

Under the Spectre of Colonialism:
An Analysis of UK-Based NGOs
Engaged in Contemporary
Transnational LGBTI Activism

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PhD in International Relations
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Since 2011, a number of new UK-based non-governmental organisations (NGOs) have emerged with a commitment to transnational lesbian, gay, bisexual, trans and intersex (LGBTI) activism, with some existing organisations adopting new strategies to engage with international LGBTI issues. This new wave of engagement in transnational LGBTI activism has emerged in a context of increased attention to LGBTI issues globally. LGBTI rights are debated in international forums, including the United Nations, with widespread condemnation of developments such as Uganda's Anti-Homosexuality Bill (2009) and later Anti-Homosexuality Act (2014) continuing to fuel international discourses concerned with LGBTI rights. Underlying contemporary UK-based engagements in transnational LGBTI activism is a history of colonialism that was responsible for the implementation of legal, social, and cultural systems of control that continue to influence the criminalisation of LGBTI populations worldwide.

This thesis contributes an analysis of UK-based NGOs engaged in transnational LGBTI activism, including Kaleidoscope Trust, Peter Tatchell Foundation, Stonewall, and UKLGIG, amongst others, exploring the evolution of NGO strategies between 2011-2016. The thesis also examines the relationships and interactions between UK-based NGOs and UK governmental actors, situating an understanding of NGO engagements within the broader context of UK interventions in international LGBTI politics. The thesis adopts a historical approach that contextualises the complexities that colonial legacies perpetuate on contemporary international relations and transnational LGBTI activism. Conceptualising these legacies as a 'spectre of colonialism,' the thesis examines the ways in which UK-based actors negotiate, contribute to, and contest the influence of the spectre via engagements with aid conditionality, sodomy laws, the Commonwealth, and LGBTI asylum.

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Abbreviations

AHA	Anti-Homosexuality Act (Uganda, 2014)
AHB	Anti-Homosexuality Bill (Uganda, 2009)
APPG LGBT	All Party Parliamentary Group on Global LGBT Rights
BME	black and minority ethnic
CHOGM	Commonwealth Heads of Government Meeting
CSO	civil society organisation
DFID	Department for International Development
DSSH	Difference, Stigma, Shame, and Harm
FCO	Foreign and Commonwealth Office
GAD	Gender and Development
HDT	Human Dignity Trust
HRC	Human Rights Campaign
IDS	Institute of Development Studies (Sussex University)
IGLHRC	International Gay and Lesbian Human Rights Commission
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
JfGA	Justice for Gay Africans Society
LGBTI	lesbian, gay, bisexual, trans, and intersex ¹

¹ LGBT or LGBTQ are also common, Q representing ‘queer.’

LGSM	Lesbians and Gays Support the Miners
MRI	Micro Rainbow International
MSM	men who have sex with men
NGO	non-governmental organisation
ODI	Overseas Development Institute
OIC	Organisation of Islamic Cooperation
OPAL	Out and Proud African LGBTI
OPDG	Out and Proud Diamond Group
PFT	Peter Tatchell Foundation
RMT	Rail, Maritime and Transport Union
SDG	Sustainable Development Goal
SMUG	Sexual Minorities Uganda
SOGI	sexual orientation and gender identity
SRI	Sexual Rights Initiative
TCEN	The Commonwealth Equality Network
UKLGIG	UK Lesbian and Gay Immigration Group
WSW	women who have sex with women

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Declarations

I declare that the thesis is my own work and has not been submitted in substantially the same form for the award of a higher degree elsewhere.

Signed:

Dated:

The word count of the thesis is 79,734.

Introduction

Since 2011, the number of UK-based non-governmental organisations (NGOs) engaged in transnational lesbian, gay, bisexual, trans and intersex (LGBTI) activism has notably increased, with new NGOs emerging and existing NGOs increasing their international work. Whilst each NGO engages in particular strategies and works within specific areas of LGBTI activism, all NGOs adopt a broadly similar ethos of improving LGBTI rights by working with LGBTI people internationally. This increased international activity from UK non-governmental spaces concerned with global LGBTI rights is reflected in broader trends of increased attention to LGBTI discrimination worldwide. As greater legal protections for LGBTI people are secured in some states, alongside improving social acceptance for LGBTI lives, condemnation of worldwide LGBTI discrimination and violence is more common. Thus, the plight of LGBTI communities under oppressive state mechanisms, for example in Uganda, Malawi, and Russia, has become more widely publicised, fuelling mainstream attention and catalysing greater NGO participation in transnational LGBTI activism. This incitement to discourse of international LGBTI rights has extended to discussions in international forums, including at the UN Human Rights Council, which recently appointed the first UN Independent Expert on Sexual Orientation and Gender Identity.

73 states criminalise consenting same-sex sexual activity, either through legislation that specifically discriminates LGBTI people by prohibiting same-sex relations, or via myriad other oppressive mechanisms that harm the quality of LGBTI people's lives, such as a lack of discrimination protections in healthcare and the workplace.¹ Although the number of states that criminalise their LGBTI populations has gradually decreased over the past few decades, there has also been a recent trend towards introducing new legislation that either directly or indirectly harms LGBTI communities. Some states have sought to introduce legislation that increases penalties for same-sex sexual relations, whilst others have introduced 'propaganda' laws to limit freedom of

¹ Aengus Carroll, *State-Sponsored Homophobia 2016: A world survey of sexual orientation laws: criminalisation, protection and recognition* (Geneva: ILGA, May 2016), 11.

expression.² There have also been recent trends to restrict civil society spaces and make it difficult for NGOs to function effectively, particularly when NGOs receive support from foreign donors.³ This can affect LGBTI activists who may rely on foreign financial support and for whom registering officially as an NGO can be difficult in many states.

That many LGBTI people continue to suffer discrimination and violence worldwide highlights the need for continued research in this area to document discrimination and contribute to international strategies of improving the lives of LGBTI people everywhere. Multiple literatures have engaged with the research area from different angles, most notably from human rights and development perspectives, each of which has seen considerable advances over the past decade. The growth of literature and critical analysis from activists and academics in the Global South enhances what has generally been seen as a research area dominated by Western voices. NGOs have also widely contributed to producing research in this area, documenting the challenges that LGBTI communities face in many states.

Whilst there is a wealth of research on multiple facets of the complexity of international LGBTI rights, particularly concerning challenges to LGBTI communities in particular states or regions, there is a need for more analysis of the ways in which NGOs operate and engage with international LGBTI issues. The aim of the thesis is to provide an analysis of the role of UK-based NGOs that are engaged in contemporary transnational LGBTI activism. There has been very little research produced that offers detailed analysis of the nature and activities of the new UK-based NGO space engaged in transnational LGBTI activism, with prior research tending to focus on select, controversial UK-based actors, or broader Euro-American approaches to international activism.⁴ An exception to this is Waites' analysis of what he identifies as 'the new London-based trans-national politics of LGBT human rights,' focusing on four key UK-

² Carroll, *State-Sponsored Homophobia*.

³ See: Kendra Dupuy, James Ron and Aseem Prakash, 'Who survived? Ethiopia's regulatory crackdown on foreign-funded NGOs,' *Review of International Political Economy* 22:2 (2015); Amnesty International, 'Lawfare to destroy "enemies within" – Russian NGOs tagged as "foreign agents"' (9 Oct 2014) [online]; Patrick Kingsley, 'Egypt's human rights groups "targeted" by crackdown on foreign funding,' *The Guardian* (24 Sep 2014) [online].

⁴ See: Scott Long, 'Unbearable witness: how Western activists (mis)recognize sexuality in Iran,' *Contemporary Politics* 15:1 (2009); Hakan Seckinelgin, 'Global civil society as shepherd: Global sexualities and the limits of solidarity from a distance,' *Critical Social Policy* 32:4 (2012).

based NGOs: Kaleidoscope Trust, Stonewall, Human Dignity Trust, and the Peter Tatchell Foundation.⁵

This thesis contributes to this research by providing new analysis of the above NGOs, whilst also considering the broader UK NGO space engaged in transnational LGBTI activism, including organisations involved with LGBTI asylum, such as UK Lesbian and Gay Immigration Group, and diaspora-led organisations, such as Out & Proud African LGBTI. Drawing on interview data and NGO publications, the thesis seeks to contribute an analysis of the strategies and engagements of these emergent UK-based NGOs in transnational LGBTI activism, including efforts to influence UK governmental strategies on LGBTI rights internationally. By adopting an interdisciplinary approach that draws on global queer studies, Queer International Relations, interdisciplinary gender and sexuality studies, and postcolonial studies, the thesis situates its analysis of contemporary UK-based contributions to transnational LGBTI activism within the contextual complexities that British imperial and colonial legacies perpetuate in international relations.⁶ The thesis examines the influence of this ‘colonial spectre’ on UK-based NGO engagements with aid conditionality, sodomy laws, and LGBTI asylum.

The UK space is continually evolving, and as NGO strategies respond to critiques and revise their particular approaches to transnational activism, UK-based NGOs have the potential to contribute significantly to the development of transnational LGBTI activist strategies, as well as influencing UK governmental strategies in the international sphere. Central to the long-term effectiveness of these strategies will be the ability of UK-based NGOs to fully engage in intersectional approaches that understand and appreciate the complex challenges faced by LGBTI people beyond securing LGBTI human rights.

It will be noted here that the thesis uses the acronym ‘LGBTI’ when referring to ‘lesbian, gay, bisexual, trans, and intersex,’ whether in the context of rights, activism or people who identify by these categories to some degree. Whilst ‘LGBT’ is perhaps more

⁵ Matthew Waites, ‘The New Trans-National Politics of LGBT Human Rights in the Commonwealth,’ in *Sexuality, Citizenship and Belonging: Trans-National and Intersectional Perspectives*, Francesca Stella, Yvette Taylor, Tracey Reynolds, and Antoine Rogers, eds. (New York: Routledge, 2015), 73.

⁶ Whilst appreciating that ‘imperialism’ and ‘colonialism’ have distinct definitions, the thesis uses the terms interchangeably.

common within mainstream discourse concerning sexual and gender minorities, ‘LGBTI’ also captures the experiences of intersex people, giving greater recognition to the scope of experiences of people discriminated against due to their ‘non-adherence to sex and gender norms,’ rather than limited specifically to sexual orientation and gender identity.⁷ Various UK-based NGOs use either LGBT or LGBTI, and any quotations or references used throughout the thesis will maintain the original use of either acronym. Although LGBTI is problematic as an acronym in capturing the complexities of sexual and gender identities, and as a Western acronym fails to capture the nuances of non-Western identities, the acronym is readily understood and recognised internationally, and is used by some activists and academics from the Global South as a general term.⁸ There is a wealth of literature that engages with the complexities of our use of language to describe sexual orientation and gender identity internationally, though it is not the aim of the thesis to explore these themes here.⁹ Whilst recognising its limitations, ‘LGBTI’ is a well-understood term that allows for a common reference point in transnational organising.

It is similarly worth noting the use of the phrase ‘LGBTI rights’ within the thesis. Whilst it is not within the scope of the thesis to fully explore the theoretical complexities of articulating human rights as related to LGBTI people and politics globally, the thesis does acknowledge that this is a contestable area in need of continued engagement.¹⁰ The thesis uses ‘LGBTI rights’ to refer broadly to mechanisms and principles of human rights protections that should be afforded to LGBTI people globally, recognising and

⁷ Organization Intersex International, ‘Welcome and introduction’ (10 Jan 2012) [online].

⁸ See: Sokari Ekine and Hakima Abbas, eds., *Queer African Reader* (Oxford: Pambazuka Press, 2013); Sokari, ‘African LGBTI Manifesto/Declaration,’ *Black Looks* (17 May 2011) [online].

⁹ See: Dennis Altman, ‘Rupture or Continuity? The Internationalization of Gay Identities,’ *Social Text* 48 (Autumn 1996); Dennis Altman, ‘Global Gaze/Global Gays,’ *GLQ: A Journal of Lesbian and Gay Studies* 3:4 (1997); Marc Epprecht, *Sexuality and Social Justice in Africa* (London: Zed Books, 2013), 23-25; Liesl Theron, ‘Does the label fit?’ in *Queer African Reader*, Sokari Ekine and Hakima Abbas, eds. (Oxford University Press, 2013); Sangeeta Budhiraja, Susana T. Freid, and Alexandra Teixeira, ‘Spelling it out: From alphabet soup to sexual rights and gender justice,’ in *Development, Sexual Rights and Global Governance*, Amy Lind, ed. (Abingdon: Routledge, 2010).

¹⁰ See: Matthew Waites, ‘Critique of “sexual orientation” and “gender identity” in human rights discourse: global queer politics beyond the Yogyakarta Principles,’ *Contemporary Politics* 15:1 (2009); Jaya Sharma, ‘Reflections on the Language of Rights from a Queer Perspective,’ *IDS Bulletin* 37:5 (2006); Michael J. Bosia, ‘Strange Fruit: Homophobia, the State, and the Politics of LGBT Rights and Capabilities,’ *Journal of Human Rights* 13:3 (2014).

drawing upon international agreements such as the Declaration of Montreal and the Yogyakarta Principles.¹¹

Chapter 1 presents a literature review of the subject areas that the thesis draws upon, as well as theoretical influences on the development of the thesis, including literatures concerned with the role of NGOs in contemporary transnational LGBTI activism, historiographies and theorisations of sexuality, contemporary challenges of solidarity and intersectionality, and the intersections of sexuality and development. Following the literature review, chapter 2 outlines the methodological considerations of the thesis, presenting a discussion of the development of the central research aim, overall research design, and methods of data-collection and data-analysis.

Chapter 3 explores the historical intellectual development of European problematisations and criminalisations of homosexual behaviour that were imposed on colonial territories. It presents an examination of the historical influences that shape contemporary international relations, conceptualising these historical influences as a ‘colonial spectre’ that continues to inescapably haunt contemporary international LGBTI activism. This is necessary, not only to contextualise the legacy of legal mechanisms that continue to criminalise sexual and gender minorities globally, but to highlight the nature of these colonial legacies to affect the ways in which we construct debates about Western intervention and imperialism, post-colonial resistance and self-determination, as they concern international LGBTI activism.

These issues are taken up further in the analysis of chapter 4, which explores the contemporary context of international sexual relations within which UK-based NGOs and other actors operate. The chapter notes the ways in which rights related to sexual orientation and gender identity are negotiated and contested between states. It does so by exploring recent developments at the United Nations, the Ugandan Anti-Homosexuality Act (2014), and the deployment of homonationalist discourses by Western actors, to highlight key challenges to effective transnational LGBTI activism and the realisation of LGBTI rights in the Global South.

¹¹ *Declaration of Montreal* (2006); *The Yogyakarta Principles* (2006).

Chapter 5 introduces the main UK-based NGOs engaged in transnational LGBTI activism that are analysed within the thesis, including Kaleidoscope Trust, Human Dignity Trust, the Peter Tatchell Foundation, Out & Proud African LGBTI, Stonewall, and UKLGIG. The chapter then compares funding issues for UK-based NGOs to contextualise how the material resources available to NGOs contribute to shaping the activism strategies that they engage in. The main analysis of the activism strategies pursued by UK-based NGOs is presented, before assessing cooperation and coherency within the UK NGO activism space. The chapter highlights how different UK-based NGOs pursue different strategies, whilst noting common intentions and discourses on solidarity and ‘working with local actors.’ Although UK-based NGOs appear to have developed a clearer focus on their individual strategies and demonstrate cooperation on select issues, a supposedly shared commitment to solidarity and ‘working with local actors’ is not always realised in consistent or effective ways.

In order to develop a comprehensive understanding of the role of UK-based NGOs in transnational LGBTI activism, chapter 6 explores the ways in which UK-based NGOs engage with the UK Government on international LGBTI issues. The chapter focuses its analysis on the establishment of the All Party Parliamentary Group on Global LGBT Rights, as well as the international LGBTI engagements of the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID). Using LGBTI aid conditionality as a case study, the chapter evaluates some of the key complexities that have emerged in the intersection of UK governmental and non-governmental strategies. Although governmental actors have demonstrated some positive engagements with international LGBTI rights, it remains to be seen whether a coordinated, cross-government strategy will emerge to transform supportive sentiment into effective action. Furthermore, NGO engagements with the UK Government’s approach to LGBTI aid conditionality reveal a failure to contextualise contemporary LGBTI rights within a broader understanding of aid relations and legacies of colonialism.

Chapter 7 brings together recurrent themes of the thesis to examine how UK-based NGOs acknowledge and engage with the spectre of British colonialism and its impact on contemporary international relations. The chapter explores UK-based NGO engagement with the legacies of colonial sodomy laws, the transnational networking potential of the Commonwealth, and the experiences of LGBTI asylum seekers in the

UK. Through these intersections of colonial legacy and contemporary international LGBTI activism, the thesis argues the need for vigilance in ensuring UK-based actors adopt an intersectional approach to supporting international LGBTI rights, one that is responsibly reflective of the complex impacts that British colonial legacies have on the contemporary realities of LGBTI peoples' lives internationally.

Chapter 1

Literature Review

The literature review offers an interdisciplinary examination of literatures that contribute to understanding the complexity of contemporary global trends of international and transnational organising on LGBTI rights. The chapter is structured thematically around these literatures, with each section outlining the theoretical influences that these literatures impart on the development of the central research question of the thesis, whilst prefacing the application of some key analytical terms and concepts. The chapter begins by introducing literature that engages with contemporary international and transnational organising on LGBTI rights, before examining literatures that intersect the subject, including histories of sexuality and empire, queer theory and interdisciplinary gender and sexuality studies, theorisations of solidarity and intersectionality, and sexuality in development studies.

With the increased momentum and complexity of international LGBTI rights strategies and discourses in the twenty-first century, academic interest and engagement with the subject has continued to respond to changes and new challenges as they emerge. These include analyses of key developments, such as the Yogyakarta Principles, as well as engagements with general trends, such as the increased number of active international and local NGOs pursuing LGBTI rights and equality worldwide.¹ Such research has contributed to the growth of global queer studies and Queer

¹ For example, see: Kelly Kollman and Matthew Waites, 'The global politics of lesbian, gay, bisexual and transgender human rights: an introduction,' *Contemporary Politics* 15:1 (2009), 1-17; Corinne Lennox and Matthew Waites, 'Human rights, sexual orientation and gender identity in the Commonwealth: from history and law to developing activism and transnational dialogues,' in *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change*, Corinne Lennox and Matthew Waites, eds. (London: Human Rights Consortium, University of London, 2013); Seckinelgin, 'Global civil society.'

International Relations literatures.² Some research has provided analyses of particular organisations that engage in transnational LGBTI activism, particularly US-based organisations. For example, Long provides a critique of the funding sources of the Human Rights Campaign (HRC), whilst Thoreson provides a detailed examination of the International Gay and Lesbian Human Rights Commission (IGLHRC, now known as OutRight).³ Other key contributions to the literature critically engage with broader themes of the problematic strategies and discourses deployed by mainly Western actors in their pursuit of LGBTI equality worldwide. For example, Rao explores and problematises contemporary representations of homophobia that produce simplistic conceptions of the ‘locations of homosexual freedom’ on the one hand and ‘locations of homophobia’ on the other.⁴ Such representations rely on simplistic understandings of homophobia and the progress of LGBTI equality, often with the implication that homophobic states are on a journey to catch up to the progress made by the West, undermining the nuances of effective transnational solidarity.⁵ This analysis extends to particular transnational strategies, as seen in Gunkel’s examination of the problematic representations of homophobia in online petitions and the failure of such transnational activism to always effectively engage with the complex, intersectional experiences of local actors.⁶

Existing research on UK-based activist engagements in international LGBTI activism have tended to focus on the problematic interventions of controversial actors in the UK, such as the organisation OutRage! and activist Peter Tatchell.⁷ Such analyses remain

² See: Cynthia Weber, *Queer International Relations: sovereignty, sexuality and the will to knowledge* (New York: Oxford University Press, 2016); Cynthia Weber, ‘Queer International Relations: A Symposium,’ *The Disorder of Things* (21 Nov 2016) [online].

