



FW de Klerk  
FOUNDATION

**THE FW DE KLERK FOUNDATION**

*Upholding South Africa's National Accord*

Prof Elmien du Plessis

The Spur Panel of Enquiry

**Attention: Prof Elmien du Plessis**

**Per email: [submission@spurpanel.org.za](mailto:submission@spurpanel.org.za)**

26 June 2017

Dear Prof Du Plessis

**SUBMISSION ON THE TEXAMO SPUR ALTERCATION**

**Introduction**

1. The FW de Klerk Foundation is honoured to have been requested by the Spur Panel of Inquiry to make a submission on the incident at the Texamo Spur in March 2017, with the aim of advising Spur how to handle such situations in particular, and possible reasons for the increase of such public incidents in general.
2. The Spur Panel is an important forum for discussion in contemporary South Africa and accords with the Foundation's own mission to support and promote the Constitution and the Bill of Rights as foundational and sacred elements of our democracy. The constitutional imperative enshrined in the Preamble and captured in the Bill of Rights promoting unity in diversity is richly captured in the mission of the Foundation and forms the rationale for the establishment of the Foundation's new Centre for Unity in Diversity.
3. In addition, the Foundation's Centre for Constitutional Rights (CFCR), established in 2006, is dedicated to the promotion and protection of the Constitution and the values, rights and principles enshrined therein. The CFCR also serves a vital monitoring and public information function in respect of developments that may impinge on the enjoyment of constitutional rights by all South Africans.
4. The Foundation's positive contribution to the promotion and protection of our constitutional democracy is prefaced on the achievement of real and substantive equality; equitable access to



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land and other resources, with manifest regard for rights and protections concerning property and administrative action that is lawful, reasonable and procedurally fair.

5. In the light of the above, the Foundation is imminently qualified to contribute to a robust discourse as envisaged in the upcoming hearings of the Spur Panel.
6. The issue of race in South Africa rarely, if ever, elicits a neutral response. This is of course as a result of the country's apartheid history and its legacies. The task of nation-building, social cohesion, redress and economic equality, is work in progress. The task is a mammoth one and requires visionary leadership and a continued commitment to the values of the Constitution. The Foundation prides itself on its demonstrable commitment to both. Examples and evidence of this commitment are too many to outline in this submission, suffice to refer to the recent Penny Sparrow matter, where the Foundation condemned in the strongest terms the bigoted utterances of Ms Sparrow. On the other hand, we were also perturbed by the many cases of racist speech in reaction to the Sparrow and other cases. The Foundation's unequivocal condemnation of the "coffin matter" and the despicable attacks on religious freedom through the attacks on two mosques in the Western Cape, are patent examples of the kind of society we decry.
7. In many of the examples noted above, the use of social media was prevalent in recording and publicising these incidents. The Foundation, like most 21st century institutions, is patently aware of the good and bad that these various platforms are capable of. Facebook, Twitter, WhatsApp, Instagram, LinkedIn, Google+, YouTube, Pinterest, Snapchat and more have captured millions of users globally and the cost of bandwidth notwithstanding, South Africans, of all hues and classes, have followed this global trend.
8. The benefits of social media are certainly not to be frowned on and we applaud its benefit in connecting people, making new forms of education and information so easily available and potentially turning each of us into citizen journalists and distributors of information.
9. The downside of social media has also received vast amounts of attention with cautions expressed about its reliability, questions about the veracity of information distributed, its user's ability to engage in faceless bullying and hacking of information.
10. The purpose of this submission is not to analyse the use of social media but to acknowledge that its use has the potential to highlight, publicise and escalate inflammatory situations, particularly in relation to a hugely sensitive and painful issue that is race in South Africa.



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11. The Foundation reiterates its position that the Constitution of the land serves as our touchstone for the deliberations in this regard.

**Spur Texamo Incident**

12. On 19 March 2017, a video surfaced online in which a white adult male appeared to threaten to attack an adult black woman inside a Spur restaurant. The pair appeared to be arguing over an alleged bullying incident involving their children. Spur staff and management appeared not to have intervened in the incident.
13. The Foundation submits that Spur has a clear right to protect both its customers and business interests.
14. It is on this basis that the Foundation makes the following recommendations in order to avoid the further incidents such as the incident that occurred on 19 March 2017:

**Recommendations**

15. 15.1 Conflict management training for staff including verbal de-escalation training; mediation; and;
- 15.2 Increasing security personnel within the Restaurant in addition to general mall security;
- 15.3 Closer supervision of children in the play area.



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We are available to make further oral submissions on the above, if so required.

**Dr T Eloff**

Executive Director: FW de Klerk Foundation

**Phephelaphi Dube**

Director: Centre for Constitutional Rights

**Zohra Dawood**

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