation for years, would suddenly wake up to this concern in August 2022? We believe the reason has little to do with the interests of the Observatory Community or the viability or probity of the OCA but with the strategy of the developers and their supporters to immobilise the applicants through underhand and divisive tactics. Such tactics are evident in the attempt to sabotage the Goringhaicona Khoi Khoi Indigenous Traditional Council now. Much in the same way that no Goringhaicona members had a problem with mandate in 2021 (in fact some of those now opposing Tauriq Jenkins in court were part of our campaign against the development in 2021), it is only now that mandate and solvency questions related to the OCA are being raised by Mr Macnab. The timing of this intervention is not coincidental – we believe this is part of a deliberate strategy to take out the OCA from holding the developer in contempt of a court ruling and we believe the former Chair of the OCA needs to answer why he should not be seen to be cooperating in this strategy.

4. What interest has Mr Macnab shown in the Observatory Civic Association, its work for the Observatory community and in the River Club development over the past few years?

The simple answer is that at least from 2015, he has been completely absent.

When we appealed to the Observatory community during COVID-19 to support us to manage the loss of income revenue for the Car Park as a result of the severe lockdown, which put the jobs of staff running the car park at risk, we had tremendous support from local Observatory residents who valued the community enterprise and came to support the OCA's solvency in that matter. **We did not receive any offers of assistance from Mr Macnab then.**

When the OCA appealed to residents to assist in raising funds for the Rainbow House to keep the rehoming initiative intact for homeless persons in Observatory, a great number of Observatory residents stepped forward to assist with a view to supporting the project's future sustainability. **We did not receive any offers of assistance from Mr Macnab then.**

For someone supposedly concerned about the solvency of the OCA, he has not demonstrated any concern about the challenges faced by the OCA nor about its support of the community over the past few years. In regard to his current concerns, he did not request a meeting to discuss any of this with the OCA chair but started with an email copied to the Ward Councillor making claims we believe lack any evidence.

We believe his new-found concern is motivated by interests that will only benefit the private developers and the interests of the City's planners and politicians, who over-rode heritage concerns and their own environmental professionals in approving the development.

## 5. Who are his allies in this matter?

Mr Macnab has appealed to the City to investigate the OCA. He copied the current Ward Councillor in his first email accusing the OCA of trading recklessly and being insolvent without any information to back up such claims. His second email was also copied to our former Ward Councillor Paddy Chapple.

On a number of counts, this is inappropriate. The City is a party to the River Club court case and opposes the OCA so it is clearly conflicted in this matter. Moreover, it has recognised the OCA for years as the official Civic for the Observatory area and we comply every year submitting reports and statements to the City as required. There is no reason for the City to question the OCA's legitimacy and the City has never before questioned the Civic's standing as the official civic for Observatory. Should it take such an extraordinary step as urged by Mr Macnab, it would be a clear indication of bias and abuse of power by the City at the instigation of a person making unfounded allegations for seemingly vested reasons.

Secondly, it is well known that former Councillor Chapple was hostile to the OCA under recent leadership, labelling the OCA as 'working against the City' when it was Councillor Chapple who did nothing to oppose the River Club development when asked by the community to do so. Councillor Chapple is also on record as looking forward to the creation of an alternative Civic to the OCA.

Mr Macnab also counts in his LinkedIn associates the attorney for the LLPT and the Director of the Marketing Company that has received at least R 2.5 from the LLPT to promote the River Club development. He has posted to the River Club website comments openly hostile to the OCA as in "It's time for the residents of Observatory to stand up against the current and ongoing approach of the Observatory Civic Association." Notably, these comments were made **on the 12th August, more than two weeks before his first email to the OCA**. This suggests that he had already made up his mind about challenging the direction of the OCA long before raising any questions with the OCA about mandate, solvency or standing of the OCA.

## 6. Why is this not an issue about transparency?

At face value, the request for transparency of funding would, in a normal world, be a reasonable request.

