

What is the World to do? The International Problem of Homophobia in Uganda

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Introduction

Gays, lesbians, bisexuals, transgender and intersex (LGBTI) peoples in Africa, including Uganda, have an international presence that is unprecedented in history. Documentaries, media reports, and interviews of activists on late night American TV with John Oliver have thrown the Ugandan gays and lesbians into the Western spotlight (Onziema). Western media response has idolized socially oppressed activists as social justices darlings like David Kato and Julian Pepe Onziema, a prominent Ugandan transman and gay rights activist, who has received numerous international recognitions and awards, including the 2012 Leadership in Civil Society Award from at the Clinton Global Citizen Awards (Clinton Global Initiative), and the 2014 Hero of the Year at the Stonewall Award (Lane, par. 3). His work has been tireless, passionate, and most certainly courageous, fighting for recognition of LGBTI rights in Uganda (Lane, par. 3). Calling these activists social justice darling is not to diminish the work they have done; rather it is to highlight the Western sympathy for international gay rights. It is not without risk to be an activist of this nature in Uganda, as tragically proven by David Kato, murdered in 2011, a heartbreaking result of his activism; the world mourned in shock, and Kato's name is synonymous to martyrdom in the LGBTI movement (GLAD: Timeline).

For nearly 15 years, systemic homophobia has crept overtly into political platforms in Uganda, a domestic issue that has become an international affair, to be analyzed in this paper. Homosexuality, on the other hand, has not just arrived in Uganda. Homosexuality, in Uganda, and Africa, is not a new phenomenon; queer historian, Marc Epprecht, has dedicated his work to studying homosexuality on the Africa continent, primarily in southern Africa. In *Hungochani: The History of a Dissident Sexuality in Southern Africa*, Epprecht addresses and shows the historical proof that homosexuality and sexual difference have existed in African perspective

prior to colonization. The book focuses on Southern Africa and is contextually relevant to the history in Uganda because of geographic and cultural similarities throughout the continent. For social change, historical accuracy is important, and Epprecht has said that through his work on *Hungochani*, he is certain there is enough historical material to publish for each region of Africa. This is an area that requires further scholarly work to compliment the activism that is working so hard to achieve social change.

Epprecht identifies and explores African LGBTI as a "...pan-regional, proto-queer identity firmly rooted in history... (Epprecht, *Hungochani* 4)" and seeks to counter a litany of homophobic accusations made against African sexual minorities by giving context, and written history of sexual and identity politics in Africa. History gives context; history figures out why the story is the way it is in contemporary times. Knowledge of homosexual history in Africa is essential in understanding why a culture of homophobia has been growing, rather than diminishing, to make real and enduring change.

Just as homosexuality is not new to Uganda, neither is homophobia. The two are hand-in-hand; sexual minorities are a vulnerable group who are persecuted because of their sexual difference. After years of rising overt homophobia in Uganda, 2014 brought confirmation and legal legitimacy to homophobia by criminalizing homosexuals, with an act called The Anti-Homosexuality Act. In 2009, when the bill was tabled, the international community was embroiled in Ugandan sexual politics. The United States' (US) 'culture wars', a catch phrase coined to identify the clash of Christian conservatives versus liberal values primarily over marriage equality and LGBTI serving in the military, has spread internationally, making headquarters in Kampala, Uganda. International conservative and liberals alike have reacted to the Bill/Act by imposing their ideal sexual politics in Uganda under the name of development,

with large pockets of money attached to both sides. International outcry and support has led to international gay and anti-gay demonstrations outside of Uganda, in support of either cause. Largely, in Uganda the social climate is supportive of the legislation, and the topic of homosexuality has fuelled public discourse, leading to discrimination and violence against sexual minorities.

The international attention, both conservative and liberal, comes with over arching notions of cultural imperialism and neo-colonialism; simply, both sides are presenting the idea that the West is superior and Africa needs to be 'fixed'. The dilemma lies in the question of international intervention (or aid) and interference in Uganda's battle of sexual rights. How should the international community approach the topic of sexual minorities in Uganda, and questioning the validity to international reaction and interference?

I will use an African philosophy called "Ubuntu" as the ethical framework. Across the continent of Africa, Ubuntu is simply understood as *humanness* (Murove, Ubuntu 37). Ubuntu is a humanist ethic with virtues like harmony, kindness, compassion, care, and respect (Murove, Ubuntu 37). A common way to describe Ubuntu is through the proverb "...a person is a person because of other persons." (Murove, Ubuntu 37) As such, if one acts inhumanely toward another, the person's character is seen as not having Ubuntu (humanness) (Murove, Ubuntu 37). The notion of self is explored through a shared identity or dependence of a shared communal identity.

Ubuntu is an a philosophy that transcends the continent, approaches moral dilemmas via harmony, notably different than approaches used in Western thought, such as autonomy, capability and utility (Metz, Harmonizing 146), as well as seeking to express the unique identity of Africans, particularly in light of post-colonial Africa. Munyaradzi Murove argues it is

essential to apply Ubuntu to African dilemmas to resolve conflict between traditionalism and modernity within African society (Murove, Ubuntu 41).

As this is a dilemma that is occurring in Uganda, I think it is appropriate and essential to use an ethic that is relative, based on the notion of utility. Applying a relative ethic, such as Ubuntu, to a problem that is Ugandan with international influence offers the opportunity to deliver an approach that may be practically applied.

Chapter 1

Historical Timeline of Homophobia

In the early 2000's, homosexuality and homophobia began to seep into public discourse. To give context to the moral debate in Uganda, a brief history is essential to understand the rising political and social displays of homophobia, after 2002.

In 2002, American evangelical Scott Lively first visited Uganda, for the purpose of developing anti-gay strategies with Ugandan Pastor Martin Ssempe, and Stephen Langa, anti-gay leader and 'recovering' homosexual (GLAD: Timeline); Ssempe is an influential supporter of MP David Bahati (Political Research Institute: Profiles). In 2005, President Yoweri Museveni signed a constitutional amendment to explicitly prohibit same-sex marriage (GLAD: Timeline). These two separate events were important in setting the tone of an antigay agenda, in politics, society, and religious institutions.

In 2006, *The Red Pepper*, a Ugandan newspaper which operates more like a tabloid by use of sensational and reactionary reporting, outed 45 suspected gay men, and 13 suspected lesbians, on the front page, which included photos, names and personal information such as addresses and employers (GLAD: Timeline). *The Red Pepper* appealed the public to help "...

rid our motherland of the deadly vice (lesbianism), we are committed to exposing all the lesbos (sic) in the city. Send more names us (sic) the name and occupation of the lesbin (sic) in your neighbourhood and we shall shame her. Call: 0712XXXXXX.” (Tatchell) These first public media outings set precedent for how the popular tabloid uses sensational tactics to express and promote homophobia rhetoric. The authors, editors and publishers were (and are) committed to exposing sexual minorities by publishing names, photos and sensational stories. Searching for “gay and lesbian” on *The Red Pepper* website will provide a plethora of reports with headlines like “Research: Smoking and Drinking During Pregnancy Could Make Your Baby Gay”, “I Will Fight Gays Like Mosquitos”, and “Recruitment into the Lifestyle of Homosexuality” (The Red Pepper). *The Red Pepper* is owned by President Museveni’s half-brother, Salim Saleh, former Ugandan Army Chief and the Minister of State for Microfinance (Tatchell). The connection gives the impression of corruption and moral propaganda.

In 2007, the Minister of Ethics and Integrity, James Nsaba Buturo, and Pastor Martin Ssempe, denounced homosexuality and hosted an anti-gay rally where hundreds attended, in reaction to LGBTI activists demanding for respect of rights (GLAD: Timeline). During the same year, the Human Rights Watch warned the Ugandan government against violating and ostracizing sexual minorities, the probable and predicted effect was increased HIV contraction (GLAD: Timeline). The same organization formally alerted and cautioned the US Congress of supporting anti-gay measures in Uganda (GLAD: Timeline).

Homophobic action increased significantly in 2009; the most notable was the introduction of the Anti-Homosexuality Bill by MP David Bahati. The Family Life Network (a Ugandan anti-gay organization) hosted a conference for religious leaders, teachers, and social workers to fight homosexuality (GLAD: Timeline); the result was an Anti-Gay Task Force, to “... ‘wipe’ out gay

practices... (GLAD: Timeline)”. Conference was supported and led by Scott Lively, Martin Ssempe, and Stephan Langa. Lively published a report used by Ugandan Government a literature on the topic, and in promotion of his work, he declaring his anti-homosexuality work in Uganda “... a nuclear bomb against the ‘gay’ agenda in Uganda (GLAD: Timeline)”. The conference, task force, and reports were momentum used to gain public support of the Anti-Homosexuality Bill. MP Christopher Kibansanga, supporter of the Bill, was quoted saying “We must exterminate homosexuals before they exterminate society (GLAD: Timeline)”. A few months after the Bill was tabled, President Museveni said he would not sign a Bill that includes the death penalty, in response to international pressure. By 2011, Bahati reintroduces an amended version of the Bill, where the death penalty was removed and ‘attempted homosexuality’ was added (GLAD: Timeline).