³ Scott Long, ‘HRC and the vulture fund: Making Third World poverty pay for LGBT rights,’ *a paper bird* (4 Nov 2013) [online]; Ryan R. Thoreson, *Transnational LGBT Activism: Working for Sexual Rights Worldwide* (Minneapolis: University of Minnesota Press, 2014); cf. Scott Long, ‘Selling out: The gays and governmentality,’ *a paper bird* (2 Nov 2016) [online].

⁴ Rahul Rao, ‘The locations of homophobia,’ *London Review of International Law* 2:2 (2014), 174.

⁵ Rao, ‘Locations of homophobia.’ See also: Rahul Rao, ‘Queer Questions,’ *International Feminist Journal of Politics* 16:2 (2014); Momin Rahman, ‘Queer Rights and the Triangulation of Western Exceptionalism,’ *Journal of Human Rights* 13 (2014); Ayo A. Coly, ‘Introduction,’ *African Studies Review* 56:2, *ARS Forum: Homophobic Africa?* (2013).

⁶ Henriette Gunkel, ‘Some Reflections on Postcolonial Homophobia, Local Interventions, and LGBTI Solidarity Online: The Politics of Global Petitions,’ *African Studies Review* 56:2 (2013).

⁷ For example, see: Scott Long, ‘Gay hanging in Iran: Atrocities and impersonations,’ *a paper bird* (20 Jul 2015) [online]; Scott Long, ‘Unbearable witness’; Jin Haritaworn, Tamsila Tauqir, Esra Erden, ‘Gay Imperialism: Gender and Sexuality Discourse in the “War on Terror,”’ in *Out of Place:*

relevant to provide some historical context to contemporary UK-based NGO engagements, particularly in how they contribute to a broader critique of the homonationalist tendencies of Western interventions.⁸ Very little research, however, has since been produced that offers a detailed understanding of the changing nature and scope of the contemporary UK-based NGO space engaged in transnational LGBTI activism. A key exception to this is Waites' analysis of what he identifies as 'the new London-based trans-national politics of LGBT human rights,' concerning the post-2011 growth of London-based NGOs engaged in supporting the human rights of LGBTI people internationally, particularly via a focus on the Commonwealth.⁹ Waites' analysis focuses on four key London-based organisations: Kaleidoscope Trust, Stonewall, Human Dignity Trust, and the Peter Tatchell Foundation. Whilst Waites provides a much-needed interrogation of some key UK-based NGOs, there is scope for a more comprehensive analysis of the broader range of UK-based NGOs engaged in transnational LGBTI activism.

History of Sexuality and Empire

In pursuing a historical approach to understanding and contextualising the contemporary intersections of international relations and sexual politics, it is necessary to examine the imperial deployment of sexuality in the metropole and under colonial systems of governance in the Global South. Outlining the historical deployment of colonial approaches to sexuality illuminates the complexity of continuing legacies of these discourses for contemporary conceptualisations of sexuality, particularly the ways in which these conceptualisations are framed and utilised politically with particular reference to imperial and postcolonial relations. For example, contemporary discourse in some states of the Global South frames homosexuality as a distinctly Western phenomenon, fuelling postcolonial political and cultural resistance to Western

Interrogating Silences in Queerness/Raciality, Adi Kuntsman and Esperanza Miyake, eds. (York: Raw Nerve Books, 2008).

⁸ See: Jasbir Puar, *Terrorist Assemblages: homonationalism in queer times* (Durham: Duke University Press, 2007).

⁹ Waites, 'The New Trans-National Politics'; Matthew Waites, 'LGBTI organizations navigating imperial contexts: the Kaleidoscope Trust, the Commonwealth and the need for a decolonizing, intersectional politics,' *The Sociological Review* (2016).

decadence, whilst simultaneously failing to acknowledge that the criminalisation of same-sex behaviour in many countries is a direct legal legacy of British imperialism.

Understanding imperial problematisations of sexuality requires a consideration of the historical development of nineteenth century European conceptualisations of sexuality, as the rise of sexological discourses transformed *juridical subjects* (those convicted of sodomy) into a particular *type of person* (homosexual) with identifiable, pathologised characteristics. Foucault's *History of Sexuality* is influential here, particularly with regards to Foucault's engagement with power and discourse in his exploration of the development of nineteenth century and *fin de siècle* European conceptualisations of sexuality, which have influenced contemporary Western understandings of sexuality.¹⁰ Whilst Foucault provides a useful, if general, analysis of these developments, weaknesses in his approach are moderated by drawing upon literature on nineteenth century approaches to sexuality and the development of early homosexual politics in the period.¹¹

Examining the development of nineteenth century conceptualisations of sexuality contributes to understanding how such ideas informed colonial legal structures. The implementation of laws that prohibited same-sex sexual activity across the British Empire are clearly recognisable, both in the largely uniform way that they were implemented globally, as well as their influence on contemporary state legislation that prohibits same-sex sexual behaviour. For example, Gupta and Kirby each explore the implementation of laws that prohibited same-sex sexual activity throughout the British Empire, noting how most of these laws have persisted after decolonisation.¹² Such legal

¹⁰ Michel Foucault, *The History of Sexuality, Volume 1: The Will to Knowledge*, trans. Robert Hurley (1976; reprint, London: Penguin Books, 1998).

¹¹ See: Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain from the Nineteenth Century to the Present* (London: Quartet Books, 1977; rev. 1990); Mark Blasius and Shane Phelan, eds., *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics* (London: Routledge, 1997); H. G. Cocks, *Nameless Offences: Homosexual Desire in the Nineteenth Century* (London: I.B.Tauris 2003); Morris B. Kaplan, *Sodom on the Thames: Sex, Love and Scandal in Wilde Times* (Ithaca, NY.: Cornell University Press, 2005); Joseph Bristow, 'Remapping the Sites of Modern Gay History: Legal Reform, Medico-Legal Thought, Homosexual Scandal, Erotic Geography,' *The Journal of British Studies* 46: 1 (Jan 2007); David M. Halperin, 'How to Do the History of Male Homosexuality,' *GLQ: A Journal of Lesbian and Gay Studies* 6: 1 (2000); Jeffrey Weeks, 'Discourse, Desire and Sexual Deviance: Some Problems in the History of Homosexuality,' in *The Making of the Modern Homosexual*, Kenneth Plummer, ed. (London: Hutchinson, 1981).

¹² Alok Gupta, *This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism* (New York: Human Rights Watch, 2008); Michael Kirby, 'The sodomy offence: England's least lovely criminal law export?' in *Human Rights, Sexual Orientation and Gender Identity in the Commonwealth: Struggles for*

implementations should be understood within the context of nineteenth and early-twentieth century orientalist constructions of non-European sexuality, such as Richard Burton's 'sotadic zone.'¹³ Furthermore, literature that engages with the intersecting production of gender, race, and sexuality in both the colony and metropole contributes a more thorough understanding of the imperial discourses of sexuality than is sometimes offered in histories of (European) homosexuality.¹⁴

Beyond study of the deployment of imperial problematisations of sexuality, it is worth noting the contribution of literature that traces discourses about non-Western sexualities, from anthropological accounts, to postcolonial writing on sexuality, to contemporary research geared towards understanding the complexity of sexuality internationally in a way that destabilises historical accounts of a primarily uniform understanding of global heterosexuality. Epprecht's research highlighting historical trends in the production of knowledge about African sexualities is particularly useful here, revealing as it does the ways in which African sexualities have often been rendered in a heterosexual frame.¹⁵ With the tendency of UK-based NGOs to give a greater degree of attention to African LGBTI issues, given the historical linkages between the UK and former colonial states, as well as contemporary, high-profile LGBTI rights abuses in particular African states, it is of benefit to draw upon literature that explores the plurality of African sexualities.¹⁶ Such literature contributes an appreciation for the diverse approaches to sexuality and gender on the continent and helps to provide a base

Decriminalisation and Change, Corinne Lennox and Matthew Waites, eds. (London: University of London, 2013).

¹³ Colette Colligan, "'A Race of Born Pederasts': Sir Richard Burton, Homosexuality, and the Arabs," *Nineteenth Century Contexts* 25:1 (2003).

¹⁴ See: Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995); Anne McClintock, *Imperial Leather: race, gender, and sexuality in the colonial contest* (New York: Routledge, 1995); Inderpal Grewal, *Home and Harem: Nation, Gender, Empire, and the Cultures of Travel* (London: Leicester University Press, 1996); Philippa Levine, *Prostitution, Race & Politics: Policing Venereal Disease in the British Empire* (New York: Routledge, 2003).

¹⁵ Marc Epprecht, *Heterosexual Africa? The History of an Idea from the Age of Exploration to the Age of AIDS* (Athens: Ohio University Press, 2008). See also: Neville Hoad, *African Intimacies: Race, Homosexuality and Globalization* (Minneapolis: University of Minnesota Press, 2007).

¹⁶ See: Signe Arnfred, ed., *Re-thinking Sexualities in Africa* (Uppsala, Sweden: Nordiska Afrikainstitutet, 2004); Marc Epprecht, *Hungochani: The history of a dissident sexuality in southern Africa* (McGill-Queen's University Press, 2004); Stephen O. Murray and Will Roscoe, eds., *Boy-Wives and Female Husbands: Studies in African Homosexualities* (Basingstoke: Macmillan Press, 1998); Sylvia Tamale, ed., *African Sexualities: A Reader* (Oxford: Pambazuka, 2011); Ekine and Abbas, *Queer African Reader*.

from which to critique reductive and homogenising assumptions about African attitudes towards and experiences of sexuality. Furthermore, such literature sits within a broader selection of literature that deals with understanding and evidencing non-normative sexualities and international sexual politics globally.¹⁷

Theorising Sexuality

This section draws upon gender and sexuality studies and queer theory literatures to explore the application of some key theoretical approaches to understanding tensions in contemporary transnational LGBTI politics, with recognition of key texts that have influenced conceptual frameworks in contemporary literature.¹⁸ A queer approach may also be thought more broadly as constituting a critique and rejection of hegemonic norms concerning sexuality, particularly heteronormativity. Embracing the deployment of queer as challenging norms in a variety of forms, whilst drawing on influences from interdisciplinary postcolonial studies, this section addresses key normativities and related operations of nationalist discourses that are both challenged and contested by and within queer politics and discourses concerning sexuality, including heteronormativity, heteronationalism, homonormativity, and homonationalism.

This analysis takes as its starting point Michel Foucault's *The History of Sexuality*, given its intellectual significance as part of a benchmark in postmodern literature to break with the dominance of sexological and psychoanalytical literature to present new ways of approaching and thinking about discourses of sexuality.¹⁹ Whilst not without criticism from various disciplines concerned with Foucault's (mis)treatment of certain

¹⁷ For example, see: Rudi C. Bleys, *The Geography of Perversion* (London: Cassel, 1996); Barry Adam, Jan Willem Duyvendak, and André Krouwel, eds., *The Global Emergence of Gay and Lesbian Politics: National Imprints of a Worldwide Movement* (Philadelphia: Temple University Press, 1999); Dennis Altman, *Global Sex* (Chicago: University of Chicago Press, 2001).

¹⁸ For example: Foucault, *History*; Gayle Rubin, 'Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality,' in Henry Abelove, Michèle Aina Barale, and David M. Halperin, eds., *The Lesbian and Gay Studies Reader* (London: Routledge, 1993); Gayle Rubin, 'The Traffic in Women: Notes on the "Political Economy" of Sex,' in Rayna R. Reiter, ed., *Toward an Anthropology of Women* (London: Monthly Review Press, 1975); Eve Kosofsky Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1985); Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (London: Routledge, 1990); Riki Wilchins, *Queer Theory, Gender Theory: An Instant Primer* (Los Angeles: Alyson Publications, 2004).

¹⁹ Joseph Bristow, *Sexuality* (London: Routledge, 1997), 168-169.

categorical intersections, such as of sexuality with race and gender, *The History of Sexuality* was particularly influential in the development of queer theory, providing intellectual models with which to understand and critique structures and discourses of sexuality.²⁰

As a starting point of interest are Foucault's treatment of discourse and its relation to power in the production of 'sexuality.' Whilst acknowledging a reticence and regulated silence in discussing issues of sex, Foucault argues that beyond this 'restrictive economy' of language was 'a steady proliferation of discourses concerned with sex ... a discursive ferment that gathered momentum from the eighteenth century onward.'²¹ This was an incitement to talk about sex, though in carefully articulated ways:

one had to speak of it as of a thing to be not simply condemned or tolerated but managed, inserted into systems of utility, regulated for the greater good of all, made to function according to an optimum. Sex was not something one simply judged; it was a thing one administered.²²

This 'incitement to discourse' developed from institutions throughout society employing multiple mechanisms to talk about sex; a network of multiple discourses concerned with recording, ordering and managing sex.²³ This proliferation of discourses, demonstrates an increasing concern and articulation of sex from the eighteenth century onward. Within such initial discourses remained a tone of reticence, yet one that sought to articulate the necessity to carefully manage sex, rather than simply pass judgement, that qualified and gave reason to the discourse.²⁴ This produced what Bristow notes as 'contradictory transfers of power,' whereby discourses concerned with sex invariably betray their reticence in that attempted censorship from a position of authority necessarily requires the articulation of the subject under scrutiny.²⁵ Massad adopts Foucault's concept of the 'incitement to discourse' in his criticism of the ways in which the 'Gay International,' the projects and discourses of a Western universalisation of 'gay rights,' has incited a discourse about (Western) sexuality in the

²⁰ Bristow, *Sexuality*, 170.

²¹ Foucault, *History*, 18.

²² Foucault, *History*, 24.

²³ Foucault, *History*, 33-34.

²⁴ Foucault, *History*, 23-24.

²⁵ Bristow, *Sexuality*, 174.

Arab and Muslim Worlds: ‘By inciting discourse about homosexuals where none existed before, the Gay International is in fact *heterosexualizing* a world that is being forced to be fixed by a Western binary.’²⁶

Foucault also examines, however, the ‘tactical polyvalence of discourses,’ in that the complex elements that contribute to shaping discourses can undermine as much as reinforce the production of power.²⁷ Power does not only operate uniformly or statically between or within discourses of opposed or similar strategic interests. It operates as ‘a multiple and mobile field of force relations, wherein far-reaching, but never completely stable, effects of domination are produced.’²⁸ Foucault gives the example of the way in which multiple discourses that problematised and categorised the ‘homosexual’ allowed for the emergence of a ‘reverse’ discourse that provided some power for ‘homosexuality’ to speak for itself.²⁹ This idea can be applied to understanding the complex ways in which contemporary discourses concerning sexuality are produced and contested internationally, by state governments, intergovernmental organisations, NGOs, and local, grassroots activists.

Whilst it is not the intention of this chapter to produce an inquiry into the constructivism of queer identities internationally, it is worth recognising the concept of sexuality as being socially and historically (re)constructed via discursive knowledge-power relations.³⁰ As Weeks argues, ‘sexuality’ is a ‘historical construction,’³¹ such that we can understand sexual identities as ‘fictions,’ ‘imagined in contingent circumstances’ their production is rooted to a historical moment.³² If we concede that ‘homosexuality’ is a distinctly Western historical construct then we should carefully consider its ability to account for desire beyond its own parameters, as Halperin notes, ‘It may well be that homosexuality has no history of its own outside the West or much

²⁶ Joseph Massad, *Desiring Arabs* (Chicago: University of Chicago Press, 2008), 188; Joseph Massad, ‘Re-Orienting Desire: The Gay International and the Arab World,’ *Public Culture* 14:2 (2002); cf. Rao, *Third World Protest*, 176-177.

²⁷ Foucault, *History*, 100-102.

²⁸ Foucault, *History*, 102.

²⁹ Foucault, *History*, 101.

³⁰ Foucault, *History*, 105-106.

³¹ Jeffrey Weeks, *Sexuality* (London: Tavistock, 1986), 15.

³² Jeffrey Weeks, ‘History, Desire, and Identities,’ in *Conceiving Sexuality: Approaches to Sex Research in a Postmodern World*, R. G. Parker and J. H. Gagnon, eds. (London: Routledge, 1995), 43-44.

before the beginning of our century.’³³ If we are to approach an analysis of sexualities outside of our own locus of sexuality, and suggest an understanding of how the two may intersect and operate together, then we should be self-reflective about the roots of such discourses of sexuality. For example, the discursive intersections of a dominant, Western ‘LGBTI’ construction of sexuality with local, non-Western identifying conceptions of sexuality is an area of potential concern for transnational solidarity.

Heteronormativity may be broadly understood as the assumption that heterosexuality is the normal sexuality of a society, institutionally reinforced, predicated on the understanding that sex and gender operate as clearly definable, fixed, categorical binaries: male and female. Heteronormativity functions to privilege particular heterosexual relations, often in accordance with patriarchal hierarchies and male-dominance, to the effect that non-normative sexualities and gender identities are treated as abnormal, silenced or invisibilised. Forces of ‘compulsory heterosexuality’ operate to coerce individuals to orient their desires and sexual relations within heterosexual boundaries.³⁴ Heterosexuality, however, should be understood as constituting ‘a diversity of meanings and social arrangements,’ whereby experiences of, for example, gender, class, and race, also impact on the ways in which heterosexuality is experienced as a privileging sexual orientation.³⁵ Nevertheless, the institutionalisation of heteronormativity in legal and social structures, such as legally recognised gender identities or sanctioned relationships, legitimises particular heterosexual relationships.³⁶

Queer perspectives have been used to challenge heteronormativity in various contexts. For example, Sharma argues for the need of a queer approach to address heteronormativity in the language of rights discourses by critiquing how norms ‘serve

³³ David Halperin, *One Hundred Years of Homosexuality and Other Essays on Greek Love* (New York: Routledge, 1990), 18.

³⁴ Adrienne Rich, ‘Compulsory Heterosexuality and Lesbian Existence,’ *Signs* 5:4 (1992), 649; R. W. Connell, *Masculinities* (Cambridge: Polity Press, 1995), 104.

³⁵ Diane Richardson, ‘Heterosexuality and social theory,’ in Diane Richardson, ed., *Theorising Heterosexuality* (Buckingham: Open University Press, 1996), 2.

³⁶ Chrys Ingram, ‘Heterosexuality: It’s Just Not Natural!’ in *Handbook of Lesbian & Gay Studies*, Diane Richardson and Steven Seidman, eds. (London: Sage Publications, 2002), 76. See also: Michael S. Kimmel, ‘Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity,’ in *Theorizing Masculinities*, Harry Brod and Michael Kaufman, eds., (London: Sage Publications, 1994); Steven Seidman, *Queer Theory/Sociology* (Cambridge: Blackwell, 1996).

the interests of existing power structures.³⁷ An awareness of heteronormativity has also increasingly penetrated development work and literature concerned with the ways in which heteronormative structures limit some people's access to development and sexual rights.³⁸ For example, those individuals whose sexualities are considered non-normative are often invisibilised in development frameworks, unless they are viewed as threats, such as 'men who have sex with men' (MSM) in HIV/AIDS programmes, whereby they are problematised.³⁹ Sharma notes, however, that we must also examine the ways in which people experience norms in their everyday lives, noting that we can simultaneously subscribe to and challenge norms, as well as perform norms for strategic purposes.⁴⁰ Sharma is also keen to point out that we should move away from thinking about norms as a binary between 'normative' and 'non-normative,' being aware of the ways we may construct new normativities that are just as harmful.⁴¹

Heteronormativity also functions significantly at a national level, allowing for the construction of nationalist identities and discourses via gendered and sexual meanings applied to race and the nation. Gosine terms this process as 'heteronationalism,' whereby 'citizenship is premised on racialised and gendered heterosexuality,' as determined by heteronormative forces within the state.⁴² In his exploration of

³⁷ Sharma, 'Reflections on the Language,' 54-55.