But the history of this campaign is instructive.

We are not dealing with normal people and normal processes. The LLPT and their consultants have trawled our website to use documents against us in various forums by misrepresenting these documents. Their use of information has been weaponised against us in the campaign. Mr Macnab is expecting us to willingly jeopardise our position by publicly declaring the funding situation of our case. No parties to a court case would do such a foolish thing. We have previously said that every cent spent on legal fees thus far has been raised by crowd funding and that remains the case now. We will report on our finances at the next AGM.

While Macnab is strong on insisting that the OCA be transparent, he has not clarified nor admitted to any associations with parties who are fighting for the development.

7. What is the context for his interventions?

It's quite clear there is a plan to capture the OCA. A defamatory, anonymous and illegal website has been created (and is posted on the LLPT webpages) called bestforobs.org.za to encourage Observatory residents to join the OCA so that the OCA withdraws from the case. It's the same tactic of a "fake GKKITC" repeated in a Civic Context. We believe Mr Macnab's actions are not about building the Civic or strengthening capacity to deal with problem of people on the street but rather actions simply intended to stop us holding the LLPT to the law. And that is also the objective of this website.

We ask Observatory residents to reflect on what this means for you and for democracy. If rich and powerful companies can stand to benefit from nefarious tactic to undermine democratic civics like this, we will have lost one of the most important victories of the struggle against apartheid – a struggle for participatory democracy where your race, your gender, your sexual orientation and your wealth neither become ways for you to exercise unfair power and influence, nor markers for your dispossession. Observatory residents have a long history of resistance to injustice and, at a historical Special General Meeting in 2017, told a crooked developer to go take a hike.

Let's repeat that historic moment in 2022 by saying no to secret websites and anonymous smear pamphlets that want to decide for residents what is 'best for Obs'. Rather, let's see residents and businesses in Obs stand together to fight skullduggery and show that we stand for the 'best of Obs'.

Yes to BestOfObs

No to BestforObs.

## Appendix: Correspondence

In the appendix to this note, we present the full correspondence between Mr Macnab and the OCA so you can see and judge for yourself.

### 1. LinkedIn correspondence between Bovain Macnab and the OCA chair on May 29<sup>th</sup> 2022

[Leslie London](#) 7:27 AM

hi Bovain, John Young suggested I contact you. I am trying to discern when the Obs Civic Association was formed. He thought you might know. And if you have any old documentation on the OCA, we would love to make copies to archive for the record. Thanks. Leslie London, current OCA chair

Bovain Vusumuzi Macnab sent the following messages at 7:28 AM

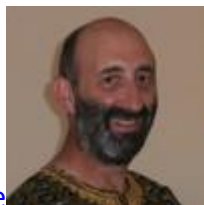


[View Bovain Vusumuzi's profile](#)

[Bovain Vusumuzi Macnab](#) 7:28 AM

Thanks for making contact.  
Not sure off-hand, a long time ago.  
I probably have an old file. I'll dig it out.  
My number is \*\*\* \*\* \*.

Leslie London sent the following message at 9:34 AM



[View Leslie's profile](#)

[Leslie London](#) 9:34 AM

Bovain, since contacting you, I have been going through the files that John Young gave me from his archive and lo, and behold, I found a pamphlet what says that the OCA was started in 1985! So, that problem is solved. But if you have an old file, now that I am in the business of scanning documents for an OCA archive, I'd be keen to borrow it and get it scanned for posterity. I will give you a call in the week. At the moment, though, we are really busy with the court case on the River Club, as you might imagine. Thanks Leslie

Bovain Vusumuzi Macnab sent the following message at 10:08 AM





[View Bovain Vusumuzi's profile](#)

[Bovain Vusumuzi Macnab](#) 10:08 AM

Goed so.