In 2010, following the precedent set by *The Red Pepper*, *The Rolling Stone* newspaper, published names, addresses, and personal details of 100 LGBTI Ugandans under the headline “Hang them”. Four months later, in January 2011, David Kato, was brutally murdered in his home; Kato was one of the 100 outed names in 2010 (GLAD: Timeline). 22 days prior to his death, Kato, won a court injunction preventing the *Rolling Stone* from outing and inciting threats of violence based on the violation to the constitutional right to privacy (GLAD). David Kato’s death was a tragic loss to the LGBTI community and drew international attention (*Call Me Kuchu*).

In 2012, the Center for Constitutional Rights, an American non-profit legal and social justice organization, filed a lawsuit against Scott Lively, on behalf of Sexual Minorities Uganda. The charges include a violation of international law, inciting intention to contribute to the persecution of Ugandan sexual minorities, and depriving LGBTI of basic human rights. The case

is unprecedented in the US and is currently under court proceedings in Springfield, Massachusetts (Center for Constitutional Rights: SMUG v. Lively).

In 2013, on December 20, the Anti-Homosexuality Act was passed, and on February 24, 2014, President Museveni signed the Act. Thirty thousand Ugandans celebrated at Kampala Stadium in support of Act, and in response to reject the West's condemnation of the Act (GLAD: Timeline). Immediately following, LGBTI Ugandans faced increased harassment, arrest, threats, violence, and the abhorrent act of corrective rape against lesbians (GLAD: Timeline). Contrary to the court ruling of protection of privacy, *The Red Pepper* published 200 names and personal information of suspected LGBTI people, titled 'Uganda's Top Homos' (GLAD: Timeline). By May 2014, two Ugandan men were charged and sent to trial under the new law (GLAD: Timeline).

In August 2014, the Supreme Court of Uganda annulled the law, as it passed without quorum. A new Bill has been drafted and presented by MP David Bahati, called The Prohibition of Promotion of Unnatural Sexual Practices Bill (Uganda).

State Supported Homophobia

The Anti-Homosexuality Act was passed and signed by President Yoweri Museveni on December 20, 2014. In 2009, Member of Parliament (MP) David Bahati, of the majority party, the National Resistance Movement, introduced the Anti-Homosexuality Bill (Tamale 33).

The original Bill was dubbed the "Kill the Gays" Bill, the ultimate penalty for homosexual acts was death by stoning; the Act that did pass into law was a weaker version, the stiffest penalty a sentence of life in prison for a long list of homosexual acts (GLAD: Timeline). The highlights of Act were: offence of homosexuality, aggravated homosexuality, attempt to commit homosexuality, aiding and abetting homosexuals, conspiracy to commit homosexuality,

detention with intent to commit homosexuality, promotion of homosexuality, and extradition and extraterritorial law applied to Ugandans living abroad (The Anti-Homosexuality Act 2014). The intent of the Act was "... to prohibit any form of sexual relations between persons of the same sex; prohibit the promotion or recognition of such relations and to provide for other related matters (The Anti-Homosexuality Act 2014)". In August 2014, nine months after the law was passed, the Supreme Court repealed it due to a legislation technicality: it was legislated without quorum (Uganda).

In response, the new Bill has been tabled, called The Prohibition of Promotion of Unnatural Sexual Practices Bill, proposing similar, with increased extreme measures against sexual minorities, including association with known homosexuals and the promotion of homosexuals through activism (Uganda). If the Bill passes into law 'unnatural sexual practices', defined as sexual acts between persons of the same sex, with or between transsexuals, sex with an animal, and anal sex (including heterosexual partners) will be illegal (Akullo, pars. 3-4). Furthermore, the bill will criminalize persons based on their sexual orientation and gender identity, and prohibits persons aiding and abetting homosexuals through leasing housing to persons planning to engage in 'unnatural sexual' practices, which gives the landlord the legal strength to evict tenants (Akullo, pars. 3-4).

The proposed Bill prohibits of the promotion of 'unnatural sexual practices', which includes the work of LGBTI organizations and HIV/AIDS health promotion organizations, including health promotion items (Akullo, par. 16). It would be a criminal offense to sponsor or fund any person or organization who practices 'unnatural sexual' practices, which includes donor funding (Akullo, pars. 11). The Bill would forbid persons accessing publications, films, information technology, and exhibitions displaying 'unnatural sexual' practices (Akullo, par. 12).

Any person who is convicted under the proposed law would be automatically ineligible to have custody, guardianship, foster or adopt children, essentially destroying families (Akullo, par. 13). The proposed law prohibits trafficking persons with the intention of ‘unnatural sexual’ practices (Akullo, par. 14). One of the most damaging and dangerous propositions of the proposed law is consent: consent will no longer be available as a possible defence, therefore criminalizing consensual sex between adults (Akullo, par.15). The proposed law is limiting, damaging and creates impossible basic life situations for sexual minorities.

Chapter 2

Ugandan Politicians on Homosexuality

The dialogue about homosexuality and sexual minorities, imperialism and race are frequently used as ammunition against African sexual minorities. African leaders, including President Yoweri Museveni have repeatedly used rhetoric that “...homosexuality is un-African... (Tamale 40)”, and Ugandan government ministers, such as the Ethics and Integrity Minister, James Buturo, argue that sexual orientation is not “... an inborn condition like race and colours are... (Oliver 96)”. Simplified claims against homosexuality are a reactionary, oversimplification of the complexity of sexuality and identity, and the attempt to racialize sexuality, such as in the Buturo example, is attaching imperialistic notions (Tamale 40). Tamale points out that while “... sexuality has cultural particulars... sexual orientation transcends racial and ethnic identities (Tamale 40)”. Sexuality is fluid; the cultural particulars are not inherent, but rather influenced continuously by the momentum of society sexual experiences, perceptions and assumptions (Tamale 40).

In 2007, Martin Ssempe, responded to the Human Rights Watch's critical observation of the human rights violations against Ugandan LGBTI, by saying:

I can certainly understand why organizations like yours (Human Rights Watch) want people to think that homosexuality is fixed, like race, and cannot be changed, because you know that would make people more sympathetic to your "sexual rights" agenda which conflicts with the strong family values of Uganda. (Oliver 96)"

Believing that being gay is chosen rather than inherent, along with basing sexuality on race, are commonly presupposed when talking about LGBTI people; by separating sexual orientation from race we can recognize the two individual identifying qualities are not connected, dismissing the antiquated notion that race and sexuality are interwoven.

Politicians' use of patriotism, culture and morals to justify homophobia in Africa is a common tactic to gain popularity. President Museveni has followed in the homophobic footsteps of Zimbabwe's Robert Mugabe, and is in company with Nigerian and Kenyan leaders. The blurred lines of personal prejudice of homophobia and state legalisation is an African wide trend, not limited to Uganda (Mwikya 98). 'African culture and morals', and religious beliefs are the mutually used justifications for extreme legislation and criminalization of LGBTI people across the continent (Mwikya 99).

Observing President Yoweri Museveni's reaction to sexual minorities, it is simple to see that his motivation is political, and personal. He has been outspoken against homosexuality, and uses a platform of homophobia to gain popularity. During a CNN interview by Zain Verjee, President Museveni vehemently and enthusiastically agreed that he dislikes homosexuals, "...they (homosexuals) are disgusting! (Museveni)". Prior to signing the Anti-Homosexuality Bill, Museveni wanted to prove that homosexuality is abnormal amongst the human race. He assigned a panel of scientists to prove his hypothesis; the scientific report explained contrary, and despite the findings that homosexuality is not abnormal, Museveni had the report falsified to

meet his desired outcome (Mwikya 98). A pattern of corruption and propaganda is repeatedly established.

Elections will be held in 2016, and critics have drawn conclusions that Museveni and his ruling party, the National Resistance Movement Party, have increased attention on attempted immobilization of protests, and attacking moral issues of homosexuality and pornography (Mwikya 102). At times, Museveni appears to be coyly playing political games to appease Western donors and potentially liberal Ugandans with statements like “Homosexuals in small numbers have always existed in our part of black Africa... they were never prosecuted. They were never discriminated (Mwikya 99)”. Despite this small glimmer of hope for reasonable dialogue, it is his distaste for homosexuality that is most prominent. Museveni’s intentions are clear: using culture and morality to gain the popular vote by attacking vulnerable minorities.

The Christian Right

The United States (US) has had huge influence on the exportation of sex, sexuality, the moral opinion of sexual orientation and the treatment of sexual minorities in Uganda (Kaoma 4). Domestically, US Christian Right (CR) organizations have had powerful control and influence shaping domestic LGBTI rights, most notably in California in the 2009 Proposition 8 case, reversing legislation to revoking same-sex marriage rights (Cillizza and Sullivan). The control is slowly slipping in the US, and as it does, CR transnational activism grows; Protestant denominations in the US, mainstream churches like the Methodist church, Presbyterian and the Episcopal, have ordained LGBTI clergy (Kaoma 3).

Beginning in the 1990’s, the Christian Right ties with the Republican Party were an opportunity to influence US foreign policy, family planning, and HIV/AIDS prevention programs via abstinence and fidelity methods. Further opportunity to influence was gained by the

CR during the George W. Bush years, a self-identified Born-Again Christian, who gave CR organizations opportunity to influence politics in social welfare programing, and foreign aid policy by increasing funding to conservative Christian-based organizations (Oliver 91). The CR's lobby and promote anti-abortion and anti-homosexuality agendas to unite conservative groups, which plays into foreign programs and policies set by the US government.

