



“For the times they are a-changin’”

Homosexuality and social values in Africa

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This piece by Arnold Wehmhoerner looks at the dynamics around debates on sexual orientation in Africa amid a rise in anti-gay legislation in several countries. He charts the peculiar situation wherein cuts in development aid are portrayed by traditionalist leaders as a manifestation of post-colonial interference in African affairs. In this sense, certain actions in the West have been counterproductive in the struggle for gay rights and there have been mixed messages from the West, with US Christian fundamentalists contributing to homophobic fervour.

South Africa is seen as a leader on this issue, as the first country in the world to prohibit discrimination on the basis of sexual orientation. There has been an increase in gay refugees coming to South Africa in recent times; yet there are still serious problems times are changing slowly.

Today, at least 76 countries criminalise homosexuality, among them 36 African countries. During last year many African countries have and today still are about to enact laws which discriminate against lesbian, gay, bisexual, transgender and intersex (LGBTI) relationships. Nigeria punishes same-sex unions with up to 14 years in jail; Uganda's Anti-homosexuality Act prescribes life in jail for gay and lesbian people and orders its citizens to report gays and lesbians to the authorities, and MPs in Kenya and in the Democratic Republic of Congo call for tougher legislation against homosexuality. Gambia's president wants to fight homosexuality "the same way we are fighting malaria-causing mosquitos"¹ and President Mugabe from Zimbabwe has in the past been quoted as saying homosexuals are "worse than pigs and dogs".² The list of homophobic quotes could be continued for quite a while.

At a time when in many western countries same sex marriages are legalised, Africa's recent campaign against homosexuality seems to be an act from medieval times confirming prejudices of Africa as a dark continent of ignorance. This negates the fact that until the 70s and 80s homosexuality also was a criminal offence in western societies and a European society like Russia today still discriminates against homosexuals. And in our times six Islamic countries punish homosexuality with the death penalty. Africa is not on its own with its discrimination policies.

The World Bank, Norway and Denmark cut aid to Uganda, the US is reviewing its diplomatic relations with Uganda, and the European Parliament backed sanctions on Uganda and Nigeria in protest against its anti-gay laws. This fuels the discussion in Africa about the claimed neo-colonial attitude of Western countries. "We now see a dangerous Europeanisation of our value system and our culture, tied to development aid" claims a Zimbabwean diplomat.³ This shifts the focus of the debate away from the universality of human rights including LGBTI rights towards the question of the sovereignty of African states. The threats from the donor community are interpreted as threats to the sovereignty similar to "the seemingly imperialist character of the International Criminal Court"⁴. This could explain the sudden rush in African capitals to proclaim anti-gay laws as a show of sovereignty supported by the claim that African values are different from those in the West.

¹ Navi Pillay (United Nations High Commissioner for Human Rights): in Mail and Guardian, 16. -22. May 2014

² Mugabe: *Gay rights are not human rights* in www.news24.com, 28.03.2014

³ Zimbabwe's representative to the ACP-EU, Makhosini Hlongwane, in www.news24.com, 19.03.2014

⁴ Noosim Naimasiah: *Sovereignty has fallen to prejudices of outsiders* in Mail and Guardian, 14. – 20. 03.2014

Despite historical evidence that same sex relationships are not new to Africa it is maintained that homosexuality is un-African and has allegedly never existed in African villages before the arrival of the colonialists. Dorothee Moisan from Uganda writes: "...those who politically oppose the hegemony of the West in effect become anti-homosexuality proponents and those who support it pro-American neo-liberalists".⁵

Homosexuality is a taboo in African societies. 80% of the Canadian population accept homosexuality and 60% in the United States while only 1% in Nigeria, 4% in Uganda and 8% in Kenya.⁶ In South Africa 32% of the population accept homosexuality. In 1994, South Africa was the first country in the world to condemn explicitly discrimination because of sexual orientation in its constitution. South Africa and especially Cape Town have become safe havens for homosexuals from other African countries. Some night life areas in Cape Town are the envy of European party goers; but just one taxi ride away in the townships the situation is completely different. Gay people there keep a low profile and if they are refugees they are target of both homophobia and xenophobia. Townships are also sadly known for the phenomenon of 'corrective rapes' "which is based on the belief that if a lesbian woman is raped she is then 'cured' of her lesbianism"⁷. Amnesty International's Southern Africa director calls for special legislation in dealing with homophobia "because of the strong intolerance and unique situation in South Africa". But gay refugees continue to stay in South Africa unless they can afford to move to Western countries "because in Zimbabwe it is worse".⁸