2. Correspondence related to the OCA's mandate and financial viability (22<sup>nd</sup> July to 7<sup>th</sup> September in order of most recent to oldest correspondence)

**From:** Bovain Macnab <[bovain@macnab.co.za](mailto:bovain@macnab.co.za)>  
**Subject:** RE: Making Contact // River Club // OCA City Recognition  
**Date:** 07 September 2022 at 09:17:37 GMT+2  
**To:** "[yusuf.mohamed@capetown.gov.za](mailto:yusuf.mohamed@capetown.gov.za)" <[yusuf.mohamed@capetown.gov.za](mailto:yusuf.mohamed@capetown.gov.za)>  
**Cc:** 2022 Mancomm <[2022mancomm@obs.org.za](mailto:2022mancomm@obs.org.za)>, "[chair@obs.org.za](mailto:chair@obs.org.za)" <[chair@obs.org.za](mailto:chair@obs.org.za)>, Patrick Chapple <[Patrick.Chapple@capetown.gov.za](mailto:Patrick.Chapple@capetown.gov.za)>, "[comms@obs.org.za](mailto:comms@obs.org.za)" <[comms@obs.org.za](mailto:comms@obs.org.za)>, "[treasurer@obs.org.za](mailto:treasurer@obs.org.za)" <[treasurer@obs.org.za](mailto:treasurer@obs.org.za)>, "[ah@obs.org.za](mailto:ah@obs.org.za)" <[ah@obs.org.za](mailto:ah@obs.org.za)>, "[secretary@obs.org.za](mailto:secretary@obs.org.za)" <[secretary@obs.org.za](mailto:secretary@obs.org.za)>

Dear Yusuf

Based on the enclosed, I am unfortunately writing to ask the City to investigate whether it still formally recognizes the OCA as a properly constituted Civic.

Please, in time, would you revert.

Bovain

**From:** Bovain Macnab  
**Sent:** Wednesday, 07 September 2022 09:01  
**To:** [chair@obs.org.za](mailto:chair@obs.org.za)  
**Cc:** 2022 Mancomm <[2022mancomm@obs.org.za](mailto:2022mancomm@obs.org.za)>; [yusuf.mohamed@capetown.gov.za](mailto:yusuf.mohamed@capetown.gov.za); Patrick Chapple <[Patrick.Chapple@capetown.gov.za](mailto:Patrick.Chapple@capetown.gov.za)>  
**Subject:** RE: Making Contact // River Club

Dear Leslie

I find your response below extraordinary, and very disappointing.

Please see my additional comments below.

Bovain

**From:** Leslie London <[chair@obs.org.za](mailto:chair@obs.org.za)>  
**Sent:** Tuesday, 06 September 2022 22:21  
**To:** Bovain Macnab <[bovain@macnab.co.za](mailto:bovain@macnab.co.za)>  
**Cc:** 2022 Mancomm <[2022mancomm@obs.org.za](mailto:2022mancomm@obs.org.za)>  
**Subject:** Re: Making Contact // River Club

Dear Bovain

I am only able to reply to you today as the OCA Management Committee had to consider both your membership application and the contents of your email of 29<sup>th</sup> August, which you chose to copy to the Ward Counsellor.

**BM – I'm surely entitled to copy anyone I wish?**

The OCA Management Committee finds it unfortunate that you have chosen to deal with your concerns in the manner you have.

Firstly, we remind you that the OCA has acted at all times within the provisions of its constitution, with regard to the River Club and all other matters. Secondly, the OCA is not insolvent contrary to your wild accusations, and we find it particularly serious that you should make such accusations about the OCA to external parties without a shred of evidence.

**BM – Where the OCA is solvent, this would be easy to demonstrate. Mandate and solvency are vital, as are transparency over legal costs.**

Thirdly, we do not consider the questions you have posed and the way you have chosen to

pursue to be the questions of a member who has the best interest of the OCA at heart or who is seeking to strengthen the association, but rather that of a person who is willing to bring the OCA into disrepute in order to advance interests other than that supported by the Observatory community.

BM – This allegation is denied, and covered further below.

