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ACCOUNTING FOR THE INCREASING SECURITIZATION OF LGBTI GROUPS  
IN SUB-SAHARAN AFRICAN STATES

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## ABSTRACT

Societies in Sub-Saharan African states demonstrate a growing hostility towards sexual minorities. SSA states have politicized LGBTI identity and characterized it as being not an authentic African identity, but a product of Western values. LGBTI identity being characterized as an existential threat to the very moral identity of SSA societies; this environment has facilitated the construction of a climate of fear for LGBTI groups that in some SSA states has led to the securitization of LGBTI citizens. The research for this thesis evidences the role of political actors residing in SSA states, working actively with and funded by international conservative and religious organizations mainly from the USA. These actors share both the goal of preventing LGBTI rights emerging in SSA states and achieving the securitization or politicization of LGBTI identity. The narrative is positioned within inter-subjectively constructed meanings of identity; an African and religious identity which is seen as traditional and conservative, mainly either Christian or Islamic. A securitization process has emerged in some SSA states such as Uganda where the question of identity has been framed as an existential question. The changes required to incorporate acceptance of LGBTI identities in Uganda together with any legitimacy given to those relationships, is posited as an existential threat to the traditional African and religiously conservative moral identity so fundamental to Ugandan identity. Other states such as Ghana and Kenya have politicized and criminalized LGBTI identity, are hostile to any rights for those groups and continue to reject it across society; but importantly have not securitized those groups as found elsewhere on the continent. The role of religious conservatives is primarily in providing leadership within communities and pressure on politicians to reject what they see as an ontological assault that threatens the very identity of the state and society. Not only are LGBTI communities denied the right to make individual choices about their social, political, personal or economic futures in African societies. They are exposed to harsh laws or family or group/tribal actions that are sometimes life threatening to those not conforming to accepted social norms.

## Dedication & Acknowledgements

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This thesis is dedicated to the memory of my late mother Marjorie Ridley, who provided me a rich environment of support and learning, and my late brother Robin Ridley who helped hone my powers of logic and argument.

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Introduction & Research Framework

1. Introduction

The aim of this thesis is to account for approaches to morality and inclusion in Sub-Saharan African (SSA) states towards Lesbian, Gay, Bi-Sexual, Trans-sexual and inter-sex communities (LGBTI) that has increasingly led to these groups being seen as an existential threat to the meaning of African identity, leading to the securitization of those groups. This thesis focuses on Uganda principally but provides for a comparison with Kenya and Ghana. The population of LGBTI SSA persons (SSA population 1.001 billion (DataWB, 2013)) is estimated at circa 32m on the basis of a range from the 2012 USA Gallup surveys that produced a 3.4-3.8% population figure for USA LGBTI persons (Gallup, 2012:1). The use of these percentage ranges for SSA is problematic in that no specific SSA survey data exists; however assuming similar rates this posits at least 32m people as denied rights, actively discriminated against, and increasingly in danger of securitization on the basis of their identity as LGBTI in SSA.

Societies in SSA states demonstrate a growing hostility towards sexual minorities. This thesis will consider the competing pressures within those countries for the acceptance of human rights for LGBTI communities. The thesis considers to what extent these are African cultural and political responses to a range of internal and external actors who are contributing, or responding to the development of political conditions, particularly in the matter of the determinability of which identity is constituted as being an authentically African one, positioned within a set of cultural and historical norms. Narratives of identity through securitizing agents have arisen in SSA societies, the outcome is that collectively there is a sense that the ontological security of communities is being threatened by LGBTI identities, and this leads to support for the securitization of LGBTI communities. To what extent is the securitization of LGBTI communities seen as a threat to SSA identity, a consequence of a purely African response towards globalised notions of human rights norms, or are the states actively incorporating externally sponsored notions of political and religious conservatism to further erode the poor human rights experience of sexual minorities?

This thesis will explore how and why an inter-subjectively constructed set of priorities informed by dominant conservative meta-ethical values deny LGBTI communities the right to make individual choices about their social, political, personal or economic futures in African societies. These are often executed through laws, family or group/tribal actions that are sometimes harsh or life threatening to those not conforming to accepted social norms. The research will look at the dominant social forces at work within the arguments being made by opposing actors. The dominant role of actors supporting the politicization of religious ideologies underpin the opposition to LGBTI rights, these are at odds with universalist demands for human rights standards to be supported within states and communities, as new constructed social identities emerge in the modern SSA state system. The research analyses the role of the state and political groups within, and those external to SSA societies who have securitized LGBTI groups through a series of speech acts that seek to normalise LGBTI rights as an existential threat to society. These groups argue they are being pressured to implement these rights by Western states in the face of local or national cultural values, and the giving of these rights constitute a threat to SSA communities and identity. An important question to address is why has there been a general acceptance of the principles of progressive norms in respect to the role of women, the rights of children, the right to economic security, health and education, whilst at the same time rejecting the improvements seen in the Global North towards sexual minorities?

The countries included in this research are Uganda, with Kenya and Ghana; these reside in different geographies, have differing recent historical experiences and economic and societal performance although they share a common historical experience of the British Empire. The societies in these states demonstrate to somewhat different degrees a growing hostility towards sexual minorities. In these states as in many SSA states there is a juxtaposition of religious conservatism and traditional values that have supported a narrative of societal identity that views LGBTI identity as incompatible with SSA cultural norms. This narrative of rejection is led by political elites and conservative new churches in opposition to a rights narrative argued by human rights NGO's, the UN and Western states. These states are interesting in that they are former British colonies, predominantly but not exclusively Christian in character, hold different recent historical experiences with a range of

policy options towards sexual minorities. LGBTI communities within these states are building on an increasing globalisation of knowledge that evidences improvements in other societies for LGBTI rights in contrast to the culturally defended SSA position on LGBTI identity taken by governments supported by a wide public hostility towards them.

## 2. Theoretical Framework

An important question to be considered is what shapes the behavior of states, communities and individuals towards the implementation of full or partial universal rights. This thesis will build on previous work where constructivist approaches towards questions of epistemology have sought to explain how the development of knowledge and ideas are shaped. Commentators such as Carty have noted that although liberalism places the individual at the centre of society there are epistemic limits to this. These limits are framed within a Hobbesian fear of accepting the consequences of changes in society as a result of, for example minority rights, migrants etc, which can lead to aggressive policies to contain them (Strawson, 2004:45). Human rights in the Global South are being challenged for example in SSA where local, culturally based notions of what constitutes an acceptable set of human rights will take precedence over those generally recognised as progressive in the Global North. Additional actors who are often conservative and religious in character, influenced by right-wing USA Christian Evangelic organizations, are investing significantly in political movements directed against sexual minorities through active support for the introduction of new legislation in SSA states to deprive LGBTI groups of their human rights. They are gaining significant public support in SSA for the repression of sexual minorities; they see this as a counter balance to the active globalisation of Western liberalism, which they oppose in a wider context.

Universal justice, the provision of civil and political liberty as understood within the norms of universalism, is a first-order ethical consideration within any political system (Sandel, 1998:3-5). The right to security of its citizens is characteristic of an ordered, functioning state, this is supported by both Nozick and Hayek who have argued that both basic civil and political liberties are central to any notions of justice (Sandel, 1998:184). Universalism as understood for this research is a set of rights, liberal and incorporated into articles of the UN and ECHR and USA Constitution amongst others.

In many SSA states, *Article 12 of the UN Declaration of Human Rights*, 'the right to privacy', is being denied to sexual minorities despite those states having treaty obligations. This challenge by the state removes the right of the individual to live within the protection of the law, a law that comes out of the states membership of the UN. This derivation from an international obligation to provide protection for minorities; facilitates a societal framework from which they may be attacked, or isolated within communities, or identified for political purposes as a threat to the wider community or the state itself. Derrida argues in *The Mystical Foundations of Authority* that the action of states outside a framework of justice is tyrannical in form (Cornell, 1992:11). Chomsky has described how for elites to succeed they must subvert 'dissident opposition' by labelling a section of society in a particular way - for example as disloyal or dangerous or untrustworthy (Chomsky, 1989:256). The labelling of minorities as dangerous, outside the protection of the law may be lead in extreme situations to the securitization of the minority if it is framed as an existential threat to the state. Jacqui True gives an example of this in debates on security that have negatively labelled feminists and homosexuals; this has been supported by Islamic fundamentalist for example who have argued for limitations to the rights of women, and the death penalty for homosexuals (Burchill, 2005:252).

This research will propose causal explanations for the barriers universalism faces in Uganda, Kenya and Ghana describing events and explaining trends and phenomena with the aim of constructing an image of those societies identities, and the consequential security of LGBTI groups. Although being mindful of Dessler's assertion that 'post-modernist and critical theorists 'deny the existence of a reality logically and causally independent of mind'; I will argue it is possible to determine what outcomes cause less harm and greater good for society, accepting power and knowledge are intertwined and inter-subjectively constructed. Consequently this research will give emphasis to an epistemological approach to the questions raised, with a stress on how such knowledge has been constructed inter-subjectively by the actors concerned (Smith, 2008:128-143). Some of the objections to universalism in the Global South are derived from culturally fixed identities, these identities are the product of ontologically subjective belief systems that dominate the cultural societies considered in this research which are mainly conservative and Christian. Ontological Security, that has a focus on the relationship between identity, narrative and security is therefore a factor

in the securitization of minorities, and as such will be considered within the scope of this thesis (Croft, 2012:17).

This body of work will use a Constructivist methodology, with Securitization theory, the methodology and theory is covered in detail in the Literature Review in Chapter 2.

Ontologically, constructivists argue that actors other than states, such as international agencies, religious organisations, and human rights activists have significant agency. The beliefs or values these actors hold is constituted in the main by identities that determine how they see themselves in relation to others, and what cultural values are dominant. This raises the question of whether it is possible to constitute an objective universal human emancipation (as suggested by for example the *UN Charter*) which stands outside ontological belief systems, whilst understanding that knowledge is rooted in epistemological questions as to how this knowledge is generated? (Smith, 2008:342). Further, the questions raised by external actors, such as religious conservatives, both challenges the interpretation of international human rights treaties, and their very validity as a universal set of rules for states to adhere to.

This thesis will use a constructivist methodology with securitization theory as the theoretical discourse. The constructivist methodology is a set of methods based on the belief that significant aspects of international relations are historically and socially constructed. Securitization theory offers a particular set of assumptions, principles, and relationships developed initially by the Copenhagen School. The approach the research takes, acknowledges post modernist thinking that sees dangers in an epistemology that singly conforms to a Western rationalist tradition; and will also be aware of the dangers associated with the inter-subjective construction of knowledge. Constructivist methods around identity formation in the analysis of culture and transnational norms bring important tools (Ogden, 2008:1-10). Securitization theory provides an approach to understanding how minority groups have been securitized as a threat, in the case of SAA states as an existential threat to the identity of the state. Van Munster (2005) argues that the Copenhagen school, which has done systematic research into the logic of securitization, has provided an important framework for understanding how security constitutes the political. How the act of creating existential threats develops through speech acts that require exceptional measures in response. An act of 'defense' that justifies and legitimises the breaking free of normal

democratic procedures, such as the protection afforded by laws for privacy, the right to identity and autonomy within a given society. Thus, through a securitizing act, an actor attempts to elevate an issue from the realm of low politics (bounded by democratic rules and decision-making procedures) to the realm of high politics (characterised by urgency, priority and a matter of life and death) (Van Munster, 2005:1). This research will develop ideas around the evolution of the speech-act in securitization theory, considering the impact of the introduction of modern media platforms and technology. The importance these technologies and platforms have been in the development of the speech act beyond a purely verbal act or a linguistic rhetoric. The performative act in a contemporary setting, draws upon a variety of contextual, institutional, and symbolic resources for its effectiveness; including and importantly through a range of media channels that include speech, religious platforms, Twitter, Facebook, blogs, newspaper sites, TV, Radio or more traditionally a government bill. This research in later chapters uses data from all these sources, both traditional and non-traditional in its analysis of the forces at play ((Buzan et al., 1998:27), (Williams 526/20: 2003)). Both Constructivism and Securitization theory are addressed comprehensively in the Literature Review in Chapter 2 and throughout the research proper.

### 3. Research aims, objectives and/or questions

This thesis seeks to account for the increasing securitization of LGBTI groups in SSA states.

1. To consider through a Constructivist methodology, using Securitization Theory, an analysis of the meaning and significance of security for sexual minority communities under threat in Uganda, Kenya and Ghana.
2. The role of a range of international and local political and religious actors to the region, including alliances of religious conservative groups, non-governmental organizations (NGOs) and state/inter-state organizations in developing strategies to resist improved rights for sexual minorities
3. What are the primary political and cultural processes that drive the Securitization of LGBTI groups within SSA states? How important is cultural relativism in supporting a rights philosophy at odds with universal notions of human rights.

4. How have media platforms had such primacy in the formation of identity within the securitization of LGBTI identity in SSA communities?
5. To contrast the experience in Uganda, with Kenya and Ghana, using output from primary field research with LGBTI groups in these states.

#### 4. Relationship of research to previous research

Within International Relations the issue of Human Rights observance for LGBTI groups in Africa is relatively underdeveloped, the focus has been on Gender, Rights of the Child, Health and Education; in these disciplines, significant research has been undertaken by UN agencies, NGO's and academics. This is not the case in respect to sexual minorities; this is a comparatively new field of research in Africa. There is however a wider rich tradition of academics such as Booth, Rory, Linklater, True, Chomsky and Burchill who consider the importance of normative ideas and institutions in the development of human rights within the international system. These authors argue that there is a growing disjunction between the development of human rights culture in 'world society', and the unwillingness of state elites to act as protectors of this 'universal community of humankind' (Dunne, 2007:144). Richard Rory a writer on epistemology argues that a coherent set of beliefs rooted in modernity such as universalism should be defended if need be in opposition for example to local customs and beliefs (Smith, 2008:31). This research builds on an underdeveloped knowledge of the type of challenge Rory envisages; the rights associated with liberal secular ideas face opposition in emerging in SSA states. At CHOGM-2011 (The Commonwealth Heads of Government Meeting 2011) an example of the difficulties faced emerged in the form of socially conservative policy objectives originating from SSA states, these were raised in direct opposition to policy presentations by Western Commonwealth states. Important debates, largely ignored for SSA, and to be deconstructed within this thesis are centered on the tension in International Relations discourse where academics such as Burchill are in opposition to cultural relativists such as Ibhawoh, An-Na'im and Grey who argue that human rights are culturally specific, and therefore LGBTI rights are not a priority. This is rejected by academics such as Booth who have problemised the exclusivity of culture on the grounds that it privileges traditional values at the expense of normative positions; declaring that claims of cultural authenticity should not stop the conversation on human rights (Dunne, 1999:6).

Several SSA nations including Uganda seek to limit the rights of LGBTI minorities as their identity is seen to be in conflict with the societal norms, which are held as integral to the states identity. Some SSA states reject universal rights in favor of these local norms. This research will add to the knowledge about LGBTI groups in SSA states, their space for debate in an open safe environment and barriers to their gaining acceptance together with the response from the three SSA states. Conservative groups, most often in dominant Christian states, with support from USA evangelical groups have created a societal space that denies LGBTI groups the opportunity to argue the case for their rights; to improve within the cultural communities in SSA states the level of knowledge about their identity and needs. Susan Strange saw this 'knowledge' as one of the four key structures of power, as access to knowledge in the process of construction of identity for the individual, the community and the state and is paramount in determining outcomes (O'Brien, 2007:363). Alexander Wendt using constructivist arguments demonstrates that international, state and sub-state institutions have the opportunity to transform state identity that impacts both internal and external relationships. Wendt sees these identities as the basis for determining interests, that these are a product of social context developed through interaction with agencies (Wendt, 1992:395). This research will consider the question as to why SSA states have not followed the Western world and most rising states in at least recognising to some degree the rights of sexual minorities. How the state and communities within SSA states have transformed their identities within a more conservative religious framework that has increased hostility towards LGBTI groups.

In adding to the limited academic work that has been carried out in considering the situation of LGBTI groups in SSA, a constructivist methodology will facilitate this research with through a focus on the question of identity formation in the analysis of culture and transnational norms (Ogden, 2008:1-10). The social construction of knowledge and social reality for communities in SSA states is catalyzed by the intervention of USA evangelical churches to promote conservative normative values within the identity of those states (Pouliot, 2007:359). This research will consider the meaning of norms out of a particular rights discourse; the impact of Weberian cultural decisions (cultural influences embedded in religion) in determining if a hierarchy of rights emerges to disengage LGBTI rights from SSA identities (Wiener, 2009:179). This thesis will build on research about epistemic disciplines; how knowledge is produced



and deployed in the practical interactions that determine the hierarchy of rights within these SSA state systems. Securitization theory developed by the Copenhagen School and broadened by and the adding of new knowledge to the recent academic work as to what constitutes the mode of communication of the speech act, to include non-verbal forms of communication will underpin the research. Platforms that are both traditional and new social media applications that facilitate the securitization process through channels that use voice, video, imagery, radio and TV technology, not constrained by geography or social situation will be researched to determine their role in the securitization process adding to the evolution of a modern securitization theory.

Building on limited academic research, the question of the influence of non-state actors in creating the situation of LGBTI groups in SSA will be considered. Particularly the consequence of investment by USA evangelical groups in SSA states, both directing and supporting conservative churches and politicians to reject LGBTI rights. This research will extend IR scholarly works on SSA, providing new research on the situation of LGBTI groups, with a causal analysis of the processes and actors contributing to the securitization of LGBTI groups.

## 5. Research Design and Methods

### 1. Conceptual and Theoretical approach

This thesis will use a constructivist methodology with securitization theory as the theoretical discourse. The constructivist methodology is a set of methods based on the belief that significant aspects of international relations are historically and socially constructed. Securitization theory offers a particular set of assumptions, principles, and relationships developed mainly by the Copenhagen School. There is a detailed literature review in Chapter 2.

For the purposes of this research securitization theory will be posited to explain the specific set of phenomena associated with the situation of LGBTI groups in SSA. The research will seek to understand the behavior of the SSA states under both the international and local conditions that have led to the securitization of LGBTI groups.

Constructivism is built on the assumption that reality is socially constructed, that the

implication for state, inter-state and sub-state actors is that identity and the policy that flows from that is not necessarily predetermined. It can evolve to either reject or accept contemporary, normative thinking that is dominant within the international system. This thesis assumes a research approach to the SSA situation that acknowledges that theory is politically and socially contextualized, but is also observational and therefore empirical. It will take into account international legal norms, sovereignty, and human rights within a reality that is socially constructed, created by humans within a specific epistemological context and time (Dougherty 2001:39). The strength of a Constructivist approach is that it cuts across a range of IR theories and is the bridge that links both the rationalist and reflectivist views of international politics and events.

### Constructivism

Much International Relations theory particularly neo-realism has focused on how the distribution of power explains the behavior of states (it generally is not interested in sub-state levels of discourse). Constructivists reject what they consider such a narrow focus that accepts an inevitable set of relationships and a disregard for the centrality of human society within the theoretical models that explain the international system. Realism and Liberalism have an almost exclusive focus on materialism, as opposed to the importance of the development of institutions and the development of state or sub-state interactions. As materialism drives the thinking of Realist and Liberal theory, the relationship between states, institutions and values are considered fixed; attributes such as identity are not seen as significant in relations. Realists or Liberals would consider irrelevant an example such as the impact of the United States administration's support of LGBTI rights and how this has led to a consequential policy development in terms of its relationship with other states. In Uganda, the Human Rights Defenders actively supporting LGBTI rights have in the past received considerable support from the USA. Former President Obama's policy speeches including his inauguration speech specifically linked LGBTI rights with the most important civil rights movements of the 20<sup>th</sup> century. This had an important impact on support for those rights to become normative across the international system (Dorf, 2013). United States policy has recently placed LGBTI rights within a basket of rights including, gender, rights of the child and religious freedom as a measure of whether a states shares a similar set of values. Thus I hypothesize that the actions of a powerful

state can overtime change normative values within the international system, this process impacts the behaviors of individual states, and at a societal level, within the sub-state level institutions, and individuals as they react to this leadership. Within SSA societies, commentary across media channels, together with the reactions of political actors suggest that Obama as the first USA President with a recent African heritage challenge to conservative thinking, had an impact on SSA societal views; his support for LGBTI rights in directly challenging African cultural values has at the least generated significant debate if not absolute support.

Of importance to Social Constructivists is 'what does power mean', a constructivist conceptual analysis also includes a study of the performative aspects of concepts i.e. 'what does power do?' which in turn is embedded into a conceptual history or genealogy; 'how has 'power' come to mean and be able to do what it does?' (Guzzini S, 2005:495). This performative analysis supports the research for this thesis into how securitization processes have emerged in SSA states to threaten LGBTI minorities and who are the principal actors. Social Constructivism has been seen as presenting a challenge to the continuing dominance of neo-realism and neo-liberal institutionalism in the study of international relations. Constructivism is an empirical approach to the study of international relations, empirical in that it focuses on the inter-subjective ideas that define international relations. Constructivists do not subscribe to a fully mechanical, positivist conception of causality, as they consider positivists as failing to consider the inter-subjective explanation of events and episodes (Jackson, 2010:166).

Wendt (1992) postulates in *Anarchy Is What States Make Of It*, a key Constructivist text, that states through 'transformation Identity' a process caused by a breakdown in consensus on allegiance to identity commitments leads to critical examination of the structures of interaction that causes the formation of new identities and interests for 'others'. In this way adversaries can become partners (Wendt, 1992:418). Linklaterin (2008), critiquing the neo-realist variant of the immutability thesis, supports Wendt and contends that the establishment of international norms, institutions and practices that determine outcome are a product of human agency (Linklaterin, 2008:283). The questions that constructivism raises around reality as a socially constructed narrative, that identity and policy is not necessarily predetermined; supports the arguments that gender and sexuality are not essential/biological but asymmetrical social constructions

(McGinty 2009:57-5).

Karacasulu and Uzgoren (2007), Explaining Social Constructivist contributions to Security Studies consider identity, norms and culture in national security interests, with the state still viewed as the main actor in security (Karacasulu et al, 28:2007). Constructivism, Karacasulu argues is not itself a theory of IR, but a theoretically informed approach to the study of international relations, which is based on the notion that international relations are 'socially constructed' and in the evolution of constructivism the 'Copenhagen School' through securitization theory has contributed to the debate considerably.

Constructivists such as Katzenstein (2007) argue that culture, norms and identity matter in national security, highlighting the role of domestic norms in the area of national security (Karacasulu et el, 29:2007). Human agents construct social reality and reproduce it in their daily practices, thus constructivism sees the international system as 'socially constructed' and not given. The social environment defines who we are, our identities as social beings, the groups we affiliate with, the norms that govern our values and behaviours. (Karacasulu et el, 32:2007). A constructivist understanding includes institutional power and power-generated and transformed through discourse. 'Power, in short, means, not only the resources required to impose one's own will on others, but also the authority to determine the shared meanings that constitute the identities, interests and practices of states, as well as the conditions they confer (Karacasulu et el, 37:2007).

### Securitization

Securitization theory developed by the Copenhagen School and extended by other academics is complementary to Constructivist thinking. Securitization theory provides the analytical methods to understand how the meta-narrative discourse around identity, and the agency it provides actors within the political system allows the securitization of minorities to emerge through a performative act. Initially this is a speech act that then often gains a trajectory within societies as it reproduces itself through different media channels. For the purposes of this research securitization can be seen to facilitate governments in containing the 'threat' of minorities through draconian activities that alienate, isolate and harm those communities; often the first

action is an attack on their rights. Securitization theory, drawing from Constructivism facilitates a rigorous academic analysis of the political processes within SSA states and the outcome for LGBTI groups.

I am interested in how, or indeed if a universal framework of human rights applies or is challenged within a SSA context. The research considers the discourse between a claimed Western universalism, based on the rights of the individual, and the reality for SSA LGBTI groups. Within this discourse Khasualani (1983) argues for a communitarian approach to human rights. This emphasizes the connection between the individual and the privilege given to community norms; priority is given to duty, family and community in contrast to the autonomous rights of the individual that is privileged in Western societies (Zezeza, 2004:31). Ontological frameworks allow for an understanding in part for the origins of the objections that have emerged within SSA communities to challenge the rights of sexual minorities in those states. A combination of cultural identity and the impact of USA evangelicals will be considered within this research. I hypothesise that these belief systems, supported by USA evangelical organisations construct societal rules within communities that give a higher priority to conservative religious values than the individual right to the self-identity of LGBTI groups. I will provide evidence that the securitization of LGBTI groups in SSA societies is a consequence of the disseminating of propaganda as a political strategy by mainly conservative Christian political and religious institutions, supported by USA evangelicals in many SSA societies as a series of Speech Acts. These Speech Acts create the fear within SSA communities that advocating human rights for LGBTI groups will threaten the very moral basis and identity of SSA societies. This thesis will research the impact of the consequence of the securitization of LGBTI groups within SSA states. Building on work by the Copenhagen School (Buzan, Wæver and de Wilde et al), informed by the Welsh School (Floyd et al) within a framework that extends Securitization to include the human security of minority communities such as LGBTI groups.

## 2. Methodology

The basis of my methodological approach will initially be to source secondary research data from a range of published literature, this includes books, journals, papers and interviews. Secondly I will carry out primary research interviews to generate data

derived from a series of questions asked of informed/recognised-interested individuals/actors in Uganda, Kenya and Ghana. I will use Social Networks and direct interviews to communicate with specific client groups.

The approach to the gathering of data will take the following form:

1. The research will ask questions of a group of individuals who belong to the LGBTI communities in Uganda, Kenya and Ghana. The individuals to be interviewed will include as wide as is practically possible a range of categories found in the LGBTI communities, including those active or inactive within the campaign for rights and as wide a range of socio-economic class as practicable. The source of these individuals will be through existing LGBTI organisations, social media and individuals researched and identified within those countries. Direct face-to-face interviews will be conducted with the assistance of LGBTI organisations in country. This interview material is important in that it provides the account of both individuals and LGBTI organisations real-life experience, their views. It is not a peer-reviewed item of data; it is raw primary data and needs to be treated with some caution. I will attempt to triangulate a wide set of sources to substantiate the output.

2. The research will capture secondary sourced data for non-LGBTI actors; government organisation, NGO's media organisations in each of the three states. For security purposes it is not my intention to do face to face interviews with non-LGBTI participants in country in Uganda, Kenya and Ghana. Secondary sources will be considerably greater in number than primary sources.

3. Media Organisations, both traditional Newspapers, Social Media including Twitter, Facebook, Pinterest and Instagram will be important sources of data. Blogs either attached to media organisations or individual human rights organisations will provide an important source of information, views and contemporary debate. This data is not peer reviewed, often opinion pieces, however I will seek to triangulate the data where possible.

4. Secondary research will use published papers from respective governments, and sub-state actors including key political figures, community groups and religious

organisations and NGO's. These will include but not exclusively: the Ugandan, Kenyan, Ghana, UK, USA governments, The United Nations, EU, African Union, Amnesty International, Human Rights Watch, African LGBTI Organisations, Afrobarometer and Christian Churches in Africa, and the USA.

Compliance with both ethical requirements and state law will be rigidly adhered to both inside and outside the UK. LGBTI individuals will not be identified within the data captured or published. Consent forms will be signed and a very transparent discussion with individuals about non-identification/disclosure will be had before any interviews take place. Any individuals considered vulnerable or at risk will not be asked to participate.

## 6. Summary

In summary this research employing a constructivist methodology with an emphasis on securitization theory, will I hypothesise demonstrate that the opposition to LGBTI rights in SSA states and the subsequent securitization of LGBTI groups in states such as Uganda, correlates with a program to reinforce and extend conservative Christian values in SSA states, actively supported by USA evangelical organisations. Research using primary and secondary sources that is focused on Uganda principally, but provides for a comparison with Ghana and Kenya will be undertaken to support this hypothesis. The research will challenge culturally relativist theoretical positions, investigate the activities of evangelical Christian groups in the so called 'Culture Wars' and argue that a set of human rights based on liberal secular thinking is the best option for LGBTI groups in SSA.

END.

Literature Review

1. Introduction

The approach to this thesis is to research a body of evidence using a constructivist methodology, with securitization as the theoretical discourse. This methodological approach provides explanation as to the forces at work that place LGBTI citizens in situations ranging from politicization to the securitization of their identities in SSA. A body of literature supports this thesis and in addition to Securitization and Constructivist literature, includes those scholars who have developed ideas about Human Rights, Cultural Relativism and Identity. There is a more limited body of work concerning media. Reflecting on the proximity of thinking in a number of theoretical discourses that provide narratives to understand International Relations, there has been a growing call for different academic disciplines to work more closely. Wyn Jones (2005) argues for the idea of emancipation, implicit in a number of schools of thought including, the Copenhagen School, Feminism and Post-Structuralism etc and has called for co-operation between these important schools of thought (Aradau, 2004b, 2006; CASE, 2006; Taureck, 2006; Floyd, 2007a; Van Munster, 2007) (Buzan and Hansen, 2009:207). It is in the light of this that the literature I look to is comprehensive in its worldview and within a Constructivist paradigm of understanding.

Constructivism could be thought of as the glue or structure that binds a number of important theoretical discourses. Constructivism argues that reality is socially constructed, that the implication for state, inter-state and sub-state actors is that identity and policy is not necessarily predetermined, as such a constructivist approach cuts across the literature that supports this thesis. Securitization is an outcome of the political processes at work within SSA states and has as causal agents and processes - politics, rights, identity and agents such as media creating the conditions in which it emerges. It provides a solid intellectual framework to explain the forces at work in SSA that have caused harm to LGBTI groups. Narratives of Human Rights, Cultural Relativism and Identity mediated through a wide range of media channels are the



questions that shape the worldview in SSA for the actors involved in the securitization of LGBTI SSA groups. The Literature Review is organized to reflect academic works that have informed the research.

Constructivism	Securitization	Human Rights, Cultural Relativism & Media
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## 2. Constructivism

Barry Buzan and Lene Hansen in *The Evolution of International Security Studies* (2009) discuss the evolution of Constructivism in IR from the 1970s that argued in favor of 'human', 'gendered' or 'individual' security, rather than limiting its analysis to state centric security, this was most notably the Copenhagen School (Buzan and Hansen, 2009:191). This understanding of security implied that state-centric conceptions of security provide neither an analytical nor a normative position from which to identify the threats that regimes may pose to their own citizens. (Buzan and Hansen, 2009:192). European scholarly approaches began to focus explicitly on the conceptualisation of security, debating whether it should be 'individual', 'national', 'gendered' or 'societal', a deepening which in turn facilitated its widening across economic, societal, cultural, environmental and political sectors. Katzenstein (1996), produced, what became the landmark Conventional Constructivist study, 'The Culture of National Security', this argued that ideational explanations could account for outcomes, and thus 'it should be relatively easy to apply this book's analytical perspective to broader conceptions of security that are not restricted to military issues or to the state'. (Buzan and Hansen, 2009:192). This was important as it facilitated the development of theoretical paradigms that could look beyond state-to-state questions and consider what states did to undermine the security of individuals or groups. Facilitating the development of securitization theories that could be applied to situations and geographies outside what had been the concerns of security studies.

Roger McGinty (2009), writing in *The Routledge Handbook of Security Studies* talks about leading states and international organisations focusing on ideas around a 'liberal peace' through the reconstruction of liberal polities, and societies. The questions that

constructivism raises around reality as a socially constructed narrative, that identity and policy is not necessarily predetermined; supports the arguments that gender and sexuality are not essential/biological but asymmetrical social constructions (McGinty 2009:57-5). This thesis provides evidence that supports this hypothesis in the alienation and threat to LGBTI groups in SSA states.

Karacasulu and Uzgoren (2007), *Explaining Social Constructivist contributions to Security Studies* consider identity, norms and culture in national security interests, with the state still viewed as the main actor in security. Karacasulu et al contrasts this with Huymans' work and has developed arguments that focus on the social significance of language in social relations as a critical constructivist research problem (Karacasulu et al, 2007:28). Constructivism, Karacasulu argues is not itself a theory of IR, but a theoretically informed approach to the study of international relations, which is based on the notion that international relations are 'socially constructed' stating that in the evolution of constructivist thought, the 'English School' and the 'Copenhagen School' have contributed to the debate considerably.

Of importance to this research, Karacasulu highlights Katzenstein, with other constructivists who argue that culture, norms and identity matter in national security, this thesis argues they are the referent objects that lead to the securitization of LGBTI groups in SSA. The role of domestic norms in the area of national security is particularly highlighted (Karacasulu et al, 2007:29). Conventional constructivism has an emphasis on how ideational or normative structures constitute agents and their interests with individuals and states as social beings that cannot be separated from a context of normative meaning. (Karacasulu et al, 2007:31). Firstly, according to constructivists, the international system 'is a set of ideas, a body of thought, a system of norms'. Human agents construct social reality and reproduce it in their daily practices. Thus, constructivism sees the international system as 'socially constructed' and not given.

Karacasulu et al (2007), posit that constructivists argue that agents do not exist independently from their social environment. A state's interests emerge from an environment in which states operate and are endogenous to the states interaction with their environment. The social world incorporates thoughts, beliefs, ideas,

concepts, languages, discourses, signs and signals. People construct the social world, and they construct it's meaning. In other words, at the heart of constructivist work is the idea that the social environment defines who we are, our identities as social beings, the groups we affiliate with, the norms that govern our values and behaviours. (Karacasulu et el, 32:2007)

Constructivism takes the view that the principal actors in world politics are 'social constructs, and products of complex historical processes that include social, political, material and ideational dimensions'. Second, they are 'constituted (and reconstituted) through political practices that create shared social understanding'. Third, since world politics is socially constructed, it is not static. (Karacasulu et el, 34:2007). The Copenhagen, Aberystwyth and Paris schools have dominated critical literature within the field of security studies. For constructivists, power, identities and norms influence how security interests are defined. Furthermore, a constructivist understanding includes institutional power-which can control others in indirect ways, and power-generated and transformed through discourse. 'Power, in short, means, not only the resources required to impose one's own will to others, but also the authority to determine the shared meanings that constitute the identities, interests and practices of states, as well as the conditions they confer' (Karacasulu et el, 37:2007).

### 3. Securitization

Writing in the pivotal text, *The Evolution of International Security Studies* Buzan and Hansen, members of the Copenhagen School, considered security as having been an 'underdeveloped concept'; previously security was focused on state actors with an emphasis on hard power (Buzan and Hansen, 2009:8). The questions being raised in the literature which are of significant value to this research is 1) whether to privilege the state as the referent object, 2) whether to include internal as well as external threats, 3) whether to expand security beyond the military sector and the use of force, and 4) whether to see security as inextricably tied to a dynamic of threats, dangers and urgency' (Buzan and Hansen, 2009:10). For the purposes of this research the other key question was: 5) would Securitization Theory be applicable beyond the geographies and Europe and the USA. Could it account for SSA outcomes?

Buzan and Hansen (2009) have expanded greatly what security is and does, and in doing so have supported a move from state centric hard power to support a socially constructed narrative that makes securitization theory appropriate in the study of the SSA LGBTI situation (Buzan and Hansen, 2009);

1. Privilege the state as the referent object?

‘Security is about constituting something that needs to be secured: the nation, the state, individual, or ethnic/cultural group’.

2. Include internal as well as external threats?

‘National security’ had shifted from a concern with domestic economic problems to external threats stemming from ideologically opposed positions that threaten amongst other things identity’.

3. To expand security beyond the military sector and the use of force?

‘Peace Researchers pointed to the necessity of granting equal priority to basic human needs from the 1980s onwards, a widening of security included societal, economic, environmental, health, development and gender’.

4. Whether to see security as inextricably tied to a dynamic of threats, dangers and urgency?

‘Security was about the extreme and exceptional, with those situations that would not just raise inconveniences, but could provide for existential events’.

5. Would Securitization Theory be applicable beyond the geographies and Europe and the USA?

The Copenhagen School, argued that the concept of securitization could be expanded as long as referent objects, threats and dangers were constituted with this logic of urgency and extreme measures and thus was not a concern of any particular geography.

(Buzan and Hansen, 2009: 12)

The most distinctive contributions of the Copenhagen School have been the concepts of societal security and securitization. The Copenhagen School research has been to an increasing extent applied to non-Western settings and this thesis builds upon that work (Jackson, 2006; Kent, 2006; Wilkinson, 2007), (Buzan and Hansen, 2009:212). The Copenhagen School has at its core Barry Buzan and Ole Wæver, who, with different

collaborators at the Conflict and Peace Research Institute in Copenhagen (COPRI), published books and articles on the concepts of societal security and securitization. To an increasing extent this has been applied to non-Western settings (*see Jackson, 2006; Kent, 2006; Wilkinson, 2007*) (Buzan and Hansen, 2009: 212). 'Societal security' was defined as 'the ability of a society to persist in its essential character under changing conditions and possible or actual threats' (Wæver et al., 1993: 23). Society in this context constituted the referent object for societal security (Wæver et al., 1993: 26). This opened up for the study of 'identity security' and pointed to cases where state and societies did not align, for instance when national minorities were threatened by 'their' state, or where the state, or other political actors, mobilised society to confront internal or external threats (Buzan and Hansen, 2009:213).

For the questions this thesis is interested in, it is 'Societal security' that is the referent object that 'exposes' the threat that LGBTI groups present to 'the ability of a society (SSA) to persist in its essential character' (Wæver 1993). While the state was the referent object for political, military, environmental and economic security, it was 'society' that constituted the referent object for societal security. This has opened up the study of 'identity security' and points to cases where state and societies do not align, for instance when minorities such as LGBTI groups are threatened by 'their' state, or where other actors such as religious or political mobilise, society to confront these 'internal threats'. (Buzan and Hansen, 2009:213)

The 'securitization' approach, developed by Wæver, made the definition of security dependent on its successful construction in discourse. Securitization theory has three main roots: one in speech act theory, one in a Schmittian understanding of security and exceptional politics, and one in traditionalist security debates. Consequently the general concept of 'security' is drawn from its constitution within national security discourse, which implies an emphasis on authority, the confronting and construction of threats and enemies, an ability to make decisions and the adoption of emergency (Buzan and Hansen, 2009:213).

Securitization refers to the process of presenting an issue in security terms, in other words as an existential threat (Buzan and Hansen, 2009:213). Security 'frames the issue either as a special kind of politics or as above politics' and a spectrum can

therefore be defined ranging from the non-politicized ('the state does not deal with it and it is not in any other way made an issue of public debate and decision'), through politicized ('the issue is part of public policy, requiring government decision and resource allocations to securitization) in which case an issue is no longer debated as a political question, but dealt with at an accelerated pace and in ways that may violate normal legal and social rules (Buzan and Hansen, 2009: 214).

It is the discursive power of securitization which brings together actors and objects: securitizing actors are defined as 'actors who securitize issues by declaring something – a referent object – existentially threatened', referent objects as 'things that are seen to be existentially threatened and that have a legitimate claim to survival' (Buzan and Hansen, 2009:214). While securitization theory was in principle open for anyone to make the securitizing move, in practice the most common securitizing actors are 'political leaders, bureaucracies, governments, lobbyists, and pressure groups', and referent objects usually middle-range collectives (Buzan and Hansen, 2009:214).

Thierry Balzacq (2005) writing in *The Three Faces of Securitization: Political Agency, Audience and Context* discusses further the evolution of securitization theory to leave the constraints of the Cold War priorities. Balzacq (2005) discusses how Ole Wæver, Jaap de Wilde, and himself in *Security A New Framework for Analysis* (1998), wanted to cover not only the traditional military and political sectors but also the economic, societal, and environmental ones? The need was to construct a conceptualization of security that dealt with threats and vulnerabilities in many different areas, military and nonmilitary, and to count as security, issues that have defined criteria that distinguish them from the normal run of the merely political. They have to be staged as existential threats to a referent object by a securitizing actor who thereby generates endorsement of emergency measures beyond rules that would otherwise bind (Buzan et al, 1998:2). For the purpose of this thesis securitization theory is concerned with the political sector, the relationships of authority, governing status, recognition and the societal sector - relationships of collective identity (Buzan et al, 1998:7).

Balzacq (2005) acknowledges that this work replaced the state as the central referent object in all sectors. The argument was that if securitization theory was to be fully

meaningful, referent objects other than the state had to be allowed into the picture. (Buzan et al, 1998:8). In the political sector, existential threats are traditionally defined in terms of the constituting principle of sovereignty, or the ideology of the state. Existential threats emerge from situations that under-mine the rules, norms, and institutions that constitute those regimes 'such as Western norms challenging SSA cultural values' (Buzan et al, 1998:22). The intersection of the political sector with the societal sector, with the referent object as collective identities that can function independent of the state can make for a powerful threat to the perception of what constitutes the state and its identity. Challenges to those norms may be seen as invasive or heretical and their sources promoted to existential threats. Whether rival identities such as the right to LGBTI identity are securitized depends upon whether the holders of the collective identity have a conservative position on identity; from one that see's any challenge as constituting a threat (Buzan et al, 1998:23).

Buzan et el (1998) in developing the theory categorizes 'Security' as the move that takes politics beyond the 'established rules of the game' and frames the issue either as a special kind of politics or as above politics. Securitization can thus be seen as a more extreme version of politicization, to be securitized means the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure. (Barry Buzan et el, 1998:23-24)

Buzan et el went on to argue that the distinguishing feature of securitization is a specific rhetorical structure (survival, priority of action 'because if the problem is not confronted, it is existential'). This definition is flexible enough as a tool for identifying security actors and phenomena in sectors other than the military-political one, where it is often hard to define when to include new issues on the security agenda (Buzan et el, 1998:26)

Buzan and Hansen in *The Evolution of International Security Studies* (2009), discuss how these ideas were strengthened by the United Nations Development Program (UNDP) that argued for the expansion of security along several dimensions. This 'logic of security' was to be broadened beyond territorial defense to include 'universal concerns' and the 'prevention of conflicts' (UNDP, 1994: 22). The referent object importantly was shifted from nation-states to that of 'people', and to be 'people-

centered' was to be 'concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities – and whether they live in conflict or in peace' (UNDP, 1994: 23). (Buzan and Hansen, 2009:203). The next step from the referent object as people was to consider interests that include identity, and this has highlighted the growth of a paradigm of threat that has as its agency the identity of LGBTI groups challenging SSA cultural norms.

'Societal security' limited the possible referent object to two collective units, state and society. Security has a particular discursive and political force and is a concept that does something – securitize; more precisely it is the process of presenting an issue in security terms, in other words as an existential threat (Buzan and Hansen, 2009:213).

Securitization is not without detractors. Rita Floyd writing in 2010, discusses what she considers a weakness, the securitization theorist's inability to say something meaningful about the moral value of different securitizations and to theorize as to why actors securitize. Floyd argues that intentions are what an actor aims at, or chooses to do, whereas motives are what determine an actor's aim or choice (Floyd, 2010: 46). Floyd argues that this ethical criticism of the Copenhagen School results from the concept of societal security, its referent object: identity; because 'the securitization of identity implies political risks and dangers'. These political risks and dangers lie in the potential abuse of the speech act by groups with malign intentions, who by using securitization can undermine the core values of the liberal democratic society (Floyd, 2010:47).

In distinguishing between different types of securitization according to the 'beneficiary', it is important to go beyond allowing insights into the intentions of securitizing actors as it suggests that not all securitizations are morally equal. It holds open the possibility that depending on who or what benefits from any given securitization, it can be either morally right or morally wrong. Notably, this is contrary to the Copenhagen School who maintain that *ceteris paribus*, securitizations are necessarily morally wrong whilst they hold that de-securitizations are necessarily morally right. For the latter to be true, however, de-securitization would have to lead always and necessarily to the same outcome (towards emancipation), something the



Copenhagen School quite clearly believes would occur. They understand de-securitization as the process whereby issues are moved out of 'the threat–defense sequence and into the ordinary public sphere' where they can be dealt with in accordance with the rules of the (democratic) political system (Floyd, 2010:42). For the Copenhagen School de-securitization always leads to politicization. Wæver defines politicization as the state of affairs whereby an issue is part of public policy, requiring government decision and resource allocations or some other form of communal governance (Floyd, 2010:43).

Wæver writing in 1998 as one of the Copenhagen School's joint authors of *Security: A New Framework for Analysis*, makes the case for the incorporation of other referent objects of security, including importantly for this thesis the individual. (Floyd, 2010:10). Wæver identifies what he calls the 'facilitating conditions' of security as a speech act:

1. 'The demand internal to the speech act of following the grammar of security and constructing a plot with an existential threat point of no return and a possible way out of this'.
2. 'The social capital of the enunciator, the securitising actor has to be in a position of authority, although this should neither be defined as official authority nor taken to guarantee success with the speech act'.
3. 'Conditions historically associated with a threat: it is the more likely that one can conjure a security threat if there are certain objects to refer to which are generally held to be threatening' (Floyd, 2010:13).

Michael C. Williams (2007), identifies two decisive connections between securitization theory and Schmitt's thought. The first results from the existential threat requirement inherent in securitization theory. That requirement means that security is not just any kind of speech-act, not just any form of social construction or accomplishment. It is a specific kind of act [because] 'it calls for extraordinary measures beyond routines and norms of everyday politics'. The nature of security is determined by a division between normal politics where democratic rule is obeyed; and extraordinary politics beyond generally accepted rules and regulations (Floyd, 2010:18-19). This thesis will demonstrate in later chapters that as LGBTI identity is defined as an existential threat to SSA identity, the demand is for extraordinary responses. These range from the

demand for specific laws to execute LGBTI groups, deny them HIV medication, exclude them from society in a way that puts them beyond the protection of the law and facing communal justice (mob law).

Michael C. Williams (2007) highlighted the importance of Bourdieu's concept of 'institution' for securitization theory. He argues: Power emerges not only from the ability to speak the right language (*the other, the threat, the action required*) but to do so in the context of having been accredited by institutions, which have the power to confer that credibility (Government, Church, Mosque, Health Care). Trust and authority reside primarily not in the individual, but more usually in the individual as mediated through their institutional accreditation (Floyd, 2010:22). Floyd suggests an approach to understanding this could look at the discursive formation of the securitization process in question. Discourse and political constellations arise from the fact that security is conceptualised as a speech act, a linguistic practice that regulates the discourse directed at the referent object (Floyd, 2010:29).

For the Copenhagen School security is a self-referential practice, this enables the theory to account for the essentially contested nature of security, where one and the same concept may mean entirely different, and even opposing things. One of the issues that arises is what Thierry Balzacq has called 'external or brute threats', here there is no security problem except that created through the language game. Therefore, how problems are 'constructed is exclusively contingent upon how we linguistically depict them. For example LGBTI identity is a threat that has been wholly constructed through the narratives actors have created to construct the threat in SSA (Floyd, 2010:32). In considering societal identity(s) only national, cultural and religious identities and the characteristics that support those cultural or political artefacts are substantial enough for a securitization to work. Societal security is in the context of identity about its sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture, association, and religious and national identity and custom. When SSA Political or Religious leaders refer to an existential threat, they are saying LGBTI identity will destroy all, or some of those elements. The concept of societal security argues for another social and collective focus in security analysis additional to the state (Floyd, 2010:36).

Thierry Balzacq (2005) writing in *The Three Faces of Securitization: Political Agency, Audience and Context* addresses the workings of securitization theory by describing an effective securitization as audience-centered; context-dependent and power-laden. Security pronouncements as discursive techniques allowing the securitizing actor to induce or increase the public's adherence to the particular thesis presented to gain its assent' (Balzacq 2005:171-2).

Balzacq states that in speech act theory, statements do more than merely describe a given reality and as such are neither required to be true or false. These utterances realize a specific action; they 'do' things, they are 'performatives'. Each sentence can convey three types of acts, the combination of which constitutes the total speech act situation —

- (i) Locutionary — the utterance of an expression that contains a given sense and reference;
- (ii) Illocutionary— the act performed in articulating a locution. In a way, this category captures the explicit performative class of utterances, and the concept 'speech act' is literally predicated on that sort of agency;
- (iii) Perlocutionary, which is the 'consequential effects' or 'sequels' that are aimed at evoking the feelings, beliefs, thoughts or actions of the target audience.

Jürgen Habermas sums these three events as 'to say something, to act in saying something, to bring about something through acting in saying something' (Balzacq 2005:172). This thesis provides substantial evidence in later chapters exposing the consequence of these events for LGBTI communities. Balzacq is of the view that the success of securitization is contingent upon a perceptive environment. Therefore, a successful securitization is dependent on the appropriate time to 'imprint' the object as a threat. The public would accept the description of threats deployed by elites, and securitization will successfully take place, if conditions within the society are critical enough. (Balzacq, 2005:185-186)

Thierry Balzacq (2005) considers three sets of factors in the development of a securitization event — audience, context and the securitizing agent determine how securitization progresses. 'Audience' has three components — (i) audience's frame of

reference; (ii) its readiness to be convinced, which depends on whether it perceives the securitizing actor as knowing the issue and as trustworthy; and (iii) its ability to grant or deny a formal mandate to public officials. The second 'context' concerns contextual effects on the audience's responsiveness to the securitizing actor's arguments; what influences the listener?, and the impact of the immediate situation on the way the securitizing author's sentences are interpreted by the listener. The securitizing agent must have the capacity to articulate the threat within cogent frames of reference in a given context, in order to win the support of the target audience for political purposes (Thierry Balzacq, 2005:192).

Buzan and Wæver, writing in *Regions and Power: The Structure of International Security* (2003), in the context of societal security underline the importance of distinguishing between referent objects (that which is to be secured) and securitizing actors (those who make claims about this security). In distinguishing between referent objects and securitizing actors, it becomes possible to formulate a theory of the conditions under which an actor successfully 'securitizes' some threat on behalf of a specific 'referent object' (The Ugandan state securitizes LGBTI identity for the referent object Ugandan identity). 'Universal' principles are understood within Securitization theory and have importance as referent objects in the political and the economic sectors (free trade, human rights, non-proliferation). This frees securitization to formulate a theory that is not state-centric, nor euro-centric (Buzan and Wæver, 2003:71).

In modern states it is the political elites and processes that determine the inter-subjective reality for minorities within societies. When opinion within the politic of the state moves, that of the general population follows. The situation for LGBTI groups in the West is a good example of this. For postcolonial states, particularly SSA they have some of the superficial diplomatic appearance of a modern state system but has rather less of the political or social, reality of Western states. The SSA state has been for the most part weak as a state (i.e., low levels of socio-political cohesion), the trend has been towards highly personalised, neo-patrimonial regimes. As a result of these weaknesses, a variety of non-state actors and entities (family, clan, tribe, church etc) have remained vitally in play as sources of social and political authority ((Mazrui 1997: 3), (Buzan and Wæver ,220/222:2003)).

Discussed in *Securitization Theory: How Security Problems Emerge and Dissolve* (2011), securitization theory's first principle is that no issue is essentially a 'menace'; something becomes a security problem through discursive politics. Language is paramount, with the conditions that create 'the possibility of threats' as internal to the act of saying 'security'. The word 'security', argues Wæver (1995), is that 'by saying it, something is done'; security is a speech act ((Balzacq (ed.), 2:2011). Balzacq (2011)), defines securitization as an articulated group of channels of communication using language through different forms including:- metaphors, policy tools, images, analogies, stereotypes, emotions etc, that are contextually mobilized by a securitizing actor. These are intended to cause an audience to accept a group of implications about the critical vulnerability of a referent object; such as national identity or cultural morality that concurs with the securitizing actor's objectives. The referent subject is invested with an aura of unprecedented threat, existential; in order to facilitate the policy development required to halt the threat (Balzacq (ed.), 3:2011).

For speech acts to be successful the sequence of events 'to say something, to act in saying something, to bring about something through acting in saying something' occurs (Balzacq (ed.), 4:2011). The audience is central to the successful birth of securitization; an audience must be receptive to the claims made by the securitizing actor. In SSA communities the question of actively opposing LGBTI rights is a given. Thus the dialogue through many channels of communication about the threat to identity it presents has a receptive audience. The ability of the securitizing actor to adopt measures in order to tackle the threat must follow. In SSA the threat of LGBTI rights is the issue that has common currency across much of society; these include measures up to and including Capital Punishment being accepted by the audience. The response to the 'existential' threat must be met by a securitization process that is satisfied by a level of acceptance by the empowering audience of the securitizing move to be ultimately successful. (Balzacq (ed.), 2011:8/9).

The securitizing actor requires two kinds of supports, formal and moral. If they are contiguous the more likely the public issue will be successfully securitized. Moral support from communities, church, media is necessary, however, it is not enough. It is the formal decision by an institution such as a vote in Parliament, Security Council, or

Congress that mandates the government to adopt a specific policy. This support is necessary as it provides a lawful framework at least within the state, if not within international obligations. ((Kasper 1990: 205, Balzacq (ed.), 9:2011)). The success of securitization is contingent upon a receptive environment, the outcome for the securitization process often lies with the securitizing actor's choice of determining the appropriate time of imprinting the object on the masses. The public would accept the description of threats deployed by elites, and securitization will successfully take place, if society is stressed through rapid societal change or perhaps a sense of failure in competing globally, these are the conditions found in many SSA states (Balzacq (ed.), 14:2011). Joel Best (2001) in *How Claims Spread: Cross-national Diffusion of Social Problems* looks at the spread of innovation (an idea/view/social problem) from transmitters to adopters via channels of communication. The innovation in this context is a claim that society faces a challenge that is a problem with serious implications. For securitization this means action must be taken to halt the threat. The speech act that communicates the threat to be accepted by adopters must fit within cultural norms and are recognised within social structures. The diffusion of these claims to the audience is enhanced by being direct, and uncomplicated; 'LGBTI rights will destroy Ugandan identity' for example. The claim/threat and its consequences must be also be understood by the adoptive audience for the securitization process to be successful. (Best, 9-10: 2001).

Huysmans (2004) in *Minding Exceptions: Politics of Security in Liberal Democracies', Contemporary Political Theory*, discusses concerns that the very fear of the threat destroys the democratic system. Security responses institutionalise the exceptionalism of securitization. (Huysmans, 321:2004). Democracies are intended to maximise freedom, however opposed to this is a second integrating principle of a political system: fear of threat. When fear of an existential threat becomes the principle mover in a given societies politics, it can lead to the rise of the mob, fear of threat and political exceptionalism has serious consequences for democracy (Huysmans, 322:2004). It is the rise in political exceptionalism in SSA states that is at the heart of the political contest of issues around LGBTI rights; the increase in policing powers, the impact on fundamental freedoms, the difficulty to express dissenting voices on a subject such as LGBTI rights can become politicised or securitized (Huysmans, 322:2004). As the securitization process emerges the politicization of acts of violence

slips into a contest of exceptionalism; politics transforms into a 'fight' about how far the constitutive tensions of a democracy can be skewed in support of executive-centred, populist actions as the securitization move emerges. In these situations security practice, technology and knowledge become explicitly paradoxical in the sense that they sustain and/or radicalize an intensive skewing of the constitutive relations of democracy in the politics of insecurity. (Huysmans, 327:2004). What is clear is that in the development of a securitization move, the principal actors desire a law that has to be specifically targeted against the threat in order to give the securitization processes legitimacy. However according to Huysmans (2004), 'if law should not become punishment, it is dependent on whether a practice is in conflict with healthy popular sentiment' (Huysmans, 328:2004). In SSA, political elites in both promoting LGBTI identity as an existential threat and In favouring the will of the people gives rise to an exceptionalism that distorts the minimum level of equality and liberty that the rule of law is expected to guarantee and that are an essential precondition for a democratic society ((Kirchheimer, 1996 [1933]), (Huysmans, 335:2004)).

Michael C Williams (2003), in *Words, images, enemies: Securitization in International Politics* has developed ideas to broaden the earlier focus on speech acts as delivered always through channels of communication dependent on a linguistic narrative. This includes images as pictures, video, TV, and the vast development of channels of communication such as social media, web, blogs, advertising and TV (Williams , 511: 2003). Williams argues the Copenhagen School's traditionally narrow focus on the speech-act as the key form of communicative action in securitization should also accept the reality of contemporary political communication. This is that speech acts can emerge out of a process increasingly embedded within television and social-media images used in conjunction with traditional modes of linguistic narrative. The increasing impact of tele-visual images, social media, blogging, web sites and their global reach poses challenges for the Copenhagen School's 'speech act'. As political communication becomes increasingly entwined with new media and its increasing use of visual as well as speech data, the processes of securitization take on forms, dynamics, and institutional linkages that cannot be fully assessed by focusing on the speech-act as a simple linguistic event alone. Accordingly, securitization theory must develop a broader understanding of the mediums, structures, and institutions, of

contemporary political communication if it is to address adequately questions of both empirical explanation and ethical appraisal in security practices. (Williams, 512:2003).

The Copenhagen School has argued that security can incorporate the concept of “societal” security, in which the identity of a group is presented as threatened by dynamics as diverse as cultural, identity, gender or sexuality that challenge preconceptions of other or moral or religious norms. The claims that are likely to be effective, the objects to which they refer, and the social positions from which they can effectively be spoken are usually rhetorically and discursively, culturally, and institutionally structured in ways that make securitizations somewhat predictable and thus subject to probabilistic analysis (Wæver, 2000), (Williams , 513: 2003).

The Copenhagen School thus stands clearly within a broadly constructivist position, drawing upon the understanding of speech-acts developed by Austin and Searle which has been so influential in the development of constructivism in International Relations, it examines security practices as specific forms of social construction, and securitization as a particular kind of social accomplishment. (Williams 514:2003). The Copenhagen School’s understanding of security through the speech act process (existential threat, authoritative decision) understands this, as will be evidenced throughout this thesis that the conditions of attempted securitizations around questions of identity lead to the emergence of a reified, monolithic form of identity e.g. Ugandan identity. It is when identities are securitized that their negotiability (LGBTI identity is not at odds with SSA identity norms) and flexibility are challenged, denied, or suppressed. Under the conditions of an emerging existential threat to identity, state, community or religious identity, a Schmittian logic of friends and enemies is invoked, and with it the politics of exclusion and worse. It is this very process (which may succeed or fail) that marks the difference between an identity issue (and situation) that has been securitized, and one that remains simply politicized and thus still more open to processes of negotiation. Important to this thesis is the proposition argued by Williams (2003), that a successful securitization of an identity involves the decision to codify the limits of a given identity, to oppose what it is not but could be, and to declare this as an existential threat to the identity being protected. The concept of societal security within a securitization process delineates friends and enemies within the Schmittian concept of the political, and thus the



invocation of measures to meet the perceived socially constructed conditions of the emergency. (Williams, 519-20:2003).

A focus on speech and linguistic rhetoric are limited as tools for understanding processes of contemporary political communication in an age when that communication is increasingly conveyed through new and emerging media, incorporating images, text and speech which play an increasingly significant role delivered over a vast array of media channels (Williams, 520-25:2003). The Copenhagen School today acknowledges that a focus on speech alone is far too narrow an understanding of the structure of communication involved in securitization. Buzan (1998), declared 'the security speech-act is not simply defined by uttering the word 'security'. What is essential is the designation of an existential threat requiring emergency action or special measures and the acceptance of that designation by a significant audience. The speech-act of securitization is not necessarily reducible to a purely verbal act or a linguistic rhetoric: the performative act draws upon a variety of contextual, institutional, and symbolic resources for its effectiveness through a range of media channels that include speech, Church platforms, Twitter, Facebook, blogs, newspaper sites, radio or a government bill. This research in later chapters uses data from all these types of sources, both traditional and non-traditional ((Buzan et al., 1998:27), (Williams 526/20: 2003)). Williams (2003), acknowledges this aspect of securitization theory remains almost wholly undeveloped. Indeed, taking seriously the role of images in the "media-saturated environment" of contemporary political communications provides a series of fundamental challenges for the analysis of security relations developed by the Copenhagen School. The power of images in the speech-act process that ends with a securitization move is demonstrated for this thesis in the chapters on Uganda, Kenya and Ghana. The agency of images and new media channels is instrumental in achieving the objectives of the SSA securitizing actors. This shift in communicative structures in the medium of visual media requires a focus on how speech-acts are framed within visual imagery. Linguistic content and images are re-configured within a performative set of actions in an age of multi-media channels and platforms. This thesis explores the use of multi-media channels and platforms to gain a broader understanding of the rhetorical language of securitization and its forms. How images themselves function as communicative acts within a securitization process. Securitization then is constructed not only through linguistic forms but also

through acceptable 'image-rhetoric(s)' delivered through different media channels and representations. A blog or video can have a similar impact to a speech over radio, pulpit or TV (Williams 527/20: 2003).

Scott D. Watson (2012), in *Framing' the Copenhagen School: Integrating the Literature on Threat Construction* highlights the importance of actors occupying positions of power by virtue of being 'generally accepted voices of security through privileged access to the media and being able to strategically target specific audiences. This is gained through 'social capital', 'linguistic competence' and 'positional power'. Securitization theorists accept that speakers and audiences exist in 'sedimented social and political structures that put actors in positions of power to influence the process', accepting that power relationships exist between both securitising actors and audiences (Watson, 286: 2012). Actors in unique positions of authority such as Pastors in Churches or government ministers allied with media owners who can legitimise a securitization process in the speech-act phase have as evidenced for this thesis take advantage of the technology supporting new media platforms to powerfully shape the landscape of opinion in SSA states. This thesis will demonstrate how important this technological reach is in shaping the landscape of audience opinion for the securitization moves against LGBTI communities in SSA states.