Heteronormative relationships are the foundation of the CR, and sexual minority rights are a threat. The CR accuses feminism and the welfare system for destroying 'natural' families and family values, fearful that men will be marginalized, women will be uninhibited, and that the poor will lead to moral corruption through sexual promiscuity (Oliver 89). The Christian Right's politics are misogynistic and expect women to remember their primary role as mother.

The United Nations (UN) focus on women's rights grew in the 1990s, the CR's responses was resistance to the UN's attempt of destroying the 'natural family', therefore threatening cultural degeneration (Oliver 90). The Christian Right interpret the UN's focus on women as a threat to biblical family values. The United Nations, in the eyes of the CR, is a globalist organization associated with cultural degradation, leading to secularization, crime, drugs, sexual immorality and worship of the state (Herman 21). The UN women's conferences introduced sexual orientation, sexual rights and gender identity terminology, solidifying a connection with LGBTI rights, which was deeply troubling and contrary to the Christian Rights belief in heteronormative relationships and families (Oliver 90). The cultural wars in the US, where the CR was busy fighting for school prayer and against the homosexual 'condition' had now become a global threat (Oliver 90).

The Christian Right's antigay agenda formed in the 1990s, created and supported by a number of organizations whose names usually include the word 'family', most notably: Focus on

the Family, Family Research Council, and the American Family Association (Herman 67). All of these organizations use antigay agendas as their central mandate of operations, producing an excess of rhetoric resources to opposing homosexuality. The propaganda is filled with notions of responsibility to protect children from homosexuals, the protection of the ‘natural’ family and particularly noteworthy because it is so offensive and unsubstantiated, the connection of the Nazis to homosexuality, a clumsy attempt to vilify sexual minorities (Herman 91). It is a belligerent accusation that LGBTI will harm children, the epitome of innocence and vulnerability, by demanding protection of children from LGBTI. These accusations and lies dehumanize sexual minorities through misconceptions that generate fear of predatory behaviours and abuse.

In Uganda, there has been a rise in popularity of the Christian Right. Pentecostal churches, attracting young, educated people because of the exciting style of worship (Kaoma 6). African evangelical churches’ politics typically tend to embrace social welfare, social justice, socialist movements, and is associated with theories that are left leaning, which is opposite to the US Christian Right (Kaoma 7). Despite this contradiction, the US Christian Right and Ugandan evangelical worshipers have formed an allegiance to strengthen the conservative antigay agenda (Kaoma 7). The CR has used imperialistic methods of financial incentives to gain popularity over mainstream churches and to develop allegiance and loyalty by providing scholarships to African clergy, which ensures a cycle of conservative theological training (Kaoma 8).

The CR has also successfully gained popularity and loyalty in Uganda beyond church function. Development projects sponsored by Christian Right Non-Governmental Organizations (NGO), such as World Vision and Canadian-funded Crossroads Christian Communication, provide essential social services, sponsoring orphanages, schools, bible schools, universities,

development projects, and scholarships (Kaoma 8). By embedding beliefs into the fundamental functions of society, the Christian Right has the opportunity to promote their own brand of Christianity (Kaoma 8). Crossroads Christian Communication is an excellent example; their projects are foundational development projects and their messaging is overtly anti-gay (Jackson, Smillie and Brown 8). As a result, evangelical congregations are growing, and thus the beliefs are impacting social discourse and politics; as Kenyan Anglican leader Rev. Rosemary Mbongo has said “Africans, Asians, and Latin American evangelical Christians have the voice today; they owe it to American conservatives (Kaoma 8).”

Alongside the popularity of the Christian Right, mainstream churches have had influence. The Lambeth Conference, a gathering of Anglican Bishops from the Anglican Communion, convened by the Archbishop of Canterbury that is held every 10 years. In 2008, the Conference gathered under difficult circumstances: the North American churches had consecrated LGBTI clergy, which created a crisis and division in the Anglican Communion (Conger). The issue divided US conservative Christians, leading to division of the Episcopal Church in the US, and conservative Christians were looking for international support (Conger). The conference encountered a large boycott, protesting the acceptance of homosexuality in Church leadership, the largest in the history of the Anglican Commune. Out of 729 dioceses in the Communion, 260 dioceses boycotted, of that, 200 were African dioceses (out of the 324 dioceses in Africa) (Conger).

American Pastor Rick Warren had great influence in building ties to conservative Anglican and Episcopal leaders to African Archbishops (Kaoma 16). Warren has been a strategist in the supporting homophobia in Uganda, working closely with religious leaders and politicians from East African nations (Kaoma 15). Warren lobbied heavily to build ties with

conservative Anglican Church leaders in Uganda, Kenya, and Rwanda, with the intention to boycott the ordination of LGBTI clergy at the 2008 Anglican Communion Lambeth Conference (Kaoma 16). Warren's success of encouraging conservative ideals to mainstream churches, such as the Anglican Church of Uganda, adds to the pro-homophobia social discourse fostered by the Christian Right. Not only are evangelical Christians offended by homosexuality, mainstream churches struggle with the politics of sexuality. Therefore, in a country where religion is an essential part of a person's identity and community, the results of church-backed homophobia is punitive, putting sexual minorities at serious risk of harm, exclusion, and persecution.

The Institute on Religion and Democracy, a US Christian neoconservative think-tank, supports homophobia in Africa and has worked closely at developing political ties with Ugandan politicians and religious leaders to oppose sexual minorities rights (Tamale 34). Strange bedfellows, as the same organization supported apartheid and opposed African liberation struggles (Tamale 34). The Institute on Religion and Democracy has historic neo-conservative, racial biases supporting apartheid and anti-social justice developments for black Africans, which is the counter to Africans who are fighting the results of colonialism and imperialistic suppression. Yet, with the surging cultural wars extending internationally, memories fade, and the common struggle of the anti-homosexuality agenda prevails.

As an example, The Family Life Network, a Ugandan religious NGO funded by US evangelicals, sponsors anti-gay conferences and workshops in Uganda, focusing on educating Ugandans about the evils of homosexuality, inciting dangers of abuse and recruitment of children by homosexuals, organizing mass petitions and providing advisement to the Ugandan government on the topic of homosexuality (Tamale 34). In March of 2009, US Evangelical anti-homosexuality activists, Scott Lively, Don Schmiere, and Stephan Langa held a seminar in

Kampala. The widely attended, supported by The Family Life Network and the government, the theme was “Seminar on Exposing the Homosexual Agenda”. Extreme rhetoric was produced, including claims that gays were responsible for the Nazi Holocaust, gays and lesbians will recruit children and harm them, and gay men eat human feces (Kaoma 15). The material produced, including videos, is still used today.

To summarize, the Christian Right’s obsession with Western, white, heteronormative, patriarchal family is predatory and threatening to any variation outside of their ‘norm’. By creating an allegiance with evangelical Ugandans, the CR has decidedly (and untraditionally when in the US) looked beyond race. US evangelicals and Ugandan political leaders are working together to “...construct Uganda as a God-fearing, family-oriented nation that is under moral attack by liberal, secular forces... transnational antigay activist are principally concerned with what they perceive as an encroaching “global gay agenda”... (Oliver 96)”. Essential, the Christian Right has framed homosexuality as immoral and homophobia as the moral weapon.

International Response to the Anti-Homosexuality Bill

Under the Obama Administration, the United States began hosting and promoting international gay rights activists. Simultaneously, reproductive and sexual minorities rights began being inserted in foreign policy, which including the restriction and removal of development dollars to human rights violators and extreme homophobic nations (Epprecht, Sexuality 139).

Sylvia Tamale has observed following the 2009 introduction of the Anti-Homosexuality Bill, attention and presence by interested foreigners increased in Uganda, as a result, making documentaries and media reports touting Uganda as explicitly homophobic and portrayed as “...largely negative, ahistorical, and myopic; in perpetuating racist stereotypes even as they

narrated homophobic stories, they eclipsed one example of discrimination with another (Tamale 37)". The documentary *God Loves Uganda*, provides a slightly more impartial account of sexual minorities in Uganda, but the BBC documentary *The World's Worst Place to be Gay* is sensationalistic and does not give context, nor shares success and achievements made by sexual minorities and activist groups. In general these documentaries show a grim picture of the 'poor gay and lesbian Ugandans' who are being ridiculed by 'ignorant' Ugandans, further perpetuating and depicting the '... juxtaposition of modern, "civilized" Western sexuality and backward, "uncivilized" Africa: the archetypal "us" versus "them" (Tamale 37)".

The Western audience is appalled by the social infractions and injustices being done to sexual minorities, with good reason: the proposed Bill is extreme and persecutes a vulnerable group. However, approaching the issue with the paternalistic notion of wanting to fix the problem without fully understanding the complexity of the issues, without context of the complete story is deeply troubling, and creates distaste for Western cultural imperialism in Africa. Ugandan politician use the opportunity of an international stage to characterize African values and morals as unable to support homosexuality because it is 'unAfrican'; by doing so, politicians are portraying a myopic view of Ugandans as a people without agency, and "...exemplifies the infantilization (Tamale 38)" of Africa. This further compounds the Western notion of 'us vs. them', victimizing Africans, and is founded on the suppositions that culture is static, African communities and cultures are at peace, and Africa is one uniform culture (Tamale 38).