³⁸ For example, see: Amy Lind and Jessica Share, 'Queering Development: Institutionalised heterosexuality in development theory, practice and politics in Latin America,' in *Feminist Futures: Re-imagining women, culture and development*, Kum-Kum Bhavani, John Foran and Priya Kurian, eds. (London: Zed Books, 2003); Andrea Cornwall and Susie Jolly, 'Sexuality and the Development Industry,' *Development* 52:1 (2009); Stephen Wood, 'Heteronormativity: why demystifying development's unspoken assumptions benefits us all,' IDS: Participation, Power and Social Change (6 Nov 2013).

³⁹ Amy Lind, 'Governing Intimacy, Struggling for Sexual Rights: Challenging heteronormativity in the global development industry,' *Development* 52:1 (2009).

⁴⁰ Jaya Sharma, 'Reflections on the Construction of Heteronormativity,' *Development* 52:1 (2009): 53.

⁴¹ Sharma, 'Construction of Heteronormativity,' 54-55.

⁴² Andil Gosine, 'Speaking Sexuality: The Heteronationalism of MSM,' in *Sexuality, Social Exclusion & Human Rights: Vulnerability in the Caribbean Context of HIV*, Christine Barrow, Marjan De Bruin and Robert Carr, eds. (Kingston: Ian Randle Publishers, 2009), 97.

For more on heteronormative constructions of the nation, see: M. Jacqui Alexander, 'Not Just (Any)Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas,' *Feminist Review* 48 (Autumn 1994); V. Spike Peterson, 'Sexing Political Identities: Nationalism and Heterosexism,' *International Feminist Journal of Politics* 1:1 (1999); Jasbir Puar, 'Transnational Configurations of Desire: The Nation and Its White Closets,' in *The Making and Unmaking of Whiteness*, Birgit Brander Rasmussen, et al., eds. (Durham: Duke University Press, 2001).

heteronationalism, Gosine draws upon the work of Alexander in identifying how heteropatriarchy problematises women's 'sexual agency and erotic autonomy' in the formation of the nation.⁴³ Alexander notes how:

Erotic autonomy signals danger to the heterosexual family and to the nation. And because loyalty to the nation as citizen is perennially colonized within reproduction and heterosexuality, erotic autonomy brings with it the potential of undoing the nation entirely.⁴⁴

Whilst the primary focus for both is neo-colonial nationalisms in the Caribbean, Gosine extends Alexander's analysis regarding the erotic autonomy of women to explicitly concern sexual minorities and their positioning within nationalist discourses.⁴⁵ Gosine identifies how heteronationalist discourses function to justify homophobic violence as a means of 'cleansing' the nation of those who would infect the national body.⁴⁶ In the production of heteronationalist discourses, heterosexuality is essential for narratives of reproduction, requiring the simultaneous rejection of non-heterosexual and non-heteronormative identities and behaviours.⁴⁷ In neo-colonial contexts, race and imperialism form important dynamics in the functions of heteronationalist discourse, usually inciting popular concepts of the Westernised homosexual penetrating the nation and instigating moral decay.⁴⁸ Thus, sexual minority identities and behaviours become framed as Western phenomena, an external force that can simultaneously function as a racial, colonial threat and a moral, sexual threat, necessary for heteronationalist productions of the nation.⁴⁹ For example, Franz Fanon's post-colonial writing contains influential heteronationalist assumptions that suggest homosexuality is a white male psychosis, reasserting black male sexual identity as part of the process of nationalist struggles.⁵⁰ Contemporary examples include the

⁴³ M. Jacqui Alexander, *Pedagogies of Crossing: Meditations on feminism, sexual politics, memory, and the sacred* (Durham: Duke University Press, 2005), 22-23; Gosine, 'Speaking Sexuality,' 98.

⁴⁴ Alexander, *Pedagogies*, 22-23.

⁴⁵ Gosine, 'Speaking Sexuality.' Gosine's critique focuses on the conception and application of MSM within Caribbean heteronationalisms.

⁴⁶ Gosine, 'Speaking Sexuality,' 101-102.

⁴⁷ Alexander, *Pedagogies*, 45-46.

⁴⁸ Gosine, 'Speaking Sexuality,' 101-103; Alexander, *Pedagogies*, 48-49.

⁴⁹ Gosine, 'Speaking Sexuality,' 101-103; Alexander, *Pedagogies*, 48-49.

⁵⁰ Frantz Fanon, *Black Skin, White Masks*, trans. Constance Farrington (New York: Grove Press, 1967), p. 180, n44. See: Diana Fuss, 'Interior Colonies: Frantz Fanon and the Politics of Identification,'

deployment of heteronationalist, anti-colonial discourses by Southern governments that suggest homosexuality is a Western disease and moral danger to the health of the nation.

‘Homonormativity’ is an example of normative forces that may inadvertently subject and marginalise some sexual identities, even where these forces have developed to challenge previous heteronormative structures. This concept stems from Duggan’s observation that a ‘new neo-liberal sexual politics’ sustains heteronormative structures, rather than challenging them, ‘while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption.’⁵¹ Particular forms of acceptable expressions of homosexuality have become co-opted into neo-liberal heteronormativity, reinforcing rather than necessarily undermining privileging norms, such that, Puar argues, ‘Homonormativity can be read as a function complicit with and invited into the biopolitical valorization of life in its inhabitation and reproduction of heteronormative norms.’⁵² Thus, particular homosexual identities and relationships are granted an accepted and privileged status via heteronormativity, without challenging the core functions or components of heteronormativity, legitimising such identities, for example monogamous, white, male homosexualities.⁵³

Critical attention given to understanding and challenging homonormativity has developed into a critique of the ways in which homonormativity functions and intersects

Diacritics 24:2/3, Critical Crossings (Summer – Autumn 1994); Epprecht, *Heterosexual Africa?*, 86-87; Hoard, *African Intimacies*, 37-39.

⁵¹ Lisa Duggan, ‘The New Homonormativity: The Sexual Politics of Neoliberalism,’ in *Materializing Democracy: Toward a Revitalized Cultural Politics*, Russ Castronovo and Dana Nelson, eds. (Durham: Duke University Press, 2002), 179. See also: Heidi J Nast, ‘Queer Patriarchies, Queer Racisms, International,’ *Antipode* 34:5 (2002); Diane Richardson, ‘Desiring sameness? The rise of a neoliberal politics of normalization,’ *Antipode* 37 (2005).

⁵² Puar, *Terrorist Assemblages*, 9.

⁵³ Gender and race are generally highlighted the most in critiques concerning homonormativity. See: Nast, ‘Queer Patriarchies’; Puar, *Terrorist Assemblages*; cf. Rubin’s ‘hierarchical system of sexual value,’ in: Rubin, ‘Thinking,’ 11.

For critiques on the use of ‘homonormativity,’ see: Glen Elder, ‘Response to “Queer Patriarchies, Queer Racisms, International,”’ *Antipode* 34:5 (2002); cf. Nast, ‘Queer Patriarchies.’ See also: Gavin Brown, ‘Thinking beyond homonormativity: performative explorations of diverse gay economies,’ *Environment and Planning* 41:6 (2009); Matthew Sothorn, ‘(Un)queer patriarchies: or, “what we think when we fuck,”’ *Antipode* 36 (2003); Natalie Oswin, ‘Towards radical geographies of complicit queer futures,’ *ACME: An International e-journal for Critical Geographies* 3:2 (2005).

with nationalist discourses to produce ‘homonationalism.’ Puar uses the term ‘homonationalism’ to describe the emergence of a US ‘sexual exceptionalism’ as ‘homonormative nationalism,’ which ‘operates as a regulatory script not only of normative gayness, queerness, or homosexuality, but also of the racial and national norms that reinforce these sexual subjects.’⁵⁴ It features similarly to homonormativity in that its sanctioning function is possible only through the rejection of other ‘sexual-racial subjects,’ though at a nationalist level ‘through the simultaneous engendering and disavowal of *populations* of sexual-racial others.’⁵⁵ Thus, homonationalism operates to provide intersecting imperialist and nationalist discourses concerning Western progress via civility and citizenship, which render domestic homophobias invisible whilst emphasising the comparatively uncivil and antagonistic other.⁵⁶ Such homonormative discourses have been identified in some Western LGBTI rights discourses; homosexual acceptance oriented around progress, civility and sexual citizenship whilst symbolically contrasted with groups that are positionally othered culturally and nationally, leading to accusations of Islamophobia in some cases.⁵⁷ For example, some activist-academic proponents of the concept of homonationalism have accused UK-based actors of Islamophobia in their pursuit of LGBTI rights.⁵⁸

Whilst homonationalism as a concept offers a useful critique of contemporary LGBTI politics, bringing attention to discourses of othering race and nationality, some uses of the concept have produced poor scholarship that undermines the strength of its

⁵⁴ Puar, *Terrorist Assemblages*, 2, 38-39.

⁵⁵ Puar, *Terrorist Assemblages*, 2. Emphasis in original. Puar’s focus is on US sexual exceptionalism and homonationalism in the war on terror. See also: Jasbir Puar and Amit Rai, ‘Monster, Terrorist, Fag: The War on Terrorism and the Production of Docile Patriots,’ *Social Text* 72 (Fall 2002).

⁵⁶ Don Kulick, ‘Can There Be an Anthropology of Homophobia?’ in *Homophobias: Lust and Loathing across Time and Space*, David A. B. Murray, ed. (Durham: Duke University Press, 2009), 28; Puar, *Terrorist Assemblages*.

⁵⁷ Kay Lalor, ‘Constituting Sexuality: rights, politics and power in the gay rights movement,’ *The International Journal of Human Rights* 15:5 (2011), pp. 688, 697 n. 22. See also: Paul Mepschen, Jan Willem Duyvendak and Evelien H. Tonkens, ‘Sexual Politics, Orientalism and Multicultural Citizenship in the Netherlands,’ *Sociology* 44 (2010); Jennifer Petzen, ‘Queer Trouble: Centring Race in Queer and Feminist Politics,’ *Journal of Intercultural Studies* 33:3 (2012); Adi Kuntsman and Esperanza Miyake, eds., *Out of Place: Interrogating Silences in Queerness/Raciality* (York: Raw Nerve Books, 2008).

⁵⁸ Jin Haritaworn, et al., ‘From Gay Pride to White Pride? Why marching on East London is racist,’ *Decolonizequeer* (15 Mar 2011); Haritaworn, Tauqir, and Erden, ‘Gay Imperialism.’ Concerning the publishing controversy between Peter Tatchell and the *Out of Place* text, see: Peter Tatchell, ‘Peter Tatchell – Apology and Correction – by Raw Nerve Books’ (Sep 2009) [online]; Peter Tatchell ‘Academics smear Peter Tatchell’ [online]; Grassroots Feminism, ‘Out of Place, Out of Print – first British collection on queerness/raciality censored’ (4 Nov 2009) [online].

application.⁵⁹ Aside from some factual misrepresentations, the apparent reluctance to engage with and critique culturally- or religiously-informed homophobia with the same conviction as it does racism within LGBTI politics is a weakness of these approaches.⁶⁰ Utilising conceptions of homonationalism alongside an engagement that challenges reductive or exceptional conceptions of homophobia internationally helps to contribute to a comprehensive understanding of the complexity of contemporary LGBTI politics as it intersects with broader international phenomenon. For example, we should acknowledge, critique and seek to understand the complexity of the deployment of sexual politics and homonationalism in Europe in constructing the homophobic ‘other,’ whilst recognising LGBTI peoples’ homophobic experiences globally, as well as within European asylum systems (from both state actors and fellow asylum seekers).⁶¹

We can also analyse the function of homonationalism in the framing of sexual minority rights in the global South, particularly stemming from the dominance of Western queer discourses in approaching conceptions of non-Western sexualities. For example, Western approaches to thinking about sexuality have oftentimes presented homonormative and essentialist understandings of LGBTI sexuality and gender identity that fail to accurately account for native expressions and conceptions of gender and sexuality.⁶² Epprecht notes how Western gay rights activism has engaged in homonationalist tendencies to show ‘chauvinistic regard for the Western model of outness,’ which creates tensions in Western activist understandings of sexuality and homophobia in Africa via a homonationalist ‘narrative of Western superiority over African backwardness.’⁶³ Coly equally expresses concern with the way in which

⁵⁹ Aleardo Zanghellini, ‘Are Gay Rights Islamophobic? A Critique of Some Uses of the Concept of Homonationalism in Activism and Academia,’ *Social & Legal Studies* 21 (2012). For example, see: Haritaworn, et al., ‘From Gay Pride’; Haritaworn, Tauqir, and Erden, ‘Gay Imperialism.’

⁶⁰ Zanghellini, ‘Are Gay Rights.’

⁶¹ See: Mepschen, Duyvendak and Tonkens, ‘Sexual Politics’; Éric Fassin, ‘National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe,’ *Public Culture* 22:3 (2010); Judith Butler, ‘Sexual politics, torture, and secular time,’ *The British Journal of Sociology* 59:1 (2008); Rao, ‘Queer Questions’; Coly, ‘Introduction’; Chaka L. Bachmann, *No Safe Refuge: Experiences of LGBT asylum seekers in detention* (Stonewall, 2016); Nathanael Miles, *No Going Back: lesbian and gay people and the asylum system* (Stonewall, 2010); Sabine Jansen and Thomas Spijkerboer, *Fleeing Homophobia: Asylum claims related to sexual orientation and gender identity in Europe* (Vrije Universiteit Amsterdam, Sep 2011); Anisa de Jong, *Lesbian, gay, bisexual and transgender (LGBT) refugees and asylum seekers* (ICAR, Sep 2003).

⁶² Epprecht, *Heterosexual Africa?*, 171.

⁶³ Epprecht, *Sexuality and Social Justice*, 13, 67.

African LGBTI activists accept and adopt Western sexual conceptions and categorisations as ‘lifelines’ to access the ‘pink money’ of international LGBTI communities, particularly with regards to how these processes reinforce dominant (and misleading) ideas of ‘African homophobia.’⁶⁴ It is evident that homonationalist discourses and practices must be challenged, or in the least critiqued, as part of a wider understanding of how race, nationalism and citizenship intersect when thinking about sexuality and sexual rights internationally. Such homonormative discourses contribute to, rather than effectively challenge, essentialist and binary constructions of ‘homosexuality’ or ‘homophobia’ as being symptomatic or intrinsic to a particular race, nationality or civility.

Solidarity and Intersectionality

Relevant to an analysis of how UK-based NGOs negotiate and participate in transnational LGBTI solidarities are literatures that engage with conceptualisations of solidarity, particularly third-wave feminist literature concerned with issues of transnational feminist solidarity and intersectionality. Being reflective to how our participation in solidaristic relationships may produce exclusionary assumptions of others’ experiences, particularly in transnational contexts, as well as looking towards intersectionality beyond identity politics, is necessary in enacting a solidarity based on responsibility and accountability for each other as participants.

Featherstone’s contribution to conceptualising solidarity explores the nature of effective solidaristic relationships as negotiated, ongoing processes, oriented around a challenge to particular forms of oppression.⁶⁵ Featherstone deemphasises the idea that solidarities are formed merely through likeness and ‘pre-existing communities,’ as appeals to likeness risk entrenching identity politics and excluding others from participation, ultimately devaluing solidarity as effective action.⁶⁶ This is important for

⁶⁴ Coly, ‘Introduction,’ 24.

⁶⁵ David Featherstone, *Solidarity: Hidden Histories and Geographies of Internationalism* (London: Zed Books, 2012).

⁶⁶ Featherstone, *Solidarity*, 6-7. See also: Jodi Dean, *Solidarity of Strangers: feminism after identity politics* (Berkeley: University of California Press, 1996). Dean’s articulation of a communicative and reflective solidarity usefully adds to conceptualising the possibilities of engaging in solidarity.

understanding LGBTI solidarities, given the complexity of LGBTI identity politics at both local and transnational levels, and encourages conceptualisations of solidaristic relationships beyond the LGBTI identity spectrum. For example, one can look to the forging of diverse expressions of solidarity throughout the 1984-85 miners' strike in Britain, with the formation of groups such as Lesbians and Gays Support the Miners (LGSM) demonstrating opportunities for solidaristic relationships not bound only by likeness. LGSM's solidarity with striking miners was forged around common experiences of oppression from the state and media, including police harassment and threats to jobs and social spaces.⁶⁷ This appeal to conceptualising solidarity beyond identity politics is relevant to contemporary transnational LGBTI activism that can sometimes fail to enact solidarity beyond LGBTI-likeness, particularly when understood and enacted through a homonormative, Western lens of sexuality. For example, Long has noted Western activists' misjudged attempts at enacting solidaristic activism in Iran through the deployment of Western framings of sexuality, whilst both Seckinelgin and Gunkel have critiqued contemporary approaches to enacting transnational LGBTI solidarity.⁶⁸

Mohanty's engagement with feminist transnational solidarity is relevant here, particularly Mohanty's critique of some Western feminist conceptions of a universal 'sisterhood' of women whose experiences are generalised under a category of 'woman.' Mohanty is critical of the way in which rather than understanding feminism as a 'highly contested political terrain,' feminism, as envisioned by some Western feminist discourse, is predicated on the 'experience' of being 'female.'⁶⁹ Mohanty defines this as the 'feminist osmosis thesis,' whereby 'females are feminists by association and identification with the experiences that constitute us as female.'⁷⁰ What is problematic is the way in which assumptions about the primacy of shared 'experience,' oriented by difference, constitute a supposed political solidarity without contesting the generalised, conceptual basis of such 'experience' and 'difference.' Mohanty suggests that rather

⁶⁷ Diarmaid Kelliher, 'Solidarity and Sexuality: Lesbians and Gays Support the Miners, 1984-5,' *History Workshop Journal* 77:1 (Spring 2014); *Still the Enemy Within*, dir. Owen Gower, Dartmouth Films, 2014.

⁶⁸ Long, 'Unbearable witness'; Seckinelgin, 'Global civil society'; Gunkel, 'Some Reflections.'

⁶⁹ Chandra Talpade Mohanty, *Feminism Without Borders: decolonizing theory, practicing solidarity* (London: Duke University Press, 2003), 108-109.

⁷⁰ Mohanty, *Feminism Without*, 109.

than pursuing the idea of a ‘universal sisterhood’ that is predicated on homogenising notions of the experience of being female, ‘experience must be historically interpreted and theorized if it is to become the basis of feminist solidarity and struggle.’⁷¹ We need to be attentive to how experience is formulated via different relational connections and intersections in various contexts to understand how potential commonalities of experience can connect us across borders, rather than assuming that others identically share our particular experiences globally. This is not to deny that commonalities exist and can constitute the basis of solidaristic relations between different communities. Rather, being attentive to the complexities of our relational differences is more productive for engaging in solidarity based on responsibility and accountability for our histories and positionality than appealing to generalised notions of fixed experience that obscure the nuances and fluidity of our differences.⁷²

Acknowledging the complexities of negotiating discourses of sexual orientation and gender identity internationally, cautious of the ways in which Western conceptions can risk invisibilising local identities, is important for transnational organising.⁷³ Budhiraja, Fried and Teixeira turn to Mohanty’s concept of a ‘common context of struggle’ to note that despite, but in recognition of, the differences between sexual minorities globally, all ‘challenge traditional norms of gender and sexuality,’ identifying common experiences between different groups.⁷⁴ Puri also notes the tendency for transnational alliances to be ‘sought on the basis of common histories of marginality of lesbian and

⁷¹ Mohanty, *Feminism Without*, 122.

