

A personal tribute to Constance Mogale: land rights activist, leader and icon

By Monica de Souza Louw | 25 January 2024

The social justice sector was shocked to hear of Constance Mogale's passing on 24 December 2023. Constance served as the National Co-ordinator of the Alliance for Rural Democracy (ARD) since its establishment in 2017 and was well-known for her fierce activism in support of rural communities. I came to know Constance (or Connie) in the course of regular collaboration between the ARD, its predecessors, and the Land and Accountability Research Centre (and its predecessors), where I am a researcher. Our relationship was mostly professional, but others have spoken of her as a powerful friend, relative and sister-in-arms. Her pride in her grandson, Thuto, was evident to all and her face would light up at questions about him.

The last time that I saw Connie in person was in June last year. She was in Cape Town for a Land Symposium to mark 110 years since the 1913 Land Act and also to participate in a reflective meeting about the litigation that invalidated the 2019 Traditional and Khoi-San Leadership Act (TKLA). In remembering her, many have mentioned that Constance gave her name to the landmark Constitutional Court case and stood as its first applicant (*Constance Mogale and Others v Speaker of the National Assembly and Others* (CCT 73/22) [2023] ZACC 14). But, of course, she did so much more than that. She understood the law, knew how to articulate its dangers to different audiences, and worked tirelessly to make sure that others could do the same.

My working relationship with Connie grew deeper when Parliament started conducting public consultation hearings about the TKLA, then a Bill, in 2016 and 2017. We devised a schedule for monitors to observe the hearings – divided into three rounds and spread across numerous locations in each province. The timelines were always impossibly short. I attended hearings in three provinces, while Connie (to my recollection) visited all of the provinces. She was always one step ahead of Parliament's programme and conducted information workshops for local communities and activists ahead of each hearing. When she was not dashing off to the next workshop, she attended hearings too and made powerful submissions to the ire of Portfolio Committee members. She must have been exhausted. I know that I was. But her drive was inspiring to others and in the end proved very effective.

One of my clearest memories of Connie's essence was her entrance at a TKLA hearing held in the Northern Cape. The hall in Kimberley was packed and as Constance walked down the aisle from the back, greeting people along the way, she was glowing. I sensed that members of the public – including those who had attended the preceding ARD workshop – were ready to have their say about the law. There was a buzz in the room (excitement at Connie's arrival) and posters made by

workshop participants were tacked around the hall. When the MPs failed to show for the hearing, everyone was furious. But, for Connie, it was fuel for the next leg of the programme.

She was also incredibly brave and did not back down when confronted by those in positions of power. This was comforting to me, since I am naturally cautious and quiet. I felt protected when we were in tense situations.

I have not yet processed just how much we will feel her absence in the coming years. We have lost a leader and a dreamer, a jack-of-all-trades and chameleon, a responsive ear and a nurturer. She was also a sprinter (not meant in the literal sense) and ever ready to jump into action. The impact of this loss will no doubt be profound. Where do we go to from here?

Back to last June and our reflection session about the TKLA litigation... It was a small meeting, focused on the process of bringing such a large and complex case. Only a handful of us were physically in the room – others were online – and we celebrated the victory with flutes of champagne. After our meeting (and the after-party) was done, I offered Constance a ride in the car with me and my husband. She was staying at her sister's house which happened to be along my route home. It was pouring rain, and the roads were soaked – a typical Cape Town winter's evening – and I struggled to hear Connie speak over the downpour. But she was absolutely bursting. All the way home we spoke about her thoughts and concerns about the land sector.

She was worried about how to get more funding into rural land rights work and was especially passionate about money going directly to women's grassroots projects and community-based organisations working at the (literal and metaphorical) coalface. She was worried about the survival of key organisations, like her beloved LAMOSA (Land Access Movement of South Africa). She wanted to ensure support for young and emerging leaders in the ARD, which could be provided by partners with more resources and experience. She wanted to strengthen communication and networking in the sector – to make sure that we are not working against each other or at cross-purposes.

She was thinking about big problems and big solutions. Not once did she mention herself or what she was going through due to her ill-health, even though she had in fact rearranged some medical appointments to make the Cape Town trip.

These are the issues that I now carry with me as I think about Connie's legacy. I am daunted by the realisation that we will have to tackle the big problems without her.

In this moment, I offer my deep respect and appreciation for who Constance was and her devoted passion and effort in aid of land and women's struggles. In my own

work, I will strive to remember her sacrifices, and the sacrifices made by her family and many others, and to not let those have been in vain.

Goodbye Ausi Connie, until we meet again.

A version of this tribute was first read at a memorial event in honour of Constance Mogale on 20 January 2024, hosted by the Rural Democracy Trust and Alliance for Rural Democracy.