International political and social response, as Sylvia Tamale identified, are often paternalistic, judgemental, and extreme. Outside of the campaigns lead by the Christian Right, international response from Western nations, particularly the United States, United Kingdom,

European countries, and Canada, has been largely sympathetic to sexual minorities. The plight and infringement of rights that LGBTI people are experiencing have evoked passionate speeches targeting Uganda and President Museveni to display political solidarity with LGBTI people. In reaction to Uganda's Anti-Homosexuality Act, Canada's former Foreign Affairs Minister, John Baird, said:

Canada is extremely disappointed that President Museveni has signed this piece of legislation... This act is a serious setback for human rights, dignity and fundamental freedoms and deserves to be widely condemned. Regrettably, this discriminatory law will serve as an impediment in our relationship with the Ugandan government. Canada has repeatedly raised our concerns with the Government of Uganda, and we have done so again. Our engagement on human rights issues will only become more persistent. We will continue to support efforts to decriminalize homosexuality and combat violence against people on the basis of their sexual orientation (Potts).

The international community has used political power by applying financial consequences to Uganda. Despite the implied sentiment of supporting sexual minorities, this scolding action oozes paternalism, like a parent punishing a child for bad behaviour.

Western nations have responded by threatening to cut aid to Uganda. Uganda is dependent on foreign aid, which contributes 20 percent to the national budget (Keith). In response to the Anti-Homosexuality legislation, in February 2014, The Netherlands froze \$9.6 million to Uganda's legal system; Denmark and Norway 'redirected' a combined \$17 million from the Ugandan Government (Potts). The European parliament passed a resolution in December 2010 "reminding" Africa that "the EU is responsible for more than half of development aid and remains Africa's most important trading partner (Canning)". The United States Congress, in 2011, first amended financial legislation to cut aid to countries that are oppressing and violating the rights of sexual minorities (Canning), which set the tone for imposed sanctions against Uganda. In June 2014, the US cut funding for numerous development programs, and cancelled a

scheduled military exercise (BBC News). The World Bank postponed a loan, worth \$90 million, slated for health services (BBC News). Often though, donor money still flows into Uganda, in diverted names, different projects, or may have been simply delayed rather than completely cut (Corey-Boulet, par. 9).

African media outlets have latched on to the financial punishment, which has created a visceral and disgusted response from Ugandans; politicians have fought back by saying they will not baulk at Western countries' attempt of cultural imperialism. Graeme Reid, the Director of the LGBT Rights program at Human Rights Watch, provides insight on the reaction of Western nations' threat to cuts aid money as a punitive response; Reid says the financial punishment intended to harm the perpetrators (in this case, the Government of Uganda), actually puts sexual minorities further at risk, because they are blamed for causing national suffering, thus sexual minorities are put at further risk of stigmatization and targets of retribution (Corey-Boulet, pars. 1-2). As exemplified, in March 2014, in response to donor funding cuts, thousands of Ugandans assembled, including politicians and religious leaders, to send the message that Western judgement was not welcomed: "Obama- We want Trade! Not Homosexuality! (Keith)".

African and Ugandan LGBTI organizations responded to foreign aid cuts and US sanctions by rejecting the financial penalties and sanctions, citing that sanctions will not help the LGBTI community in protection or in the fight for recognition and improvement of human rights. 50 African LGBTI organizations signed a document that rejected the imposition of donor sanctions and funding cuts, saying: "...while the intention may be well to protect the rights of LGBTI people on the continent, the decision to cut aid and disregard the role of the LGBTI and broader social justice movement on the continent and creates the real risk of serious backlash against LGBTI people (Sarpong 250)."

Gay International

The international community has also been engaged in activism and advocacy of African sexual minority rights. The International Gay and Lesbian Human Rights Commission (IGLHRC), IGLA (International Gay, Lesbian, Bisexual, Trans and Intersex Association), Human Rights Watch, and Political Research Associates have all been actively engaged in supporting Ugandan sexual minorities, lobbying and educating Western donor-aid governments. They have worked with African organizations helping with professionalization, networking, advocacy, forming associations, and funding (Epprecht, Sexuality 159).

South-to-South leadership and solidarity has been growing in development, and sexual orientation issues have been privy to this trend. South Africa and Brazil formed partnership to co-sponsor the UN resolution on sexual orientation (SOGI), notably two nations from the global south partnering, choosing South-to-South solidarity (Epprecht, Sexuality 159). Africans are also taking active interest in the recent changes in India regarding over-turned colonial sodomy laws; India is also in time of change where both progress and challenges are occurring (Epprecht, Sexuality 159). Calls from Kenyan scholars and activists have noted the importance of looking to other countries with parallel histories of colonization and communitarian philosophies in how sexual minority rights are progressing or regressing, learning from shared experiences.

December 18, 2008, The UN General Assembly Declaration on Sexual Orientation and Gender Identity (SOGI) was signed by 66 countries, including numerous African nations (i.e.: Cape Verde, Central African Republic, Gabon) (Akanji and Epprecht 27). While this was seen as a success, problematically, UN declarations are non-binding, and there was speculation that many countries who signed (such as the aforementioned) did so out of coercion by donor countries (Akanji and Epprecht 27). The 2008 SOGI declaration was short lived, pressure from

Islamic states, Christian Conservative groups and the Vatican, and was not reinstated until 2014. Despite more countries from the global south commitment to protecting human rights of sexual minorities, more countries in Africa are seen to express extreme homophobic reaction, which is further instigates a reactionary demand from Western countries to accept homosexuality.

Ugandan Sexual Minorities

Those Africans who love and live outside the heteronormative boundaries in relationships and gender-binary norms face both ridicule and the false argument that African culture and African morals are traditionally and historically intolerant of non-heteronormative relationships (Mwikya 99). Cultural relativism is a convenient blanket term popularized by resistance to neo-colonialism and cultural imperialism. African politicians, like Museveni, falsely claim, "...the African way of life rejects completely the notion of non-heteronormative relationships... (Mwikya 99)". Across Africa, non-heteronormative relationships have been documented prior to colonization, proving that historically, while heterosexual relationships were the norm, as they are in all cultures, there is historical and anthropological proof that same-sex partnership and sexual relationships existed.

Ancient cave paintings of the San people in Zimbabwe, oral traditions of homosexuals of the Shona people in Southern Africa who were believed to be bewitched were left to co-exist with protection by the ancestors, and in Uganda, the *mukdoko dako*, effeminate males, were treated as women and married men (Tamale 35). It is false to claim that homosexuality does not have a place in African life in the pre-colonial history of homosexual acceptance, and while non-heteronormative relationships were never the norm, they were not criminalized (Tamale 35). A conclusion is made that it is actually the opposite, that homosexuality does have a place in African life; that heteronormative relationships and gender-binary identification norms are the

result of colonialism, counter to the argument that homosexuality is a result of colonialism (Mwikya 99). Museveni, Mugabe, and former Kenyan president Daniel Moi, have all falsely accused sexual minority activism to be a product of neo-colonialism and cultural imperialism (Mwikya 99).

Despite the historic and anthropological proof that homosexuality has existed across Africa, it is not evident in social discourse. The dialogue that happens in society, the messaging from top political leaders, religious leaders, reinforced (or embellished) by media creates confusion. While the academic world has proven the history, homophobic leaders are successfully proving there is no room for sexual minorities. Unfortunately, Western reaction of verbal condemnation and financial penalty, by both donors and state, has compounds the notion in society that homosexuality is indeed an import of cultural imperialism (Mwikya 99).

Media, the penal code, politicians and religious leaders have all aggressively promoted homophobia in Uganda. It is important to have an understanding of the lived challenges, barriers and realities sexual minorities face in Uganda; and it is equally important to give recognition to the successes LGBTI organizations have made. Ugandan sexual minorities are struggling, and are most certainly a persecuted group, but they are not passive victims; they have voice and they are fighting to have their rights met.

Ugandan LGBTI organizations have steadily increased from two organizations in 1999 to 31 by the end of 2013. Sexual Minorities Uganda (SMUG) is the umbrella body of all LGBTI organisations in Uganda; the majority of which are unable to register as legal NGOs because of government impediment due to the nature of the work (with sexual minorities) (Magezi and Nakaweesi-Kmbugwe 30-34). This is an obvious challenge that leads to difficulties such as

employing personal legally, securing donor funding, right to assembly, banking/finance management, and rightful recognition for the work done.

SMUG has had success in partnering with allies, particularly the Ugandan Feminist Movement and the Women's Movement and the African Feminist Forum. SMUG has had tremendous recognition with international ally organizations and networks (such as the International Gay and Lesbian Human Rights Commission) and academia. Academia has provided theoretical information and intellectual dialogue to sexuality, governance, law, religion and culture in Uganda and Africa at large.

Ugandan LGBTI organizations, SMUG, and academic scholars have expressed concern about the 'Cultural Wars' in Uganda. Ugandan activists have proven their voice, via actions of resistance, and press conferences domestically and internationally. However, the Uganda LGBTI movement has expressed concern that "...the agenda is donor driven. Groups have not developed their own thinking. Usually they are found in crisis and ideas are planted by donors... it is easier to get HIV money than other monies... there is no clear agenda (Magezi and Nakaweesi-Kmbugwe 50)". This begins to speak to the problems of intervention, and donor response, paternalism, and the notion that 'we', the West, are better than 'them'. This paternalistic notion can be debilitating to a movement that has passion and momentum.

Within the African continent, activists have appealed violations to the African Commission on Human and Peoples' Rights, and could appeal to the African Court of Justice (Epprecht, *Sexuality* 157). The African Commission has not provided leadership on sexual orientation; however, they have provided space and opportunity for sexual minority groups to build solidarity with human rights groups, civil rights organizations, women's rights and reproductive rights (Epprecht, *Sexuality* 158).