⁷² Mohanty, *Feminism Without*, 193. For examples of contemporary critical engagements with transnational feminist solidarities, see: Mikki Kendall, ‘#SolidarityIsForWhiteWomen: women of color’s issue with digital feminism,’ *The Guardian* (14 Aug 2013) [online]; Meenakshi Gigi Durham, ‘India’s Daughter and the Limits of Transnational Feminist Solidarity,’ *E-International Relations* (10 Apr 2015).

⁷³ See: Dennis Altman, ‘Globalization and the International Gay/Lesbian Movement,’ in *Handbook of Lesbian and Gay Studies*, Dianne Richardson and Steven Seidman, eds. (London: Sage Publications, 2002); Altman, ‘Rupture or Continuity?’; Jyoti Puri, ‘Nationalism Has a Lot to Do with It! Unraveling Questions of Nationalism and Transnationalism in Lesbian/Gay Studies,’ in *Handbook of Lesbian and Gay Studies*, Dianne Richardson and Steven Seidman, eds. (London: Sage Publications, 2002); Theron, ‘Does the label fit?’

⁷⁴ Budhiraja, Fried, and Teixeira, ‘Spelling it out,’ 132. See: Chandra Talpade Mohanty, ‘Women workers and capitalist scripts: ideologies of domination, common interests, and the politics of solidarity,’ in *Feminist Genealogies, Colonial Legacies, Democratic Futures*, M. Jacqui Alexander and Chandra Talpade Mohanty, eds. (New York: Routledge, 1997); Sonia Corrêa and Richard Parker, ‘Sexuality, human rights, and demographic thinking: connections and disjunctions in a changing world,’ *Sexuality Research and Social Policy* 1:1 (2004).

gay sexualities.⁷⁵ Identifying common contexts of struggle and histories of marginality allows for the forging of transnational solidarities based on shared experiences, rather than only on appeals to fixed categories of LGBTI identity. It is important, however, not to make assumptions about shared experience, and to note that LGBTI lives are shaped by intersecting experiences in different contexts. Adopting an intersectional approach to solidarity in transnational LGBTI activism requires appreciating the ways in which race, gender, class, and other realities, intersect with LGBTI people's contexts of struggle in different ways.⁷⁶ An engagement with and appreciation of the importance of intersectionality highlights the need for UK-based NGOs to be attentive to the ways in which LGBTI lives are shaped by intersecting experiences beyond sexual orientation and gender identity.

Sexuality and Development

Over the past decade, there has been a growing momentum in development literature to re-evaluate and critically engage with traditional development discourses that problematise sex and sexuality in the Global South. This literature contributes towards new development discourses that seek to treat sex and sexuality in development more positively, such as in terms of recognising the role of sexual pleasure in development, and ways in which development can contribute towards the progression of sexual rights and justice in the developing world. Other literature in this field continues to offer timely critiques of governmental interventions in LGBTI rights via international development policies.

Although the objects of sex(uality) in development have changed over time, international development has largely continued the ethos of the heteronormative colonial project, problematising and pathologising sex and sexuality in the global South.⁷⁷ Only more recently have there been attempts to critique and re-think the

⁷⁵ Puri, 'Nationalism,' 438.

⁷⁶ See: Kimberle Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,' *University of Chicago Legal Forum* (1989): 139-167; Kimberle Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color,' in *The Public Nature of Private Violence*, Martha Albertson Fineman and Roxanne Mykitiuk, eds. (New York: Routledge, 1993).

⁷⁷ Andil Gosine, 'Monster, Womb, MSM: The work of sex in international development,' *Development* 52:1 (2009).

heteronormativity of development and look to new ways of approaching sex and sexuality from more positive rights-based and pleasure-affirming projects within development.

Analyses of the ways in which the development industry has historically imagined sex and sexuality identify the roots of Western development approaches within the history of colonialism and the colonial civilising projects that regulated and problematised the sexualities of colonial subjects as deviant. For example, Tamale notes the ‘ethnocentric and racist construction of African sexualities’ in nineteenth century colonial projects that justified and legitimised colonial intervention in order to civilise the continent.⁷⁸ Gosine expands on this point, identifying a two-fold effect in the processes of regulating indigenous sexualities: civilising the indigenous populations brought them in line with the normative sexuality of the colonial power, whilst demonstrating the moral superiority of imperial culture and sexuality by framing itself against the sexual deviance of the ‘monster’ sexuality of the colonised.⁷⁹ Adams and Pigg provide a similar analysis that identifies the ways in which, moving beyond only colonial processes, analyses of sexuality often place Western sexual norms in a central conceptual position against which other non-Western expressions of sexuality are compared to, reinforcing certain Western cultural identities and expressions as ‘commonsense.’⁸⁰ Literature concerned with the violence against and vulnerability of female sex workers in sub-Saharan Africa makes historical comparisons to the sexual objectification and violence experienced by black women under periods of Euro-American orchestrated slavery.⁸¹

Contemporary literature in this area provides a useful critique of the ways in which international development has traditionally imagined and approached issues of sex and sexuality in the twentieth century, with a focus on heteronormative constructions of

⁷⁸ Sylvia Tamale, ‘Researching and theorising sexualities in Africa,’ in *African Sexualities: A Reader*, Sylvia Tamale, ed. (Oxford: Pambazuka, 2011), 14-16.

⁷⁹ Gosine, ‘Monster,’ 26-28.

⁸⁰ Stacy Leigh Pigg and Vincanne Adams, ‘Introduction: The Moral Object of Sex,’ in *Sex in Development: Science, Sexuality, and Morality in Global Perspective*, Vincanne Adams and Stacy Leigh Pigg, eds. (Durham: Duke University Press, 2005), 6. See also: Desiree Lewis, ‘Representing African Sexualities,’ in *African Sexualities: A Reader*, Sylvia Tamale, ed. (Oxford: Pambazuka, 2011).

⁸¹ For example, see: Sylvia Tamale, ‘Paradoxes of sex work and sexuality in modern-day Uganda,’ in *African Sexualities: A Reader*, Sylvia Tamale, ed. (Oxford: Pambazuka, 2011), 161.

gender and sexuality and the pathologisation of sex and sexuality in the Global South. Whilst feminist theorising continues to contribute to debates about heteronormativity in development, often focusing on the relationships between normative sexuality and gender and how we consequently conceive of female agency and empowerment, there is a growing recognition of the usefulness of queer and alternative theories in these debates.⁸² Although some areas of feminist theorising have been useful, particularly with regards to critiquing heteronormativity in contemporary debates, other Western feminist discourses have traditionally conceived of development through very heteronormative assumptions about gender and sexuality in the third world. This is most notable in the literature on Gender and Development (GAD) that developed in the 1980s. Arnfred presents a useful critique of GAD, noting the inherent rearticulation of colonial assumptions and discourses about ‘African sexuality’ within GAD literature, and the powerful impact that GAD has had on popular development constructions of gender and sexuality, not only for international development and Western donors, but also for African researchers.⁸³ One area that GAD and Western feminism seem heavily concerned with are issues of sexual violence against women, highlighted by attention from the 1980s onwards on the issue of female genital mutilation, leading to women from the Global North striving to ‘save’ the victimised women of Africa, without, as Tamale critiques, recognising or engaging with ‘the multifaceted nature of the practice.’⁸⁴ Such focused attitudes towards particular aspects of third world female sexuality leads to rigid constructions of how Western development discourses understand and problematise third world women’s sexual lives. Jolly, drawing on Mohanty’s critiques of ‘first world’ feminist scholars, notes hegemonic development discourses construct women as ‘victims of bad sex,’ perpetrated by men and often within the context of HIV/AIDS, deemphasising female sexual agency and pleasure,

⁸² Charmaine Pereira, ‘Interrogating Norms: Feminists theorizing sexuality, gender and heterosexuality,’ *Development* 52:1 (2009). See also: Stevi Jackson, ‘Gender, Sexuality and Heterosexuality: The complexity (and limits) of heteronormativity,’ *Feminist Theory* 7:1 (2006).

⁸³ Signe Arnfred, ‘Re-Thinking Sexualities in Africa: Introduction,’ in *Re-thinking Sexualities in Africa*, Signe Arnfred, ed. (Uppsala: Nordiska Akrikainstitutet, 2004), 11-14.

⁸⁴ Tamale, ‘Researching,’ 19-20.

often promoting damaging constructions of third world female sexuality that justify misplaced western development interventions.⁸⁵

One method of re-thinking traditional problematisations of sex and sexuality in development is to approach sex from the perspective of pleasure. From colonial interventions of sexual regulation, exploitation, and objectifying orientalist desire, to family planning, sexual violence and HIV/AIDS, development has left out the concept that sex is a pleasurable aspect of life. Cornwall and Jolly identify challenges to the 'erotophobia' within traditional development discourses, which ignore the realities of many sexual motivations and experiences, consequently contributing towards the invisibility of sexual agency, particularly for women and people living with HIV, thus reinforcing hegemonic problematisations of sexuality in development.⁸⁶ Jolly notes how, by moving away from traditional development problematisations of sexuality and stereotypes of female victims and male predators, sexuality can be approached more positively to empower people to take control of their sexual agency and promote safer sexual practices, in ways that fit well with contemporary development philosophies.⁸⁷

Another approach to sexuality in development, occasionally tied to thinking about sexual pleasure and empowerment, is the issue of sexual rights and the role that international development can play in helping to realise these rights internationally. The challenge with a rights-based approach to sexuality in development is establishing a rights framework amongst disjointed and dissimilar movements internationally. Despite the political usefulness in organising resistance around categorised identities, and whilst some sexual minority groups have formed around Western LGBTI identity conceptions, others seek to reimagine and politically articulate the indigenous sexual and gender identities with which they feel more comfortable.⁸⁸ Equally, some sexual minority groups may not feel secure enough to establish a political identity in the pursuit of equal rights due to the threat of violence, criminalisation and regulation they may face in their respective societies.⁸⁹ Some of the literature on sexual rights conceptualises sexuality

⁸⁵ Susie Jolly, 'Why the Development Industry Should Get Over its Obsession With Bad Sex and Start to Think About Pleasure,' *IDS Working Paper* 283 (May 2007), 10-11.

⁸⁶ Cornwall and Jolly, 'Sexuality,' 9-10.

⁸⁷ Jolly, 'Why the development industry,' 20-21.

⁸⁸ Cornwall and Jolly, 'Sexuality,' 10.

⁸⁹ Lind, 'Governing Intimacy,' 36-37; Cornwall and Jolly, 'Sexuality,' 10.

within, or at least in relation to, international human rights, raising questions about how much international human rights law can accommodate issues of sexual rights.⁹⁰ This requires a consideration of how international organisations, both within and beyond international development, conceptualise and organise around international human rights in the pursuit of sexual rights internationally.⁹¹ Given the dominance of the Millennium Development Goals and Sustainable Development Goals to international development discourses, recent work has attempted to link issues of sexual orientation and gender identity to the impact of the Goals.⁹²

Other recent work in this field has contributed investigations into the economic costs of homophobia, notably Badgett's work that evaluates how stigma and exclusion of LGBTI people in society negatively impacts on the economic development of a country.⁹³ Whilst this research seems to have gained traction with select elements of the World Bank, further research is needed to fully evidence the costs of discrimination to generate broad support.⁹⁴ Meanwhile, research continues to examine the ways in which LGBTI rights are deployed by development agencies internationally.⁹⁵ Particular attention has been given to the ways in which Western governments have used aid conditionality to pressure acceptance of LGBTI rights in the Global South.⁹⁶

⁹⁰ For example, see: Kate Sheill, 'Sexual rights are human rights,' in *Development with a Body: Sexuality, Human Rights & Development*, Andrea Cornwall, Sonia Correa and Susie Jolly, eds. (London: Zed Books, 2008).

⁹¹ For example, see: Joke Swiebel, 'Lesbian, gay, bisexual and transgender human rights: the search for an international strategy,' *Contemporary Politics* 15:1 (2009).

⁹² For example, see: Aimen Majeedullah, Kimberly Wied, and Elizabeth Mills, *Gender, Sexuality and the Sustainable Development Goals: A Meta-Analysis of Mechanisms of Exclusion and Avenues for Inclusive Development*, Evidence Report No 206 (Sexuality, Poverty and Law, IDS, Oct 2016).

⁹³ M. V. Lee Badgett, *The economic cost of stigma and the exclusion of LGBT people: a case study of India* (Washington, DC: World Bank Group, 2014).

⁹⁴ Fabrice Houdart, 'Estimating the Global Cost of Homophobia and Transphobia,' The World Bank (17 May 2012) [online]; Lucy Westcott, 'What Homophobia Costs a Country's Economy,' *The Atlantic* (12 Mar 2014) [online].

⁹⁵ See: Rachel Bergenfield and Alice M. Miller, 'Queering International Development? An Examination of New 'LGBT Rights' Rhetoric, Policy, and Programming among International Development Agencies,' *LGBTQ Policy Journal*, Harvard Kennedy School (Oct 2014).

⁹⁶ Adam J. Kretz, 'Is Aid Conditionality the Answer to Antigay Legislation? An Analysis of British and American Foreign Aid Policies Designed to Protect Sexual Minorities,' *Vienna Journal of International Constitutional Law* 7 (2013); Luis Abolafia Anguita, 'Aid conditionality and respect for LGBT people rights,' *SPW Working Paper 7: The global context: Sexuality and geopolitics* (Apr 2012); Scott Long, 'Resources for the unbelievers, on aid conditionality and LGBT rights,' *a paper bird* (26 June 2012) [online].

Chapter 2

Methodology

The aim of the thesis is to provide an analysis of the role of UK-based NGOs that are engaged in contemporary transnational LGBTI activism. Drawing on interdisciplinary global queer studies and Queer International Relations, the thesis situates its analysis within a broader understanding of the intersections between the legacies of colonialism and contemporary international relations on LGBTI rights. Following a thematic analysis of interview data and NGO publications, the thesis contributes an analysis of the strategies and discourses deployed by UK-based NGOs, including their engagements with UK governmental actors, examining their roles via particular case studies, including LGBTI aid conditionality, sodomy laws, and LGBTI asylum. This chapter presents the methodological considerations of the thesis, starting with a discussion of the development of the central research aim following a review of relevant disciplinary literatures. The chapter then presents a discussion of the overall research design, and methods of data-collection and data-analysis.

Development of the Research Aim

The research aim of the thesis was influenced by an engagement with global queer studies and Queer International Relations literatures and the thesis draws on these and other interdisciplinary approaches in its examination of UK-based NGOs.¹ The research aim was developed from the observation that there remained scope for a critical examination of UK-based NGO participation in transnational LGBTI activism within global queer studies and related literatures. Whilst Waites provides an analysis of four

¹ For example, see: Weber, *Queer International Relations*; Rao, 'Locations of homophobia'; Rao, 'Queer Questions'; Bosia, 'Strange Fruit'; Seckinelgin, 'Global civil society'; Gunkel, 'Some Reflections'; Puar, *Terrorist Assemblages*; Adam, Duyvendak, and Krouwel, eds., *Global Emergence*; Altman, *Global Sex*; Altman, 'Rupture or Continuity?'; Francesca Stella, et al., eds., *Sexuality, Citizenship and Belonging: Trans-National and Intersectional Perspectives* (New York: Routledge, 2015).

key London-based organisations (Kaleidoscope Trust, Stonewall, Human Dignity Trust, and the Peter Tatchell Foundation), this thesis contributes further depth of research on the same NGOs whilst examining a broader range of UK-based NGOs.² This includes organisations involved with LGBTI asylum, such as UK Lesbian and Gay Immigration Group (UKLGIG), and LGBTI diaspora-led organisations, such as Out & Proud African LGBTI. Building upon Waites’ analysis of the UK NGO space, the thesis also explores the intersections between UK-based NGOs and UK governmental actors that have some engagement in international LGBTI human rights. Given the evolving nature of the UK LGBTI NGO space, the thesis contributes a timely analysis of UK-based engagements in transnational LGBTI activism, examining how they respond to and influence governmental strategies, and whether they demonstrate an appreciation for the complexities of colonial legacies as they intersect international LGBTI rights.

The interest of examining the role and impact of colonial legacies in transnational LGBTI activism emerged from adopting a historical approach to contextualising some of the contemporary tensions in international relations regarding sexual orientation and gender identity. This is of particular interest when examining the role of UK-based actors given the UK’s imperial history. The thesis positions itself within interdisciplinary global queer studies, interdisciplinary International Relations and postcolonial studies that recognise the contemporary legacies of British colonialism on LGBTI lives via engagements with histories of empire and sexuality. For example, Gupta and Kirby each identify how the implementation of ‘sodomy laws’ throughout the British Empire continues to impact on the lives of LGBTI people globally.³ The thesis contributes to this literature by examining how UK-based NGOs articulate strategies of engagement based on the legacy of ‘sodomy laws,’ critiquing the ways in which sodomy laws are singled out as a legacy of empire at the expense of a nuanced engagement with the myriad legacies of colonialism that shape contemporary international relations and impact LGBTI people in different ways, not limited to their sexual orientation or gender identity.⁴ Furthermore, the thesis draws upon and contributes to critical engagements with the ways in which LGBTI rights are negotiated

² Waites, ‘The New Trans-national Politics’; Waites, ‘LGBTI organizations navigating.’

³ Gupta, *This Alien Legacy*; Kirby, ‘The sodomy offence.’

⁴ Rahul Rao, ‘On “gay conditionality”, imperial power and queer liberation,’ *KAFILA* (1 Jan 2012) [online].

within the Commonwealth, as an institutional legacy of British imperialism, specifically examining the interventions of UK-based NGOs within its transnational networks.⁵

The interest of adopting a historical approach to understanding and contextualising contemporary tensions in international relations concerning sexual orientation and gender identity led to an engagement with literature that explores nineteenth century conceptualisations and politicisations of sexuality in Western Europe.⁶ Appreciating the ways in which the production of these nineteenth century discourses about sexuality closely intersected discourses of race and empire enhances a critical understanding of the ways in which the legacies of colonialism continue to influence contemporary international relations.⁷ As such, the intellectual development of the research aims of the thesis were also influenced by literature that engages with histories of African sexualities and that contextualises contemporary political and cultural discourses via historical studies.⁸

The historical approach of the research aim and review of relevant literatures also led to examining historical intersections of sexuality and development, from imperial discourses to contemporary tensions regarding the deployment of LGBTI rights in development policy.⁹ The thesis contributes to this interdisciplinary development studies literature via a detailed critique of UK-based actors' deployment of LGBTI aid conditionality discourses in pursuit of LGBTI rights internationally. Furthermore, Long's critiques of the complicity of US-based NGOs in US foreign policy strategies informs the examination of the interactions between UK-based NGOs and UK governmental actors within the thesis.¹⁰

The intellectual development of the research aim was influenced by an engagement with queer, gender and sexuality studies, drawing on classic influential texts of the

⁵ Lennox and Waites, 'Human rights, sexual orientation'; Waites, 'LGBTI organizations navigating.'

⁶ Foucault, *History*; Weeks, *Coming Out*.