Gad and Petersen (2011), in *Concepts of politics in securitization studies* consider that within securitization studies, politics as an activity considers the intentionality of the speech procedural and structural character. This takes the form of 'politics as intervention' by actors that leads to the inter-subjective construction of a meaning and politics, and finally processes. The speech act of securitization is thought of as the decisionist imposition of a will; the state of exception is produced in the utterance, the illocution is owned by the securitizing agent. Security politics is reduced to the imposition of will, and politics and therefore resides in the motivation of the original actor. In this interpretation, securitization is an act that is received by an audience outside of the speech act, an audience that is not part of the production of meaning but concurs. A religious actor that has a compliant audience, who will accept the actor as an authority would be such an actor. ((Wæver, 2011), (Gad et el , 319: 2011)).

Rita Floyd (2007a), in *Human Security and the Copenhagen School's Securitization Approach: Conceptualizing Human Security as a Securitizing Move* discusses how the provision of human security can only be guaranteed by a larger entity such as society, the state, what the Copenhagen School defines as 'security action' taken on behalf of a referent object. Thus, for example, under the Copenhagen School framework individuals can be both securitizing actors and/or referent objects of security (Floyd, 40:2007a). Floyd does consider Wæver et al as being state centric, however Floyd considers the reason for the focus on the state, is that most securitizations are still performed by state actors (Floyd, 41:2007a). In SSA it is the state primarily that is carrying out the securitization of LGBTI communities as despite securitizing agents that are broader than the state (media/church/mosque/community leaders) it is the state that has the capacity to act. Balzacq, (2011), acknowledges that the Copenhagen School (Buzan et al, 1998; Wæver, 1995) offer a radically constructivist perspective on how 'security problems emerge and dissolve' by positing that security threats are socially constructed within the securitization process.

The Copenhagen School theorizes what security is by looking at what it does – it is a speech act with established social connotations (Wæver, 1995: 35). Securitization can invoke both state or institutional or macro-level referent objects (Buzan et al., 1998: 36–42). Although it acknowledges that some securitizations may have a common referent object at the macro-level (Buzan, 2006; Buzan–Wæver, 2009), this dynamic is still seen to be driven by state-based securitizations (cf. also Buzan–Wæver, 2003), (Rychnovska, 11:2014). The securitization of identity in SSA as a referent object can be considered at a state level, community level, or religious group level, all present the referent object as threatened by LGBTI identity.

#### 4. Human Rights, Cultural Relativism and Media

##### *Human Rights - Universal Rights*

Charvet and Kaczynska-Nay (2008), in *The Liberal Project and Human Rights: The Theory and Practice of a New World Order* raise the challenge being posed as to the legitimacy of a set of rights, universal in application that are privileged over the concerns of local normative values. This priority of rights is central to the arguments as to the legitimacy of LGBTI rights in a SSA political and cultural setting. The majority of SSA states limit human rights by prioritising earlier claims to ethical, religious or

customary practice based in historically fixed instruments. This approach is the basis on which cultural relativists configure a human rights regime in a particular geopolitical environment. Cultural relativists *de facto* constrain rights by subordinating them to traditional hierarchical values of codes of practice based on for example archaic conventions such as Sharia or Christian Law, or communal norms (Charvet J. & Kaczynska-Nay, 2008:5). Fundamental to liberalism is the idea that a universal set of values extends to most aspects of life and requires freedom of thought and expression of religion belief, of movement and association, of sexual orientation and way of life (Charvet & Kaczynska-Nay, 2008:2). Liberal universalism contends that every state should be a liberal state. The challenge for many academics with the arguments supported by liberal pluralism is that it offers a reality in which the international system is devoid of any substantive over-riding shared moral doctrine as to how human beings should live (Charvet and Kaczynska-Nay, 2008:60).

This important distinction between liberals and cultural relativists, both claiming the most appropriate instruments from which human rights should be informed provides for a key area of theoretical disagreement. Cultural relativists deny the 'privilege of the autonomous individual residing outside of situation' and promote communal *priori* over individual rights (Gray, 1995a:65). In contrast to this position liberals, arguing for the rights of the autonomous individual free of the '*Tyranny of Cousins*' (Fukuyama, 2012:49) uphold notions of enlightenment liberalism as built on and developed by John Rawls in his *Theories of Justice* (1971).

John Rawls in a *Theory of Justice* (1971), developed the principles that underpin his theories of the rights of the autonomous individual within a Social Contract approach (Weber, 2010:36). Rawls places the principles commonly associated with state equality ('*individuals like states as free and equal*') to individuals within the international system. Individuals are designated as free and equal; the fundamental rights of citizens and the obligations of all nations to uphold these human rights become identical (Hayden, 2002:86). Rawls (1971) other important principle in respect to states is of self-determination; the right of a people to settle its own affairs, '*without the intervention of foreign powers*'. This can be in conflict with wider state obligations '*pacta sunt servand*', that is 'Treaty obligations must be carried out in good faith and without exception'. Human rights are a key element of those obligations. (Hayden,

2002:87). The *UN Charter* links this right to self-determination together with universal human rights and fundamental freedoms. Importantly in doing so the *UN Charter* recognises an intrinsic connection between those rights and a states freedom within the international system (Hayden, 2002:102).

Rawls (1999) principles of international law developed out of his domestic *Theory of Justice* are useful if states can be convinced to acknowledge that treaty obligations require state conformity with international standards of human rights. Rawls offers a resolution of the dilemma of requiring absolute self-determination of the state by trading the traditional concept of sovereignty for a more integrated association with international institutions, thus subordinating state autonomy to the ideals and values needed for the cooperative pursuit of the global good (Hayden, 2002:108). The rights of LGBTI groups in most SSA states are under pressure through the prioritising of claims to ethical, religious or customary practice that fix a particular social identity as normative for those states. Cultural relativists configure a human rights regime in a particular geo-political environment in opposition to claims of universal rights afforded irrespective of history, geography, race, political system, religion or cultural practice. Cultural relativists *de facto* constrain rights by subordinating them to traditional hierarchical norms (Charvet J. & Kaczynska-Nay, 2008:5). This important distinction between liberals and cultural relativists both claiming the most appropriate instruments from which human rights should be informed, provides a key area of disagreement. Cultural relativists deny the 'privilege of the autonomous individual residing outside of situation' and promote communal *priori* over individual rights (Gray, 1995a:65).

It is possible to consider that many theoretical forms of opposition to liberal human rights embedded in societies; including societies that are communitarian, Marxist, authoritarian and those holding conservative religious discourse, share an objection to the notion that attribution of human rights belongs to individuals rather than communities. These bodies oppose any notion that involves the characterisation of individuals possessing these rights absolutely and independent of the 'collective good' (Charvet & Kaczynska-Nay, 2008:291). Liberals take the position that individuals are autonomous, reach agreement on reasonable principles of social co-operation and have complex identities that are both the product of, and influence the societies they

are resident in. Communitarians consider an individual as not being separate and independent of the beliefs and practices of their community but embedded in the fabric of a particular communal life, *and thus subject to it* (Charvet & Kaczynska-Nay, 2008:99).

Rawls (1999) approach would outlaw discrimination based on identity at both a state and at an international level, strengthening provisions for the promotion of international justice and universalism. Rawls first principle of justice as fairness lays out a framework of thinking to influence state jurisprudence in developing law to underpin universal rights.

- *First: principle: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. (Rawls, 1999a:47/53)*

This principle can be extended into international justice. Rawls international justice is concerned with the rights conferred on all citizens within the framework of a single moral order upon which the demands of justice, including global human rights and state obligations are based and privileged (Hayden, 2002:111-112). The acceptance and execution of international treaty obligations supporting human rights would at least cause politicians to think about their countries reputation and provide individuals with legal remedy. Rawls modified proposition of a two state (domestic and international) system to a virtual one state (international system) as proposed by Beitz (1979), would facilitate a scheme of global co-operation. National boundaries would have no fundamental moral significance (rather than political) and therefore would not mark the limits of the obligation of justice or indeed injustice. States would consequently use principles not as though originating from the particulars of the national state, but rather within the international system and thus the principles of justice would be deemed to apply globally (Hayden, 2002:110). Rawls is overly optimistic about the intentions of despotic or religious states towards human rights. Even in states with democratic institutions and progressive constitutions the actual workings of the state particularly those with strong religiosity can oppress minorities. The international normative position on human rights is often sidelined by a focus on culturally relative custom and practice. It is not difficult to agree with Rawls on the importance of a people's free culture, their self-respect of themselves as a people, the

importance of their accomplishments, famously described by Rousseau as *amour-propre*. However in the context of universal human rights it is expected that people in these circumstances grant recognition to others as equal; a reciprocity of respect (Rawls, 1999b:34-35).

#### *African perspectives on human rights*

Ibhawoh in Zeleza & McConnaughay (2004), *Human Rights, the rule of Law and development in Africa* takes the position in contrast to Rawls of restraining universalism from an 'Africanist' perspective whilst privileging a cultural relativist argument. Ibhawoh recognises the forces of globalisation in human rights discourse and how territorial geography has been made unimportant whilst at the same time human rights within specific cultures has become significantly contentious. The key area of the argument is: 'are modern human rights concerns of a universal character and thus have applicability or are they culturally relative, dependent on socio-cultural contexts and settings' (Zeleza, 2004:22). Ibhawoh discusses the views held by Roda Howard that SSA human rights should more properly be seen in the context of human dignity rather than rights enshrined in universal legal protection. Jack Donnelly looks at questions of distributed justice and human rights arguing that in Africa, rights were assigned on the basis of communal membership, family status or achievement (Zeleza, 2004:24). Ibhawoh emphasises the continuity between religious values, moral precepts and laws – that rights distinct from the discourse on religious values and thus morals could not have arisen. A discussion on cultural relativism emerges where human rights is seen as culturally exclusive, ignoring cultural variability and that this variability because of cultural autonomy and self-determination should be exempt from the criticism of others (Zeleza, 2004:25). One key area of concern to Western advocates of universalism is the notion that human rights emphasizes the primacy of individual political civil rights whilst most non-Western and developing state traditions place great emphasis on communitarianism either through collectivist principles of Marxist/socialist ideas or communal responsibilities. (Zeleza, 2004:25). Ibhawoh states that Sinha considers the emphasis on the individual not the family, rights not duties and securing rights through legalism as opposed to repentance or reconciliation are ill suited to some developing countries (Zeleza, 2004:26)

Donnelly considers that as the fear of cultural relativity is bounded by the idea that it subverts universalism and thus undermines the entire human rights movement, he argues for a categorisation of cultural relativity into a doctrine of 'Strong and Weak Cultural Relativity'. Strong cultural relativism contends that culture is the principle source of moral code or weak cultural relativism where it is argued human rights are prima facie universal, but culture can be a source of exception (Zeleza, 2004:27). Clearly it is where exception lies that it becomes a cause for concern. There is a diverse range of opinion on this matter and the argument is by no means concluded.

In considering SSA values and the cultural relativism of human rights, Ibhawoh argues that the Global South has embraced human rights in the context of a socially focused orientation not as experienced in the Global North towards the rights of the individual. However commentators such as Issa Shivji argue against an African philosophy of human rights because there is little written on the subject by African scholars. Supported by Josiah Cobbah he contends that African human rights are Western in concept, often Marxist (Zeleza, 2004:28). This is challenged by Na'im and Deng who describe an 'African ethno-philosophy of human rights'. They amongst others argue that human rights are an imported extension of colonialism and that these sorts of rights centred on the individual did not exist in pre-colonial Africa and the emphasis was on human dignity a feature of all preindustrial societies. The argument is made that this preindustrial communal society had different priorities that puts it at odds with Western notions of human rights; that despite modernisation the human dignity model of rights is still fundamental to SSA norms. However Ibhawoh argues that this ignores the changes that have occurred in the modern SSA states, that a communal approach is not appropriate in this context (Zeleza, 2004:29). Ibhawoh in positioning the argument 'that the notion that human rights ever existed in Africa is wrong' presents the argument of Eze (1992) who postulates that because of the communal nature of the society required to allow for subsistence living, human dignity was in place, but should not be confused with human rights which are associated with individuals; a concept at odds with societies that recognised status or group membership as the defining human characteristic (Zeleza, 2004:30).

Others such as Asante argue that there was a strong link made between the assertion and protection of human dignity on the basis of the intrinsic worth of the individual



not simply that of community, and that this existed prior to the importation of Western concepts of human rights. Mamdani (1990) and Houuntondji (1988) support this view and further state that 'no society has had a monopoly over human rights in history'. What differentiates the Western system is the articulation of those rights within a documented formal philosophical system (Zezeza, 2004:30).

An-Na'im (1999), writing in *Universal Rights, Local Remedies*, takes a starting position from the historical and current context of human rights in SSA, taking into account colonialism and globalization, positioned within the multi-faceted diversity of SSA and the need for a clear understanding of the constitutional and legal orders under which protection would materialise. An-Na'im contends that due regard to the cultural, ethnic, religious and other forms of diversity lean towards a model without generalisations; that is not universal (An-Na'im, 1999:6).

An-Na'im's definition of human rights as given includes those generally accepted as part of universalism's claim (but does not include LGBTI rights). It is claimed that human rights should be actively pursued by the state in an affirmative positive obligation to individual citizens. The state is identified as the universally accepted form of political organisation and is the fundamental framework for political interaction; in this context the provision of justice and the protection of liberty (An-Na'im, 1999:9). Recognition is given to the obligations of SSA states to international treaties in the realm of human rights, that under international law treaties create international obligations (An-Na'im, 1999:10). An issue of legitimacy is recognised in the constitutional origins of human rights within the African system, in that African societies do not consider they were integral to the constitutional origins and international development of human rights. In the period when these rights were developed African societies were not developed as nation states and thus had no constitutions, these were imported Western norms. This is major reason human rights are lacking legitimacy in African societies. The tension between African cultural and religious traditions and certain human rights norms especially those of the rights of women, children and minorities is a source of dispute; as these often challenge the legitimacy of ruling elites and the theism of religious fundamentalism. An-Na'im makes the point that whatever the scope of rights they must be a method of protecting those rights legally if human rights are to be rights at all (An-Na'im, 1999:16).

Most SSA countries have ratified the major international human rights agreements, including the African Charter on Human and Peoples Rights (An-Na'im, 1999:44). Despite significant legal protections, governments have limited legal rights through derogation, ouster provisions, and customary and religious law. For a majority of SSA countries customary law is enshrined or recognised within the legal system, this can include legal powers afforded to hereditary chiefs or tribal communal groups. In countries such as Uganda customary law is always subordinated in respect to statutory law. Issues of religious law are primarily focused on the implementation of Sharia Law that has significant human rights implications for women and LGBTI communities (An-Na'im, 1999:48).

Wanyeki in the paper '*Strategic and thematic considerations: proceedings of the Dakar conference*', identifies a problem in Africa with obtaining justice and redress for human rights violations - in many countries with written constitutions legal devices are employed to limit the performance of such constitutions in meeting human rights requirements. In many states the lack of separation between state and religion and between state and civil society complicates the performance of the legislative arm. Legal protection encompasses legal entitlements not moral claims. Even where legal protection exists non-legal factors such as politics, moral or religious edicts may influence the shape of legal protection often diminishing its effectiveness. A key issue is that human rights defenders look to Western protection and pressure for implementation of human rights and this can create a dependency culture. Wanyeki offers the suggestion that breaking this dependency may allow African communities to see human rights as vital to their existence that collectivisation will strengthen norms (An-Na'im, 1999:106).

Africanist notions of differentiated African human rights argue that at a cultural, ethnic, racial level the African person is different from for example, a Western European. This is paradoxical in that despite African's as individuals being members of an increasingly global network of human interactions, Africanists hold as a core tenant that they need a different set of values to encode social and political relationships within their societies. This I argue disregards because of its communitarian emphasis, the complex configuration of the many possibilities of what

it is to be African. Foucault describes how such systems (*exceptionalist*) of power produce a certain type of knowledge that has material effects in the bodies of social agents for example in SSA communal rules and policies towards sexual minorities (McNay, 2007:59).

Foucault asserts that the transition from one episteme to another can be a complete rupture, the problems and concepts that preoccupy a preceding era have often been entirely abandoned and replaced by a new incommensurable set of priorities (McNay, 2007:65). Foucault offers some answers to the question of how external social forces – processes of control, selection, organisation and dissemination govern the rarefaction of a discourse (McNay, 2007:86). As discourse is central to identity formation, what is possible (allowed) to be said about the state of one's being, identity, sexuality and who controls the permissions associated with this becomes critical. McNay describes how Foucault's work on the social production of discourse argues that an individual is unable to occupy a certain discursive position without satisfying certain requirements (McNay, 2007:87). Foucault's view is that this discourse is determined by and also constitutive of the power relations that permeate the social realm. The rarefaction (*in this case the conversation on permissible sexual identity*) is fundamentally related to the maintenance of asymmetrical social relations (McNay, 2007:87). In disassembling the critical elements in a discourse that defends a specific, unique form of African human rights, I will argue that the underlying forces that seek to maintain privilege, tribal, family & group affinity, religious orthodoxy and political allegiance or opportunism, seek to maintain a hegemony of power structures. These structures need to be kept in place to facilitate control over the individual, rather than promote a liberal emancipation that seeks to free the potential of the human to live a life that corresponds to their right to autonomy, emotional and sexual integrity. This dominant ideology has been challenged internally as the rise of LGBTI rights in the Global North have been exposed via the internet to the LGBTI communities in the Global South offering the promise of emancipation through political action.

#### Multiculturalism & Communitarianism

Parekh (2006), in *Rethinking Multiculturalism* discusses J.S Mill's (1984) argument that individuality, and self-determination are important in developing one's choices and decisions, whilst forming one's own desires, beliefs, opinions and values. This state of

being also facilitates the critical examination of the rationale defending inherited beliefs causing their revision and ultimately leading to the development of the autonomous person. Mill was sensitive to diversity recognising the importance of it to human development. He considered diversity led to progress because it created an environment that nurtured and created original and exceptional minds giving scope to healthy competition and acknowledging no single way of life encompassed the potential of human beings (Parekh, 2006:41).

Mill considered diversity as a key element of progress and was disturbed by social homogenization and cultural assimilation, he recognised the richness and complexity of human nature and the inability of any single way of life to develop all human potential. Mill saw this as a check on the emergence of any single set of normative moral priori (Parekh, 2006:42).

Grey (1995), in 'Enlightenment's Wake' argues that universalism, a Western liberal ideal, as a model that when implemented as a framework of rights would encounter problems in societies with different cultural traditions. In eastern societies such as China and Singapore, Confucian political traditions do not favor Western style political freedoms, rights are conferred from the unitary political centre. States that are more religious in character such as North African or Middle Eastern, see rights as an extension of religious traditions or law. Gray contends that ignoring the political, cultural and diverse traditions of societies is to underestimate the resistance to values from communities that do not associate these new values with their traditions. (Grey, 1995a:38). Grey also contends that the Enlightenment in political terms has failed to realise its ambition of consigning cultural differences to history, that these ethnic characteristics based on religious fundamentalism, nationalism and ethnicity are not ephemeral, and continue to challenge the liberal thought which is the cornerstone of Enlightenment thinking (Gray, 1995a:65). Grey attacks the rationality of abstract individualism and Rawlins 'impartiality' as the cornerstone of political liberalism and argues it is incompatible with the reality of how people are the products of their cultural history, which makes the demands of universalism irreconcilable with their normative collective positions. This is an important argument as it opposes a jurisprudential paradigm of political philosophy that is required to build an ideal constitution, universal in its application of rights. The issue for Grey is that this

outcome of Rawls basic liberties focuses on the claims of individuals rather than the diverse claims of historic communities (Gray, 1995a:66). Grey takes exception to what he see's as Rawls as having a revitalized Kantianism which disassociates the individual person from any cultural tradition that was found to be unacceptable and in doing so delegitimizes any constitutive cultural identify, communal membership or ethnic alliance. The subject becomes a rights bearing cipher (Gray, 1995a:120).

Grey argues that much of the ideas that are the cornerstone of Western liberalism could be achieved outside of a universalist framework and re-emerge within the context of a civil society paradigm located within the cultural, ethnic and political traditions of pluralist societies or communities. He rejects the liberal notion of neutrality in dealing with rival demands for legal recognition for different ways of life and sees it as liberal legalism. Legal pluralism he contends meets this demand by the creation of a diverse set of jurisdictions for the various communities (Gray, 1995a:137). The central characteristic of this model is one of Communitarianism.

The evidence that emerges from this research I would argue finds Gray's ideas deeply problematic; his thesis gives no consideration to those operating outside of the normative values of a given civil society, no consideration given to the harm to minorities and other larger groups such as women and children who are restricted in the choices open, to them by the dominant social norms. He presupposes in supporting collective rights and social norms that whilst these reflect the collective cultural aspirations of the majority, they would satisfy the rights of individuals. This dilemma is most clearly seen in the plight of LGBTI communities in SSA and other geographies where communal values are privileged and in extremis can end with the murder or execution of LGBTI groups.

Gray (1995), in *Liberalism*, posits the dilemma for the liberalism that underpins notions of universalism such as Rawls requirement for equality, and equal concern and respect for the person. This requires governments to be at least neutral in regard to conceptions of the good life and prioritise liberty over other political goods, particularly providing support for autonomous agency (Gray, 1995b:87). Gray's argument is that the whole liberal Enlightenment project has failed because of the rise of distinct from Western social models, such as religious states, state-centric and anti

democratic states. That these societies in the context of a multi cultural/ethnic global system can resist universalism if they seek alternatives, and some SSA states are in the process of doing this. Gray argues for weakness in the Liberal project, lacking political morality as its fixation on the autonomous subject is at the expense of determinate principles; such as justice, rights equality or liberty. Gray challenges Rorty's (1989) liberalism and takes issue with the idea that non-liberal forms of life should give up these practices because they collide with the practices of liberal societies. He acknowledges Rorty's view that these are grounded in religious practice that modern societies reject, or simply eschew Western liberal thought. He supports arguments that reform of authoritarian systems is possible or indeed modern and supports the rights of non-secularised societies such as Islamic, who oppose modernisation and work against secularisation. He believes modern non-Western cultures need a reason to change other than to develop into a Western liberal system (Gray, 1995b:94). Gray does not consider the implications for minorities of states retaining religious based norms or unitary political systems that are totalitarian in form, illiberal and discriminatory in practice.

Parekh (2006), in *Rethinking Multiculturalism* discusses how a liberal society operates in examining and respecting cultures. The question of a duty to respect cultures is considered, do all cultures deserve equal respect? Parekh considers that it is individuals not cultures and hence not cultural practices that are most important. Parekh argues however that the cultural community supports human worth and dignity, safeguards interests and provides the basis for a good life. A problematic position identified in this research that Parekh understands is that human dignity is not commensurate with liberal individualism or the limiting of individual autonomy. The right to choice within the scope of freedoms enjoyed within the cultural community are limited by norms (Parekh, 2006:177). Parekh argues that cultural communities are autonomous and Western societies have no right to act as global missionaries. He sees this coercion as a form of neo-colonialism and argues that other states are capable of reform. It took 2,000 years of anti-Semitism and the murder of millions of Jews before Western states became liberal and they thus need a degree of self-criticism when pressurising other political systems (Parekh, 2006:178).

Young (1990), in *Justice and the Politics of Difference* defines a social group as a collective of persons differentiated from others by way of life. Young describes a number of categories of oppression some of which are apparent when looking at the relationship of LGBTI persons and SSA responses to them. Marginalisation is apparent, Young considers this the most dangerous form of oppression, where a category of people are excluded from participation in social life and thus subjected to severe material deprivation and worse (Young, 1990:53). Marginalisation the exclusion from participation has a harmful, material impact on individuals creating a personal fear of disclosure which limits options in terms of life style, personal identity, fulfilled emotional life, notions of poor self-worth, low confidence, isolation and mental illness. The second category of oppression that is a fact of many LGBTI person's lives, is violence. Young comments that members of some groups live with the knowledge that they must fear random, unprovoked attacks on their person and property. Political theorists often, she argues do not take such incidents of violence and harassment as matters of social justice. For Young it is the social context that is important, it is this that allows the violence to be possible and permissible especially in state sponsored violence such as that of execution. The violence is systemic because it is directed at groups simply because they are members of that group (Young, 1990:62).

Young raises questions about the logic of identity and the autonomous person that underpins liberal rational thought, and problems with developing impartial rules of identity (Young, 1990:98). Young argues that universalism by its nature excludes difference in order to establish impartiality as the marker of moral reason; this is problematic because in order to arrive at a position of impartiality all of the history, culture, situational and group interest of the individual must be abstracted (Young, 1990: 100). Young describes a solution to Rawl's idea of the original position which supports universalist thinking through Susan Okin's view that it should be considered a reasoning process that takes account of all particular positions to arrive at a just outcome. Young objects to this because she considers it impossible to be situated simultaneously irrespective of class, race, sexuality and gender (Young, 1990:105). Young critiques Habermas and his search to find a solution to this dichotomy as he seeks 'to get universality a way out of the 'moral dialogue' through communicative interaction. (Young, 1990:107).

Critics of Liberalism offer the ideal of community, the absence of the self-interested competition of the modern world as an alternative to the formal method of liberalism. Young discusses Sandel's (1982) critique on Rawls liberalism that emphasises the primacy of justice, presupposing a conception of self as autonomous in its relationship with others. Young recognises the serious political consequence of the desire for community, is that it often operates to exclude or oppress those experienced as different to enforce notions of homogeneity (Young, 1990:234).

### *Media*

Sellers and Schaffner (eds.) (2009), in *Winning with Words: The Origins and Impact of Political Framing* look at how a process in which competing positions emphasise different messages and arguments in a policy debate (Nelson et al. 1997; Druckman 2001). In SSA states actors have been instrumental in positing LGBTI identity as a threat to SSA states through the referent object of state or community identity. Robert Entman uses these types of frames to explain how political and media elites interacted to shape policy and public opinion (Entman 2004). Cognitive linguist George Lakoff describes how Democrats and Republicans employ very different arguments and evidence in contemporary policy debates (Lakoff 2004) (Sellers et al (3:2009) with political elites creating frames for different reasons and in different contexts. Legislative leaders may use arguments or amendments to frame a policy debate and therefore shape legislators' political outcomes (Riker 1986); these can be used to create referent objects and a securitization process. The news media's has a significant role in mediating the relationship between political elites and the public. Presenting coverage in certain ways, political elites can create frames that effectively shape public opinion; the normative implications can shape public opinion to further their own interests. (Sellers et al (5:2009)

Boydston and Glazier (2013), in *A Two-Tiered Method for Identifying Trends in Media Framing of Policy Issues: The Case of the War on Terror* consider what are the societal and political effects of media framing, often one perspective to the exclusion of alternative perspectives (Chong & Druckman, 2007; Entman, 1993; Hänggli, 2012; Jacoby, 2000). They discuss research that demonstrates how people's policy attitudes differ depending on how news coverage discusses an issue for example as free speech or as an issue of public safety (Nelson, Clawson, & Oxley, 1997). In the era of multiple



media channels, 24-hour news coverage and instant information, the phenomenon of framing may play an increasingly important role in politics as media sources try to find a way to cut through the chatter and get their stories heard (Delli Carpini & Keeter, 2002; Massanari & Howard, 2011; Takeshita, 2006). Moreover, how an issue is framed in the news can evolve in systematic and observable ways over time, often prompting shifts in public response to the issue (Boydston et al, 707: 2013). Journalists tend to focus on high-stakes political, issues (Boczkowski & Mitchelstein, 2010) because they view these high-stakes issues as especially newsworthy (Bennett, 1996; Gans, 2004; Schudson, 2003). Journalists sort the world into stories framed in terms of gain versus stories framed in terms of loss even if reporting those stories means exaggerating the risks (Bomlitz & Brezis, 2008). All else being equal, journalists prefer to report negative stories, and loss-based stories in particular, because these stories tend to bring in more readers and elicit powerful psychological reactions from news consumers (Sheafer, 711: 2007).

There is even evidence that whether gain-based or loss-based framing is used it can impact policy out-comes, this is important for SSA domestic politics (Perla, 2011; Vis & van Kersbergen, 2007). The frames that the public receives in the news may influence the types of policies they support, the candidates they vote for, and even public cynicism (Cappella & Jamieson, (Sheafer, 712: 2007). Self-referential frames focus on how an issue affects the “self” or the “in-group,” whereas other-referential frames focus on the implications of an issue for the “other” or the “out-group.” The division of the world into self and other is one of the most fundamental and enduring characteristics of human interaction (Olweean, 2002); people naturally define themselves in terms of their relationships to social and cultural groups (Brewer & Gardner, 1996; Triandis, Bontempo, Villareal, Asai, & Lucca, 1988) Self-referential frames reinforce the journalistic values of proximity and relevance such as identity politics. (Graber, 2000). Self/other frames elicit strong reactions from media audiences. Evidence suggests that, for almost any issue, the initial human response is to ask ‘How does this affect me?’ This inward-looking predisposition is well documented and this thesis will demonstrate how powerful this has been in the securitization of LGBTI groups. Media discourse on issues such as LGBTI rights (e.g., “marriage equality benefits the “other” of gays and lesbians” vs. “marriage equality reinforces liberty for all Americans”) demonstrates the impact of framing issues on

outcomes (Sheafer, 713: 2007). When this issue is framed as a national priority for communal or state identity, public opinion shifts and this can create a receptive environment for politicization or securitization. This type of media framing is evidenced in this research where media coverage of SSA LGBTI identity is developed as an existential threat to society.

END

## Conflicting claims of culturally relativist and universal human rights models in Sub-Saharan Africa (SSA)

### 1. Background to the question

This chapter address questions central to the legitimacy of applying universal rights that are privileged over those local normative values that a given society considers integral to its identity. Specifically for this research the legitimacy of LGBTI rights in a SSA political and cultural setting. The literature review in Chapter 2 has explored in detail the theoretical and legal background between a liberal human rights discourse and a culturally relativist prioritising of earlier claims to ethical, religious or customary practice based in historically fixed instruments.

The dichotomy that emerges out of this argument; is between a citizen's demand for rights, the states possible objections, and the states obligations within the international system to deliver those rights. The argument put forward by cultural relativists is that SSA states are free to determine their internal political discourse including how for example they configure the rights of LGBTI people within their own state system. This is in contrast to the liberal position that accepts that states are indeed free, however international treaty obligations which confer the status of 'independent and free' to states, requires that they operate within acceptable parameters and meet treaty obligations. The position for LGBTI minorities within SSA states does not correspond to a Western liberal position on rights. LGBTI groups are discriminated against by all-important actors. In an interview in March 2013 carried out in Ghana for this thesis, a young gay student described his view on LGBTI rights, very much the aspirational position of LGBTI groups in SSA.

*'Human rights needs to be, ought to be respected. And we are all humans. No matter our sexual orientation. If others are being protected, why not gays to? So I think it's a, it's the best thing ever to have happened to gay when we should get that protection,*

*should have that right, yeah' across'* [Anna. Interview Accra, Ghana. 16/3/2013].

Universal human rights for all is upheld within the contemporary state system by the international bodies regulating behavior, harm and discrimination towards LGBTI groups. The former Secretary General of the United Nations (SGUN), Ban Ki-Moon recently pronounced on this; in late 2011, he noted that many states actions towards LGBTI persons falls outside of acceptable behavior (A/HRC/19/41, 2011:3). The obligations of states towards sexual minorities are also documented in the published report of the *Nineteenth session of the Human Rights Commission (UNHRC) of the United Nations General Assembly (UNGA)*. A product of this session, the Annual report of the United Nations High Commissioner for Human Rights (UNHRHR) outlines these obligations, presented within the context of universality, equality and non-discrimination;

- To protect the right to life, liberty and security of persons irrespective of sexual orientation or gender identity
- To prevent torture and other cruel, inhuman or degrading treatment on grounds of sexual orientation or gender identity
- To protect the right to privacy and against arbitrary detention on the basis of sexual orientation or gender identity
- To protect individuals from discrimination on grounds of sexual orientation and gender identity.
- To protect the right to freedom of expression, association and assembly in a non-discriminatory manner (A/HRC/19/41, 2011:5).

States operate in an international system in which it increasingly has become more normative for many states to have a supportive framework for LGBTI rights. However these rights when suggested for introduction into SSA states are often in conflict with cultural norms and are resisted by the political and religious establishment.

Rawls (1999) principles of international law developed out of his domestic *Theory of Justice* argues that states have treaty obligations to conform with international standards of human rights. States do this to different degrees in practice in that the

fact of their recognition as a state within the international system, obliges them to enter into treaty obligations within the framework of international law. What is absent often within the state system is an acceptance of how those treaties oblige states to act. Certainly for many SSA states they do not meet their international treaty obligations towards the human rights of LGBTI people and indeed support that view publicly. A SSA leader as prominent as the president of Liberia, Ellen Johnson Sirleaf, a Nobel Laureate has publically pronounced, *“African’s don’t do homosexuality”* this implies that SSA states do not consider that LGBTI people have any constitutional basis for the affirmation of their basic rights. The colonial laws that still inform SSA jurisprudence define this clearly; what is excluded and illicit in SSA states is most certainly what is important to SSA LGBTI identity. Foucault (1976) described this position, as a cycle of prohibition around what an individual is not allowed to experience, and what the consequences are if they do so. Further, that which is not permissible, in this case homosexuality, is not allowed to be discussed, and ultimately its existence is denied (Foucault, 1976:85). This analysis is supported by the oral testimony of Joshua in an interview for this research in Kampala in 2013 where he expresses the reason behind the public denial of his identity.

*‘When you’re growing up in a society where you know this is not like accepted, but like people see that as having like a problem, a serious problem like. It’s one of the worst things you can have been in society, so. In fact it’s probably best to keep those feelings from people knowing them or finding that you really are this’ [Joshua. Interview Kampala, Uganda. 19/11/2013].*

This reality corresponds to the experience of LGBTI groups in SSA. Rigid laws are applied with vigor; even where homosexuality is not apparently illegal, the sexual acts are, or become acts against public decency that are proscribed as a catchall. The logic of censorship is seen in Uganda at a political level where discussion is prohibited unless it is critical of LGBTI groups. In other states, censorship materializes at a communal level where fear prevents discussion about the subject of LGBTI rights, identity or sexuality. Indeed a popular mantra that informs the words voiced by Ellen Johnson Sirleaf is that no African man can ever be ‘Gay’; the *condition* is an acquired Western form of decadent behavior.

Rawls (1999), first: principle is that 'each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others'. (Rawls, 1999a:47/53). This principle can be extended into international justice. Beitz (1979), has argued that as national boundaries in themselves have no fundamental moral significance, they must not therefore delineate the limits of, or be a barrier to the obligations of justice. Secondly parties understand they are choosing principles for a non-state; that is the principles of justice are to be applied globally. If these ideas were adopted, Rawl's principles of global justice would ensure all persons would hold a similar set of rights, acceptance that those rights are worthy, but most significantly that they do not have a relationship to the particulars of culture, or ethnicity, or religion. Much of the work of the United Nations Human Rights Council (UNHRC) is concerned with the implementation of just such an outcome across the international system. The UNHRC met in 2011 and issued a document *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity (A/HRC/19/41, 2011)*. This publication outlines a detailed set of principles that states can use to develop domestic legislation to bring laws in line with the increasingly normative position of LGBTI rights within the international system.

An argument often used to justify the independent right of the state within the international system to develop its own particular laws is that a consensus within that society can be found for supporting a particular moral position which is important to that society. Even in functioning democracies a societal wide consensus of opinion can potentially cause harm if upheld in opposition to minority group interests. This occurs when within the state there is the unchecked dominance of one group that lends itself towards injustice. Mills (1895) in *On Liberty* refers to this as the 'tyranny of the majority' (Hayden, 2002:104). It is problematic for minorities when human rights become subordinated to the particulars of cultural norms. These inform domestic law, subverting more universalist positions enshrined within treaties that the state has actually signed up to. Consequently the State often does not accept its obligations, pays lip service or rejects outright those provisions it has signed up to. This problem was illustrated in 2008 when the Gambian president Yahya Jammeh in defiance of treaty obligations, infamously threatened to behead homosexuals himself if he found them in his country. The threats were a response to Senegalese citizens seeking refuge

in The Gambia after the Senegalese authorities targeted the gay community in response to a same-sex wedding that led to the arrest of five men (Ray, 2010:74). This was a speech act by the President of Gambia that had begun the process of the securitization of LGBTI groups, an existential threat to those groups. The consensus in Senegal was that homosexuality was not to be tolerated and was to be dealt with harshly, irrespective of violating international agreements on due process and human rights. This is an example of the *'tyranny of the majority'*; there is in The Gambia and Senegal a societal wide consensus in agreement with these threats and attitudes towards LGBTI groups, coupled with a state violating its international treaty obligation towards human rights. The communal position is one of outright rejection of the identity of LGBTI groups; this provides a fertile environment, from not accepting a group to it being seeing it as a threat to the very survival of the cultural community.

LGBTI minorities live in fear of persecution, primarily because they perceive the state and in particular agents of the state such as the police violating their human rights, and acting in concert against them. Moses, a Director of the NGO Spectrum in Uganda that provides HIV services to LGBTI groups, discussed the arrest of Samuel Ganafa, CEO of Spectrum in November 2013, in a case that was later dropped. I interviewed for this research, Moses in Kampala in November 2013, and visited Samuel Ganafa in Kampala Prison, Uganda.

*(Edited) I can honestly confirm that there was a political involvement since police, Ugandan police is under the government they probably have, whether there was a political influence or not. And immediately his house was searched without a search warrant. His case, he was arrested with no reason, he stayed in prison for over eight hours, without being produced to court, and I think the way police conducted the whole exercise was illegal. On the question of political influences the Ugandan police is under the arm of government, whoever is in charge, there is a political influence [Moses. Interview Kampala, Uganda. 21/11/2013].*

Many states reject a paradigm of international justice, The Gambia and Uganda would be in breach of their obligations to international justice and human rights, as Rawls *global justice* would now apply to individuals within the international system who's rights are not limited by state bound legislation or normative positions.

An issue for liberals is how to deal with states such as Gambia, Senegal or Uganda that do not comply with increasingly normative positions for the LGBTI rights adopted by Western states; it is problematic for liberals to support intervention within a culturally diverse international system. Intervention can be seen as imperialistic or a form of neo-colonial pressure to force states with different traditions to conform to the demand for global justice, even if it delivers as Rawls (1974) stated, 'a society on due reflection, *one would* wish to live in and want to shape our interests and characters by' (Rawls, 1999b:34-35). if the importance of a peoples conception of its own historical and cultural norms is in opposition to certain types of identity, then a collision occurs between societal norms and a minorities demands for respect, identity and human rights. Peter, a Rwandan refugee living in Uganda expressed in an interview I conducted in Kampala November 2013, his view of how political positions are impacted by culture and religion;

*(Edited) 'Yeah, because we have, our members of parliament, when they're getting to the parliament and they start discussing about the bill or the law you hear somebody saying the Bible says this and that, the Quran says like that ...*

*..... 'the speaker of parliament of Uganda when she was at a conference in Canada, she told the minister of foreign affairs of Canadian government that we cannot tolerate gays in Uganda, we don't accept those imported in my country' [Peter. Interview Kampala, Uganda. 19/11/2013].*

The question of how do you adequately answer the human rights dilemma that comes out of this conflict, particularly when it is to do with issues of belief is not resolved. The issue of the toleration of non-liberal peoples by liberal peoples, how far do we go before "*we liberal*" people intervene is problematic. The compelling of non-liberal



states to act like liberal states would require such force of action that the liberal society would fail (Rawls, 1999b:59).

The question of what is a liberal state, what is reasonable, and how do you apply this to other states within the international system is important. One measure must be the harm and isolation afforded to groups with those societies that do not share the same identity or moral priori as perhaps a majority of the population. Liberal societies whilst respecting religious and cultural freedoms place the rights of the individual above these considerations when human rights are in conflict. The limits to what extent a liberal state will impose on cultural rights in conflict with individual rights was demonstrated recently when the European Court of Human Rights (ECHR) ruled that religious belief is not acceptable grounds for discriminating against LGBTI persons irrespective of cultural norms (BHA, 2013). Many states and certainly those SSA states of interest to this research place cultural norms derived from religious practice above individual human rights and in this respect they are not considered liberal. The next section of this thesis considers the balance of accepting the legitimacy of culturally relative values in contrast to the universalism of liberal discourse in questions of human rights.

## 2. The Africanist argument for cultural relativity within the international system

### SSA cultural norms

Justice and human rights in the context of SSA rights were traditionally assigned on the basis of communal membership, family status or achievement rather than the individual having an automatic set of rights attributed, as understood within the context of Western universalism (Zezeza, 2004:24). Ibhawoh in Zezeza & McConnaughay (2004), *Human Rights, the rule of Law and development in Africa* emphasises the link between religious values, moral precepts and state laws, believing that rights distinct from a discourse on religious values could not have arisen in SSA. Cultural relativism where human rights are seen as culturally exclusive, incorporate cultural variability, cultural autonomy and self-determination. Ibhawoh argues these should be exempt from the criticism of others (Zezeza, 2004:25). Layla, a Lesbian living in Kampala was interviewed in November 2013 for this research. Layla interviewed for

this research describes how SSA religious and cultural values impact her and the wider LGBTI community:

*(Edited) We have a very big, big problem in the church. And with ... I want to say a lot with the culture, but I think there is the ignorance of people around us. But this all comes after the church. People are, the way ... Because you know with Africa we are religious. We have this religion where we don't know where it came from but we follow whatever is in. And now we have to follow it and they're very many words that are written in the Bible, thoughts and all that about gay. Then the ignorance of people when they point you out you're gay, oh, it becomes a damage to yourself and the people around you' [Layla. Interview Kampala, Uganda. 19/11/2013].*

In contrast to SSA commentators such as Ibhawoh an important concern of Western advocates of universalism is the notion that human rights emphasizes the primacy of the individuals political and civil rights. This is in opposition to many non-Western and developing state traditions, which place great emphasis on communitarianism either through collectivist principles of Marxist/socialist ideas or communal responsibilities. (Zeleza, 2004:25). Communal priori emphasise the family, duties and repentance or reconciliation and are considered by Sinha (1981), a SSA scholar to be ill suited to SSA countries (Zeleza, 2004:26). This position taken-up by a number of SSA academic commentators is a key element of the argument that has developed between cultural relativist and Western universalist positions.

One line of thinking towards a potential solution is supported by Donnelly (1989) who argues that as the fear of cultural relativity is bounded by the idea that it subverts universalism and thus undermines the entire human rights movement, a categorisation of cultural relativity into a doctrine of 'Strong and Weak Cultural Relativity' should emerge. Strong cultural relativism argues that culture is the principle source of a moral code in contrast to weak cultural relativism that argues that human rights are *prima facie* universal, but culture can be a source of exception (Zeleza, 2004:27). I would argue that this is problematic, it sets no rules for what is acceptable

in the basket of norms associated with culturally relative priori, or in the case of weak cultural relativism, the argument that although universal rights are *prima facie* they can never the less be replaced by exception and this is a cause for concern. In execution however both these ideas appear in reality to be little different to each other. I interviewed Dr Frank Magusta, Executive Director of Sexual Minorities Uganda, in November 2013, his comments below outline why weak cultural relativism, not providing a set of human rights protected under the law is problematic to marginalised groups facing the securitization of their minority community:

*(Edited)... Actually when I was at the police station there was a police officer who mentioned that they have a list and I was like hmm, a list, but then this was sort of not intention to be said to my ear, I was like a list? And what we discovered is that the investigations are still going on so there's a chance that they could arrest some more people who come to our organisations country' [Frank. Interview Kampala, Uganda. 21/11/2013].*

What are SSA Human Rights?

For SSA societies, Ibhawoh, In Zeleza & McConnaughay (2004), *Human Rights, the rule of Law and development in Africa* argues have embraced human rights in the context of a socially focused orientation, not as experienced in the West where an emphasis on the rights of the individual is privileged.

A culturally relativist position prioritises historical communal traditions often at odds with a Western universalist model, that view in practice is in conflict with international treaty obligations. LGBTI groups interviewed for this research wanted a set of rights in line with the universal rights found in Western states, they did not support the idea that their rights should be limited by communal priorities. David, a Gay student I interviewed in Accra for this research in March 2013, expressed this view;

*I'm hoping once we have been exposed to the global world and while we are moving on from century to century I should think Ghana should adopt some of these Western ideas and yeah, be at*

*par with them in terms of gay rights, gay rights. Yeah. As the world  
...[David. Interview Accra, Ghana. 13/3/2013].*

Support for a culturally relativist model is explored by An-Na'im (1999) writing in *Universal Rights, Local Remedies*, who develops ideas framed within the historical and contemporary context of human rights in SSA. These rights are placed within a multi-faceted diverse society that has a need for the materialisation of clear constitutional and legal orders. Further he argues that this situation with due regard to cultural, ethnic, religious and other forms of diversity leans towards a model without generalisations; that is a none universal model (An-Na'im, 2006:6).

A criticism often posited against universal models revolves around the question of who is left out? This thesis provides evidence that threat situations emerge for individuals who do not fit within a communitarian model, and the most public group today that meets the criteria of 'other', not in the community are LGBTI groups. The securitization of minorities depends on their exclusion from a societal paradigm that privileges communitarianism and that contains within it a particularity derived from cultural and ethnic norms that identifies the 'other', in this case LGBTI minorities as dangerous. The issue of the denial of human rights within the context of a SSA communitarian rights system is not an issue only for the LGBTI community, but for any individuals who have for example different human characteristics or identity determined by mental health, physicality, gender or sexuality which does not fit into notions of 'groupness', sameness or commonality of interest. The identification of a minority outside of a paradigm of rights, particularly within the context of a securitization process can put that group at risk of not simply general discrimination, but harm.

Fredrick a gay man in living in Accra, Ghana describes an attack by a mob on him and a few friends during an interview in March 2013;

*(Edited).....was with friends and then they were like batty men, gay men, so they got the cane, it was, that one was serious. We had to fight. They fought with us. We had to run, just so I should be free. Because they were very, very strong and they were a bigger number of people than we were, we were just four and they were*

*just like fifteen. So a little, as they started to come, they caught one of my friends, started beating him up like the other one so I also had to run and go away [Frederick. Interview Accra, Ghana. 16/3/2013]*

Communal rights imply a contract of rights and duties in contrast to what Ibhawoh (2004) has described as the abstract Western notion of individualism without duties. The dominant African conception of human rights combines a system of rights and obligations to give the community cohesion and viability; this he considers could be the basis for national human rights regimes in contemporary SSA states.

### 3. Communitarian Positions

Cultural relativity recognises the importance to human development of a rich diverse set of ideas within the international system, these engineer the competition of human thought. That intellectual competition develops and grows culture, science and rationality; these are the bedrock of human progress. However if a set of cultural norms, particularly around identity is considered as privileged by the state, a religion or a community; then issues arise for those groups challenging those normative positions. The emphasis of identity as integral to the security of the state might lead to politicization or securitization of any group seen as an existential threat to that identity.

For some minorities, identified as being illegitimate to culturally normative positions within that society it is often a dangerous space they fill as they attempt to challenge the priori that delegitimizes their human rights. Societies find it unsettling that within what they understand to be a rich tapestry of cultural diversity, longstanding normative positions are challenged because they fail to provide some groups with rights. The challenge to the wider society by minorities is presented through demands for universal human rights, rights enjoyed by a large proportion of society, but not by the minority because its identity is not considered legitimate.

Gray (1995), writing in *Enlightenment's Wake* argues that ignoring the political, cultural and diverse traditions of societies is to underestimate the resistance to values

that people do not associate with their traditions. (Grey,1995a:38). The experience of LGBTI groups in SSA suggest that Grey is correct that ethnic based cultural positions often deeply rooted in religious practice are resisting challenges to their position on rights. Western universalist thinking dominates globalised knowledge systems and impacts all societies, it is challenging these societies that in practice do not have in reality, immutable cultural models. The UNHRC has had an impact on politicians in SSA even if the execution of policy changes has been weak, and has sometimes gone backwards as in Uganda. Nevertheless an acknowledgement that these culturally conservative positions within the international system are unsustainable, is becoming a given. Moses, a program director for Spectrum an HIV services NGO in Uganda, give me his views during an interview in November 2013.

*(Edited) Yeah, the human rights review. Two of the recommendations that the Uganda government accepted, one was to stop discrimination and persecution of LGBTI community in Uganda, and two was to commit to do the investigation of those carrying out the discrimination and harassment in Uganda. To me that was the two recommendations that the government have accepted told me that there is political will. But now the question is are you implementing the recommendations that have been adopted? But the mere fact that the government has accepted the two recommendations then there is, you can see that there is a political to this issues. [Frederick. Interview Accra, Ghana. 16/3/2013]*

Parekh (2006), In Rethinking Multiculturalism considers how a liberal society operates in examining and respecting different cultures. The question of a duty to respect cultures is considered, do all cultures deserve equal respect? Parekh considers that it is individuals not cultures and hence not cultural practices that are most important. What Parekh does not challenge is what should be the outcome if a minority is denied its rights, considered illegitimate, exploited or harmed. If a community decides it will not tolerate a minority, causes harm to it, delegitimizes it, or through a speech act, securitizes it and puts it in serious danger. The international system that created modern states is a Western construct and the system that SSA states belong to and

give legitimacy through participation also requires adherence to treaty obligations, importantly including human rights. The modern system does not accept that minority groups can simply be made illegitimate; indeed the UNHRC supports the emancipation of LGBTI minorities and their freedom from discrimination and harm. The fact of the existence of a cultural community does not legitimise discrimination under international law.

### 3. The Liberal position

One of the issues facing SSA communities is their Ontological Security, this presupposes that identity is bound within biology or gender, that one exists within the routine of trusted societal structures, that they operate within an environment that engenders a sense of appropriate behavior and that despite how secure the individual or community is; there is an ongoing sense of the danger of other - the polar opposite which generates fear or dread (Croft, 2012: 26). This model supports an acceptance of speech acts by the community, which identify threats to the communities' coherence or security. These speech acts discussed in detail in later chapters, will lead to securitization of LGBTI minorities and their victimization within SAA communities.

Fundamental to liberalism is the idea that a universal set of values extends to most aspects of life and requires freedom of thought and expression of religion belief, of movement and association, of sexual orientation and way of life (Charvet & Kaczynska-Nay, 2008:2). It will become clear in the development of this thesis that religious belief together with other cultural norms will often form the political arguments developed to oppose the rights, including the right to identity and the agency of LGBTI persons. Religious essentialism is a core component of most forms of ethnic/cultural values; very often what we describe as local customs or norms are indeed a variant of a universal set of theocratic priori. These are either resident already within those customs, or as I will argue reinvigorated with political priorities that have been focused on finding a means of setting the agenda for a reversal of liberal doctrine. This is part of a pattern of action to further religious conservatism, often by a set of external actors (Discussed in detail in later Chapters) working with regional and local institutions. These actors work closely together to a set political agenda for the development of reinstated social relationships, through evangelical and political channels. I interviewed the Reverend

John Makohain Nairobi, a Preacher and Human Rights activist in Kenya in November 2013 for this research; he talked about the power of rich international religious organisations in setting the agenda for the type of conversations about what SSA society should look like:

*(Edited) 'Yeah, I think the American evangelicals have their own political agenda, using religion to spearhead their own religious political agenda. Is very, very unfortunate because this is a war that they have started and they know better. I think it's the war that started in America because in America they're doing that. And now they feel they need to also send it here because they are the ones who fund most of these pastors here. Whether Uganda, Kenya, Ghana, they are the ones who bring in millions of dollars, to buy property, to expand their ministries here. And that's why when we go to these churches they are mega churches. They are not small churches but mega churches. So the ones who are saying if you bring in money then we have to, we have to come and decide how that money is supposed to be utilised in terms of the curriculum, in terms of how the worship should be preached. And this is not only in churches but also in theological schools that they're sponsoring. They're dictating on what should be in the curriculum' [Reverend John Makoha. Interviewed Nairobi, Kenya. 25/11/2013.*

The issues raised in this section of the thesis are the outcomes of the philosophical arguments that are being played out by governments, religious and international organizations, which have become central to the wellbeing or possible securitization of LGBTI communities in SSA states. I will argue that the questions being raised are part of a well-constructed, planned set of campaigns by religious conservatism (Clifford, 2012:62). The situation and impact of this conservative political grouping will be an important component of this thesis.

In considering issues that exist within a liberal discourse on rights, liberal pluralism and liberal universalism offer interestingly different positions on how they should materialize. Liberal pluralism is an idea that central to its proposition recognizes the



diversity of states and ethno/cultural plurality in forming rights legislation.

The issue for cultural relativists such as Donnelly (1989) is the situation where there are practices that are internally defensible within the cultural system but unacceptable by external standards (Mayer, 1995:9). A case in point is where cultural relativists are dismissive of critical comparisons of Islamic Law in respect to universal rights. They argue for example that curbs on LGBTI identity are products of authentic expressions of Islamic culture. They take it as given that as all values and principles are culture-bound there are no universals (Mayer, 1995:9). However it can be argued that many instruments of Western thought, including the very notion of what is a modern state have already been imported into theist societies. These include imported legal concepts that have been developed within the international system most notably since 1945 and subsequent treaty obligations. Thus to maintain a position that rights are external to even the most religious states, that for example Islamic or Christian tradition is frozen in a pre-modern formulation, denies the actual foundations on which modern states were founded, and their place in the international system (Mayer, 1995:10). Saudi Arabia for example was one of the founding member states of the United Nations. As identity is critical to religious societies through shared common beliefs that have inter-subjectively been constituted as a communal identity; a securitization move can lead to a reconstruction of the identity of minority groups. For example LGBTI minorities from once being mainly ignored or tolerated, or occasionally prosecuted, change through Self/Other constructions to create a '*Radical Other*' identity, one that threatens the very existence of the 'communal self' (Mayer, 1995:86). As identity formation is critical to human life and society, the creation of a '*Radical Other*' through a speech act creates the conditions for the securitization of minorities. Cultural relativists like communitarians I argue, ignore the dangers to those not fitting within the communal, culturally or ethnically based identities of states.

Religious values are widespread in informing the cultural values of the three primary states considered within this thesis; all have Christian and Muslim populations. The LGBTI persons within those communities are facing the same difficulty as their compatriots belonging to other faith and political traditions, and as will be argued, all these religious bodies work in alliance to promote conservative values at odds with notions of universalism.

For LGBTI persons it is the importance communitarian discourse gives to their understanding of situation that is critical. Communitarians take the view that the identity of an individual is constituted within their relations to the community of which they are members. Liberals in contrast take the position that individuals are autonomous, reach agreement on reasonable principles of social co-operation and have complex identities that are both the product of, and influence the societies they are resident in. Communitarians consider an individual as not being separate and independent of the beliefs and practices of their community but embedded in the fabric of a particular communal life, *and thus subject to it* (Charvet & Kaczynska-Nay, 2008:99).

SSA communitarians take a contested position against Western universalism as they argue that SSA cultural norms are constituted within a mixture of religious priori and historical tradition. Communal values that they prioritise as SSA values are placed above in importance, to that which they categorise as imported Western values. They consequently deny liberal positions on rights that are to be ascribed to individuals residing within those communities, whose identity may be in contention with majority cultural positions. This is the position that many SSA LGBTI persons find themselves in and it has consequences for those individuals. The arguments presented by communitarians have logic to them, are even reasonable, but the reality for LGBTI persons is different. LGBTI persons find themselves at the centre of what is for them a dangerous, existential argument. The 2012 documentary '*Call Me Kuchu*' by Fairfax Wright and Zouhali-Worrall describes the Human Rights defenders led by David Kato as they struggled to get international political support to stop the *Kill The Gays Bill* being passed by the Ugandan government in 2010. David Kato was later murdered (Saito, 2012). The communitarian position on cultural norms was used by opponents of LGBTI rights to argue that SSA will never accept Gay rights, and this cultural position was used to whip up the hysteria that created the conditions for David Kato's death, and that is evidenced within this documentary. I argue that the speech acts used to incite the murder of David Kato were part of the on-going process of securitization of Ugandan LGBTI groups that had already led to the *Kill the Gays Bill* (discussed in later chapters). This exposes the significant flaws of the communitarian and with it the SSA cultural relative position in respect to LGBTI human rights. The structural beliefs of

those societies and the position of particular groups such as religious or political actors within it may be considered unjust and oppressive. Within these constituted fixed roles that determine identity, there is no scope to escape an embedded socially constructed idea of what it is to be an African, as this is already determined by identity, specifically communal or national identity linked to cultural or ethnic attributes.

Thus communitarianism, the core philosophical element of culturally relative positions suffers from key weakness in the promoting and protecting of the individuals right to identity outside of communal priori. A communal attachment to loyalty, communal identity and little acknowledgement that the individual has the capacity to critically engage with long established beliefs and practices points to the danger of cultural priori. These elements may be and often are oppressive, unjust and dangerous to those who confront their rules. The lack of scope for the individual to withdraw from being embedded within those rules and avoid societal wide criticism is an obvious defect. The idea that particularities of situation are immovable in time and cultural space is clearly challenged by any basic history that demonstrates continuous challenges to contemporary values. SSA societies are no different in this respect.

These ethno-cultural communities naturally lend themselves to the creation of second-class or excluded or an unacceptable category of person. These persons or groups find themselves as a result of their taking a contested position in respect to cultural norms residing outside the rigid framework of behavior set by the community. This is the situation LGBTI persons find themselves in; communities see them as threatening the moral codes of the neighborhoods they live in, communities who wish to disenfranchise their legitimate rights that inevitably leads to the securitization of these minorities.

Most religious practice make claims that they are associated with human rights, however these rights are all predicated within a set of religious doctrines that have produced codes of practice that Western liberal universalism often contests. Religious communities have based their rights within the context of a belief system and will oppose the progress of liberal human rights if it is in contention with their beliefs and practices.

A relatively new form of political religious conservatism has emerged that has led the opposition to the growth in rights for SSA LGBTI persons. New alliances between what would have been in the past seen as competitive religious organisations are now acting as political networks. The international practice of these alliances was demonstrated in 2010 when Islamic and African states arguing that historical communal values opposed LGBTI rights gained enough votes to delete the long standing reference to sexual orientation in UN rights resolutions on extrajudicial killings (Bob, 2012:63). Tanya Domi of the New Civil Rights Movement in 2010 wrote that “Gay, lesbian, bisexual, and transgender people were once again subject to the whims of homophobia, religious and cultural extremism this week, thanks to a United Nations vote that removed “sexual orientation” from a resolution that protects people from arbitrary execution. In other words, the UN General Assembly this week voted to allow LGBTI people to be executed without cause” (Domi, 2010).

Western liberal thinking holds the belief that a reduction in our moral values to those of local custom has substantial costs to the practice of universal human rights. The opposition to this is to hold a view that ethical belief systems claiming universal validation are more open to contestation than doctrines of historically fixed cultural values. *A Declaration of Human Rights* was issued by the Islamic Council of Europe in 1981, it contained a clause that established rights for beneficiaries. One particular clause stood out; ‘*one has a duty not to kill the innocent*’. The immediate question that originates within the epistemology of intent here, is the question of what counts as an innocent human being? Ontological arguments are at the heart of such a clause; it is fixed within a meaning of innocence in the sense of that not prescribed within the religious belief system. Immediately one can see that the theocratic priori underpinning this model of human rights law is in conflict with Western notions of human rights, this privileges the autonomy of the individual within a identity that provides as wide a latitude as possible, rooted within secular thinking. .

Donnelly (1989), argues liberalism denies that rights cannot be understood other than as duties owned by god; that for something to be the right of someone, it must be possessed or owned by that person (Charvet & Kaczynska-Nay, 2008:323). This illustrates the conflict between duty, that in the language of most religious texts is often used in a context of obligation to community, or religious authority or deity, and

Western universalism, that has a focus on rights that are seen as belonging to the individual.

#### 4. Summary Arguments

The question of the applicability of Western universalism to SSA societies is of the utmost importance in determining if a group of people who self-identify as LGBTI should enjoy the same rights as other citizens of those states. Communitarian and cultural relativist thinking prioritises culturally relative and communal norms. In doing so they support the notion that it is the responsibility and right of communities to decide what is an acceptable identity to hold; and what penalties should apply to those residing outside of what they consider normative behavior. Cultural norms are mainly rooted in recent or past religious practice; in SSA states they are mostly the consequence of late medieval Islamic conversions or more recently Christianity, a bi-product of colonialism.

I hypothesise and will support with evidence in this thesis, that communitarian political constructs disadvantage and put harm in the way of LGBTI groups. Further that a jurisprudential system in SSA states that adheres to Western universalist principles would guarantee constitutionally bound human rights, providing for equality of treatment in SSA states. I will provide evidence that an alliance of religious conservatives, many of whom originate outside SSA invest in and support political action against LGBTI groups. These religious conservative alliances justify anti-LGBTI rhetoric by employing SSA culturally relative arguments. This political program supported by these conservative religious groups within the international system is hugely damaging to LGBTI groups as it attempts to roll back the gains of a universalist human rights paradigm. Importantly a process of securitizing LGBTI groups is developing in SSA states; that comprise much of the apparatus of state and community to oppress LGBTI groups.