Homophobic Results

Homophobia has damaging results on human lives. Sexual Minorities Uganda (SMUG) and the National LGBTI Security Team produced a report that covers December 2013 to May 2014, called *From Torment to Tyranny: Enhanced Persecution in Uganda following the Passage of the Anti-Homosexuality Act 2014*. In just six months, there were 162 reported and verified incidents of persecution, which is presumed to be a fraction of actual incidences due to high numbers of incidences that are unreported (Sexual Minorities Uganda 2).

The report notes a rise in violence: physical violence, attacks, kidnapping and torture (Sexual Minorities Uganda 4-5). Also notable is that there is an increased intimidation of the LGBTI community by persons and institutions of authority, through arrests, blackmail, media intrusions, and state persecution (Sexual Minorities Uganda 7). Additionally, there were numerous reports of job losses and homelessness, as a result of fear and/or rejection by employers, families, and landlords (Sexual Minorities Uganda 7). Mental health documentation showed a rise in suicide attempts, asylum seekers, and mental health illnesses as a result of abandonment and family rejection (Sexual Minorities Uganda 8).

Chapter 3

Ethical Justification

Post-colonial Africa has a complex relationship to Western cultural influence, development influence, and philosophy. The legacy of European colonialism in Africa includes emphasis on Western academics, Euro-centric philosophies, theories and problem solving. The complexity of understanding African philosophy is contextualized by understanding colonialism. It is beyond the scope of this paper to try to address the intricacies of colonialism, however at the

very least, colonialism should be understood as the “...indescribable crisis disproportionately suffered and endured by the African peoples in their tragic encounter with the European world... (Eze 213)”; it is a history of brutality, conquest, administration of people and land occupation (Eze 214). As a result, the exploitation and deprecation of Africans has propelled the rejection of colonial notions in the post-colonial period. During the period of independence in the 1960’s, African philosophers began the arduous task of debating the ‘African experience’ in relation to morality and values (Eze 219). Formerly colonized African nations have complicated societies, a *mélange* of the ‘African experience’ and colonial influence, which leads to complex contemporary dilemmas. African philosophy, such as Ubuntu, has the challenging task of making sense of the “multiplicities and the pluralisms of these historical ‘African’ experiences (Eze 219).”

Normative theories that trace to Roman and Greek roots are the foundation for ethical frameworks used by Western and international scholars. The notions and theories that are presented, with a Western-centric lens, are interpreted as universal; anything outside normative frameworks are considered novel, exotic and often dismissed due to lack of intellectual scholarly developments (Shutte 7). Rightfully so, in relation to dilemmas and moral quandaries that are based in Western nations; these frameworks, such as virtue ethics, deontological ethics, and utilitarianism, can appropriately be applied to Western problems, and are considered to be the most influential (Shutte 7). Yet they do not fit with ease when looking at dilemmas outside of the West, Steve Garner pointedly says that the Western-centric lens is one of systematic racism that is propagated by whiteness (Garner 23). Garner highlights the work of Charles Mill’s supposition that discipline of philosophy uses white, Eurocentric experiences as representative for philosophy’s ideal theories and critical assumptions (Garner 23). To become more globally

equitable or, simply, relative, there needs to be the option and encouragement of alternative, and sometimes indigenous, philosophies.

Therein lies the controversial problem: ethics created and developed by *our* historical culture, adapted and manipulated to meet *our* Western needs, is good for us, but how does this translate to dilemmas in Africa, or Asia? Why should dilemmas be approached only with Western philosophies?

To answer, Augustine Shutte says in order to make impact in Africa, philosophy, must be engaged in the realities of Africa (Shutte 9). By adopting an African ethic, one embraces the notion of relativism; ethical relativism relies on the notion that views and practices are relative to the particular culture in which is occurring (Graham 2). Therefore, it is challenging to determine if something is right or wrong because it is relative to the situation or culture, leading to the understand that there is no universal right or wrong answer. Relativism demands context and specificity, not arbitrary general questions, to realize answers (Graham 70-71). Cultural relativism is subjective; moral differences are relativized to culture, means some practices that are acceptable in one culture are abhorrent to another, which leads to different conclusions of morals and values (Graham 3).

In further response, African ethics, such as Ubuntu, should be given opportunity, respect, and consideration to be used as a framework to dissect ethical dilemmas, in Africa, or elsewhere. Drucilla Cornell says that Ubuntu should demand to be taken seriously because the values and morals of the ethic provide guidance in contemporary African transformation (Cornell and van Marle, Exploring 196). Thaddeus Metz says that since the inception of African ethics in the 1960s, the field has been given little consideration by the international scholar community and virtue ethicists, which is unfortunate because African ethics are characteristically different from

western philosophies, virtue-centred, based on pre-colonial views of black people in the Sahara region to Southern African (Metz, *Virtues* 276). The opportunity to explore African dilemmas by using a relative theory that explores the topic without cultural appropriation is important in finding justifiable support to dilemmas.

Martin Prozesky says the notion of a global ethic is impossible to achieve unless "...non-Africans start taking the rich and immensely long-standing ethical heritage of black Africa seriously. Not only is this an obvious requirement for simple, geographical completeness, it is even more essential for ethical depth (Prozesky 3)." Munyaradzi Felix Murove supports Prozesky's opinion through his severe observation that western scholarship has been dismissive to the point of accusing there is no such thing as African ethics. As such, it is his opinion that African ethics have been "...marginalized in mainstream ethical discourse... (Murove, *Ubuntu* 36)", moreover, western scholars are often suspicious of Ubuntu whereby trivializing the values, and assumes hidden agendas by 'self-serving' African scholars (Murove, *Ubuntu* 36). The dismissive view negates the importance of African ethics, and presents a myopic condemnation of African scholars.

A condemnatory hypothesis by some scholars of African philosophy is African ethics are often marginalized, thought of as obscure, and at times, dismissed and trivialized in Western academia (Murove, *Ubuntu* 36). Munyaradzi Murove, of the University of KwaZulu-Natal in South Africa, says the colonial-notion of barbarianism in relation to African values and ethics has stretched into derogatory assumptions against African ethical traditions, and as such, African philosophers and scholars must spend time defending the reasoning of African ethics including drawing comparisons to Western ethical traditions (Murove, *Beyond* 18). Murove does use extreme examples of this, and yet, while the examples are defamatory and not perhaps the

overall norm, it does display the struggle that African ethics has in being heard on a global scale. One example Murove draws on is Stephen Theron's opinion "...discourses on African philosophy and ethics lacked the metaphysical depth and systematic, clear-headed thinking found in the western world... and therefore be rejected (Murove, Beyond 17)."

In Sylvia Tamale's article, "Confronting the Politics of Nonconforming Sexualities in Africa", she demands an application of the African philosophy Ubuntu to be applied to sexual minority rights in Uganda. When approaching the topic of oppressed sexual minorities in Africa, Uganda and beyond, Tamale identifies the popularized rhetoric that homosexuality is 'un-African', and considered to be a Western 'problem'. Tamale suggests applying African philosophy to an African dilemma offers depth and a relative ethical alternative that has been derived from an ethos from shared African culture. Tamale's analysis is an addition to the aforementioned justifications of applying Ubuntu to this dilemma.

Foundations of African Philosophy: Oral Traditions

African moral tales and philosophies have been formed by oral tradition through narratives and myths, as demanded and created by non-literate society, through use of stories, song, dance and images (Imbo 48). Philosophy requires thoughts to be explored and played with in search of truth and wisdom, through written discourse and attaching fixed meaning to words. Spoken word cannot provide firm response or meaning to stories, told through memory with a multitude of interpretation and fluidity of the speakers that transcends time (Imbo 48). The use of aphorism and argument in the narrative analyzes in search of truth, defining philosophy from storytelling without literacy (Imbo 48). Despite the fluidity of oral traditions, the accounts have weight and meaning; they should not be dismissed because the foundation was formed out of an

absence of ability to write with a Roman alphabet. Instead, the traditional methodology of oral traditions can be seen as a foundational tool to further discuss and develop philosophy (Imbo 59).

In the 1950's contemporary African scholars began exploring African philosophies through written word, which continues today. Admittedly, there is much work to be done, but the process has commenced and is thriving particularly in South African universities' philosophy departments. John Mbiti, an influential Kenyan scholar and theologian of African thought began academic exploration in the 1950s, and following in his scholarly footsteps are Thaddeus Metz, Augustine Shutte, Drucilla Cornell, CF Bujo, Kwasi Wiredu, and many more. Okot p'Bitek, a Ugandan scholar and philosopher, identifies the essential importance of culture and philosophy in Africa: p'Bitek says "There is a false and misleading assumption that, on the one hand, there is some notion called "philosophy" and on the other, some things and actions named "culture". Culture is philosophy lived and celebrated in society... (Imbo 65)". Identifying African philosophy, as displayed in the cultural institutions of life (such as family, clans, kingdoms), gives context and continuance to further exploration and development of African-based philosophies.

Ubuntu

To explain the ethical framework of Ubuntu, my primary source is the work of Thaddeus Metz, from the University of Johannesburg in South Africa.