⁷ McClintock, *Imperial Leather*; Stoler, *Race and the Education*.

⁸ Epprecht, *Heterosexual Africa?*; Hoad, *African Intimacies*; Rahul Rao, 'Re-membering Mwanga: same-sex intimacy, memory and belonging in postcolonial Uganda,' *Journal of Eastern African Studies* 9:1 (2015).

⁹ Gosine, 'Monster'; Tamale, 'Researching'; Kretz, 'Aid Conditionality'; Anguita, 'Aid Conditionality'; Badgett, *Economic cost*; Bergenfield and Miller, 'Queering International'; Long, 'Resources for the unbelievers.'

¹⁰ Scott Long, 'Selling out: The gays and governmentality,' *a paper bird* (2 Nov 2016) [online].

discipline.¹¹ For example, positioning itself within interdisciplinary gender and sexuality studies, global queer studies, and Queer International Relations, the thesis draws on Foucault's conceptualisation of discourse and power, as applied within the discipline by scholars such as Massad and Weber.¹² Drawing on postcolonial studies and transnational, interdisciplinary feminist studies has also been important for the development of the research aim, particularly via engagement with Mohanty on transnational solidarity, and with Krenshaw's work on intersectionality.¹³ These themes of transnational solidarity and intersectionality are important for understanding contemporary tensions in transnational LGBTI activism and enhance the examination of UK-based NGO participation in this area.

Other theoretical influences on the development of the thesis include an engagement with the concepts of heteronormativity and homonormativity, and how these can intersect race and nationality via practices and processes of heteronationalism and homonationalism.¹⁴ An engagement with homonationalism is particularly relevant for the research aim of the thesis given the ways in which it disrupts and highlights tensions in contemporary LGBTI politics, and since UK-based actors have been accused of homonationalist practices in the literature previously.¹⁵ The thesis draws on the interdisciplinary, postcolonial-queer, global queer studies, and Queer International Relations literatures that engage with and critique homonationalism, and challenge associated discourses concerning homophobia, nationalism and modernity in international relations.¹⁶ Positioning the thesis within interdisciplinary global queer studies and Queer International Relations, the thesis adopts a normative approach to the research, reflecting its disciplinary roots, to suggest and caution possible future

¹¹ Foucault, *History*; Rubin, 'Thinking Sex'; Sedgwick, *Between Men*; Butler, *Gender Trouble*.

¹² Foucault, *History*; Massad, 'Re-orienting Desire'; Weber, *Queer International Relations*.

¹³ Mohanty, *Feminism Without*; Mohanty, 'Women workers'; Crenshaw, 'Demarginalizing'; Crenshaw, 'Mapping.' See also: Budhiraja, Fried, and Teixeira, 'Spelling it out'; Featherstone, *Solidarity*.

¹⁴ Rich, 'Compulsory Heterosexuality'; Duggan, 'New Homonormativity'; Nast, 'Queer Patriarchies'; Gosine, 'Speaking Sexuality'; Alexander, *Pedagogies*; Puar, *Terrorist Assemblages*.

¹⁵ Haritaworn, Tauqir, and Erden, 'Gay Imperialism.'

¹⁶ Puar, *Terrorist Assemblages*; Rahman, 'Queer Rights'; Rao, 'Queer Questions'; Butler 'Sexual Politics'; Gunkel, 'Some Reflections'; Coly, 'Introduction'; Sandeep Bakshi, Suhraiya Jivraj, and Silvia Posocco, eds., *Decolonizing Sexualities: Transnational Perspectives, Critical Interventions* (Oxford: Counterpress, 2016).

approaches and responsibilities for UK-based NGOs engaged in transnational LGBTI activism.

Research Design

Given that the research aim of the thesis focused on an analysis of UK-based NGOs, the primary focus of the research design centred on identifying a core sample of relevant UK-based NGOs that would feature in the analysis. Whilst there are a number of NGOs that intersect or operate within the boundaries of transnational LGBTI activism or affect LGBTI lives globally, the research design adopted a purposive sampling technique that focused on identifying NGOs that were founded or based in the UK.¹⁷ NGOs also needed to have a primary interest and strategic vision aimed towards supporting LGBTI people's lives globally, mainly via involvement in transnational LGBTI activism. As part of the sampling process, dialogue with representatives of some organisations revealed that whilst they had an intersecting interest in LGBTI issues, their strategies were not primarily focused on LGBTI issues, consequently helping to focus the sampling of NGOs directly relevant to the research aim.¹⁸ Thus, sampling included the main, London-based NGOs that have been identified in Waites' research, particularly Kaleidoscope Trust, Stonewall, Human Dignity Trust, and the Peter Tatchell Foundation.¹⁹ In seeking to contribute a broader and deeper analysis to existing research, sampling of NGOs led to the inclusion of both diaspora organisations and other, smaller NGOs in the UK that were primarily concerned with LGBTI people's rights globally, but had not been examined in previous research, such as Out and Proud African LGBTI and Rainbow International LGBT Activist Solidarity Fund.

In addition to sampling UK-based NGOs, the focus of the research aim also led to sampling of case studies that provided opportunities to highlight and examine complex aspects of UK-based NGO participation in transnational LGBTI activism. For example,

¹⁷ Alan Bryman, *Social Research Methods* (Oxford: Oxford University Press, 2016), 407-420; Carol Warren and Tracy Xavia Karner, *Discovering Qualitative Methods: Ethnography, Interviews, Documents, and Images* (New York: Oxford University Press, 2015), 133-137.

¹⁸ Irving Seidman, *Interviewing as Qualitative Research: A Guide for Researchers in Education and the Social Sciences* (Teachers College Press, 2012).

¹⁹ Waites, 'The New Trans-national Politics.'

the case study examining the use of boycotts in response to developments in Brunei in 2014 provided an opportunity to explore some key tensions regarding UK-based NGO claims to solidarity and the complexities of cooperation and coherency within the UK-based NGO space.

Drawing on global queer studies and development studies approaches, the scope of the research aim led to the inclusion of analysing NGO engagements with UK governmental actors and the ways in which UK governmental actors participate in international LGBTI politics, issues and activism. This led to sampling UK governmental actors that were identified as having particular interest in or strategies regarding LGBTI rights internationally and had interacted with UK-based NGOs on such issues: the All Party Parliamentary Group on Global LGBT Rights (APPG LGBT), the Foreign and Commonwealth Office (FCO), and the Department for International Development (DFID).

As the research aim is concerned with exploring the intersections of UK-based engagements with colonial legacies in contemporary international LGBTI politics, case studies were sampled for their relevance to exploring these themes. The colonial legacy of British sodomy laws, the pursuit of LGBTI rights in the Commonwealth and its intergovernmental structures, and the complex challenges of LGBTI asylum each provide useful case studies to explore UK-based NGO engagements with the legacies of colonialism as they intersect contemporary international LGBTI issues. From this sampling of case studies, it also became relevant to expand the sample of UK-based NGOs to include organisations involved in LGBTI asylum, such as UKLGIG and No Going Back.

Methods of Data-collection

Interviews were chosen as a key method of data collection to gain detailed, targeted information about NGO activities, strategies, and intentions beyond what could be found in available published materials, such as NGO publications and websites. A semi-structured approach to interviewing was adopted as it allowed for common issues relevant to the central research question to be addressed across all interviews, whilst allowing for flexibility in responses and opportunities to discuss issues that were

particularly important for each participant.²⁰ This was relevant given the differing strategies and approaches employed by different NGOs, which would have been more difficult to capture with a rigidly-structured interview style. Furthermore, when interesting and unexpected themes emerged in interviews, these could later be incorporated into conversations in subsequent interviews, as appropriate. Thus, semi-structured interviewing allowed for an anchor to the central concerns of the research aim from which to explore NGOs' differing approaches to transnational LGBTI activism, subsequently providing a rich source of data.

Requests to participate in a research interview targeted individuals with leadership roles within selected NGOs, such as founders or executives, because of their positionality to speak confidently for the activities, strategies and visions of each organisation. All interview participants were given the option of personal anonymity, with the understanding that their responses would only be related to their organisational role or position within each NGO. Given the focus of the research aim on the role of NGOs, it was relevant to link interview participant responses to particular NGOs, allowing for a comparative analysis of the ways in which different NGOs engage in transnational LGBTI activism. Generally, participants were unconcerned with anonymity and so their names have been used with their permission where this is the case. In most cases, participants were the directors or heads of their respective organisation, providing some sense of authority 'speaking for' the NGO in question, whilst simultaneously highlighting the subjectivity of their individual responses. Thus, whilst participants can be understood as 'speaking for' their respective NGOs, often providing greater detail and insight into the working of the NGO than is available in published materials, responses should always be understood as subjective to the participant.

Interviews were conducted with one representative from each of the following UK-based NGOs: Human Dignity Trust; Justice for Gay Africans Society; Kaleidoscope Trust; No Going Back; Peter Tatchell Foundation; Rainbow International LGBTI Activist Solidarity Fund; and UKLGIG. Following the initial sampling of interviews

²⁰ Bryman, *Social Research Methods*, 465-497; Warren and Karner, *Discovering Qualitative Methods*, 137-142; Tim May, *Social Research: Issues, methods and process* (Maidenhead: Open University Press, 2011), 134-136, 139-150; Nigel King and Christine Horrocks, *Interviews in Qualitative Research* (London: SAGE Publications, 2010).

with NGO representatives, adopting a snowballing approach to interview sampling allowed for the inclusion of interviews with UK-based activists that were not aligned to particular NGOs, but were included based on the recommendation of other interview participants.²¹ This led to two further interviews with Bisi Alimi, a Nigerian LGBT and HIV activist, and a European LGBT activist, both of whom had experience working within the UK LGBTI NGO space.²² All interviews were conducted between July 2014 and August 2015.

Whilst a larger range of NGOs were sampled in the research design, some NGOs that were approached for interview were unable or unwilling to participate in an interview. In some cases, NGOs that were contacted failed to reply to requests, whilst others declined because of constraints on their time or resources, or because they did not want to participate in the research. For example, representatives from diaspora organisations that were approached noted the lack of time that they could dedicate to participating in the research. As an alternative, email-based interviews were attempted, but organisations either failed to respond or explained they did not have the time or resources to respond. Although this meant a lack of representation for diaspora organisations in the interview data, data-collection from sources other than interviews, such as news media and online content created by diaspora organisations, allowed for diaspora-led NGO perspectives and strategies to be included, represented and examined in the data-analysis of the thesis. Similarly, whilst interviews could provide a rich source of data, refusal to participate in an interview did not preclude the inclusion of NGOs in other methods of data-collection and analysis. For example, most NGOs have websites and produce publications and other media that detail aspects of their work, strategies and vision, which are usually readily accessible online.

In addition to data-collection from interviews with representatives from UK-based NGOs, a variety of other sources were sampled, including NGO and government publications, website materials and other online content created by NGOs, media sources, blogs, and contemporary academic and activist publications and reports. Several NGOs have published research related to their interests and engagements with

²¹ Bryman, *Social Research Methods*, 415-416.

²² Since participating in the interview for this research, Alimi is now the executive director of his own Bisi Alimi Foundation: <http://www.bisialimifoundation.org/> (accessed 15/03/16). See also: <http://www.bisialimi.com/> (accessed 15/03/16).

LGBTI issues, which allows further detailed insight into their strategies and participation in transnational LGBTI activism. Most NGOs have an active online presence, with a lot of material being freely available on their websites. This can include press releases about their activities as well as information relating to the structure of an organisation and its staff. When examining NGO strategies in the data-analysis, this allowed interview data to be supplemented with references to NGO websites and publications, enhancing a critical analysis of NGO engagements by drawing on a range of data.²³

Sampling of media sources led to the use of data-collection particularly from Pink News, BBC News, *The Guardian*, and *The Independent* given their greater attention to international LGBTI issues compared to other UK-based news media outlets. Given the contemporary nature of many of the case studies explored in the research, drawing on such news media allowed for analysis of contemporary data under-explored in academic writing. LGBTI news media, such as Pink News, are particularly useful given that they can act as a platform for UK-based actors involved in NGOs. This is useful for the research to capture the perspectives of organisations and their representatives that were not fully captured in interviews, such as diaspora-led organisations. The use of online sources also allowed for the inclusion of southern NGO and activist perspectives, which would otherwise not be captured by the UK-focus of interview data-collection. Data-collection of sources other than interviews, including publications, reports, press releases, websites and other online materials, were gathered between 2012 and 2016.

To supplement data collected from UK governmental publications, interviews were sought with representatives from relevant UK governmental actors identified in the research design, namely the FCO, DFID, and the APPG LGBT. This process was aided following the adoption of a snowballing approach to further interview sampling, which led to the inclusion of an interview with a member of the Equality and Non-Discrimination Team within the Human Rights and Democracy Department of the FCO. Unfortunately, interviews were not secured with representatives from DFID or the APPG LGBT. Instead, data-collection was drawn from DFID and APPG LGBT publications, as well as interviews with governmental representatives in news media.

²³ Warren and Karner, *Discovering Qualitative Methods*, 238.

Data-analysis

A thematic approach to data-analysis was adopted, identifying common themes across the data collected from interviews, documents and other online sources, informed by the interests and theoretical considerations of the central research aim, such as solidarity, intersectionality, homonationalism, and legacies of colonialism.²⁴ This allowed for relevant themes to emerge from the empirical data, rather than seeking to fit data within a rigid, pre-determined theoretical framework. For example, some common themes emerged organically across the collected interview data with little prompting from the interviewer, such as LGBTI aid conditionality, or tensions between accessible and effective activism strategies. Being led by the themes that emerged across the data highlighted the strength of these issues as they related to the central research aim, and allowed for examination of themes that were previously under-emphasised in the research literature.

Once common themes were identified across the collected data, interview transcripts were revisited to identify specific points of data, including relevant quotations, that contributed to analysing each theme in greater detail. Subsequently, the themes were ordered to construct the analytical narrative of the thesis, contributing to ordering the data-analysis under grouped themes of the UK-based NGO landscape, UK governmental interventions, and the intersections of international strategies with legacies of colonialism, informing the structure of chapters five, six, and seven of the thesis. Within each group, the data-analysis was ordered by the common themes that emerged from the thematic analysis of the data, using case studies to further explore these themes. For example, the analysis of the UK-based NGO landscape engages with issues of funding, before examining the types of activism strategies employed by UK-based NGOs, ordering the strategies thematically to allow for comparative analysis of each strategy type. Given the different strategies employed by NGOs, the analysis then turns to exploring issues of cooperation and coherency within UK-based LGBTI activism, which emerged as a significant theme in the interview data. The use of the case study of UK-based NGO responses to boycotts against Brunei allows for these themes to be examined by drawing on a concrete example.

²⁴ Bryman, *Social Research Methods*, 584-589; Catherine Marshall and Gretchen Rossman, *Designing Qualitative Research* (London: SAGE Publications, 2011), 214-215.

With the data-collection focus on interviewing people in leadership positions within UK-based NGOs came the challenge of representing impressive and powerful movement leaders. Whilst there is a sense when conducting interviews that the researcher is indebted to interview participants, particularly given the notable work they have done in the UK LGBTI space, it is important for the research to remain fair and critical in its approach to the research subject. The data-analysis seeks to fairly represent and critique the views and contributions of all interview participants, as well as figures who are represented in other non-interview sources used in the analysis. It does so by using direct quotations where relevant when representing the contributions of interview participants, and draws on secondary sources to ensure detailed referencing of arguments.²⁵

Whilst the thesis has chosen to adopt a thematic approach to data-analysis that is led by engaging with themes that emerge from empirical research, there are other theoretical approaches that are potentially relevant to the research topic. An engagement with social movement theory may enhance an understanding of the emergence of UK-based NGOs engaged in transnational LGBTI activism and the strategies they have chosen to adopt, such as by drawing on concepts of framing and political opportunity structures.²⁶ For example, Lennox and Waites explore the application of social movement theory to a comparative analysis of mobilisation around LGBTI struggles across the Commonwealth.²⁷ Similarly, transnational advocacy network theories, such as developed by Keck and Sikkink, may also have useful application to the research

²⁵ Jinjun Wang and Ying Yan, 'The Interview Question,' in *The SAGE Handbook of Interview Research: The Complexity of the Craft*, Jaber Gubrium, et al., eds. (London: SAGE Publications, 2012); Lara Foley, 'Constructing the Respondent,' in *The SAGE Handbook of Interview Research: The Complexity of the Craft*, Jaber Gubrium, et al., eds. (London: SAGE Publications, 2012); Marshall and Rossman, *Designing Qualitative Research*, 155-156.

²⁶ Doug McAdam, 'The framing function of movement tactics: strategic dramaturgy in the American civil rights movement,' in *Comparative Perspectives on Social Movements*, Doug McAdam, John McCarthy, and Mayer Zald, eds. (New York: Cambridge University Press, 1996); Robert Benford and David Snow, 'Framing Processes and Social Movements: An Overview and Assessment,' *Annual Review of Sociology* 26 (2000); Herbert Kitschelt, 'Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies,' *British Journal of Political Science* 16:1 (1986).

²⁷ Corinne Lennox and Matthew Waites, 'Comparative analysis of decriminalisation and change across the Commonwealth: understanding contexts and discerning strategies,' in *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change*, Corinne Lennox and Matthew Waites, eds. (London: Human Rights Consortium, University of London, 2013).

topic, for example by exploring the potential of transnational advocacy networks to transform questions of sovereignty in international relations.²⁸

Whilst these are potentially useful theoretical approaches to the research aim, and may benefit future research, the thesis' less rigid theoretical framework echoes its engagement with global queer studies, transnational feminist, postcolonial and critical literatures which often use less rigid theoretical frameworks. The approach to data-analysis is reached via engagement with these literatures, the thematic analysis of the empirical research data allowing strong themes to emerge, the analysis enhanced with attention to issues of solidarity, intersectionality, homonationalism, and legacies of colonialism.

²⁸ Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998). On engagement with sovereignty, see: Weber, *Queer International Relations*. On other engagements with social movement and transnational advocacy network theories as related to LGBTI issues, see, for example: Rafael de la Dehesa, 'Global communities and hybrid cultures: Early gay and lesbian electoral activism in Brazil and Mexico,' *Latin American Research Review* 42:1 (2007); Swiebel, 'Lesbian, gay, bisexual'; Bosia, 'Strange Fruit,' 261.

Chapter 3

Uncovering the Sexuality of the Spectre: Exploring the Formation and Implementation of Imperial Sexual Discourses

Those [anti-sodomy] provisions were part of a package, one that extended the ‘civilising,’ reforming mission – and the power and the knowledge – of the still-tenuous colonial apparatus over both broader and more intimate areas of life. The state rigidly policed the public sphere and people’s bodies. Many of its mechanisms are still working.¹

The ‘spectre’ of colonialism looms over contemporary debates concerning the rights and freedoms of sexual minorities in the Global South. Not always obvious, it permeates debates depositing the conceptual products of historical legacies, obscuring the origins of political and religious rhetoric. It equally affects the ways in which we construct such debates, carrying with it the colonial baggage of Western imperial intervention and oppression, and post-independence resistance and self-determination.