END

The global conflict between liberalism and religious conservatism for LGBTI rights in SSA.

This chapter is concerned with the conflict that has developed in opposing or securing the human rights of LGBTI groups within the international system. This conflict is between an alliance of politically conservative actors opposing international liberal institutions. The parties include governments, international treaty organisations, religious communities, NGO's, in-country groups, communities and individuals. The outcome of this 'war of ideas' is critical to the continued global improvement in human rights enjoyed by LGBTI groups. The narrative of the conflict is aimed at framing what will become the normative position for LGBTI rights, providing a benchmark by which the responsibility of government to uphold or deny those rights can be measured. SSA is the political geography on which a dialectic to assert ideological positions that promote either, a set of ontologically fixed cultural norms, or to construct a paradigm of rights rooted in an episteme derived from universalist international norms takes place. The conflict is nether simply one of political or religious dogma, but held within deeply entrenched international and customary norms, a universalist human rights at odds with *archaic* dogma that prejudices the existential reality of LGBTI groups. In SSA states where the argument for cultural inclusion and the guarantee of rights for LGBTI minorities has to date failed, some states have moved to securitize LGBTI groups. This has been achieved through a series of speech acts delivered from the groups in society who hold the most power and influence.

The contemporary political landscape and societal views on LGBTI rights have been researched by The Pew foundation (2013), notable research on global attitudes and some interesting links between religiosity and tolerance and age of population samples and tolerance give a view as to landscape that LGBTI groups exist in globally. (Pew Research, 2013). This research is a background to the questions that are considered within this thesis and are thus of note in respect to the countries considered in SSA. The survey of public opinion took place in 39 countries and found broad acceptance of homosexuality in North America, the European Union, and much of Latin America, but

significant widespread rejection in predominantly Muslim nations and in Africa, as well as in parts of Asia and in Russia (Appendix 1, 22).

The view that homosexuality should be accepted by society was most prevalent in the European Union countries surveyed. About three-quarters or more in Spain (88%), Germany (87%), the Czech Republic (80%), France (77%), Britain (76%), and Italy (74%) share this view, as do more than half in Greece (53%). Poland was the only EU country surveyed where views are mixed; 42% say homosexuality should be accepted by society and 46% believe it should be rejected. In North America, 80% of Canadians stated that homosexuality should be accepted by society; whilst in the USA a smaller majority (60%) believes homosexuality should be accepted. However these results contrast sharply with those of SSA countries, those states are the least accepting of homosexuality. In SSA, only 1 in 10 of the population accepts homosexuality, the figure in Nigeria (2%), Senegal (4%), Ghana (4%), Uganda (4%) and Kenya (6%). The figures for Ghana, Kenya and Uganda of interest to this thesis are significant, with an average of 6% of the population accepting of homosexuality as compared to the European Union which averages 72% of the population that are accepting of homosexuality. There is a strong relationship between a country's religiosity and opinions about homosexuality. There is far less acceptance of homosexuality in countries where religion is central to people's lives; If the majority of the population consider religion to be very important, if they believe it is necessary to believe in God in order to be moral, and whether they pray at least once a day. Across Muslim populations in the countries surveyed, as well as in SSA countries, solid majorities across age groups share the view that homosexuality should be rejected by society. In the main in the EU, solid majorities across age groups in Britain, France, Germany, Spain, Italy and the Czech Republic express positive views of homosexuality (Pew Research, 2013:1). The political class in the EU, USA and other states supporting LGBTI rights led the move to improve the public's support for LGBTI rights and this has included what would be considered conservative political parties. In the UK, the Conservative party legalised marriage for same sex couples, a litmus test for the wide spread tolerance of LGBTI groups in the UK and evidence that rights transcended the left/right political spectrum.

The political leadership in SSA has both led the arguments against LGBTI human rights and followed public opinion, in contrast to Western states. The SSA political leadership

in some states, and of interest to this thesis has securitized LGBTI groups in sharp contrast to Western political leaders. In Zimbabwe, Robert Mugabe has like many other SSA leaders has a stated position that homosexuality is un-African, a Western construct not seen on the continent before colonialism. This polemic has been demonstrated to be false; Marc Epprecht (1998) of the Department of History, University of Zimbabwe has documented same-sex relationships from the era of the "bush men" (cave paintings) to the present times (for example pederastic marriage know as ngotshana existed in emerging cities until recent times); homosexuality did exist in pre-colonial periods. He argues that it was the introduction of colonial morality and law that has helped shaped the current societal positions taken by communities, politicians and lawmakers (Epprecht, 1998: 631). Epprecht (2004) writing in *Hungochani: The History of a Dissident Sexuality in Southern Africa* argues that it is homophobia that is new to SSA, not homosexuality; that homophobia was introduced by European colonial preachers and through Islamic conversion that taught that homophobia was part of civilization and progress (PRA, 2009: 14).

An accusation accepted as fact across SSA societies, is that homosexuality is a product of rich Europeans recruiting young African's into 'decedent, perverted habits'. This creates a climate where support for LGBTI rights are unacceptable. Sylvia Tamale (2003), Dean in the Law Faculty at Makerere University Uganda, describes how she was attacked publically for urging the proposed Ugandan Equal Opportunities Commission (EOC) to address the rights of homosexuals as members of the category of marginalised social groups in Uganda. Tamale went on to say how a newspaper report '*Makerere [University] Don Defends Gays*' activated much of the homophobic furor she faced.

'It is impossible to describe the depth of the ugliness, rage, revulsion, disgust and malevolence exhibited by the vocal homophobic public. The few voices in support of homosexual rights were drowned out by the deafening homophobic outcries. Through radio, television, newspapers and the Internet, I endured the most virulent verbal attacks, including calls for the "lynching" and "crucifying of Tamale". Tamale describes how immediately there was a presumption that behind the campaign was Western money; 'the public seemed to



think that there was a network of homosexual organisations 'out there' with an explicit agenda to 'recruit' young African men and women into their 'decadent, perverted habits' (Tamale, 2003:1).

This climate prepared the ground for the securitization of LGBTI groups in Uganda. Buzan (1998) argues that 'what counts as a security issue depends on how social actors frame the issue' (Buzan *et al.*, 1998: 24). In Uganda the form of speech act constituted across society, led by politicians and media, was that LGBTI minorities threatened the social fabric, the identity of Ugandan society, thus endangering its cohesion and the very existence of Ugandan identity. LGBTI groups increasingly faced securitization as a threat from the state and the community at large.

A question important to this thesis is why do these community wide views prevail? The Pew Research has shown that in the West over the last 50 years a revolution in thinking about LGBTI rights has taken place, this was led by societal wide organizations including governments, religious bodies, NGO's and individual human rights campaigners. Why in SSA is the argument being increasingly lost to create a situation for LGBTI groups that is existential in an increasingly dangerous landscape of communities, states, religious organizations; the body politic organizing to deny their human rights and self-identity.

Human rights organisations confronting these deeply entrenched prejudices face a powerful religious conservative alliance that is actively promoting aims that are in conflict with the aspiration of human rights bodies to achieve equality of rights for LGBTI communities in SSA states. The recent global origins of the conflict has been observed by Clifford Bob (2012), he writes that in 2003 Brazil introduced at a meeting of the United Nations Commission on Human Rights (UNCHR) a concept of *sexual orientation* that sought to legitimise homosexual behavior. Based in Utah in the USA, an organisation, United Families International (UFI), a non-denominational 'pro-families' NGO opposed this motion and realised that working alone it would not halt the resolution. It turned to the Muslim members of UFI, including those in Pakistan and Egypt to help forge opposition within a loose confederation of like-minded religious and social groups who would come together to promote policy in opposition to liberal human rights programs (Bob, 2012:37). This was the modern origin of what

would become common practice, whereby a wide constituency of conservative groups would either singularly or collectively organise to prevent improvements to the human rights of LGBTI groups. The focus of these religious conservative organisations would soon switch to SSA as the anti-LGBTI human rights arguments had increasingly been seen by religious conservative groups to have been lost in the West and the newly emerging economies; in SSA LGBTI rights were becoming established or being established.

In 2009, Scott Lively based in the USA, belonging to the Abiding Truth Ministries (ATM) conspired with religious and political leaders in Uganda to whip up anti-gay hysteria with warnings 'that gay people would sodomize African children and corrupt their culture'. Following this intervention, the Ugandan legislature considered a bill in 2009, proposed by one of Mr. Lively's Ugandan contacts that would have imposed the death sentence for the 'offense of homosexuality' (Goodstein, 2012). Lively followed this up with meetings with Ugandan Christian Lawyers, the Ugandan Minister for Ethics and others offering to them his organisations anti-homosexual seminars that he subsequently preached to large groups of Ugandans. He described the international "gay" movement as devoting a lot of resources to transform the moral culture from a marriage-based one, to one that embraced sexual anarchy. On a Ugandan TV show he 'exposed' a book distributed to schools by UNICEF that normalised questions of homosexual identity to teenagers. His Ugandan ministry partner in Kampala, Stephen Langa MP, described how Lively would now as a result of his campaign 'see significant improvement in the moral climate of the nation' and that a respected observer of society in Kampala had told him that his campaign was like a nuclear bomb against the "gay" agenda in Uganda (Lively, 2009).

The importance of this event for Ugandan LGBTI groups cannot be understated. Lively's intervention was the start of a protracted process of intervention from USA Christian organizations into Uganda and other SSA states. This has politicized hostility towards the legalization of LGBTI rights and more significantly assisted in the drafting and promotion of severe new legislation. David Bailati, Member of Parliament, Ndoorwa County West, Kabale, Uganda, had begun a process to securitize LGBTI groups by introducing the Anti Homosexual Bill (Bailati, 2009), following Lively's visit in 2009. This has led to a series of speech acts through political campaigns to have this bill, which

contained capital punishment as a sanction passed. The Bill although not successfully passed in the Ugandan Parliament is constantly being re-tabled, latterly without the death penalty, but with severe penalties and it continues to create great anxiety for Ugandan LGBTI people (Ugandan Parliament 2, 2013)

The religious conservative alliance with global aspirations to promote this anti-LGBTI orthodoxy has its origins in 1994 at the Cairo Conference on population and density. It included a range of actors; bringing together conservative Islamic countries, African and Caribbean states and the Vatican that enjoys special status at the UN (Bob, 2012:42). Along side the Vatican, the most politically focused actors are NGO's that are of Christian denomination majoring on what they consider 'family matters'. Clifford Bob (2012) identifies two important organisations. The first is The Howard Center for Family, Religion and Society which hosts the influential World Congress of families (WCF) '*seeking to forge an international family movement embracing all religiously ground morality systems around the globe*'. The second group Bob considers an important global actor is the Catholic Family & Human Rights institute (C-FAM), its mission is '*re-establishing a proper understanding of international law, protecting national sovereignty and the dignity of the human person*'. In the battles over LGBTI rights members of these and other organisations defending the traditional family reject their opponent's key demands for human rights. The UN failure for example to recognise sexual orientation and LGBTI rights was seen by these actors as a positive outcome that reduced the threat as they saw it to the 'natural structure of the family', and therefore sexual orientation and LGBTI rights should be discredited (Bob, 2012:43).

Beijing +5 a preparatory committee for the United Nations General Assembly in 2000 had representation that was considered to be overly populated by right wing groups during the last meeting of the 44th session of the United Nations Commission on the Status of Women. Only seven anti-feminist groups managed to have over 350 individuals accredited, including over one hundred men. In one case a single group signed up 90 representatives, this actor was an NGO called 'R.E.A.L. Women of Canada'. It registered 60 representatives including 30 Franciscan Friars, the group actively campaigns against the awarding of equal rights to homosexuals in Canada. Right-wing anti-feminist groups attempted to cause obstructions and prevent meetings

of the Lesbian Caucus from taking place at the conference by flooding the room with representatives disrupting the meeting. The Global Policy Forum paper by Anick Dreuelle (2000) '*Right-Wing Anti-Feminist Groups*' describes the tactics employed by these well organized groups using intimidation, leafleting and lobbying focused on not only impeding LGBTI rights, but also those of children or women not corresponding with their position on 'moral family values' (Dreuelle, 2000:3.1.2). This type of political activism by conservative religious groups was to become a regular feature of the struggle for the human rights of LGBTI groups, found within the context of a broader political agenda around what was seen by this conservative alliance as the struggle for the identity of what constituted normative family values.

Conservative religious organisations have continued to be active, particularly since 2005, the form of activism is outlined in the rationale behind the NGO Human Rights Watch's (HRW) policy on 'striking back at gay rights enemies'. HRW describes how the response of conservative religious actors to the success of campaigns to improve the human rights of LGBTI groups was to attempt to further the influence of pro-family NGO's into global politics. The policy objective was to lobby governments in the Caribbean, Asia and Africa where local norms were more receptive to anti-gay messages, they employed methods such as positioning nationalistic anti-Western positions with anti-gay rhetoric, additionally they sought to label gay rights as a tool used by the West to control developing countries political development (Bob, 2012:46). I hypothesize that for the majority of conservative groups simply preventing LGBTI rights was their goal. For others, such as members of the ATM their support for the introduction or retention of the death penalty, or for severe non-capital punishments for LGBTI groups, together with their support for wide political and societal campaigns through the agency of speech acts, securitized LGBTI groups, painting them as a critical threat to the cohesion of identity in SSA states,

Gay activists have faced systematic assaults intend to erode both support and confidence within the international community. Allegations range from neo-imperialism, colonialism, sexuality baiting, smearing with accusations of paedophilia; leading in some cases to self-censorship and the deterrence of would be allies to join in human rights campaigns (Bob, 2012:49). Political Research Associates is a renowned social justice think tank, one of its leading spokespersons, the Reverend Kapya Kaoma,

a former Anglican priest from Zambia practising in the USA has investigated the ties USA conservatives have established with religious leaders in Nigeria, Uganda, and Kenya. He has dialogued the subsequent impact of homophobia exported from the United States to these Anglophone countries. Kaoma describes how the USA religious conservative promotion of an agenda in Africa, aims to further criminalize homosexuality and otherwise infringe upon the human rights of LGBTI people, whilst also mobilizing SSA clerics in USA culture war battles (Kaoma, 2012:1). Activist organisations such as HRW have responded; it has exposed the alliances of conservative Muslim and Christian repressive states and how this anti-progressive front threatens the most vulnerable edge of the human rights movement. HRW has highlighted the opening this alliance has made in attacking the principles of universalism itself; the declaration that the very notion of human rights is seen as something foreign to recipient states and aimed at undermining their state sovereignty (Bob, 2012:51). The response of the Holy See to criticism from respected organisations like HRW has been defensive, positioning itself as a victim and claiming violations of its fundamental human rights. It has attributed to itself (despite being an organisation) a set of human rights; this was at the same time as it has actively worked to deny LGBTI person's similar rights. In 2011 the Holy See issued a statement '*Holy See Stresses Moral Dimension of Sexuality*'. Archbishop Silvano Tomasi (2011), permanent representative of the Holy See to the United Nations in Geneva stated at the 16th Session of the Human Rights Council on sexual orientation 'When they (*Holy See*) express their moral beliefs or beliefs about human nature, which may also be expressions of religious convictions, or state opinions about scientific claims, they are stigmatized, and worse -- they are vilified, and prosecuted'. He complained that the Holy See and other religious organisation were faced by unfair attack from human rights organisations that challenged their views on human sexuality; they were the true victims (Tomasi, 2011:1).

Religious organisations have become sensitive about the accusations levelled against them; for human rights organisation this has produced some positive outcomes. The Holy See opposed the *Kill the Gays* Ugandan Bill at a UN Press conference, anti-Gay evangelical leaders such as the Rev. Rick Warren; a powerful church leader has cut his ties with Ugandan churches supporting the Bill. This suggests that criticism in the

religious conservative's own home territories can provide vital support to those LGBTI persons and groups in SSA countries found to be under siege (Bob, 2012: 52).

In March 14, 2012, the Centre for Constitutional Rights (CCR) filed a Federal case against The Abiding Truth Ministries President, Scott Lively on behalf of Sexual Minorities Uganda, an umbrella organization for LGBTI advocacy groups in Uganda. The CCR is a USA based human rights organisation focusing on legal challenges to discrimination. A federal judge heard arguments charging that the Massachusetts leader Scott Lively's actions in promoting anti-gay programs in Uganda constitute persecution under USA and international law. The lawsuit brought by the advocacy group Sexual Minorities Uganda (SMUG), alleges that Lively's actions over the past decade almost always in collaboration with important Ugandan government officials and religious leaders, are responsible for depriving LGBTI people in Uganda of their fundamental human rights based solely on identity.

Attacks on individuals based on their identity is the litmus test for identifying persecution under international law in respect to human rights legislation and is deemed a crime against humanity in the USA. USA law allows foreign citizens to sue Americans for crimes against humanity under the Alien Tort Statute (ATS); this is the first such case using this legislation that has been brought to court to protect the rights of LGBTI people. The support for the use of ATS is in the belief that speech acts that marginalise minorities, create the illusion of a threat to cultural identity, or argue for other dangers to the state, put minorities at risk of securitization, and thus free the potential of the state or communities to do them great harm. This is an important case in that if it is successful it will extend USA law into the geographies that are the principal focus of LGBTI discrimination globally and thus limit the actions of USA religious organisations to promote discriminatory policies (press@ccrjustice.org, 2012:1).

Lively (2013) talks about the case on the AFA talk channel a conservative radio program described as a 'muscular Christian channel' and blames the case on 'Marxist left wing groups' based in the USA. Lively blames all crimes against LGBTI groups as "gay on gay violence" including the murder of David Kato the gay Human Rights Defender in Uganda. Lively has been accused of promoting the very homophobia that

created the climate in which the murder took place. Fischer the host of this AFA broadcast describes the case as sinister for prosecuting the teaching of a biblical view of homosexuality around the world as a crime against humanity. Lively admits to having recently (2013) supported a new Russia law that makes it a criminal offence to provide any support for gay teenagers, he contributed by assisting in the shaping of the law based on his earlier work. He sees the law as part of the cultural wars; with a winner takes all position in defeating LGBTI rights, or as he describes it the '*homosexual agenda*'. The outcome being critical in determining what Christians see as 'normal and natural, becoming the normative global position on sexuality' (Fischer, 2013). This narrative defines the critical issue for the USA based conservative Christian evangelicals groups; they see this battle for the hearts and minds of communities as being global in scope. Having lost the political battle in the West they have turned to SSA, and latterly countries like Russia to promote this form of conservative Christian politic, they have resources and the religious organisations on the ground, they also work with local politicians who see this as an opportunity to gain a populist position.

The use of jurisprudence to defend LGBTI rights focused on the international system and in-country constitutional law is rapidly becoming an important tool for human rights organisations. The Human Dignity Trust (HDT) a UK based charity is committed to using state law to promote rights and has been active both in the former commonwealth countries in launching cases against discrimination. One of the most recent cases has been in Uganda where it has supported lawyers representing gay activist groups challenging homophobia. The case has been brought by Ugandan activists responding to the Ugandan Minister for Ethics and Integrity, the Hon. Rev. Fr. Simon Lokodo who closed down a private meeting of LGBTI activists accusing the group of illegally "promoting" homosexuality (Nathan, 2012:1).

The International Service for Human Rights (ISHR) and International Commission of Jurists (ICJ) in 2006 drafted a universal guide for human rights (The Yogyakarta Principles) with a baseline set of legal standards they contend all states must comply with. For LGBTI persons they demand states must embody equality and non-discrimination on the basis of sexual and gender identity in their constitutions and law (Bob, 2012:55). Gender identity is the basis for the CCR's lawsuit in the USA against Abiding Truth Ministries President Scott Lively, on behalf of Sexual Minorities Uganda.

The precedent of outlining a set of baseline positions, which the Yogyakarta Principles describe, will be an important tool in the development of international and State action against discrimination (ICJ, 2006).

There is however much opposition to extending the rights of LGBTI communities within the international system, notably the UNCHR has been the principle battle ground between human rights advocates and religious alliances working at the international level to influence states to either block or support progressive legislation. This has included opposition mainly from Islamic and African states to demands that states investigate extrajudicial killings of LGBTI persons and further action in attempts to block the actual incorporation of sexual-orientation as an identity that has rights within the international system (Bob, 2012:59). The very act of introducing even a commitment to protect the human rights of LGBTI people causes the coming together of disparate conservative organisations to attempt to stop even a non-binding statement being accepted within the international system. After much opposition it was only in late 2011 that a non-binding statement from the UNHRC referenced sexual orientation and undertook the commissioning of a study to fully scope the degree of abuse that was taking place against LGBTI persons globally and latterly publishing the results. This was not uncontested within the UNHCR; the acceptance of the report was won by a slim margin with a vote of 23-19 in favor within UNHRC, the principle organ of human rights within the UN. Almost 50% of UNHRC delegates voted against it; these were principally from conservative SSA and Islamic states. Never the less this has been welcomed as the first ever UN LGBTI rights resolution (Kleinmoedig, 2011). The fight back by conservative groupings continues; Doha well known for the WTO conferences held an international conference for the Family in 2004 that brought together a grouping of religious conservatives. This was endorsed by the government of Qatar, which followed it by establishing the Doha International Institute for Family studies; the principle objectives of which are to “forge strong bonds between males and females’ (edited)”. One of the principle roles of such organisations today is to actively oppose human rights devices such as the Yogyakarta Principles that register in detail the rights within international law that LGBTI people are entitled to. C-FAM rejected these rights as ‘being aspirational’, describing the principles as a radical social policy vision that they objected to being presented as a binding norm (Bob: 2012,61).



Opponents of Gay Rights have put in place a program to defame the very concept of sexual orientation. Religious organisations such as Exodus Global Alliance (EGA) and UFI see homosexuality as a disorder or lifestyle choice, emphasising the dangers of homosexuality to individuals, families and societies. The OIC seeks to link what it describes as 'this life style choice' with attempts to legitimise pedophilia by conflating the right to LGBTI identity with child abuse. The CFM invokes the Holy See's description of homosexuality as incoherent and violating human dignity; further that it achieves no recognition or definition within international law (Bob, 2012:65). These positions fuel support for the likes of the American Centre for Law and Justice (ACLJ) a high-profile group of social conservatives leading the drive to enshrine USA Christian Right principles into SSA law through its offices in Zimbabwe and Kenya; to ensure gay sex ('a pervasion equated with bestiality') is criminalised (Kaoma, 2012). This is part of a continuing engagement of actors within the global alliances of religious conservatives organising to rollback any hint of progressive principles taking hold. In August 2010, more than 400 African Anglican Bishops gathered in Entebbe, Uganda, for their second All-Africa Bishops Conference, which attracted global media attention because of the debates on LGBTI rights. Bishops from Rwanda, Nigeria, Uganda, and Kenya used the conference as an opportunity to speak out in favor of criminalizing homosexuality, a precursor to the Ugandan *Kill the Gays* Bill (Kaoma2, 2010). The religious networks have been to some extent successful in resisting definitions with international statutes that would imply or afford protection for LGBTI groups. For example when the International Criminal Court was set-up in the 1990's, religious conservatives successfully resisted a definition of gender as 'identifiable group or collectively' they saw this as having the possibility of recognising homosexuality within the context of identity. The agreed definition was 'the two sexes, male and female, within the context of society'; C-FAM indicated it was pleased with the outcome (Bob, 2012:66).

In considering the broad continent wide repression that is fuelled by this program of resistance to the rights of LGBTI people, there are a number of recent acts of repression in 2012 that stand out. These are exemplars for the current situation; the impact that the continued program by the conservative religious alliance in a well funded series of attacks on LGBTI rights and identity is having on the judicial and political landscape of SSA states. An appeals court in Cameroon in 2012 upheld a

three-year sentence against a man found guilty of homosexual conduct for sending a text message to another man saying: "*I'm very much in love with you*". Activists commented that 'the court's ruling on Monday in Yaoundé, the capital marked yet another setback for gays and lesbians in the West African country'. Cameroon is widely viewed as the most repressive country on the continent when it comes to prosecuting same-sex couples' (Guardian1, 2012). Cameroon has also marked its oppression of LGBTI persons by the brutal murder, including torture of the Human Rights Defender Eric Ohena Lembembe, who was found dead in July 2013 at his home in Yaoundé. Eric Lembembe had recently confronted the head of the gendarmerie, Cameroon's military police about regular police brutality and the arbitrary arrest and torture of persons in order to gain confessions to homosexual behavior. Neela Ghoshal a senior researcher on LGBTI rights at HRW commented that 'Eric had recently been named executive director of Camfaids — a group that defends the rights of LGBTI people and persons living with and affected by HIV/AIDS. When Lembembe spoke, their snickers trailed off. "I am Cameroonian, like you," he said, 'let's be serious, we all know that gay people exist in Cameroon, In fact, they exist in all of our families, and we all know that they are mistreated' (Ghoshal, 2013). Eric Lembembe's activism was making an impact in Cameroon and it is possible his murder was about preventing progress in gaining improvements in the human rights of LGBTI groups, certainly the brutality of his death mirrors the killing of the Human Rights Defender David Kato in Uganda during January 2011. The murder of Lembembe following his confrontation with the head of the gendarmerie emphasizes the danger inherent in a political discourse that challenges preexisting normative constraints on individual behavior, these behavioral standards are the foundation of what the community determine is an ordered and, therefore, secure communal existence. A challenge or threat to these norms can result in the group being securitized by agents of the state and face existential dangers.

The international Gay and Lesbian Human Rights Commission (IGLHRC) in its publication '*Nowhere to Turn*' (2011) tells the story of a threatening letter to a Ugandan demanding he expose all of the names and addresses of homosexuals he knew in Kampala and Jinja. If he did not comply he would be 'outed' to his friends, family and employer, it also threatened physical harm. The IGLHRC comments on the terror this invokes in the victim, keeping ones sexual identity a secret can be a matter of life or death and certainly exposure means social stigmatisation, isolation and being

unemployable (Cook, 2011:4). The threat of blackmail within the Ugandan state to secure information on members of a minority group provides evidence that a political community is treating the existence of the group as an existential threat to a valued referent object. The object in this case being the 'cultural norms', seen as essential to community cohesion, and the call to urgent and exceptional measures to deal with the threat' is a form of securitization of the minority within the society (Stritzel, 2007:358).

There is a wider set of activities harming LGBTI groups that are taking place across many African states and certainly Uganda, Kenya and Ghana; these involve fake dates which end in victims being robbed of their possessions and then having to pay blackmail money to avoid being exposed. Often the police themselves in countries such as Uganda, Kenya and Ghana are involved. Traps are set using smart phone dating apps to arrange the initial meeting; social media such as Facebook which otherwise has had such a positive impact on LGBTI peoples lives by affording them easy communication and support. Through Facebook groups, individuals have been identified, entrapped, and LGBTI persons attacked. In Kenya for example in January 2013 an LGBTI website identified a gang targeting young men to carry out Blackmail, theft and in some cases kidnapping. This is being done within a climate of hate speech fed by conservative religious organisations and state policy commitments, these not only deny LGBTI rights, but also create further levels of repression. Access to protection under the law and by the police are limited, indeed the most likely outcome is that the LGBTI person themselves will be arrested for being a homosexual despite reporting crimes of violence, extortion or blackmail. Dalby (2002), has argued that 'representations of threat', in this case to cultural identity can be viewed as constitutive of security and identity (McDonald, 2008:578). I hypothesise, that this requirement to be protected from a group identity, that weakens or challenges norms that bring into questions ideas of 'who we are', 'what we value' and 'what we are prepared to countenance to protect societal norm, our identity'; leads to the securitization of LGBTI minorities. Law enforcement agencies do not carry out their expected function as protectors of liberty, but rather are agents of repression. The coming together of blackmailers and police in an embrace of lawlessness, what is in effect the deconstruction of security for LGBTI groups, reflects the position of these groups as existing outside the framework of law. The securitization process has stripped them of the protection of the state as they are seen to threaten the core

values of the state and its social and moral cohesion, its identity.

SSA Journalists have commented on the poor reception that a denial of the human rights of SSA LGBTI groups is gaining globally and the stigma that it is gaining for SSA states. Akumu (2013) a Ugandan journalist writes with concern that her country Uganda has been dubbed the worst place to be Gay globally. 'However in this debate, unlike those about hunger, disease and other prominent afflictions of SSA' that Akumu considers have 'cowered ordinary Africans into becoming complacent people who cannot stand up to their rogue governments', 'Africa's resilience shines'. Akumu's belief is that these leaders know that a triumph for gay rights, the most controversial human right on the continent would be a triumph for every other human right; Be it Civil, political, economic, and social (Akumu, 2013). The function of the state is to provide order and implicit within this is the centrality of identity, in order to guarantee social cohesion the elements that are constitutive of the cultural and social basis of the society must be defended. Elements that challenge the ontological meaning of the state have to be eliminated. If the elements strike at the very centre of the moral narratives that underpin that social cohesion then they can be seen as an existential threat to the state and are securitized through the construction of the other as an enemy of the state. SSA states and their political elites, despite the reaction of international partners have calculated that the benefits to their position as leaders within the state and all that entails far out weight the consequences. Huysmans (1998), has argued that enemies are clear threats conceptualized outside of the state even if they reside within the state, they are a problem which results in a call on the state to do something about them (Huysmans, 1998:242).

Discriminatory practices within certain religions, and discrimination espoused in the name of religion mean that LGBTI people in many SSA countries often find themselves excluded, harassed and victimized from an additional source, the pulpit. It is taken as a given in Western states that everyone has the right to freedom of religion and conscience, including the freedom to manifest such religion or belief in worship, observance, practice and teaching. However, there are limitations to these rights when they jeopardise the 'fundamental rights and freedoms of others'. The UNHRC (1993), has argued for statutory provisions to be made that prohibit religious thought from manifesting itself as discrimination. (UNHCR, 18-3/7, 1993). This is not the situation as

found in most SSA societies for LGBTI persons, Amnesty International (AI) in its 2013 report on LGBTI rights in Africa reports *'Some politicians, religious leaders, and other public figures frequently refer to Christianity and Islam as part of an authentic African identity that excludes the possibility of LGBTI Africans'*. In many parts of SSA discrimination is both justified in the name of religion, and religion itself is used as a vehicle to discriminate. Many individuals, including LGBTI individuals find deep personal meaning and strength in their religious faith. Therefore when religious leaders promote discriminatory attitudes towards the identity of LGBTI groups, or call for the rejection of these groups within the population, many members of society see this 'call for action' as legitimate and even a mandatory part of expressing their faith. (AFR-01, 2013:43). This was widely expressed in the interviews I carried out in Ghana in 2013 (Chapter 4) where LGBTI persons who were deeply religious found the conflict between scripture as taught and their lifestyles to be in conflict. The situation was compounded by the deep hostility expressed from the pulpit by religious leaders condemning them, threatening them with such futures as 'eternal damnation', this calumniated in significant psychological trauma and fear for those individuals who believed their religion and identity were in conflict. I interviewed Frederick a young gay man in Accra, Ghana for the purposes of research for this thesis. Frederick talked about the great harm the conflict between religious orthodoxy as expressed by Priests at his local church and his search for identity generated (edited).

*'You are despicable, God created you, you're being ungrateful to God because that's the message, you've been ungrateful to God, you are not making God grateful, you are disappointing God. It got me depressed. Also because by then I do really have so much understanding, I didn't really, possibly was because by then I had not so much accepting of myself also. I was thinking okay, what I am doing is so evil, so any time that message comes to them that makes, it gives me a heavy burden and then like I didn't want to do it. I get so sick. I had to see a friend who was a psychologist who helped me because it became so it made me sick. It made me sick. It's just made me sick. Sometimes at church I had to, any time when it was time for the preacher man to come, I had to go outside and pretend I was doing something outside just so I didn't hear the*

*message come. Because I felt it was going to hit me and now I didn't feel comfortable'. [Frederick. Interview Accra Ghana. 16/3/2013].*

The rejection of the claims for the identity of LGBTI groups is in-line with conservative religious values at an international level. C-FAM in its publication '*Friday Fax*' used inflammatory language in describing support by countries in a UNGA meeting in December 2009 for "sexual orientation and gender identity", as support for 'novel nondiscrimination categories'. Its categorization of gender identity for LGBTI groups as 'novel' is a use of language that is intended to undermine, delegitimize the very question of LGBTI identity. It posits this question as not of a mainstream concern, but rather as odd, indeed it uses the term 'novel norms', clearly the message is normative values for LGBTI groups are unworthy of consideration within the international system (Tozzi, 2010). The de-legitimization of LGBTI identity by important international religious organizations with reputation and power assists the securitization of those groups within states. The speech act across the international state encourages and supports the legitimacy of speech acts within the body politic within the state. In SSA states, the agency of church or mosque, even for those claimed to be secular, empowers the speech act in the creation of a process of securitization of LGBTI groups that begins with them defined as 'other; a threat to the society that must be resisted and outlawed by the community as a whole. The result is a continuing threat to LGBTI groups as a whole, on a personal level psychological damage is done as individuals become disenfranchised from community, seeing themselves as objects of derision within society. For organizations (*such as religious*) to successfully apply an application of the constitutive rules of a speech act, Snyder, Ballentine, and Kaufman (1996) argue it is illocutionary in that it defines consequences of no action (*LGBTI groups undermine societies existence*). That this together with an external reality that fits into previously held notions of identity will marshal the assent of an audience as a perlocutionary effect, because the audience is more sensitive to the 'alarming discourse' input into the 'marketplace of ideas' by elites (*in this case religious*) that would elicit the required reaction from the community. The success of securitization is therefore contingent upon a perceptive environment. I argue that a *Church* is a model environment; the audience is receptive and is socialized within a particular *set of moral and cultural* rules that guarantee the integration of the 'imprinting' object — *a threat to their identity*

*from LGBTI groups within the community (Balzacoq, 2005:182).*

LGBTI Human Rights Defenders from the group 'Sexual Minorities Uganda' (SMUG), launched the "*Let Us Live in Peace Campaign* (IGLHRCb, 2007)," asking for greater attention to be given to the HIV/AIDS-related needs of LGBT Ugandans and thanking the Ugandan police for helping to reduce anti-LGBT violence. The response of Ugandan government ministers Deputy Attorney General Fred Ruhinde, and Minister of Ethics and Integrity Nsaba Butoro, together with the Interfaith Coalition against Homosexuality (ICAH) was to call for their arrest. This coalition of conservative religious practitioners covering a wide variety of faiths and denominations often are united at a state or sub-state level in their condemnation of LGBTI groups. In Uganda the ICAH is comprised of Catholic, Protestant, Muslim and Baha'i groups, it has called for the arrest, deportation and even murder of LGBTI persons (IGLHRCa, 2013). This condemnation of LGBTI groups by religious leaders in public either through media or directly from the pulpit gives explicit permission for the public to express their homophobic views and this often leads to mob violence. The speech act across a wide range of societal actors of significant influence and power within Uganda created for the securitization of LGBTI minorities a social climate that saw violence and threats of death as a 'reasonable outcome' of their request for support and understanding.

In Kenya during 2010, a local Imam in the city of Mtwapa denounced LGBTI groups to his practitioners through a rumor about a gay marriage at the Mtwapa HIV clinic. Local radio stations began to further spread the rumor. In what would further inflame the situation, an Imam and a Christian bishop held a news conference to deliver a speech act in which they attacked the clinic run by the Kenya Medical Research Institute (KEMRI). KEMRI is a large national organization with 750 staff members whose research is supported by Britain's Oxford University. Its clinic in Mtwapa includes an HIV/AIDS program offering counseling and treatment to men who have sex with men. The day after the press conference a well-organized mob surrounded the clinic. The clinic's computers and other materials were destroyed, and it was forced to shut down. As a result, many HIV-positive persons who rely on the clinic were been unable to access their medication (CDCNPIN, 2010). The agents of securitization, in this case a Bishop and an Imam, both used their position of power reinforced by a set of ideas based around their social identity, to constitute a set of beliefs, desires and a principle

of action, this was first rejection, then violence, that was propagated as a message of threat to their audience through which the behavior of themselves, the securitizing actor, was able to catalyze the capacity of the target audience to attack a premise they saw as a 'threat object' to their constituent social identity; they institutionalized LGBTI identity as other, dangerous and to be eliminated as a threat.

As the interviews (majority of chapters) I have carried out in a number of SSA states testify, LGBTI individuals, many of whom are religious, are unable to confide in their religious leaders; they experience direct homophobia both from the pulpit and the congregation. Although this homophobia may not be specifically directed at them, it never the less leaves them with a fear of rejection from the very important religious society they belong to. Religion is often mixed with ideas about what is African culture and tradition and it is very straight forward for religious conservatives to develop anti-LGBTI themes around 'its not African' its 'alien to our tradition'. This is used as a justification to condemn LGBTI identities. Indeed the very notion of an LGBTI African is often stated as simply not possible, you cannot be 'Ugandan and gay, you cannot be 'Kenyan and Gay'. SSA Religious conservatives together with important political allies take the opportunity to use religious theology to marginalize non-gender conforming individuals in order to maintain the normative positions recognised as desirable by these conservative groups.

Zimbabwe's Robert Mugabe launched ferocious attacks in the early 1990s, vilifying lesbians and gays as 'un-African' and worse than dogs and pigs.' *'We are against this homosexuality and we as chiefs in Zimbabwe should fight against such Western practices and respect our culture,'* he berated crowds. President Daniel Arap Moi of Kenya blasted homosexuality, as *"against African tradition and biblical teachings, 'we will not shy away from warning Kenyans against the dangers of the scourge'.*

This embrace of the language of prejudice is historically very much an alien colonial legal legacy. The 2008 report by HRW (*This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism*) documents how it damages lives and distorts the truth. Sodomy laws throughout SSA have consistently been colonial impositions. No "native" ever participated in there making. Colonizers saw indigenous cultures as sexually corrupt, a tolerance toward homosexuality supposedly formed part of their vice. Where pre-



colonial peoples had been permissive, 'sodomy laws would cure them', and defend their new masters against moral contagion. (HRWa. 2008, 9-10). The position that SSA leaders both political and religious take, ignores the legacy of colonialism in the framing of these laws, and supports the development of a rhetoric that is both distracting from a logical analysis of societal problems such as social decay, HIV transmission, pedophilia and prostitution by equating these societal challenges with homosexuality but additionally seeks to blame LGBTI groups for being instrumental to these problems.

Newer evangelical churches in SSA often receive funding from their religious conservative counterparts in the West, particularly the USA. These USA based groups of conservatives have increasingly turned towards an approach that links the funding of a wide range of social services to what they see as their missionary objectives. They will invest in SSA services such as running orphanages, schools and universities as well as providing loans and other social services under the auspices of evangelical charities such as World Vision. Conservative SSA leaders in religious organisations have moved to separate African churches from their former more liberal minded international partnerships to realign them with conservative replacements. This has increased the influence of the USA conservatives and their leverage in the global arms race over LGBTI rights.

The claim that homosexuality is un-African arose from the politics of postcolonial identity, which rejects anything 'Western'. This provided an existing basis of thought to build on for those such as the previously commented on Scott Lively, the American Christian Right activist and author of *The Pink Swastika*, when he led an antigay conference in Uganda in March 2009. This was the conference that led to the infamous '*Kill the Gays*' bill in Uganda. The Rev. Aaron Mwesigye, the provincial secretary in the Ugandan Archbishop Henry Orombi's office had stated "American conservatives provide money to Africans not as donors but as development partners in mission" (PRA, 2009, 9-10).

This is an example of the political nature of donations, how investment by USA religious conservatives is fuelling the attacks on LGBTI rights in SSA through the formation of international religious conservative alliances linking like-minded

organisations in SSA and the USA. AI reported that not only was it USA evangelical organisations funding advocacy against LGBTI groups, but that in the George W. Bush administration era USA agencies themselves had provided money through programs that had been designed originally to combat HIV/AIDS to anti-LGBTI activities. Pastor Martin Ssempe of the Makere Community Church in Uganda an opponent of LGBTI rights received money that was diverted from the HIV/AIDS program to support his anti-LGBTI campaigning. (AFR 01, 2013:45). I interviewed the Reverend John Makoha in Nairobi Kenya for research purposes. His position is that evangelical groups actively support a particular conservative message. His church welcomes LGBTI groups to worship, and he and his wife have come under criticism for his work in providing pastoral services to young LGBTI persons.

*I think the American evangelicals have their own political agenda, using religion to spearhead their own religious political agenda. Is very, very unfortunate because this is a war that they have started and they know better. I think it's the war that started in America because in America they're doing that. And now they feel they need to also send it here because they are the ones who fund most of these pastors here. Whether Uganda, Kenya, Ghana, they are the ones who bring in millions of dollars, to buy property, to expand their ministries here. And that's why when we go to these churches they are mega churches. They are not small churches but mega churches. And I think they're doing that so that they can safeguard their interests here. So the ones who are saying if you bring in money then we have to, we have to come and decide how that money is supposed to be utilised in terms of the curriculum, in terms of how the worship should be preached. And this is not only in churches but also in theological schools that they're sponsoring. They're dictating on what should be in the curriculum. They're dictating who should be the professor to teach that. Because they are the ones paying. They have the money. And they have big money. And they are also using politics, they are using political leaders. [Reverend John Makoha interview, Nairobi Kenya. 25/11/2013].*

Research outlined in *Globalizing the Culture Wars* (2009) supports the Reverend John Makoha argument; describing how USA conservatives financing through organisations like the Institute on Religion and Democracy (IRD) that have supported SSA religious leaders in their protest against any form of LGBTI rights in USA mainstream churches and thus have come to view the conservatism of SSA cultural positions on homosexuality as being of a shared ground (PRA, 2009:iii). Kapya Kaoma argues that LGBTI rights are part of a larger cultural landscape where the pitch battles between conservative and liberal values are played out with sexual minorities in SSA as being simply part of the 'collateral damage' (PRA, 2009:iv). This partnering of renewal movements which are theologically and socially conservative, of USA Protestant churches with African religious leaders destabilises progressive programs in the USA whilst promoting homophobia in SSA and this is seen very markedly in Nigeria, Uganda and Kenya (PRA, 2009:2)

Churches in SSA are traditionally arbiters of social morality and it became important to USA religious conservatives that they mobilise SSA clergy away from progressive policies such as supporting LGBTI rights. It can be argued the battle for conservative social morality has been lost in the USA and Europe with their pro-equality and anti-discriminatory legal frameworks. The continued legitimisation of conservatives within the mainstream American churches has become dependent on links with SSA religious leaders to promote its political views on anti-LGBTI positions. One of the core organisations opposing any radical liberal agenda is the IRD, a well-funded neoconservative think tank that works extensively throughout SSA states. The IRD promotes the view that liberal pro-LGBTI positions smack of colonialist and imperialistic attempts to reframe SSA's towards a Western model of social priori, and that as it includes homosexuality, they characterise it as purely Western, not African (PRD, 2009:3).

IRD gains support through relationships built with SSA religious leaders of all denominations against LGBTI rights. These relationships are built through substantial financial incentives to these leaders in the form of social welfare projects, Bible schools and educational materials framing anti-LGBTI programs as truly evangelical and opposed to 'this post colonialist plot', homophobia is seen as an expression of

resistance to the West. Christian Right activists argue that homosexuality undermines the family. The family as a societal concept in SSA is very different to that of the West, in the West these relations are viewed through a prism that gives greater emphasis to autonomy and individuality. Family in SSA is *ubuntu*, 'to be human is to be embedded in the community', consequently anything that undermines this priority is resisted often violently; the idea of self-identity being pivotal and privileged over communal identity and rules is simply not accepted (PRD,2009:4). Challenging orthodox *ubuntu*, an 'African worldview' that places communal interests above those of the individual, and where human existence is dependent upon interaction with others is important in gaining the right to self identity or the 'individualism' of LGBTI groups. As *ubuntu* has a long tradition in the continent this is difficult; the central tenet is based around the idea 'I exist in relationship to others in the community', and because homosexuality is considered un-African this causes the dislocation of LGBTI groups within SSA communities. (McDonald, 2010:141)

Homosexuality together with abortion, are seen as a set of watershed issues that unite the conservative religious right; politically the movement is anti-welfare, pro-capitalist, anti-liberation and pro-military. USA mainstream churches are different; they support aid and welfare programs and are committed to the UN Millennium Development goals that call for ending poverty and hunger, providing universal education, combating HIV/AIDS and supporting child and maternal health. These programs promote SSA independence and development. However the religious right have argued these are simply used to bribe SSA communities into accepting homosexuality, an imperialistic trick that is only resisted because SSA states have post colonial pride. They press these religious communities to cease working with USA mainstream churches and this has had an impact. These methods have allowed USA social conservatives to dominate SSA Christianity and set the agenda for resistance to LGBTI rights (PRA, 2009:7).

The right has had at its disposal large material resources, almost from the moment its campaign began it has been able to mobilise its material and human capability to develop a strong media infrastructure that propagates speech acts within the community and through political channels. The Review of African Economy (1991)

identifies 1969 as the start of Protestant Churches being encouraged by the then USA government to spread a right wing message to counter what was seen as the liberal position of the Catholic Church. This was the start of the seeding of conservative evangelical doctrines into more socially progressive religious organisations in SSA. By 1981 the IRD had been founded by a group of political campaigners and evangelical leaders with the aim initially of countering any political liberation movements, moving later into a more doctrinaire conservative religious agenda with a wish to preserve 'Christian beliefs' globally. These conservative evangelical organisations had significant resources and were able to set-up amongst others the Christian Broadcasting Network (CBN) and Trinity Broadcasting Network (TBN) to broadcast conservative theological positions in SSA. This propaganda has impacted on the views local communities have of LGBTI human rights. USA Conservatives according to Jeffery Marishane (1991) have from the start broadcast effectively because of access to technology backed by significant financial resources; 'this access to high-tech equipment together with logistical know-how from parent bodies facilitates a dominance in any media battle for the minds of the populace' (Marishane, 1991:77-78, 87). Although not originally set-up explicitly to do so, the impact I hypothesise is that the investment and the technological investment in mainstream technology and latterly social media platforms has supported the widespread dissemination of identity and culturally specific political messages about LGBTI groups that in concert with political speech acts has secularised these groups within SA societies. This is not uniform; it is most pronounced in states where the political platforms, the foreign evangelical investment and media platforms are in concert in the form of a speech act. This is that LGBTI identity threatens social cohesion, identity and the moral fabric of society, thus threatening the state. Uganda is the most serious proponent of this political environment.

Although helped initially to set-up by the USA government, the position of these organisations is not inline with current US policy that is to support the promotion of SSA LGBTI human rights with US funds going directly to LGBTI human rights organisations, although this is less active under the Trump regime.

Patrick Awondo (2010) in the context of Cameroon, talks about how LGBTI individuals have allied themselves to the broader cause of 'human rights' and this has opened up a new area of law where the sphere of 'private sexuality and politics' can be contested.

Importantly it has helped define a methodology for LGBTI groups that previously were marginalized and dominated by the interests and prejudices of the wider Cameroonian society to now be able to 'renegotiate' their place in society (Awondo, 2010: 316). This has also been seen in Ghana, my interviewees in Chapter 4 of this Thesis describe the importance of NGO's particularly the Human Rights Advocacy Centre in Accra as being pivotal in teaching local people in the James Town district the language of human rights. The impact of this was to encourage LGBTI groups to demand rights and protection and contest police agitation leading to an improved relationship between community, LGBTI groups and the authorities.

Within the SSA University educational sector the Christian right has significant influence. The Ugandan Christian University (UCU) an Anglican university receives investment from both the USAID program and Hospitals Abroad (USAID/ASHA it identifies with the USA Christian rights political positions, describing itself as 'conservative' rather than the traditional position of African churches that is evangelical. It actively discriminates against students and faculty on the basis of religion and sexual orientation, it has on its board of governance senior USA Christian conservatives associated with IRD and the American Anglican Council who have actively challenged the USA liberal Episcopal Church's support for LGBTI rights (PRA, 2009: 12). Religious conservatives see the education sector up to and including Universities as important in winning the battle of ideas; limiting the promotion of knowledge about LGBTI human rights within the educational sector means the emerging educated classes will retain the societal prejudices found within the wider SSA communities. In the West the education sector has led in the promotion of equality and human rights, the religious conservative alliance is determined that this success will not be replicated in SSA.

## Conclusion

The SSA political and cultural landscape is a battleground between well-organised political actors investing heavily through a diverse set of societal channels to win the ideological debates over LGBTI rights. Primarily, but not exclusively, non-governmental conservative religious groups are a transnational alliance containing a diversity of partners from a wide range of ethnic, political and religious backgrounds sharing a common deeply conservative opposition to LGBTI human rights, within a framework of

general antagonism to more normative Western human rights. Supporters of human rights for LGBTI groups span Western governments, UN organizations, NGO's and in-country human rights organizations together with a limited set of more radical religious organizations. LGBTI groups within SSA are in the un-enviuous position of having little or no support from the local community and political class. In reality they face great danger from political leaders seeking advantage, religious commentators propagandizing religious ideology in the form of hate-speak to often-uneducated communities who will attack LGBTI groups, and police forces who often exploit individuals who have experienced crimes. The investment by transnational anti-LGBTI organizations in SSA is significant, with the added advantage because of links to grass root religious organizations of seeding their propaganda directly into local communities through religious institutions who are implicitly trusted by these communities. Supports of LGBTI human rights have no real direct link into communities other than through general human rights organizations who seek to incorporate LGBTI rights through a generalized human rights narrative. These organizations can come under direct pressure from conservative religious groups who will attack these organizations for having a hidden agenda of promoting homosexuality. In Uganda NGO's as part of the securitization of LLGBTI groups are being closed down by government for supporting LGBTI rights, in Ghana some human rights NGO's are finding it increasingly difficult as their support for LGBTI human rights is alienating their wider client base and they are reducing overt support for LGBTI groups as a consequence (See Chapter 4 Ghana LGBTI interviews). The political class in most SSA states exploit the communal aversion to LGBTI rights by whipping up anti-LGBTI sentiment and use rhetorical devices dependent on how pronounced securitization processes are, that threaten, sometimes with death LGBTI groups. An increasing number of SSA states in contrast to the rights normalization process in the West are bringing in draconian legislation to increase punishment and further reduce the human rights of LGBTI groups. Within the international system progress is being made, however the split between pro and anti-LGBTI states splits generally between the West and an alliance of Islamic, conservative Christian organisations and SSA states amongst others. Non-government actors operate within the international system lobbying governments to support their position. This a war of ideas, knowledge and its dissemination being key not only to the achievement of an improved situation for LGBTI groups in SSA states but also to holding off the securitization process in some

SSA states that present an existential threat to LGBTI groups. Progress in combating speech acts and either the securitization or politicization of LGBTI groups by alliances of conservative evangelical groups, and the SSA political classes, funded by USA religious organization in SSA states is critical in supporting positive outcomes for LGBTI groups in SSA communities.

END



### Identity and repression in Sub-Saharan African states

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This chapter is concerned with the impact on LGBTI groups of identity politics in Sub-Saharan African (SSA) states. This chapter problematizes identity politics as a set of values that are expressed as both deeply held and as intransigent positions for social conservatives who are attempting to harden societal wide opposition to any form of human rights for LGBTI groups. SSA LGBTI groups have been subjected to disapproval and hate speech, underpinned by the introduction of increasingly draconian laws from a series of actors within, and facilitated by religious conservatives outside the continent. These actors cover the full litany of societal agencies that include the state and international political actors, NGO's and the significant impact of transnational-religious bodies; often but not exclusively linked to and funded by USA conservative groups. Identity politics has contributed to the securitization of LGBTI groups in Uganda, and their politicization in Kenya and Ghana.

Constructivism is concerned with how the international system and states develop knowledge in order to improve coexistence and co-operation. The intent is to provide security and to build institutions and norms that provide for a jurisprudence that affords all citizens protection and law within a code of rights. Of concern for this thesis is the challenge to the notion of universal human rights that facilitate the acceptance of LGBTI identity within SSA societies. Cultural relativists repudiate universality and the automatic assumption of LGBTI human rights as normative, rather they see human rights as culturally fixed and therefore variable within the international system. Human rights for cultural relativists are to exist in a form that corresponds with local societal norms to provide a classification of hybrid rights within the international system. This weakening of the principle that there is a set of rights applicable to all within society is often viewed in the West as problematic, in that it fails to meet the demands of universal justice. The challenge to universal human rights for the purpose of this thesis, originate within metaphysical value systems, ontologically fixed within the identity of SSA states. These societies privilege cultural norms that are directly a product of, or construct their meaning from religious practice to determine forms of acceptable

societal behavior. Values are constructed from, and are imbedded in the historical experience of these former colonial societies. These value systems manifest themselves in a cultural personality that has created a politic of identity that denies LGBTI groups their human rights; their right to identity and in the most extreme cases the right to life. In the most exceptional cases even within the hostile geography of SSA, for example in Uganda, the speech acts which correspond to these ontologically fixed cultural norms leads to the securitization of LGBTI groups or politicization of their rights. Hayman (2007) writing in *Speaking Rights to Theory* highlights the academic Bhikhu Parekh's opposition to Western universalism, privileging the appeal of a relativistic political reality. Parekh's philosophy is that: 'Relativism contains an important truth, and hence it has continuing appeal. It rightly insists that no way of life is objectively the best or suits all, that the good life cannot be defined independently of the character of the individuals involved, and that moral beliefs and practices cannot be detached from the wider way of life and abstractly judged and graded' (Hayman, 2007:402). This relativist position underpins the argument of cultural conservatives for denying the applicability of universalism to SSA states, most often decrying the attempt as a new form of cultural colonialism importing foreign values into SSA states. However homosexuality has as long a presence in Africa as in any other society. Patrick Awondo (2012) an African anthropologist has written that there are historical accounts from countries such as Uganda, Cameroon, Zimbabwe, Burkina Faso, Benin, Ghana and Kenya amongst SSA countries. Identity has evolved in SSA states, forms of self-identification and the growth of LGBTI human rights are a recent phenomena; like the colonial-era laws that prohibited homosexuality, these features have been imported from the West (Stewart3, 2013:Loc494Kindle).

The President of Uganda on the 24<sup>th</sup> February 2014 signed into law the Anti-Gay Bill despite significant international opposition from Western states, the EU and the UN. This bill includes punishment of up to life imprisonment for 'aggregated homosexuality' and outlaws the promotion of homosexuality, requiring citizens to denounce to the police anyone suspected of being gay. This bill was the amended 'Kill the Gays' bill that has received opposition from global human rights organizations and all Western governments, and the UN. '*Hand clapping and joy met the signing of the bill in a public ceremony*', the Guardian newspaper (2014) reported that the Ethics and Integrity minister, Simon Lokodo, said:

*"I feel very fulfilled, very elated, because at last my head of state has pronounced it on behalf of the entire nation, Uganda, that this is a bill that was worth putting in place"*

David Bahati, the MP who introduced the Parliamentary Bill, added:

*"This is a victory for the family of Uganda, a victory for the future of our children, and a triumph of sovereignty of our country"* (Fallon and Bowcott, 2014).

LGBTI Ugandan NGO Sexual Minorities Uganda (SMUG) reports (2013) that citizens live with fear and a continuing sense of oppression, they are now residing outside the body politic, their access to the protection of the law, which is now turned against them has meant that any citizen can accuse them, and communities punish them, for the held fact that the very being of their identity is a danger to Ugandan society. I interviewed Dr Frank Mugisha, Executive Director of SMUG, Kampala, Uganda in late 2013 for purposes of this research, he discussed the impact on LGBTI groups of having a criminalized identity within Ugandan communities (Edited).

*'With the law, on our law books hanging over our heads we shall continue to see discrimination, persecution, arrests, harassment on the street because Ugandans, most of them they don't harass the people because they really hate gay people, they harass gay people because they know it's a crime because in their hate when a gay person is arrested and put in police custody, the police officer they struggle with the charge, when I would see the charge is homosexuality. And I'm like there is no charge. The police they think that as long as the person is gay they are criminals. So they have their charge is homosexuality, and then sometimes it's against the order of nature'. [Mugisha. Interview Kampala, Uganda. 21/11/2013].*

The LGBTI community seeks security for an identity that challenges the metaphysical reality that the SSA community they live in is fixed within. As ideas about what

constitutes Ugandan identity emerge to challenge existing cultural norms that are intrinsically linked to belief systems, a crisis has emerged. Stuart Croft (2012) argues that elites construct meta-narratives that are integral to the securitization process that seek to reestablish the certainty of identity that the state desires in order to maintain its cohesion (Croft, 2012:98). The speech acts that have originated from across all sections of Ugandan elites have proscribed LGBTI groups. Politicians have introduced parliamentary bills, churches have attacked from the pulpit the moral basis of LGBTI identity, and newspapers and social media have used reporting and pictures to contribute to the speech act. The securitization move experienced by LGBTI groups in Uganda emerged over a number of years from speech acts communicated in concert across Ugandan society. The *'Kill the Gays Bill'*, a Ugandan Parliamentary Bill was the culmination of a campaign within country by a combination of politicians, religious leaders and external conservative religious organisations based in the USA. It has galvanized within Ugandan society a consensus to further punish, stigmatise and often harm LGBTI groups on the basis of identity, in the form of a securitization process that threatens LGBTI groups.

Within SSA, attacks on LGBTI identity are not a recent phenomena; Vasu Reddy (2002) posits it as 'increasingly characterised by hate, showing it to be a most resistant form of social prejudice in the lives of gay and lesbian people in many African countries'. The Ugandan President, Museveni is not a recent convert to LGBTI hate speech; he has history. In July 1998, he told reporters:

*'When I was in America some time ago, I saw a rally of 300,000 homosexuals. If you have a rally of 30 homosexuals here, I would disperse it' (Reddy, 2002:164-170).*

Museveni's promise has been fulfilled on numerous occasions ranging from Gay Pride marches to conferences in Kampala, the Ugandan Minister for Ethics and Integrity minister (2014), Mr Simon Lokodo, often leads the police. Rebecca Hodes (2014) reported for the South African newspaper, The Daily Maverick in March 2014 in an article titled 'In the thick of a Ugandan hate rally', 'at a stadium in Kampala, 30,000 Ugandans gathered to give thanks to the president, Yoweri Museveni, for passing the anti-homosexuality act'. Hodes described how the event combined the fanfare of a

mass political meeting with the party atmosphere of a cultural festival. Museveni words to the crowd where one of many speech acts he has committed that takes the form of anti LGBTI hate speech; the gathering in this instance was organised by the Inter-religious Council of Uganda (IRCU). IRCU is a Christian/Muslim conservative coalition (IRCU, 2010). IRCU is an important religious coalition of politically conservative activist organizations who can very effectively work together to galvanize support to not only stop any progress for LGBTI groups, but have the resources to work to further harm them. Museveni at the stadium meeting declared in a speech act:

*"They say (Western governments) that homosexuality is sex. But it is not sex." The president continued: "There are other words (in Luganda) for sex. I won't tell you those words." The crowd laughed. "But if you take homosexuality, they (the Ugandan people) don't call it 'sex'. They call it ekifire." A neighbor wearing a Ugandan flag on her head translated: "It means they are half-dead, yet they are still living".*

'Over the course of the morning, the crowd poured in by the thousands, filling Kololo stadium to capacity'. Museveni was the highlight of the speaker's bill (Hodes, 2014). These speech acts from the preeminent politician, the president demonizing LGBTI groups, the declaration that they are not human, 'half-dead' is reminiscent of the Nazi parties propaganda in the 1930's that was part of the securitization of Jewish citizens. The description of LGBTI groups as poisonous and inferior, not human is made much more powerful by it being the leader of the nation who is making these pronouncements, as predicted by theory this is an important element of the on-going securitization process.

The history of the relationship between Uganda's political elite and conservative Christian fundamentalists reveals a complex and effective set of networks underpinned by a fundamentalist view of biblical texts. It ranges from in-country activists to well funded relationships with extremist USA Christian evangelicals. As recently as 2009 American evangelicals asserted that 'The Bible demands the execution of gay people', Joel McDurmon, director of research for American Vision (AV), a Georgia-based Religious Right group, made the claim in an essay, titled 'A

*Perfect Hatred*' on AV's Web site. This was reported in the mainstream publication, Church & State (2010). AV is aligned with the 'Christian Reconstructionist' movement, a religious right faction that openly seeks to replace the United States constitutional democracy with a government built around an ultra-fundamentalist reading of the Bible. McDurmon wrote the essay, titled "A *Perfect Hatred*," and he discussed the subject in an uploaded video later that year defending the death penalty for homosexuals (McDurmon, 2009). In March 2009 Christian evangelical activists traveled to Uganda and gave a series of lectures on homosexuality. The three, Scott Lively, Don Schmierer and Galeb Lee Brundidge, are members of the Southern Baptist Convention a group of like-minded protestant evangelicals that condemns homosexuality as a moral perversion (sbc, 1998), AV shares similar views and supports this political-religious activity. Lively, Schmierer and Brundidge asserted that homosexuals seek to destroy the traditional family and that gays prey on boys, and gays can be 'cured' of homosexuality (Church & State, 2010:45). These groups have informed and invested in both the political and conservative Christian denominations in Uganda to lay the ground work within the general Ugandan population for the current popular position of Museveni. Lively is co-sponsor of a document protesting the 'Prague Gay Pride' titled *President Defend the Family, International*. I hypothesize that these groups seek what Lewis (2005) describes as collective legitimization, making it possible for a community, such as a nation, to act when there is a convergence of ideological principle across different groups (Kornprobst, 2008:193-198). The emergence of critical identity characteristics, either religious normative positions, or communal identify are the referent objects that the speech acts from agents, political or cultural use to convince the audience, the community, to the truth of the proposition in the securitization of LGBTI groups. These agents are norm entrepreneurs, a combination in Uganda of USA evangelists working with African Christian leaders who have the platform to direct speech acts using politicians to execute the securitization process, an outcome of a compelling reason to act. In the case of LGBTI securitization, the identity of such groups is posited as threatening the moral and thus cultural identity of communities, this puts the very *raison d'être* of the state at risk, the social cohesion of its society is the referent object.