Homosexuality is a human phenomenon which was part of all societies during the entire human history. Its acceptance or refusal by societies is determined by social values which change over time. African leaders generally are not agents of change in this matter. Firstly, because of the aforementioned sovereignty claim and secondly, because traditional values which do not tolerate homosexuality suit their autocratic leadership styles. Gareth van Onselen⁹ tried to analyse the traditional beliefs of President Zuma of South Africa: A black person has a genetic identity bestowed upon him by his ancestors. If he abandons traditional ideas in favour of some set of other values he also abandons his identity.

⁵ Noosim Naimasiah, 2014

⁶ Pew Research Centre, 2013

⁷ Dorothee Moisan: *Life on the run from homophobia* in Mail and Guardian, 16.-22.05.2014

⁸ Dorothee Moisan, 2014

⁹ Gareth van Onselen: *The tribal heart that beats in Zuma's chest* in Sunday Times, 18.05.2014

Therefore, black South Africans are not free to discern for themselves their own identity, sexuality and political orientation. African leaders – more chiefs than presidents – are tasked to promote compliance with traditional beliefs instead of securing space in which people can make their own choices. President Zuma has denounced homosexuality, although he later apologised for his remark. He sees women as subservient to men and believes that they should physically demonstrate their respect for men. One can safely assume that many other African leaders share similar beliefs and that many are convinced they are doing the right thing when they sign anti-homosexuality legislation.

African societies receive mixed signals from the Western world. While donor countries reconsider aid packages because of anti-gay legislation, Christian fundamentalists from the US spread their anti-gay agenda in Africa. One American evangelical, Scott Lively, who claims to advise therapy for gays in Uganda but denies urging severe punishment, has been sued in a US Federal Court under the Alien Tort Statute. This statute allows foreign citizens to seek remedies in US courts for violation of human rights committed outside the US. Rev. Senyonjo in Uganda was barred by his superiors from presiding over church events because he organised evening prayers for homosexuals. Archbishop Ntagali, head of the Anglican Church in Uganda, said the church is committed to offering healing and prayer for individuals who are “confused about their sexuality”.¹⁰ African churches in general with the exception of a few individuals like the former Archbishop of Cape Town, Desmond Tutu, do not tolerate homosexuality. The Archbishop of Canterbury, Justin Welby, admits that it was impossible for some followers in Africa to support homosexuality and that he could not bless gay marriages (on the occasion of its introduction in England and Wales) because to do so would split the global Anglican Church. It could prove “catastrophic” for Christians in Africa.¹¹

Social attitudes towards sexual desire, sexual relationships and homosexuality vary greatly in different societies and over different historical periods. The condemnation of discrimination because of sexual orientation in the South African constitution preceded the evolution of social attitudes in South Africa. “It was a victory at the start of a long road ahead” remembers Edwin Cameron, an open gay judge at the Constitutional Court.¹² It will

¹⁰ Rodney Muhumuza: *Ugandan cleric outlawed for his support for gays* in Cape Times, 01.04.2014

¹¹ *Anglican leader warns of gay marriage backlash* in www.news24.com, 05.04.2014

¹² Dorothée Moisan, 2014

be indeed a long road to go for South Africa and even more so for the rest of the countries on the African continent because social attitudes change very slowly. The West has to be very cautious to apply Western assumptions about gender and sex to other societies. Enforcement policies will only lead to a backlash and to reactions which are detrimental to what one would like to achieve. The Western intervention has dichotomized African societies in having to be for or against homosexuality without leaving space and time for a natural discourse on their moral ideals. At this point in time one can only hope that the present discussion would die out so that African leaders without losing face would not have to enforce their draconic laws.