This chapter explores the historical intellectual development of European problematisations and criminalisations of homosexual behaviour that were imposed on colonial territories in the form of ‘sodomy laws’ that have persisted in many decolonised states. From medieval-era theological discourse to nineteenth century legal and medico-psychiatric approaches, the problematisation of homosexuality must be viewed as having a long and complex history, each intellectual discourse adapting, changing and reiterating previous conceptualisations. It is worth examining nineteenth century European discursive conceptualisations of sexuality considering the influence such

¹ Gupta, *This Alien Legacy*, 26.

discourses had on the imperial project, and continue to have in contemporary international relations. The dominant conceptions of sexuality and the desire to problematise and control sexual orientation and behaviour in the nineteenth century marked a point of divergence between conceptualising sexuality in the colonies and the metropole. Whilst imperialism diffused conceptions and problematisations of (homo)sexuality globally, the progress of LGBTI liberation in the West during the latter part of the twentieth century was not matched in equal terms in most decolonised states. This has resulted in a contemporary situation whereby LGBTI groups throughout the Global South are faced with homophobic legacies of empire, as the West demands the world catch up to its level of modernity. This chapter, therefore, provides a historical contextualisation of the contemporary international context within which transnational LGBTI activism operates, influenced by the legacies of colonialism and the nineteenth century deployment of sexuality.

Problematizing and Criminalising (Homo)Sexuality in Pre-twentieth Century Western Europe

It is possible to trace the evolution of nineteenth century European attitudes towards sexuality within a ubiquitous Judeo-Christian tradition that consistently shaped moralistic attitudes towards sex and remained largely unchanged from medieval theology. Judeo-Christian approaches to sex problematised any sexual activity contrary to procreation within sanctified marriage, highlighted in the ordering of sodomy as a sin far more serious than acts of rape or incest that at least had the potential for procreative consequences.² An additional element of this theological thought, reproduced in societal attitudes towards sex, concerned the primacy of the male role in procreation. This principally related to a focus on male semen as necessary for procreation, which ensured moral authorities paid particular attention to male sexual acts that transgressed the procreative purposes of sex; women were understood to merely be vessels for reproduction, therefore diminishing their potential capacity to transgress.³ There is evidence, however, that women who engaged in same-sex sexual activity did receive

² Weeks, *Coming Out*, 4.

³ Weeks, *Coming Out*, 4-5.

criminal punishment, sometimes capital punishment, equivalent to male offenders, particularly in continental Europe.⁴ Such attitudes persisted well beyond the medieval era and whilst this moralistic problematising approach to sexuality had a distinctly gendered lens, restrictive definitions of appropriate sexual activity lay within a clearly procreative theological remit.

Whilst Enlightenment philosophical commentary on sexuality was largely more liberal than traditional medieval thought, it mostly still maintained that some sexual behaviours, namely sodomy and masturbation, were against the natural order of sexuality, yet could be prevented in society without the need for criminalisation.⁵ In addressing this conceptual change towards an emphasis on societal prevention, it is worth noting emerging Enlightenment medical discourse on masturbation in this period. Masturbation stimulated more than just a moral panic for Enlightenment thinkers. It encapsulated Enlightenment anxieties by representing the pursuit of solitary and deviant individualism that undermined the strong social ties that underpinned rational civil society.⁶ Led by such Enlightenment physicians as Tissot, who popularised a new medical, rather than simply moralistic, problematisation of masturbation in his *De l'onanisme* (1760), masturbation was deemed to cause insanity, resulting from poor social development and upbringing in an individual.⁷ Thus, identifying and preventing particular problematic social and cultural factors linked to societal degeneracy became an important means of preventing masturbation, thereby preventing an associated plethora of other sexual and social vices, including sodomy. Hekma notes, with the continued popularity of degeneracy theorising into the nineteenth century and the strong associations between sexual perversity and poor mental health, 'In the mid-nineteenth century, the theory of degeneration was such a comprehensive system that almost anything could be imagined as a cause or a consequence of insanity.'⁸ Weeks goes

⁴ Louis Crompton, 'The Myth of Lesbian Impunity: Capital Laws from 1270 to 1791,' *Journal of Homosexuality* 6:1-2 (1981), 11; Blasius and Phelan, *We Are Everywhere*, 7.

⁵ Gert Hekma, 'A history of sexology: social and historical aspects of sexuality,' in *From Sappho to De Sade: Moments in the History of Sexuality*, Jan Bremmer, ed. (London: Routledge, 1989), 174; Blasius and Phelan, *We Are Everywhere*, 7-33. See: R. Trumbach, 'Sodomitical subcultures, sodomitical roles, and the gender revolution,' *Eighteenth-Century Life* 9 (1985).

⁶ Jeffrey Weeks, *The Language of Sexuality* (Abingdon: Routledge, 2011), 113-115. See: Thomas W. Laquer, *Solitary Sex: A Cultural History of Masturbation* (London: Zone Books, 2003).

⁷ Hekma, 'History of sexology,' 174.

⁸ Hekma, 'History of sexology,' 175. On the evolution of science and degeneracy theories, see: Bleys, *Geography*, 152-156, 156-160.

further in suggesting that the motivations for this intellectual drive against masturbation and degeneracy was closely linked to changing attitudes towards childhood and the need to protect and preserve the innocence of children.⁹ Weeks reasons that, given the private nature of masturbation, strong ideological taboos were necessarily reproduced to inculcate children in acceptable forms of correct adult sexual behaviour.¹⁰ Thus, supported by emerging medical models, prevention continued to be a primary moral concern throughout the nineteenth century, in order to avert degeneracy into abnormal sexual behaviours, such as masturbation and sodomy. Despite the suggestion of decriminalisation in several Enlightenment philosophies, the continued conception of same-sex sexual activity as a ‘crime against nature’ ensured key elements of medieval problematisations of (homo)sexuality persisted into nineteenth century medical, legal and social discourses.

Historical Development of Legal Discourses on (Homo)Sexuality

In the case of English legal tradition, the criminalisation of same-sex sexual activity, particularly against men, can be traced to Henry VIII’s introduction of the criminalisation of sodomy into secular law in 1533, which adopted the same spirit as ecclesiastical law concerning sex.¹¹ Re-enacted in the reign of Elizabeth I in 1563, the penalty for sodomy was death, though in this era acts of ‘sodomy’ fell under a broad array of penetrative sexual activity and behaviour contrary to ‘nature,’ beyond only same-sex sexual activity, as Weeks describes:

There was no concept of the homosexual in law, and homosexuality was regarded not as a particular attribute of a certain type of person but as a potential in all sinful creatures.¹²

This attitude towards the perversity of ‘unnatural’ sexual activities codified in secular law the general Judeo-Christian medieval approach towards problematising sex outside

⁹ Weeks, *Coming Out*, 24.

¹⁰ Weeks, *Coming Out*, 24.

¹¹ Leslie J. Moran, *The Homosexual(ity) of Law* (London: Routledge, 1996), 33; Weeks, *Coming Out*, 12.

¹² Weeks, *Coming Out*, 12.

of specific moral boundaries. By the seventeenth century, however, there is evidence of a more specific focus on particularities of same-sex sexual activity understood as ‘buggery’ or ‘sodomy.’ This can be seen in the legal scholarship of Sir Edward Coke, an early seventeenth century judge and scholar, who introduced the suggestion that the crime of buggery is so severe that it should only be referred to as the crime ‘not to be named amongst Christians’ (*inter christianos non nominandum*).¹³ Moran identifies this as the first reference calling for silence in English law regarding the issue of buggery, in what Moran terms an ‘economy of silence’ through which he explores the complicated relationship involved in both silencing and producing legal representations of ‘buggery’ in law since the seventeenth century.¹⁴ Weeks identifies the continuation of this trend of silencing well into the nineteenth century, particularly alongside the revision of the law concerning sodomy by Sir Robert Peel in 1826, which removed the need to provide forensic evidence, such as proof of penetration, and reiterated the necessity of euphemistic silencing in proceedings.¹⁵

The latter half of the nineteenth century witnessed a greater effort at refining the problematisation and criminalisation of same-sex sexual activity in the law as an issue concerning the morality of society. The Criminal Law Amendments Act (1885) was largely supported by feminist and social-morality campaigners who sought amendments against the ‘double standards’ of the Contagious Diseases Acts of the 1860s, arguing in favour of gender equality in the law regarding prostitution and an increase in the age of consent for girls to sixteen.¹⁶ The politician Henry Labouchère introduced an amendment to the 1885 bill, commonly referred to as ‘Labouchère’s amendment,’ that would amend previous laws regarding sodomy and make more explicit the criminalisation of sexual activity specifically between men:

¹³ Sir Edward Coke, *The Third Part of the Institutes of the Laws of England*, Chp. 10, ‘Of Buggery or Sodomy’ (1628; reprint London: Garland, 1979), in: Moran, *Homosexual(ity) of Law*, 33.

¹⁴ Moran, *Homosexual(ity) of Law*, 33, 33-65.

¹⁵ Weeks, *Coming Out*, 13-14.

¹⁶ Weeks, *Coming Out*, 16, 20. See also: Jeffrey Weeks, *Sex, Politics and Society: The regulation of sexuality since 1800* (London: Longman, 1981; 2nd edn., 1989).

*Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanor [sic]...*¹⁷

Thus, the amendment codified in law the criminalisation of sexual activity specifically between men, regardless of the private or public nature of the behaviour, whilst maintaining the traditional euphemistic and ambiguous language of early-modern legal discourse regarding sodomy: ‘acts of gross indecency’ were the new ‘crimes against nature.’

Whilst scandals, well documented and dramatized by the press, ensured increased public awareness of homosexuality, such as the Boulton and Park (1870), Dublin Castle (1884), and Cleveland Street (1889-90) scandals, the most famous scandal of the period was the Oscar Wilde trials in 1885.¹⁸ The Wilde trials crystallised the popular conception of the deviant sodomite and provided a potent moral warning that set the boundaries of acceptable sexual behaviour in late Victorian society.¹⁹ The legal mechanisms of the late nineteenth century, developed from centuries of social and legal traditions of problematising transgressive sexual activity, allowed for the institutionalised prohibition of homosexual behaviour, justifying the moralistic fervour against homosexuality in Victorian society. Some histories of nineteenth century homosexuality note the increased oppression that homosexuals faced from the popularity of the scandals and legal developments, demonstrated in cases of blackmail and suicide into the twentieth century.²⁰ Such histories, however, also note how such oppression potentially helped forge common identity politics and gave energy to emerging movements centred on decriminalisation and early rights discourses for sexual minorities.²¹

¹⁷ Quoted in: F. B. Smith, ‘Labouchere’s Amendment to the Criminal Law Amendment Bill,’ *Historical Studies* 17:67 (1976), 165. Emphasis added.

¹⁸ Weeks, *Coming Out*, 21; Blasius and Phelan, *We Are Everywhere*, 111-113. See also: Kaplan, *Sodom on the Thames*.

¹⁹ Weeks, *Coming Out*, 21.

²⁰ John Lauristen and David Thorstad, *The Early Homosexual Rights Movement (1864-1935)* (New York: Times Change Press, 1974), 53; Weeks, *Coming Out*, 22; Blasius and Phelan, *We Are Everywhere*, 111.

²¹ Lauristen and Thorstad, *Early Homosexual*, 57; Weeks, *Coming Out*, 21.

Rise of Sexology and the Emergence of the Modern Homosexual

Two theories of homosexuality emerged in the 1860s that categorised same-sex sexual attraction within a person as natural, and therefore, they argued, beyond the legislative power of the state to criminalise and oppress. Both Karl Heinrich Ulrichs' conception of the 'Urning' (or 'Uranian') and Karl Maria Kertbeny's²² conception of the 'Homosexual' are worth noting for their respective impacts on late nineteenth century thought on sexuality, although their influences varied between the different groups and disciplines that adopted them.²³ Through medical and psychiatric categorisations of sexual behaviour, in conjunction with aforementioned legal changes, the 'homosexual' emerged as a recognisable subject in professional discourses, whilst cultural and social networks between homosexuals allowed for the collective expression of alternative sexual identities, albeit usually only privately.

In 1868, Karl Maria Kertbeny wrote a letter to Karl Heinrich Ulrichs, in which he devised several new terms for various sexual behaviours, amongst which the terms 'Heterosexual' and 'Homosexual' were used for the first time in private correspondence.²⁴ Kertbeny first published the term 'Homosexual,' anonymously, in a leaflet opposing the introduction of what would become Paragraph 175, codifying the criminalisation of 'unnatural acts' in the German Penal Code.²⁵ Although Kertbeny's terms convey the same basic meaning today as he first imagined them, his use of the terms carried greater pathological implications, common in approaches to labelling and

²² Born as Karl-Maria Benkert, thus some sources refer to him as 'Benkert' rather than 'Kertbeny.'

²³ Karl Heinrich Ulrichs' conception of the *Urning* (or 'Uranian') influenced late nineteenth century conceptions of a 'third sex' or 'intermediate sex,' which were later used by other influential writers, such as Edward Carpenter. See: Karl Heinrich Ulrichs, *Critical Arrow* (1879), trans. Hubert Kennedy, in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, Mark Blasius and Shane Phelan, eds. (London: Routledge, 1997); Karl Heinrich Ulrichs, *Araxes: Appeal for the Liberation of the Urning's Nature from Penal Law. To the Imperial Assemblies of North Germany and Austria* (1870), trans. James Steakly, in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, Mark Blasius and Shane Phelan, eds. (London: Routledge, 1997); Jonathan Ned Katz, *The Invention of Heterosexuality* (London: Penguin Books, 1996), 51-52; Hekma, 'History of Sexology,' 178; Lauristen and Thorstad, *Early Homosexual*, 9; Weeks, *Coming Out*, 27; Weeks, *Sex*, 104; Edward Carpenter, *The Intermediate Sex: A Study of Some Transitional Types of Men and Women* (London: George Allen, 1912).

²⁴ Katz, *Invention*, 52.

²⁵ Karoly Maria (Kertbeny) Benkert, *An Open Letter to the Prussian Minister of Justice* (1869), trans. Michael Lombardi-Nash, in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, Mark Blasius and Shane Phelan, eds. (London: Routledge, 1997), 67-78; Katz, *Invention*, 53; Lauristen and Thorstad, *Early Homosexual*, 6-8.

understanding sexuality in the nineteenth century.²⁶ Kertbeny's terms gained a much wider audience when Richard von Krafft-Ebing included them in the fourth edition of his popular *Psychopathia Sexualis* (1889), which was later translated into English.²⁷ Thus, the terms 'heterosexual' and 'homosexual' entered popular medical and psychiatric discourses by the end of the nineteenth century, emerging as key terms describing sexual behaviour from a plethora of competing conceptions and theories. Alongside terms such as 'sexual inversion,' 'heterosexuality' and 'homosexuality' emerged successfully from, what Katz describes as, the 'fin de siècle aberration-labeling sweepstakes.'²⁸

Such competing conceptions arose from a mid-nineteenth century desire to more clearly categorise degenerative sexual behaviours, particularly in regard to criminality, forming part of a conceptual shift away from a reliance on criminal forensics towards attempting to understand the mental state of the criminal as a type of person. Leading European medico-legal experts, such as Tardieu and Casper, argued for the need to categorise and physically verify sexual perverts (homosexuals) in court.²⁹ The Italian criminologist, Lombroso, a key theorist in the emerging science of criminology, advanced the view of innate qualities of the criminal that induced degenerate behaviour.³⁰ Lombroso similarly suggested that homosexual behaviour, as equal to a form of criminal behaviour, was caused by innate characteristics that induced insanity (and thereby sexual perversions).³¹ Thus, it is possible to see changing approaches to sexuality and competing theorisations between the traditionally moralistic 'acquired' approach and the newer 'innate' distinction in Krafft-Ebing's constantly revised *Psychopathia Sexualis*. Whilst Krafft-Ebing initially supported the view of homosexual behaviour as a symptom of degeneracy, he later modified his approach to include the

²⁶ Benkert, *Open Letter*, 67-78; Katz, *Invention*, 53-54. For more on Kertbeny, see: Manfred Herzer, 'Kerbeny and the Nameless Love,' *Journal of Homosexuality* 21:1 (Fall 1985); Jean-Claude Féray and Manfred Herzer, 'Homosexual Studies and Politics in the 19th Century: Karl Maria Kertbeny,' trans. Glen W. Peppel, *Journal of Homosexuality* 19:1 (1990).

²⁷ Katz, *Invention*, 54-55.

²⁸ Katz, *Invention*, 55.

²⁹ Weeks, *Coming Out*, 25-26; Arno Karlen, *Sexuality and Homosexuality* (London: Macdonald, 1971), 185. See also: Ross Brooks, "'Vices Once Adopted": Theorising Male Homoeroticism in German-Language Legal and Forensic Discourses, 1752-1869,' *Reinvention: A Journal of Undergraduate Research* 1:2 (2008).

³⁰ Hekma, 'History of Sexology,' 177.

³¹ Weeks, *Coming Out*, 27.

possibility that homosexuality could be caused by either an acquired or innate neurological condition.³²

By the late 1880s two main theoretical models on sexual perversions had emerged: the biological model of congenital sexual inversion, suggested by Ulrichs and later supported by sexologists such as Magnus Hirschfeld;³³ and the psychological model, such as proposed by French psychologist Alfred Binet,³⁴ that focused on psychological development and upbringing.³⁵ As Hekma identifies, an increasing interest in sexuality in the late nineteenth century, concurrently with the ‘paradigmatic shift’ towards a ‘psychiatry of perversions’ as the main method of pathologising sexual vice, resulted in the emergence of ‘sexology’ (*Sexualwissenschaft*) as a discipline.³⁶ Sexological discourses, marking homosexuality as a subject for inquiry, transformed the sodomite from a juridical subject to a personage; a classified species understood entirely through their sexuality.³⁷ Thus, the homosexual was identified as a sexual category in line with sexological productions of ‘an entire pornography of the morbid,’ which Foucault identifies as symptomatic of *fin de siècle* society.³⁸

Reproducing Race and Sexuality in the Orient

It is interesting to observe how the contemporaries of those who contributed to the emergence of the homosexual as a scientific category and cultural identity in the nineteenth century also contributed to the reproduction of imperial conceptions of colonial sexualities. Understanding the way oriental sexualities were understood requires a recognition of the production of knowledge about sexuality in the occident; oriental and occidental sexualities did not operate in vacuums separate to each other.

³² Weeks, *Coming Out*, 26; Mary McIntosh, ‘The Homosexual Role,’ *Social Problems* 16:2 (Fall 1968), 183.

³³ Magnus Hirschfeld (under pseudonym Ramien), *Sappho und Socrates* (Leipzig, 1896).

³⁴ Alfred Binet, *Du fétichisme dans l’amour* (Paris, 1888).

³⁵ Hekma, ‘History of Sexology,’ 178-80.

³⁶ Hekma, ‘History of Sexology,’ 180-82.

³⁷ Foucault, *History*, 43.

³⁸ Foucault, *History*, 54.

A key figure in developing a sexual narrative of the orient was the writer and explorer Richard Francis Burton, whose translation of *Arabian Nights, or The Book of the Thousand Nights and a Night* (1885), included more directly translated erotica than had been allowed for previously, whilst his many footnotes revealed extensive anthropological knowledge.³⁹ A significant contribution of Burton's edition was its inclusion of translated passages dealing with pederasty and homosexuality.⁴⁰ Of interest in Burton's text is his description of a 'Sotadic Zone' that roughly included oriental geographies, from the Mediterranean, Asia Minor, through to China and Japan, in which sexual vice was endemic, including pederasty and homosexuality.⁴¹ Although the geographical boundaries of the 'Sotadic Zone' are vague, and Burton himself denied its direct association with race, it more clearly marks a sexual geography beyond the boundaries of traditionally repressive Judeo-Christian influence, highlighting Burton's suggestion of the orient as a place of comparative sexual liberty.⁴² Burton's writings on the 'Sotadic Zone,' however, were often inconsistent with other claims he made, particularly regarding the extent of the zone and the racial nature of his sexual analysis.⁴³ Hoad notes Burton's exclusion of Sub-Saharan Africa from the 'Sotadic Zone,' suggesting an absence of homosexuality in the region, and reemphasising the homosexual proclivities of the orient as it relates more to sexual stereotypes of Asia Minor and India.⁴⁴ Hoad uses the example case of Uganda's Kabaka Mwanga II, whose homosexual behaviour was attributed to Arab traders at his court, reinforcing both the association between the Arab and homosexuality and the idea that homosexuality was foreign to Sub-Saharan Africa.⁴⁵ As Epprecht notes, however, colonial discourses

³⁹ Lauristen and Thorstad, *Early Homosexual*, 76.