There are a substantial number of USA anti-gay evangelical groups continuing to operate on the international stage delivering a similar set of anti-LGBTI rhetoric. The

Lively co-sponsored 'Prague Gay Pride' document is posted on the Southern Baptist website, these groups are active globally across many parts of SSA regions, and see the recent government bill in Uganda as a major success (Lively, 2012). Aljazeera reported (2014) that Lively is also the author of the how-to book *Redeeming the Rainbow* this advises opponents of gay rights to counteract sympathy for gays by highlighting instances of rape and child recruitment. Lively is being prosecuted in the SMUG v. Lively case in the USA, in which the plaintiffs allege that Lively was engaged in a persistent pattern of collaborating with Ugandan officials and leaders to foment repression by helping craft oppressive legislation such as the anti-homosexuality bill, and for inflaming societal hostility toward LGBTI individuals. In 2013, by declining to dismiss the case against Lively, U.S. federal Judge Michael Ponsor provided additional support for LGBTI rights. Ponsor held that persecution on the basis of sexual orientation and gender identity is in violation of international norms, and that it amounted to a crime against humanity under USA anti hate identity laws (Carasik, 2014). Lively was interviewed about his role in the homophobia and human rights abuses sweeping across Uganda; he said that:

*'We were invited by these African countries when they were confronted with the problem'. He went on to state 'But to get to the whole point about human rights, that's just simply nonsense. Sodomy is not a human right', further that, 'the gay movement has really brought this on themselves in Africa' and 'I believe that societies of the world have an affirmative duty to protect the natural family and to discourage all sex outside of marriage' (Martin, 2014).*

Another prominent USA evangelical at work in Uganda is Fred Hartley, whose Atlanta-based College of Prayer claims nearly two dozen "campuses" in half a dozen African countries, all dedicated to teaching American-style evangelicalism to the continent's leaders. The leaders both spiritual and political are the key to galvanizing communities. Uganda he informed Jeff Sharlet (2010) the author of *C Street: The Fundamentalist Threat to American Democracy* is the premier site for 'spiritual war' in the world right now. A typical practice of the evangelical movement is to invest in the local populations, often very poor and very religious. The USA sponsored Faithful Servants International Ministries supported 'Four hundred and fifty children, two meals a day,

and we go into two hospitals and three prisons'. The networked ministry employs 54 people and is proud of its mission in which it believed, to quote its spokesman 'Ten thousand souls were saved last year' (Sharlet, 2010:2). An important objective that underpins the investment of evangelical organizations in 'capturing an audience' is to convince the community that the referent object (Ugandan identity) is being threatened. The securitization agents, the evangelical organizations, posit LGBTI identity to an audience that sees them as dangerous, as an existential threat to the survival of a Christian, Ugandan, African identity. Buzan (1998), argues that all that is then required in such situations is the institutionalization of the threat, *in this case through political agents*, and this then drives the standards of behavior and the emergence of the securitization move (Vieira, 2007:5).

The provision of food and education and investment in churches is an important channel into the community to support acceptance of a fundamentalist Christian politic. The giving of aid raises the prominence of evangelicals who communicate the speech acts to communities. Opportunities are given to local African supporters of the USA evangelicals groups such as Moses Solomon Male, he has produced a piece of work titled *A Report and Petition on Homosexuality in Uganda*. This has been described by Sharlet (2010), writing in *The Investigative Fund*, as the '*Mein Kampf*' of the Ugandan antigay crusade. It is a list of police reports and hospital records; the account's of which Male contends is an epidemic of homosexual rape, aided by witchcraft (Sharlet, 2010:9-10). This type of document is distributed throughout church communities and is important in its ability to whip up homophobic hysteria. It is never challenged, its contents never substantiated; the lack of critique has been made possible by the underpinning of the ideology through investment made in such an enterprise by USA evangelical organizations. I would argue that this approach is instrumental in the formation of speech acts by USA evangelical organizations and evangelical SSA church organizations. They are actively engaged in the construction and execution of speech acts through a differentiated set of media channels; from the pulpit, through government and through traditional and social media channels. The Copenhagen School describes securitization as 'a rule-governed practice, the success of which does not necessarily depend on the existence of a real threat, but on the discursive ability to effectively endow a series of societal developments with a specific content (Balzacq, 2005:175-179). Securitization is therefore an inter-subjective



process, requires no authenticity within the speech act, but does require an actor (e.g. *Church/politicians*) and a speech act who's language constructs a threat, even if the reality of what is 'out there' does not correspond with its dialogue. For these agents within Ugandan society to be successful in the move towards a securitization act, they must construct language that posits LGBTI groups as an existential threat to something that matters to the state and its constituent social communities, they have successfully done this in highlighting the 'threat to the moral and religious identity' of the state.

The former President of Kenya, Daniel Arap Moi voiced the view in 1999 that attacking LGBTI groups was always politically popular; he was reported in the *New Straits Times* as pronouncing:

*'It is not right that a man should go with another man or a woman with another woman. It is against African tradition and Biblical teachings, I will not shy away from warning Kenyans against the dangers of the scourge'* (Reuters1, 1999:20).

LGBTI groups have managed to organize and be viable despite the decades long attacks from powerful political forces in SSA. In 2006, 800 gay activists met in Abuja Nigeria. Davis Mac-Iyalla of the Changing Attitudes Network, urged attendees to 'go back and begin to tell their families about their sexuality. If we let our families know about our sexuality, our parents will begin to influence their local churches'. Church leaders in Nigeria immediately attacked the message. Archbishop Peter Akinola of the Church of Nigeria stated '*It cannot be supported by the scripture. It is against reason*'. Subsequently the Church in Nigeria has supported the increasingly successful legislative moves to increase penalties against both gay and Lesbian LGBTI citizens (CS, 2006:8).

The research for this thesis supports the argument that this illocutionary securitization process has an intended purpose of not only denying rights associated with LGBTI identity, through a series of deterministic speech acts, but to eradicate LGBTI identity, as will be evidenced through HIV/AIDS policy options towards LGBTI groups in some SSA societies that dissuade citizens to seek treatment. The speech acts link biblical (or Quranic) scripture or references to SSA communal values, in this case to counter the

proposal by LGBTI activists to communicate to families about their identity, it denies the reality of their right to exist, the speech acts collectively are a securitization move.

At the World Social Forum (WSF) in Kenya 2007, SSA LGBTI activists organised one of the largest public gatherings for sexual rights in Africa to date, providing workshops and training sessions. The intention of organizers was to 'assert the right to self determination', and to invite 'all social movements to make this struggle and this vision of diversity, their own' (NINT, 2007:23). This was a message to other SSA members of the WSF that the rights of LGBTI groups should be central to any project that demanded social justice and human rights in SSA. Importantly this was a switch from a dialogue promoting LGBTI rights in isolation, towards one that positioned those rights within mainstream SSA human rights.

The position politicians and influential groups take on health can provide for an existential threat to LGBTI groups who seek equal access to information, materials and treatment for HIV/AIDS. In 2008, Ugandan MP Chris Baryomunsi of the Committee on HIV and AIDS, stated that the 'inclusion of gays in the country's AIDS strategy is very expensive for the Government, because of gadgets such as condoms for homosexuals, jellies and lubricants'. A number of organizations that benefit financially from the US President's Emergency Plan for AIDS Relief, such as the Uganda Youth Forum and the Campus Alliance to Wipe Out AIDS, have openly expressed anti-gay views and stated that homosexuals should not receive treatment for HIV. In October 2007 Sheikh Ramathan Shaban Mubajje called for gays to be 'marooned on an island in Lake Victoria until they die' (NINT, 2008:33). The clear intent from the MP, youth organisation and Muslim cleric is that LGBTI groups should be excluded from the programs that support health screening and HIV management, and that this would inevitably lead to death, something they supported. This has been described as 'A Gay Genocide', as the intention is to allow the non-heterosexual population to die of a manageable chronic illness as a consequence of deliberate exclusion from treatment regimes that are provided to the majority of the population. This is clear evidence for the institutionalization of dangerous policy options towards LGBTI groups, who are the subject of the securitization move by norm entrepreneurs such as Mubajje, the securitization move would culminate in the death of HIV positive LGBTI persons. This is in effect positioned in a similar vein to the 'Kill the Gays Bill', it would be a

securitization move that sought the extermination of LGBTI groups as an objective; the legitimization of extraordinary means to meet their perception of an existential threat to Ugandan identity.

HIV treatment programs for LGBTI groups are constantly undermined with the effect of scaring off clients and thus damaging their health and that of the wider population. Joseph McCormick (2014) reported in *Pink News* that Police in Uganda have admitted that they 'infiltrated' a US-funded HIV project accused of attempting to 'recruit' gay people. The Makerere University Walter Reed Project (MUWRP) was raided by police, accused of 'training youths in homosexuality'.

*'Police deployed crime intelligence officers to verify the claims, by infiltrating the project. Two officers undertook the assignment and were registered for training by the NGO, and found out that the trainees were being shown videos of men engaging in homosexual activity', said the police statement (McCormick, 2014).*

The MUWRP NGO is funded to provide sexual health education. The Makerere University Walter Reed Project (MUWRP) is a non-profit partnership between Makerere University and U.S. Military HIV Research Program (MHRP). MHRP has been conducting HIV research in Uganda since 1998 and expanded its portfolio to include prevention, care and treatment activities in 2005 under the USA President's Emergency Plan for AIDS Relief (PEPFAR). On April 3, 2014 the operations of the program were temporarily suspended to ensure the safety of staff and the integrity of the program, and until MUWRP has greater clarity as to the legal basis for the police action. This followed a Ugandan citizen employed at MUWRP being taken into custody by police at the project's offices in Kampala. The NGO states it is working with police to understand the circumstances under which this person was detained. MUWRP is being represented by the USA Mission to Uganda's Public Affairs sections; this has implications for USA/Ugandan relations at a government level (MUWRP, 2014).

The impact of this attack by the Ugandan state on an NGO, particularly one with the international reputation of MUWRP, which has links to the USA government, is ominous. It demonstrates that the political establishment in Uganda has now decided

to ignore Western governments attempts to moderate its behavior towards its own LGBTI citizens. The consequence for HIV/AIDS programs that LGBTI groups can access is grave, as both workers and client groups will be both intimidated and fearful of providing and obtaining provision and access to medication and education. This will result in the acceleration of HIV not only amongst LGBTI groups but also the general population. It will certainly mean more illness and death amongst these groups, as they will be deterred from receiving anti-viral medication. Provision of anti-virals is also now central to global HIV containment strategies from the WHO.

The attack against NGO's is also supported by the simultaneous negative targeting of LGBTI groups that has been part of the Ugandan political establishment overtime. Human Rights Watch (2008) reported that Ugandan officials also relied on the law against homosexual conduct to explain their failure to provide government support for HIV/AIDS programs for LGBTI groups. This inaction follows an earlier demand by the Minister of Information that both the United Nations and national AIDS authorities shut out all LGBT people from HIV/AIDS programs and planning. A spokesman for the Uganda AIDS Commission, the central national clearinghouse for prevention and treatment, conceded in 2006:

*'There's no mention of gays and lesbians in the national strategic framework, because the practice of homosexuality is illegal'* (HRW2, 2008:3).

In the case of exposure to HIV for LGBTI groups, identity brings with it a real existential threat. An element of the securitizing move against LGBTI groups is the SSA government action to eliminate LGBTI groups by denying them access to treatment. This is accomplished collectively through a series of speech acts from SSA MP's, attacks on clinics, arrests of LGBTI patients to create a climate of fear, together with the removal of LGBTI groups from treatment programs. The result of this climate of fear and exclusion would prevent LGBTI groups seeking treatment or being denied it. The OAU in 2001 identified the significance of any harm to HIV/AIDS programs for wider population :

(Edited) *'is not only a major health crisis but an exceptional threat to Africa's development, social cohesion as well as the greatest threat to the survival and life expectancy of African people'* (Vieira, 2007:150)

The emerging scenario was of an epidemic, securitized as an existential threat used as a weapon against another securitization object, LGBTI identity. The securitization move would not only cause the deaths of LGBTI group members, but also inadvertently ensure that the existential threat to communities was realised, as treatment is the only method of containing the spread of the virus within populations. A securitization move that was self-defeating in the wider containment battle with HIV/AIDS in the general population, suggested that the institutionalization of the securitization of LGBTI groups was impacting most of their interactions with Ugandan government institutions.

#### *Kenya & Ghana*

Wanjira Kiama (1999) writing in her chapter *A Double Life: Men who have Sex With Men in Kenya* an article in *'Aids and Men'* (Foreman, 1999); that In Kenya, Jomo Kenyatta, Kenya's first President (died 1978), once claimed that there is no African word for homosexuality, despite the Swahili word for homosexuality being *msenge*. Kenyatta's successor Daniel Arap Moi, the President to 2002 followed this with: *'Kenya has no room or time for homosexuals and lesbians. Homosexuality is against African norms and traditions, and even in religion it is considered a great sin'*. These speech acts helped to create a climate of hostility as LGBTI identity was first politicized, leading eventually to the potential for the securitization of LGBTI groups. The premise that LGBTI identity was un-African, did not exist, created the situation where rejection was a normative position across all sections of society within SSA states. Dr Frank Njenga, a consultant psychiatrist who was chairman of the Kenya Medical Association's social responsibility committee in 1999, argued that Kenyan society *'had not reached the point at which people with a different sexual orientation are allowed to be themselves, or have a set of laws and rights to provide protection'*. As a result, Njenga said *'we have a good number of Kenyan men who are constitutionally homosexual and socially heterosexual, so as to fit in society'*. (Foreman, 115:1999). The fear of exposure and the consequences within communities or from employers forced LGBTI persons to hide their sexuality, their identity and position themselves as heterosexual. The

interviews I carried in Nairobi in 2013 provide evidence for this reality for LGBTI groups in Kenya and elsewhere in SSA (in Chapter 9).

Kenya is often seen a more moderate SSA state in respect to LGBTI identity, however in more recent years the President has sought political opportunity through attacks on LGBTI groups, the topic is one of the 'hot button' political issues. In 2010 the *Christian Science Monitor* reported that President Odinga whilst visiting the Kibera slum outside Nairobi said '*We will not tolerate such behaviour in the country, the Constitution is very clear on this issue, and men or women found engaging in homosexuality will not be spared*'. The statement – which brought cheers in the Kibera slum, serves as an example of rhetoric informed by the growing political assertiveness of powerful Christian churches that bolster the existing social stigmas against LGBTI groups.

Human Rights Defenders are concerned, Njeri Kabebere, executive director of the Centre for Multiparty Democracy in Nairobi reacted by stating that 'normally, we judge a country's development by its tolerance of minorities. He should be urging Kenyans to be tolerant, instead of himself being intolerant' (Baldauf, 2010).

The opposition to LGBTI rights in Kenya is not limited to male homosexuals. As early as 1995 in Beijing, at the U.N. Conference on Women, that marked a major advance in recognizing women's sexual autonomy, the Kenyan press paid 'leering attention' to lesbian activists marching at the Beijing meeting, leading the then President Moi to declare: 'The government (Kenya) rejects the immoral culture of homosexuality and lesbianism raised during the women's conference' (Scott, 2005:70). Consensual homosexual acts in Kenya are prosecuted under Penal Code 162 and persons are liable to imprisonment for fourteen years (Itaborahy, 2011). This example of the use of a speech act to at the very least politicize LGBTI identity, demonstrates I would argue how a leading politician will use LGBTI identity, to divert communities from the real issues of underdevelopment and poverty. The societal wide discrimination and perception of threat towards LGBTI groups, becoming the focus of anger and frustration that disenfranchised communities are experiencing. The politicization of the LGBTI identity is a consequence of the speech act, however it is a specific securitization move that becomes a more serious danger to LGBTI groups as has been seen in Uganda.

*The Harvard International Review* (2010) describes homophobia as far from a novelty in SSA. Countries such as Kenya, Nigeria, Zimbabwe, and Malawi, have retained and continued to perpetuate anti-homosexuality laws that originated with the former colonial powers. In Kenya, violators are punished not only by the police, but also by their own neighbors and community; a Kenyan gay couple in 2010 that attempted to hold a wedding was nearly stoned to death (Xie, 2010:6).

Homophobic prejudice and hysteria is often fanned by the local press and can also impact on children's lives, for example in Ghana a newspaper front page showed a school and pupils headlined in a '*homosexual scandal*' in 2013. Nineteen high school students in Kumasi were dismissed for 'practicing homosexuality' at Opoku Ware Secondary High School. This dismissal of male students for supposed homosexual conduct followed that of thirty-four girls being earlier dismissed from the Wesley Girls Senior High School, also in Kumasi, for engaging in lesbianism. The Ghana Herald that produced the articles accompanied its report on the dismissal of the students with harsh, condemnatory language that was followed up by local radio stations. The reports were inflammatory, homophobic and typical of the style of reporting found in Kenya on the subject with little care being taken to substantiate facts from accusations (Stewart, 2013).

This sensationalist journalism was published during a period of relative progressive change in the Ghanaian political establishment. Nana Oye Lithur, a human rights advocate was nominated to the post of Minister for Gender, Children and Social Protection, by the then Ghana's President Dramani Mahama in January 2013. Two religious conservative groups; the Concerned Clergy Association of Ghana, and the Ghana Social Moral Fabric opposed Lithur's appointment. They argued Lithur should not be appointed, as she would use her government position to 'promote homosexuality'. Lithur, whilst not openly supporting legalisation of homosexuality, stated that the 'rights of everybody, including homosexuals should be protected'. This was a positive move for a SSA state in this era of entrenched and systemic homophobia. (Pinfold, 2013). This however is not the position of even a minority of the Ghanaian political elite. Erasing76Crimes (2013) reported Amnesty International as condemning the Chief of Tamale in the Northern regional capital of Ghana for

endorsing the lynching of gays in his area. Dakpema Naa Mahamadu Dawuni is reported to have told the media that *'his Palace has received several reports of homosexual activities in the locality. The youth there are said to be angry at the development, and plan on lynching any person suspected to be engaged in homosexuality'*. Lawrence Amesu, the country director for Amnesty International in Ghana, said they are appalled by the intentions of both the youth and the Chief. A spokesman for the chief later said that he would support any such attacks (Stewart2, 2013).

These events demonstrate the power of political elites as securitization actors within communities through speech acts validating identity as a threat and the solution, violence, carried out as a securitization move by the community to protect its social and moral cohesion. The actors and journalists through the use of dialogue, images and the tone of articles in Ghanaese newspapers are securitization actors. Hazan (2007) has argued that images are ambiguous in meaning, and therefore it is difficult to control what is taken from them, however it is the combination of images, prose and tone that creates the speech act (McDonald, 2008:569). The validation by powerful actors of a threat from LGBTI identity, the images, together with the claim that children have been involved in homosexual activities provides a climate for securitization; the intentionality of action against the threat, becomes legitimized.

The speech acts by politicians in SSA states on issues derived from social identity are themselves problematic for culturally relativist positions on societal evolution. Academics such as Parekh argue that the cultural values defused across society are neutral, and have grown organically, that African norms have developed separately out of the experience of communities. However I argue that the evidence is that they are a product of historical external intervention by evangelical groups initially during colonisation, not a product of organically neutral cultural evolution, if such a thing indeed exists. The normative positions recent evangelicals aspire towards have coincided with claimed cultural norms around identity in communities that are conservative, and thus offer a fit with the foreign interventions. Intellectuals like Foucault and Gramsci have long challenged the idea that norms are a product of communities naturally deciding overtime what works best for them. They assert that it is the cultural values of ruling elites who determine the values of society and these



elites include, presidents, tribal leaders, politicians and religious leaders. Groups such as LGBTI in a society, with their own identity of what constitutes acceptable behaviour and relationships, are not equally powerful or numerous in the population. Consequently, if their behaviour is opposed by large numbers of relatively powerful individuals rather than relatively weak societal members, it is highly likely to be condemned. Ben-Yehuda (2009) proposes a literal reading of the *'Everything is relative' cliché* that suggests treatment of groups is always fair, all individuals who enact different sorts of behaviour stand the same chance of being condemned as deviant or acceptable. However only those who are not opposed (or supported) by powerful groups such as the church or individuals such as the Chief of Tamale are safe in being considered as holding a normative position (Ben-Yehuda, 2009:113).

Thabo Msibil (2011), argues in *Africa Today* that homophobia witnessed in countries such as Ghana and publicly approved by African leaders, relies on unsubstantiated claims of an imposed homosexual identity. These conservative contradictory ideas on morality represent a facade that serves to entrench patriarchy as legitimate and fixed in African societies. His position is that the difference between the West and SSA is not the presence or absence of LGBTI identity, but its different social construction (Msibil, 2011:55). However despite the negative environment in Ghana the crescendo of hysteria over LGBTI rights seen in other SSA countries has not been felt to quite the same extent in Ghana. In Ghana no new laws have been introduced in comparison for example with its West African neighbor Nigeria. People who engage in same-sex relations in Nigeria are often viewed as sick, subhuman, and dangerous; associated with witchcraft, magic and possession of diabolic powers and live under a regime of increasingly harsh penalties. Politicians seek to punish LGBTI groups whilst at the same time denying homosexuals exist in the country. Despite the death penalty being available and handed down in sentence (but not carried out) in the 'Sharia north' of the country, and the Same-Sex Marriage (Prohibition) Act brought into law with the full support of Islamic and Christian leaders. The former Nigerian foreign minister, Ojo Maduekwe, informed the United Nations that there were no individuals who engaged in same-sex relations in Nigeria. This denial was made, despite having gone to some lengths to punish those who do hold and practice an LGBTI identity. To further construct LGBTI identity as alien, foreign and imported, the former Nigerian President

Obasanjo stated on national news that *'homosexuality is unnatural, ungodly, and un-African'* (Msibil, 2011:61). An example where the political elites deny the existence of something they are in the process of securitizing and have the full support of communities across the country. The main communal agents for speech acts are the church and mosque, with the agent instigating the securitization move being the political elite. Contrast can be made with Ghana where politicization of LGBTI groups is occurring, but unlike Uganda and Ghana's neighbor Nigeria, full securitization is not seen.

As with Nigeria, Ghana's political and religious leaders have constructed LGBTI identity as un-Africa, a Western import heralding a form of cultural colonialism. When Nana Oye Lithur was promoted to a Minister in the Ghanaian government and stated that LGBTI rights were human rights, only one MP in the Parliament supported her. Lithur immediately came under pressure and took the position that whilst she would not promote legalization of homosexuality, she would defend the human rights, and the dignity of LGBTI groups (Lithur, 2013). Somewhat surprisingly the group considered most likely to support LGBTI human rights, the young educated elite are as strongly opposed to LGBTI rights in Ghana as the mainstream population. Francis Kokutse (2013) described student's reaction to the nomination of Lithur as overwhelmingly negative. 'The government's nomination of Lithur prompted the National Union of Ghana Students (NUGS) to turn against it, with a threat to demonstrate if parliament approved her appointment. In a statement the students warned, 'that should her appointment be approved by the parliamentary committee, the union would have no other option than to unleash the full force of Ghanaian students on to the streets, such as not even the gates of hell can contain'. The NUGS argued that their *'societal values and norms are stronger than any constitutional clause'*, and that at all times it was necessary to take great pains to enrich and strengthen Ghana's 'cultural heritage'. The students cited 'cultural values, societal norms, religious beliefs and customary laws' in defense of their argument. (Kokutse, 2013). This is in marked contrast to the experience in the West; 'Gay Rights' campaigns in the 1970's and onwards were organized by Student Unions that provided the intellectual argument and political lobbying to demand equality of treatment within society. This difference is very marked; Student Unions in the West in the 1970's were left of centre and secular unlike those in SSA states such as Ghana. Social conservatism in SSA states is the

majority population position including that of students, and any politician challenging it will meet with serious societal wide opposition. Consensual homosexual acts in Ghana are prosecuted under *Penal Code Section 104* and persons are liable to imprisonment of between five to twenty five years (Itaborahy, 2011).

The response to Lithur mirrors that of Sylvia Tamale (2003) of Uganda's Makerere University who had publically defended the human rights of LGBTI groups by urging the proposed Equal Opportunities Commission (EOC), address the rights of homosexuals as members of the category of marginalised social groups in Uganda. The few voices in support of Tamale's position were drowned out by 'deafening homophobic outcries' through a combination of media channels including radio, television, newspapers and the web. Tamale stated that she endured the most virulent verbal attacks, including calls for both her lynching and crucifixion. The other position that critics or indeed supporters took, was an assumption that Tamale's support for the rights of homosexuals meant that money was going to pour in from gay and lesbian organisations in the EU and the USA; implicitly stated as early as 2003 was the supposition that the campaign was driven from the West (Tamale, 2003). In the case of Uganda the opposition to Tamale is part of a securitization process that cannot countenance opposition to the policies seen as essential in the fight against the existential threat of LGBTI identity to the Ugandan state. In Ghana it is more nuanced, in that the threats are real, but are of a more political nature. LGBTI identity is not acceptable, but not posited as an existential threat and thus it is a politicization, rather than a securitization process that has dominated the societal response to LGBTI identity.

The outcome in Ghana for LGBTI groups as a consequence of this politicization of identity and the subsequent political attacks is nevertheless harsh; the negative climate of popular opinion fuels discrimination and violence and a lack of protection for LGBTI Ghanaian citizens. In 2013 a number of well-documented incidents occurred. In Jamestown, a neighbourhood in Accra, a case in which a group of LGBT people were severely beaten by a mob took place; police took no action because of political influence. Additionally, there are very high incidents of blackmail and extortion against LGBTI groups; often the police are involved in the extortion. In the neighbourhood of Lapaz in Accra a mob violently attacked known gay people. In Sunyani in the Brong

Ahafo region of Ghana a gay man was murdered, the family embarrassed because their son was gay ended the investigation by the police (Kweku, 2014). An interview I recorded for this research with LGBTI groups in Accra, Ghana in 2013 describes the experience of the violence, the subsequent impact on their wellbeing, the fear and humiliation and significant harm to their lives. Hillary I interviewed in Accra, Ghana in 2013 describes an attack on him and his friends in his community that became a political issue as human rights groups intervened in an attempt to aid the group, the reaction from politicians and faith leaders demonstrates the politicization of LGBTI groups in Ghana.

*(Edited) recently, recently we had an attack here. There was a group of, a mob of guys in this community, they pushed us away from the community, they were having cut glasses, canes, sticks, they were beating us, and they, yes, they were ...Yes, yes. They would come to your house and anything if you're in your room, they will come and pull you out. And then if they pull you out then they will beat you mercilessly and they will, they do not like to see you in the community. ....took us to police headquarters and we lodged a complaint. We can't come back to our homes. So we went to FIDA-Ghan . We have to sleep there in their office, then we run from the community away just roaming without knowing where to go until the guys stopped the attack. The religious leaders in Ghana we should be cured, that we are evil, yes. Religious leaders, the big, big pastors here in Ghana came out to say that we are evil, we should be arrested, we should be put in a big room so that they could bend us and they should sack all of us from Ghana. Yes. They said they should sack us even if in the forest, they should sack us, they shouldn't let us live the, like we shouldn't be in society, we should ... [Hillary. Interview Accra Ghana. 16/03/2013].*

There is a direct correlation between the speech acts nuanced as hate-speech from political and religious groups and the rising level of violence against LGBTI groups. Although the government is not identifying LGBTI identity as an existential threat to

the state, no protection is in place institutionally that would provide support for LGBTI groups, as the politicization of LGBTI identity has cast it as unacceptable within Ghana's Society.

Political support for change in Ghana is significantly held back by the political strength of a combination of religious groups, conservative cultural values and opportunist politicians using anti-gay rhetoric to bolster political support.

President Mahama, visiting Kennesaw State University was asked by Andrew Solomon (Gillooly, 2014) a gay American lobbyist who helped promote Mahama's memoir, *My First Coup d'État*, in 2010, whether he supported gay rights in Ghana, specifically gay marriage? Mahama replied:

*'Well, like you're saying, even here the question is not settled' (referring to how some states in the U.S. allow gay marriage and some do not). 'It's controversial, and it's the same, it's controversial everywhere else, especially in Africa. It's a difficult situation, but I guess it's something that – – it's very difficult to comment on, because often it creates more problems. People have a certain cultural hostility towards it, but I believe that laws must prevail. For instance, people must not be beaten or killed because of their sexual orientation, but in my country there is a strong cultural hostility towards it'.*

Mahama laughed when asked if he would support gay marriage in Ghana in the future (Gillooly, 2013).

Mahama himself was at one point attacked in Ghana because of his professional link with Solomon. Mahama, despite sympathy for LGBTI human rights is politically paralyzed by the hostility in Ghana towards any suggestion of new legislation to remove discrimination within the Ghanaian constitution. The President is not willing to risk his leadership by expending political capital in taking a prominent advocacy role within Ghanaian society to promote the arguments for improvements to LGBTI human rights, despite the evidence globally that such action delivers results. However his more liberal views has meant that LGBTI groups faced politicization in Ghana rather

than securitization as has been an outcome in Uganda and other SSA states such as Nigeria.

Deborah Anker (2012) in a review of Asylum Law pertaining to LGBTI protection raises the issue of recognition of the "endogenous" or emotional and psychological harm LGBTI persons suffer when forced to suppress their sexual orientation, balanced against the "exogenous" or physical harm that is likely to occur if LGBTI persons reveal their sexual identity. For Ghanaian as for other SSA LGBTI groups the choice between living a life of concealment, with the pretence of being heterosexual, as against being 'out & gay', and subjected to violence, ridicule, being ostracized, thrown out of a job and home will almost always mean the concealment of sexual identity. This leads to fear of exposure, possibility of blackmail and reinforces the negative stereotypes that cause psychological harm to the individuals (Anker et al, 2011:534-536). I interviewed Elichem for the purposes of this research in Accra, Ghana in March 2013 who described the experience of being outside normalized society and the views of his friends about gay people, unaware that he is gay:-

*(Edited) They totally condemn people, who are gay, call them all sorts of names. You know, over time topics of such nature have come up and we're just having general discussions and then they saying ... And it's interesting I keep asking them given your younger brother is to come over to you, to tell you he is gay, are you telling me that you do what you are saying to them, as in they should be killed, they should be arrested, they should be this, pretty bad things. So are you trying to tell me you look at your younger brother straight in the eye and you tell them what you are telling me now?*  
[Elichem. Interview Accra Ghana. 16/03/2013].

The weekly sermons of Pastors in Ghana's churches often include a warning about the 'sins and abomination' of homosexuals. This was commented in one of the interviews in Acre in 2013; Frederick stated that one of the most undermining and depressing environments was the Church on a Sunday when the Pastor was attacking, what was for him his identity. It left him feeling degraded and less of a person.

(Edited) *Religion sometimes I just want to forget about religion because religion is seriously, it can even get you sick. I got to a time that I have serious psychological problems because of my religion. Because this is who I wanted to be but religion was saying otherwise. I was with the church. And this is the issue. So it was like, I was always being reminded that I'm a bad person, I'm involved in an act that is so bad and involved in something that is so despicable, look what life says.* [Frederick. Interview Accra Ghana. 16/03/2013].

Social commentators such as Jonathan Cooper (2013) have asked why the Anglican Church, which has a prominent position in SSA countries like Ghana has done so little to intervene to stop the hate speech in Christian churches and challenge legislation. 'Why has it not intervened within the family of the Anglican Church to challenge, as it has done in the past in the UK, the very existence of laws criminalizing homosexuality that undermine human dignity. This is a key aspect of human rights protection and, ironically, in part, a legacy of the Anglican Communion's development' (Copper, 2014). This lack of leadership on behalf of the wider Anglican Church mirrors the passivity of President Mahama; both parties paralyzed by fear of popular opposition to any policies that will improve the life for LGBTI groups in countries such as Ghana. The Ghanaian Church and the Political establishment have been party to the politicization of LGBTI identity within Ghana, a liberal president held in check by deeply conservative politicians, fearful in any case of the reaction from the a societal, conservative church that could swing the results at election time. The current Archbishop of Canterbury is on record as stating that any support for LGBTI groups in SSA, becomes immediately conflated with Gay Marriage and the fear amongst the Christian and non-Christian populations of being forced into homosexuality may put Anglicans at risk of anti-gay attacks (Doughty, 2014). The evidence that informs this view has not been verified, and as a reason for stepping away from the controversy with the Anglican Church has been viewed as intellectually indefensible.

The leadership of the Anglican Church on this matter can be contrasted with the experience of LGBTI persons on the ground in other SSA states. Their human rights have further deteriorated since new legislation supported by SSA regional Anglican

leaders has been passed to increase their marginalization and punish LGBTI groups. An example is the experience of Kelly Mukwano, reported by Mike Pflanz (2014).

*Mukwano's landlord kicked him out of his Ugandan home with 24 hours notice, leaving him nowhere to go. The reason: Mr. Mukwano is gay, and lives in Uganda. Mukwano's landlord, whom the new legislation would allow authorities to prosecute, if he knows that his tenant is gay and did not report him, was afraid of gangs or police harassing him or entering his property and damaging it because his tenant was gay. Mukwano stated 'He said he had no choice, he knew I was a homosexual and he could go to prison for hosting me. He said I am no longer welcome in the area, people knew I was gay and they could come and kill me at any time. When I left, people were staring, whispering. I did not realize the danger I was in' (Pflanz2, 2014).*

This position contrasts with the policy decisions of the USA where the enshrinement of equal rights for homosexuals into US foreign policy activities has drawn ire from SSA nations, with one senior figure saying the notion is 'abhorrent' across the continent. As early as 2011 President Obama had instructed officials across government to "ensure that US diplomacy and foreign assistance promote and protect the human rights of lesbian, gay, and transgender persons" around the world. The USA has said it would provide enhanced legal, moral, and financial support for gay rights. Obama dismissed objections to this policy decision from SSA political and religious leaders and threatened sanctions (Pflanz, 2011).

The measures of tolerance and acceptance of LGBTI identity and political involvement around the globe, demonstrates that SSA states engaged in the securitization or politicization of LGBTI groups are in opposition as to how many states see minority groups. Tolerance towards LGBTI groups has increased in all Western countries and is increasing slowly in others, although almost all African, Middle Eastern and some Asian states resist improvements. Tolerance towards LGBTI groups has seen the biggest increases in the measures of attitudes towards any group of people who are different in recent years in the progressive states (Berggren, 2013:179). One of the questions raised in the many debates on the issue of homosexuality in SSA has been about how



significant the influence of Western LGBTI identity has been on the continent. Why did the recent challenges around LGBTI identity develop, and how did the identity of individuals or groups emerge to demand recognition and rights? One argument is that as programs to fight HIV/AIDS funded by Western NGO's took shape, it afforded the opportunity to set up a network of affiliated associations with the explicit objective of working together on human rights and on the prevention of HIV and AIDS among sexual minorities (Awondo, 2010:316). This together with a more general human rights discourse allowed for the creation and configuration of new groups of SSA LGBTI activists. They themselves then developed an LGBTI human rights discourse and promoted demands for equality within SSA states. The polemic that describes the growth of an LGBTI human rights discourse as Western, not Africa is false. The advance of LGBTI rights in the West may have influenced the discourse, but the initial and contemporary activism is SSA not Western. An interesting comparison can be made with the growth of political homophobia in SSA states, where the history of conservative religious activism has a lineage that can be traced directly to the investment in SSA religious and political institutions by USA Christian evangelical groups. This is clear evidence for imported Western intervention, but of intolerance rather than support for LGBTI groups. Hand in hand with the increased criminalization of LGBTI identity is the attack on any organizations involved in advocacy work for LGBTI groups. Legislation looking similar to Margaret Thatcher's infamous section 28 (Doran, 2013) which banned the promotion of homosexuality in UK schools has been introduced. SSA legislation goes further in banning, and criminalizing any person, groups or organizations 'promoting' homosexuality as first politicization and then securitization of LGBTI groups emerges. Sajnani (2013) narrates the concern commentators and human rights defenders have with these proposals, the fear that these laws are spreading in SSA. The likely future for these laws is more and wider ranging anti-LGBTI law in SSA states. These laws will not only target same-sex acts, but also increasingly the rights of advocates, activists, and citizens to speak freely about basic facts of human sexual behavior. (Sajnani, 2013:188). These laws are building on and also influencing proposals as far away from SSA as Russia. There is an important link between both the SSA and the Russian experience in that evangelical political actors such as Scott Lively are prominent in advocating for both the development of criminal law in Russia and SSA states. These laws will further dehumanize the identity of LGBTI groups within the wider population, their impact much greater than simply

disapproval of homosexuality. They remove the question of LGBTI human rights from the body politic, from the mainstream of human intellectual discourse, the human rights of a group considered 'other' a identity that is not accepted in the human family, a taboo subject. This will if not checked, increase the politicization of LGBTI groups leading in some instances, as in Uganda, LGBTI identity itself to be seen as an existential threat to the state causing securitization moves to cause significant harm to those groups.

END

The securitization of LGBTI groups and the social construction of fear within Ugandan society

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This Chapter considers the role of media channels in the social construction of fear within Ugandan society. The chapter sources secondary data from media channels and primary data from interviews with LGBTI individuals in Uganda. For the purposes of research for this thesis, interviews took place in Kampala, Uganda in November 2013. The interviews contribute a component of the research for this chapter; the secondary sources are in the form of newspapers and social media derived from sources located on Newspaper web sites and social media platforms. The Newspaper sites are owned by the highest circulation papers in Uganda and extend the readership to the rapidly growing online access that many Ugandans achieve either through smart-phones or PC's. They are *New Vision*, *The Daily Monitor*, *The Weekly Observer*, *Red Pepper* and *Rolling Stone*, the readership and characteristics of the journalism are discussed later. Other non-Ugandan sites include *The New York Times*, *The Guardian* and *the Pink Paper* amongst others. The Social Media sites include Twitter, Facebook and a series of Social Justice sites owned by NGO's such as Amnesty International, Human Rights Watch and international organizations such as the UNHRC. There are also smaller but internationally recognized organizations or individual academics/journalists involved in advocacy or research into the situation of LGBTI human rights; these are found on sites such as *The Advocate*, *New Internationalist*, *International lesbian, gay, bisexual, trans and intersex association (ILGA)*, *Human Dignity Trust*, *Kaleidoscope*, *SMUG*, *Gay Kenya Trust (GKT)* and *Publiceye* amongst others.

Technology in SSA as in the rest of the world is revolutionizing the distribution of news and the interaction of people through the Internet and wireless based media platforms. Fackson Brander (2009), in *African Media and the Digital Public Sphere* argues that the value of new media in Africa lies in the fact that of it being a rapidly changing and complex set of interactions between new technology and established media forms. These technologies should be seen as existing on a continuum that allows us to contextualize new media in terms of the old questions posed of old media;

such as universal access, regulation and content. The value of new media thus lies in the extent to which they enmesh with old media to provide multimedia platforms that allow for greater democratic participation, inclusion, and expression (Mudhai, 2009:2). The use made of media platforms, be they traditional print, radio or TV, or new media, blogs, social media platforms such as Twitter, or Facebook, and the interconnection of that technology to seamlessly transmit ideas across a range of communities, can determine identity formation through shared cultural priorities. It is the very interconnected nature of media platforms that can give strength to speech acts not seen in previous generations, through print, voice, images transmitted in forms of propaganda that in the past would have been difficult to even envisage. The very notion of what is a speech act has evolved from the original concepts created by the 'Copenhagen School'. The 'Welsh School', as discussed in this chapter considers that all possible forms of communication must be privileged within the securitization processes.

The media sources for secondary data where those found to be most prominent in the debate around LGBTI human rights in Uganda, these were newspapers, and social media platforms such as Twitter and Facebook. Only 6% of Ugandans own a TV set, the state controlled radio programs reach 60% of the population, but more local FM stations which concentrate on local issues numbered over 200 and are widely distributed as 89% of Ugandan households own a radio set (AMB, 2010:32). Radio as discussed later in the chapter takes its news content from national papers, which means their reach in terms of content impacting societal views on important issues, is great than their circulation figures would suggest.

The purpose of the interviews, and the use of secondary sources was primarily to problemise questions relating to the construction of identities, and the influence of institutional norms found within and outside Ugandan society in determining contemporary Ugandan African norms. In problemising the social construction of identities and the meaning given to them, the chapter considers the agency that LGBTI groups have in influencing societal acceptance of their identity in Uganda where the construction of fear through media supported political campaigns has led to the securitization of LGBTI groups within Uganda.

As a consequence of the rejection of LGBTI identity, there are no de jure protections for LGBTI groups in Uganda; homosexuality is illegal. The state and its security forces persecute, not protect the LGBTI community. There is no hate crime legislation focusing on homosexuality, nor are homosexuals allowed to serve openly in the security forces (Dicklitch, 2012:456). Arfi (1998) has argued that when groups are faced with challenges to social identities, this can cause ethnic fear and violence. This is demonstrated in the experience of LGBTI groups seeking change within a conservative society such as Uganda, in that they can potentially face a violent political reaction that is often dangerous (Arfi 1998:152). The significant change to the normative values that are a core component of social identities within SSA societies would be required to meet the objectives of LGBTI human rights as experienced in Western states. These are in line with the obligations of states towards sexual minorities as documented in the published report of the nineteenth session of the Human Rights Commission (UNHRC) of the United Nations General Assembly (UNGA). An output of this session, the Annual report of the United Nations High Commissioner for Human Rights (UNHRHR) is a series of obligations, presented within the context of universality, equality and non-discrimination;

- *To protect the right to life, liberty and security of persons irrespective of sexual orientation or gender identity*
- *To prevent torture and other cruel, inhuman or degrading treatment on grounds of sexual orientation or gender identity*
- *To protect the right to privacy and against arbitrary detention on the basis of sexual orientation or gender identity*
- *To protect individuals from discrimination on grounds of sexual orientation and gender identity.*
- *To protect the right to freedom of expression, association and assembly in a non-discriminatory manner (A/HRC/19/41, 2011:5).*

These human rights obligations are in conflict with the position of most SSA communities, where LGBTI human rights would be seen as an exception rather than a desired state. In developing norms that regularize the situation of LGBTI groups, SSA states, communities, and institutional actors such as religious bodies are often supported by a range of actors including USA evangelicals, the USA State Department

or the UNHRC amongst others. Each type of actor either attempting to maintain contemporary value systems, or amend them to meet a set of human rights criteria that facilitates the identity of LGBTI groups. I hypothesize that it is conservative Christian, Islamic and African communal cultural identity, found within ethnic groups in SSA society that are the drivers behind the opposition to the identity of LGBTI groups within the reconstruction of SSA identity formation. Further that it would be possible as an outcome of the interaction between institutional actors and states within the international system to privilege human rights over other cultural drivers to improve the situation of LGBTI groups in Uganda and other SSA states. Mainly USA Evangelical groups, amongst a range of conservative actors within the international system have had a profound impact on an identity formation in Uganda which rejected LGBTI human rights and identity from the 1990's onwards. These evangelical groups such as the World Mission, discussed in Chapters 3 & 4 have promoted together with political allies in Uganda such as David Bahati, State Minister of Finance in Ugandan Government (2015), the contention that LGBTI identity was a threat to the normative values of Ugandan and SSA societies, and this has led to the securitization of LGBTI groups. The research within this chapter outlines how these speech acts have evolved and the principle actors concerned have securitized LGBTI groups.

According to Alexander Wendt's (1999) work on Constructivism and identity, securitization actors identities are not given, but are developed and sustained or transformed through interaction. It is the inter-subjective nature of meaning that influences behavior, forming inter-subjective structures that are constituted through collective meanings, with actors acquiring identities by participating in these collective meanings. Identities as a consequence are significant because they provide the basis for interests, interests, in turn, develop and in the process define situations (Guzzini and Leander, 2006:95). In Uganda the creation of the *Kill the Gays Bill* (Kretz, 2013) or the critical reaction of the international system to the proposals was a consequence of just such a process. Ugandan state and international actors used channels of communication, principally independent media to promote these interests through a variety of forms and alliances to either maintain cultural norms or challenge the status-quo, or influence developments that emerge as a consequence of the debate taking place.

Modern media channels described earlier found in an array of forms from TV, Radio, Newspapers, Magazines, Social Media, video based sites such as Youtube and blogs on the Internet have revolutionized the way inter-subjective meanings are constructed. Professor Ralph A. Ainfeyele of University of Lagos (2005), in *Sexuality in the Media*, argues that media is both recognised as having a powerful role in the dissemination of information to populations, in the moulding of public information and as a socialization agent (SRSRC, 2006:4). The media whilst having an impact on society also can be influenced by norm entrepreneurs and activists to reflect the arguments and cultural values, social media and print provide the platforms through which the language of identity is diffused and given meaning by differing actors within states that define their social reality. It is this language that gives meaning to the identities and self interest of the state or groups within the state; actors promote a particular discourse that is central to the construction of social identity, and the wider set of interests that the state will determine as vital to its interests, and values. The role of media is key within the battleground of this discourse, this is not dialectics, rather competing ideologies of identity seeking prominence in order to change or defeat the transformation of prevailing societal norms. Strydom (1999), building on the Critical Theory work of Habermas, talks of a politics of inter-subjectivity that connects the 'extended other', the public, through modern forms of communication (O'Tuama, 2009:121). This is where New Media channels continue to erode spatial remoteness; the communication becomes a collective event through these platforms, allowing norm entrepreneurs, minorities and stakeholders to participate in the production of knowledge and the inter-subjective meaning derived from it. The production of knowledge can lead to a speech act with the added power of instantaneous communication through new media platforms to link interested communities and individuals or pull in addition support for the inter-subjective meaning and its impact on societal norms that emerge from the Speech Act. A securitization move is again aided enormously by new media platforms, with the state able to galvanize support and action often led by, or agitated for, by norm entrepreneurs. Snow and Bentford (1998) have described how the social construction of '*collective action frames*' allows actors to synthesize and focus their position or argument in a way that garners support and undermines antagonists (O'Tuama, 2009:123). New Media platforms through the power of technology like Twitter can bring in large numbers of supporters, communicate political inter-subjective meaning and challenge those seeking to

prevent the norm entrepreneur from creating a societal change through a speech act, in a process that is both powerful and immediate.

A role of media is the provision of relevant information and education, or knowledge. In the absence of such information and education, debate is likely to be based on opinion rather than fact, prejudice rather than knowledge. Much newly mediated content in Africa leaves a lot to be desired with some of the content being doubtful or false. In many cases, such information is not knowledge, rather information mixed within a contextual experience, leading to dystopian usage (Mudhai, 2009:10). This privileges cultural norms that support positions that are developed by norm entrepreneurs delivering speech acts, to attack groups based on prejudices inherent in the identities of communities with poor outcomes for LGBTI groups.

The use of media has been both an advantage to LGBTI groups particularly for engaging international support, but also a threat. In SSA, anti-LGBTI stories have galvanized hostile public opinion to demand SSA governments introduce harsh measures. Whilst much of the negative communication is in country, its sponsors have often been found externally, within the evangelical USA churches that actively oppose LGBTI rights. The response to these increased attacks on LGBTI groups is a combination of the global liberal community and SSA activists who use social media to develop campaigns and communicate events on the ground. An example of this trans-national networking was an on-line campaign by Change.Org (2014) who protested against the appointment of Uganda's Sam Kutesa for the UN General Assembly Presidency. It was feared his leading role in the *Kill The Gays* Ugandan Bill made him unfit for the role. It has not stopped his appointment, but has the effect of keeping public scrutiny on the appointment and pressurising for a more moderate public position by highlighting across social media his interactions within the general media and performance at the UN. The ability to very easily set-up campaigns highlighting injustice and then distributing the newsflash or petition through social media makes for very effective campaigning (C.org, 2014). SSA countries have a very unregulated media (similar to the USA) that is able to print stories with lurid headlines that would not be allowed in most



Western states even in comparison to tabloids such as the UK's *The Sun*, which has certainly been a template for some of the most offensive tabloid reporting in SSA.

Ethnicity is the state of belonging to a particular social group, according to Farnen (2004), the group shares a set of racial or cultural characteristics and can also be associated with forms of nationality such as identifying with a particular nation state or continental area (Farnen, 2004:47). For the purposes of this thesis, ethnicity for SSA societies is an African identity coupled with nationalism, expressed through what Gellner (1983) describes as cultural and linguistic homogeneity (Epstein, 2006:iv). This presupposes a shared set of normative behaviors that can be firstly identified as SSA and has a relationship with more national or communal inter-subjectively constituted identity. LGBTI groups have been disaffirmed within Ugandan society, they are not considered authentically African, they are in opposition to prevailing cultural values and their self-interests are defined as being harmful to society. Political and institutional leaders, unlike the recent history of the West have sort to increase the negative perception of the population towards LGBTI groups often using media channels to express their displeasure. This propaganda, often seen as speech acts from a wide range of political and societal actors in Uganda fits with V.P Gagnon's (1996) paradigm of leaders creating hostility towards other groups within society for self-serving political reasons. They create a particular culturally authentic ethnicity or cultural personality as characterizing the only politically allowed relevant identity. A securitization act establishes or strengthens 'the community' through the identification of an enemy, leading to the paradoxical situation that the construction of a community is underpinned by the suppression of that which is said to threaten it. The other, *in this case LGBTI identity* poses an existential threat to the self, *the Ugandan state*. A continuous highlighting of threat, and the inability to suppress the danger *to the Ugandan state* underpins the apparatus of state as critical *to the Ugandan states' survival*. The elimination of a threat, *LGBTI identity*, secures the collective survival of a socio-political order, *Ugandan identity*. (Munster, 2005:5). Gagon further highlights the importance of the management of information in this enterprise (Gagnon, 1996:137).

The Political and institutional actors who are political and religious leaders across Ugandan society have enjoyed important support from both mainstream media and

the general population. This has included journalists and cultural commentators who have used social media to help reinforce the identity of conservative African societal norms within the Ugandan state in response to pressure from international actors to modify their position on LGBTI human rights.

### The Social Construction of Fear

Ugandan political actors and institutions I argue, have used both traditional media such as Newspapers, TV and Radio together with new social media to maintain or harden the social identities that these actors consider as constituting the desired state of what it means to be ethnically or culturally African and Ugandan. For this thesis data was gathered on the general attitudes expressed in the main Ugandan News Papers and on-line social media platforms, such as Twitter and Facebook sites towards LGBTI groups. An analysis of articles reporting on LGBTI groups was carried out by examining all archived data on newspaper or tabloids websites that mentioned LGBTI groups in their copy. Fig 1 illustrates the overwhelming negative editorial line that all these papers took (87%), articles in papers such as *Red Pepper* and *Rolling Stone* (closed) being notorious in the form of reporting. Despite *Rolling Stone* and *Red Pepper's* lower circulation, there articles and front pages as discussed later in the chapter were in reality far more damaging at a community level for LGBTI groups than for example those in the *Daily Monitor*, which were of a more professional form and aimed at opinion makers. I approached this piece of research by the use of key terms, LGBTI, homosexuality, gays, gay bill etc. Using a narrative context analysis which privileges context and the particularity of the prose, I was able to determine if the newspaper report was positive, negative or neutral. Smith (2000), emphasizes the importance of the narrators perspective and context, what happened and a particular stand-point on the event informed by the journalist in this case, identity and cultural norms (Mano, 2014:245). The context of the narrative for the journalists is inter-subjectively constructed from their worldview and the constraints of the political and cultural environment they reside in. The predominance of negative articles from these 'broadsheets' reflects both the cultural norms and the emerging securitization of LGBTI groups as hostility towards their rights become a significant existential threat with the presentation of the *Kill the gays Bill* in 2009 as a securitization move.

Cicila Strand (2012), in a study of the media reaction to the 2009 Bill in Uganda, proposes an approach to understand print media views on LGBTI identity an approach that looks at discursive discrimination, developed by C Boreus (2006) in *Discursive discrimination - A Typology, European Journal of Social Theory* as a methodology to analyse print media attitudes to LGBTI groups (Strand 2012: 570). The analysis I have used focuses on:

- 1) Negative labels, negative descriptions, and negative associations.
- 2) Normalization of existing unfavourable treatment.
- 3) Discriminatory objectification - individuals are discussed as if they are nonpersons and lack feelings, needs and wishes

Discursive discrimination towards LGBTI groups in news print articles in main Ugandan newspapers

Site	Negative	Neutral	Positive	Period	News Paper Sites
<i>New Vision</i>	85	3	1	10-2014	<a href="http://www.newvision.co.ug/finalsearch.aspx?q=gay">http://www.newvision.co.ug/finalsearch.aspx?q=gay</a>
<i>Daily Monitor</i>	124	2	16	12-2014	<a href="http://www.monitor.co.ug/page/search/DailyMonitor/-/691150/691150/-/view/asSearch/-/tfo3hfz/-/index.html">http://www.monitor.co.ug/page/search/DailyMonitor/-/691150/691150/-/view/asSearch/-/tfo3hfz/-/index.html</a>
<i>The Weekly Observer</i>	67	3	13	10-2014	<a href="http://www.observer.ug/index.php?option=com_googlesearch_cse&amp;n=30&amp;Itemid=84&amp;cx=partner-pub-1435360256358138%3A2179452041&amp;cof=FORID%3A11&amp;ie=ISO-8859-1&amp;q=gay&amp;hl=en&amp;safe=active&amp;cr=countryUG">http://www.observer.ug/index.php?option=com_googlesearch_cse&amp;n=30&amp;Itemid=84&amp;cx=partner-pub-1435360256358138%3A2179452041&amp;cof=FORID%3A11&amp;ie=ISO-8859-1&amp;q=gay&amp;hl=en&amp;safe=active&amp;cr=countryUG</a>
<i>Red Pepper</i>	32		5	10-2014	<a href="http://www.redpepper.co.ug/?x=0&amp;y=0&amp;s=gay">http://www.redpepper.co.ug/?x=0&amp;y=0&amp;s=gay</a> Reduced archives due to government partial closedown of tabloid 2013
Totals	308	8	30		

Fig 1 Source: Ugandan Newspaper sites 2014

The analysis was focused on the main Ugandan 'Broadsheet' newspapers, which are *New Vision* and the *Daily Monitor* together with a number of Tabloids such as *Red Pepper* and the former Ugandan *Rolling Stone*. The circulation of newspapers within

Uganda is not huge, with the largest reaching circa 33,000 per day, however the reach and influence is much greater with newspapers being shared (up to 300,000 readership) and all having on-line portals that extend readership significantly. Literacy levels are reasonably high at 66% especially in urban areas and within these numbers the important norm entrepreneurs will be located, as will community and religious leaders who further propagate this subject matter as part of the message they transmit from their societal platforms. A BBC study in 2012 concluded that News Paper content has a preeminent role in the socialization of opinion and news, as they set the agenda for national conversations. Radio, that 60% of Ugandan's listen to daily for news and current affairs use Newspapers as a primary source for news and cultural opinion pieces; using these dailies to fill their news and current affairs content (Kavuma, 2012:6). The role of both serious and tabloid papers is therefore significant in that they set the news agenda for the conversations within the communities and broader Ugandan society. Ugandan *Newspapers* impact government and general political and cultural positions, they take strongly conservative positions in the debate on Ugandan society, with a conservative religious position on matters of morality. Further, as to the question of LGBTI rights, the Tabloids sensationalize and attack individuals within the LGBTI community; particularly activists undermining both the organizations and putting the activists within harms way. The unverified claims are for a one million on-line readership (Mugisha, 2013/AMI, 2009:23). Freedom House (2014) claims 16% of Ugandan's have access to the internet, but very importantly, 17m Ugandans have access to the web through mobile devices, one of the highest proportional rates in Africa, this means 14m Ugandan's have access to the news portals that all Ugandan News Papers have and are increasingly becoming a more important part of their business model (Freedom House, 2014:1). Mobile devices have Newspaper Apps and social media platforms such as Twitter and Facebook readily available, providing access to news and current affairs and the dissemination of articles campaigns or opinions at the touch of a button. This secures for Ugandan a powerful community of traditional media, radio and social media platforms, highly networked and interconnected, all socially conservative and as this research will report on, hostile to LGBTI rights. Accurate newspaper circulation numbers are difficult to obtain, however in 2010; *New Vision* had 28% (31,000), *Daily Monitor* took 22% (23,000) and *Red Pepper* (19,000) 18% of the newspaper circulation in Uganda (AMI, 2009:23/AMB, 2010:33). This demonstrates that a small number of newspapers dominate the

production of news that feeds into both media platforms and radio, the main source of news and cultural opinion for the Ugandan population. Further *Newspapers* are creating media empires by buying and establishing radio stations. *New Vision* branded as Vision media has bought up some of the largest radio stations in the country including that serving Kampala, this gives newspaper groups a growing monopoly on news content distribution through newsprint, news-sites, mobile apps, radio, and social media (AMB, 2010:37). I will correlate for this research the themes about LGBTI rights, individuals and organizations that emerge from story lines in Ugandan newspapers. *New Vision*, *The Daily Monitor* and *Weekly Observer* are the principle sources for the more traditional style of journalism as opposed to the tabloid titles. The papers themselves have a conservative cultural and political position, and this is in line with the most important societal actors such as the government, politicians and leading clergy. The advantage to these actors is they have been able to support an editorial line that posits Ugandan citizens within a framework of conservative social identity and values that are privileged within the Ugandan state and all are expected to support. LGBTI identity precluded them from what Terry Nardin (1998) has defined as 'routinized' social practices, these caused Ugandan political actors and institutions to fear they faced a risk of normative change and a transformation to the orderliness that their social identity gave to social interactions, particularly when viewed within the context of pressure from the international system for change (Arif, 1998:159). Stritzel (2007), argues that it is the situation, *in this case the threat of LGBTI identity*, that allows these actors to have an impact on social relations beyond what they might ordinarily enjoy, the threat embeds the actors (politicians) within a broader societal and linguistic context, the speech act affords the actor, *threatened by the emergence of LGBTI identity, power within the broader society, to maintain its social relationships and norms* (Stritzel, 2007:367).

Rachael Borlase (2011), in researching Ugandan journalists attitudes to reporting on homosexuality found that they were predominantly religious and considered homosexuality a sin, thought it was a Western imperialist construct, or because they are, unlike Western journalists, deeply imbedded within local communities cognoscente of not taking a line in direct conflict with cultural taboos (Borlase, 2011:21). The result was that they either tended to avoid the stories or to report negatively, in many cases defending the anti-homosexuality bill. Speech acts attacking

LGBTI identity or ridiculing and sexualizing LGBTI activists became a prominent feature of a range of media outlets, particularly newspapers, social media and radio-phone in shows. This chapter will evidence material to support my hypothesis that the role of media platforms in securitizing LGBTI groups was instrumental in ensuring the government securitization move gained public support.

*New Vision* has the largest general daily circulation in Uganda at circa 32,000 copies mainly sold in the urban centers, and a readership of 300,000 (Bigeye, 2015/ABG, 2011). It is partially government owned (53%) and takes a pro-government editorial position that is primarily religiously conservative and dismisses LGBTI claims to a social identity within Ugandan society. *New Vision* has consistently supported government policy which seeks to criminalize LGBTI identity, the over whelming number of articles being mainly negative, these and government policy are discussed later in the chapter. *New Vision* is similar to Broadsheet journalism as found in the United Kingdom such as the Times Daily Mail, in contrast to the Tabloid newspaper status of *Red Pepper* and *Rolling Stone* which use sensationalist journalism as seen in the Daily Star or Sun tabloids. As a more traditional paper as opposed to the Tabloid press, *New Vision* is read by and is an opinion former amongst the Ugandan political class. It is therefore important to the evolution of societal norms and the construction of paradigms of social identity that define the modern Ugandan state within the norms of the international system.

