



HILTON COLLEGE

A letter from

The Head

No. 2019-14 / 10 September 2019

Dear friends of Hilton,

Hilton College Estate – Settlement with Labour Tenant Claimants

South Africa is wrestling with many difficult issues at present: violence (especially violence perpetrated by men against women), xenophobia, corruption, economic stagnation and climate change are just some of the topics that are generating a plethora of negative and depressing stories in our country.

Good stories might be hard to find at this time, but when they exist, we owe it to each other to share them. We also need to challenge the ill-informed and negative stories. We can't rely on the media or social commentators to help us in this regard, because chances are, this won't happen.

With particular reference to Hilton College, there are a number of myths in the public domain. I have heard that Hilton College has been determined to evict an entire community; that there are 10 000 people with land claims registered against our land; that Hilton College has been obstructive, through legal challenge, to prevent this matter being resolved.

With respect, this narrative is false and unhelpful. In fact, Hilton College has been working to resolve this difficult, complex and emotional matter in the most favourable way possible to ensure the betterment of all who are affected.

Please bear with me as I share some of the detail and legal terms below. All parties involved have undertaken a long and complex journey, so perhaps it is fitting that this account is laboured:

- Hilton College has employed some members of the Hilton Valley Community since the school's inception;
- Over time, many members of the community have taken up employment elsewhere but continue to reside on the estate;
- The property is in a somewhat isolated location, far from medical, education and other services, and for many, the commute to work is difficult, costly and time consuming;
- In the early 2000s, 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;
- Hilton College (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 voluntarily. Hilton College has also paid for additional classrooms to be built at a school nearby the development;
- Phases of the project have been awarded KZN Govan Mbeki Awards in the category "Best Integrated Residential Development Project", and the Hiltonian Society received an MEC's Special Award for its role in working with local and national government;



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- Four families (of the original families) submitted a 'labour-tenant' claim on the Hilton College estate and are among some of the approximately 15,000 claimants across South Africa who have been waiting for over twenty years for their application to be processed by the state. Like the claimants, we have been eager for the claim on our estate to be reviewed so that the rights of all parties can be clarified;
- On 20 August 2019 the Constitutional Court instructed the Department of Rural Development and Land Reform to appoint a 'special master' to accelerate the processing of all 15,000 'labour tenant' applications. In essence, the Department's work to give these claimants a ruling will hopefully start now - but there is still a long way to go, probably many years. Hilton College supports the Constitutional Court's findings.
- The appointment of a special master has had no direct impact on the Hilton College matter. We are delighted to report that in a separate, parallel and independent legal process, the matter involving the four families who have submitted 'labour-tenant' applications on the Hilton College estate was amicably resolved on 3 September. On the advice of the claimants' legal team, members of the four extended families agreed to a proposal from the Department of Rural Development and Land Reform;
- In terms of the agreement, confirmed in an order issued by Judge Meer (President of the Land Claims Court) members of the four extended families (including the descendants of the initial claimants) have elected to move to alternative land, to be provided by the state and situated within forty kilometres of Hilton College. Hilton College's undertaking is to contribute to the cost of the construction of houses for these families in the same manner that Hilton College has assisted the families who chose to move to Howick West.

It is important to note that from the outset it has been made clear that all residents could alternatively choose to remain on the Hilton estate as 'Extension of Security of Tenure Act' residents or relocate to freehold properties in Howick West. At no stage have members of the Hilton Valley Community been pressured to re-locate and some will no doubt elect to stay.

South Africa's history is full of people who haven't succumbed to narratives of defeatism and despair and who kept believing that there must be a better option. We're thankful to have many such people in our own community and are appreciative of everyone involved in bringing finality to this matter - including members of the Hiltonian Society, residents of the Hilton Valley Community and the Department of Rural Development and Land Reform.

Sincerely,
George Harris