⁴⁰ Lauristen and Thorstad, *Early Homosexual*, 76.

⁴¹ Richard Francis Burton, 'Pederasty,' *The Book of the Thousand Nights and a Night* (1886), in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, Mark Blasius and Shane Phelan, eds. (London: Routledge, 1997), 85; Lauristen and Thorstad, *Early Homosexual*, 78; Weeks, *Coming Out*, 47; Bleys, *Geography*, 217.

⁴² Burton, 'Pederasty,' 85-86; Lauristen and Thorstad, *Early Homosexual*, 78; Weeks, *Coming Out*, 47; Bleys, *Geography*, 217.

⁴³ Bleys, *Geography*, 218.

⁴⁴ Hoad, *African Intimacies*, 10-11.

⁴⁵ Hoad, *African Intimacies*, 11. For more on Mwanga, missionaries and sodomy, see: Ronald Hyam, *Empire and Sexuality: The British Experience* (Manchester: Manchester University Press, 1990), 186-189; Bleys, *Geography*, 172; Kenneth Hamilton, 'Colonial Legacies, Decolonized Spirits: Balboa, Ugandan Martyrs and AIDS Solidarity Today,' *Journal of Bisexuality* 10:1-2 (2010). Also, for general strategic value of Ugandan acquisition for the Empire, see: Ronald Hyam, *Understanding the British Empire* (Cambridge: Cambridge University Press, 2010), 111-113.

equally suggested the susceptibility of Africans to sodomitical influences from the orient, reflecting the notion of the uncivilised African's inability to resist such vice.⁴⁶ Burton's contribution to reproducing the sexuality of the orient in the British imagination highlights the intricate relationships between sexuality and race in the colonial imagination.⁴⁷

The associations between race and sexuality sit in the very foundations of the colonial project. Colonialism offered the British a chance for change and exploration, alongside economic opportunities of imperialism. Hyam has described the 'driving force' of British imperialism as 'the export of surplus emotional, or sexual energy.'⁴⁸ Whether in pursuit of black flesh or tempted by prostitution whilst in service to the Empire, colonialism offered greater emotional and sexual opportunities than were to be found at home in Britain.⁴⁹ The gendered dynamics of imperialism reflect the emphasis on male exploration and exploitation of female oriental sexualities: the white European male can always find sexual gratification (and demand it) from the sexually exotic and experienced oriental female.⁵⁰ Such gendered reproductions of empire constructed the sexual experience and availability of native women against a reinforced conception of the morally pure, white European women of home.⁵¹ As a consequence of the sexual opportunities of empire, however, rates of venereal disease were comparatively high in the colonies, particularly amongst the armed forces.⁵² Nevertheless, as Hyam is keen to point out, sexual opportunity and exploration must be viewed with consideration of 'the misery of empire' that accompanied many individuals, so far removed from the comforts of home, that to turn to sex acted as emotional salvation as much as sexual gratification.⁵³

⁴⁶ Epprecht, *Heterosexual Africa?* 43.

⁴⁷ Also see: Colligan, "'A Race of Born Pederasts'"; Dane Kennedy, "'Captain Burton's Oriental Muck Heap': *The Book of the Thousand Nights* and the Uses of Orientalism," *Journal of British Studies* 39 (July 2000); Lauristen and Thorstad, *Early Homosexual*, 76-79; Bleys, *Geography*, 216-219.

⁴⁸ Ronald Hyam, *Britain's Imperial Century, 1815-1914: A Study of Empire and Expansion* (London: B. T. Batsford, 1976), 135.

⁴⁹ Hyam, *Imperial Century*, 135-136.

⁵⁰ Hyam, *Understanding*, 371-372.

⁵¹ Grewal, *Home and Harem*, 57.

⁵² Hyam, *Understanding*, 372. See also: Levine, *Prostitution, Race & Politics*.

⁵³ Hyam, *Understanding*, 373.

For British homosexuals, the British Empire opened up sexual opportunities that might be more difficult to pursue at home, a conception particularly reinforced by notions, such as offered by Burton, of the endemic and freely available homosexual activity of the orient.⁵⁴ Hyam provides two case studies of army officers posted in India, whose surviving accounts provide details of sexual activity far removed from prudish Victorian standards.⁵⁵ This conception of the sexuality of the orient, however, also acted as part of a wider justifying motivation for colonial conquest. The supposedly natural depravity of certain indigenous populations enabled the justification of a more moral and civilised European power to subjugate them.⁵⁶ Thus, civilising discourses, intricately related to comparative reproductions of race, sexuality and morality, conveyed justifications for colonial conquest of the native ‘other.’

This ‘othering’ of indigenous sexualities functioned to justify colonial practices of rule and subjugation, for the moral development and improvement of the subject natives. Literary, religious, and cultural reproductions of empire helped to reinforce and justify such colonial practices. Orientalist literature grew in parallel to increasing political and economic interest in the orient, blurring observations and common (mis)conceptions in literary and artistic reproductions of the ‘realities’ of the orient and imperial practices.⁵⁷ Such cultural reproductions of empire contributed to the wider colonial discourses that viewed the orient as in need of intervention, whether as part of a civilising mission to help the savage, or as a source of capitalist opportunity to be guided by European expertise.⁵⁸ Museum exhibitions of foreign artefacts contributed to colonial discourses of the civilised Englishman and the uncivilised Other, as Grewal describes, ‘Within the British Museum, the public was “civilised” by means of an aesthetic education that involved showing the non-Western world as uncivilised.’⁵⁹ Missionary activities, as

⁵⁴ Weeks, *Coming Out*, 41. See: Parminder Kaur Bakshi, ‘Homosexuality and Orientalism: Edward Carpenter’s Journey to the East,’ *Edward Carpenter and Late Victorian Radicalism*, Tony Brown, ed. (London: Frank Cass, 1990).

⁵⁵ Hyam, *Empire and Sexuality*, 127-133.

⁵⁶ Nabil Matar, *Turks, Moors, and Englishmen in the Age of Discovery* (New York: University of Columbia Press, 1999), 109-127.

⁵⁷ Joanna De Groot, “‘Sex’ and ‘race’”: the construction of language and image in the nineteenth century,’ in *Cultures of Empire: Colonizers in Britain and the empire in the nineteenth and twentieth centuries: A reader*, Catherine Hall, ed. (Manchester: Manchester University Press, 2000), 46-47.

⁵⁸ Groot, ‘Sex and race,’ 44.

⁵⁹ Grewal, *Home and Harem*, 90-91, 129-130.

symptomatic of wider colonial discourses, misunderstood African sexuality as broadly uncivilised, thereby justifying religious interventions, whilst ignoring pre-existing, community-specific, social sex-gender hierarchies.⁶⁰

Scientific approaches to understanding the differences between coloniser and colonised also contributed to the production of colonial discourses, offering supposedly empirical evidence to justify colonial practices that relied on an emphasis of 'difference.' The development of the 'sciences' of biology, ethnology and anthropology, in collusion with the principles of natural sciences and modes of classification, all contributed to the categorisation of the 'character' of non-Western societies and people.⁶¹ This included, for example, comparisons of brain size to denote intellect and capacity (or lack thereof) for civilised progress, utilising similar 'scientific' methods and conceptual approaches that identified essential differences in nature between men and women.⁶² As with the patriarchal dominance of men over women in European society, justified by the inherent differences in nature which demonstrated, 'scientifically,' that men were superior, so non-Western peoples were justifiably subjected by the civility of their white (male) European superiors.⁶³ Empirical approaches to identifying difference were similarly used in the realm of the sexual, measuring the differing sexual characteristics of non-Western peoples, such as penis size or libido, as a means to demonstrate their savage or licentious natures.⁶⁴ Thus, the discourses of scientific racism, emerging from general developments in nineteenth century scientific trends, provided empirical evidence in support of an already strong cultural and moralistic colonial discourse that justified colonial practices. Sexuality formed an inescapably significant dynamic of colonial relations that was both complex and contradictory. Whilst colonialism offered opportunities of desire, particularly for white European men, it simultaneously sought to problematise and regulate indigenous sexualities that did not fit European social norms, implementing legal mechanisms that

⁶⁰ Hyam, *Empire and Sexuality*, 182-183, 182-197.

⁶¹ Groot, 'Sex and race,' 41.

⁶² Groot, 'Sex and race,' 41-43.

⁶³ Groot, 'Sex and race,' 44.

⁶⁴ Anton Gill, *Ruling Passions: Sex, Race and Empire* (London: BBC Books, 1995), 38-39.

would outlast the colonial state and continue to confine sexual liberties in the twenty-first century.

Implementation and Legacy of Colonial Sodomy Laws

The first implementation of sodomy law in the British Empire came with the introduction of the Indian Penal Code in 1860. The development of the Indian Penal Code began with the establishment of the Law Commission of India in 1825, chaired by the politician Thomas Babington Macaulay, which sought to establish a comprehensive criminal code for colonial India.⁶⁵ Concerning sexuality, the draft of the Penal Code was imbued with traditional British fears of the polluting effects of homosexual activity and behaviour, prohibiting ‘unnatural lusts’ whilst imploring the use of euphemism and silencing terms as previously common in British law.⁶⁶ The Indian Penal Code was finally implemented in 1860, of which Section 377, ‘unnatural offences,’ criminalised same-sex sexual activity, euphemised in a language of ‘carnal intercourse against the order of nature.’⁶⁷ Thus, the language used in the Indian Penal Code reflected historical attempts to codify the prohibition of same-sex sexual activity in British law. Thereafter, the Indian Penal Code became the legal model for other British colonial territories, easily replicated and improved upon by colonial administrators and jurors to bring legal order and control to the uncivilised regions of the Empire.⁶⁸ From India, to South Asia, to Africa, the British standards of correct sexual practices and behaviour were codified into law, largely irrespective of the pre-existing customs regarding sex and sexuality.

The second most influential Penal Code in the colonial roll-out of legislation was the Penal Code of the Australian colony of Queensland, implemented in 1901. It adopted very similar language to the Indian Penal Code regarding ‘carnal knowledge against the order of nature,’ though made explicit the criminality of all parties involved, eliminating

⁶⁵ Gupta, *Alien Legacy*, 15. See: Martin L. Friedland, ‘Codification in the Commonwealth: Earlier Efforts,’ *Commonwealth Law Bulletin* 18:3 (1992).

⁶⁶ Gupta, *Alien Legacy*, 16-17.

⁶⁷ Gupta, *Alien Legacy*, 18; Kirby, ‘The sodomy offence,’ 66-67.

⁶⁸ Gupta, *Alien Legacy*, 21. See: H. F. Morris, ‘A History of the Adoption of Codes of Criminal Law and Procedure in British Colonial Africa, 1876-1935,’ *Journal of African Law* 18:1 (Spring 1974).

any criminal ambiguities of passive or active partners in the sexual act: both were criminally complicit.⁶⁹ The Penal Code of Queensland appears to have been particularly influential in determining the content and intent of sodomy laws in Africa, as in Nigeria, and thereafter in Kenya, Uganda and Tanzania.⁷⁰ In the case of the Ugandan Penal Code, we can see that the language of Section 208 of the Queensland Penal Code is directly reproduced in Section 140 of the Ugandan Penal Code, though the Ugandan Penal Code does include further prohibitions, such as of acts of ‘gross indecency’ in ‘public or private.’⁷¹

Such replications of the language of law demonstrate the colonial disregard for native customary practices and conceptualisations of sexuality when codifying sexual prohibitions in law. Considering the development and implementations of sodomy law within wider colonial legal frameworks reveals the civilising impetus behind colonial legal practices, primarily concerned with controlling supposedly dangerous elements of the colonial population to ensure order and the protection of white colonial citizens and their imperial interests.⁷² Other British legal models, particularly relating to vagrancy and prostitution, were also replicated in colonial territories to form part of wider legal machinery that sought to control native bodies.⁷³ Similarly, as Gupta describes, ‘forensic mythologies,’ rooted in nineteenth century legal and forensic conceptual developments, were also replicated in colonial legal contexts in order to mythologise the past histories and behaviours of the ‘habitual sodomite,’ thus making prosecutions easier to accomplish through the criminal categorisations of individuals.⁷⁴

These colonial legal practices regarding sodomy laws reveal a wider trend in colonial approaches to establishing legal structures and controls without the consent or consultation of native communities. The fundamental power structures at the heart of

⁶⁹ Gupta, *Alien Legacy*, 22-23; Kirby, ‘The sodomy offence,’ 67.

⁷⁰ Gupta, *Alien Legacy*, 23; Kirby, ‘The sodomy offence,’ 67. See: H. F. Morris, ‘How Nigeria Got Its Criminal Code,’ *Journal of African Law* 12:3 (Autumn 1970).

⁷¹ Gupta, *Alien Legacy*, 22, 24.

⁷² Following similar trends in English law regarding the identification and marking out of dangerous characteristics and behaviours, including in relation to sexuality. For example, see: Leslie J. Moran, ‘The Homosexualization of English Law,’ in *Legal Inversions: Lesbians, Gay Men, and the Politics of Law*, Didi Herman and Carl Stychin, eds. (Philadelphia: Temple University, 1995).

⁷³ Gupta, *Alien Legacy*, 26-31.

⁷⁴ Gupta, *Alien Legacy*, 31-35.

the colonial project allowed administrators and jurors to experiment with and implement legal practices in the colonies with little regard for pre-existing customary laws and practices, as seen in the lack of native involvement in both the development of the Indian and Queensland Penal Codes.⁷⁵ As Gupta notes, it was the ‘whims, preferences, and power struggles of bureaucrats’ that stimulated the replication, reinterpretation and implementation of sodomy laws; ‘the Queensland Penal Code spread across Africa indifferently to the will of Africans.’⁷⁶ Ethnographic research in the nineteenth and early twentieth centuries provided mixed evidence of pre-colonial prohibitions of sexual ‘vice,’ though broadly contributed towards supporting colonial legal discourses that prohibited transgressive sexual practices.⁷⁷ There is now, however, a wealth of up-to-date ethnographic research that reveals the heterogeneity of African sexualities, including accepted and culturally codified practices that clearly deviate from nineteenth century imperial norms (and arguably some modern African heteronormative sexual discourses).⁷⁸ Nevertheless, some contemporary African political voices argue that non-heterosexual sexualities have always been criminalised in African communities, thereby justifying the continued presence and legacy of sodomy laws in most modern African states.⁷⁹ Other African researchers disagree, however, as Tamale explains:

Gay people have always lived among communities. Everyone in the village would know that so-and-so sleeps with another man, but they were not vilified. They were not praised – but they were not vilified.⁸⁰

Despite competing claims concerning accepted pre-colonial sexual practices and behaviours (which are undoubtedly imbued with contemporary political currency concerning sexual inequality), it is clear that colonial legal mechanisms were developed without democratic consultation or involvement with native communities. Where colonial magistrates did take an uncommon interest in customary laws, they made

⁷⁵ Gupta, *Alien Legacy*, 15-16, 22-23.

⁷⁶ Gupta, *Alien Legacy*, 23.

⁷⁷ Epprecht, *Heterosexual Africa?*, 47-48.

⁷⁸ See: Arnfred, *Re-thinking Sexualities*; Epprecht, *Hungochani*; Murray and Roscoe, *Boy-Wives*; Ekine and Abbas, *Queer African Reader*.

⁷⁹ Michael Hollander, ‘Gay Rights in Uganda: Seeking to Overturn Uganda’s Anti-Sodomy Laws,’ *Virginia Journal of International Law* 50:1 (2009), 225-226.

⁸⁰ Sylvia Tamale, interviewed in: *BBC World Debate: Is Homosexuality un-African?* Ben Cashdan, prod. (Johannesburg: Broad Daylight Films Foundation, 2011).

assumptions and interpreted their findings in ways that confirmed and reiterated standard imperial approaches to criminalising all non-heterosexual sexual activity.⁸¹

Colonial-era sodomy laws remained a fixture of the legal mechanisms of colonial territories even after independence with some states modifying elements of the Penal Code to increase penalties, such as Uganda extending the sentencing term to life-imprisonment in 1990.⁸² Thus, contemporary legislation that criminalises same-sex sexual activity across a significant number of states can be traced as a legacy of British colonial-era sodomy laws, even whilst the UK has decriminalised homosexuality. Many modern states have claimed social and moral ownership over the sentiments imbued in such sodomy laws, justifying their continued presence in penal codes and enacting control over supposedly sexually transgressive individuals that pose a threat to society.⁸³ These contemporary forms of control equally utilise the conceptual baggage of such sodomy laws, claiming defence of the moral purity of the nation, or enacting forensic mythologies to categorise and criminalise individuals deemed dangerous.⁸⁴ The legacy of sodomy laws is thus more than simply the continuing codification of legal bodies and more than a legacy of the language and structure of the law. The colonial history of sodomy laws has direct implications for the ways in which human rights activists campaign for the repeal of such laws, creating challenges and complicating international postcolonial relations concerning sexuality.⁸⁵ That states now defend such inherited legislation as part of social and national interests and as something natural to the will of the public is ironic given the original exportation and imposition of such law broadly across the British Empire with little regard for native communities.

⁸¹ Epprecht, *Heterosexual Africa?* 42.

⁸² Gupta, *Alien Legacy*, 3.

⁸³ Gupta, *Alien Legacy*, 53.

⁸⁴ Gupta, *Alien Legacy*, 33.

⁸⁵ See: Judith Avory Faucette, 'Human Rights in Context: The Lessons of Section 377 Challenges for Western Gay Rights Legal Reformers in the Developing World,' *Journal of Gender, Race and Justice* 13:2 (Winter 2010).

Franz Fanon, Post-colonial Literature, and Heteronationalism

Several scholars have identified a post-colonial narrative of heteronationalism, which both subverts and perpetuates former, colonial heteronationalist discourses, in the work of Frantz Fanon, most notably in his *Black Skin, White Masks*. Critiques of Fanon have identified within his work fairly heteronormative assumptions about sexuality and gender, rooted in Freudian psychoanalysis, including a general construction of sexual perversion (homosexuality) ‘as a *white* pathology.’⁸⁶ For example, particular attention is given to the following passage:

Let me observe at once that I had no opportunity to establish the overt presence of homosexuality in Martinique. This must be viewed as the result of the absence of the Oedipus complex in the Antilles. The schema of homosexuality is well enough known. We should not overlook, however, the existence of what are called there “men dressed like women” or “godmothers.” Generally they wear shirts and skirts. But I am convinced that they lead normal sex lives. They can take a punch like any “he-man” and they are not impervious to the allures of women – fish and vegetable merchants. In Europe, on the other hand, I have known several Martinicans who became homosexuals, always passive, but this was by no means a neurotic homosexuality: for them it was a means to a livelihood as pimping is for others.⁸⁷

For Fanon, sexual perversion is psychoanalytically linked to Negrophobia, either in the perverse sexual behaviour of white women, or in the perverse sexual object choice of white men: ‘the Negrophobic woman is in fact nothing but a putative sexual partner – just as the Negrophobic man is a repressed homosexual.’⁸⁸ Furthermore, Dollimore notes Fanon’s understanding of masochistic white male desire with dominating black men as an extension of such neurotic racism rooted in expressed, rather than repressed, homosexual perversion.⁸⁹

Scholarly analysis is mixed in its response to Fanon’s heteronationalist constructions. Epprecht is openly critical of Fanon, highlighting Fanon’s racist stereotyping and significant contribution towards post-war intellectual and political trends that

⁸⁶ Fuss, ‘Interior Colonies,’ 32. Emphasis in original.