For example, a few days after receiving your email, we received an email of a completely different tone from an Observatory resident who, unsolicited, thanked us for what we are doing. She wrote to me as follows:

*Dear Leslie,*

*We have not met before but I am an Observatory resident and just wanted to send you a note of support and thanks. Thank you for the endless work you are doing against the LLPT, and for your ongoing fortitude and bravery. I hope you are feeling the ongoing support of the Observatory and UCT communities, and that there is an excellent show of support tomorrow at court.*

*Take only the best care of yourself.*

BM – My fear is the OCA is listening to its own sheet music, and has become “lost”. There is real anger, anger I am feeling in the community, over the conduct of the OCA and its “capture”.

We receive many such notes of support from residents who may or may not be members of the Civic and we consider these to reflect an important sentiment of what people in Observatory think.

Because you have acted in a manner so as to bring the Civic into disrepute, the Management Committee has decided to refuse your application for membership of the OCA.

BM – I have lived in Observatory since 1968 (my birth year). Not that its relevant, I am a former Chair of the OCA. I have served this community in many forms over decades. Surely no Executive of a Civic gets to decide, it seems on viewpoint, who it allows as a member? Extraordinary, and poor decision that drives to the heart of the current conduct of the OCA. The OCA is not a cabal or a fiefdom, it’s a Civic Organization for the community of Observatory.

Kindly provide us with details of your bank account so that we can refund your membership fees.

BM – Happy the funds are kept by the OCA.

Yours sincerely

Leslie London

OCA Chairperson

**From:** Bovain Macnab

**Sent:** Monday, 29 August 2022 17:55

**To:** 'Leslie London' <[leslie.london@uct.ac.za](mailto:leslie.london@uct.ac.za)>

**Cc:** '[chair@obs.org.za](mailto:chair@obs.org.za)' <[chair@obs.org.za](mailto:chair@obs.org.za)>; [yusuf.mohamed@capetown.gov.za](mailto:yusuf.mohamed@capetown.gov.za)

**Subject:** RE: Making Contact // River Club

Dear Leslie

I hope you are well

As you know I am greatly concerned with regard the OCA’s ongoing legal action with respect to the River Club.

I think, in the absence of further information, the OCA has now gone beyond “normal” conduct of a Civic.

I am concerned the OCA lacks mandate and I am concerned for the future and solvency of the OCA.

Please, to allay my concerns, would you revert on the below:

1. The current signed up membership total of the OCA. (I “hear” there are only 55 paid up members, below the City’s threshold for representation of 100, in a Ward of 18000.)
2. Details of the current Executive and when the next Executive Meeting will occur (and whether Ordinary Members are able to attend).
3. Details of the current bank balance (I would think minimal) and list of creditors (Legal Fees, City Rent for Car Park). (My own view is the OCA is both technically and practically insolvent and trading recklessly, which can make the Executive personally liable, and endangers the organization for the future.
4. Details of how the OCA is covering and will cover its Legal Fees.

All the best, and thank you for your service.

I have copied the Ward Councillor.

Bovain

**From:** Bovain Macnab

**Sent:** Monday, 25 July 2022 09:04

**To:** Leslie London <[leslie.london@uct.ac.za](mailto:leslie.london@uct.ac.za)>

**Cc:** [chair@obs.org.za](mailto:chair@obs.org.za)

**Subject:** RE: Making Contact

Thanks, Leslie.

I will call.

Bovain

**From:** Leslie London <[leslie.london@uct.ac.za](mailto:leslie.london@uct.ac.za)>

**Sent:** Saturday, 23 July 2022 12:01

**To:** Bovain Macnab <[bovain@macnab.co.za](mailto:bovain@macnab.co.za)>; [chair@obs.org.za](mailto:chair@obs.org.za)

**Subject:** RE: Making Contact

Hi Bovain

I am on \*\*\* \*\*

Thanks

Leslie

**From:** Bovain Macnab <[bovain@macnab.co.za](mailto:bovain@macnab.co.za)>

**Sent:** Friday, 22 July 2022 14:28

**To:** [chair@obs.org.za](mailto:chair@obs.org.za)

**Subject:** Making Contact

Dear Leslie

I hope you are well.