Articles attacking LGBTI human rights began appearing in *New Vision* as early as 2004, concurrent with the rise of LGBTI activist networks being built in country with support from international NGO's. The LGBTI networks, influenced, I hypothesize by contact with increasingly globalised notions of human rights, began internal and international campaigns for rights to be given to LGBTI groups; this was in opposition to conservative cultural and religious norms for Ugandan society. The actors within the Ugandan political system who wished to resist the emergence of LGBTI rights sought to use the media to promote a social identity within Ugandan society that corresponded to their normative position. Geoffrey Walakira (2004), Minister for Affirmative Action, wrote an article attacking support for LGBTI groups in Uganda. This article identified Dr. Sylvia Tamale a Ugandan feminist lawyer and academic based in Kampala. Tamale had been elected as the first female Dean of Law at Makerere University in 2004 and

had publicly come out in support of LGBTI human rights. Tamale threatened the very agency of conservative political actors in Uganda and was subsequently attacked by fellow academics and the students union at the university for taking such a position. Walakira a leading member of the Ugandan government said:

*'I would like to protest in the strongest possible terms, Dr. Sylvia Tamale's so called concern for the gay as a marginalised group in Uganda'. Rejecting the notion that groups within society can achieve a cooperative social identity through respect for mutual welfare and an identity of mutuality. He went on to say, 'It is no secret that the West and their puppets are doing all they can to train little children to be gays so as to have a following'. He attacked Tamale, 'Let's be serious Tamale, should we first start fighting for the rights of those who prefer to mount dogs, sheep and hens as their wives? After all, it is their right to preference. (Walakira, 2004).*

This Speech Act was the expression of an 'aggressive social identity' that was in opposition to LGBTI identity; social identity, gained in this case by hostility towards LGBTI rights, constitutes and defines the agent(s) of a securitization process (Arif, 1998:162). The political class represented by Walakira, created a paradigm of practice in which he retained a high intergroup commitment through the Speech Act, this defined LGBTI groups and their supporters as constantly threatening the social identity of the Ugandan state and its cultural norms. Walakira was in concert with the policy of the Ugandan government, the views of almost all of the political elite either in government or opposition and the religious establishment irrespective of its particular religion. Tamale later went on to write a constitutional assessment of the 2009 'Anti-gays Bill', this was a well-received and respected body of work by the international human right community but was in opposition to the cultural norms that dominate Ugandan society, her views were isolated and ignored in Uganda on this subject (Vos du, 2010).

LGBTI Ugandan's are impacted personally by these attacks, Isaac a young gay Ugandan male I interviewed spoke about his identity within the context of Ugandan cultural values. In this short extract interview, he address his future expectation of the societal

behaviors he will face, this is a consequence of the social construction of fear within Ugandan society, originating in the dissemination of opinions such as that of Walakira, using such media as news channels to express opposition to the identity of LGBTI groups.

*'Like I said culture has expectations in every human being. So that's one of the reasons why I haven't come out to anyone that I'm actually this. Because I know the culture would be against me. And I know that peers, people I live in the community, what they talk about and what they go through, how they are abandoned from their homes, how they've been stigmatized from every other place, how people have been chased from their work. So I know what to expect, I can predict something in case I came out as a gay man (Isaac. interview Kampala Uganda. 19/11/2013).*

Marc Epprecht (2013) in his work, *Sexuality and social justice in Africa*, makes the argument supporting the difficulty Tamale faced in academic circles, and Issac in self-identifying as LGBTI at work, he states that it has not been a wise career move for African scholars or others to support or identify as LGBTI, the 'kiss of death' to career aspirations (Epprecht, 2013:44).

Opposition within the Ugandan political and institutional system, towards the role of international actors in the construction of a polity that supported LGBTI human rights was strongly expressed using mainstream newspapers. The Chairman of the Uganda Land Commission, J.S. Mayanja-Nkangi (2007) wrote in *New Vision (edited)*

*'Uganda is experiencing an internationally orchestrated crescendo of demands for rights by the homosexual fraternity: male, lesbian, bisexual, transgender and transvestite. Essentially, these rights reduce to only one; the absolute, non-negotiable, right to enjoy sexual pleasure man with man, woman with woman. Thus this alleged right is pure sexual hedonism, or the relentless pursuit of sexual pleasure for its own sake.'* (Mayanja-Nkangi, 2007).



This Speech Act was very comprehensive, a mixture of religious and communal displeasure with a hint of genocide attached. Mayanja-Nkangi was a senior member of the Ugandan civil society; he had served as the Katikiro of Buganda Kingdom, Minister of Finance and Economic Planning, Attorney General and Minister of Justice and Constitutional Affairs. As such he was an influential political actor, the interview in *New Vision* reinforced the rejection of LGBTI identity within Ugandan society. Mayanja-Nkangi contributed to a rejection of a more progressive evolution of the norms that underpin Ugandan identity choosing to support the status quo in a dialogue that was guaranteed to inflame opinion and create an increasing climate of fear.

Support for LGBTI human rights during the 1990's was growing within the Commonwealth, at least the Western states and this had met opposition within Uganda and the majority of non-Western Commonwealth states. Lydia Namubiru (2007) writes in *New Vision* that the Ugandan Ethics Minister, James Nsaba Buturo has dismissed the recommendations of the Commonwealth People's Forum on gay and lesbian rights. Buturo's statement is to Commonwealth heads of states and governments (CHOGM); the inter-government forum had called on the Commonwealth to include issues concerning minority rights, such as the rights of the gay people. Buturo said 'the recommendations would not be adopted'. He accused the organisers of the forum, of sinister intentions, 'homosexuality has no room in this country'. Namubiru added that, 'the homosexual issue was very contentious, many Ugandans were not happy that it was included' (Namubiru, 2007). This was an early indication that Uganda was to oppose the countries that wished to see an improvement to LGBTI human rights within the international system. This type of Speech Act from Uganda's political elites created the conditions for securitization; the notion that groups such as LGBTI were outside mainstream society, a danger to Ugandan identity, setting in motion a dynamic that created a threat dominated perspective within the Ugandan political discourse. This reinforced a societal wide opposition to the emergence of LGBTI identity as a part of Ugandan normative cultural values.

Political elites through speech acts in SSA impact on social identities, in the case of conservative SSA states such as Uganda they reinforce traditional positions in the construction or evolution of group identities or interests. Constructivists argue that it

is the mutual construction of agents and social structures that explains why identities persist in the forms they do or how they might be transformed. Further social practice determines both the continuation and evolution of identity (Arif, 1998:174). From the early 1990's as demands for LGBTI rights emerged, the practice of political elites, including the Ugandan President himself declared a clear objection to LGBTI rights. This was seen as instrumental in gaining popular support for political elites. The rhetoric included a mixture of homophobia, xenophobia and accusations of a new colonialism. This was a theme that would be repeated over and over again in the coming years. As discussed in Chapter 4 of this thesis in detail, it was during the 1990's that USA evangelical groups that had links with the political and religious establishment and were supporting financially and through preaching in Uganda, a hostile anti-LGBTI position. The speech acts used the argument that homosexuality was a Western imported cultural value, that attacked the very meanings that informed Ugandan identity. Scott Lively based in the USA, belonging to the Abiding Truth Ministries (ATM) worked with these religious and political leaders in Uganda through such speech acts that created an 'anti-gay hysteria' warning 'that gay people would sodomize African children, and corrupt their culture'. This promotion of a Ugandan identity that culturally and thus socially rejected LGBTI rights led its legislature to promote the infamous *Kill the Gays Bill* in 2009. This was proposed by one of Lively's Ugandan contacts and would have imposed the death sentence for the 'offense of homosexuality' (Goodstein, 2012). Lively followed this up with meetings with Ugandan Christian Lawyers, the Ugandan Minister for Ethics and others offering his anti-homosexual seminars, which he subsequently preached to large groups of Ugandans. He described the international 'gay' movement as devoting a lot of resources to transform the moral culture from a marriage-based one, to one that embraced sexual anarchy (Lively, 2009).

The speech acts were made over the decade by a range of Uganda's political élites', including the president. *New Vision* reporters Milton Olupot and Daniel Edyegu (2008), reported on a story in which Museveni the Ugandan President, 'supported the church against gays'. The journalists write (edited);

*President Yoweri Museveni has praised Anglican bishops for resisting homosexuality. 'I salute the Archbishop and bishops of Africa for resisting*

*disorientation and a decadent culture, which he said was being passed by Western nations'. Describing homosexuality as 'Mtumbavu' (Swahili for stupid), the President went on to say: 'don't fear, resist, and do not compromise on that. It is a danger not only to the believers, but also to the whole of Africa'. (Olupot and Edyegu, 2008).*

Museveni's attack on LGBTI groups followed the coalition of political actors and religious institutions who had lined up against LGBTI human rights organizations and the international human rights NGO's. Isaac a member of the LGBTI community and working for a local NGO whom I interviewed in Kampala, Uganda in 2013, described the importance of religious organizations in the formation of societal structures and how little agency there was available to LGBTI groups in Uganda.

*'Well, originally like at the start I told you about culture, culture norms, people expect this and people are so tied to the Bible, the culture, the religion, to the ancestors. So they think actually being gay is a vice, it's evil. Yeah, at some angle I think I agree that it has, that the African culture has a lot to do with the stigma and all that and what people are doing. Because like how Africa is, Africa predominantly relies on the culture and the values that they need to preserve' (Isaac. interview Kampala Uganda. 19/11/2013).*

Isaac linked clearly in his mind the importance of religion to societal norms; at the centre of which are notions of what constitutes an African identity, this in turn is linked to a specific set of cultural values and interests that are informed by religion. Although many SSA countries have separation between church and state in their constitutions, the enormous influence of religious establishments as agents acting on societal structures through politics and governance has maintained conservative values, and it is these values by which the identity of LGBTI groups is judged.

During 2008 an article appeared in *New Vision* on the issue of LGBTI human rights written by Myers Lugemwa, a medical practitioner in Uganda. The article was headlined 'Canterbury should not tolerate 'gayism''. Lugemwa went on to write

*'I believe that I can comment on his lordships stance on 'gayism' and homosexuality because these two vices have existed since the days of Sodom and Gomorrah, albeit their being practiced incognito in normal societies. Thus, I will, therefore, comment as a medical doctor, religious and presumably sober human being' (Lugemwa, 2008).*

Lugemwa holds an important position as the Head of the Malaria Medical Control program in the Ugandan Ministry of Health, he contributed to continuing negative propaganda that was and is prevalent in Ugandan society towards LGBTI identity. Doctors hold an important position in Ugandan society, they are listened to and the speech act given a platform by *New Vision* had an impact on public opinion. This was particularly so as his profession is overwhelmingly hostile, and his views built on a prevailing societal position. The intervention of medical professionals in the debate supporting discrimination added to the construction of a climate of fear for LGBTI groups, but it also had consequences beyond the building of a securitization move within Ugandan society. Medical services are essential in combating HIV, and providing support services for the mental health issues that LGBTI individuals develop as a consequence of their isolation within Ugandan society. Hostility within the medical profession towards LGBTI groups discourages those individuals in need of intervention receiving it, which in some cases can result in death. Transsexuals will be faced with discrimination on a number of fronts in the provision of services, both in gender identity and health services. Derek a Trans-man I interviewed in Uganda for this research, described the problems faced in having a Trans-identity in Uganda who was using services provided by Icebreakers, a local Ugandan NGO providing HIV services (edited):-

*'I'm Derek. I'm 20. I'm a trans man. Like because in this clinic here of Icebreakers, it's, they know it's an LGBTI clinic. So when you go there they ask you. But if you go to the other clinics, like public clinics even though you tell them that you are trans, they won't, they start asking you questions. At the end of the day you leave that clinic without getting help'.*

*'They're just saying let's pray for you, that's bad, evil, that's bad. They will start like they will start judging you, they will start asking you how, where*

*do you trans from it, who teach you'* (Derek Interview Kampala, Uganda, 21/11/2013).

Many others took advantage of the process of constructing a belligerent social identity for LGBTI groups. Ugandan Politicians, often part of the historical opposition to Museveni, who had been outside the political system for a period used game plans that involved speech acts that attacked LGBTI groups in order to achieve political favor with conservative actors and the general populace. One such former critic of the Ugandan President, supported Museveni's anti-gay speech acts that were constructing the securitization of LGBTI groups within Ugandan society. In August 2009, a presidential candidate, David Nyekorach Matsanga, a former member of and spokesman for LRA leader Joseph Koni (Kiwawulo, 2009), wrote in *New Vision* that he praised President Yoweri Museveni for opening up political space and nurturing democracy. Despite Matsanga having been in exile in Britain for 23 years and having witnessed a climate of improving LGBTI rights in the UK; he announced that

*'What I admire about President Museveni's leadership, like being against gay and lesbian beliefs'* (Mukasa, 2009).

Matsanga demonstrated that across the Ugandan political landscape, the single topic that unified all political actors with ambitions for high-office was a rejection of human rights for LGBTI groups. The political class shared conservative identity-norms, and these informed the debates on LGBTI human rights that were also instrumental in supporting self-interest and ambition. An important condition for the diffusion of international norms into the domestic space is that elite learning is necessary if the international norms are to be empowered domestically (Checkel, 2009:89). However the environment is more likely to be conducive to this event if the new normative behavior occurs in a neutral political setting. Ugandan actors such as politicians and religious institutions have created a domestic environment for debating LGBTI human rights that is highly toxic, consisting of a series of speech acts that are fed from below by conservative communal values and from the top by politicians. A large part of Ugandan political society is hostile to LGBTI identity and sees instrumental benefit in opposing these rights leading to the securitization of the LGBTI community. In September 2015, The *Guardian* media site published a letter from Frank Mugisha

Executive Director, Sexual Minorities Uganda (SMUG). The article concerned the Parliamentary Bill, due to be debated that would ban NGOs in Uganda, advocating for LGBT rights (Mugisha, 2015). This Bill is part of the securitization move in Uganda that would undermine international support, local advocacy and criminalise any activity that could be construed as support for LGBTI identity or rights. Further, organisations such as Icebreakers Uganda, that provide HIV services to LGBTI groups would be under threat of closure and accused of being engaged in criminal activity. SMUG, an internationally recognised advocacy group for example, involved in legal action against organisations that attack LGBTI groups would be closed. The Bill if made into law would have far reaching consequences for LGBTI groups and would close all channels of support from local or international NGOs that advocate for LGBTI rights in Uganda. This represents an element of the security move of the state that threatens the very survival of an LGBTI identity in Uganda.

The importance of religious organizations, both locally in Uganda and their international supporters is covered in a number of chapters within this research. The role of religious organizations in Uganda is pivotal to the securitization of LGBTI groups. Religious organizations provide the theological and cultural rationale for the dislocation of LGBTI groups within the normative values of the Ugandan state. Religious organizations after 2008 began to organize against LGBTI human rights activism in Uganda, by publicly taking a stand against LGBTI human rights. They have made full use of all media channels but particularly news and social media platforms. Musoke, Kagolo and Ssemakula (2010) in a *New Vision* article titled 'African bishops maintain anti-gay stand', quote Archbishop Henry Luke Orombi addressing journalists. Orombi stated:-

*'The Church of Uganda and the Anglican Church in Africa believes in the traditional way of marriage in Uganda, homosexuality is against our culture'. 'We are happy that Archbishop Rowan Williams (of Canterbury) is here. We will explain to him our stand on homosexuality and engage him'* (Musoke, Kagolo & Ssemakula, 2010).

This confrontation with the more liberal branch of the Anglican Church was possible because the Ugandan churches who had been dependent on the Western Anglican

Church for investment, had become confident enough to take an independent SSA position on LGBTI human rights as a consequence of other sources of income becoming available. The threat of the loss of financial support by mainstream Anglicans was more than compensated by the funds available to Churches, Schools and politicians who followed the theological position of the very rich USA evangelical institutions. Arif (1998) has described how changes in social identities can destabilize established patterns of relationships, in this case of inter-communal groups. The desire for human rights recognition by LGBTI groups faced important political actors such as religious institutions who used a conservative religious platform to attack LGBTI human rights. These conservative religious groups saw their interests challenged; they promoted the importance of stable heterosexual marriage and strict rules concerning gender and sexuality. To reinforce the attacks on LGBTI groups, facilitated through financial support from US evangelical groups, they required as described by Arif (1998), in *Political entrepreneurs and ethnic activist* (Arif, 1998:176). This brought together a set of actors, political entrepreneurs and ethnic activists, who used political institutions, and importantly media channels and platforms to institute or construct a wave of fear towards LGBTI groups. I argue that this body of hostile conservative religious actors, funded by USA evangelicals began a securitization movement directed against LGBTI identity, this gained consensus within Ugandan society and laid the foundation for later securitization moves.

The Copenhagen school argues that the rhetorical structure of a securitizing act is a consequence of the political actors and how they frame the speech act and its intention. According to the Copenhagen school (Weaver et al, 1993), the structure of the securitizing act needs to contain three components: (a) existential threats to the survival of some kind of referent object *in this case the identity of the Ugandan state and its community* which (b) require exceptional measures to protect the threatened referent object - *the criminalisation of the identity of the LGBTI community and any activities that support or argue for the legitimacy of that identity*, which (c) justify and legitimises the breaking free of normal democratic procedures *such as banning NGOs providing services to LGBTI groups, seeking the death penalty and other harsh measures, criminalizing any landlord housing LGBTI individuals, mandatory reporting of LGBTI individuals despite them not engaging in criminal acts*. The Ugandan state through a number of securitising acts elevated the question of LGBTI identity from the

realm of low politics (bounded by democratic rules and decision-making procedures) to the realm of high politics (characterised by urgency, priority and a matter of life and death) (Munster, 2005:2). Central to the conditions that were required for this security move to take place were the speech acts from a large number of actors, political, religious, professional and communal who using the news channels and social media platforms and channels were able to create the environment for the security move of the Ugandan state. It is the role of the media as the speech act channel that will be discussed and deconstructed in this section of the research for this thesis.

#### Media and the destabilization of LGBTI social identities

The press during the early part of the decade had recognized the hostile political reaction to demands for LGBTI human rights demanded by political activists who supported LGBTI identities. The construction of a paradigm, which would promote a Ugandan identity as heterosexual, conservative and religious was reinforced across society. The political class had agency to protect what it saw as its cultural African heritage, underpinned by observance of a religious doctrine that defined the acceptable set of social relationships. These rules preserved the dominant identities privileged within all Ugandan groups, rejecting the demands for LGBTI rights. The response from a modernizing society was unprecedented, David Bahati MP, a political entrepreneur had introduced his *Kill the Gays Bill* to Parliament that caused great concern within Ugandan LGBTI groups and the international political and rights community, including the USA state department, the UK Foreign Office the EU Foreign Affairs Council, the Commonwealth Secretary-General and a series of NGOs such as Amnesty International and Human Rights Watch. The journalists, Mary Karugaba and Catherine Bekunda (2009), introduced the Bill in detail to their readers in a *New Vision* article:-

*'A person commits aggravated homosexuality when the victim is a person with disability or below the age of 18, or when the offender is HIV-positive. The bill carries the death sentence. The Bill, entitled the Anti-Homosexuality Bill 2009, also states that anyone who commits the offence of homosexuality will be liable to life imprisonment. The same applies to anybody who aids, abets, counsels or procures another to engage in acts of homosexuality or anybody who keeps a house or room for the purpose of*



*homosexuality. The Bill also proposes stiff sentences for people promoting homosexuality. Where the offender is a business or NGO, its certificate of registration will be cancelled and the director will be liable to seven years in prison. Bahati said the legislation is intended to complement the provisions of the Constitution and the Penal Code Act' (Karugaba & Bekunda, 2009).*

Karugaba and Bekunda did not criticise the Bill, the death penalty or the more general attack on liberty. This was a Bill welcomed by the vast majority of Ugandan's irrespective of class, education, gender or religion. The Press never questioned the issue of a 'gay genocide, the exceptionalism of only executing LGBTI HIV positive persons, not HIV positive heterosexuals, the removal of the right to free speech and assembly for a class of person defined by their identity in the emerging normative position of the state as now residing outside the cultural framework of the Ugandan community. In *Racism, Ethnicity and the Media in Africa: Mediating Conflict in the Twenty-First Century* edited by Winston Mano (2014), argues that the indifference of the media to the implications of the Bill was a consequence of the historical prejudice against LGBTI groups, the media owners themselves intervening and the audiences negative perception of LGBTI identity, this prevented balanced reporting (Mano, 2014:241). The wider Ugandan population now understood the Bill, and support for it was extensive. The Pew Research Centre, a nonpartisan USA 'fact tank' who research global opinion on attitudes, conducted research in Uganda on attitudes to homosexuality. The most recent research found that 93% of Ugandan's found homosexuality morally unacceptable, which gave the government the public support for the securitization move (Pew2015). Newspapers media platforms contained commentary sections for the public to have their view, the *Daily Monitor* for example had filled its media news section with reporting on reaction to Bill, and the public responded particularly with reference to Uganda protecting its own cultural and social values from pressure from outside interference, particularly that of Western governments (Mano, 2014:253). Public opinion was reinforced, not challenged by the speech acts of important political, religious and cultural actors communicated through newsprint and media, including social media platforms. The media reported on Bahati's securitization speech acts, and on the *Kill the Gays Bill* positively, this is

evidenced throughout this chapter. The 2009 Bill constituted the construction of fear within Ugandan society, a product of multilateral agencies across Ugandan society, principally political actors, religious institutions and the media to reconstruct the social identities of Ugandan's from an prejudiced but indifferent or quiet disapproval of LGBTI groups, to one which supported the execution of LGBTI persons through the mechanism of the law created through the Ugandan states securitization move.

The Press continued to report on LGBTI groups and this was seen as a concern within Ugandan society as it was reported across all media platforms extensively. Moses Mulondo (2009) reported in the *New Vision* daily newspaper:

*'eight more men yesterday confessed involvement in homosexuality and gay activities, which they said they had abandoned. The men described homosexuality as abnormal and anti-Christian, and declared war against it'. Mulondo added that another former homosexual, Charles Asiimwe, said the 'practice had spread to government offices, churches, schools and hotels'. (Mulondo, 2009).*

The press built on the concerns of the public and identified 'victims' often very poor, who had conflicts with their own identity and fear that the community would disenfranchise them and thus readily denounced LGBTI groups. These compromised individuals would be offered support, often financial by religious groups to add to the rhetoric of fear that was key to undermining LGBTI identities.

As documented in Chapter 4, transnational religious actors such as the USA based Abiding Truth Ministries (ATM) were involved in the construction of a climate of fear within Ugandan society for LGBTI groups. These actors led by prominent evangelical Christians such as Scott Lively, who had campaigned against LGBTI human rights in the USA, had failed to win the political argument as more liberal legislation was introduced in the West. In response they had turned to the more fertile ground of SSA and argued that what they saw in the USA, would occur in SSA. These religious conservative evangelicals were committed to preserving the primacy of 'Old Testament' religious doctrine as a core component of the values that informed Ugandan identities (Goodstein, 2012). Within the wider Anglican Church the question of human rights for

LGBTI groups had become an important issue, the dialectics being played out within particularly Western churches was not that these human rights should be opposed, but rather they considered the particulars of the form, and how they fitted with modern interpretations of theology. This was not the case with SSA Churches, or US evangelical groups; they opposed human rights for LGBTI groups.

In 2009 the *New Vision* newspaper reported on the views of Scott Lively a USA evangelical Christian who led a campaign to vilify LGBTI groups in the USA and had started to focus on SSA as his political campaign was failing in the USA (Lively, 2009). The journalists considered because of his reputation, that Lively was an expert on homosexuality and supported his work in Uganda. *New Vision* (2009), asked the question in its article; 'Is money fuelling the gay war'? Uganda has become a major battleground on homosexuality, with both liberal and conservative parties receiving funding from Europe and the USA. *New Vision* journalists introduced Scott Lively as an expert on homosexuality for over 20 years, reporting his view

*'that the gay movement worldwide, was well organised with targets and strategies to achieve their goals'. He said 'one of the means used by the gay movement to perpetuate itself, is by sponsoring their organisations worldwide' (NewVision2, 2009).*

Within the *New Vision* article, Stephen Langa, the executive director of a religious conservative organization, Family Life Network Uganda, said:

*'the well-funded and organised homosexual machinery is taking one country after another by decriminalising homosexuality'. 'Uganda is under pressure from the gay movement to de-criminalise homosexuality' (NewVision2, 2009).*

This was an important article; it brought to the Ugandan readership the idea that the demand for LGBTI human rights and identity was part of an international conspiracy. I hypothesize that these political entrepreneurs through speech acts had begun to create the political myth that Uganda was amongst a number of countries under threat from LGBTI groups. That Christian organisations from inside Uganda and from the USA

would expose, defend against, and eliminate this threat to Ugandan identity. This was launched in March 2009 during a workshop in Kampala led by American evangelical Christians, Lively, Brundidge, and Schmierer who's focus was aimed on exposing 'the gay agenda' threatening Uganda's cultural identity centred on the family. They promoted the idea that 'the gay movement was an evil institution' whose goal is 'to defeat Uganda's marriage-based society and replace it with a 'culture of sexual promiscuity' (Gettleman, 2010). This meeting was the precursor to the David Bahati, Member of Parliament, Ndoorwa County, West Kabale, anti-homosexual bill (Bill No. 18, Anti-Homosexuality Bill, 2009);

*The object of this Bill is to establish a comprehensive consolidated legislation to protect the traditional family by prohibiting (i) any form of sexual relations between persons of the same sex; and (ii) the promotion or recognition of such sexual relations in public institutions and other places through or with the support of any Government entity in Uganda or any non governmental organization inside or outside the country. In the original bill the Ugandan legislation proposed a sentence of "imprisonment for life" for "the offence of homosexuality"; the proposed death sentence for "aggravated homosexuality"; and imprisonment for seven years for the "aiding and abating homosexuality." Id. pts. (II)(2)(2), (II)(2)(3), (III)(7) (Dicklitch et al, 2012:450).*

The emergence of a range of political actors with the agency to construct a new Ugandan identity was supported through such articles as evidenced within this chapter by the news press. I argue they saw their role much as the *Daily Mail* or *The Sun* in the UK do as voices for the defense of the culture, and values of the society. For a time the Ugandan state co-opted Lively and his organization which was welcomed across Uganda, whilst NGO's and international human rights agency's were narrated as a new form of cultural colonialism. The response of the public through the media was bordering on ultranationalist, as demands for the preservation of Ugandan cultural identities was made against imported liberal norms that undermined Ugandan and Africa cultural values. A survey on societal persecution completed by Steadman Associates found that 95 percent of Ugandans find homosexuality 'repugnant and absolutely unacceptable' to their culture (Dicklitch et al, 2012: 453) Ugandan social

identities became increasingly seen in juxtaposition to Western rights demands. LGBTI groups were identified as un-Ugandan, and actively participating in the machinations of international threats to Ugandan sovereignty.

The reporting by *New Vision* of the case of Human Rights Defender, pastor Robert Kayanja in 2010 demonstrated how difficult it was for those supporting LGBTI human rights, even respected members of the clergy. Human rights defenders who supported LGBTI rights came under significant pressure from groups who opposed their position, often dangerously so. Andante Okanya (2010) for *New Vision*, reported a witness in the Rubaga Miracle Centre criminal trespass case, he told a court that the Omega Healing Centre pastors, Robert Kayiira and Michael Kyazze bribed him to implicate a LGBTI Human Rights Defender, Pastor Robert Kayanja. Tumukunde, a shamba boy at Rubaga Cathedral, said 'someone told me that Kyazze had a profitable deal for me to unearth acts of sodomy against Kayanja, so I immediately accepted, the offer was too big to refuse' (Okanya, 2010). Political actors as a consequence of the conflation of Ugandan social identity, religious activism and the politic of communal leaders meant that there was agency to attack even senior clergy if they were considered as going over to the other side. LGBTI groups were not seen as part of the matrix of identities that constituted Ugandan social identity; it was therefore permissible to pay for evidence that was false, to undermine human rights defenders. *New Vision* was not critical of the event, the paying of money to the juvenile or the attack on Kayanja in its report.

The conservative evangelical organizations in Uganda have played a significant role in tandem with the Ugandan political classes in building the argument for completely disenfranchising LGBTI groups. Attacks on LGBTI groups are not restricted to Christian organizations, the Tabliq Youth, a sect of the Muslim religion, went one step further proposing an "anti-gay squad," that would 'seek out and expose homo-sexuality (McVeigh, 2009). However the most extreme religious-based attack on homosexuals originated with Pastor Martin Ssempe's Interfaith Rainbow Coalition Against Homosexuality (TIRCHU), of the Makerere Community Church. Ssempe and Pastor Male another leading cleric have presented speech acts on Ugandan TV demanding the death penalty for LGBTI groups as late as 2014 and arguing that it is foreign, Western

but mainly USA investment in homosexuality that is destabilising Uganda (Morning@NTV, 2014).

Constructivist Theory offers the explanation that it is the meanings that actors such as Museveni and Ssemu attribute to the identity of what is seen as authentically Ugandan, mediated through newspapers, TV, radio or social media. This constructs expectations about what the normative behavior of Ugandan identity is. This set of expectations about Ugandan identity disenfranchises LGBTI identity, and significantly through speech acts normalizes the association of those groups with criminal identity; the very fact of their identity constitutes a crime. Religious organizations, because of the almost complete religiosity of the population have considerable agency in Uganda to determine the societal rules that Ugandans must conform with, to be considered part of the Ugandan community. Ugandan social-identity like many other group or communal identities rejects any convention that does not meet specific cultural criteria. Any group that presupposes identity outside these norms is aggressively challenged within those communities. Religious groups constantly agitate to support the religious conservative values that they presuppose constitutes an authentic Ugandan and African identity. Fred Turyakira (2012) reported that the Ugandan Seventh-day Adventist (S.D.A) church commended President Yoweri Museveni, and Rebecca Kadaga, the Speaker of the Ugandan Parliament for their strong stand against homosexuality. Pastor Blaisious Ruguri, the Seventh - day Adventist Church president in East and Central Africa, said (edited):

*'the church supports the government in the fight against homosexuality and corruption. "Our stand is "zero tolerance" to this vice and to Western influence on this crucial issue because God says no to it. We are together with the President and the Speaker, and we fully support the Anti-Homosexuality Bill. I call upon all religious ministers, all Ugandans, and all Africans to say no to Homosexuality. Let us stand for our sovereignty as Ugandans and as God fearing people even the heavens fall' (Turyakira, 2012).*

This speech act conflating corruption and homosexuality and vice was communicated to the Uganda's church populations within Sunday Church services throughout

Uganda. A recurring theme from the LGBTI Ugandans interviewed for this research is that they are devoutly religious and attend church. They described in the interviews that during services they are exposed to a torrent of indirect abuse, their identity is described in the most disparaging fashion and it causes them great harm through the psychological alienation they experience. Peter, whom I interviewed for this research in Kampala, Uganda in 2013, a Rwandan, living in Uganda after being forced to leave his family described his religious calling and the abuse and consequent fear he had experienced (edited):-

*I was reading a paper, a newspaper, there was an article for Father Anthony. And he says here he does counselling for LGBTI people. Then I had to call him immediately and he invited me to the parish where he was serving. He said Peter, you know, you can stay in that house with the other people that I'm helping because you're going through a terrible situation. I have that calling in me of being a church minister and I started working with him, you know, preaching, praying over people as you know the church services and I became active in the church. I think about of my properties, which was taken away, the family is hunting me until now because of the, the, the image of the family because that's what my mother is telling me. You know, my mother .....like you damage the whole image of our family in the public, you know. Now I think it should not come close to us or maybe, maybe you should die because it's, you are nonsense, you are nothing like that, you are a waste because you tarnish the image of the family (Peter, Interview Kampala, Uganda, 19/11/2013).*

Many LGBTI individuals described the depression they experience, the feelings of little self-worth and isolation following such services. The communities within the churches support the line taken against LGBTI groups and further subject LGBTI groups to an everyday rhetoric of hatred and dismissal of their identity. Appendix 1, Fig 2 is atypical of the type of comments that follow a newspaper article attacking LGBTI human rights in Uganda, often religious in tone, essentially questioning the right to life of LGBTI groups, certainly their identity as Africans and Ugandans. Occasionally support will be given for the rights of LGBTI groups but this is in frequent and immediately attacked by other commentators within the blog.

2014 was an important year for LGBTI groups in Uganda; *New Vision* (2014) reported that President Yoweri Museveni had signed the Anti-homosexuality Bill into law. Museveni said during the public signing of the Bill into law at State House Entebbe (edited):

*'Homosexuals are nurtured but not natured. No study has shown that one can be a homosexual purely by nature'. The President said 'there are mercenaries recruiting young people into gay activities to get money. That is why those mercenaries must be punished and those recruiting them'. 'Homosexuals are actually mercenaries. They are heterosexual people but because of money they say they are homosexuals. These are prostitutes because of money,' he said. "No study has shown you can be homosexual by nature,' he said. 'After listening to the scientists, I got the facts. "Can somebody be homosexual simply by nature? The answer is no'. Museveni said homosexuality in Uganda has been "provoked by the arrogant and careless Western groups that are coming in our schools and recruiting homosexuals into homosexuality and lesbianism" (NewVision, 2014).*

This was a very damaging speech for LGBTI groups from the President of Uganda, whose role was to protect all citizens and uphold the laws and values of the state including those it was obliged to follow through treaty obligations within the international system. He had asked Ugandan medical professionals to pronounce on whether homosexuality was nature or nurture; referencing a very short paper, produced in a very short period of time without peer review and an absence of research material, he pronounced LGBTI identity was not a consequence of genetics. The Bill was to be signed, supported by a rhetoric of abuse, humiliation and negativity towards the Ugandan LGBTI community. The language even by the recent standards of African politicians on the subject was extremely hostile towards LGBTI groups. It certainly had support, in a decade of constant harassment, ridicule and exposure of LGBTI groups; the landscape of public opinion had been well prepared. In Uganda 93% of its population reject LGBTI identity as reported by Pew Research, this translated into near unanimous support for the new Bill (Pew2015). As evidenced in Fig 3 (Appendix 1), *New Vision* readers joined in the chorus of applause for the president in the



comment section of the newspaper's media platform, their views supported arguments as to why LGBTI groups are outside the mainstream of humanity, Leviticus was a common theme (Appendix 1, Fig 3). The hostility of Ugandan society, its politicians, religious leaders, and media means that liberal international institutions such as the UNHRC, the EU or the USA state department face significant obstacles in their attempts to secure the acceptance of international norms. These liberal institutions seek to challenge Ugandan normative values that are manifest in the unchallenged discrimination towards LGBTI by Ugandan societal institutions. The Political class in Uganda project conservative values that give meaning to Ugandan identity. The use of news media, social media and institutional platforms is used to reject the agency of international organisations to influence the creation of liberal norms. Speech acts are perpetrated to construct an identity of rejection through the privileging of a set of conservative cultural meanings within the normative behaviours they seek to build, that define contemporary Ugandan identity. This Ugandan identity is increasingly at odds with much of the rest of the developed world.

#### The role of Ugandan tabloids (newspapers) in deconstructing LGBTI identities

Uganda has a mixture of traditional papers and tabloids, the principle tabloids were *Red Pepper* and the now closed *Rolling Stone*. Social Media has an important role in Ugandan society, it is wide spread, particularly Facebook, Twitter and other applications that are becoming more popular as Ugandans acquire smart phones and Mobile Internet is wide spread. Social Media, Newspapers and News hubs are highly integrated in the dissemination of news, opinion and comment.

The conduct of tabloid newspapers such as *Red Pepper* has very much followed the format and sensationalism of those found in the UK and Europe. However in Uganda the tabloids often go much further in producing more salacious headlines than would be allowed in the UK. Fig 1 shows the contrast between the mainstream *Daily Monitor* and *Red Pepper*. The *Daily Monitor* describes the 'Joy for Ugandan's' with the signing of the anti-gay law in a reasonably responsible manner, whilst *Red Pepper's* headline is sensationalist, homophobic, and salacious with actual pictures of LGBTI individuals. This exposure puts LGBTI groups in danger from violently homophobic communities and family members. Peter one of the people I interviewed in Kampala, has in the past

has been named, and his picture shown both in *Rolling Stone* and *Red Pepper* (Fig 1a/ Fig 7). Peter spoke of his experience as a result of being 'outed' in an interview for this research (edited):

*I feel unsafe. Because of too much stigma, like I'm in a situation whereby I don't know what will happen the next minute. Because we don't like, people when they hear about gay that if somebody mentions it that is a gay, you're already in trouble. My house was taken away, when people know that you are gay they may even refuse to sell things to you. You see people running from you like that. That's what hurts me. (Peter, Interview Kampala, Uganda, 19/11/2013*

Peter's experience and fear of mob violence is supported by research from Human Rights First (2012), they reported on a gay male refugee (same status as Peter from Rwanda) as having been locked in his home and a mob attempting to burn him alive (HRF, 2012:7)

Within the Ugandan media sphere, outright homophobic sentiments are predominantly found in the tabloid *Red Pepper*. *Red Pepper* and other tabloids have regularly 'outed' individuals believed to be homosexual, by publicizing names and pictures or through sufficient other information for the individuals to be easily identified in their community. The papers also urge the public to assist their campaigns by submitting the names of suspected homosexuals (Strand, 2012:568). This identification of LGBTI individuals such as Peter are put at risk from their own community together with the NGO's supporting LGBTI groups, who have and will be attacked by mobs if identified.

This use of Facebook is an important tool for gathering support to oppose the media analysis, both locally and internationally, it allows LGBTI groups to quickly let supporters/friends know what is happening and obtain help. This approach is taking place across SSA where groups under threat by government or isolated within communities will use social media platforms to communicate strategies and network with both in-country and international supporters. Mayo (2012) describes this phenomenon of the use of the Internet to develop digital spaces for public

communication, information and dissemination to allow groups to by-pass misrepresentation and censorship (Mudhi, 2009:59. Some of the important Facebook groups in Uganda are SMUG, Icebrakers, SOGIAH, Pride Uganda, Freedom & Roam Uganda. These groups are networked internationally as well as locally and this gives them a powerful agency in supporting and defending LGBTI groups.

The dominant paradigm for Ugandan identity is one that is heterosexual, includes marriage and is centered on the family and community. This identity is underpinned by cultural and religious values overwhelmingly conservative in form. Seventy-nine percent of Ugandans personally believe that homosexual behavior is morally unacceptable, or morally wrong (Dicklitch, 2012:462). The actors with the agency in the state to promote a hostile anti-LGBTI position, principally media, politicians and clergy both reacted to Western liberal thinking about LGBTI human rights across the international system. The benefit of promoting a particular position on identity and repurposing it to advantage, to promote political candidacy, newspaper circulation/web hits, or cultural-religious theological obedience was self-serving. By the very act of privileging one cultural identity, in this case a conservative African paradigm over what was characterized as a Western importation of alien values; the identity of LGBTI groups was suppressed within a constructed climate of fear.

Herman Wasserman (2011), writes in *Popular Media, Democracy and Development in Africa* that critics have denounced tabloid newspapers in Africa as employing cheap sensationalism that depoliticizes citizens, others however pointed to the way claim tabloids articulate the experience of the poor and the marginalized who seldom take centre stage in the mainstream press. Tabloid papers such as the *Red Pepper* in Uganda have enjoyed tremendous popularity in the past decade amongst the poor and working-class. However these tabloids have been lambasted for their sensational content, homophobia and xenophobia, accused of diverting readers' attention from important news with stories about sex and gossip, and providing entertainment instead of information (Wasserman, 2011:2). The Ugandan tabloid *Red Pepper* founded in 2001 with a daily circulation of 30,000 is sensationalist in its depiction of LGBTI news stories. *Red Pepper* as part of an on-going anti-gay campaign since 2006 had released the pictures of what it described as 'Uganda's top 200 homos named', together with a number of other stories on the President of Uganda warning about

oral sex and a pastor sodomising a boy in late 2013. *Red Pepper* began to lead with articles about LGBTI groups in 2006, actually naming Ugandan Gay Men, exposing them to potential mob violence in their communities (BBC, 2006). Later in 2010 it had a front page accusing a ‘Gay Monster’ of raping school boys, it also showed the person, also identified as an Asylum seeker’s face both on the cover and internally. Jim Burroway (2010), a human rights analyst, editor of the Box Turtle human rights site, who also writes for the USA Huffington researched ‘gay-baiting’ in the Ugandan tabloids. Burroway argued in his article for Box Turtle; ‘This week, we have this *Rolling Stone*’s clarion call to hunt down and lynch LGBT people, in precisely the kind of vigilantism that has been Red Pepper’s trademark. It’s not a stretch to see *Rolling Stone*’s effort as a direct challenge to Red Pepper, to demonstrate which tabloid can be the most sensationalistic and the most homophobic. (Burroway, 2010). The writers of the articles in *Rolling Stone* and *Red Pepper* also took pictures of LGBTI persons from Facebook and Gay sites without permission, The result was that Ugandan LGBTI groups had to further increase security, thus engendering further their isolation from mainstream Ugandan life. *Rolling Stone* and *Red Pepper* were after the same target audience, the stories needed to become even more extreme as they went after increased circulation. The outcome was the creation of a climate of fear for LGBTI groups, constructed through attacks on their identity, the singling out of individuals was carried out in a particularly negative form. When the tabloids called for vigilantism as ‘the call to arms’ to ‘defend Uganda from the Gays’ these tabloids were in the mind of the public identifying LGBTI groups as outside of the Ugandan system of legal protection. McDonald (2008), recognizes that in looking at the securitization process the role of images or visual representations can be central to the construction of security generally or even securitization specifically (McDonald, 2008:569). The question of agency and the importance of contestation over meaning are not at doubt in the case of the images and copy produced in *Rolling Stone* and *Red Pepper*.

*Red Pepper* has been described as unethically publishing anti-gay stories by the USA based New Civil Rights Movement (NCRM, 2012), Human Rights Watch (HRW, 2006) and Amnesty International (AI, 2008). In 2012 *Red Pepper* (Appendix 1, Fig 16/17) published a front-page photo of a man described as Uganda’s top national football (in U.S., soccer) coach claiming he was “sodomising” another man, allegedly one of his football players. The New Civil Rights Movement (2012), an important USA human

rights actor, recipient of the 2014 GLAAD Media Award, with 2m unique readers per month, published an article arguing that the *Red Pepper* articles were intended to incite anger in Uganda and to pressure lawmakers to move forward with the 'Kill The Gays' Bill. The timing of the article was important as Uganda's President Museveni was at the time under pressure to move Law Makers forward with the 'Anti-Gay Bill', but at that time had been resisting because of long standing international pressure from the USA (Reuters, 2010), EU (EPEU, 2014) and UK (BBC,2011), France (Geen, 2009), Sweden (Saul, 2014) and Germany (Guardian, 2011)) many of whom threatened to cut multimillion dollar aid budgets. The campaign's intention has been admitted by *Red Pepper*. In an interview published in May 2009, the news editor of *Red Pepper*, Ben Byarabaha, vowed that the tabloid would continue its campaign against homosexuals by publishing their names, photographs and addresses (NCRM, 2012). *Red Pepper* has both preceded and followed *Rolling Stone* in publishing these stories and the signing of the antigay bill has now removed any constraints in its reporting. The media and political class were working as part of a causal conjunction, there followed repeated patterns of behavior in the type of disclosures. These disclosures constituted identity building that posited LGBTI groups as threatening the cohesion of Ugandan identity. Media and politicians with support from religious political actors were seen as defending a privileged version of normative values in Ugandan society, the meanings associated with these values was readily accepted by communities. These stories were part of a continuous stream of speech acts aimed at supporting the Speech Move, the Gay Bill that securitized LGBTI groups, amended and now supported by Museveni.

In 2010 a Ugandan court had forbidden *Rolling Stone* from continuing to publish photo's as it put individuals at risk (Kretz, 2013 :221). Human Rights Watch (2014), described the *Red Pepper* list of LGBTI persons as 'reading like a dossier of discrimination', the cover-story spans three interior pages complete with names, pictures, and other distinguishing information outing alleged homosexuals, including a popular hip-hop star and Catholic priest (Simone, 2014). These campaigns by *Red Pepper* put individuals at risk of murder, assault and as a consequence of the new anti-gay bill, arrest and imprisonment. The media in Uganda is at the forefront of the anti-LGBTI campaigns that have damaged the lives of LGBTI persons in Uganda. Anti-LGBTI stories were popular and the group was seen as a target that existed outside the norms of Ugandan society and thus anything that would increase circulation was

supported. It was more important than simply the printing of a harmful story, it supported a political line being taken by the principle actors in Ugandan society, it provided them with agency to not only delegitimize LGBTI groups but to pursue political goals. The media created a normative context for the construction of LGBTI identity within Ugandan society that created a category of negative identity, in opposition to the progressive extension of rights to other minorities that became normative behavior within Ugandan society. The published imagery, together with the performative role of the tabloids in this case created a speech act invocation for the securitization of LGBTI groups, legitimizing the actions of the government in bringing forward the Bill, the most significant securitization move. McDonald (2008) builds on the research about the role of images as potential forms of securitization, as introduced by Williams, Moller and Hansen. This is understood as a range of forms both performative and visual, about which meanings of security and threat can be communicated (*in this case the identity of LGBTI groups, constitutes a threat to the identity of the Ugandan state*), and are used to justify extraordinary measures to deal with the socially constructed threat (McDonald, 2008:569).

The default position within Ugandan society for political elites is that the interests of Ugandan society are not best served by extending rights to LGBTI groups. The dominant norms of Ugandan society have rejected an inclusive model for rights that included LGBTI groups. The media supported this paradigm; the position they reported was that Ugandan identity, and therefore society was indeed threatened by LGBTI identity. They argued that an acceptance of rights for these groups would change Ugandan society. Political actors frequently supported news stories reporting the anti-Gay Bill. These ranged from leading Parliamentarians, Government Ministers and Senior Clergy and Muslim leaders. To shore up the stories and make them popular, a mixture of lurid sexualised front-page headlines were combined with commentary pieces from political elites attacking the human rights of LGBTI groups. The message was LGBTI groups undermine the traditions and culture of African and Ugandan societies. Any intervention from important international actors was characterised as part of a Western plot, a new form of colonial oppression that would destroy cultural values central to Ugandan identity. Speech acts according to the Copenhagen school are the preserve of political and cultural elites, institutional voices identify an existential threat, and the response is a series of speech acts that create societal

conditions that would support a securitization move (Weaver, 1995:57). In Uganda I argue these are discourses originating with political elites, and cultural institutions such as Church and Mosque delivered through a range of media actors, all reject LGBTI identity and posit it as dangerous to the state. These groups share different motivations, some are driven by political advantage, others support conservative religious positions and others community based cultural norms; however despite these differences the outcome is a joint enterprise, the securitization of LGBTI groups. International actors certainly have different roles; USA evangelical churches have argued LGBTI identity is an existential threat whilst in opposition to this view other governments, NGO's and international organisations have demanded desecuritization measures. Ugandan political elites have posited USA evangelical groups as a positive influence on reinforcing Ugandan identity, whilst identifying foreign governments and NGO's as part of the existential threat, the plot is to destroy Ugandan identity. The media is instrumental in gaining its audiences support for the recognition of the threat (the speech act), the political elite is self-serving in that LGBTI securitization is meeting the approval of their communities, and the religious institutions central to those communities cultural identity. The securitization move is therefore fully supported across Ugandan society. Simon Dalby (2002) argues that 'the designation of that from which we need to be protected is crucial in telling us 'who we are, what we value and what we are prepared to countenance to protect our self-preferred identities' (McDonald, 2008:578). This is the motivation of the Ugandan state in the securitization of LGBTI groups, it rejects what it designates as a colonial cultural import that will destroy the conservative cultural basis of Ugandan identity, that which gives coherence and thus security to the state, it is the rejection of LGBTI identity that defines who Ugandans see themselves as.

The few media outlets that sought a more balanced discussion on the issue of LGBTI identity came under pressure. Capital Radio talk show host Gaetano Kaggwa, and WBS TV talk show host Peter Kibazo, were suspended for two weeks by the Ugandan Broadcasting Council (UBC) for LGBTI groups on their programs. Similarly, in November 2004, the radio station, *Radio Simba* was fined and forced to issue a public apology because it had violated public morality by airing a program that hosted homosexuals and discussed anti-gay discrimination, as well as issues related to the provision of HIV AIDS services for LGBTI groups (Strand, 2012:569). The punishment of *WBS Talk* and

*Radio Samba* for the very fact of engineering a debate on the issue of LGBTI identity is an extraordinary measure by the state; what security becomes is what Floyd (2007) describes as an inter-subjective construction, what ever the securitizing actor claims it to be. The inter-subjective construction has three steps towards securitization (1) identification of existential threats (*LGBTI identity threatens the state*), (2) emergency action (*remove the protection of the law, create hostile law*) and (3) Cease normative rules. (*Break-up LGBTI meetings, prosecute those presenting LGBTI identity other than negative*). The Ugandan government supported by cultural elites and media platforms presents LGBTI identity as an existential threat on the basis that 'If we do not tackle this problem, everything else will be irrelevant (because we will not be here or will not be free to deal with it in our own way)' (Floyd, 2007:329). Thus extraordinary measures from any state agency are employed, these are normalised within Ugandan society as the securitization of LGBTI groups is required if Ugandan society is to defeat the existential threat of LGBTI identity.

A range of international actors responded to the speech acts and securitization move played out on Ugandan news and social media channels.

These international news and social media networks are transnational advocacy networks and not only play a significant role in the process of norm generation but also seek to transform state behavior by monitoring compliance with international human rights standards, and through pressuring, shaming and condemning non-compliance with these standards (Schwarz, 2004:200). They include organizations like Amnesty International, HRW and blogs such as *Advocate*, *Thockmorton*, *Boxturtle* and *76Crimes.com*. Blogs have evolved into important repositories of opinion, often linked into major human rights and government organizations and communicated through Twitter and Facebook, as well as traditional news, TV and radio platforms. They are a product of an increasingly globalised network of news and opinion, with important international outcomes as they serve as hubs for advocacy groups with wide political networks that activists both feed and respond to. The goal of the advocacy networks is emancipation for LGBTI groups, and certainly fit with the paradigm suggested by Ken Booth (2007) in his view of the importance of the securing of people from 'those oppressions that would undermine their freedom of choose to do/be as they wish', compatible with the freedom of others and provide a practice of an 'anchorage for



knowledge' to dispute claims about authenticity and provide 'a practice or voice of resistance against oppression' (Browning, 2011:245).

*The Advocate* (2014), an important USA based social media platform considered the publishing of LGBTI names by Ugandan tabloids as extremely dangerous, Michelle Garcia (2014), *The Advocate's* Managing Editor, in a comment piece stated these "journalists" (*Red Pepper*) are completely fine with allowing people to be fired for no reason, mobbed for no reason, arrested for no reason, and even killed for no reason. Well, unless you think being gay is a reason to die (*Advocate*, 2014).

Rodney I interviewed in Kampala, Uganda described his fear of the community he lived in:

*I'll be honest, I'm afraid at times because of the community we live in. At times people see you and they, and it's obvious you're gay so it's, yeah, I'm afraid. You are afraid once in a while because of the society but I think it's okay, it's okay to be afraid.* (Rodney, Interview Kampala, Uganda, 19/11/2013)

Colin Stewart (2014), a human rights commentator writing in the USA social media blog 76crimes on the *Red Pepper* expose (Appendix 1, Fig 18) wrote that:

*'The Ugandan tabloid Red Pepper has returned to a vicious, irresponsible journalistic practice that preceded the murder of gay activist David Kato. The tabloid Red Pepper published the names of people who it alleges "recruit" others into homosexuality. International social media platforms and mainstream Western news media sites saw this attack on the identity of LGBTI groups, and the form it took as being similar to the methods employed in other epochs, were minorities such as Jews in Nazi Germany or Muslims in Bosnia were identified as 'other' by a group of important actors'* (Stewart, 2014:1).

Transnational actors such as advocacy networks attempt to exploit international norms, to generate pressure for compliance by political elites. These political elites

have the agency to expose the general population to a campaign of identity building through speech acts that are intended to securitize LGBTI groups, thus exposing them to danger. Constructivist theory such as that postulated by Checkel (1999), is interested in the way constitutive agents mediate the diffusion of international norms that impact on the interests and preferences of domestic agents, in this case media organizations who have rejected norms associated with LGBTI rights (Checkel, 1999:87). I argue that these agents who are non-compliant with international norms, have interests that drive their behavior which are constituted through a discourse of cultural values that gain the agents political and societal advantage. This is the reality for the behavior of elite Ugandan decision makers. The very act of publicizing these stories, 'the speech acts', undermines the political credibility of LGBTI groups and supports the interests of Ugandan conservative political actors in their securitization process. These actors seek to establish hegemonic regulative norms in opposition to international normative behavior that support LGBTI rights, they refuse to allow these international norms to become constituted within Ugandan identity and they do this through the securitization of LGBTI groups.

For elites, international norms are not internalised, they can constrain behavior and in some cases, these norms genuinely constitute agents in the sense meant by constructivists, that is they generate new understandings of interest/identity, however in the case of Ugandan society this possibility is rejected (Checkel, 2001:557). There is therefore across Ugandan society no acceptance of a shared understanding within the context of international norms regarding LGBTI rights and these remain outside the domestic arena. To support campaigns seeking to undermine LGBTI rights, the socialization of themes that accuse homosexuals of 'recruiting' people into their sexual preference has become a common theme in Uganda. The New Civil Rights Movement calls it 'a decades-old lie planted by the anti-gay right' (Stewart, 2014). This links the campaigns being run in Uganda against LGBTI groups with those developed in the USA by evangelical Christian groups, socially active, conservative, on the far right of USA politics. The USA far right evangelical groups were important actors in the development of campaigns' to resist human rights in Uganda and other SSA countries, having failed in the USA they are active both in SSA and more recently Russia. Their intention was to deny inclusive conceptions of identity in opposition to the normative behaviors they associate with a conservative, religious social identity for Ugandans

(Ethington, 2014). I hypothesize that this coupling of USA evangelical churches, working with Ugandan religious society, supported by both political and media elites and rejected international norms This body politic constituted a series of agents that emerged from a conservative cultural paradigm, and that those agents originated the securitization process. The securitization processes manifested through a series of speech acts was delivered directly from the pulpit or through a wide range of media platforms that securitized LGBTI groups.

Derek a 20-year-old Trans man I interviewed in Uganda in 2013 described the reality for him, his family disowned him, and his brother sought his imprisonment on the basis of his identity. The outcome for an LGBTI individual in Uganda challenged by family or community can be understood by reference to a set of rules, those which guarantee that normative behaviors correspond with the accepted identity and practice of what it means to be Ugandan and African, within the context of a privileged set of social meaning. For Derek, Ugandan and trans-gender, not to correspond to the accepted notion of Ugandan identity was to place himself outside of his community and family.

*(Edited) Yeah, it's ... Because it's like, it's ... Yeah, in Uganda like, in Uganda, our culture like they saw it as being gay in Uganda. It's a big challenge being a trans. Because of being trans they will chase me from a job. My family they chased me out from their family. They don't call me their son they disowned me. Even yesterday they had the family meeting, I went there with my brother. So when we reached there they wanted ... My brother is a priest, he's in OC office, so he wanted me to, he wanted to put me into prison (Derek. interview Kampala Uganda. 21/11/2013).*

Human Rights Watch and Amnesty International have reported a surge in human rights violations since the passage of the anti-homosexual act in December 2013. This has included at least one transgender person being killed since the bill was signed, in an apparent hate crime (HRW, 2014:1).

For securitization to take place it is not enough to present something as an existential threat to a referent object (*Ugandan identity*) this in its self does not create securitization— this is an outcome of a securitizing move (The Ugandan '*Kill the Gays*'

*Bill* for example), the issue (*LGBTI identity*) is securitized only if and when the audience accepts it as such. For the successful securitization process to complete, the audience (*Ugandan society at large*) must accept the legitimacy of the speech act (Bourbeau, 2006:20). The desire for Derek's family to reject his identity in the very broadest sense (agitate for his imprisonment) demonstrates that the speech acts conveyed through media platforms by a variety of actors had succeeded in legitimizing the existential threat to Derek's family/community/society presented in his de-facto identity.

The principle societal agents that have important relationships with an LGBTI person are family, community and employer. There is no social welfare in Uganda; without a job, support from family or community, individuals are placed at great risk. In respect to identity - cultural and religious characteristics are far more important for the average Ugandan than a family relationship. Disapproval within the community is seen as dishonorable and can lead to LGBTI persons being murdered in the most extreme cases. HRW and Amnesty international have described in their 2014 survey of LGBTI Groups in Uganda how outed LGBTI persons have faced a notable increase in arbitrary arrests, police abuse and extortion, loss of employment, evictions and homelessness. This followed the securitization move of passing the 2013 *Anti-gay Bill* by the Ugandan government (HRW, 2014:1).

The actors within Ugandan society who are involved in constructing a state of fear for LGBTI groups are far more powerful than the few liberal voices in Uganda outside the LGBTI community that dare raise their head. The New Civil Rights Movement (NCRM) based in the USA is certain of the reason for the tabloid's stories being published by media groups that is beyond simply bumping up circulation. David Badash (2014) of the NCRM argues, 'There is no proof the stories or photos (Appendix 1, Fig 18/19) are real, but there is every reason to believe they were published to incite anger in Uganda and to pressure lawmakers to move forward with the *Kill The Gays Bill* (Badash, 2014). Actors within Uganda, who support a conservative religious and cultural position on identity, will focus the wider public on attributes that lend towards a negative view of LGBTI groups through these speech acts. Sexuality is taboo, but sex itself is disapproved of in any public manifestation, it is a private matter but a matter that must correspond only within the boundaries expressed through conservative religious thinking. Ugandan identity resides within a set of meanings, an historical analogy of

what it means to be African, and this identity is also conflated with conservative Christian moral imperatives, an outcome of colonialism. As has been argued earlier in this thesis LGBTI identity did exist in pre-colonial periods, however this has been removed from the conscious historical record of Ugandans. These conservative values give meaning to the social reality of what determines Ugandan identity, the epistemology of this meaning constitutes a Ugandan identity as seen through a set of rules that emerged in the post colonial period within a censored view of earlier African identity. Hate-speech is the channel for Speech Acts, where LGBTI groups are represented as perverted, immoral and often a threat to wider society particularly with a focus on children (Reddy, 202:171-172). Actors have a variety of reasons for their behavior, such as political gain, or simply having values that are derived from a paradigm of conservative religious beliefs, these privileged meanings represent the only acceptable social reality informing Ugandan identity and are intolerant of any idealized rights dialogue they see as threatening that identity paradigm. Notions of LGBTI identity for individuals such as Derek are unacceptable and denounced through speech acts that have eventfully culminated after starts and stops in the securitization move of the 2013 act, this further legitimized through the criminal code the securitization of LGBTI identity within Ugandan society.

The Ugandan Press has produced a large number of stories urging political action to persecute a minority group that is outside the acceptable paradigm of Ugandan identity. News stories that denigrate LGBTI identity, attack their status, and reduce them to an identity characterized by sex scandals. The pictures of the LGBTI individuals used by these news platforms are obtained by deception, often by joining LGBTI human rights organizations, Facebook groups, or buying the pictures from primarily young Gay men who are suffering harsh economic poverty, ironically in part due to the discrimination they suffer because of their identity.

*Red Pepper* also published a tabloid named *Hello*, a magazine that specializes in sensationalist news stories, aimed at exposing the lives of the rich and famous including Ugandan LGBTI groups. In 2014 (Appendix 1, Fig 19) like its sister paper *Red Pepper*, it ran a story about 'defiant Homo's throwing a Mega Bash', publishing photos of LGBTI individuals at the party. Very often the individuals selling these photos or outing other LGBTI persons self-identified themselves with LGBTI groups. However

they see the money on offer for the stories and photos as irresistible, they are often very poor and marginalized themselves. The stories follow a common practice of demeaning the individuals, and exposing them to family, friends and the professionals they work with. This isolates the people in question and puts them in fear of communal harm or investigation by the authorities. This is an important method in the construction of fear in Uganda, the speech acts reinforces the stereotyping of LGBTI groups, whilst constructing and fixing the Ugandan identity recognized by most citizens as being culturally authentically African, in opposition to LGBTI rights (AI, 2013:40-41).

In order for securitization to succeed the speech act leading to the securitization move must be seen as authentic by the community required to support it. Society is about identity, the self-conception of communities and of individuals identifying themselves as members of a community through common shared values (Wilkinson, 2007:9). It is the existential threat to that identity exposed by the speech act, accepted by those communities, that enables the securitization of minorities such as LGBTI groups. The speech act through both images and text powerfully articulated by Ugandan tabloids, dehumanized LGBTI groups I would argue, by portraying them as sexualized, immoral objects, the other within Ugandan society.