Metz explores Ubuntu as an ethical principle that is African based and different from Western ethics. Ubuntu has been widely used and explored in academic writing, and culture (including pop-culture) since the end of apartheid in South Africa where Ubuntu has had significant influence in constitutional law (Cornell and van Marle, Exploring 195). The theory is

currently still developing and being applied to contemporary situations in Africa (Metz, Toward 322).

Ubuntu is derived from an African ethic that is associated with shared values of a vast region of Africa, the black Bantu-speaking people of the South African and Sub-Saharan regions of the continent, with different names, but similar meaning and principles (Metz, Toward 321). Ubuntu is a way of life, the word derived from Southern Africa, with language roots across the continent, in many different African languages; a few (non-exhaustive) examples are *umundu* in Kikuyu (Kenya), *bumuntu ub kiSukuma* and *kiHaya* (Tanzania), *bomoto* in Bobangi (Democratic Republic of Congo), and *vumuntu* in shiTsonga and shiTswa (Mozambique) (Munyaka and Motlhabi 63).

African philosophers have been divided on the role religion plays in African philosophy. John S. Mbiti has defended the idea that religion is the foundation for all ethical considerations in Africa, that religion permeates the African existence (Chitando 46). Alternatively, Kwasi Wiredu, represents an opposing school of thought where religion is independent of morality, separating religion from ethics, yet conceding that religion is important in a humanistic, harmonious way of life in Africa (Chitando 49). Following the example of Wiredu, Metz's argument is Ubuntu is a moral theory where there is relation to God and Ubuntu (Metz, Toward 328). Meaning, within the theory, God is not included, yet it does not dismiss the importance of God and the function that religion plays in African culture. Religion, from both philosophical perspectives, recognizes it as an important factor of life in Africa, completely intertwined, and important in defining Ubuntu.

Shared Commonalities and Differences

Metz begins unpacking Ubuntu first by identifying the common ground for both Africans (it should be clear in reference to Africans and Ubuntu, ‘Africans’ is in reference to Sub-Saharan to Southern Africa, use of the term based on the precedent set by Metz, Cornell, and Shutte) and Westerners, *pro tanto* immoral:

- A. to kill innocent people for money.
- B. to have sex with someone without her consent.
- C. to deceive people, at least when not done in self- or other-defence.
- D. to steal (that is, to take from their rightful owner) unnecessary goods.
- E. to violate trust, for example, break a promise, for marginal personal gain.
- F. to discriminate on a racial basis when allocating opportunities (Metz, Toward 324).

Metz rightfully says that these are uncontested between both groups, without much need for discussion because they are self-evident, with exception of *F*, affirmative action. Some feminist believe that affirmative action does not positively affirm the differences of minorities because it does not recognize differences, and does not address the negative valuation male supremacy puts on women or minorities (MacKinnon 248). With this last point in mind, the tenets are primarily shared and respected immoral warnings of what leads to a bad life, by both Africans and Westerners.

For Africans however, Metz indicates that there are six further *pro tanto* immoral that are uncharacteristically and less familiar to Westerners.

- G. to make policy decisions in the face of dissent, as opposed to seeking consensus.
- H. to make retribution a fundamental and central aim of criminal justice, as opposed to seeking reconciliation.
- I. to create wealth largely on a competitive basis, as opposed to a cooperative one.
- J. to distribute wealth largely on the basis of individual rights, as opposed to need.
- K. to ignore others and violate communal norms, as opposed to acknowledging others, upholding tradition and partaking in rituals.
- L. to fail to marry and procreate, as opposed to creating a family (Metz, Toward 324-327).

To provide brief explanation to these, I will give a brief description in an alpha-logical order.

G. To make policy decisions in the face of dissent, as opposed to seeking consensus.

Politically, in conflict and disagreement, unanimity is valued over majority rule. In a community setting, discussion will continue until a compromised or agreed resolution is found. This notion of consensus-based decision making has been explored by contemporary African philosophers, Kwasi Wiredu of Ghana, in models of representative democracy, advocating for 'non-party polity' representing the public as a whole rather than a party (Metz, Toward 324-325).

H. To make retribution a fundamental and central aim of criminal justice, as opposed to seeking reconciliation.

Retribution used to invoke just punishment for broken laws, in proportion to the wrongdoing, including former offenses. It is suitable to respond to an offense because the outcome will be bring good, such as fixing relationships between people (including victim(s) and offender), community safety and appeasing ancestors (Metz, Toward 235).

I. To create wealth largely on a competitive basis, as opposed to a cooperative one.

Based on the traditional practice of communally owned land, and working the land for the betterment of the community rather than oneself. Work should be done to benefit others not the individual. During independence, cooperatives and forms of socialism were adopted based on the notion of African communalism. Western commercialism has been criticized as 'unbridled individualism' and 'morally blind, purely economic logic' (Metz, Toward 326).

J. To distribute wealth largely on the basis of individual rights, as opposed to need.

Emphasis and moral duty to help others is considered by Africans a moral obligation and responsibility rather than an act of generosity. Wealth should be share with those who are in need, for example if one has two banana plants, one plant provides enough for you, the second plant ought to be given to those in need of food. Opposite of Western individualism where one thinks it is a right to keep what they have made and earned, and to share their product is considered generous (Metz, Toward 326).

K. To ignore others and violate communal norms, as opposed to acknowledging others, upholding tradition and partaking in rituals.

A fundamental difference between Africans and Westerners is perhaps most noticeable in different approaches to interpersonal relationships and work. Africans place greater emphasis on the moral obligation to engage socially with the community in support of the community's way of life. As example from a study of Ubuntu, Augustine Shutte, studied two groups of nuns: one group German, one group African. Both groups completed required tasks, however upon completion, the German group kept on working with things like knitting or sewing, were as the African group did not and engaged in social conversation. Each group thought the other was morally lacking, the Germans thought the Africans were lazy and the Africans thought the Germans cared more about practical things than people (Metz, Toward 327).

L. To fail to marry and procreate, as opposed to creating a family.

Africans tend to believe a moral value and reason of having children is to create an extended family in connection to ancestors. Polygamy has been and can be considered acceptable in means ability to procreate. Children and partnering are also obvious values and desires in the West, but in Africa, Metz emphasises the obligation is have children for purpose of community and importance of relationships. Also, contrary to the topic of this paper in addressing sexual minority issues, Metz specifically indicates a heterosexual spouse (Metz, Toward 328). Marc Epprecht, in contrary of the use of heterosexual partners, honours the importance of relationships, addresses the importance of reproduction and childrearing, and the significance of relationships and partnering in African sexuality, but says that relationships as viewed in Ubuntu are far more complex as labeling simply as heterosexual (Epprecht, Sexuality 100-108). This will be further discussed.

Honouring Human Nature

At the centre of Ubuntu is the notion of human dignity, the sacred nature of human lives, and honouring human lives. African mortality is human life, and the idea is central to the moral notions of telling the truth, promise keeping, cooperating and seeking consensus, and the protection of life. To differentiate from Kant; Kant's view on human dignity is founded on practicality guided by the hypothetical experiment of Kingdom of Ends, where humans aspire to live with one another, harmonizing our interests, under the ideals of the Kingdom of Ends; rooted in the notion of a social contract and the freedom of the individual (Cornell, Law 137-38). Ubuntu differs because the social bond is not based on personal life, or an imaginary social contract; the social contract is a harmonization of the community (Cornell, Law 138). Furthermore, Ubuntu is different because a person's freedom is not "...separable from the ethical relationships in which we are interpellated (sic), yet which at the same time supports us in the ethical journey to become a person (Cornell, Law 139)."

Ubuntu, as a moral theory, has been popularized and frequently used as a defining factor of what is inherently African. In literature there appears to be six, potentially more, interpretations of Ubuntu as a moral theory; Metz's exploration of Ubuntu debunks and

addresses popular ideals that do not all-encompass the previously mentioned elements of Ubuntu and settles on one that is able to support all *pro tanto* obligations.

An action is right just insofar as it produces harmony and reduces discord; an act is wrong to the extent that it fails to develop community (Metz, Toward 334).

Ubuntu, therefore projects, harmony, friendliness and community as the greatest good, as opposed to self-realization, the moral agent ought to promote the good of relationships (Metz, Toward 334). Archbishop Desmond Tutu has been a great promoter of Ubuntu, and has summarized Ubuntu as:

... (S)ocial harmony is for us the *summum bonum*- the greatest good. Anything that subverts or undermines this sought-after good is to be avoided like the plague. Anger, resentment, lust for revenge, even success through aggressive competitiveness, as corrosive of this good. (Metz, Toward 334)

Harmony, community and togetherness are the essence of Ubuntu. This does not mean simply shared identity or good will as separate, rather in Ubuntu as a moral theory, they are one and the same. There is a common expression in Ubuntu, 'I am because we are'; every member of the group is expected to consider themselves as part of the whole group, sympathetic social relationships are expected and the notion is derived on a communitarian notion (Metz, Toward 337). As such, harmonious and loving relationships are derived from partaking in the group is to recognize a shared identity and sympathy to others. It is necessary to have of good will, of which puts love and harmony as the *prima facie* of Ubuntu (Metz, Toward 337). Love and harmony are relatable to Western ethics, but in the case of Ubuntu, they are different because of the emphasis on what is considered good; in the West, good is typically need for fulfilment, autonomy, pleasure and self-development, all with the emphasis on self and identity (Metz, Toward 337). The difference from an African perspective, Ubuntu, Metz's says, is putting the "...basic moral status in a loving relationship between people is more holistic than putting it in an individual's

life, well-being, rights, or self-realization, even if these latter views entail that individuals ought to sacrifice much for the sake of others (Metz, Toward 337).”

