



HILTON COLLEGE

*A letter from*

# The Head

*No.19-7 / 24 May 2019*

Dear Old Boys, Parents and Friends of Hilton,

There is much debate about land ownership taking place in South Africa at present. It is a highly emotive topic given our country's history, and I feel it is important that our boys feel free to air their views on this matter rather than avoiding the topic altogether. There is a great shortage of healthy debate in our society (and the world) at present and Hilton College (and indeed all schools) has an opportunity to instill in our learners an ability to explain one's viewpoint, to listen to others, to empathise, to disagree, to agree, to challenge, accept or refute opinions. This must surely be a prized outcome of an education.

The diversity of our student body, and our boarding construct provides us with a fertile environment to facilitate such discussions. Boys may never come to unanimous agreement but by taking part in some civil discourse, they must surely become better citizens.

Competent debaters know that one needs to understand context, and in the case of land ownership in South Africa, there is a sad history. Prior to the advent of democracy in South Africa there were many communities (mostly black), who provided free labour to farmers (mostly white) in exchange for access, but not ownership of land. Today, many of these 'labour tenants' live in poverty without any property of their own.

According to the Labour Tenants Act of 1996, people classified as 'labour tenants' have the right to claim ownership to property that they have used and occupied. Also in terms of this Act, it is the responsibility of the relevant government department to administer the Act. The Constitutional Court is currently hearing arguments for a Special Master to be appointed to administer labour tenant claims that have yet to be processed by the Department of Rural Development and Land Reform. There are over fifteen thousand claimants who have been waiting for almost 20 years for a final ruling and are justifiably impatient for answers.

All of this has thrown Hilton College into the spotlight because four of these claimants are families that live on the Hilton estate.

Competent debaters know the facts. Unfortunately the media has not been helpful in this matter as much of the reporting has been manipulative, and in some cases patently false.

For the purpose of furthering healthy debate and for clarity, I feel it is necessary to share the facts about the Hilton Valley Community:

- There are different Acts dealing with land claims, labour tenant claims and the extension of security of tenure (ESTA) rights. It is critical that the distinction is clear and that any claim is dealt with under the relevant legislation;
- Hilton College has employed members of the community since its inception. These employees have received payment for their services throughout this period. It is our very clear view (given detailed legal opinion) that no Hilton Valley Community members are or ever were "labour tenants";

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- Over time, many members of the community have taken up employment elsewhere but continued to reside on the estate;
- The property is in an isolated location, far from medical, education and other services, and for many, the commute to work is difficult, costly and time consuming;
- The Department of Education operated a primary school in the community which was, however, closed by the Department a number of years ago. A pre-school is currently operated in the old school building with the help of volunteers. This pre-school receives no state support and is funded entirely by The Hiltonian Society;
- In the early 2000's, members of the community approached Hilton College to assist them in obtaining freehold property of their own, closer to job opportunities, shops and government services;
- The Hiltonian Society (with the support of the uMngeni Municipality, the Department of Rural Development and Land Reform, and the Department of Human Settlements) has built 111 houses in Howick West for those members of the Hilton Valley Community who wished to relocate. These houses are soundly built and are larger than standard RDP houses, given the contribution of The Hiltonian Society. The Hiltonian Society has also paid for additional classrooms to be built at a school nearby the development. The development has been awarded KZN Govan Mbeki Awards in the category "Best Integrated Residential Development Project", and The Society received an MEC's Special Award for its role in working with local and national government;
- From the outset it was made clear that all residents could alternatively choose to remain on the Hilton Estate as ESTA residents. At no stage have members of the Hilton Valley Community been pressured to re-locate, some have elected to stay.
- Four families (of the original families) have submitted a labour-tenant claim and are awaiting a ruling;

The Hiltonian Society's position is that no residents of the Estate have ever been "labour tenants" who may qualify in terms of the Labour Tenant Act but holds a deep concern for the well-being of all families in the community and have therefore implemented these initiatives on a voluntary basis. By this we mean that the Society implemented its initiatives voluntarily and that the community have accepted or rejected the offers voluntarily.

I hope that these facts serve as a useful contribution to the debates that you may be having about Hilton College within the broader context of the land debate.

Furthermore, I trust that this letter has helped reassure our broader community that despite the emotive negative press, The Hiltonian Society has been especially determined to resolve this matter in a way that enhances the prospects of those people who have had a long association with the College over a number of generations.

Warm regards,

George