I am trying to make contact. Please would you let me have your number so I may call.

Bovain (Macnab)

\*\*\* \*\*

3. Correspondence on 12<sup>th</sup> September 2022 following the OCA Newsletter of 9<sup>th</sup> September 2022.

**From:** Bovain Macnab <bovain@macnab.co.za>

**Sent:** Monday, 12 September 2022 15:48

**To:** Leslie London <leslie.london@uct.ac.za>; comms@obs.org.za

**Cc:** bradley <bradley@bproperties.co.za>; william@frater.co.za; Patrick Chapple <Patrick.Chapple@capetown.gov.za>; Cllr Yusuf Mohamed (DA) <yusuf.mohamed@capetown.gov.za>; driverjowitt@gmail.com

**Subject:** RE: Pamphlet drops and mystery websites viciously attack OCA

Dear Leslie

Thank you for your swift response.

Please see my further comments below.

Bovain

**From:** Leslie London <[leslie.london@uct.ac.za](mailto:leslie.london@uct.ac.za)>

**Sent:** Monday, 12 September 2022 14:12

**To:** Bovain Macnab <[bovain@macnab.co.za](mailto:bovain@macnab.co.za)>; [comms@obs.org.za](mailto:comms@obs.org.za)

**Cc:** bradley <[bradley@bproperties.co.za](mailto:bradley@bproperties.co.za)>; [william@frater.co.za](mailto:william@frater.co.za); Patrick Chapple <[Patrick.Chapple@capetown.gov.za](mailto:Patrick.Chapple@capetown.gov.za)>; Cllr Yusuf Mohamed (DA) <[yusuf.mohamed@capetown.gov.za](mailto:yusuf.mohamed@capetown.gov.za)>; [driverjowitt@gmail.com](mailto:driverjowitt@gmail.com)

**Subject:** RE: Pamphlet drops and mystery websites viciously attack OCA

Dear Bovain

I see from your reply below, you are confirming you have nothing to do with the prima facie defamatory pamphlets (which you do not acknowledge to be defamatory) and anonymous website that using illegal methods to undermine the OCA.

BM – I would have thought this paperwork is part of frustrated contestation, a result in my view of the approach the OCA has chosen with regard this matter to date. While I don't necessarily approve of the paperwork, I have no legal view. As you know, I think the OCA's approach on the River Club matter, especially in the recent past, has been poor; to say the least.

I didn't think we implied that you were, but I will re-read the newsletter to check and, if necessary clarify any misunderstanding.

BM – Gracious of you, though I view this response, based on what I asked for prior, as minimal.

The OCA is taking up the issues raised but we will not be bullied by you or any other persons and will follow our Constitution as we have done in this and other matters.

BM – I have no intention of bullying anyone. In fact, though I'm comfortable in the public arena, I'm the one who has been "bullied", incorrectly in my view, by the recent OCA public pamphlet and email! My concern, as covered in prior correspondence, is the OCA is not following its constitution and not acting in its and the community's interest (solvent, mandate, transparency of legal obligations / funding).

I see you have now broadened the range of persons copied on this matter, which is increasingly unfortunate.

BM – This cannot be correct, and is the second time you have chosen this observation. Surely, I am entitled to communicate with whoever I wish; particularly as this is a community matter? You and the OCA should also be communicating openly (and apolitically) with the community, this is a key component of my concern.

We will be happy to share the full correspondence with the Observatory Community.

BM – Please do so.