Further, it is more impartial than care ethics and less relativist than communitarians by having fluidity and acceptance on what defines community and relationships (Metz, Toward 338). In Ubuntu, the definition of community and relationships means that humanness is shaped by the interaction with one another, so much so that within the sphere of these interactions of one’s humanness can be diminished by inappropriate actions by others, which can even be extended to a grander scope, such as violations made by the state (Cornell and van Marle, Exploring 207).

Ubuntu is interactive with the social community; good and bad is constantly being re-evaluated in relation to the context of the community and the actual interactions (Cornell and van Marle, Exploring 207). Critics have called this a weakness, but Cornell calls this a strength because it is part of the essence of Ubuntu (Cornell and van Marle, Exploring 207).

Ubuntu promotes the idea that self-realization happens through communal relationships; the notion of solidarity with the group, the duty of good will through relationships produces well-being, and the ultimate value of human life (Metz, Toward 340).

Chapter 4: Practical Application of Ubuntu

Ubuntu

‘Homosexuality is Un-African’ and ‘homosexuality is from the West’ are two basic presuppositions in which Ugandan, and the Christian Right, have used to build a campaign against sexual minorities in Uganda.

The presuppositions have a clear, and unsubstantiated, cultural relativist stand against what is acceptable within a culture. Tamale and Epprecht have resisted this notion of cultural relativism to African culture, critiquing the presupposition as static, bigoted, and hypocritical of what is to be considered African.

Western liberals have the presupposition that denying African sexual minorities human rights based on their sexual orientation is a breach of internationally accepted order. Which further implies the supposition that human rights should be internationally accepted and universal, and those whose rights are being violated should be protected based on this universal norm.

First unpacking the two suppositions of ‘homosexuality is unAfrican’ and ‘human rights are universal’ draws on the theory of cultural relativism. Andrew Fagan writes that the moral relativist critique of human rights have been built on the Western notion of individualism, which biases against communal societies, as is the case in Ubuntu and African philosophy. Fagan identifies the risk and implications of imposing Western-centric philosophy on communal societies, as a risk of imposing cultural and moral imperialism (Fagan). This risk speaks to an identified problem; cultural imperialism, which assumes human rights are universal, and thus, applies a blanket term of application without consideration of cultural norms. This is not the best solution, and when applied, has met with rejection from Ugandans as paternalistic. However, Fagan also notes that despite the notion of human rights being individualistic, this should not make human rights null and void to communal societies (Fagan). Perhaps this is an opportunity to apply Ubuntu to human rights in communal societies.

Applying cultural relativism by stating ‘homosexuality is unAfrican’ is not the solution either, as Fagan says; the elite can abuse cultural relativism as a form of systemic oppression

(Fagan). In the cases of Uganda, a moral topic that was recently neither accepted or criminally dejected, homosexuality has been used by Ugandan relativists, as dogma to mask an oppressive government's trouble dealing with systemic poverty, HIV/AIDS, government corruption, and as incentive for voters in the upcoming 2017 election.

Ugandan MP David Bahit has said that oppression to sexual minorities is not a breach in human rights because in African philosophy, homosexuality is contrary to being human. This paper's objective is not to determine if homosexuality is immoral. It is my position that homosexuality is a natural variant on the spectrum of sexual orientation and human sexuality, and my understanding that all sexual orientations are accounted for among all people across the world and all cultures, including Africa. This is my presupposition, and I fundamentally do not agree with Bahit's belief. The intention of applying Ubuntu to the moral dilemma is to dissect and determine how to approach helping sexual minorities, and to provide guidance for governments and international advocacy organization to apply their intervention and assistance with the intention of breaking down the systemic problems the application of biased cultural relativism has done.

Ubuntu and Sexual Orientation

Metz's analysis of Ubuntu alludes to harmony, essence of communal relationships, and self-identity based on the extended community. The focus on community, consensus, relationships, and reproduction (insinuated via heterosexual partnership), Ubuntu could initially be observed as a model capable of exclusion, with potential to discriminate minorities.

Ubuntu though, at the core, are ideal humanist values of compassion, harmony, respect and caring. By thinking of Ubuntu as a philosophy based on communalism, applying Ubuntu to the LGBTI person is possible. It is an application of diversity in shared identity, which Desmond

Tutu has affirmed repeatedly, saying that the emphasis is on community which includes the hegemonic normative of women, men, children, and the ‘outliers’ of the community, including disabled, foreigners, and sexual minorities. At the centre of communities, exist family, and the emphasis on family relations. The normative family structure that is an important tenet of Ubuntu can be expanded to include queer families, based on the other principles of Ubuntu, such as inclusion of others, as displayed in *K*; the importance of connection in social relationships in a community. As displayed by the African nuns, who completed their work and then valued their social connection with all in the community, this could translate to the value of inclusion, including ‘outliers’ to the community, such as sexual minorities. The importance is actually on the social connection to support the community’s way of life, ostracizing and expelling individuals is opposite of the social network that is valued.

Family, procreation and interconnectedness of communality is what drives the notion of family in Ubuntu. It is the family who protects and nurtures those who are considered to be minorities, and instils the values of the interconnectedness of the community and harmonious living, including gender roles.

Ubuntu’s substantial focus on consensus and harmonious relationships, as proof of what is good and bad (as in the case of the African and German nuns), in work and in justice, the results is quite different from the West. The West penalises or is intolerant of individuals in terms of difference from the majority, whereas tolerance of difference is accepted so long as the tolerated apply discretion. In Ubuntu, right and wrong is depended on actions done against one another in a relationship. By assuming the deed does not harm and consent is granted, wrong is not done. In the case of consensual same-sex relationships, wrong is not done.

Ubuntu explicitly depends on the interconnection, relationships between humans, which are not dependent on biology. This allows for dialogue of extension of family, procreation of children. LGBTI families can and do have children, through increasingly accessible methods: medically assisted insemination, in-vitro insemination, surrogacy, adoption, and even ‘natural’ (i.e.: sexual intercourse with woman and man) conception. How lesbian and gay families come to make their family or have their children does not make them any less loving to their child, or any less of a family. The principle behind children, creation and extension of family in Ubuntu, speaks to the direct connection of interconnectedness, and worth of all humanity. As a result, the individual worth is seen as equal and connected, no matter the value of the bank account, as displayed in the case of sharing one’s wealth. This equality and identity transgresses categorizations, including the, arguably, antiquated *Western* notion of what constructs a family, for the nuclear family make-up is one based on Western idealism. This also calls into question of the ability to have discrimination in society, if all individuals are valued and equal, no matter their status.

In South Africa, the constitution was constructed by using an Ubuntu framework. This model provides an ideal space for increasing the “...exploration of discourses that seek to removed queer-identifying individuals from the margins of society (Marais 117).” This does not mean that homophobia and discrimination against sexual minorities is absent, but it does allow opportunity for a positive space to welcome the discourse surrounding the equality of sexual minorities.

My focus in on Ugandan experiences, the histories, and are experiences of Africans as a whole has significance in the contemporary development of Ubuntu. The research of sexual

minorities' history in Uganda, indeed for the majority of Africa, is limited, therefore, continuing with the precedent of looking to other African nations for shared experiences and examples.

In South Africa, the highest form of traditional healer are called sangomas, and some sangomas believe that sexuality, including same-sex sexual attraction, is a direct result of spiritual connection with the ancestors, and has been a practice that has existed indeterminately (Nkabinde and Morgan 231). Ancestors are essential to sangomas; sangomas are the communal connection to deceased relatives, and the ancestors provide the sangomas with the ability to heal by calling on them (Nkabinde and Morgan 234). Sangoma's of South Africa say it is unAfrican to reject homosexuality (Nkabinde and Morgan 258). The connection of ancestors is essential to Ubuntu.

The tenet of Ubuntu that explicitly says it is virtuous to procreate, through heterosexual marriage, emphasizes the importance of community, relationships, and is linked to the prominence of ancestors and their spiritual importance (Metz, Virtues 282). The communal approach to virtue prizes the value of family, and extols the cruxes of human connection (Metz, Virtues 282). The emphasis of heterosexual relationships for purpose of procreation, by some African philosophers and ethicists, assists the notion of intolerance of homosexuality in Africa, as same-sex partners are unable to procreate unassisted. With this lens, Ubuntu, in relation to the LGBTI community, could be seen to support the notion that LGBTI are of bad virtue. However, as the spirit of harmony in community is the ultimate emphasis, the focus on same-sex relationships should be love, not the 'illicitness' of the minorities' sexuality (Metz, Virtues 283). Love is a virtue that has heavy weight in the social dimension of human virtue so valued in Ubuntu (Metz, Virtues 282).

The prominence of ancestors does draw focus on kinship and blood ties, but the suggestion of a necessary genetic link between parent and child is counter to Ubuntu's quintessential feature of hospitality to strangers, as supported by Desmond Tutu and Nelson Mandela, who have both said it is the reciprocity, compassion, sharing, cooperation and tolerance that is essential (Metz, Questioning 38).

Metz explicitly says that while Africans are very religious, Ubuntu theory stands alone without the notion of God, yet allows and compliments the belief in God, and if this is the case, then the abstract notions of sin, including the 'sin' of homosexuality, is simply abstract. Rather, right and wrong is the action done against another, not based on religious theory. It is not within this paper's scope to discuss the theological study and acceptance of gays and lesbians in religious texts.