The high-point of tabloid speech acts directed against LGBTI groups was the notorious '*Hang Them*' campaign (Appendix 1, Fig 21) which *Rolling Stone*, a limited circulation Ugandan Tabloid ran in October 2010 that was to have fatal repercussions. Two months after publication David Kato who was featured on the front cover was murdered (Gettleman, 2011); the editor of *Rolling Stone*, Giles Muhame, refused when challenged to acknowledge any responsibility for Kato's death being caused by his campaign (Appendix 1, Fig 6). The story was significant, covering a number of full-pages within the tabloid; it identified numerous Ugandan LGBTI citizens and their supporters. Despite the *Rolling Stone's* campaign, a campaign that was deliberately designed to denigrate and specifically called for the killing of LGBTI persons, the government considered *Rolling Stone* was not responsible in any measure for David Kato death (Burroway, 2011). The construction of a societal identity in Uganda that moved from being simply intolerant towards LGBTI groups to being actively hostile, demanding the death penalty was situated within carefully constructed narratives delivered as speech acts by the Ugandan media. This narrative was found across the political classes, religious organizations, and community leaders, then defused to the

wider population through Church pulpits, daily newspapers, radio stations and significantly the tabloid press. The speech act was constituted as a call to 'hang them' was intended to remove any semblance of judicial and political protection for LGBTI groups as the securitization of LGBTI groups gained momentum across Ugandan society. The result has been in addition to the death of Kato, who was beaten to death, many LGBTI persons whom the tabloids identified in the exposé, being intimidated, losing their homes and being attacked within their communities (Brydum, 2014). They lived in constant fear because of this story, and the continuation of the campaign in *Rolling Stone*. The campaign affirmed the political and theological discrimination that became a mainstream conversation in Ugandan society. (Burroway, 2010). This was a prerequisite for the securitization of LGBTI groups and led to support across Ugandan society for the securitization move, the *Kill the gays Bill*. Moses, a director of Spectrum Uganda an NGO, interviewed in Kampala, November 2013 describes the discrimination that is permissible, within Ugandan society, including the killing of LGBTI groups as the securitization process was accepted as normative within Ugandan society (Edited).

*'Uganda was saying that those people need to be wiped away, and is it wrong to annihilate (them), a religious leader, and it has come from people inside, so you can see the trend. But on the whole we are seeing that there is a lot of homophobia, there's a lot of hate speech, there's a lot of discrimination. There is a lot of ex-communication on the religious part of the, according to the religious settings (Moses. interview Kampala Uganda. 21/11/2013).*

The position taken by *Rolling Stone* was consistent with the virulent anti-gay campaign it had run since the paper came into existence in August 2010. On the 9th October 2010, the newspaper published a front page article "100 Pictures of Uganda's Top Homos Leak" this included the names, addresses, and photographs of 100 homosexuals alongside a yellow banner on the front page that read *'Hang Them'* (Stewart, 2014:23). The very fact of it being permissible to publish such a speech act, and its values being acceptable to a large section of Ugandan society demonstrated that securitization of Uganda's LGBTI communities was actively supported across society as a whole.

In November 2010 (Appendix 1 ,Fig 7) the paper continued its publication of exposes of LGBTI persons. It ran the headline '*More Homos' Faces Exposed*' and published a front-page picture to titillate its readers and a large number of young LGBTI persons from what must a gay dating site, including pictures, names and orientation.

I interviewed a number of these young people in Kampala in 2014, many were outed (Appendix 1, Fig 8) by *Rolling Stone* and they described to me their horror and terror as this exposure, a significant speech act delivered through a media platform represented an existential threat to them.

The motives delivering such speech acts as part of a campaign are not simply because the authors accepted the premise that LGBTI identity was incompatible with Ugandan society and must be eliminated which they did. The British *Guardian* newspaper argued that *Rolling Stones* circulation stood at 3,000 copies per issue, and was in direct competition with Red Pepper. It argued that without this sensationalist reporting it would not have improved circulation; the stories had a monetary value to the paper despite the harm the speech acts did to the innocent victims of this homophobic campaign. Giles Muhame, managing editor of the weekly *Rolling Stone* told the *Guardian* in a statement that he '*condemned the murder of David Kato and felt sorry for the family of Kato*'. However he added, "I have no regrets about the story. We were just exposing people who were doing wrong" (Rice, 2011).

Bhikhu Parekh (1994), has argued that national identity can centre around political and cultural regeneration, a country, a product of colonialism *such as in the case of Uganda* invokes a discontinuity with it's colonial past (Parekh2, 1994:501). A rejection of international human rights norms became linked to issues around that historical colonial relationship, as Uganda asserted its sovereignty. Cultural norms are important to the Ugandan's states identity formation particularly as it emerged out of the discontinuity caused by civil war. Uganda's political class sought identity and cohesion through shared values, an idealized African identity. LGBTI identity was associated through speech acts with Uganda's former colonial masters that they posited as interfering in its decision-making, its autonomy as it sought to gain agency derived from African cultural values to reinforce its position within Ugandan society. Tabloid stories and editorials are one of the many modes of speech act that assisted the



securitization process, as an identity of rejection towards LGBTI groups within Uganda became an important societal issue.

Peter a young gay man I interviewed in Uganda in November 2013 was one of the people exposed in the *Rolling Stone* article; this however was not the first time he had been exposed to danger. He describes in the interview being outed by his family (edited).

*' I've just came up to come out because, I mean, you know, when my family outed me, and the family came together and the neighbors, they threw my stuff outside and they took the house from me and the land. I actually had to run from them (my family) because they were plotting to kill me. Because I am shaming the whole family, I'm bringing the family down. (Peter. Interview Kampala Uganda, 19/11/2013).*

*Rolling Stone*, which was to cease publication in November 2010, was able to produce a number of further issues and printed pictures of about 20 men in a story headlined, *'Men of Shame Part II, "generals" of the gay community in Uganda'*. At the time of closure, *Rolling Stone's* managing editor, said *'we have already achieved our objective: to show the world that homosexuality is spreading like wildfire in Uganda'* (Rice1, 2010). The last anti-LGBTI article was a front page linking an attack by Somali terrorists to Gay Ugandan's. *Rolling Stone* alleged a connection between Somali Terrorist group al-Shabaab and Ugandan homosexuals under the headline *'Homo Generals Plotted Kampala Terror Attacks'* (Appendix 1, Fig 10), linking "a gay lobby" with complicity in the July 2010 Kampala suicide bombings. This series of speech acts identified LGBTI groups with imaginary plots against the state, and the creation of groups dedicated to corrupting or attacking Ugandan society.

These speech acts re-personalised the state and its detractors within a new inter-subjectively constructed identity; seeking both a traditional meaning that rejected Western norms and secondly reinforcing 'African' cultural values within a securitization paradigm. The speech acts framed LGBTI groups as perverse, alien and threatening the state itself through corrupting its army and committing acts of terrorism. The tabloids do not subject their copy to a process of inter-subjective

verifiability; they were concerned with securitizing LGBTI groups. This was within a model that would not be alien to the Ugandan political and cultural elites who both saw LGBTI groups as threatening Ugandan identity, but also as a distraction from bad news. The fact that the stories were absurd didn't prevent them from going mainstream within a broadly uneducated mass of the population. This meant that any action by the state in constructing its securitization move against LGBTI groups, however novel, would be supported across the political, cultural and societal communities that constitute the Ugandan state.

The speech acts of the Ugandan *Rolling Stone* paper either in traditional form or through images created serious difficulties for LGBTI groups in Uganda, helping to consolidate their securitization. For LGBTI persons to be outed in a paper to families, friends and community had serious implications for those individuals. The response by that community is one of disgust, antipathy and worse towards LGBTI identity. Peter Mwesige, the executive director of the African Centre for Media Excellence in Kampala and the former head of Makerere's journalism school, commenting on *'Rolling Stone'* accused it of attempting to copy *Red Pepper's* success, but has gone too far.

*'These guys [like Muhame] have studied, so they understand journalism ethics. But they probably think they need to go to extremes to create a niche'. Muhame cites freedom of speech and heroes like Assange, people whom he sees as exposing the world's evils; however because of his pronounced homophobia, he can neatly fit his campaign into this worldview whilst having no empathy for the people he has put in harms way'* (Rice2, 2011).

The *Rolling Stone* articles built on the homophobia that existed within Ugandan society, promoted through the 2009 *Kill the Gays Bill* an early securitization move. Dr Frank Mugisha, the chairman of Sexual Minorities Uganda (SMUG) reported that *'more than 20 homosexuals have been attacked over the last year in Uganda, and an additional 17 have been arrested and are in prison'*. (Olukya & Straziuso, 2010). The tabloids whilst reinforcing Ugandan cultural values in the sense of identity through shared inter-subjective meaning, engineered campaigns through speech acts that resulted in violence, murder and the isolation of LGBTI groups.

*Rolling Stone* was an important tool for those elites in the Ugandan political and civil community who were determined to achieve their securitization move, the 'Kill the Gays' Bill through Parliament and oppose the foreign governments and NGO's supporting Ugandan LGBTI rights. It may have been ambition and circulation that was the primary motive for the *Rolling Stones* editor, however it's editorial position reinforced stereotyped views, and created further hostility towards LGBTI groups. In such a climate of opinion it contributed to the death of the prominent activist David Kato.

As a footnote to the *Rolling Stone* story, Campus Nail a Makerere University publication (Appendix 1, Fig 7b), was issued by the same publishing house as *Rolling Stone* (Blue Magic Inc). A Campus Nail story was another so-called expose of recruitment of 'gays' on the Makerere University campus. It contained a prominent picture of Martin Ssempe who is one of the leaders of the anti-gay campaigns in Uganda with the headline 'Homosexuals Recruit 1000 Makerere Students'. The full-page article was a speech act, aimed at future Ugandan societal leaders within the university. It followed the same style of sensationalist anti-gay writing found in *Rolling Stone*. It identified Timothy a student at the university who recruits 'Gays' and further adds the warning that being Gay shortens your life span by 24 years. (Thockmorton, 2010). Makerere University is renowned for its opposition to LGBTI rights, this is the university that Blue Magic Inc Directors attended as students and the students union actively opposes LGBTI rights and strongly supported the securitization move that created the 2009 'Kill the Gays' Bill. The normative behavior of a University establishment would presuppose an engagement with international institutions and norms. One of the roles of a university is the encouragement of students to engage with new sources of knowledge, international norms and as policy emerges introduce students to wider sources of knowledge. International norms can challenge the normative behavior of their immediate communities and students would benefit by engaging with them. As knowledge is socially constructed, the failure of the university as a societal agent to not institutionally challenge if not the conservative identity of the Ugandan state, at least its attacks on LGBTI communities reflects the almost complete acceptance within Ugandan society that the securitization of LGBTI groups was a positive outcome for Uganda.

The speech acts that carry an accusation of 'recruitment' of young men by LGBTI groups, is a recurring and damaging piece of propaganda in Uganda, unjustified and with no evidence ever presented to support the claim. Moses a senior practitioner in Spectrum a Ugandan NGO specializing in HIV services spoke on the subject when I interviewed him in Kampala in November 2013 (edited).

*'I remember at one time we had a meeting with the human rights chair person of the Uganda Parliament and he raised the same question of recruitment. And what I was thinking, institute a commission of enquiry into the allegations that LGBTI organisations go to schools and recruit. When you institute a commission it will find out, because to the best of my knowledge, LGBTI organisations cannot even get access to schools, so where do they recruit from? But of course people go in the media, they go to workshops, to seminars in the church, even in the mosque. We're saying that the information that they're giving is wrong; you as a human rights body, as a human rights commission please constitute a commission of enquiry into this matter. (Moses. Interview Kampala Uganda. 21/11/2013).*

The use of these speech acts in the media is very damaging, they link LGBTI groups with criminal activities, using the very sensitive issue of grooming school children and students, these stories construct a climate of fear and hostility. This leads to attacks on LGBTI service providers such as Spectrum, which has been forced to move on a number of occasions because local mobs have attacked it. Moses highlighted these problems in an interview in November 2013 in Kampala.

*'In June/July we experienced a lot of threats, a lot of, you know, mistreatment from traders, from people surrounding our offices and we could not contain the situation, we could not risk, our staff could not risk our lives, we could not risk the beneficiaries lives and we had to move to where we are now. Hopefully it's kind of a residential area where there is no mob justice. (Moses. Interview Kampala Uganda. 21/11/2013).*

Lesbians are frequent targets within the speech acts of the Ugandan tabloids that portray LGBTI groups as perverts. The impact of naming, shaming and showing pictures of the victims of 'exposure' journalism; homophobia described by Vassu Reddy as hate speech that frames LGBTI groups as 'other', makes them targets for violence, homelessness, and isolation within their community (Reddy, 2002:163-164). Both *Onion* an offshoot of *Red Pepper* that closed in 2012, and *Rolling Stone* had taken every opportunity to out LGBTI women. Mye is a young Lesbian interviewed in Kampala, Uganda in November 2013, she describes the fear of being outed to her extended family and how she has to conceal her sexual identity (edited).

*'My family does not know, but I think they would disown me if they found out. My parents are very religious. With the religious perspective of it I would think so (thrown out). I would think they would not like it, and relatives definitely. I live a double life. With my family I am very straight'* (Mye. Interview Kampala Uganda. 21/11/2013).

Human Rights First has documented for UNHCR attacks on Lesbians in Uganda including 'corrective rape', destruction of homes, burning of homes and continuous harassment by police (HRF, 2012:6)

Uganda has not yet found it possible to reconcile the desire for a modern identity, important in differentiating it from past decades of conflict and insecurity, whilst retaining the meanings its communities associate with an 'African cultural identity'. Socially conservative, religious and having very specific gender identities; any challenge to the meanings that inform Ugandan identity are met violently, views are polarized and any suggestion of deviation for politicians becomes very risky. A middle ground that compromises on those meanings, inter-subjectively constructed from an idealized past, is unacceptable as the major actors within the state line up against change. Changes in the social identity or the pressure to do so destabilizes relationships between groups as it creates uncertainty in societies that have retained a fixed identity over a long period of time. Intergroup dynamics are not always positive; social entrepreneurs and cultural activists can produce aggressive social identities fixated on retaining the normative behaviors they associate with for example Ugandan identity. These social entrepreneurs and cultural activists use

agents such as newspapers or social media platforms to commit speech acts. They have the support and agency of political actors to promote particular behaviors within communities and influence through these speech acts modes of interaction between communities and LGBTI groups seeking change. This has been recognized not just as a barrier to improvements to the situation of LGBTI groups but through the securitization process that has taken place and the various speech moves a threat to LGBTI groups of serious harm.

## Conclusion

This Chapter has been concerned with problemising the agency of actors using media channels to influence the meanings that construct identity within Ugandan society. Further to attack LGBTI groups through speech acts with the intention of securitizing LGBTI communities. These actors are privileging conservative African cultural values in the social construction of identity within Ugandan society that creates or denies normative positions for LGBTI human rights. Significantly they do not just simply deny LGBTI identity or simply politicize it, they have framed it as an existential threat to Ugandan society and have securitized LGBTI groups in Uganda.

The cultural values that give understanding to communities about the meanings incorporated into identity are inter-subjectively developed, exposed to continuously changing, often conflicting sets of normative sources from within the international community and system. The form and nature of these meanings reflect the hegemonic values of the principle actors; in the case of Uganda a conservative political elite supported by an orthodox religious institution, primarily but not exclusively conservative and Christian. In opposition are human rights defenders, LGBTI groups, NGO's and international organizations and states that support liberal secular values. Within Ugandan society, conservative actors find little opposition to their role as norm entrepreneurs, for the norms they promote sit well with an audience that see these cultural values as simply substantiating a long standing discrimination of LGBTI identity held within their normative behavior. The meanings that construct this discrimination are found within the theological censure towards the identity of LGBTI groups. That is seen as challenging a conservative religious heritage. The speech acts that ready the population for the securitization move that fully securitizes LGBTI groups as an existential threat to the Ugandan state are framed as traditional conservative societal

messages. These are problematised as critical for the survival of the Ugandan state, conformant with traditional religious practice and the requirements of the conservative values of an authentic African community. The state is situated as being under-threat from imported quasi-colonial liberal Western norms. The principle norm entrepreneurs are politicians and religious leaders become cultural activists, with newspaper editors an important member of this elite group. They have the agency to securitize LGBTI identity through a securitization move that has successfully led to the 2013 anti-gay Bill in Uganda. This bill as well as criminalizing LGBTI identity and communities or family or friends harboring LGBTI persons, outlaws any NGO's from advocating for LGBTI rights in Uganda. LGBTI groups are now completely isolated, under siege and exposed to serious harm both from the communities they live in, or the state itself as they are now I argue a securitized minority within Uganda.

END

## CHAPTER 7

The utility of international news and social media platforms in opposing the securitization of LGBTI groups in Uganda.

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This Chapter discusses the agency of groups across the international system and in Ugandan seeking to oppose the securitization of LGBTI groups through news and media platforms. Securitization is achieved through process of speech act dissemination, the media industry that channels the speech act 'content' has the effect of either amplifying the social conditions under which securitization emerges or is contested; thus either developing the conditions that lead to a Securitization Move or challenging them (Balzacq, 2011,77). Public opinion is volatile and can be manipulated by the right story, told in the right way; equally a story can be questioned if of concern, including its conclusions or the moral framework it operates in. Dr Kapya Kaoma is an Anglican priest from Zambia and project director of PRA, the author of PRA's *October 2009 report, Globalizing the Culture Wars: U.S. Conservatives, African Churches and Homophobia*. In this report, Kaoma reports on how USA evangelical Scott Lively addressed a seminar organized by the Uganda-based Family Life Network (FLN), led by Stephen Langa with the goal of "restoring" traditional family values and morals in Uganda. His address to the conference had a theme 'LGBT issues cannot be considered human rights issues'. Lively stated:

*'The people coming to Africa now and advancing the idea that human rights serves the homosexual interests are absolutely wrong,' he said. "Many of them are outright liars and they are manipulating history; they are manipulating facts in order to push their political agenda." Lively even tarred abortion rights as "a product of the gay philosophy" meant to promote sexual promiscuity in order to "destroy the family." In sum, he warned, U.S. homosexuals are out to recruit young people into homosexual lifestyles so they must be stopped' (Kaoma, 2010) .*

The conditions for the 'Cultural Wars' emerged out of the co-operation between right wing USA evangelical Christian groups (a minority in mainstream American churches) working with the highly funded right wing USA neo-conservative think-tank, The



Institute for Religion & Democracy (IRD) that has played a significant role in the development of the ideology that challenges LGBTI identity (Kaoma, 2009:3). It is the IRD think-tank that constructs the arguments that inform speech acts from political and religious actors and subsequently are picked-up by media channels that develop them. IRD has been an important actor in developing the framework of ideas that led to the securitization of LGBTI groups in Uganda. Its reach is beyond Uganda and includes the majority of SSA countries, wherever it can find an audience amongst conservative communities for its message. Language for securitization theory is constitutive of world politics, or for the purposes of this thesis; SSA politics and the international bodies that challenge or support the discourse of anti-LGBTI speech acts. The threats to LGBTI communities are an outcome of speech acts, they are not separable from the inter-subjective form of knowledge in which communities come to understand them. In summary, insecurity engages with a distinctive type of shared knowledge, knowledge that for LGBTI groups seeks to identify them as an existential threat to the moral agency of SSA communities and states (Balzacq, 2011,xviii). The question of LGBTI identity is not ordinarily a problem, certainly not a threat to the existential reality of the Ugandan or other SSA states, it is the discursive politics that creates the threat through speech acts that have an intended strategic purpose to deny LGBTI groups agency in achieving their normalization within Ugandan society or within other SSA states. Chapters 4-6 of this thesis considered the role of actors seeking to securitize or at the very least politicize LGBTI identity within Uganda, Ghana and Kenya; but did not fully illustrate the role of international actors in resisting this process, particularly human rights activist groups and some inter-governmental actors. This Chapter considers the utility of inter-governmental, NGO's and human rights activists across the international system and in Uganda who sought to respond to the attacks on LGBTI identity. Organizations using amongst other approaches, media platforms and channels to construct knowledge and communication channels in order to challenge the securitization of LGBTI identity, and the social construction of fear within amongst others, Ugandan society.

The chapter sources secondary data from media channels and primary data from interviews with LGBTI individuals in Uganda. For the purposes of research for this thesis, interviews took place in Kampala, Uganda in November 2013. The interviews contribute a component of the research for this chapter; the secondary sources are in

the form of newspapers and social media derived from sources located on Newspaper web sites and social media platforms. The sources for secondary data were those most prominent in the debate around LGBTI human rights in Uganda. The purpose of the interviews, and the use of secondary sources was primarily to problemise questions relating to the construction of identities, and the influence of institutional norms found within and outside Ugandan society in determining contemporary Ugandan African norms. In problemising the social construction of identities and the meaning given to them, the chapter considers the agency that LGBTI groups have in influencing societal acceptance of their identity in a climate where the construction of fear through media supported political campaigns is leading to increasing difficulties for LGBTI groups within Uganda society

The desire for a modern, efficient state has underpinned investment in technology that has delivered social media across SSA, this has had an important utility for LGBTI groups. Whilst there exists a discontinuity in that social media, news channels and web sites have also been used to attack LGBTI human rights, the use by human rights defenders in country and international NGO's to support LGBTI identity in Ugandan has been extensive. According to Freedom House (2015), Uganda censors a limited number of topics including corruption and political mobilization, however since the recent anti-LGBTI bill, LGBTI issues are now censored in Uganda making it increasingly difficult for in-country and external human rights actors to confront the speech acts directed against LGBTI groups (Freedom House, 2015:5). The struggle for a coherent national identity that embraces both liberal principles within the international system, and SSA culture norms within a specific Ugandan meaning is played out through these channels of communication. Ugandan's have good access to mobile technology (19m subscribers) across the country, as well as Internet cafes and some broadband at work or home (8.5m internet subscribers). They can and do access a range of newspaper sites, blogs, Facebook (98%), Twitter (3.8%) and other sites such as Pinpest (UCC, 2014:17-21). This modern technology has a key role in the continuing evolution of the meanings that construct identity for Ugandan's in the modern world. The conflicts between socially conservative identities, challenged by a set of liberal notions of 'rights for all', are played out on these platforms. The tabloids and broadsheet newspapers all have free web sites, Twitter is popular and at the level of debate amongst important political activists fairly well optimised in communicating either conservative norms to a

wide audience or human rights based positions to LGBTI groups and their political supporters. LGBTI Facebook groups have formed, allowing individuals to enjoy the expression of their identity and to gain political support through activist networks, and whilst being fearful of infiltration and exposure these have been used with success. The international community has and does use the same social media platforms to support SSA LGBTI human rights. International NGO's have used media channels to expose the attacks on LGBTI groups and the media and journalists have come under international scrutiny. Social Media has allowed the creation of memes to build campaigns across platforms, groups and within Uganda, linking Ugandan human rights organizations with international NGO's, and governments that support LGBTI rights. The importance of social network platforms for activists to respond to speech acts in Ugandan is because as a speech-act, securitization is situated in the dialectics of political argument and requires discursive legitimization; security practices therefore are susceptible to criticism, change or even rejection (Williams, 2003:512). Human rights activists, inter-government bodies, UN bodies, in-country activists and NGO's require the social network platforms to counter speech acts that are disseminated to communities through, newspapers, radio and religious platforms that do not allow challenges to the conservative discourse on identity that they support. The Ugandan governments recourse to banning and censoring any support to LGBTI groups through social media or NGO's reflects the political institutions desire to stop any blunting of its speech acts, and securitization move. Javuru (2013) considers new social media platforms as important in allowing alternative voices to bypass the authoritarian control of media space in Uganda as it is difficult for authorities to police, and offers the potential for the distribution of uncensored knowledge (Olorunnisola, 2013:319). The positions as held by the different ethical actors, are either a construct of a religiously based meta-narrative or a Western epistemology that privileges the autonomy of the individual with the right to identity. Constructivist theories of International Relations, (Rice 2000), in which ideas about securitization theory sit, consider the role of argument, action, and ethics within the context of the actions of the state in its obligations to its citizens (Williams, 2003:512). It follows that when a minority is securitized, interested actors across the international system in a globalised political community will use means and methods to resist the securitization outcomes, the political establishment will move to limit this whilst recognizing the damage to the state's reputation internationally. I argue that the question of sovereignty for Uganda

as a reaction to its colonial origins is critical in the debate; Ugandan political actors argue that criticism of what is in effect a securitization move, against what they consider an existential threat to the state (LGBTI identity), is colonial in origin; it is intended to rob them of identity and the sovereignty to determine the cultural identity of the Ugandan state.

The introduction of Social Media platforms in SSA in the last two decades has facilitated the communication of LGBTI rights as a normative position in the West to SSA LGBTI groups. This globalization of knowledge about what is possible in respect to the emancipation of LGBTI identity, has reduced their sense of isolation, and galvanized support for them internationally in setting up campaigns to argue for LGBTI identity to be a normative identity for Ugandans. Importantly in response to attacks on LGBTI groups, social media groups have been able to respond quickly and garner support for political responses to such events. Adelaga (2013) argues that new media is the driving force behind change in Africa, that it has become entrenched in peoples lives impacting their social, political and economic lives (Olorunnisola, 2013:319). The importance of new media platforms to challenge events, impacts on a wide variety of groups and organizations; ranging from human rights NGO's, blogs, bulletin boards and Facebook groups in country. These actors have through interconnecting media channels been able to organize quickly international campaigns of resistance to human rights abuses of LGBTI groups in Uganda. These campaigns often spread via Twitter, with links to sites, bulletin boards or news copy that can influence internationally, government policies and generate a very quick reaction. The US State Department, the EU Commission, The UN Secretary General, the British government amongst many will intercede directly with SSA states to defend LGBTI rights resulting from a campaign initiated through media channels. Ole Wæver (1998) despite the criticisms of the Copenhagen's state centric position, stated that in principle the state can define anything including individuals as a referent object, the securitizing actor needs capabilities; the state has unlimited access to a range of capabilities to deliver its speech acts, and (*in this case Uganda*) the advantage of using its legal and political system in its securitization move (Floyd, 2007a :42). The groups situated within Uganda and in the international community are contributing to the beginning of a process of desecuritization that has yet to be effective. However these challenges are critical in opposing the speech acts that have gained acceptance within Ugandan

society (*the audience*) as legitimate; thus providing the resonance for a platform from which it is possible to legitimize emergency measures such as the first *Kill the Gays Bill* and the *2013-14 Anti-homosexual Bill*. The desire is that the issue of LGBTI identity can move from securitization to politicization, the realm where the notion of an existential threat (*to Ugandan identity*) can be dealt with by political means. However as Rita Floyd (2007) of the Welsh School argues it is 'erroneous belief that all desecuritizations will lead to politicization' (Floyd, 2007b:43/44). It is unlikely that the Ugandan Parliament or government will revoke what is in-effect for questions of identity, novel, emergency legislation to criminalize the very notion of LGBTI identity, and any actions that undermine the states determination to eliminate it. International actors and Ugandan activists are increasingly unable to agitate within Uganda for LGBTI rights, the act of presenting the case for LGBTI rights is a crime, the act of knowingly renting a room to an LGBTI person is a crime, the act of having an LGBTI child and not reporting the matter to the police is a crime, the securitization of LGBTI identity is in place in Uganda (Houttuin, 2015).

The role of international human rights platforms such as Box Turtle, a USA based knowledge hub that acts as a conduit for LGBTI human rights issues and has monitored extensively the situation in Uganda and other SSA countries about LGBTI issues becomes critical in the opposition to the securitization of LGBTI groups. Box Turtle one of a number of organizations that seeks to confront the attacks on LGBTI identity in SSA. In 2010 it responded to the Ugandan *Rolling Stone's* continued attacked on LGBTI groups, describing them as 'vigilantism' (Fig 11). The bulletin board reported that *Rolling Stone* was obtaining Facebook pictures of LGBTI individuals without consent, to support its hate campaign against LGBTI groups (Burroway, 2014). This campaign immediately resulted in pressure from USA political activists, who demanded that the USA government respond to these Human Rights violations. It is the attack on norms, what Finnemore (1998) describes as 'a standard of appropriate behavior for actors with a given identity' that causes other actors within the international system to respond (Finnemore, 1998:891). Identity for Western states is rooted in secular liberal values, that see the behavior of states towards minorities such as LGBTI groups as challenging what they consider should be the normative situation within the international system, they fear that to challenge one liberal norm will mean others will

follow. They are therefore compelled to resist the erosion of rights to which states are obligated to support as in their obligations to the international system and its laws.

The role of Social Media, despite being relatively new in comparison to newspapers, TV and Radio is having a profound impact in the shaping of identities and giving meaning to the values that construct identity. Inter-subjective meaning is communicated most often texturally, but increasingly through Social Media through image boards. In the past images like *Picasso's Guernica*, had been a call to resistance from tyranny, constructing an identity for the protagonist, of power used without moral purpose. New Social Media technology platform Pinterest can and does provide for a similar role. Use of Pinterest by human rights groups interested in SSA LGBTI human rights, can be an investment in the construction of identity formation through a focus on building sets of images that are useful in conveying meaning; as to what it is to be African, and how within that meaning can be constructed both prejudice, harm and resistance through demands for human rights. Malmvig (2005) has argued that initiatives to generate dialogue between cultures, in this case SSA and Western can give the discussion extraordinary legitimacy and urgency. This is based on theories of Harbermas, *'When actors engage in truth-seeking discourse, they must be prepared to change their own views of the world, their interest and sometimes even their identities'* (Malmvig, 2005:350). In Uganda the actions of actors supporting LGBTI rights to communicate a dialogue that rejects the core arguments of the speech acts, can have the unintended consequence of increasing the threat felt within the cultural communities that support securitization. This is so particularly in those communities that are relatively uneducated and tend towards a patrimonial relationship with community or religious leaders who reject the cultural and moral basis of LGBTI identity. However it is never the less, the only possibility of achieving rights through opposition to the on-going securitization process. The dissemination and articulation of this knowledge is through a variety of formats that aim to demonstrate simply and effectively to a given audience the arguments for LGBTI rights. The involvement of global political and activist networks is important as is the priorities for those groups managing to operate in Uganda. The information may for example be designed to play to the strengths of social media platforms, where image is important. The threats, and some of the key actors involved in the struggle for and against LGBTI human rights easily share ideas with a international audience who has access to common social

media platforms. Fig 12 is a snapshot collage of different campaigns highlighted on a social media site that have powerful messages, and material that has been widely disseminated internationally and in country by human rights activists. The messages seek to construct a complex SSA identity to which LGBTI groups have demanded entry; through resistance to measures by the state to halt the development of their human rights, within the political and judicial system. Bulletin boards will highlight that the Ugandan state system has instituted a set of regulative norms enforced by law, supported by a conservative Ugandan identity that seeks to construct a society free from LGBTI group identities. In contrast LGBTI groups and the political and activists networks that support them highlight that through a process of developing constitutive norms, supported by the international system they are able to start to challenge these discriminatory laws. They seek to develop a set of new Ugandan identities that have meanings that incorporate human rights for LGBTI groups. The social media platforms are used as communication hubs to disseminate this dialogue. The speech acts of government and conservative actors, and the response from human rights activists is formed as an inter-subjective dialogue both in competition for ascendancy within Ugandan communities notions of what constitutes Ugandan identity in the contemporary world. In doing so they fulfill a number of Habermas's criteria for 'the ideal speech situation' would enhance the potential for success for those supporting LGBTI rights. These criteria are;- 'common language, history and culture, being prepared to change their own views of the world, their interest and even their identities, finally they have to be prepared to be convinced by the better argument, be willing to set their interests and beliefs aside in order to construct a new common ground'. (Malmvig, 2005:351). The inter-subjective dialogues that have been considered in Chapters 4-6 give little optimism in that any of these criteria are being met in Uganda to support international and in-country groups defending LGBTI rights.

Twitter is an important medium for communicating information, the images attacking LGBTI individuals displayed on the *Red Pepper* front page were distributed world wide on Twitter, this resulted in damage limitation action from global human rights political communities (Appendix 1, Fig 1). Normative and ideational concerns held by conservatives or those supporting LGBTI human rights are quickly communicated using a platform such as Twitter that can link its message into source material. The desired outcome in using such platforms is to change attitudes and ultimately identities.

Transnational actors such as NGO's or political departments in powerful states will be influenced by the communication into the public sphere of events impinging on rights. Ugandan political actors will use these platforms to promote their deontological world-view, and attempt to consolidate regulative normative positions that support identity formations that align with their political and cultural positions. Activists in Uganda have used both Facebook and Twitter to promote similar outcomes, however these have a focus on the creation of constitutive norms that will create new interests that include LGBTI human rights. When *Red Pepper* again listed prominent LGBTI activists, Dr Frank Mugisha of SMUG responded to the article through Twitter, his response was re-Tweeted globally; this had an important function in gaining international support and warning Ugandan LGBTI people of the importance of personal security. International norms are often in conflict with national norms. Uganda like many other SSA states has a national identity that precludes LGBTI human rights. This constructs a climate of prejudice and fear that is in conflict with an international system based on modern Western norms. Liberal secular norms hold meanings that have constructed much of what we understand today through an idealised Western identity. It is considered in the interests of Western states to promote identities that will ultimately lead to liberal secular political systems they consider most likely to promote human security. The form of Western identities that have emerged in the last 50 years, identities that hold normative values that support minority rights, have had an impact on the international system, state and non-state behavior. This is particularly so if they are the values of powerful states. NGO's are important actors influencing the construction of identities within states, they have agency outside of the political system, deliver benefit to communities and are capable of influencing the normative behavior of client groups and have the support of powerful Western states that have prioritized policy towards LGBTI desecuritization. Salter (2008), in discussing a dramaturgical analysis of securitization processes it can be argued that the speech act is situated in a (Foucaultian) particular '*local regime of truth*', in a particular setting and in time. The form of the speech acts, its audience be they community members, political elite, or technocrats will respond to differing settings, and levels of authority/knowledge (*who can speak*), the social context (*what can be spoken*), and the degree of success (*what is heard*) (Salter, 2008:321). The actors be they Political or Religious elites, with speech acts delivered through newspaper platforms or Church pulpits to diverse audiences will have varied impacts dependent on the variables of



knowledge, social group, religiosity, access to information etc. The reception of the speech act by the audience will be less likely to trigger violence amongst the educated middle class audience than the uneducated masses living in shanty towns irrespective of whether they all believe in the substance of the existential threat. Equally in response to the speech act or securitization move, political elites will be concerned by rights activists (hence their criminalization in the 2014 act) than villagers who will focus on the direction given by elders or other patrimonial instruments.

Securitization is a context-dependent discursive practice through which the meaning of threats is negotiated between the securitizing actor and the audience. As the securitization of *LGBTI groups in Uganda* is situated within discursively oriented settings with a high relevance to social interactions and cultural context it can be understood through *framing analysis*. Framing as a 'struggle and a negotiation' of meaning (Rychnovska, 2014:15), is communicated both from the actors directly involved in the securitization of LGBTI groups (Ugandan government) and those responding to the threat (NGO's international actors). The struggle over the meaning of the threat and its acceptance or rejection, I argue is played out across social media and traditional platforms. Interaction as 'speech acts or response' fit within a narrative that posits the cultural references that conservative Ugandan activists see as critical to maintaining an authentic Ugandan identity, situated within the cultural African community, or the Western locus of the autonomous citizen, who's identity is not a predetermined transaction of historic cultural norms.

The response to speech acts by organizations such as Human Rights Watch (HRW), a human rights NGO based in the USA is part of the 'struggle and negotiation of meaning' (Rychnovska, 2014:15) in the inter-subjective battle for ideational dominance. It is a struggle that will either reinforce the securitization of LGBTI identity, or desecuritize that identity. As such, conservative cultural groups and the Ugandan political establishment, see it as an existential struggle for the identity of the Ugandan state. HRW responded to a *Red Pepper* article attacking LGBTI identity by denouncing *Red Pepper* and engaging large numbers of people internationally to debate LGBTI human rights violations in Uganda. This generated copy that was linked and communicated via Twitter to reach a large audience (Fig 13). HRW was able to use the well establish international norms supporting LGBTI human rights to argue that the

normative position in Uganda was dysfunctional, that *Red Pepper* having agency, was active in delivering a speech act that caused harm to LGBTI groups. The speech act was perlocutionary, targeted and formed in such away to maximize harm to LGBTI groups, whilst supporting conservative religious and cultural values within the mainstream population. Constructivism argues that norms and shared beliefs constitute actor's identities and interests that these are not fixed but relative and relational (Karacasulu, 2007:33). It should therefore be possible through discourse to change the inter-subjective meanings that underpin what actors perceive as important to their social identities and thus facilitate the evolution of social norms in Uganda that would desecuritize LGBTI identity, the referent subject of the securitization move.

There has been to a degree what Finnemore (1998) describes as hegemonic socialization (Finnemore, 1998:896). The USA, EU and UK have through instruments of Aid, international organizations and threats of isolation attempted to persuade SSA states that incorporating LGBTI rights into constitutions is a positive step. SSA states have in the main been hostile and actively resisted this, describing it as colonialism and bringing in laws to prohibit support from international organisations. International NGO's aided by powerful state interests have intervened directly with support for LGBTI human rights groups. Kaleidoscope, based in the UK but active in SSA, now find themselves as a result of the 2014 anti-Gay bill, no longer able to support the human rights of Uganda LGBTI groups directly with personnel on the ground. They are continuing to fund local human rights defenders with some difficulty in country, and use Twitter to promote messages of support and to publicize LGBTI issues taking place in Uganda and other SSA states (Appendix 1, Fig 4). The action of states in legislating against NGO's is to limit their ability to challenge the political system and in their encouragement of communities to accept LGBTI identities. The effectuation of securitization is dependent on a number of factors that NGO's such as Kaleidoscope could influence, and it is this socialization of ideas that the Ugandan government seeks to prevent. Three sets of variables — audience, context and securitizing agent are required for successful securitization to occur. The first of these (audience) has three components — (i) audience's frame of reference; (ii) its readiness to be convinced, and (iii) its ability to grant or deny a formal mandate to public officials (Balzacq, 2005:192). The struggle for dominance within Ugandan communities is critical to actors such as the Ugandan government and conservative religious organizations if they are to

maintain community support for securitization. The speech acts from these actors, disseminated through press, media and religious platforms maintains their ideational dominance within Ugandan communities. In order to ensure that they are the only voices heard, securitization required the banning of NGO's supporting LGBTI rights and this has been effective.

The importance to NGO's and activists supporting LGBTI rights in harnessing the reach of social media platforms is as a consequence of the ban in Uganda never more important. Twitter is an important tool used to by pass restrictions in-country, and internationally linking organizations like Kaleidoscope, Western governments and in-country human rights defenders and organizations together. The series of Tweets in Appendix 1 (4-5, 14-15) illustrate the wide range of LGBTI events covered, from subjects that detail claims of lynching by a mob, of a gay man, to other developments outside Uganda; such as an anti-gay bill in Gambia, and a Cameroonian athlete suspended for being gay. Existential situations such as the threat of prohibiting HIV services to LGBTI groups in Uganda communicated through Twitter, have alerted Western governments, who often fund these services to intervene. The exceptionalism of the securitization process, in this case preventing or inhibiting access to HIV services, an act that verges on genocide as part of securitization, demonstrates that the response to LGBTI identity is beyond the normal parameters of a political response. The HIV alliance a global health NGO specializing in HIV/AIDS stated that 80% of their clients are criminalized through their sexual identity, and that this inhibits their access to services increasing the spread of HIV amongst all population groups (Appendix 1 Fig 20). These Tweets often seen in the West as another tool for either celebrity or politics are much more important in the discourse of human security in Uganda. They have links to the source materials for the claims they make, offering a media channel or knowledge hub for the dissemination of information to global human rights defenders and political activists and professionals. They are powerful in that it is possible, very quickly, to get an overview of hostility and trends within SSA states towards LGBTI groups and communicate this to influential actors within the international system such as the USA State department, the EU or UK Foreign Office. These powerful actors will seek to de-securitize LGBTI rights by moving them back into normal politics, although this in itself provides for a wide set of possibilities. The goal is emancipatory, in opposition to the Ugandan state's focus on what is seen as

maintaining their societal security, against competing identities that they consider undermine Ugandan community cohesion. The approach of the most influential international and in-country actors has been to attempt a number of strategies directed towards different Ugandan communities they seek to convince that LGBTI identity is not an existential threat to counter state sponsored speech acts. Huysmans (1995) described three potential strategies: *objectivist*, teaching the communities that LGBTI rights is not a threat, a *constructivist* strategy, focusing on the process of securitization to try to prevent the success of securitizing acts. And finally what is required to deal with the present reality, the *deconstructivist* strategy of desecuritization (Jutilla, 2006:16). Social Media platforms are an important part of the communication of the information strategy for any of these approaches.

Twitter can be used to redirect, repost and gain focus from a large number of different organizations on the policy and knowledge strategies to reframe the arguments in favor of LGBTI identity. The use of Facebook, Twitter and source material produced by journalists and activists has been important also in informing Western opinion makers about the situation of LGBTI rights in SSA. The success within SSA communities is less so principally because the media channels are overwhelmingly hostile. In the UK for example a Tweet with a link about a story that was gaining attention would be picked up by journalists and TV news channels and then generate news stories on news websites and news programs. This is not possible in Uganda if the news item supported LGBTI groups it would be outlawed as is any support for LGBTI identity through Act 13 of the 2014 Anti-homosexuality Bill which forbids this (AHB2014: 2014:9). This Bill signed into law was put on hold in 2014 because of irregularities in its submission, but it has continued to set the normative behavior of institutions in Uganda. The Government has responded by introducing a new bill more draconian than the previous one according to the Human Dignity Trust (HDTa, 2014) and significantly a new NGO Bill that restricts NGO activity through a public interest clause, thus reinstates the measures to close down LGBTI rights NGO's working in Uganda (HDT, 2015). In contrast hostile material would dominate media channels, be re-tweeted by media channels and be picked up by News Papers and Tabloids. The norms that inform the behavior of news groups involve what Finnemore (1998) describes as standards of 'appropriate behavior', the meanings that inform 'appropriate' are inter-subjectively constructed, and have evaluative dimensions (Finnemore, 1998:891). If

the news event that is communicated through Twitter, or other platforms does not fit with the judgments of the community, it will be disapproved of and treated as such. The difficulty for international bodies promoting LGBTI human rights is that international human rights norms grew out of Western domestic norms. The diffusion of international normative values into Ugandan domestic norms is challenging, as it engages with a set of normative values that are already in place and have informed identity formation. Change to domestic norms is therefore slow and will be challenged, as the building of new inter-subjective meaning in country through the diffusion of international norms takes place. The backdrop is one where the deconstruction of fear within Ugandan society is a prerequisite event that is undertaken through the social construction of pluralist identities, before Ugandans see the emergence of constitutive norms. LGBTI identities are securitized within the Ugandan state. The identity of Ugandan society, the norms it identifies with are not an objectivist event, they are rather inter-subjectively and socially constructed; but never-the-less the population considers them as being *ancient* with an antecedence that gives them priority over universalist rights associated with modern Western states. This presents challenges; Vultee (2001), argues that performative acts can emerge out of securitization as a consequence of audiences responding to media framing that amplifies the social and cultural conditions that have led to this event (Balzacq, 2011:77). In the coming elections presidential and government candidates are using speech acts to attack LGBTI rights as part of legitimizing their campaign (Appendix 1, Fig 21), the very notion of the President supporting LGBTI rights would lose him votes, attacking LGBTI rights gains support. In Uganda the many forms of media channel technology from traditional paper to social media have contributed to this process, although it is actors within society with prestige and influence that 'speak security' the audience in the form of Ugandan communities accept the validity of the speech act as it accords with their conservative cultural norms. Securitization is a discursive formation that identifies a particular political system of dispersion of statement (threat), objects (referent objects) and thematic choices (survival of identity) (Hansen, 2011:361). In Uganda it exists, I argue in a larger politically discursive formation that also includes the politicization of identity, fixed as a cultural religious priority for political communities, which are constructed and communicated through media platforms from church pulpit to social media platforms.

Norm building can be seen in SSA in the context of LGBTI human rights, both as a productive activity and one that seeks to restrict rights. Globalization has had a significant impact on norm building across SSA societies. Exposure to Western societies and their normative positions have led to political demands for similar outcomes by SSA communities. There is however an exception, in that those self-identities that challenge the agency of conservative religious or political groups to maintain what they see as African normative positions are not included in the human rights improvements communities seek. Religious and political conservatives have agency to use institutional platforms often Churches, together with the use of social media to engage communities with a socially conservative message. This promotes the emergence of new normative positions, or supports existing norms that ensure the continuation of the meanings by which they understand Ugandan identity, and that is conservative meanings.

The normative values as conservative, African and religious share an epistemic terrain (Buzan et al, 1998:32–3) upon which securitizations are constituted. Successful speech acts require a compliance with the right grammar (*the argument about threat to identity*) and the external conditions such as social capital (*Religious Leaders*) and authority (*Political actors*) of the securitizing actor to succeed in convincing audiences (Hansen, 2011:362). The necessary discursive practices give rise to a shift in emphasis from actors to regimes or discourses of knowledge particularly as the knowledge is rooted in ontological narratives about identity. I would argue this increases the importance of media in its many variant forms to the speech act, as particularly with social media the knowledge is distributed through many platforms, to many communities, to construct a web of acceptance by an audience of the threat.

This speech acts through political actors or religious leaders, is often communicated through the use of platforms such as Twitter to distribute hostile material about LGBTI human rights, and *the argument about threat to identity and morality*. Martin Ssempaa is a Ugandan pastor and activist, founder of the Makerere Community Church, a key opponent of LGBTI human rights in Uganda who was instrumental in shaping and supporting the '2009 Kill the Gays Bill'. Ssempaa is a norm entrepreneur; he actively communicates his notions around the meaning of a desirable Ugandan identity

that is conservative and religious. He has standing in Ugandan society (Rwakakamba, 2014). The newspaper *New Vision* (2007), has reported extensively on Ssempe as a person with the agency to determine what the desirable normative behavior of Ugandans is or should be. Ssempe actively supports anti-gay organisations such as the Ugandan 'Under the Rainbow Coalition against homosexuality'; *New Vision* reported that during a demonstration at Kololo Airstrip in 2007. Pastor Martin Ssempe, an anti-gay activist said: *'If Uganda is leading in the fight against HIV/AIDS, it should do the same to fight homosexuality'*. He accused the organizers of the Commonwealth People's Space at Hotel Africana, for secretly creating a platform for homosexual groups. *'The Government is under pressure to legalize homosexuality. Europeans send people money to change the laws in order to legalize homosexuality'* (NewVision1, 2007). His position is that LGBTI human rights, supported by Europeans is a Western plot to undermine, Ugandan values and sovereignty, he operates in a highly contested space, not afraid to take on human right defenders in Uganda to assert his agency to prevent the institutionalisation of LGBTI human rights that would lead to the construction of a new Ugandan identity, with meanings that included LGBTI rights.

Ssempe is a very experienced and intelligent user of media channels, all of them. He has used TV, Youtube, Newspapers, Facebook and Twitter to support his hostility towards any recognition of LGBTI groups. His hostility is vociferous and he is unafraid to voice any view however negative that supports his campaign against the attainment of human rights for LGBTI groups. His use of Twitter expresses his ideational commitment to a Ugandan conservative set of norms. For Ssempe his messages channeled through Twitter or the pulpit express a coherent conception of what it means to be Ugandan, he has the agency to promote these as he is a very influential figure, communities listen to him; as such the harm he causes, the fear he creates amongst LGBTI groups is significant (Appendix 1, Fig 5). The constructed political myths by agents such as Ssempe that lead to aggressive social identities within Ugandan society have not been countered successfully as the barriers in getting positive messages to a wider community have failed and Ssempe as a securitizing actor has considerable social capital as a religious leader. In the vocabulary of securitization theory (*Using Hansen, 2011*), the threatened referent object is Ugandan identity and its moral framework as the embodiment of African values, and the threat stems from LGBTI identity, as well as from a wider set of liberal, Western NGO's. As the

endangerment to conservative religious and African values from LGBTI rights constitutes an existential threat. Ssempe demands that Ugandan society and in particular Christians resist (Hansen, 2011:364).

The globalization of human rights campaigns across SSA states and within the broader international system has caused organizations across those borders to co-operate on an unprecedented scale. Human rights defenders and legal institutions such as The Human Dignity Trust (HDT), a group of human rights lawyers are able to communicate events, issues and policy through social media channels. This support is continuous and keeps highlighting within the international system the importance of the existential threat to LGBTI human rights. It is possible through these channels to relatively easily create political campaigns to influence actors external to the Ugandan state, however these campaigns fail to change the position in country. HDT has Tweeted and re-Tweeted a range of subjects and authors to its substantial international followers which include government officials, academics, politicians, NGO's, activists and members of the public. They include UN human rights leaders such as Navi Pillay who equates homophobia with racism (Appendix 1, Fig 14). The UN has increasingly been involved with supporting LGBTI rights, a clear example of the way international institutions transform over time through the social construction of knowledge.

In the preceding decades UN's institutions particularly those concerned with human rights such as the UNHRC have build both a rational and legal argument that frames the human rights debate in favor of it being extended to LGBTI groups. We have seen over the last 50 years in Western liberal states this transformation, the interaction, the role of academic institutions and the legal challenges from politically networked organizations that have contributed to a change in the meanings of Western identity that have led to the construction of an identity which developed norms that include LGBTI human rights. This construction of a broad liberal identity in the West led to the UN which had previously not considered LGBTI human rights, to incorporate them within the international system. The UN an institution with considerable agency uses approaches such as Navi Pillay, The High Commissioner, UNHCR from 2008 to 2014, issuing key policy statements intended to influence those states that have rejected LGBTI human rights and in particular in 2014, Uganda. Pillay argued :



*'Uganda is obliged, both by its own constitution and by international law, to respect the rights of all individuals and to protect them from discrimination and violence. This law violates a host of fundamental human rights, including the right to freedom from discrimination, to privacy, freedom of association, peaceful assembly, opinion and expression and equality before the law – all of which are enshrined in Uganda's own constitution and in the international treaties it has ratified', Pillay said. (Pillay, 2014).*

The UNHRC goal is that those states that reject LGBTI identity will through the influence of the international system 'learn' to support LGBTI rights as a normative societal behavior, the learning they seek to influence would alter the meanings that form the identities of rejection that currently dominate Ugandan identity. In 2015, twelve powerful UN agencies delivered a joint statement supporting LGBTI rights in the face of escalating violence and discrimination, this was unprecedented and reflects the seriousness of the situation that LGBTI groups face. The joint UN statement on *"Ending Violence and Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex People"* has been endorsed by 12 UN entities: the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Joint United Nations Programme on HIV/AIDS (UNAIDS) Secretariat, the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Fund for Children (UNICEF), the United Nations Office on Drugs and Crime (UNODC), UN Women, the World Food Programme (WFP) and the World Health Organization (WHO) (OHCHR, 2015). This powerful coalition of opinion from organisations actively working with states that reject LGBTI identity, will influence thinking and the development of more progressive normative behaviours across many societal levels within those states and prevent the process that end in securitization from emerging.

The HDT is networked with Commonwealth human rights organizations, and is concerned with those countries in the Commonwealth that criminalize LGBTI identity. Its role is to use in-country law where possible to challenge the discrimination and the speech acts that lead to the securitization or politicization of LGBTI rights. It primarily sees its role in transforming identities through changes to judicial systems, believing that decriminalization will lead to a change in normative behaviors simply as a fact of decriminalization. It actively works with the Commonwealth secretariat to challenge Commonwealth leaders about the conditions and speech acts that politicize or securitize LGBTI identity (Bowcott, 2013). HDT uses social-media platforms such as Twitter to communicate information about speech acts, political events and violence towards LGBTI groups, such as passing of new government acts to make illegal NGO's support for LGBTI groups in Nigeria or Uganda (HDTc, 2014). The communication of data to activists and politicians about events in SSA countries provides for a powerful image of improvements or set backs in the campaigns to change the normative behavior of states and in the most serious cases such as Uganda and Nigeria, the securitization of LGBTI identity and politics (Picq & Thiel, 2015:1-2). International campaigns put pressure on politicians to consider their language, the speech acts that support securitization processes. The language politician use, its distribution over media platforms amplifies the speech acts and reaches all sectors of society, it is embedded in the social context in which securitizing actors align on the security issue (*the threat to identity*) to gain the audience's (*community*) support toward a policy or course of action, it is central to the forming, changing, evolving and the meanings of what constitutes identity (Balzacq, 2005:173). The role of politicians and leading figures in Ugandan society supported by a vast network of media channels is pivotal in constructing an identity that incorporates or rejects LGBTI human rights, that securitizes or de-securitizes LGBTI identity.

Social media platforms have allowed the networking in country and internationally of actors using a vast virtual hub of interconnected media formats reaching activists in real time. This has allowed the immediate setting up of campaigns, communication of tactics, and the provision of resources for advocacy, rights, and justice movements relatively quickly (Deibert & Rohozinsk, (2008:127). The internationalization of events such as Speech Acts or securitization moves through the agency of social media networks can bring into play resources and support to aid human rights defenders in

SSA countries such as Uganda. Social Media has facilitated the identification of emergent issues and trends as well as the ability to make prediction about effectiveness of (*de-securitization*) campaigns (Stieglitz & Dang-Xuan, 2012:2). The principle aim of the campaigns is to influence the inter-subjective formation of identity, what it means to be Ugandan, to alter norms positively to incorporate LGBTI human rights and to counter securitization processes. Norm entrepreneurs using vehicles like *Rolling Stone* to campaign to reverse human rights improvements for LGBTI groups have been important in shoring up prejudice within communities by attacking the reputation of LGBTI groups with a view to increasing repression and lay the ground for securitization. Finnemore (1998) argues that ideational commitment is the key driver behind such campaigns (Finnemore,1998:898). However the values held in the case of the *Rolling Stone* and *Red Pepper* campaigns are not empathic or constitute a belief in common shared rights, but rather privilege a set of values informed by notions of a conservative SSA identity. The reaction to these campaigns through social media platforms and by inter-government communication has put tabloids such as *Red Pepper* under increasing pressure. International campaigns supported by Ugandan human rights defenders are the principle reason President Museveni prevaricated in signing the 'anti-homosexual' Bill into law. The social media campaigns resulted in Western governments threatening the withdrawal of Ugandan aid and enacting sanctions, such as targeting Ugandan political actors involved in these anti-LGBTI campaigns by for example refusing visas to the USA and EU (Fig 15).

The exposure of homophobic campaigns from USA evangelical Christians through these social media networks and news sites has undermined these groups. As a consequence of the campaigns human rights lawyers in the USA have subjected them to legal challenge (CFCR, 2012). A number of prominent evangelicals have now disassociated themselves from Ugandan government anti- LGBTI bill (Stewart ,2012). However despite all of these campaigns to support the LGBTI human rights, the 'anti-gay' Bill was signed into law in 2014. Despite the government experiencing a set back in it being declared unconstitutional in the courts (as procedures were not followed correctly), pressure on the LGBTI community has increased and NGO's have effectively been barred from assisting LGBTI groups in Uganda through proposed NGO bill (ICNL, 2015).

## Conclusion

This Chapter has been concerned with problemising the agency of actors using media channels to influence the meanings that construct identity within Ugandan society in the context of the securitization of LGBTI groups. These actors are privileging conservative African cultural values in the social construction of identity within Ugandan society that creates or denies normative positions for LGBTI human rights.

The cultural values that give understanding to communities about the meanings incorporated into identity are inter-subjectively developed, exposed to continuous change, with often conflicting sets of normative sources from within the international community and system impacting on them. The form and nature of these meanings reflect the hegemonic values of the principle actors; in the case of Uganda a conservative political elite supported by an orthodox religious institution, primarily but not exclusively conservative and Christian. In opposition are human rights defenders, LGBTI groups, NGO's and international organizations and states that support universal rights. Within Ugandan society, conservative actors find little opposition to their role as norm entrepreneurs, for the norms they promote sit well with an audience that see these cultural values as simply substantiating a long standing discrimination of LGBTI identity held within their normative behavior. The meanings that construct this discrimination are found within the theological censure of the identity of LGBTI groups, they see this rejection as intrinsically part of their conservative religious heritage. Transmission of these conservative societal messages, that are critical in determining the evolution of Ugandan identity are both through traditional religious practice and through media, such as newspapers, and on-line web portals and social media platforms. The principle actors are politicians and religious leaders, with newspaper editors an important member of a group that has agency to challenge the incorporation of LGBTI rights into Ugandan identity. Politicians in the West have in contrast to the situation in Uganda taken the lead to support a change of societal attitude towards LGBTI groups. Social learning within Western societies has seen the widespread adoption of liberal ideas that support the autonomy of the individual and their right to identity. This is contrasted by African norms that privilege communal responsibility and adherence to conservative values. A change to law within Western

states was instrumental in influencing the development of norms accepting of LGBTI identity. Actors within Ugandan human rights communities and the international system seek to make similar changes with government support. However the role of news and social media platforms in Uganda who oppose changes to norms, is an impediment even for the few in the political system who support changes to normative values that incorporate LGBTI human rights. Actors within the Ugandan system owning or influencing news platforms who oppose LGBTI human rights have groups of politicians who's instrumental self-interest is in opposing LGBTI human rights and through speech acts, securitization of LGBTI identity. They refute societal learning that would lead to the emergence of identities supporting these human rights as products of modern Western colonialism. They will additionally not allow foreign or Ugandan NGO's to promote liberal norms that support LGBTI groups, thus opposing the emergence of societal learning through the experience of new ideas that might flourish if opposition was not so acutely managed by the Ugandan media, political and religious class. This further impedes the ability of NGO's, rights activists and politicians to de-securitize LGBTI identity in Uganda.

Media channels promote in Uganda an expression of the hegemonic cultural norms held by the political elites and the religious establishment in Uganda. This is a form of Gramscian determinacy that has enabled them to withstand international pressure from media led campaigns by liberals and gain almost absolute uncritical support from the wider population for institutional discrimination, and ultimately the securitization of LGBTI groups despite the best efforts of rights actors to oppose this.

END

## Chapter 8

The rejection of LGBTI identity in Ghana and the agency of social & news media channels in a near securitization process.

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This thesis has explored the societal response in Uganda to the demand for LGBTI rights in conflict with traditional constructs of an ideal Ugandan identity that has led to the securitization of LGBTI groups. This Chapter will explore the experience of LGBTI groups in Ghana, together with the response of Ghana's political actors to international statutes and obligations. Chapter 5 was concerned with the emergence of a securitization process through speech acts directed against LGBTI groups in Uganda that culminated in a securitization move that criminalized the very identity associated with belonging to an LGBTI group. This Chapter will consider the relative experience of LGBTI groups, how far securitization has emerged out of the actions of political actors refusing to accept LGBTI identity as having a valid constituency within Ghanaian society. Securitization *or Politicization* does not occur because a speech act utters the word "security" in reality security is not mentioned in the context of LGBTI rights but identity is. Buzan et al (1998) have qualified their speech act formulation by privileging the designation of an existential threat (*or a threat of concern*) requiring emergency action (*or risk management*) and the acceptance of that threat (*LGBTI identity*) by a significant audience. In this case Ghana's important political and societal actors and the communities who look to them for leadership (Balzacq, 2011:77). I will argue that in Ghana similar speech act processes have taken place to Uganda, however it is a politicization of LGBTI identity with a subsequent risk management approach rather than a securitization move that has emerged.

The issue of LGBTI rights was not considered as a subject of societal concern and was not raised in SSA political and academic life until post 2000. An example of the invisibility of LGBTI identity in SSA is can be seen in an academic text written by Frans Viljoen (2007) on Internal Human Rights Law in Africa; this is an expansive and credible piece of work that does not mention in any form LGBTI human rights in its text. This is very much the case with most academic work on SSA before 2000. It is the period beyond 2000, when the impact of global communications with its subsequent improved access to knowledge, increased travel within the West by SSA LGBTI groups,

and the globalization of culture through vehicles such as the internet that encouraged LGBTI groups to demand rights seen as normative in the West. Out of these new conditions emerged a clash of cultural values between LGBTI human rights defenders, and the conservative political and religious actors within SSA. This chapter will include output from interviews for this research carried out in Ghana with LGBTI persons. They describe the political and culture forces at play and the impact on their lives as they experience the existential reality of this conflict of ideas and norms. The conflict between a post enlightenment episteme in opposition to a doxa, informed by religious philosophy, common prejudice and conservative cultural values is the landscape upon which LGBTI rights is conducted in SSA.

The state as experienced in the West is more or less a secular political actor, religiously neutral, within a modern Western nation-state. Individuals are linked to an all-embracing democratic political system that sits above all other affiliations be they ethnic, cultural or religious (Juergensmeyer, 2008:11). This is in contrast to states typically found in SSA that retain religious cultural identity, together with a set of African cultural norms that have produced I argue, a hybrid religious-ethnic state identity. These states to some degree reject the West's post enlightenment liberal individuality. John Rawls (2005) in considering the question of faith and democracy, and the compatibility of religious doctrine with a liberal political conception asks if it is possible to reconcile these identities. It is the conflict between the acceptance of identities and associated meanings by secular liberal states and their disagreement with the conservative religious and cultural values found in SSA states; to an extent a product of their historical relationship with the West, that defines the landscape of norms for these societies. Both types of society share many common values, however it is the identities and meanings that inform human rights norms where the most significant divergence in values can be seen. An important question for this thesis is whether it is ever possible to accept religious or sectarian doctrines in the determination of legislation if it is to be considered universal. If some religious actors consider the identity of LGBTI groups unworthy or degrading, should the modern SSA political praxis hold their theological doctrine the basis for contemporary law governing the relationships between individuals? Rawls is clear that the overriding question is whether legislative statutes forbidding LGBTI relationships infringe the civil rights of free and equal democratic citizens (Rawls, 2005: 558). Ghana like Uganda and

much of SSA fail Rawls test, and it will be through this prism that the research in this chapter considers the situation of LGBTI groups within Ghana.