Thanks

Leslie London

**From:** Bovain Macnab <[bovain@macnab.co.za](mailto:bovain@macnab.co.za)>

**Sent:** Monday, 12 September 2022 10:03

**To:** Leslie London <[leslie.london@uct.ac.za](mailto:leslie.london@uct.ac.za)>; [comms@obs.org.za](mailto:comms@obs.org.za)

**Cc:** bradley <[bradley@bproperties.co.za](mailto:bradley@bproperties.co.za)>; [william@frater.co.za](mailto:william@frater.co.za); Patrick Chapple <[Patrick.Chapple@capetown.gov.za](mailto:Patrick.Chapple@capetown.gov.za)>; Cllr Yusuf Mohamed (DA)

<[yusuf.mohamed@capetown.gov.za](mailto:yusuf.mohamed@capetown.gov.za)>; [driverjowitt@gmail.com](mailto:driverjowitt@gmail.com)

**Subject:** FW: Pamphlet drops and mystery websites viciously attack OCA

Dear Leslie and Edwin

I am extremely disappointed to have received the below, in particular as I have known Edwin for some time and been in his home.

Some points in overview.

- 1) Were I litigious and concerned, I would regard the below are defamatory.
- 2) More importantly, my own view, based on the below and my prior treatment (membership of OCA denied), is that the current behaviour of the OCA executive is appalling. The OCA is an apolitical organization established many years ago to **serve** the Observatory community. The **service** involves all topics and all communities. The OCA should never be a one topic organization and should never step (fully) into the political arena. Developers, in a democratic society are not the enemy and nor are people such as myself.
- 3) I again urge the OCA to take the issues I have raised (mandate, solvency, transparency with regard fees) seriously. Though the damage is done (OCA revealing itself [in a poor light]), I urge the OCA to reconsider the decision made with regard myself, it reflects (very) poorly on the OCA (and this is not about me).
- 4) For the record, I have nothing to do with the current flyers. Personally, I think very little should be said about Tauriq Jenkins, from what I hear his behaviour is dismal (and destructive); damaging to all of the community, the OCA, and the Executive. Leslie, I feel you too are severely damaging yourself through as Chair allowing the enclosed.
- 5) For the record:

- a) My email was not belligerent. The questions raised (again; transparency, mandate, solvency), in my view are vital; and entitled to be asked. The fact they are not answered and that the OCA is so defensive only raises its own suspicions.
- b) I served the OCA for a number of years, and as Chair for several.
- c) I have always retained an interest in the OCA, mainly via Marc Turok who is near neighbour and with whom I served. (I do not think it is useful for prior Chair's to "hang around".)
- d) I have served the community in a variety of forms outside the OCA, and continue to do so.
- e) My interest in the River Club is not sudden. I attended a TRUP AGM many years ago. For the record, I was initially not in favour of the development. However, my interest now is more in the conduct of the OCA than over the River Club (which now, yes, based on the conduct of the OCA, and how far it has progressed, I have come to support).
- f) I think it is common cause I am entitled to both have an opinion and be a member of the OCA.
- g) I firmly affirm that I am a democrat and not a bully. Indeed, the conduct of the OCA with regard to myself illustrates both anti-democratic behaviour and all the characteristics of bullying (attempted public shaming, which won't work).
- h) The language below is not that of a Civic (plenty of money, corporate propaganda), it is that of a political organization. Where the Executive of the OCA wishes to campaign in the political sphere they should stand for office in that arena and not use a civic organization as an (in my view, captured) vehicle. This paragraph alone, in my view, is an appalling indictment of the current OCA. "They've got plenty of money on the line so they're pulling out all the stops. Corporate propaganda is the most pervasive form of propaganda in a liberal democracy [and is aimed at] Convince people to support that which benefits a tiny group of wealthy people at everyone else's expense." It is also, patently, in my view, false; on at least two fronts.

I look forward to my OCA membership being confirmed and a public withdrawal of the communication below, including an apology for both. For the record please ensure both occur within a week. Given you have raised it I think in your next communication you should in fairness also include in full the email communication between Leslie and myself; more than happy as ever to openly subject myself to community scrutiny.

Bovain