Ubuntu and Development

The West has shown an inordinate amount of interest in what is happening to Uganda's sexual minorities, proving its displeasure in financial commitments and withdrawal of aid (or threats thereof), and advocacy and activism campaigning.

Western global ethics are characteristically individualistic, intrinsic to individual and human dignity. According to global ethics derived from the West, autonomy and capacity of the individual leads to dignity, as based on Kant. Utilitarianism also plays largely in global ethics, the greatest good for the greatest number, deeming the moral status to be individualistic based on the capacity for pleasure and pain. An alternative development approach, perhaps the closest ally to Ubuntu, is the Capabilities Approach; the capacity to live the good life as developed by Amyarta Sen and Martha Nussbaum (Metz, Harmonizing 147).

Ubuntu, in contrast, is formed on harmony. As Ghanaian philosopher Gyekye says:

A harmonious cooperative social life requires that individuals demonstrate sensitivity to the needs and interests of others... Communitarian moral theory ... advocates a life lived in harmony and cooperation with others, a life of mutual consideration and aid and of interdependence, a life in which one shares in the fate of the other... (Metz, Harmonizing 149).

In Ubuntu, there is the relationship identity of the individual, in considering oneself part of the group and experiencing life bound to others, along with the notion of solidarity, and the commitment of goodwill to others (Metz, Harmonizing 149). In relation to applying African ethics to development, the focus is on mutuality, communitarianism and collectivist ethics. By applying this ethos to development, it would look like these, highlighted principles: unanimous rather than majoritarian agreement, harmonious relationships, quality of life, consensus-oriented approach in decision making, and representational governance.

In intervention, in this case Western intervention through development, and Ubuntu, the notion of foreign relationships ought to be built on the principle of harmony; further, Metz says, this does not mean strict pacifism, impartiality (cosmopolitanism) or partiality (Metz, Harmonizing 152). Rather, the state should seek to have the best relationship possible with the other state, meaning to be friendly, and unfriendly only when necessary to address unfriendliness (Metz, Harmonizing 152). A harmony-based approach, is where the state does not engage out of pure-self interest, rather for the interest as a whole, seeking non-violence resolutions (if possible) to find consensus as a resolution. Conflict is only justified in response to greater conflict (Metz, Harmonizing 152).

In this interpretation of Ubuntu, can the international community intervene in Uganda's sexual politics? In short, yes. Intervening, through means of development or support, because it justified by harmonious global relationships. Simply based on not liking what is happening in Uganda because it contravenes international laws is not justified in Ubuntu. However, if in the

friendliness order between the countries, and as such, if a country is causing pain and suffering in relationships, which extends into the global relations, then the international community ought to intervene. In this case, sexual minorities in Uganda are being persecuted through legislated oppression, an obvious case where discrimination is violence.

Ubuntu does not promote a climate of fear or imposing retributive harm, rather it is based on consensus, harmony, reform and restoration; antagonizing and promoting fear is counter to Ubuntu. Again, based on the principle of harmony and restoration, and global relations, Canada and other countries are justified in intervening in Uganda, as Ugandan culture becomes more fear abiding and exclusionary, willed with retribution based on sexuality.

Conclusion

It is my opinion that Western countries and international LGBTI organizations should be advocating alongside Ugandan sexual minorities, in the name of harmony and friendliness, but not to fight and disable the work that domestic LGBTI organizations are doing. I think it is the responsibility of Western LGBTI persons to not vilify and paternalistically condemn Uganda as a ‘gay hell’, rather to express support by means of recognizing global harmony. I challenge Western LGBTI persons to stand in solidarity. I challenge Western Governments to rephrase their responses, from ones of shaming, judgement and financial penalties, as those factions are harming the very cause they seek to aid.

The following recommendations are based on the notion of supported intervention reinforced by Ubuntu theory, adapted from the McLeod Group and the International Gay and Lesbian Human Rights Commission.

Canada, in the interest of supporting sexual minorities, should:

1. Integrate sexual minorities' rights and issues into major and existing foreign affairs development projects and policies, including policy and priority statements (Jackson, Smillie and Brown 8)
2. Prioritize and integrate sexual minorities rights and issues into Canadian funded development grants (Jackson, Smillie and Brown 8)
3. Prioritize funding for foreign and Canadian NGOs in promotion of sexual minorities rights (Jackson, Smillie and Brown 8)
4. Fund research and documentation of sexual minorities rights, crisis, and issues (International Gay and Lesbian Human Rights Commission).
5. Confer with African regional institutions (International Gay and Lesbian Human Rights Commission).
6. Apply the Yogyakarta Principles to Canadian foreign policy. The Yogyakarta Principles are an internationally recognized application of internationally Human Rights Law in relation to sexual orientation and gender identity (The Yogyakarta Principles).
7. Prioritizing and recognition of LGBTI asylum seekers in Canadian refugee application. By reforming refugee law to recognition that LGBTI do not express sexuality and gender identity universally, which can make 'sexuality' difficult to prove according to Canadian suppositions and stereotypes of what defines sexual and gender differences.

The application of Ubuntu to African and international dilemmas has the potential for global cohesion and harmony, if an application of relational community principles are applied. There is much work to be done, however, the application of Ubuntu to both sexuality and

international intervention has proven that African sexuality is not un-African, and is worthy of global support.

Appendix I

A number of terms and acronyms are commonly used when discussing sexuality and homosexuality. The following accepted terms are used in this paper. The terms are commonly used by the lesbian, gay, bisexual, transgender community.

- ***Coming out (or Out):*** Recognizing and being open about sexual orientation or gender identity with oneself and others (UC Berkeley Gender Equity Resource Center).
- ***Gender Identity:*** Reflects a deeply felt and experienced psychological sense of one's own gender identity which may or may not correspond to sex assigned at birth (United Nations Human Rights: Office of the High Commissioner).
- ***Heteronormative:*** a term used by social theorists to discuss how gender and sexuality are categorized into a hierarchical system, which dominates social institutions such as education, the nation-state, and family. Heteronormative practices can be considered invisible in social spaces, and are organized into hierarchical binaries, making men opposite and superior to women, heterosexual opposite and superior to homosexuals. Heteronormativity causes social and political marginalization of LGBTI lives (Gray).
- ***Heterosexuality:*** Sexual, romantic and emotional attraction to a sex other than your own (UC Berkeley Gender Equity Resource Center).
- ***Homophobia and Transphobia:*** Homophobia is an irrational fear of, aversion or hate toward lesbian, gay, bisexual people. Transphobia is an irrational fear of, aversion or hate toward transgender people. The term homophobia is often used as a sweeping term referring to fear, aversion and hate against all LGBT people (United Nations Human Rights: Office of the High Commissioner).

- ***Homosexuality:*** Sexual, romantic and emotional attraction to the same sex (UC Berkeley Gender Equity Resource Center).
- ***In the Closet:*** Keeping one's own sexual orientation or gender identity a secret (UC Berkeley Gender Equity Resource Center).
- ***Kuchu:*** Swahili word used as an identity term for LGBTI persons, same-sex relationships and non-binary gender identification (United Nations Human Rights: Office of the High Commissioner).
- ***LGBTI:*** Lesbian, Gay, Bisexual, Transgender and Intersex. LGBTI is most frequently used across Africa, and the international arena. Indicating same-sex relationships and present non-binary gender identities. An intersex person is born with atypical sex characteristics, such as sexual anatomy, reproductive organs, and chromosome patterns that do not fit the definition of male or female (United Nations Human Rights: Office of the High Commissioner).
- ***MSM:*** Men who participate in same-sex sexual activities, but who may not self-identify as gay or bisexual (UC Berkeley Gender Equity Resource Center).
- ***Queer:*** An umbrella term which includes anyone who chooses to identify as queer, who feels outside the expectations of society's gender and sexual norms. A fluid term that acknowledges the fluidity of sexuality, politics, and gender, without labeling, yet identifying connection to the queer (also could be known as the LBGT) community. Formerly, in the 1960-70s, queer was used as a derogatory term toward LGBT, the term queer has been re-appropriated to mean a positive identity. Not as commonly used outside North America and Europe (PFLAG)

- **WSW:** Women having sex with women, however may not identify as lesbian, gay or bisexual (Magezi and Nakaweesi-Kmbugwe 6)
- **Sangoma:** The traditional healers, of the highest level, in South Africa. Sangoma's receive a calling from the ancestors to give the gift of healing and prediction of the future, one cannot choose to be a Sangoma (Nkabinde and Morgan 234).
- **Sexual Minorities:** Members of sexual orientations, or those who engage in sexual activities that are outside of the mainstream; people who do not fall within the normative sex categories of female or male (i.e.: transsexuals and intersexuals) (UC Berkeley Gender Equity Resource Center)
- **Sexual Orientation:** Refers to a person's innate sexual, physical, emotional, romantic attraction towards other people, integral to a person's identity. Gender identity is not related to sexual orientation (United Nations Human Rights: Office of the High Commissioner).
- **SOGI:** Sexual Orientation and Gender Identity United Nations Resolution adopted by the UN Human Rights Council, in September 2014. Concerning acts of violence and discrimination against individuals based on sexual orientation and gender identity (Human Rights, Sexual Orientation and Gender Identity, Adopted by the Human Rights Council).

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