African states have ratified *The International Covenant on Civil and Political Rights* (ICCPR) as part of the United Nations Treaty based Human Rights System. The United Nations monitors the ICCPR through the Human Rights Committee (HRC) (Viljoen, 2007:100). The HRC has specifically linked Universal Human Rights with LGBTI human rights through adopted resolution 17/19, states have to report the basis on which they are meeting treaty obligations including LGBTI human rights (A/HRC/RES/17/19, 2011). This resolution has in turn led to the first official United Nations report on the LGBTI human rights issues prepared by the Office of the High Commissioner for Human Rights 19/41 to determine, 'how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity' (A/HRC/19/41, 2011). There was opposition to the production of this report, which was mainly found in SSA and Middle Eastern countries; all of these states objecting to its production are consistently in violation of rights treaty obligations. SSA state obligations under international treaty law not to violate LGBTI human rights are also in conflict with aspects of the African Charter. The African Charter is a treaty between SSA states, to support amongst other principles, human rights. One of the departures from the post enlightenment liberal secular human rights of the international system that is found in the African Charter, is the emphasis based on individuals duties that undermine the autonomy of the individual to determine his/her self identity, African rights within the Charter privilege duties to the family and 'other communities' over identity (Viljoen, 2007:249). This tension between the right of the autonomous individual to identity and expression is in conflict with the demand that the individual is constituted as part of a wider family/communal/national normative paradigm.

The rule of law is key to defending the rights of LGBTI citizens. One of the key developments in international law was the clarification that the HRC linked 'sex' in the covenant to sexuality; this upheld the human rights of LGBTI groups to identity under international law. States such as Ghana have treaty obligations to fulfill. In its findings in the case *Toonen v Australia* (1991), the HRC concluded that "the reference to 'sex' in (the Covenant) articles 2, paragraph 1, and 26 is to be taken as including sexual



orientation' (paragraph 8.7). The HRC also called on States to include the prohibition of discrimination based on sexual orientation in their constitutions (Toonen, 1996). In a further strengthening of both law and state obligations, the UN Committee on Economic, Social and Cultural Rights also explored the link between the right to health and discrimination on the grounds of sexual orientation, its intervention was one of the first by a UN body to do so (Saiz, 2004:53). Article 19 of the ICCPR secures the right to freedom of expression, including 'freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers'. Article 22 of the ICCPR guarantees that 'everyone shall have the right to freedom of association with others' (ICCPR1, 1976). These two articles are important, as a key tactic of SSA governments is to pass legislation that outlaws NGO's from seeking to support LGBTI human rights. In-country LGBTI groups including Human Rights Defenders are prohibited from meeting, LGBTI groups holding parades are attacked, campaigns and the like are criminalized through such legislation. ICCPR ratification is in place for Ghana (Sep 2000), Kenya (May 1972) and Uganda (June 1995) (ICCPR2015, 2015). However, there is a stark contrast between the signing and ratification of human rights treaties, and the implementation of such treaties in the domestic laws of their signatories. Often the official statements made by those signatory nations' leaders are brutal and cynically in opposition to the treaties they have signed up to.

Emma Mittelstaedt (2008), Executive Editor, *Chicago Journal of International Law*, 2008-2009, has developed the legal argument for 'Safeguarding the Rights of Sexual Minorities'; Mittelstaedt has stated that what is required is both an incremental improvement and the use of legal approaches to enforce the International Human Rights obligations by states (Mittelstaedt, 2008:353). Amnesty International (2006) has gone further in developing the argument in favor of LGBTI rights and state obligations. It argues that states, which have ratified or acceded to a convention, are party to the treaty and are bound to observe its provisions. States, which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts, which would defeat the object and purpose of the treaty (AI2, 2006). Both Amnesty International and Emma Mittelstaedt highlight the link between domestic law and international law. The lack of fulfillment on treaty obligations, but nevertheless the opportunity for challenges to be made within state, to insist that government meets the criteria that they have

accepted as part of the ratification, or the intent to fulfill international law through the introduction of normative positions on LGBTI rights. The status of domestic law is often in conflict with Western normative objectives. Ghana's 1960 Criminal Code, Section 104(2) bans sodomy in a provision that states: 'Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner'. This law violates the terms of the African Charter, Ghana ratified this in 1989, and in addition it also violates the ICCPR. The contention that arises is that states argue that charters and international conventions that recognize LGBTI rights do not override national laws. This line of reasoning takes the view that Ghana's law existed before these normative positions emerged, thus Ghana maintains its sovereignty by retaining preexisting laws and not submitting to emerging Western normative positions on LGBTI rights. Government officials also advance a cultural relativism argument. Officials claim that 'Ghanaians are unique people whose culture, morality and heritage totally abhor homosexual and lesbian practices and indeed any other form of unnatural sexual acts'. This concern directly relates to the way that human rights organizations support LGBTI identity (Mattelstaedt, 2008: 368). The argument that Ghana puts forward fails in that its membership of the international system is expected to lead to the emergence of new normative positions. National law, its culturally relativist positions, and the exceptionalism it claims does not sit well with new normative positions on LGBTI rights. This does not of course mean that the state will bring into law the more progressive statute. Human rights law is found in the most appalling dictatorships, all of these states have ratified the UN Charter, yet some commit atrocities against their citizens. I interviewed Elichem in Accra, Ghana in 2013 and asked him about his position on an African cultural differentiation in the application of human rights law that would take culturally relative positions in to account (edited).

*'Well, basically I think we all wake up, we sleep, we wake up. We laugh, we smile. We wear clothes, we bathe. We do all of that. I don't think there's, I don't think people in the West or in the South or in the North do things differently. Essentially the same thing. So if there are going to be rights it has to cut across. I don't see the point in having a particular people having some kind of rights and then others not. I may agree that maybe at the point, certain things might be realised a little bit, but then for me it has to cut across'* [Elichem. Interview Accra Ghana. 16/3/2013].

Citizens in Ghana like Elichem, living on the front-line of discrimination don't accept their human rights should be curtailed because of their identity; don't accept the cultural relativist view that African's have the right to discriminate against a section of the population because they don't fit with communal norms. They are not asking for a privileged position, rather the right to live in society and enjoy the same normative experience as their fellow citizens, the right to family, love and protection from discrimination and harm. The role of the state is critical to the provision of human security across its communities. Olav Knudsen (2001), identifies the state as critical both as the organizational expression of community identity and culture and the legitimiser of organized action (Knudsen, 2001:363). The role of political elites in supporting an identity as part of a community identity, or delegitimizing it has important outcomes for the likes of Elichem, particularly when the speech acts that emanate from the state legitimize discrimination.

The role of law in upholding LGBTI human rights is critical and it also informs public opinion. If a particular identity is illegal, if 'promoting' that identity and demanding rights is illegal then that group is open for abuse from a range of actors. As with the situation in Uganda, Newspapers have taken an important role in attacking LGBTI groups in Ghana. One of the questions raised by this research is the different reaction to the emergence of a demand for recognition of LGBTI identity in Ghana and Uganda. In Uganda securitization has taken place with the provision of exceptional measures to outlaw LGBTI identity or support for it within the state and its various communities. In Ghana the state has moved into what Castel (1991) describes as '*Risk Management*', where the state moves to limit the possibility of the emergence of acute threats to what it sees as the object that is essential to the survival of the state and its requisite communities. LGBTI identity is not yet quite seen in the form of an existential threat to Ghanaian society and requires a political response rather than a securitization move emerging to curtail a threat that must be eliminated (Munster, 2005:8). The chart below gives comparison in the way state agency has produced different outcomes in its approach to LGBTI rights in Uganda and Ghana. The reasons for securitization in Uganda are covered in Chapter 5, the less significant approach of risk management towards LGBTI identity has emerged in Ghana and will be analyzed in this Chapter.

Differences in the treatment of LGBTI identity between Uganda and Ghana

	<b>Securitization (Uganda)</b>	<b>Risk Management (Ghana)</b>
<b>Representation of threat</b>	<b>LGBTI Identity represents existential threat both internally and as a form of cultural imperialism from West.</b>	Impersonal correlation of factors liable to produce risk <b>to the identity of the state and its communities.</b>
<b>Measures/strategy</b>	Exceptional measures that bypass normal political procedures; measures counteract existential threat. <b>Criminalize LGBTI identity, outlaw support from NGO etc</b>	Normal measures such as surveillance and risk profiling; measures contribute to social control <b>Denounce LGBTI identity, refuse to amend law</b>
<b>Objective</b>	Elimination of threat; the elimination of a threat secures the collective survival of a socio-political order. <b>Preserve African cultural and religious norms, make conditions severe within criminal law from any deviance from norms</b>	Risk management seeks to prevent risks from developing into existential threats. <b>Take political action to ensure no liberalization within society towards LGBTI groups, encourage public denouncement and discourage foreign NGO's</b>

After Munster (2005)

Despite the political elites in Ghana's reaction to the emergence of LGBTI identity and rights being short of securitization, there was a political reaction. Cynthia Boakye (2011), in the Ghana Newspaper, *The Statesman*, reports on Ghana's Parliament attacking LGBTI rights, and MP's arguing for harsher punishments within the law. MP's argued that homosexuality was alien and does not conform to the norms and traditions of the country. The MPs were speaking in support of a statement made on the floor of the House by Justice Joe Appiah (Ablekuma North) on the issue of homosexuality and lesbianism. Referencing international pressure, MP, Hackman Owusu-Agyemang (New Juaben North) said, '*We should not allow anybody to dictate to us, Ghana is a sovereign state; I for one will never cast a vote to give rights to any homosexual*'. (Boakye, 2011). This attack on LGBTI human rights was made in the light of a series of scandals published by tabloids particularly involving school children. I

interviewed 'John Smith in Ghana in 2013 (edited), John was neither complimentary or happy with the approach MP's took;

*'I really think it's very hypocritical. I think majority (MP's), well, some key figures don't see anything wrong with it. Some figures see things wrong with it just based on religion, not anything else. But at the same time they are very cautious as to well, they would openly criticise homosexuality but I think in order to fall within certain parameters to receive foreign aid they would sort of limit themselves to certain things, you know, they would say. But I do think overall it's very hypocritical, the government, because there are a lot of people like for instance I don't know whether you've seen this, the vice president of Ghana. John talked about problems he had with his mother's religious convictions and how it impacted her view of his LGBTI identity (edited). 'But my mum really has been disappointed because she's very spiritual, she's a Christian, she's asked me a couple of times and I keep telling her, well, I don't think, I didn't think the time was right to just tell her, I just kept on saying why she's asking me that question but I'm sure she sort of suspects. So she would be disappointed'. Ghana is not a secular state in the sense of a post enlightenment Western state. Religion is spoken of in Parliament in away not often seen for example in the UK and would inform the decision of a business within law as to the suitability of an employee if he/she was LGBTI. 'Oh no, for sure no. Because the company I work for apparently is built on Christian values so it gives them grounds to discriminate against people' [John Smith. Interview Accra Ghana. 5/3/2013].*

John faced a wide range of societal situations where his identity was attacked; Parliament and work are the places where the law and the attitudes of lawmakers become critical, it is clear most are not aware or dismiss international obligations. In his family situation the church and the media play an important role in the attitudes he encounters and his is by no means the worse case.

In January 2014, the *Daily Graphic* a government owned paper and web-site with a circulation of 100,000 making it the most influential in Ghana, reported on the

persecution of LGBTI groups in a district in Accra. This report conflated the accusations of child abuse, and recruitment. The reporter stated:

*'The gays in Chorkor, a suburb in Accra were recently chased out by residents of Chorkor. Information gathered reveals that the community leaders are winning the fight against the gays and lesbians. The Assemblyman for the Chorkor Electoral Area, Mr Derick Addotey Myers said I am happy about the way things have turned out because as a Christian, I believe such practices are simply satanic and not a healthy practice for the youth of the community, that some of these gays attempt to lure into their fold. Therefore, I am doing my best to educate them to be very assertive and fend off attractive gifts like the ipads, mobile phones, expensive trainers and clothes, which they use as bait to get the young ones' (Quansah, 2014).*

This 'cleansing' of the area of LGBTI persons was carried out by a mob, condoned by the authorities and supported by a government owned newspaper. The LGBTI groups had no protection under the law, even for the illegal act of harassment and intimidation, because their LGBTI identity meant they were simply not recognised as enjoying the same legal protection as the rest of the population. The tone of the reporting was celebratory and supported the attacks on LGBTI groups.

Francesca, whom I interviewed in 2013 in James Town, a very poor suburb of Accra, Ghana showed a more defiant attitude to discrimination and violence (edited).

*'but they are not coming from our community that we are brave and stuff. So we went to a salsa night and this group confront us and start singing. So I ask them to come back and then I went forward. And one slapped me and I just slapped back and he came in to fight which the hotel premises the security come in and rescue us. It was a long time. Yeah, a lot of them but the security and the hotel premises has to call in more police to rescue. Another night, me for instance I can say I guarantee 99% okay in my home. But there are some people in this*

*community, which they are gays, they are not free. They sometimes have been harassed by other guys, which we go in and we retaliate for them. we report to the police and staff and call on other organisations to intervene'* [Francesca. Interview Accra Ghana. 16/3/2013].

There is a marked difference in the solidarity of local people, living in very squalid conditions to the LGBTI community and those in more prosperous middle class areas. As a result of NGO's working in the area and using the language of human rights, the locals have become more politicised, more willing to demand their rights and have more community cohesion, and to a degree an acceptance of the LGBTI community within their locality. This is in marked contrast to areas such as Chorkor, which is economically better off and has not been exposed to the same level of politicization that has helped poorer LGBTI groups to challenge societal positions on LGBTI human rights.

The former President of Ghana, John Mills resisted all pressure to legislate for LGBTI human rights in Ghana. The *Ghana News Agency* reported in 2011 that during a festival titled '*Promoting our cultural values to eradicate vice*'. The culture secretary reading a speech on his behalf, linked child abuse, prostitution, rape, drug abuse and armed robbery with homosexuality. Homosexuality was specifically highlighted as an identity not to be legalised (GNA, 2011). This link with criminal activity, particularly child abuse, gives agency to those individuals intent on humiliating, committing violence or ejecting LGBTI people from their own community, free from restraint, or legal control. Adam a young man I interviewed in Ghana in 2013 described a criminal conspiracy to rob him (edited).

*'So I met him. He brought me a drink, he was very nice, so I thought you know, for someone to buy you a drink first the person is actually showing you a bit of care. So we drink and then we had a bit of chitchat and then he goes, 'Oh, do you want to come and see where I live?'. So I was a bit of reluctant and you know what it's a bit late but let me just have a quick look and I'll come back tomorrow. Halfway through we went through some little darkness and next minute I heard bang. It's something you don't really want*

*to experience. I heard a banging. I didn't really fall down because if I'd fallen down on my belly flat that would have been a very fatal thing. So I didn't fall down, I got up and I started screaming, trying to defend myself. I lost my mobile phone throughout the whole thing and my slippers I lost them as well because I actually ran for my life. And I went into the wrong person's hands, he stood me there, another drama happened, this community police thing had to help me out. It was not very, very nice. I don't really like talking about it. I just said to them hi, my name is blah blah, It's all about how to defend yourself.*

*What would I have said to them? That oh yeah, I am gay and you know, that would have been like admitting what was going on. So I would get a bit of a beating because I mean, people came around so ... (So even though you were the victim) I would still get some beating. (And the police wouldn't arrest this other man) No. Not for that instance, no' [Adam. Interview Accra Ghana. 5/3/2013].*

Adam was openly attacked in a well thought out and planned scheme, the contact was initially made through social media, community police offered no help and Adam's main concern was not to be identified as Gay. If Adam was identified as LGBTI, he feared the local community would have intervened to attack him, and the police would not offer help to an LGBTI person. The other issue for LGBTI groups is blackmail, it is planned in much the same way but the crime is more extensive as the blackmail can continue for months. Sometimes the police are involved and they would require payment. Epprecht (2013), argues that LGBTI groups require the right to redress and accountability that is seen as normative for heterosexual groups within in this case Ghana. Victims should be able to hold victimizers or state actors who fail to protect them liable, as without this there can be no normative conditions of being within the community (Epprecht, 2013,164). The characterisation of individuals as abnormal, those that do not adhere to the norm is the concern of actors seeking to ensure the governance of the population through what Foucault characterised as disciplinary normation (Lennox, 2013:172). I would argue that this rejection of an LGBTI group identity situated within the normative paradigm accepted by Ghana society, gives



authority to criminals to exploit LGBTI groups, they sit outside the law and therefore are not protected by the law.

Kweko a young professional working for a legal firm in Ghana was subjected to a criminal scam that was extensive and continuous and again was set-up using social media (edited).

*'I met somebody online I could give friend his number and said you guys could take it up from there. So we walk (Kweko friend also) into a slum. I immediately became very uncomfortable and so I decided that we couldn't stay so the two of us left them. We came back about thirty minutes later to find a crowd in the neighborhood. They were beating up my friend; we managed to get him out of the crowd to a safer place. It appeared that it was a syndicate of some sort, they had planned it out and so some people were playing good cop, trying to talk to us, and then there were others who were just basically beating him up. They said well, they are not letting him go, they're going to take him to the police, we had to give them money, they took our phones, and we walked home that night. A few months after that I ran into them again, the whole group of people and they started shouting batty boy, batty boy. They took my wristwatch, my phone. I did meet them a third time. I actually walked past them, I recognised them and I just decided to ignore them. And they're like, you are that batty boy from the last time, I just walked away.*

*First the attitude of the police, I've come to find that a lot of these scammers or these gay bashers are in cahoots with the police. So sometimes they will tell you they're taking you to the police and they would, they know somebody at the police station who would join them extort from you. Two is the fear of having to tell your story to the police and when this happened to me I barely turned eighteen and I thought well, if the police got involved then my parents would get involved. And that is something I'd rather not do. So that's, that basically. I have heard stories of police who have been defensive of some people who have been bashed, but that's rare [Kweko. Interview Accra Ghana 10/3/2014].*

Although we see politicization of LGBTI identity with Risk Management there is not the level of speech acts that suggest a securitization move is in progress. Rather Ghana provides for the perfect environment for criminals to entrap and rob LGBTI groups with impunity, people are afraid to seek help from the police and often the police are part of the operation. MP's with the support of church leaders are the leading actors perpetrating the rhetoric that undermines LGBTI human security. Often the message is very popular and certainly will gain them votes and support within the community. *Citi News* ran an interview with the NDC MP for Shay Otsu Duke, Hon David Teethe, a senior Member of Parliament He warned

'the homosexual community in Ghana may soon be at the receiving end of mounting public anger in the form of physical attacks and outright death, if they do not stop what he calls their evil deeds' (Citi, 2011).

The MP, Hon David Tetteh in his speech act did not criticize the potential for the murder of LGBTI citizens, rather he was of the opinion LGBTI groups should not have human rights and the police should start raiding their meeting places. Former Chairman of the Parliamentary Committee on Legal and Constitutional Affairs, Inusah Fuseini, supported this view in the same article. In his speech act he pronounced that

'I believe that the male organ was created for two things: for passing urine and for releasing spermatozoa, which is needed for creating. So the women, who are interested in keeping their marriages must help those who are against homosexuality, because they really have an interest in the organs being in perfect order and being used for the purpose for which they were created' (Citi, 2011).

Both of these politicians in speech acts, sought publicly to attack LGBTI groups as ungodly, inhuman and undeserving of the protection of lawful institutions. They ridicule LGBTI persons, further publicly humiliating them and the newspaper article neither challenges or criticizes the polemic; it accepts it as the right thing to do. It is in this climate that both Adam and Kweko, who were robbed, attacked, and humiliated, were unable to ask for police protection in the face of the mob, nor expected it to be

forthcoming. The mob knowing it had the support of politicians, clergy and the police, could rob and physically harm with impunity. The attack by politicians and clergy on LGBTI groups has created a state of lawlessness within which LGBTI groups reside, they are seen as being outside of the protection of the law and not worthy of the rights that other Ghanaian citizens enjoy. Kornprobst (2012) discusses how influential leaders depend on some measure of more widely agreed-upon reasons in a community in order to make the community act in certain ways rather than others, in this case these actors within the political system have determined that it is the rejection of LGBTI identity that gives justification to the attacks by local communities and they do this through speech acts. The rejection of LGBTI identity explains the public justification for political or communal action. This highlights the agency that politicians have in exercising political judgments that generate public justifications for action through speech acts (Kornprobst, 2012:196). The speech acts of Tetteh and Fuseini come close to moving into the space of a securitization move and it is here that their actions leave risk management and move towards securitization particularly with the implied threats of violence towards LGBTI groups. However Buzan (1998) requires three steps to securitization 1) Identification of the existential threat, 2) emergency action, 3) breaking free of rules in dealing with threat (Taureck, 2006: 54). In the case of Ghana, MP's have politicized LGBTI identity as something to be rejected, Police forces have not offered protection under the law and across communities it is often dangerous for LGBTI persons to be identified. Unlike Uganda where the 'securitization move' has been through an act of Parliament, the actions of ministers arbitrarily closing down LGBTI meetings and police arresting persons for simply holding LGBTI identity. This has not manifested itself in the same way in Uganda. What is different in Ghana is there was not the same well funded intervention by USA evangelical churches, a newly emergent society out of conflict after years of bloodshed and a much less mature democratic set of institutions working in a much less partnership approach with international agencies than is found in Ghana. However of importance in Ghana I argue is the political element of the securitization process that has manifested itself through a rejection of LGBTI rights with the Ghana legal system and the rhetoric often in the form of speech acts that MP's use against LGBTI groups. Aradau (2001), argues that the securitization process is a political method at its most extreme 'a technique of government which retrieves the ordering force of the fear of 'violent death' by a mythical replay of the variations of the Hobbesian state of nature (Aradau, 2006). The

result is a rupture in the routinised, everyday life of communities by fabricating an existential threat, in the case of LGBTI identity, the death of the cultural identity of Ghana's society. It is the political method as a sub-text of securitization that politicizes LGBTI identity in Ghana, allowing criminal gangs to persecute and prey on LGBTI persons with such free reign. The political consensus is LGBTI identity is wrong, the community rejects it, often violently, the religious sub-text is sin; therefore Ghana provides little or no protection to LGBTI groups. This is a passive violence rather than a political decision to implement a securitization move, although speech acts do not suggest directly persecuting LGBTI groups as in Uganda, they allow others to do so with impunity; a politicization rather than full securitization of LGBTI identity.

The question of the role of the police when LGBTI persons are victims of crime was highlighted during my research interviews in Accra, Ghana. Elichem, a young gay Ghanaian male talked about a serious criminal act against his person, that he was unable to seek help from the police to get legal redress for (edited).

*'I was raped. How do you ring the police, because it's an act the police doesn't want to hear of? They would actually go after the criminal. But this is the thing; the criminal also has proof that you are not entirely innocent. It's something that you do. So then that puts you in a position that incriminates you as well. The police would arrest you as well. If you do want to go to the police then you have to make it a case that doesn't put you in a position of being gay. I would never go to the police'* [Elichem. Interview Accra Ghana. 16/3/2013].

This case, was one of a number where the role of the police, the lack of trust, the criminalization of the victim, brings the Ghanaian justice system into institutional disrepute, that constitutes a violation of its international human rights treaty obligations.

Ghana has closely followed the recent changes to the law in Nigeria, a West African economic and political partner and rival. The form of anti-gay legislation recently promoted in Nigeria and supported by political and religious actors in Ghana violates international accords. This legislation, according to Navi Pillay, the UNHR High

Commissioner could bring mob law against LGBTI groups onto the streets. Pillay (2014) stated that lesbian, gay, bisexual and transgender (LGBT) communities were "living in fear", and 'The law violates international law, in that it is discriminatory and seriously impinges on the freedom of expression and freedom of assembly' she declared. It could also 'lead to human rights defenders advocating for the rights of LGBT people receiving draconian prison sentences' (Evans, 2014). This is an important intervention by the UNHRC and is a warning to governments they have international obligations to fulfil. The article was reported in Ghana by Joyonline, this is a news hub that distributes international news, particularly Ghanaian and is a free accessible news channel. The danger for LGBTI groups is that pressure could build in Ghana to follow Nigeria's example that was very much seen as influenced by the Ugandan securitization move. Nigeria has securitized its LGBTI communities; it has been heavily influenced by both internal religious evangelicals and USA evangelicals, who are less active in Ghana (Gerety, 2013).

The news that the UN is actively seen to support LGBTI groups and the implications for governments has been discussed in the Ghana press. Dr. Michael J.K. Bokor (2014) wrote on the subject for the *GhanaWeb* news-hub in fairly positive language. Bokor comments:

*'It is reported that the UN will support gays in every way to live their lives as such, even within the premises of the UN. Of course, every human being has the right to determine what is good for him or her fulfillment. But that pursuit should be situated within the context of that individual cultural and social origin and preferences. What this position of the UN means is that the world body has joined individual countries and systems that have all this while granted gays/homosexuals whatever right they deserve. The signal is clear: Countries opposing gays/homosexuals should be warned!!'* (Bokor, 2014).

The implication being made is that if Ghana will not support removal of discriminatory laws towards LGBTI groups it will be penalized by the international system, it had already come under pressure from the USA, UK and EU in the recent past and this is a sensitive issue. However the article by Ghanaian standards was positive, the focus

being on independence of the state rather than that LGBTI groups should not have human rights. The opinion of the international system matters to LGBTI groups in Ghana, they see it as an important protection from the most excessive state discrimination and provides funds and expertise to help develop human rights campaigns. In the most severe cases of discrimination it may also provide for Asylum rights, this has become increasingly important, as repressive laws have been introduced across SSA. This interaction between self interested egoists, states such as Ghana, and the international system that can respond materially to the actions of states fosters compliance that in the end can produce shared learning around normative behaviors (Checkel, 2001:556). It is why human rights NGO's are keen that governments and international organizations continue to pressurize states to comply with international norms as these eventually become normative within the state.

Tabloid journalism has targeted children who are accused of homosexual acts within the Ghanaian boarding school system. In 2013 a number of Ghanaian tabloids and radio stations broke a story that nineteen high school students in Kumasi Ghana, were dismissed for "*practicing homosexuality*" at Opoku Ware Secondary High School. This followed an earlier story that reported 34 girls were dismissed from the Wesley Girls Senior High School, also in Kumasi, for engaging in lesbianism (Stewart, 2013). The political context of the story was that the human rights lawyer Nana Oye Lithur had been appointed as Ghana's Minister for Gender, Children and Social Protection she was said to support "the rights of everybody, including homosexuals (Pink1, 2013) and this had caused a conservative backlash. The tabloids and radio stations conflated the events for the political purpose of attacking LGBTI rights. The *Ghana Herald* reported on the story using harsh condemnatory language 'The Kumasi Wesley Girls' Senior High School, one of the revered and leading second cycle females' institutions in the country is on the brink of losing its social and moral standing in the Ghanaian society over the despicable act of lesbianism' (Stewart, 2013). This impacts on the self worth of Ghanaian LGBTI groups particularly Lesbians and has a direct correlation with the attitude of parents and family towards there self-identification. I interviewed Clara a young Lesbian in James Town, Accra, Ghana; she described her mother's attitude to her sexuality (edited).

*'Don't like it. But I don't say, if they see, they complain but I don't bother them. Yes, my mother knows, but she doesn't want to be sure. She doesn't want to accept that I'm like that. I used to say that's my friend, it's not my ..., she'd be annoyed. But she can't slap them. [Clara. Interview James Town Accra Ghana. 16/3/2013].*

Tyra, a young Lesbian was interviewed for this research in James Town, Accra, Ghana; she spoke specifically about school and her family (edited).

*... The first time when my mum hear I'm such a person she didn't talk to me for a while, for more than four years. Yeah. And she even threat to bring police to catch me. Yeah. She just told me she would be reporting me to the police to catch me. My friends some of them say that it's a bad thing; it's a devilish thing.*

*Even I remember my school days, my secondary schooldays, they say a lot of things but I didn't mind. I went to Girls school. Yes. They even punished me, I even carried gravels to fill the hole and things but ...the house mistress and some of my seniors. Yeah, yeah, they bully me for that, yeah. Sometimes I feel bad. But others it's something that gives me happy. So at the end of the day I just brush it off. Yeah.*

*In Ghana it is very, is like in our tradition is that they think is a devilish thing. So when you are such a person then they don't recognise you as a good person. So it's like you will be having problems with your family, your parents, even the community. Yes, they give you names and all sorts like that. Even some people gang up to beat some people, yeah'. [Tyra. Interview James Town Accra Ghana. 16/3/2013].*

The reality for both Clara and Tyra is that their family and most former friends reject their identity, growing up in school with its hostile institutional homophobia was deeply problematic for them. The tabloids stories, picked up by radio sensationalising 'scandals' in school, simply add to the general pressure on the young LGBTI persons. This increased the danger of exposure whilst simultaneously reducing their sense of self worth, further isolating them in a hostile community. The speech act as argued by

Balzack (2012), is that the statements do more than merely describe a given reality, and as such these utterances realize a specific action; they do things (Mauer, 2012:56-73). In the case of the earlier tabloid reporting its purpose is to support a particular normative position, they isolate and put at risk a group of children and they encourage action by the community, the speech act has agency.

Western Journalists are seen as articulate, educated and well read, with generally a good world-view that lends towards a more nuanced view on social matters. In contrast to The President of the Ghana Journalists Association GJA), Affail Monney (2013), in an interview on Ghana's *Radio XYZ News* urged the local media to take an anti-gay stance against gays and lesbians, that the practice is "satanic" and must not be allowed to fester in Ghana. This is in line with what Balzaq (2005) describes as the repurposing of the speech act as a pragmatic act, an argumentative practice who's purpose is to convince a target audience to accept based on their life experience that a specific societal change is a threat in the most extreme circumstances requiring something to be done about it (Balzacoq, 2011:77).

Monney repudiates neutrality or a balanced narrative as he pragmatically asserts the moral right of his position in identifying the societal challenge he see's presented by LGBTI identity, whilst to some extent acknowledging the importance of media's agency within Ghana to shape or confirm the rejection of LGBTI rights. Monney stated:

*'The media do not have to take a posture of neutrality as far as right and wrong are concerned, homosexuality, is an issue that is totally wrong, it is morally repugnant, culturally offensive and legally unacceptable. The Association will fully support any media house that takes a firm stance against the practice'* (radioxyzonline, 2013).

The GJA view heard on the popular radio show, and reproduced in print across Ghana's news industry, set the tone for the standards of reporting on LGBTI news. The terminology, used places LGBTI groups outside of the normative values journalists would apply in Ghana when reporting on news items, terms 'morally repugnant' and 'culturally offensive' were used to undermine and de-humanise, and thus make



ineffective the call by LGBTI groups for support in their demands for human rights to the wider population in Ghana

O'Reilly (2008) considers the 'facilitating conditions' (*community norms*) and 'functional actors' (*media*) (Buzan et al, 1998), that through 'political agency, audience and context.' media plays presents or supports government policy, its image as an unbiased representative of truth and its subsequent effect on public opinion means as an actor it has significant agency in any form of securitization process (O'Reilly, 2008:68). In Ghana we see this repeated across media platforms as stories are generated about LGBTI groups ranging from child abusers to evil lesbians to satanic agents. The agency of the media is used to promote a range of speech acts that have not yet led to a securitization move but have promoted the politicization of LGBTI with the potential for and actual harm that comes out of that process

Anana is a student, studying journalism at university in Accra, Ghana; he was interviewed and asked about journalists and wider societal issues for LGBTI groups (edited).

*Since we don't have the laws or the rights governing us or protecting us somebody might just use that to blackmail you. Seeing you're a journalist maybe you are popular or you write for gay press or something, some men might also want to take advantage, Yeah, ...(Journalists are well educated people?) some of them might, they are, the enlightened ones because the other ones who are so ... The phobia is so rife, is so strong that I'm not sure. (The future). I think we need time, we have to evolve but we need time first. Like I say Ghanaian society or African society is where people hate gay so much because of religious effects and like child bearing, like you need to look after the family or something, that's our culture, that's how they believe. So why should you marry a man?, are you going to give a child? ... [Anana. Interview James Town Accra Ghana. 16/3/2013].*

Securitization as a theory is a synthesis of constructivist and rationalist approaches to

security in its approach (Karacasulu, 2007:1). It can be seen as a media frame according to (Vultee (2011), in that it blends sociological and psychological influences in the form of an organizing principle invoked by political actors that is amplified by media channels such as News platforms, social media, Radio and TV (Balzacoq, 2011:77). These media channels shape the conversation, seen or heard in the 'speech act', and provide for the conditions under which the social content or meaning of what is security produces the threat seen by the political actors and the community. (Balzacoq, 2011:78). Securitization process are influencing the media but are also an outcome of the interpretation of media, and this goes somewhat I hypothesize towards understanding the difference between the process in Uganda and Ghana securitize LGBTI identity.

Scholars, particularly since the enlightenment have considered questions about the importance of epistemology and the application of knowledge in shaping the behavior of states, communities and individuals. Within the subjectivism of the ideology of human rights, liberalism places the individual at the centre of legal concern whilst acknowledging in a real world context that this centrality is limited by the wider requirements of a given society. This is seen as epistemic in character by the likes of Anthony Carty, who considers societal reactions as part of a humanist tradition that identities fear itself as the basis for aggressive actions against others, (Strawson 2004:45). This is certainly experienced in Ghana, LGBTI groups have witnessed a frenzy of negative reporting, based on a fear that the norms seen as defining Ghanaian society are under threat, as human rights defenders demand equality under the law for LGBTI groups. The outcome has been a securitization or Politicization process I would argue that is still evolving that may yet end in a securitization move as seen in Uganda and Nigeria with the subsequent hard to LGBTI communities.

LGBTI groups seek justice, due process, and protection under the law in Ghana. These notions of justice are a first-order ethical consideration; they contain categorical duties and prohibitions that take precedence over other moral and practical concerns (Sandel, 1998:3-5). The question of what this means in developing Ghana's jurisprudence to support LGBTI human rights, is laid out in the arguments put forward by both Robert Nozick and F.A Hayek; they argue that basic civil and political liberties are central to notions of justice (Sandel, 1998:184). It can be argued that current conditions under which LGBTI groups live in Ghana, is one in which the state and wider

society exercises power in a cruel or arbitrary way that rather than acknowledges injustice securitizes these communities. Jacques Derrida considered that the action of states outside a framework of justice is indeed tyrannical in form (Cornell, 1992:11).

The media in Ghana frames LGBTI groups in harsh derogatory terms, unfit, divisive, undermining society, corrupt, vile. This is the language of the dominant political and religious actors and it is propagated through the mediums of the church pulpit, the mosque, news outlets, social media, radio and TV. Noam Chomsky (1989) argued that political elites succeed in their societal goals by subverting any dissident opposition to their methods using devices of imagery and doctrine, where they label a section of society in a particular way. (Chomsky, 1989:256). This discourse through a previously unimaginable array of media channels is used by opponents of LGBTI human rights in Ghana, to argue for both continued limitations to the rights of LGBTI groups and further ostracism and punishment. Pachur and Hertwig (2006), argue that populations facing a huge amount of data apply strategies to avoid complex argument building or complexity, media provides this by synthesizing the arguments and framing them as a heuristic cue that supports securitization processes (Balzacoq, 2011:81). This lends itself to gaining the support of the police and the wider community to the goals of political and societal actors that reject LGBTI identity will either risk manage through a politicization process or an eventual securitization move in Ghana.

END

## CHAPTER 9

The potential for the emergence of a security dynamic to replace the current process of politicization of LGBTI rights to one of securitization in Kenya

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This Chapter will account for the politicization of LGBTI groups in Kenya, and consider the potential for securitization in the future.

Securitization according to Weaver (1998), is the move that takes politics beyond the established norms of political behavior, creating a special kind of politics, or as above politics. Securitization can be considered a more extreme version of politicization where conventions of normative political behavior are breeched. Securitization is to see an existential threat requiring emergency measures, and justifying actions outside of the normal bounds of political procedure. Politicization in contrast is most often considered a societal issue, dealt with within the meaning of public policy, requiring government decision and resource allocations and the use of judicial processes. (Buzan, Weaver, Wilde, 1998:24). Securitization has been the outcome of opposition to LGBTI identity in Uganda, with provisions going as far as attempting a government Bill to execute Gay Men, reduced later to long prison sentences, prosecution of parents, friends, neighbors or landlords who gave refuge to those who hold LGBTI identity. This is a situation that is contrary to modern political developments in most societies, irrespective of acceptance of LGBTI rights, or not. It is an exceptionalism in which the very identity of the individual becomes a crime and the knowledge of a person holding that identity requires disclosure to authorities, or prosecution if an individual fails to act. Latterly NGO's have been outlawed who support LGBTI groups including sexual health, the recent Ugandan government bill gives authorities sweeping powers to regulate civil society including removing an NGO's right to operate if it provides support to LGBTI groups. (Enca, 2015). This chapter will consider where in the continuum between politicization in Ghana and securitization in Uganda, Kenya sits, and if the societal processes in play will eventually proceed to the full securitization of LGBTI groups.

The Copenhagen School considered questions of societal security, the ability of a society to seek to maintain its essential character, its normative behavior when its

security is threatened, 'societies perceiving threats in identity terms' (Hough, 2008: 114). How the politicization or securitizing of identity by political actors fearful of threats to their traditional values and customs emerges. What it means to be for example Kenyan or African and how culturally relativist positions on identity can create existential threats to a range of identities outside of these 'normative values'. Conflict over identity emerges out of the intrinsic incommensurability of the person 'belonging', manifested as community, and their demand for autonomy manifested as diversity. This accounts for the tendency towards suspicion and fear of those who are different, and why such fears, often politically manipulated within highly developed political communities like states, cause cultural identity to be seen in zero-sum terms. Such that cultural coexistence and toleration is not an option for identities that are presupposed as threatening the moral basis of the collective norms that define the nature of the state (Bain, 2006 :140-141).

International order according to Haynes (2009), is a regime with widespread acceptance of particular values and norms of behavior, including the expanding corpus of international law (Haynes, 2011:4). Kenya like other SSA states is a member of that international order, and has signed treaties covering its obligations towards the protection of its citizens, and this includes LGBTI citizens. The standing within Kenya of the meanings of norms executed within a jurisprudence that is situated both within Kenya society, and its international obligations, will determine how the protection of citizens, and the provision of justice for both victims and perpetrators of crime is administered. This is of existential concern for LGBTI groups; they will either be seen as citizens requiring protection, or politicized as criminals outside of the law. This is an outcome of how the meanings given to normative behavior, fixed within inter-subjectively constructed identities, Kenyan and African, conservative and religious, are acted upon within societal institutions and communities. For LGBTI groups their identity situated them outside of the law, consensual same-sex practices are criminalized under the Kenyan Penal Code punishable by 14 years imprisonment. Kenyan society has deeply entrenched prejudice against LGBTI identity, and this causes LGBTI groups to face considerable stigma and prejudice. A range of political and religious leaders has politicized the question of LGBTI rights. Ministers face society wide censure for any perceived support LGBTI rights; Nana Oye Lithur came under enormous pressure in 2013 for her support for the protection of LGBTI groups (KT,

2015:20). Activist and lawyer Eric Gitari, (Executive Director, National Gay and Lesbian Human Rights Commission (NGLHRC)) was 'outed', as were a number of leading LGBTI activists for their role in the fight for LGBT rights through an article in the Kenyan tabloid *The Weekly Citizen* (WC, 2015). This was following the decision of the Kenya Government to appeal a High Court ruling of April 24 2015, that would open the way to official recognition of LGBTI organizations (Stewart, 2015). The news report was not in the same form as that seen in the Ugandan tabloid *Rolling Stone* which asked for the gay men to be executed, but never the less did politicize the activists suggesting that they were both unchristian and un-Kenyan. A raft of senior Kenyan government ministers from the president downwards has shared a range of negative positions towards LGBTI rights. President Kenyatta stated that LGBTI rights was a non-issue for Kenyans, not a priority (News24, 2015), the Deputy President William Ruto the Deputy Prime Minister said in May 2015 that Kenya had "*no room for gays*". The comment was made the same day that U.S. Secretary of State John Kerry arrived in Nairobi for talks (Malalo, 2015). MP, Irungu Kangata, told a gathering of anti-gay protesters outside parliament that 'are telling Mr Obama when he comes to Kenya this month and he tries to bring the abortion agenda, the gay agenda, we shall tell him to shut up and go home'. MP Aiden Duale, in 2014 compared gay people with terrorists, arguing: 'we need to go on and address this issue the way we want to address terrorism... It's as serious as terrorism. It's as serious as any other social evil' (HDTd, 2015:161-162). This is the position of the majority of Kenyan MP's, whilst in most cases not asking for more severe penalties such as the death penalty which was argued for in Uganda, they are content with the status quo, but importantly will not address the rejection, threats, homelessness and health deficit that LGBTI groups experience disproportionately in Kenya. The quote about equating terrorism with gay people by Duale is concerning, as it moves the rhetoric from the politicization of LGBTI identity to a speech act that imitates the reports found in *Rolling Stone* Uganda and taken up by MP's, to support securitization moves against Ugandan LGBTI communities. Peter an LGBTI activist in Kenya I interviewed for this thesis describes the political landscape for LGBTI groups in Kenya (edited):

*'.... going back to let's say during elections you find politicians want to use that as a campaign. They want to show the public that they're against homosexuals and that this was seen majorly during the time*

*when we were working on the constitution, when they wanted to change the constitution If you look at the Bill of Rights and there were a lot of discussions in the political and religious angles where they were trying to say that there are some people who want to bring into the constitution the agenda of the LGBTI, that they are passing a constitution where same sex marriage is accepted, and there was a lot of noises and people who were against it and they were like using it as a tool to just ensure that the constitution does not pass. And so every time there is an election people want to bring that angle of ... Because there was a lot of publicity over the same and so people wanted to strongly come out and say that we are against this, this is an African ... And this has led to some violence in some areas where people have been attacked, some places where people have been attacked because maybe they came out strongly as, they identified themselves as LGBTI or were suspected'. (Peter, interview Nairobi, Kenya 25/11/2013)*

Peter highlights the negative positioning of LGBTI identity within the Ugandan political system, its use as a means of gaining support from politicians during elections and the consequence of reinforcing stereo-types and the often mob violence that results from this.

In Kenya in contrast to Uganda, important institutional actors such as the church will have a minority of its clergy supporting LGBTI rights without criminal action from the government, accepting they are exposed to censure from the church itself. Nevertheless they are able to offer counselling and support which would be outlawed in Uganda. In an article in *The Washington Post* (2014), the Rev. John Makokha, is described as risking his vocation and reputation by welcoming LGBTI groups to his church. His open door policy was a response to the number of clergy resorting to hate speech, and discrimination against LGBTI groups. Makokha decided to support LGBTI groups after one of his students committed suicide in 1995, after the school expelled him because of his sexual orientation. As a minister with the Free Methodist Church and then the United Methodist Church (UMC), Makokha began to stress inclusion for all. However, the UMC leadership began demanding that he stop ministering to LGBTI groups. They accused him of going against the Bible and cut off his funding. He finally

left the denomination and established his own church in 2011 (Nzwili, 2014). The environment that Makokha resides in is highly politicized, his community is uneducated, poor, living in a societal environment continually under pressure, and he faces both political and ecclesiastic attacks from clergy and community leaders who denounce his support for LGBTI communities. His work is not illegal, LGBTI groups are not securitized but they are politicized within Kenya. The Rev. John Makokha of the Riruta Hope Community Church was interviewed for research purposes for this thesis; Makokha describes the impact of discrimination towards LGBTI communities in Kenya and the role of USA evangelical organisations in Kenya (edited):

*'These pastors in Uganda and Kenya go to the same theological schools., the majority of them have a lot of money from the West. From the evangelical in the West, their brothers and sisters, they give them a lot of money. I think the American evangelicals have their own political agenda, using religion to spearhead their own religious political agenda. Is very, very unfortunate because this is a war that they have started and they know better, because they are the ones who fund most of these pastors here.. Whether Uganda, Kenya, Ghana, they are the ones who bring in millions of dollars, to buy property, to expand their ministries here. And that's why when we go to these churches they are mega churches. They are not small churches but mega churches. So the ones who are saying if you bring in money then we have to, we have to come and decide how that money is supposed to be utilized in terms of the curriculum, in terms of how the worship should be preached. And this is not only in churches but also in theological schools that they're sponsoring. They're dictating on what should be in the curriculum. They're dictating who should be the professor to teach that. Because they are the ones paying. They have the money. And they have big money. they are also using politics, they are using political leaders. In Uganda they are using the president and the first lady, Janet.*

*They use the carrot and the stick. So do this, we are giving you grants, we are giving funds for this program. But make sure that you don't*



*allow this. In Kenya if you don't want to get votes then start talking about LGBTI.*

*The imams, the chefs, when they are meeting the Christians they prefer engaging in debates, not dialogue. So when we started it was a big fight, they cool down and some of them said at least they're learning something. But some said, they were there but I think those fellows (LGBTI), should be stoned to death'. (Rev. John Makokha, interview Nairobi, Kenya 25/11/2013)*

Makokha describes in the interview a politicization process that is similar to that which emerged in the 2000's in Uganda as LGBTI groups politically agitated for rights, the conservative political and religious establishment reacted and rejected these demands. In parallel USA evangelical groups raised the political status and began to politicize the identity of LGBTI groups through their investment in religious infrastructure (mega-churches) and theological teaching, together with the sponsorship of political actors. Following on from the successes in Uganda and Nigeria the USA evangelical organisations are investing in African states to propagate their conservative political demands to receptive political actors and communities. The political-ontological assumptions of these conservative and religious actors can be seen through a lens that understands society and identity as constituted within a discourse by *Kenyan* 'political actors, conservative religious leaders, theological institutions intellectuals and communities. Security, and within this the 'threat of identity' (*other*) is a discursive formation that identifies and includes a type of statement (threat of *identity*, *other*), objects (referent objects, *the state or community*) and thematic choices (*survival of what is the identity of the state or community*) (Hansen, 2011:361-362). The distinction between 'normal' and 'emergency' politics, or politicization and securitization is not easily defined. Acts and speech acts in both realms are challenges to the state of plurality within a society. Jutila (2006), understands normal politics focusing events to achieve the good life for the community or advantage in political positioning, 'emergency politics' and securitizing acts are initiatives made in the name of a given society to order to save it from an existential threat (Jutila, 2006:173). The potential is for LGBTI rights to

become securitized, as opposed to simply politicized, which in itself is dangerous but LGBTI identity has not been positioned yet as an existential threat to Kenyan identity.

The danger to LGBTI groups through their politicization has been highlighted by HRW in its report on *'Attacks on LGBT People on Kenya's Coast'* (2015), research on violence from Kenyan communities towards LGBTI groups. Violence is an outcome of the politicization of a minority group and has serious concerns if it is growing and political and social actors are increasing the number of speech acts that may be a prelude to a securitization move. On February 18, 2015, police arrested two men in Kenya's coastal Kwale County and charged them with "*unnatural offenses*". The police threatened the two men with violence to try to extract confessions. The public uproar surrounding the allegations of homosexuality led dozens of gay men and transgender women, fearing violence, to flee their homes. Residents in the Kwale towns of Ukunda and Diani physically attacked at least two suspected gay men. Politicians and extremist religious leaders sought to bolster their influence by proposing homophobic legislation and preaching hatred against gay Kenyans. Media houses engage in sensational reporting on scandals, sometimes entirely fabricated, involving LGBT people. The violence has had the consequence of inhibiting access to HIV prevention and treatment by LGBTI groups. HIV services for MSM in the Mombasa area are under threat as homophobic mobs attacked clinics and HIV workshops for MSM on the coast in 2008, 2010, and 2012 (HRW, 2015:1-4).

John Green (2015), reported on the failure of LGBTI persons to be protected in Kenya where they face constant attacks, kidnappings, extortion and police harassment. In November 2015 a dozen LGBT people were taken by UNHCR to a safe house in Nairobi, after they were attacked, the agency – the very group tasked with protected LGBTI people – has admitted its own staff are hostile and stated that *'they could not work with, or talk to, a gay man because of their 'faith'*. Discrimination from UNHCR staff has also led to delays in determining refugee status for gay Ugandans who have fled to Kenya seeking asylum as staff have failed to process their applications (Green, 2015). This failure of UNHCR and the police is part of a process that is both political and lends itself I would argue towards future securitization moves, if not challenged. If it moves as evidence suggests it is, in the same societal direction as Ugandan in a complete censure of LGBTI identity, then LGBTI groups face grave threats towards

their lives and liberty. The process of securitization and speech acts which actively encourage hostility and harm; underpinned by a rejection of LGBTI rights can directly endanger the health of LGBTI groups. In Uganda it has the effect of frightening LGBTI persons from seeking medical intervention and in outlawing NGO's support in HIV prevention and treatment resulting in the unnecessary deaths of LGBTI citizens. A recent report for the UK Prime Minister David Cameron in 2015 highlights widespread discrimination across the Commonwealth (40 out of 53 countries) against LGBTI groups. The report details how the Commonwealth accounts for over 60 per cent of HIV cases worldwide and the role of criminalization in worsening the HIV pandemic by undermining HIV prevention strategies. The rates of HIV infection are higher in countries discriminating against HIV groups, and significantly the proportion of people helped by health workers is lower. The prevention of HIV among gay men in countries where homosexuality is illegal is difficult to address due to 'double stigmatization', with health providers less willing to offer their services because of fears they could be accused of abetting criminal activity, says the report (Owen, 2015). The Globalization of rights through a universalist paradigm rejects communal cultural, religious and ethnic discrimination; its politicization and the subsequent harm that the failure of political actors to ensure LGBTI rights causes. This discrimination and worse is often precipitated by the action of political and a range of other societal actors, often religious or communal leaders with an authority that can command, or direct communities against minorities. The globalization of universal rights is considered by those privileging a particular conservative, normative set of values as the privileged cultural identity; as an existential threat. It is often viewed as an extension of USA or Western uni-polarity across a range of political, economic and rights instruments that profoundly impact state identity and independence (Buzan and Wæver, 2013:13). The actions that lead to minorities who are exposed to severe health risks from gaining access to treatment that can prevent death, or the increased presence of the disease in a reservoir population is a serious threat to the minority. In respect to Uganda it has been labeled as genocidal, as discrimination used as an instrument that denies services and leads to fatalities, and is directed specifically against a particular community can be held to be as such. In Kenya the emergence of such a health paradigm that would be in effect a death sentence for LGBTI groups would move the security process from politicization to securitization; as the withdrawal or placement of barriers to treatment and containment of a potentially fatal illness would certainly

be categorized as 'a state of emergency with arbitrary measures, including the justification of actions outside of the normal bounds of political procedure'. The political fear of challenges to the identity of the state and its constituent identity leads to politicization of LGBTI identity and then through speech acts to possible securitization. As 'security' is a highly political act, it is also a potentially dangerous one. In extremity, a breaking free from the rules of normal politics, security is simply the identification of threats or dangers (*to identity*), or communicating fear; it is also a political act that can lead to the possibility of a politics of extremity, with the unforeseeable and potentially dangerous consequences that it brings (Williams, 2011:459). The rejection of LGBTI identity, the rejection by and the contempt of Kenyan society would in the context of HIV lead to a position beyond politicization, rather to a securitization process that would result in an existential threat to LGBTI groups that would break international law. The possibility of securitization emerging may not be a result of an illocutionary event, it may emerge out of an inter-subjective process (notions of normative identity) situated within the community that a politician or community leader take's advantage from. Disaggregating the audience, for example religious, village based, urban, educated, or uneducated will reveal the dominance of speech acts, versus a politicization emerging from rejection of identities. This new identity is held to be in opposition to perceptions of long standing norms, viewed through the prism of a range of different audiences, receptive to different kinds of arguments, with distinct types of power (Balzacq, 2011:6-7). Thus the fear that prevents LGBTI groups seeking or gaining access to HIV treatment or the refusal of health workers to support them can emerge as an unintended consequence of linking security and identity in a political process. Politicians and religious leaders would argue that what ever the form of censor that emerges to challenge the legitimacy of LGBTI rights within Kenya or indeed other SSA states, it is morally justified through the traditions of centuries of African societies, and religious dictates around personal conduct. Floyd (2011), argues that for the emergence of moral securitizations the referent object of security must be morally legitimate. It must be conducive to human wellbeing, '*that the explanation and justification of the goodness or badness of anything derives ultimately from its contribution, actual or possible, to human life and its quality*'. An autonomous life is not only what makes us human, but also a basic human need that must be satisfied if the objective is human wellbeing (Floyd, 2011:432-433). I argue that in addition to those material objects that

constitute a 'good autonomous life' such as economic, health, education; identity is an absolute pre-requisite, without a right to identity there is no autonomy within a society, the denial of identity undermines certainly within paradigms of universalism, any political claim to a moral dimension to the rejection of LGBTI rights. George a gay man living in Nairobi, Kenya was interviewed for this research and discussed HIV services in Kenya (edited).

*.....these people, you know, when they feel like I cannot go to be treated in a hospital, they would wonder, am I really male or female, you know, am I dressed, am I going to be assisted health wise, going to be heard. They'll just live with their disease and they can become very, very ill.. They're quite discriminated, transgender, the cross dressers, the LGBT at large, they're really discriminated, that's why they're very few small, small hospitals, mostly within Nairobi which cater for their health (George, interview Nairobi, Kenya 25/11/2013)*

Divine Moses, a member of the East African Sexual Rights Initiative based in Nairobi, Kenya for this research, discussed further the issues of the provisioning of HIV services, and the difficulty of obtaining treatment as a result of discrimination (edited).

*Because most of the health workers are not trained about ... so there are a few health workers who are trained within the LGBTI, the culture norms are people want to discriminate because you are lesbian, you are gay, you are immoral. I'm not supposed to sit with you. I can't even treat you in my own clinic or in my hospital, when a clinician turns away an LGBTI person with HIV they're aware that it's a death sentence. Most of them base themselves on religion. Some believe that they deserve death, because now someone who asks you, you know, it's risky so you sentence your own self, so they're like you deserved it (Divine Moses, interview Nairobi, Kenya 25/11/2013)*

The accounts from these two interviews are supported by research carried out for David Cameron, the UK Prime Minister and presented to the Commonwealth heads of state in 2015 (Owen, 2015). The criminalization of people who are at higher risk of

infection, such as men who have sex with men, sex workers, transgender people and people who use drugs, according to UNAIDS (2015), drives them underground and away from HIV services. This increases their vulnerability to HIV, as well as to stigma, discrimination, marginalization and violence (UNAIDS, 2012:5-6). In 2014 UNAIDS went further in acknowledging the politicization of discrimination; acts are committed or condoned by officials of national authorities, including law enforcement officials. This leads to a climate of fear that deters LGBTI groups from seeking and adhering to HIV prevention, treatment, care and support services leading to increased spread of HIV and deaths (UNAIDS, 2014:5). The politicization of LGBTI identity in Uganda that has led to violence, blackmail, discrimination and increased mortality as a result of fear of health practitioners is an outcome of the almost universal rejection in Kenya of LGBTI rights. However within the political establishment there are actors such as the Kenya National Human Rights Commission (KNHRC) who demanded the Deputy Prime Minister, William Ruto apologise to the gay community for saying Kenya has no room for gays and lesbians. KNHRC executive director Atsango Chesoni said 'Ruto's remarks during a church service are homophobic and put the lives of gays and lesbians in the country in danger'. *The Weekly Citizen*, Kenya's 'political paper' reported Chesoni, and then proceeded to out politicians and important actors in Kenyan society, listing them, their orientation, mostly not underpinned by facts. The media in this case, unlike the Ugandan press did not attack these prominent people, but certainly was not respectful in their reviews (CW, 2015). The intervention of the KNHRC is important, as is outreach work with religious communities to counter politicization and ensure a securitization process does not emerge. HRW (2014), interviewed several religious leaders who attended training from PEMA Kenya (PEMA Kenya is a community organization that provides support to gender and sexual minorities on human rights, health, HIV/AIDS, and economic well-being). The PEMA facilitators, following mob attacks in Mtwapa against LGBTI HIV services in 2010 presented human rights sessions to senior clergy. These initially de-emphasized sexual orientation and gender identity, and led discussions around public health, HIV prevention and condom use. Bishop Lawrence Chai, an Anglican bishop, told HRW in 2014 that when the Mtwapa incident happened in 2010, he was among those inciting residents to '*protest against gays; we would have been happy if they had been killed.*' However, he explained, '*When PEMA came to us, we began to understand. I changed after the training we got from PEMA. We have to welcome them and talk to them politely*' (HRW1, 2015:53). This demonstrates it is

possible to challenge the politicization of LGBTI identity through advocacy even within conservative religious practice, it is by no means solved, but engaging in dialogue, rather than supporting the killing of LGBTI groups is a huge step forward. It provides evidence that the Kenyan politicization of LGBTI identity need not necessary deteriorate further, and could be turned around if important religious actors came onside.

Religious organisations have significant input into the norms that inform the inter-subjective construction of Kenyan identity. The formation of Identity is not held to be a static event; rather it is continuously influenced by the values of important actors both political and religious in a state that still, unlike its Western counterparts is deeply religious. The religious views are conservative, mainly Christian but also Islamic which take literal interpretations of religious texts as the paradigm for the moral rules that define the identity of a Kenyan citizen. American evangelical organisations have input into the religious doctrine that informs the particular religious codes channeled by religious organisations to communities. Civil rights lawyers Morris Dees, and Joseph Levin Jr. founded the USA Southern Rights Poverty Centre (SRPC) in 1971, its Intelligence Project is internationally known for tracking and exposing the activities of hate groups. SRPC has identified a number of USA based religious organisations, as has Nathalie Baptiste (2014). These comprise the core anti-gay movement involved in directly or indirectly in SSA, included are Scott Lively's Abiding Truth Ministry (ATM), American Center for Law and Justice (ACLJ), Family Watch International (FWI), American Family Association (AFA), American Vision (AV), Family Research Institute (FRI), Christian Broadcasting Network (CBN) all of whom support anti-LGBTI movements within religious communities in Kenya and other SSA states (Schlatter, 2010 & Baptiste, 2014). These organizations are powerful, influential in that their conservative religious narrative supports similar theological positions within Kenya's religious community that are resisting the more liberal position of the UK Anglican church. USA evangelical organizations have invested globally according to Huliaras (2008), \$290m mainly in the USA and Asia building 8,000 churches. (Huliaras, 2008:162). USA Preacher Pat Robertson's, ACLJ for examples spends 17 millions dollars a year to pursue its conservative agenda that includes significant campaigning against homosexuality in SSA states, including Kenya (Arseneault, 2013). The USA evangelical organizations investment in churches and ministries is dependent on the particular

theological position of the church and the type of message to the community. It must in order to get funding take the same conservative line on morality as the USA evangelical churches. However there is little resistance to this as the Kenyan religious leadership and the community hold similar conservative religious positions on morality, which reject LGBTI rights (Zaimov, 2014). Jef Huysmans (1995) has analyzed de-securitization strategies for minorities moving from 'emergency politics' to 'normal politics'. He argued that the identity of minorities deconstructed as multiple and non-threatening woman/man, mother/father, teacher/doctor/farmer. Identity is positioned as multiple and normative (Jutila, 2006:168). I argue that it may be possible to avoid politicization and a move towards securitization, through a process that defines the autonomy of the person as being constituted of a range of identities that automatically carry rights. However this presupposes that the main conduit of Kenyan moral values discourse (religious conservative leaders) is able, as in the earlier PEMYA Kenya events to build a consensus around rights and how these influence Kenyan notions of identity. Questions of societal security in this situation arise when societies perceive a threat in identity terms. An argument made by African political and religious establishments is that '*LGBTI rights*' is a tool of Western imperialism; as the dogma of universalism is forced on them to create a second 'political colonialism' (Korieh, 2007:191). Further they argue that LGBTI rights themselves challenge the normative identity of what it is to be African, or Kenyan. Conservative actors consider acceptance of LGBTI identity within an inter-subjectively constructed Kenyan identity would destroy the moral basis on which that identity is constituted. The politicization of this threat and the possibility of it being securitized is determined by audience consent; do the communities, political and social, facilitate the acceptance of a threat and its severity? In much the same way as in Western states, migrants have been seen to threaten the sovereignty and identity of liberal-democratic states (McDonald, 2008:567). In states such as Kenya the call for LGBTI rights within the context of universal rights that challenge the identity of the state, and its cultural priorities is seen as Western colonialism. Whilst the speech act has been key in moving an issue defined as a threat to an existential threat to the state, as for example has been the way LGBTI rights has been communicated in Uganda. Language as the exclusive form of a 'securitizing move' is considered by Möller (2007) to be the most important communications tools, but only amongst a number of tools in this process (Möller, 2007:180). Of these, it is important to understand the role of Images within a



combination of language, pictures, video etc through a range of on-line media, and social media. These are important in the formation of a process that moves from the politicization of a threat to securitization. McDonald (2008), argues for further potential forms of securitization, including bureaucratic practices (*limit or discourage health care access*) or physical action (*mob attacks*) that do not merely follow from 'speech acts' but are part of the process through which meanings of security are communicated and security itself constructed (McDonald, 2008:569-572). Political actors traditionally are considered the agents who articulate and define threats, however as the infiltration of media technology has spread across society, powerful visual representation through news media channels and social media groups and technology become as significant and are defused by a wide range of agents. Political and Religious actors may initiate the politicization of a threat to Kenyan identity, however other media channels may turn it into a securitization move that involves mobs attacking LGBTI groups; the audience themselves may become the agents of securitization. HRF issued a report set in 2010/11, which document attacks on LGBTI refugees fleeing the surrounding countries including Somalia and Uganda, either directly to escape conflict or to escape the securitization of LGBTI groups emerging in Uganda. The cases range from murder, abduction for possible honor killing, attempted deflagration of a Somali teenager, attacks by mob, robbery by mobs, abduction and correctional rape of lesbians (HRF, 2012:10-30). The community attacking as a mob, securitized LGBTI identity and in doing so ignored the right to freedom from harm and protection under the law, which in any case was diminished by the police failing to protect the victims despite having knowledge of these criminal acts.

LGBTI identity is politicized across most SSA states certainly Kenya, Ghana and Uganda, the states researched specifically for this thesis. The move from politicization to securitization is the threat that presents itself to LGBTI groups that have witnessed it in Uganda followed by Nigeria and threatened by states such as Zimbabwe and Burundi (ISHR, 2015). McDonald (2008), provides a framework from which it can be understood that the agents rejecting LGBTI identity in SSA states originate concerns for both state and societal sectors: state in terms of the preservation of sovereignty (non-intervention), and societal as 'the survival of the societies inter-subjectively constructed identity'. The importance of facilitating conditions underpinning the environment that allows norm entrepreneurs the societal dynamics, developments

and institutional context that would enable the move from politicization to securitization to emerge. The intervention within this process of contextual situations that involve the role of audiences and the importance of how security is pronounced upon underpins the security dynamics (McDonald, 2008:572). The actors who see themselves as largely responsible for the preservation of Kenyan identity as ethnically African, and the privileging of culturally religious and conservative moral positions are politicians and clergy. They control a large proportion of the communication of societal discourse, and manage directly or through media channels they own, or have controlling interests in the distribution of content and its meaning (Mano ed, 2014:220). Threats, their origin, context, and how Kenyan society should react will be shaped by these norm entrepreneurs, they may politicise an event as a threat or a moral challenge to Kenyan society, or they are in the position to develop a securitization process has been seen in other SSA states.

Politicians are religiously conservative, as are their constituencies, even if a politician decided to support LGBTI rights they would come under enormous pressure from religious organisations that could if they condemned a politician unseat them. The power of clergy is significant; most Kenyans attend church or mosque that provides for a direct communication channel to the majority of Kenyan citizens. The message is clear: Kenyan identity is grounded in a conservative religiously fundamentalist narrative that constructs Kenyan identity as one that rejects LGBTI rights, any politician that holds liberal pretensions that challenge these norms will be rejected by their constituency. Richard interviewed in Nairobi on this matter discusses the difficulty for politicians who oppose religious doctrine on the matter of LGBTI rights:

*(edited) Yeah, they affect because when they say something, the government listens. They hinder change. They always make votes, they always make changes, the type of election that we are having is because of the churches, because of the leaders of the church. They have a lot of say because you know, Kenyans you need to understand most of them they're Christians and they go to churches and every Sunday you find that 100,000s of Kenyans are in churches, so the church has a lot of power. (Richard, interview Nairobi, Kenya 25/11/2013).*

Kenyans see their identity, African and religiously conservative as giving meaning to their society; their identity provides them with security, a threat to that identity undermines that security and could be communicated as existential. Unbeknown to the majority of Kenyan citizens their identity is not fixed in a historical process, its origins are found in an inter-subjective societal construction that evolves as a consequence of exposure to new knowledge.

The identity driven security dilemma Kenyans face, generates within their society insecurity. This insecurity can be simply politicized and thus exercised through a political process that will either reject or accept changes to normative positions on identity or through powerful actors for reasons of political, religious or cultural priorities be escalated into securitization. The Welsh School in discussing security considers this as an unacceptable outcome. For them *'true security can only be achieved by people and groups if they do not deprive others of it'*. The Welsh School argues that an alternative set of normative values (for example *Kenyan identity*) is possible if security is understood as an emancipatory process rather than one driven by threat. Booth (1991) argued that security is about freeing people from amongst other grave issues political and societal oppression. Security and emancipation are two sides of the same coin, emancipation, not power or order, produces true security (Floyd, 2007:332). Security and with it rights is the direction that international and in country rights organisations have developed to challenge the politicization of LGBTI identity and stop securitization emerging in states such as Kenya. A collective of 29 human rights experts in 2007 published the Yogyakarta principles on the application of international human rights law in relation to sexual orientation and identity. The principles, in line with the political philosophy of the Welsh School and its emancipatory position on security, are a re-statement of rights defined as universal in existing conventions and laws. These are articulated in relation to sexual orientation and identity to ensure governments who entered into such treaties understand their applicability and their obligations (Lennox, & Waites, 2013:8).

Divine-Moses was interviewed for this research he discusses the ambiguity of the Presidents position, his general liberal position but retrenchment into conservative views that politicizes LGBTI identity when he comes under pressure. He also discusses

a more open relationship with his community in the hope this will provide for tolerance.

*(edited) If you listen to the president speeches; he the president who gets down and say's 'why should we kill homosexuals, they've been part of us since we our culture began'? But when he goes to a different area, he knows these people do not understand what it means, he will give a different speech altogether. He'll be anti-homosexual, he'll be like kill them. There will be a lot of strength and a lot of activism there, he will listen to them. He will say one thing to our politicians, like when the opposition attack him, but when he was in the USA he was like 'no, I meant something else'.*

*The answer is to empower the community, empowering the parents, empower the relatives. He knows if I'm thrown out of the house, my friends will discriminate me, you get depressed, you can't work well, you are now into drugs, So the only thing we can do now is first empower the groups to know what they should be doing. The more I ask for my rights, for my human rights, the more responsible I have to be, when I'm killed tomorrow then you call it a hate crime (Divine Moses, interview Nairobi, Kenya 25/11/2013)*

What is seen in play is the fear of politicians to confront prejudice and change societal positions on LGBTI identity, as this might jeopardize their hold on power. Divine Moses offers what could be described as a constructivist solution to the politicization of LGBTI identity, this emphasizes social learning, socialization and social norms as a process that would de-politicizes the issue of LGBTI identity and rights within Kenyan society. He however points out that individual's die, despite however abstract the social construction of identity is. The importance of the Presidents speech act cannot be underestimated; he may speak liberal thoughts to Western audiences or even to Kenyan middle classes, but in the villages his words can be incendiary. For example President Mugabe's remark in 1995 that homosexuals were '*less than human*' contributed to the proliferation of attacks on gay Zimbabweans, violent mobs seized LGBTI people and caused them significant, harm (Hough, 2008:123). The situation in

Kenya is some distance from Linklater's criticism of the idea that sovereignty should be the basis of a principle of moral inclusion or exclusion based on normative positions on identity. His normative goal was political communities privileging variations of 'culture, gender and ethnicity' and by implication sexual identity, rather than exclusion through a rigid system of conservative moral gate keeping (Booth, 2007:144). Societal security is seen by states (Weaver, 1996), '*as society persisting with its essential characteristics, in the face of changing situations*' (Buzan & Hansen Ed, 2007:123). SSA states such as Kenya are facing unprecedented change as globalization impacts every aspect of its citizen's lives, its institutions, its relationships with other states and international institutions and its identity. Unchanging Identity is not a fact of society, cultural is not stable and immovable, it evolves, it is negotiated and it is fought over and resisted. Never more so than when institutions see change threatening the identity they privilege as being central to some characteristic, such as say the moral basis they see as an essential normative position for their society. The position of LGBTI citizens in Kenya is perilous, their identity is politicized and dependent on many unrelated factors ranging from the economy to political crisis; they face an insecure political reality that to date has escaped securitization. However this danger has not disappeared and will until acceptance of LGBTI identity and the rights that go with that position are entrenched in Kenyan society. Dominant political actors could at anytime of crisis or opportunity look to that community as a convenient scapegoat for other societal ills, or a grab for power and securitization could emerge.

END

### Conclusion

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Societies in SSA states in the main, demonstrate a growing hostility towards sexual minorities. SSA States have politicized LGBTI groups through a rejection of LGBTI identity as 'other', not part of an authentic African identity. This has seen the very existence of LGBTI identity posited as a threat to SSA societies; denying LGBTI group's equality and inclusion. The research for this thesis provides compelling evidence that this is the outcome of political actors residing in African states, working actively with, and funded by international conservative and religious organizations mainly from the USA. These actors seek to prevent LGBTI rights emerging in SSA states. The narrative is positioned within inter-subjectively constructed meanings of identity, an African and religious identity which is seen as traditional and conservative, mainly either Christian or Islamic. A securitization process has emerged in some SSA states such as Uganda where the question of identity has been framed as an existential question in so far as the changes required to incorporate acceptance of LGBTI identities, and any legitimacy given to those relationships, would destroy the traditional African and religiously conservative moral platform so fundamental to that identity. Other states such as Ghana and Kenya have politicized and criminalized LGBTI identity, are hostile to any rights for those groups and continue to reject them across society; but importantly have not securitized those groups as found elsewhere on the continent. The role of religious conservatives is in providing leadership within communities and pressure on politicians to reject the ontological assault that 'threatens the very identity of the state'. This has led in the extreme to the securitization of LGBTI communities. Not only are LGBTI communities denied the right to make individual choices about their social, political, personal or economic futures in African societies. They are exposed to harsh laws or family or group/tribal actions that are sometimes life threatening to those not conforming to accepted social norms.

African Politicians, civic leaders and religious organizations argue that they are being

pressured to implement rights in the face of local or national cultural values that constitute a threat to SSA communities and identity.

Constructivists argue that actors other than states, such as international agencies, religious organizations, and human rights activists can have significant agency. External actors, such as religious conservatives challenge the validity of a universalism of rights as providing a 'rights paradigm' for states to adhere to. The beliefs or values that they hold are constituted in the main by identities that are ontologically fixed, and they see universalism rooted in epistemological questions that challenge the moral values that are essential to their identity formation.

The question therefore of whether a set of human rights can be universal and are thus privileged over the concerns of local normative values, is one of the important questions this research have set out in part to answer; the argument as to the legitimacy of LGBTI rights in a SSA political and cultural setting. A strong case made by liberal practitioners is that human rights discourse is situated within the international system, within international legal instruments. Thus those states that limit rights by prioritizing historically fixed instruments that make claims to ethical, religious or customary practices are seen as failing international treaty obligations. Cultural relativists support this 'conservative' rights paradigm and fix it within a particular geopolitical/cultural environment. Cultural relativists therefore *de facto* constrain rights and by implication social identity by subordinating them to traditional hierarchical values of codes of practice based on archaic conventions. This argument is played out within the international and local political systems between liberals and cultural relativists as to the most appropriate instruments that human rights should be informed by. This thesis provides evidence through the lens of securitization theory to support the hypothesis that it is this conflict within societal and political arenas that first politicized LGBTI rights, and later in some states speech acts emerged that has led to the securitization of LGBTI minorities. That without the delegitimizing speech acts, grounded in culturally relative positions, set against LGBTI identity, the securitization process in SSA would not have been as successful in some states. There is a recognition within the international system that states do not have an absolute sovereignty, they are part of an international system; even powerful states like the USA have acknowledged these obligations. The dilemma of maintaining self-

determination particularly for ex-colonial states is traded through the concept of a more integrated association with international institutions. This association subordinates to a degree state autonomy to the ideals and values needed for the cooperative pursuit of the global good. I argue that states therefore have accepted through treaty if not in practice international instruments of rights that include LGBTI rights.

This thesis has considered the arguments made by SSA actors in defending the importance of cultural relativism, however this more often than not leads to a SSA human rights philosophy at odds with globalised notions of human rights for sexual minorities. This is because they argue that LGBTI identity is fixed within Western not African norms.

This thesis therefore has considered the question of cultural relativism in defending the rights of states that define a human rights philosophy at odds with notions of human rights, the origins of which lie in post enlightenment Western norms. Culturally relativist positions taken by SSA state actors argue that a consensus within that society can be found for supporting a particular moral position that is important to that society. However as Mills (1895) argued in *On Liberty* the ‘tyranny of the majority’ is problematic for minorities when human rights become subordinated to the particulars of cultural norms. This is the case in Uganda and most SSA states; they reject obligations, and often increase penalties to promote popular political positions that ensure re-election. Securitization of LGBTI groups in Uganda has been universally supported and in Kenya and Ghana, politicization has occurred; there would be support for securitization of LGBTI groups if politicians followed public opinion. It is a mark of the political stability in Kenya and Ghana that they have resisted pressure to do so; whilst a weaker Ugandan political community has seen it as an advantage.

This thesis considers the question of an African exceptionalism in respect to human rights and identity. This form of African exceptionalism challenges demands for the provision of equality of rights for LGBTI communities in SSA. As SSA norms are derived from both African pre-colonial cultural norms, post colonial Christian values and Islamic law, are SSA rights inevitably framed in opposition to post 1945 universal values? The culturally relativist discourse privileges African customs over a Western



universalist human rights. The question not answered by Africanists, is what would replace a universal set of rights that would support minority identities outside of SSA communal norms. These would still have to have applicability to SSA societies within the rights framework they argue for; I argue that the two rights regimes are mutually exclusive and the evidence within this research supports this position.

The question of primary political and cultural processes that drive the securitization of LGBTI groups within SSA states can be answered by examining as this research has the traditional African position on rights. The competing claims between liberal notions of human rights and African normative positions centres on the question of the nature of the individual, as either autonomous or as an extension of communal interests.

SSA states traditionally privilege communal fixed notions of human dignity that provide for human rights in the context of communal membership, family status or achievement. This is in opposition to the autonomous individual with an automatic set of rights attributed at birth; including rights associated with identity. LGBTI rights have emerged out of universalism (rights) that since 1945 has extended its reach to include minority groups. African exceptionalism is a challenge to universal rights, the targeted minority that conservative SSA politicians and religious leaders supported by USA evangelical organizations have seen as the best candidate for campaigns likely to stop universalism in its tracks is LGBTI groups.

A problematic situation around the formation of any African exceptionalism is the assertion that the protection of human dignity (rights) is based on a paradigm that asserts that a relative intrinsic worth is given to the individual. This strengthens the processes that reject difference, particularly that of an identity not inline with the inter-subjectively created normative values that define the community. It is the communitarian nature of the society that drives identity, not the right of the autonomous individual to assert the normative values that define their identity. Many of the interviewees for this research reflected on their fear of the community, their rejection by their communities as being worthless and in opposition to the cultural norms that these communities would defend through violence. Africanists defend this culturally relativist position, the prioritization of historical communal traditions, they have demonstrated no political objection to the rejection of LGBTI identity in SSA

states, it is in most cases not an issue to be concerned with; a Western imported set of values.

The dilemma for those supporting the rights of LGBTI groups is the knowledge that the securitization of minorities, seen over much of the 20<sup>th</sup> century often emerges from a societal paradigm that privileges communitarian normative values either locally or nationally. This model contains within it political processes derived from cultural and ethnic norms that identifies the 'other' as dangerous. The 'other' in asserting their right to identity on the basis of their moral and cultural norms is seen as a threat to the dominant identity to be defended by that society. The designation of a minority outside of the societal paradigm that determines values and rights, facilitates securitization processes that puts the group at risk of harm. That harm in states ordinarily politicizing LGBTI identity, such as Ghana or Kenya will manifest itself as experienced by interviewees in Ghana as an attack by a mob. In states such as Uganda that have securitized LGBTI identity it has led to the emergence across society of calls for the death penalty; that is already the case in some African states such as Somalia or Northern Nigeria.

The question this thesis researches is set on a stage where the key actors assert ideological positions either emerging out of a set of ontologically fixed cultural norms, or constructed from a paradigm of rights rooted in an episteme derived from universalist international norms. The ideological conflict connects in contention, a web of political and religious actors across the international system, these are in SSA states and within the international, USA and EU administrations and global NGO's. The society wide rejection of LGBTI identity within SSA states is the platform that feeds the politicization and securitization of LGBTI identity. The majority of the populations in SSA states consider religion to be very important and reject LGBTI identity, irrespective of whether their belief system is Christian or Islamic. African leaders make the claim that homosexuality is un-African, a Western construct not seen on the continent before colonialism. This polemic is false; homosexuality did exist in pre-colonial periods. It was the introduction of colonial morality and law that has created the normative positions privileged by SSA communities today. European colonial preachers introduced homophobia and together with Islamic conversion, inter-subjectively constructed societal norms that reject LGBTI rights.

The role of international and local religious organisations in developing strategies to resist improved human rights for sexual minorities through direct investment in institutions has led to at least one state, Uganda, securitizing LGBTI groups. The role of external actors to the region, including alliances of religious conservative groups, non-governmental organizations (NGOs) and state/inter-state organizations, compete for policy prominence, this has either led to the securitization or politicization of LGBTI identity, dependent on historical and societal conditions.

In Western states, the USA exceptionally has large numbers of politically active religious conservatives who consider their intervention to be critical in holding back the emergence of rights that challenge conservative religious dogma. International religious organizations both Christian and Islamic, intervene regularly at the UN to challenge progressive politics, but it is USA evangelical movements that are active in particularly former British colonies in SSA that are predominantly Christian.

The role of international and local religious organizations in developing strategies to resist improved human rights for sexual minorities has been a critical factor in supporting what was seen as a conservative African moral discourse within those states. African states had been for a number of decades concerned that the traditional Western based Anglican Church was increasingly becoming liberal and in opposition to their conservative values, particularly towards LGBTI groups. This had emerged as a headline issue for African conservatives. In the USA evangelical groups acknowledged they had lost the argument in the USA, as LGBTI rights are firmly established within the political and legal system but SSA states offered opportunities.

The Copenhagen group model for the emergence of securitization processes place the framing of the threat by societal actors as significant in how the 'threat' is managed, be it part of a politicization or securitization process. In Uganda the polemic that formed the basis of speech acts from political and religious actors posited LGBTI identity as threatening the moral basis of Ugandan society. An acceptance of LGBTI rights, their identity became securitized as a threat to the very existence of state and the community.

Within the international system, religious conservatives have opposed LGBTI rights actively since 1994, however it was In 2009 that USA evangelicals aligned with religious and political leaders in Uganda leading to a securitization move that produced the ‘Kill the Gays’ Bill that proposed the death sentence for the “offense of homosexuality”. The Bill although not successfully passed in the Ugandan Parliament, is constantly being re-tabled, latterly without the death penalty, but with severe penalties. An anti-NGO bill has recently passed through the Ugandan Parliament that effectively criminalizes anyone from supporting LGBTI rights even within the political system. The situation in Uganda is still one of securitization when compared with Uganda or Kenya that have politicized LGBTI identity but no further.

The Securitization process engineered by conservative religious and political actors in Uganda and other SSA states with support from USA evangelical groups has used defamation of LGBTI identity as an important component of speech acts.

LGBTI identity is framed as a disorder or lifestyle choice, with an emphasis on the threat to wider society, particularly younger citizens and the moral basis of the state. Further the speech acts describe the process of seeking a normative position within society for LGBTI identity as violating the human dignity of those SSA societies. This securitization process has victims in most SSA states, a public challenge or threat to conservative norms, followed by speech acts denigrating LGBTI identity has resulted in death for SSA LGBTI citizens. This securitization process mirrors the attacks on minorities in Europe during the 20<sup>th</sup> Century. Powerful political actors use speech acts to frame the minorities as ‘sub-human degenerates’ who are an existential threat to the state; this is followed by a securitization move that will put that minority in danger.

The research for this thesis has demonstrated cultural practices of ‘rejection’ that are defended within the SSA cultural communities but are unacceptable by external universalist standards. Cultural relativists (norm entrepreneurs) within SSA societies argue for the rejection of LGBTI identity on the basis of moral values that are authentic expressions of Christian or Islamic culture being the normative position for African identity. Their position is clear, all values and principles are culture-bound, and there are no universal rights. In Uganda, Kenya and Ghana as with other SSA states that

emerged as states within the modern international system relatively recently, their systems of governance have imported legal concepts that have been developed within the international system most notably since 1945, and through treaty obligations. It is therefore I argue that even the most religious states are not frozen within a pre-modern formulation. The legal foundations on which modern states were founded is within an international system that considers the universalism of rights as a precondition to the recognition of a state. The values associated with conservative religiously constituted communal identities for LGBTI groups can lead to support for securitization by the wider population. The dangers are dismissed or rejected by cultural relativists who reject universalism and the protection it offers to minorities that are built into its normative values.

This research has used a Constructivist approach, driven by Securitization theory to analyze and account for the meaning and significance of security for sexual minority communities under threat in Uganda, Kenya and Ghana. The research has seen evidence emerging as predicted by Securitization theory that powerfully explains the processes that have caused such harm to LGBTI groups in Uganda, Ghana and Kenya.

The politicization of LGBTI identity emerges through the privileging of conservative religious values and a rejection of universalism as the mechanism that provides for the rights and protection of minorities that have identities outside of communal norms. This perfect storm gives agency to political entrepreneurs, actors who communicate LGBTI identity as a threat to the moral identity of the state. LGBTI identity is externalized, becomes 'the other', is universally seen within the state and its communities as a threat to SSA societies. The existential threat of LGBTI identity takes on an urgency that requires the securitization of the minority to remove the existential threat to the state. The response from the international community and SSA rights organizations becomes part of the wider 'Culture Wars' being played out within the international system.

In Uganda the 2012 documentary "Call Me Kuchu" perfectly illustrates how the demand for rights, a legal defense against a popular media storm of hate speech led to religious and political actors turning on LGBTI activists eventually leading to the death of the Human Rights Defender David Kato. The role of USA evangelical organizations

was a critical component of the campaigns to dehumanize, ostracize, physically harm and initiate the process of securitization that led to extraordinary measures in an attempt to destroy LGBTI identity in Uganda.

The Copenhagen Group's securitization theories, added to by the work of such academics as the Welsh Group provides for an approach that broadens the understanding of how securitization emerges, the role of actors and the forms of speech acts that embrace a wide set of media technologies to reflect modern communication channels. The actual securitization move in respect to minorities is also better understood. The difference in the societal conditions that leads to securitization rather than the politicization of minorities is important as it explains the difference in outcome for LGBTI minorities in SSA states. The complex web of actors including international political actors, NGO's, governments and norm entrepreneurs is underpinned by technologies that rapidly impact societal views towards the defense of, or threat to minorities and this is incorporated into the securitization analysis of the events in SSA states.

The Securitization process in Uganda and the hyper-politicization of LGBTI identity in Kenya and Ghana is a response to the commitment within the international system to support LGBTI rights and the emergence of in-country LGBTI human rights defenders and advocates. This demand for rights has been the catalyst for the political intervention of disparate conservative organizations. These actors work to stop both within the international system, and aggressively within SSA states any progress towards the political normalization of LGBTI identities. Opponents of LGBTI rights frame LGBTI identity as a disorder or lifestyle choice, their speech acts promote the societal dangers of LGBTI identity to individuals, families, communities and particularly the young. Social conservatives have led the drive to enshrine USA Christian Right principles into SSA law; to ensure LGBTI identity is criminalized. The work by USA Christian evangelicals fundamental to the securitization processes in some SSA countries is part of a continuing engagement of actors within the global alliances of religious conservatives. From 2010 this has seen African Anglican Bishops conferences, supported by USA evangelicals promote speech acts that dehumanize LGBTI identity, their speech acts provided the communal and political support for the securitization move that created the Ugandan 'Kill the Gays' Bill.

The securitization or politicization of LGBTI identity has removed LGBTI groups from the protection that the state offers other members of society. This has led to mob attacks, blackmail, robbery and hate crimes often involving the police against LGBTI persons. It is the speech acts that constitute the 'representations of threat' to SSA cultural identity that deconstructs security for LGBTI groups: the securitization process has stripped them of the protection of the state as they are seen to threaten the core values of the state and its social and moral cohesion, its identity.

Securitization theory explains the processes at play that threaten Ugandan and other SSA LGBTI groups. Norm entrepreneurs in Uganda and other SSA states such as politicians or religious leaders are illocutionary in the form of speech act they use; they outline the consequence of no action towards LGBTI groups as undermining the SSA societies existence, as the moral basis on which its identity rests would cease to exist. These speech acts arise within communities that see the description of LGBTI identity fitting into previously held notions of identity. Consistent with securitization theory this has the effect of marshaling the assent of an audience as a perlocutionary effect; as the audience is sensitive to the 'alarming discourse', and this will elicit the required reaction from the community. The success of securitization in SSA has been contingent upon a receptive environment. The *Church* provides a model environment for a conservative moral discourse. The audience is receptive and is socialized within a particular set of moral and cultural rules that guarantee that the 'imprinting' object, the speech act is accepted within the community.

Communities that are deeply religious such as found in SSA states including Uganda, Kenya and Ghana seek, particularly as this is the goal of religious leaders, ontological security. Their beliefs are considered the cornerstone of their cultural identity and must not be threatened. This security imperative is privileged over any argument for rights to identity formation that have an epistemological basis that challenges the cultural reality that the communities identity is fixed within. Political elites in Uganda for example have constructed meta-narratives that are integral to the securitization process for example in the 'Kill the Gays' Bill that sought to reestablish the certainty of identity that the state desires in order to maintain its cohesion.

The research for this thesis examined the role of media channels and the relatively recent exploitation of new media platforms in the securitization or politicization events. The evidence analyzed using securitization theory contrasts powerfully the differing situations in Uganda, with Kenya and Ghana, and the pivotal role media has had in the securitization of LGBTI groups.

It is now accepted within contemporary securitization theory that speech acts are delivered using new technologies in a multitude of forms and delivery channels. This research has described how SSA has seen a fundamental change in the distribution of news and the interaction of people through the internet and wireless based media platforms. The context for this research is a fast changing, complex set of interactions between new technology and established media forms that assists securitization processes. The use made of media platforms, across a range of communities, impacts greatly identity formation through shared cultural priorities. The interconnected nature of media platforms allows the communication of speech acts through print, voice, images, video etc transmitted in a variety of forms of propaganda that gives immediacy to the speech act and its consequential impact on communities. This research has evidenced the processes, and the political and institutional actors across the international system that have exploited this opportunity to create an existential web of knowledge in an attempt to delegitimize completely LGBTI identity within the normative value systems of SSA communities.

One of the significant channels of communication is the Church, the sermons of Pastors in Ghana, Uganda or Kenyan churches often includes a warning about the 'sins and abomination' of homosexuals. The psychological harm to LGBTI individuals has been captured during the interviews for this research. The rejection of LGBTI identity and the speech acts has also split the Anglican Church, the Western branch fundamentally disagrees with the African Church, and this has led to significant disagreement within the Anglican community. It is the growth of conservative religious activism and the investment in SSA religious and political institutions by USA Christian evangelical groups that has empowered the African church to dismiss Western liberalism. The goal is to either politicize or in the case of Uganda to securitize LGBTI identity, the objective is to extinguish the moral threat and defeat advocacy; this research has demonstrated these events as predicted by securitization theory. The



communication channels of religious institutions, be they the pulpit, social media, TV or radio are used to deliver speech acts in many forms, one result is to ensure that politicians do not falter under international pressure but fall in line.

Old and New Media in tandem with institutional platforms such as the pulpit or the politicians lectern erodes spatial remoteness within and between communities and norm entrepreneurs in a form never seen previously. This research has described society wide participation in the production of knowledge, and the inter-subjective meaning derived from it that has constructed speech acts communicated through modes of instantaneous on-line communication. The securitization move is aided enormously by these new media platforms, with the state able to galvanize support and action often led by norm entrepreneurs that have created a climate of fear at a societal level for LGBTI groups as the securitization move emerged from the speech acts. New Media platforms through the power of technology like Twitter can bring in large numbers of supporters, communicate political inter-subjective meaning and challenge or support norm entrepreneurs from creating a societal change through a speech act, in a process that is both powerful and immediate.

The evidence in this thesis supports my contention that the media has been instrumental in Uganda in contributing to the construction of fear for LGBTI groups. News copy has taken an overwhelming negative editorial line across all newspapers. Some newspapers such as *Red Pepper* and *Rolling Stone* (Ugandan) have being notorious in the form of reporting asking for example, for the death penalty for gay men and printing images of LGBTI activists that have facilitated mob action. Newspapers such as *Rolling Stone* and *Red Pepper* were very damaging at a community level for LGBTI groups as they were popular with ordinary citizens. The predominance of negative articles from these 'Newspapers reflects both the cultural norms and the emerging securitization of LGBTI groups through speech acts communicated through a range of media platforms. All Newspapers have freely accessible web sites, Twitter communication and Facebook pages to extend their reach into communities.

Newspaper content has a preeminent role in the socialization of opinion and news, as they set the agenda for national conversations picked up by Radio and TV. Ugandan Newspapers impact government and general political and cultural positions, they have

taken strongly conservative positions in the debate on LGBTI identity, with a conservative religious position on matters of morality. They are often the sites that political and religious actors have used for speech acts that attack LGBTI groups and frame their identity as an existential threat to Ugandan society.

Dr. Sylvia Tamale a Ugandan feminist lawyer and academic based in Kampala. Tamale publicly come out in support of LGBTI human rights and faced condemnation from a range of societal actors. This demonstrated the danger to any Ugandan academic politician interested in a career or political future.

The Speech Acts that were communicated in response to Tamale are the expression of an aggressive social identity that defined LGBTI groups and their supporters as threatening the social identity of the Ugandan state and its cultural norms. These speech acts were in-line with the policy of the Ugandan government and the religious establishment.

Opposition emerged from Ugandan actors towards the role of international actors that supported LGBTI human rights. The opposition was channeled through media platforms, both traditional and new. Speech acts communicated ideas that LGBTI rights were foreign, part of a new Western colonialism that threatened Ugandan identity. USA evangelicals were seen as exposing this new 'invasion' their intervention was supported as a defense against the corruption of SSA children. USA evangelicals worked with a range of Ugandan actors to promote speech acts; enlisting the support of the Ugandan President, Museveni, who described homosexuality as 'a danger not only to the believers, but also to the whole of Africa'. Speech Acts from the political establishment framed a wide deep existential threat that led to the Ugandan governments Securitization Move, the 2009 Kill the Gays Bill.

The empirical reality that Securitization Theory predicts for the events in Uganda and SSA Africa, confirms the role of political and societal actors and how they have framed the speech acts. Research into and observation of events confirms the structure of the securitizing acts components:

1. Existential threats to the survival of the referent object *in this case the identity of the Ugandan state and its community*

2. The requirement for exceptional measures to protect the threatened referent object, *the criminalisation of the identity of the LGBTI community and any activities that support or argue for the legitimacy of that identity.*
3. The legitimacy of the breaking free of normal democratic procedures *such as banning NGOs providing services to LGBTI groups, seeking the death penalty and other harsh measures, criminalizing any landlord housing LGBTI individuals, mandatory reporting of LGBTI individuals despite them not engaging in criminal acts.*

The research for this thesis has identified how norm entrepreneurs using media platforms, be they traditional print, radio or web sites have extended the reach of their speech acts through social media to gain primacy in the construction and reinforcement of an authentic African identity as part of a securitization process

The Ugandan state through a number of securitizing acts elevated the question of LGBTI identity from the realm of politicization as seen in Kenya and Ghana to the realm of high politics, characterized by urgency, priority and a matter of life and death. The role of the media was an essential element of creating a receptive population that supported extreme measures against an identity they had not consider as important in the period previous to the securitization processes emerging. Chapter 5 extensively documents the role of media in communicating the speech acts of norm entrepreneurs from political and religious organizations and the publishing of articles that the Tabloids created in order to attack LGBTI human rights defenders. Two tabloids themselves became norm entrepreneurs, *Rolling Stone* (Uganda) and Red Pepper. These tabloids with an extensive media platform reinforced the dominant paradigm for Ugandan identity as one that is heterosexual, centered on the family and community and unwilling to tolerate the existence of LGBTI identity.

*Red Pepper* speech acts include an article titled 'Uganda's top 200 Homos', this named Ugandan LGBTI individuals with accompanying photos. *Rolling Stone* (Ugandan) delivered a speech act calling for LGBTI groups to be hunted down and lynched. The securitization of LGBTI groups was further reinforced by the publication of names, addresses and photo's of LGBTI individuals. Securitization theory as evolved through the work of Matt McDonald (2008) and the Welsh Groups emphasis on emancipation, incorporates images or visual representations as a channel for securitization processes,

as predicted by theory and evidenced by the research in Uganda. The speech acts of tabloids reinforced the stereotyping of LGBTI groups as an existential threat, whilst simultaneously strengthening Ugandan identity as being culturally, authentically African, in total opposition to LGBTI identity formation and rights.

The tabloid papers speech acts authenticated the threat from LGBTI identity within communities, a prerequisite to a securitization move.

The *Rolling Stone* (Uganda) tabloid was consistent with the virulent anti-gay campaign it had run since the paper came into existence in August 2010. On the 9th October 2010, the newspaper published a front page article '100 Pictures of Uganda's Top Homos Leak' this included the names, addresses, and photographs of 100 homosexuals alongside a yellow banner on the front page that read "Hang Them'. The very fact of it being permissible to publish such a speech act, and that being acceptable to a large section of Ugandan society was a strong indication that securitization of Uganda's LGBTI communities was actively supported across society as a whole.

One consequence of the impact on the personal and the community was that the speech acts re-personalised the state and its detractors within a new inter-subjectively constructed identity. This presupposed a traditional meaning of identity that rejected Western norms, and at the same time reinforced a conservative set of African cultural values. The speech acts framed LGBTI groups as perverse, alien and threatening the state itself through corrupting its army and committing acts of terrorism.

The *Rolling Stone* (Uganda) articles contributed to the homophobia that was sweeping through Ugandan society, this encouraged law makers to promote the 2009 'Kill the Gays Bill': an early securitization move. The tabloids in parallel with the securitization move from the Ugandan state, engineered speech act campaigns that resulted in violence, murder, and the isolation of LGBTI groups with the most prominent death being that of David Kato. Leading Clerical leaders such as Martin Ssempe were part of the securitization process Ssempe was a leading social entrepreneur and cultural activist who used securitization agents such as newspapers or social media platforms

to commit speech acts attacking LGBTI groups. He had powerful agency to promote action within communities against LGBTI groups, and he did so.

The media industry impact on the emergence of speech act 'content' has the effect of either amplifying the social conditions under which securitization emerges or takes a position that contests it. As public opinion is volatile it can be manipulated by the 'right story', told in the 'right way'. Evangelical Christian organizations such as those led by Scott Lively created the conditions for the emergence of 'Cultural Wars' that saw the co-operation between right wing USA evangelical Christian groups and right wing USA neo-conservative think-tanks, that developed a conservative Christian ideology that led directly to the securitization of LGBTI groups in Uganda. The discursive politics of the evangelical and conservative right was inline with conservative religious practice found in SSA states such as Uganda. These rich organizations invested in SSA states constructed through speech acts an existential threat to Ugandan identity accepted within communities and across the Ugandan political spectrum as the attempt to normalization LGBTI identity within Ugandan society.

The investment in securitization in SSA, through any medium including social media, news channels, web sites, churches, mosques or general meetings etc has been very successful. LGBTI human rights defenders in country and internationally have fought the securitization process. International NGO's have used media channels to exposure the attacks on LGBTI groups, social media has allowed the creation of memes to build campaigns across platforms linking organizations campaigns, and within Uganda, linking Ugandan human rights organizations with international NGO's, and governments that support LGBTI rights.

The Ugandan governments recourse to banning and censoring any support to LGBTI groups through social media or NGO's reflects its desire to stop any blunting of its speech acts, and securitization move.

Constructivist theories of International Relations predicts international and local responses to these conditions through its understanding about the role of argument, action, and ethics. This is reasoned within the context of the actions of the state in its obligations to its citizens. Constructivist theories presage that when a minority is

securitized, interested actors across the international system, in a globalised political community will use means and methods to resist the securitization outcomes and the securitizing state will correspondingly react to this.

The globalization of knowledge about what is possible in respect to SSA LGBTI identity has reduced the sense of isolation, and galvanized support for LGBTI rights internationally. In response to the securitization of LGBTI groups, human rights groups using social media have sought political responses to such events. Social Media has a growing role with new media becoming a political driving force behind change in SSA. Actors have through interconnecting media channels been able to organize quickly international campaigns of resistance to the securitization of LGBTI groups in Uganda. The state can define anything including minority groups as a referent object, the securitizing actor requires capabilities and the state has unlimited access to a range of possibilities to deliver its speech acts. Groups within Uganda and in the international community are attempting through political campaigns using media to de-securitize LGBTI identity, or at least move it to a less dangerous politicization mode.

The role of international human rights groups is to pressurise the USA and Western government to respond to these rights violations. Identity for Western states is rooted in secular liberal values, the behavior of states towards minorities such as LGBTI groups challenges what they consider should be the normative situation within the international system. They are therefore compelled to resist the erosion of rights and will be alarmed at the politicization of LGBTI identity for fear securitization as has been the case in Uganda will emerge.

The role of Social Media, despite being relatively new in comparison to Newspapers, TV and Radio is having a profound impact in the shaping of identities and giving meaning to the values that construct identity. Inter-subjective meaning is communicated most often texturally, but increasingly in social media through image, as demonstrated by the *Rolling Stone* (Uganda) and *Red Pepper* campaigns that used web sites, Facebook and Twitter to present visually dominant speech act campaigns.

The actors central to the 'Culture Wars' between conservative religious practice and liberal ideas about identity are certainly locked in a struggle for ideational dominance.

The outcome of the struggle will either reinforce the securitization of LGBTI identity, or de-securitize that identity. Conservative cultural groups including Ugandan, together with other SSA political establishments consider it an existential struggle for the identity of SSA states. Three variables within the securitization process are required; audience, context and securitizing agent for successful securitization to occur. The first of these (audience) require an audience's frame of reference, its readiness to be convinced, and its ability to grant or deny a formal mandate to political actors to act. The struggle for dominance over these variables within Ugandan or other SSA communities is critical to the successful securitization of LGBTI identity. The speech acts from these actors, disseminated through press, media and religious platforms maintains their ideational dominance within Ugandan communities, it is this that actors contesting LGBTI securitization/politicization seek to undermine through competing media channels. The response in Uganda has seen government ban NGO's supporting LGBTI rights and act against media channels and this has been effective.

Influential actors within the international system such as the USA State department, the EU or UK Foreign Office seek to de-securitize LGBTI rights by moving them back into normal politics, The approach of the most influential international and in-country actors has been to attempt to convince The Ugandan state and communities that LGBTI identity is not an existential threat. Similar arguments are employed across SSA where the rights argument positioning LGBTI rights with a broader rights paradigm is seen as most likely to succeed.

States through their participation in the international system have treaty obligations to protect rights which the UN accepts covers LGBTI rights. The status of domestic law is often in conflict with treaty obligations. Ghana's government takes the view that Ghana's law existed before UN treaties came into effect, thus Ghana maintains its sovereignty by retaining laws that existed before treaty. Government officials also advance a cultural relativism argument that 'Ghanaians are unique people whose culture, morality and heritage totally abhor homosexual and lesbian practices. The role of the state is critical to the provision of human security across its communities. However unlike Uganda, Ghana has not securitized LGBTI identity but moved to limit the possibility of the emergence of acute threats to what it sees as the object that is essential to the survival of the state and its requisite communities. LGBTI identity is not

yet seen in the form of an existential threat to Ghanaian society and thus requires a political response rather than a securitization move emerging to curtail a threat that must be eliminated.

If a Ghanaian is identified as having an LGBTI identity it is likely the local community in the form of a mob attack individuals, and the police would not protect the person or group. Blackmail of LGBTI groups is endemic often the police are involved. Communities sometimes threaten the lives of LGBTI groups and they do not get the protection under the law the constitution provides. Ghana provides for an environment under which criminals are free to entrap and rob LGBTI groups with impunity and LGBTI human security is absent. Some politicians have attempted neo-speech acts, gaining support through anti-LGBTI speeches during elections. The level of investment in Ghana by USA evangelical churches is not as significant as in Uganda. Politically Ghana has been relatively stable, unlike Uganda newly emergent out of decades long conflict with a much less mature democratic set of institutions working in a much less partnership approach with international agencies. Securitization processes are political method at its most extreme, resulting in a rupture in the routine of everyday life of communities; it is politicization rather than the full securitization of LGBTI identity that has emerged in Ghana.

The other comparative state researched for this thesis was Kenya. As is the case in the majority of SSA states, in Kenya a range of political and religious leaders has politicized the question of LGBTI rights. Some politicians went so far as to compare LGBTI groups with terrorists. The majority of Kenyan MP's, whilst in most cases not asking for more severe penalties such as the death penalty, which was argued for in Uganda, are content with the status quo. Importantly however they will not address the rejection, threats, homelessness and health deficit that LGBTI groups experience disproportionately in Kenya.

In Kenya in contrast to Uganda, important institutional actors such as the church have a minority of its clergy supporting LGBTI rights without criminal action from the government, accepting they are exposed to censure from the church itself. Nevertheless they are able to offer counselling and support which would be outlawed in Uganda. LGBTI rights are not securitized, but to a degree politicized, which in itself is



dangerous but LGBTI identity has not been positioned yet as an existential threat to Kenyan identity.

An indicator of the mode of securitization of a minority can be measured through health policies. Policies or communal pressure that lead to minorities already exposed to severe health risks from gaining access to treatment that can prevent death, or the increased presence of the disease in a reservoir population is a serious threat to the minority. The emergence of such a health paradigm that was in effect a death sentence for LGBTI groups would move the security process from politicization to securitization. The withdrawal or placement of barriers to treatment and containment of a potentially fatal illness such as HIV/TB would certainly be categorized as 'a state of emergency characterized by arbitrary measures, including the justification of actions outside of the normal bounds of political procedure'. In Uganda access to HIV services, because of stigmatization of individuals by health clinicians and disapproval of communities is an existential challenge to LGBTI groups. No access or interrupted HIV treatment is a death sentence. . As 'security' is a highly political act, it is also a potentially dangerous one. In extremity, a breaking free from the rules of normal politics, security in this context is the identification of threats or dangers (*to identity*), or communicating fear. It is also a political act that can lead to the possibility of a politics of extremity, with the unforeseeable and potentially dangerous consequences that it brings. One very clear indicator of the intent of the state is access to health care. Mob attacks in Mtwapa against LGBTI HIV services in 2010 was criticised by the clergy in Kenya unlike a similar situation in Uganda because Kenyan clergy had been exposed to human rights training. It is possible to challenge the politicization of LGBTI identity through advocacy even within conservative religious practice, engaging in dialogue is a huge degree of progress and is one reason why Kenya is unlikely to move beyond politicization of LGBTI identity to securitization

The actors who see themselves as largely responsible for the preservation of Kenyan identity as ethnically African, and the privileging of culturally religious and conservative moral positions are politicians and clergy. They control a large proportion of the communication of societal discourse and attitudes, they manage directly or through media channels they own, or have controlling interests in the distribution of content and its meaning. This is the situation in all SSA states, threats, their origin, context, and

how Kenyan society should react will be shaped by these norm entrepreneurs. They may politicise an event as a threat or a moral challenge to Kenyan society, or they are in the position to develop with the political state a securitization process.

Politicians in SSA are mostly religiously conservative, as are their constituencies; even if a politician decided to support LGBTI rights they would come under enormous pressure from religious organisations that could if they condemned a politician, unseat them. Kenyan identity is grounded in a conservative religiously fundamentalist narrative that constructs Kenyan identity as one that rejects LGBTI rights, any politician that holds a liberal position that challenges these norms will be rejected by their constituency. Kenyans similar to other SSA citizens see their identity, African and religiously conservative as giving meaning to their society; their identity provides them with security, a threat to that identity undermines that security and could be communicated as existential. However like Ghana LGBTI identity in Kenya is politicized it is not part of a securitization process. The characteristics that Kenyan society shares with Ghana are a well developing economy, no recent statewide civil war and despite a degree of political violence, civil government is strong and stable. It is also a developing society with good prospects in health and education, its economy is being modernised and it is seen as one of the rising SSA states. It has also not been exposed to the same degree of investment from conservative USA evangelical movements. This is in contrast to the situation in Uganda, I hypothesize that this accounts for the different political and social reaction to LGBTI identity in these states.

LGBTI identity is politicized across most SSA states certainly Kenya, Ghana and Uganda, the states researched specifically for this thesis. The move from politicization to securitization has occurred in Uganda and some other SSA states such as Nigeria (N), Somalia (S), Mauritania and Sudan have the death penalty for homosexual crimes. The threat of Securitization is ever present in SSA states such as Zimbabwe and Burundi, because the President is calling in each case for severe penalties. In the Islamic State of Gambia, President Jammeh in 2015 said he would “slit the throats” of any gay man in the Gambia, in October 2014, the government had introduced a new crime of aggregated homosexuality with a penalty of life imprisonment; a state of securitization of LGBTI identity exists in the Islamic State of Gambia.

Securitization as a theory is understood as a synthesis of constructivist and rationalist approaches to security. A media frame in that it blends sociological and psychological influences in the form of organizing principles invoked by political actors that is amplified by communication channels some traditional others exploiting new media platforms. These channels of communication, audio or media, shape the conversation, seen or heard in the 'speech act', and provide for the conditions under which the social content or meaning of what is security, that constructs the threat emerges. Securitization processes influence media content but are also an outcome of the interpretation of media. In SSA the conservative religious identities coupled with inter-subjective construction of an African identity that rejects LGBTI identity as threatening the moral basis of societies sets the scene for the possible securitization of LGBTI groups. However it requires the introduction of evangelical or fundamentalist religious practices to trigger the conditions for securitization to occur. The political or religious support for this intervention accounts for the differencing outcomes for LGBTI groups in Ugandan, Ghana and Kenya as does a recent history of violence or civil war as experienced in Uganda. Evangelical groups investing in conservative religious organizations within country at the expense of liberal institutions, move the conversation from politicization to securitization. The political class in SSA is often insecure, with quasi-democratic government; corrupt and unaccountable, they fear violence and the loss of power if they confront the conservative religious identity that is dominant in these states. Progressive policies from the international system face a situation where SSA politicians support community wide rejection of LGBTI minorities, the institutional class continues to take advantage of the popular political franchises that maintain their power-base within communities at the expenses of LGBTI groups.

END

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Fig 1 (Red Pepper 2014)

**Edited Comments section**

Whitee • a year ago

It should be noted in the land of Israel, the actions of two kings, Asa, and his son Jehoshaphat. Both kings are recorded as chasing the Sodomites out of the land of Israel. There is a blessing to a nation that removes the defiled thing from among it's midst. Uganda would do well to teach the Ten commandments in their full bearing, and meaning.

The Areopagite • a year ago

b>St. Peter Damian's Book titled *Liber Gomorrhianus* [Book of Gomorrh] is considered the principal work against homosexuality. He writes:

*"This vice strives to destroy the walls of one's heavenly motherland and rebuild those of devastated Sodom. Indeed, it violates temperance, kills purity, stifles chastity and annihilates virginity ... with the sword of a most infamous union. It infects, stains and pollutes everything; it leaves nothing pure, there is nothing but filth ... This vice expels one from the choir of the ecclesiastical host and obliges one to join the energumens and those who work in league with the devil; it separates the soul from God and links it with the demons."*

Fellow Ugandans, decide for yourself where you wish to spend eternity after this short life.

Ed • a year ago

"...I am writing to express my extreme distress concerning the public stance taken by Pastor Blaisious Ruguri, church president in Central and East Africa, in support of the inhumane and repressive Anti-Homosexuality Bill in Uganda.

This proposed law, offered as a "Christmas gift" to the people of Uganda, violates fundamental human rights, dignity, and safety.

Bishanga Paul • a year ago

Homosexuality in Uganda out and those practicing it the punishment is life imprisonment and not condemnation because killing is for the creator and not man empowered by the Law. Let the homosexuals be in prison for life because that is what they deserve.

Kekko • 2 years ago

So, now it is clear the SDA supports genocide, hate crimes, and the murder of all those who do not conform to their religious standards. When will all of you who call yourself Christians start following Christ?

Semakula David Lorelei S. • a year ago

To kill a homosexual for reasons of spreading homosexuality is

1000000% right.

Fig 2 (Turyakira, 2012)

**Comments section (edited)**

Ferdinand • 4 months ago

Oh Uganda may God uphold thee, we lay our future in thy hand, United free for liberty, together we will always stand!!!!!!!!!!!!  
For God & My Country! For God & My Country! For God & My Country!

Concerned • 4 months ago

Leviticus 18:22-23

22 “Do not practice homosexuality, having sex with another man as with a woman. It is a detestable sin.

23 “A man must not defile himself by having sex with an animal. And a woman must not offer herself to a male animal to have intercourse with it. This is a perverse act.

Melanie Nathan • 4 months ago

Shame on Uganda. A dark cloud has taken the lustre from the pearl of Africa and one day in the future the country will look back on this day and hang its head in shame. Gays deserve to live in peace. They are kind good people who love their country just like all Ugandans,. Now you force them to exile - shame on you

Amos Scooter • 4 months ago

Wow! God bless that country Uganda! They can finally stand for something they believe as opposed to just compromising for gain.

Guest • 4 months ago

Leviticus 18:22-23

22 “Do not practice homosexuality, having sex with another man as with a woman. It is a detestable sin.

23

“A man must not defile himself by having sex with an animal. And a woman must not offer herself to a male animal to have intercourse with it. This is a perverse act.

kyakabale • 4 months ago

Good

anita • 4 months ago

Bravo M7!! You have made my day! Those who think M7 is wrong should pack up and get out of Uganda and live in a country which accepts stupidity. Ugandan culture will never be changed because we need aid from a foreign country. We shall survive.simon • 4 months ago Proud of M7's choice. That proves he is

not a coward

elgon58 • 4 months ago congratulations mr. president.

Fig 3 Anti-Gay Bill (NewVision, 2014).

Fig 4

The image shows a screenshot of a Twitter thread. The top tweet is from Kaleidoscope Trust (@Kaleidoscope\_T) posted 3 hours ago, with the text: "Join us & @odi\_development to discuss how aid donors can support LGBT rights in developing countries? [ow.ly/ynM0o](http://ow.ly/ynM0o)". Below it is another tweet from the same account, 7 hours old, titled "Zambia to West: Don't watch when we jail LGBT people" with a link to [feedly.com/e/y8YQxfL1](http://feedly.com/e/y8YQxfL1). The thread continues with tweets from June 25, May 21, and March 10, all from Kaleidoscope Trust, discussing LGBT rights in Cameroon, Uganda, and Gambia. There are also retweets from GALZ (@galzinf) and Dr. Frank Mugisha (@frankmugisha). The bottom tweet is from May 27, reporting on a lynch mob in Ghana. The entire screenshot is enclosed in a black border.

**Kaleidoscope Trust** @Kaleidoscope\_T · 3h  
Join us & @odi\_development to discuss how aid donors can support LGBT rights in developing countries? [ow.ly/ynM0o](http://ow.ly/ynM0o)

**Kaleidoscope Trust** @Kaleidoscope\_T · 7h  
Zambia to West: Don't watch when we jail LGBT people [feedly.com/e/y8YQxfL1](http://feedly.com/e/y8YQxfL1)

**Kaleidoscope Trust** @Kaleidoscope\_T · Jun 25  
Cameroon athlete suspended on rumors of homosexuality [feedly.com/e/tiTyL4qE](http://feedly.com/e/tiTyL4qE)

**Kaleidoscope Trust** @Kaleidoscope\_T · May 21  
Uganda: Raided clinic reopens with scaled-back services [feedly.com/e/15ZlPKel](http://feedly.com/e/15ZlPKel)

Retweeted by Kaleidoscope Trust  
**GALZ** @galzinf · Jun 25  
Gambia: New bill will 'ban homosexuality' and LGBT rights groups [pinknews.co.uk/2014/06/24/gam...](http://pinknews.co.uk/2014/06/24/gam...) via @pinknews

**Kaleidoscope Trust** @Kaleidoscope\_T · Mar 10  
Facing Persecution: Portraits of #Uganda's Threatened #LGBT Activists - [klou.tt/7to56rkcd14d](http://klou.tt/7to56rkcd14d)

**Kaleidoscope Trust** @Kaleidoscope\_T · Jun 24  
Ugandan judge OKs crackdowns on LGBTI rights groups [feedly.com/e/9pDWmQkC](http://feedly.com/e/9pDWmQkC)

Retweeted by Sexual Minorities Ug  
**Dr. Frank Mugisha** @frankmugisha · Apr 24  
Persecution of Uganda's Gays Intensifies as Rights Groups Go Underground [ipsnews.net/2014/04/persec...](http://ipsnews.net/2014/04/persec...)

**Kaleidoscope Trust** @Kaleidoscope\_T · Jun 19  
Find out how Uganda is excluding gays from HIV care [feedly.com/e/F\\_OzVKWb](http://feedly.com/e/F_OzVKWb)

**Kaleidoscope Trust** @Kaleidoscope\_T · May 27  
Muslim youths lynch gay man in Ghana and are still hunting his lover | [ow.ly/xhVXe](http://ow.ly/xhVXe)

(Kaleidoscope, 2014)



Fig 5



(Martin Ssempta 2014)



Fig 6 *Rolling Stone*  
Oct 2010



Fig 7 (*Rolling Stone* /Nov 2010)



Fig 7b (Campus Nail, 2010)

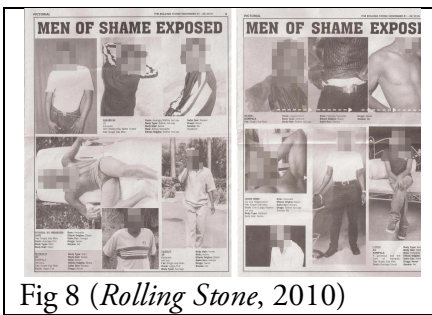


Fig 8 (Rolling Stone, 2010)



Fig 9 (Rolling Stone, 2010)

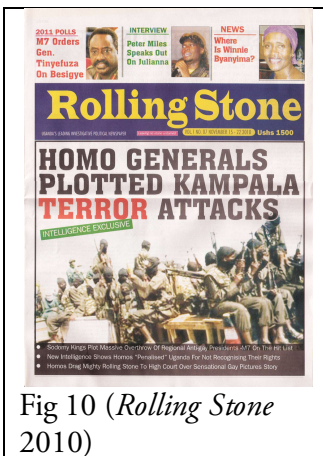


Fig 10 (Rolling Stone 2010)

## BOX TURTLE BULLETIN

This article can be found at: <http://www.boxturtlebulletin.com/2010/10/04/27602>

### Ugandan Tabloid May Have Used Facebook To Obtain Photos In Anti-Gay Vigilante Campaign

Jim Burroway  
October 4th, 2010



Front cover of the October 2, 2010 edition of the Ugandan tabloid Rolling Stone

### LATEST POSTS

Former Ex-Gay Spokesman Schools Perry On Ex-Gay Therapy

Rick Perry: Oops, I Did It Again.

The Daily Agenda for Friday, June 20

Presbyterian Church (USA) votes to allow marriages

Giving NOM's March/Marriage the Attention It Deserves

The Daily Agenda for Thursday, June 19

## BOX TURTLE BULLI

This article can be found at: <http://www.boxturtlebulletin.com/2010/11/01/27639>

### Ugandan Tabloid Resumes Anti-Gay Vigilante Campaign

Jim Burroway  
November 1st, 2010



### LATEST

Former Ex-Gay Spol Ex-Gay Therapy

Rick Perry: Oops. I

The Daily Agenda fo

Presbyterian Church marriages

Giving NOM's Marc Deserves

(Fig 11 Burroway, 2011)/ (Burroway, 2010),

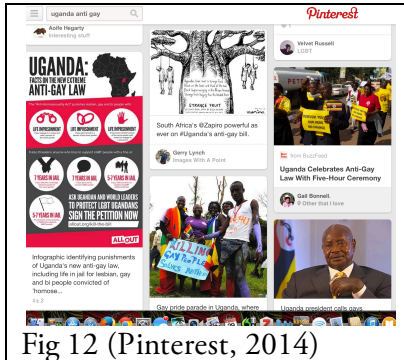
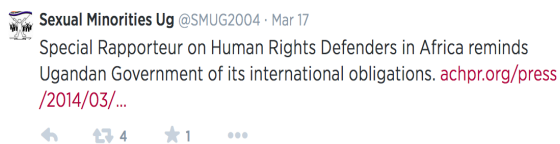


Fig 12 (Pinterest, 2014)



Fig 13 (Salvo, 2014)



(Fig 14, SMUG, 2014)



Fig 15 (Kitamirike, 2014)



Fig 16 (Red Pepper, 2010/2013/2014)



Fig 17 (Red Pepper 2014)



Fig 18 (Hello, 2014)

**HIV/AIDS Alliance**  
@theaidsalliance Follow

80% of ppl we reached in '14 were criminalised. Play #ParadiseOrPersecution [bit.ly/1Q848Zu](http://bit.ly/1Q848Zu)

75+ Countries criminalise LGBT people.

19x Criminalisation severely affects LGBT people's access to HIV services and treatment.

49x Transgender women are up to 49 times more likely to acquire HIV than all adults of reproductive age.

Contributing to higher rates of infection.

Gay men and men who have sex with men are 19 times more likely to be living with HIV than the general population.

RETWEETS 3

11:30 AM - 10 Nov 2015

Fig 19 (HivAids Alliance, 2015)

**Nicholas Opiyo**  
@nickopiyo Follow

Presidential aspirant Mabirizi accuses Mbabazi of promoting homosexuality [youtu.be/54pZ4NXqq\\_Q](http://youtu.be/54pZ4NXqq_Q)

YouTube

**Presidential aspirant Mabirizi accuses Mbabazi of promoting homosex...**

Mabirizi who is in the presidential race says Mbabazi will erode the country culture since he supports homosexuality. He believes he has support in all regions.

[View on web](#)

Fig 20 (NBS TV Uganda, 2015)

**Rolling Stone**

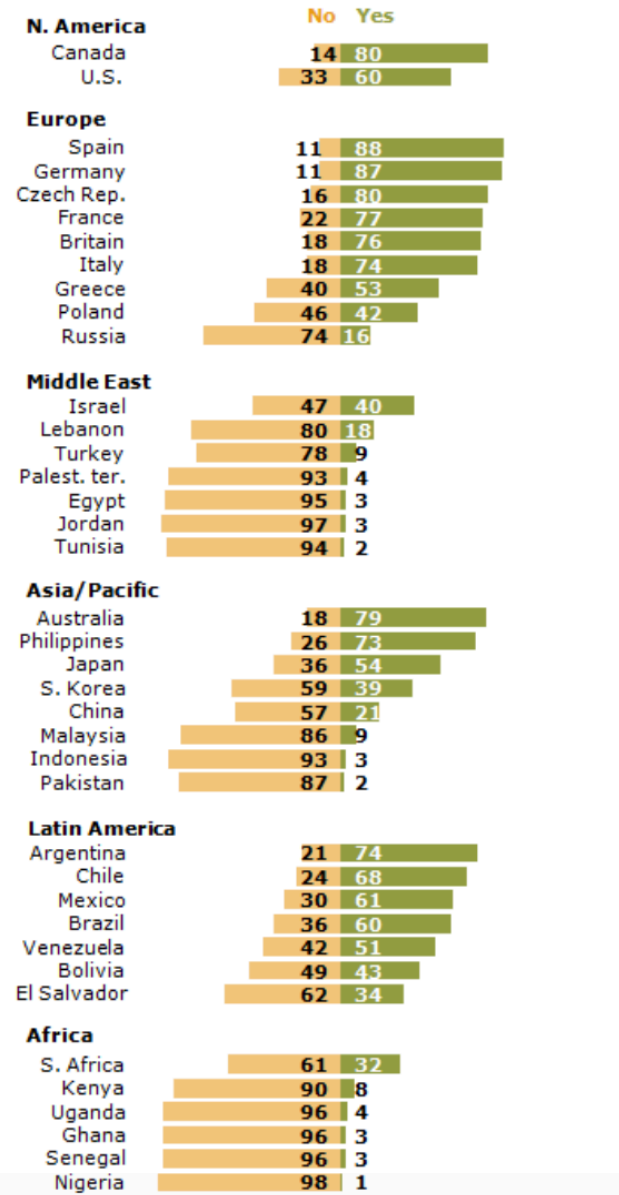
100 PICTURES OF UGANDA'S TOP HOMOS LEAK

UPDF Prepares For Sudan War

Blue Magic Inc

Fig 21 (Rolling Stone, Oct 2010)

## Should Society Accept Homosexuality?



PEW RESEARCH CENTER 077

Fig 22 (Pew Research, 2013)