⁸⁷ Fanon, *Black Skin*, p.180, n.44.

⁸⁸ Fanon, *Black Skin*, 156.

⁸⁹ Jonathan Dollimore, *Sexual Dissidence: Augustine to Wilde, Freud to Foucault* (Oxford: Oxford University Press, 1991), 345.

legitimised homophobia, which continue to influence and support contemporary political attitudes and practices that attest the absence of African homosexuality.⁹⁰ Others have emphasised the nature of the historical context in which Fanon formulated his ideas, reflecting on the influence of colonialism on Fanon's work, particularly concerning the emasculating experience of colonialism for colonised men.⁹¹ As Fuss notes, Fanon's concerns with the damaging effect of colonialism on black masculinity, responsively expressed through his denigration of white femininity and homosexuality, are rooted in identifiable exploitations of black sexuality, both male and female, in the colonial context.⁹² Similarly, Fuss identifies in Fanon's work an 'impassioned response to popular colonialist theories of race and sexuality' set against, for example, the orientalist *fin de siècle* sexology of Burton and Ellis, who each constructed representations of Algeria as sexually infectious and immoral.⁹³ Desai reasons that Fanon's response to these problematising colonial representations of non-Western sexualities is understandable, given Fanon's interest in reasserting black male sexual identity as part of the process of nationalist struggles, necessarily disassociating it from Western 'homosexuality.'⁹⁴ Indeed, independence and nationalist movements saw the rise of expressions of black hyper-masculinity, which over time materialised into overt and violent forms of homophobia arising from multiple frustrations against colonial governance.⁹⁵ Thus, this thesis emphasises the need to understand the heteronationalist tendencies inherent in colonial discourses, such as of Burton and Ellis, as a means to understanding the responsive rearticulation of heteronationalism in postcolonial political and intellectual discourses, to which Fanon's work contributed.⁹⁶

⁹⁰ Epprecht, *Heterosexual Africa?*, 86-87, 131-132.

⁹¹ Hoad, *African Intimacies*, 37.

⁹² Fuss, 'Interior Colonies,' 33.

⁹³ Fuss, 'Interior Colonies,' 35-36.

⁹⁴ Gurav Desai, 'Out in Africa,' in *Postcolonial Queer: Theoretical Intersections*, John C. Hawley, ed. (Albany, NY: State University of New York, 2001), 147.

⁹⁵ Epprecht, *Hungochani*, 225-226.

⁹⁶ See: Chris Dunton, "'Wheyting be dat?'" The Treatment of Homosexuality in African Literature,' *Research in African Literatures* 20:3 (Autumn 1989); Hoad, *African Intimacies*, 21-47; Epprecht, *Heterosexual Africa?*, 131-159.

Tracing the Historical Development of the Colonial Spectre

Many elements in the historical development of social, political and legal discourses concerning the problematisation and criminalisation of homosexuality can be found in contemporary approaches to criminalising non-conforming sexual behaviours and identities in the Global South, particularly in former British colonial states. Traces of pre-twentieth century problematisations of homosexuality are identifiable in the legacy of surviving colonial-era sodomy laws implemented throughout the British Empire. The deployment of such legislation in the colonies, as part of the broader civilising mission of the colonial project, carried with it the complex scientific and psychiatric theoretical baggage of nineteenth century conceptualisations of the degeneracy of homosexual behaviour.

The apparent historicity of this colonial legacy does not detract from the autonomy and responsibility of states in the Global South to enact and uphold homophobic legislation, as can be seen in attempts to strengthen criminalisations of non-heterosexual behaviours. Nevertheless, contemporary laws regarding sex and sexuality in many states must be understood within their historical contexts, deeply rooted in the legacies of colonial interventions. It is not, however, only the inheritance of colonial-era sodomy laws that contribute to the complexity of contemporary international discourses on LGBTI rights. The spectre of colonialism haunts contemporary international relations by the inheritance of racially-motivated colonial discourses that dichotomise debates as the colonisers versus the colonised, and conceptualise sexuality as a commodified export that creates conceptions of homosexuality as, for example, 'un-African' or a 'Western import.' Such heteronationalist language ultimately reduces the issue to the same colonial-era attitudes that reproduced conceptions of sexuality along racial and geographic lines, whilst ignoring the inherent legacy of nineteenth century intellectual conceptualisations of (homo)sexuality that permeated colonial relations.

The spectre of colonialism similarly shapes discourse on the use of aid conditionality as it intersects LGBTI rights, its largely unacknowledged legacies influencing the ignorance of Western states as they apply economic pressure to threaten the Global South into a new civilised, sexual modernity. This same ignorance of the colonial spectre manifests in the treatment of LGBTI asylum seekers by Western states that fail to acknowledge their historical and contemporary responsibilities for the persecutions

that LGBTI people face worldwide. Thus, the spectre of colonialism should be illuminated as contributing both institutional and psychological legacies as it shapes the undercurrents of contemporary international discourse concerning sexual rights and freedoms in international relations.

Chapter 4

Contemporary Context of Sexual Orientation and Gender Identity in International Politics

There's lots of resentment from many leaders in the Global South that this is just colonialism again, Western leaders imposing these restrictions and conditions. And these leaders have used that against the LGBT community.¹

The previous chapter presented an analysis of nineteenth century discourses on sexuality and their influence on colonial problematisations of sexuality that contributed to altering the sexual landscapes of the Global South. This chapter builds upon this historical analysis to contextualise contemporary international political engagements with sexual orientation and gender identity (SOGI), noting the ways in which LGBTI rights are negotiated and contested between states, within intergovernmental institutions, and by NGOs globally. The chapter presents an analysis of some key points in the development of Uganda's Anti-Homosexuality Act (2014) to illustrate some common, contemporary tensions regarding SOGI in international relations, including challenges for LGBTI activism. The chapter also reflects upon the production of discourses that seek to delegitimise particular political understandings of SOGI in various international contexts. From heteronationalist discourses that seek to delegitimise indigenous LGBTI communities, to homonationalist discourses that articulate simplistic conceptions of homophobia, SOGI and LGBTI rights are deployed to further particular political agendas in the front lines of a contemporary, global culture war. It is against the backdrop of these increasingly globalised contentions around the

¹ Paul Penny, Co-founder and Chair, Rainbow International LGBTI Activist Solidarity Fund, interviewed by author (5 Aug 2014).

nature of SOGI, the family, and LGBTI human rights, that UK-based NGOs engage in transnational LGBTI activism.

Contemporary International Landscape

The contemporary international landscape of LGBTI rights and discrimination is constantly shifting. As the international spotlight on LGBTI issues grows ever brighter, LGBTI rights discourses have permeated various international fora, as resolutions are forged to attempt to improve the rights of LGBTI people globally. An increasing number of states have adopted rights protections for their LGBTI populations and a slowly growing number of states recognise same-sex marriages.² There has been, however, a simultaneous ‘push back’ in many parts of the world where resistance to LGBTI equality remains strong. The international legal landscape of LGBTI rights and discrimination protections is a complicated one, as myriad legal approaches to criminalising LGBTI people make comparisons between jurisdictions difficult. Generally, though, whilst some states have clarified, enhanced, or entrenched laws that criminalise and discriminate against LGBTI people, there is a steady trend towards more states decriminalising and offering greater protections and equality for LGBTI communities. For example, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) notes that between 2006 and 2016 the number of states that criminalised homosexuality has reduced from 92 to 73 states.³ Whilst some jurisdictions may specifically criminalise LGBTI behaviour, such laws are not always acted upon, whereas in other jurisdictions, laws concerning sex work, immorality, or propaganda may be used to criminalise sexual and gender minorities in the absence of specific anti-LGBTI legislation.⁴

The legal landscape, however, must be understood against social and cultural approaches to SOGI globally, complicating a simplistic narrative that global LGBTI equality is improving worldwide. Social acceptance of LGBTI people is, arguably, more

² Graeme Reid, ‘Equality to brutality: global trends in LGBT rights,’ Human Rights Watch (7 Jan 2016) [online].

³ Carroll, *State-Sponsored Homophobia*, 7.

⁴ Carroll, *State-Sponsored Homophobia*; Reid, ‘Equality to brutality’; Kenneth Roth, ‘LGBT: Moving Towards Equality,’ Human Rights Watch (23 Jan 2015) [online].

difficult to change than legal status and even in states where LGBTI equality and protections are enshrined in law, violence against LGBTI people continues to be a problem. For example, Brazil highlights the complexity between enhanced legal equality for LGBTI communities and a rise in violent crimes targeted towards LGBTI people.⁵ Also, whilst South Africa is recognised as having significant legal protections and equal rights for its LGBTI communities, the use of violence against LGBTI people, including ‘corrective rape’ against lesbians, demonstrates that legal progress is not always neatly reflected in social attitudes.⁶ Nevertheless, social attitudes have the potential to change over time and are rarely homogenous, with research on specific states and societies highlighting the influencers of change in particular contexts.⁷

Despite some legal setbacks and continued hostility and threats towards LGBTI people internationally, LGBTI groups and communities are increasingly visible and vocal, and have built up complex, interconnected, transnational movements. Both the Declaration of Montreal and the Yogyakarta Principles in 2006 highlighted the growing strength and development of a global movement, noting both demands for an international LGBTI movement as well as how LGBTI rights could be ensured within existing international law.⁸ International conferences that draw on the experiences of the international LGBTI movement demonstrate the continued efforts to organise internationally.⁹

In an age of multi mass media, LGBTI constituencies and their allies are increasingly connected across borders, the experiences of ‘local’ LGBTI people and groups gaining international attention, fuelling the spotlight. Whilst on the one hand, however, increasing interconnectedness contributes to a sense of a global LGBTI movement, attention has tended to be lavished on particular states or regions, undermining a truly

⁵ Andrew Jacobs, ‘Brazil Is Confronting an Epidemic of Anti-Gay Violence,’ *The New York Times* (5 Jul 2016) [online].

⁶ See: Tiffani Wesley, ‘Classifying “Corrective” Rape as Hate Crime: A Call for Justice,’ *BUWA! A Journal on African Women’s Experiences* (2012); Jessica Geen, ‘South African lesbians campaign against corrective rape,’ *Pink News* (15 Mar 2011) [online].

⁷ See: Carla Sutherland, *Progressive Prudes: A survey of attitudes towards homosexuality & gender non-conformity in South Africa* (The Other Foundation, 2016).

⁸ *Declaration of Montreal* (2006); *The Yogyakarta Principles* (2006); Kollman and Waites, ‘The global politics,’ 5.

⁹ For example, see: *Global LGBTI Human Rights Conference* (Montevideo, Uruguay, Jul 2016).

global engagement. How the international LGBTI community responds to the nuances of local struggles can also have a significant impact on the progress of LGBTI rights at a local level as well.¹⁰ Groups opposed to the progress of LGBTI rights have likewise utilised the benefits of globalisation to mobilise constituencies internationally to attempt to enhance discrimination against LGBTI people.

LGBTI Rights at the United Nations

Examining the ways in which LGBTI rights have been discussed and negotiated at the UN, highlights some of the dynamics of international relations concerning sexual politics and LGBTI rights. Within the past ten years, a number of statements, joint statements and resolutions have been issued on SOGI within the various UN fora, demonstrating the willingness of many states to affirm LGBTI rights internationally.¹¹ For example, in December 2008, Argentina delivered a joint statement, signed by 66 states, supporting ‘human rights, sexual orientation and gender identity,’ the list of signatories demonstrating the wide range of states that supported protecting LGBTI rights internationally, particularly from Latin America and Europe.¹²

Challenges to such attempts to affirm LGBTI rights in the UN often seek to devalue the concept that SOGI are human rights issues, questioning their applicability to international legal agreements, whilst reiterating the rights of states’ sovereignty to enact legislation concerned with morality and public order. For example, a joint response in opposition to the 2008 statement, delivered by Syria and signed mostly by African, Middle Eastern, and Asian states, argued that the SOGI statement had no legal basis and undermined state sovereignty.¹³ The Syrian response also suggested that the SOGI statement risked ‘ushering in the social normalization [...] of many deplorable acts including pedophilia,’ and implied that the focus on ‘sexual interests and behaviors’

¹⁰ For example, see: Udoka Okafor, ‘How The International Community Helps And Hurts The LGBT Rights Movement In Nigeria,’ The Huffington Post (7 Jul 2014) [online].

¹¹ For a list of UN statements and resolutions, as well as some regional bodies, see: ARC International, ‘SOGI Statements’ [online].

¹² 2008 Joint statement: Joint statement on human rights, sexual orientation and gender identity – delivered by Argentina on behalf of 66 States on 18 December, 2008 [online].

¹³ ARC International, ‘Syria statement: Response to SOGI Human Rights Statement, read by Syria – 18 Dec 2008’ [online].

ignored (implicitly) more important forms of discrimination, such as race, gender, and religion.¹⁴

States opposed to the discussion of LGBTI related issues in the UN have also attempted to block non-governmental contributions to participating at the UN. In May 2016, a number of states, including Russia, Cameroon, Tanzania, and members of the Organization of Islamic Cooperation (OIC) blocked 22 NGOs from participating in a UN High-Level Meeting on Ending AIDS.¹⁵ The NGOs in question supported LGBTI people or drug users in different countries, not limited to operating within the countries that issued the ban.¹⁶ Although some UN officials and US, EU, and Canadian representatives had protested the ban, the consensus nature of the General Assembly meant that the ban could not be overturned.¹⁷ US Ambassador Samantha Power noted that state efforts to block the participation of NGOs at the UN was becoming ‘epidemic.’¹⁸ The actions of states such as Russia and members of the OIC in this particular instance are symptomatic of broader state attempts to limit the activities of NGOs and civil society, discussed below. That organisations representing LGBTI people and drug users are barred from such high-level intergovernmental meetings limits the effectiveness of coordinated global efforts to end the AIDS epidemic, particularly when such groups of people are already vulnerable to HIV/AIDS.¹⁹

Despite the opposition of some states, the UN Human Rights Council (UNHRC) has adopted several key resolutions recognising the need to engage with LGBTI rights internationally. A 2011 resolution requested a study to document discriminatory laws and acts of violence against individuals based on SOGI, with a further resolution in 2014 reaffirming this commitment to LGBTI rights internationally.²⁰ In August 2015,

¹⁴ ARC International, ‘Syria statement.’

¹⁵ Somini Sengupta, ‘U.N. AIDS Meeting Faces Dispute Over 22 Barred Groups,’ *New York Times* (18 May 2016) [online]; ‘LGBT groups barred from attending UN aids conference,’ BBC News (18 May 2016) [online].

¹⁶ Sengupta, ‘U.N. AIDS Meeting.’

¹⁷ Sengupta, ‘U.N. AIDS Meeting’; ‘LGBT groups barred,’ BBC News.

¹⁸ ‘LGBT groups barred,’ BBC News.

¹⁹ Sengupta, ‘U.N. AIDS Meeting.’

²⁰ UN Human Rights Council, *Human rights, sexual orientation and gender identity*, A/HRC/RES/17/19 (14 Jul 2011); UN Human Rights Council, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, A/HRC/19/41 (17 Nov 2011); UN Human

the UN Security Council held an *informal* meeting, chaired by the US and Chile, to discuss the impact of Islamic State on LGBTI populations in its occupied territories, and to ‘examine what kinds of protections are needed for LGBT individuals, what the international community needs to do to stop the scourge of prejudice and violence.’²¹ In June 2016, the UNHRC adopted a resolution which appointed an independent expert on protection against violence and discrimination based on sexual orientation and gender identity, who would work to raise awareness and document discrimination, as well as fostering cooperation around implementing protections for LGBTI people internationally.²² The resolution was introduced by Chile, Uruguay and Brazil, though Saudi Arabia attempted to derail the resolution through a no-action motion.²³ Although the no-action motion was defeated, attempts to further dilute the intention of the resolution came in the form of amendments introduced by Pakistan, speaking on behalf of member states of the OIC (except Albania). The amendments, most of which passed, broadly sought to dilute the main intention of the resolution to focus on SOGI, introducing language that undermined the resolution’s impact, such as reiterating ‘respect for the sovereign right of each country as well as its national laws,’ and concern about attempts to ‘impose concepts or notions pertaining to social matters, including private individual conduct.’²⁴ Such language and arguments are consistently deployed by homophobic states to justify and defend their use of discriminatory and oppressive legislation.

The UNHRC session discussion about the amendment demonstrates some key tensions regarding SOGI in international relations, as well as which states are at the forefront of support for and opposition against international protections for LGBTI people. For example, Latin American states consistently argued against the amendments to weaken the resolution, whilst states such as Saudi Arabia and Russia consistently

Rights Council, *Human rights, sexual orientation and gender identity*, A/HRC/RES/27/32 (2 Oct 2014).

²¹ Michelle Nichols, ‘U.N. Security Council to meet on Islamic State gay attacks,’ Reuters (13 Aug 2015) [online]; cf. Scott Long, ‘The UN Security Council debates gays and ISIS: Why this is a bad idea,’ *a paper bird* (23 Aug 2015) [online].

²² UN Human Rights Council, *Protection against violence and discrimination based on sexual orientation and gender identity*, A/HRC/RES/32/2 (30 Jun 2016).

²³ United Nations Human Rights, Office of the High Commissioner, ‘Council establishes mandate on protection against violence and discrimination based on sexual orientation and gender identity’ [online].

²⁴ For a breakdown of the amendments and arguments against them, see: United Nations, ‘Council establishes mandate.’

argued against the resolution as a whole, going as far to say that should the resolution pass they would not cooperate with the independent expert.²⁵ This is concerning given the discrimination and violence faced by LGBTI people in such states. Saudi Arabia went as far as to suggest that the resolution was contrary to Islamic law, and that it would not compromise its religious law with man-made legislation.²⁶ This position is concerning for the further entrenchment of divisions that such discourse engenders, suggesting as it does that respect and protection for LGBTI people will not make progress in Islamic theocracies.²⁷ Although the resolution was ultimately diluted by amendments, the appointment of an independent expert remains a significant achievement, despite continued attempts by states to derail its implementation.²⁸

Given the rights and legal protections that LGBTI people enjoy in South Africa, it is interesting that it chose to abstain on the vote to pass the resolution, reasoning that the resolution added ‘unnecessary divisiveness’ to the UNHRC.²⁹ As Melber notes, divisiveness has always been ‘an integral part of the battle for human rights and dignity,’ so it is curious that South Africa thought LGBTI rights an unnecessary cause to pursue in supporting the resolution.³⁰ The suggestion that maintaining unity in the UNHRC was more important than the lives of LGBTI people was met with criticism by some South African commentators.³¹ Some have suggested that South Africa’s decision was reflective of a general caution about alienating itself from other African states and trading partners by supporting pro-LGBTI international initiatives, highlighted in South Africa’s emphasis on not wanting to cause ‘division.’³² This suggests that geopolitical

²⁵ United Nations, ‘Council establishes mandate.’

²⁶ United Nations, ‘Council establishes mandate.’

²⁷ Saudi Arabia’s position on the HRC is questionable beyond its position on LGBTI rights (though the same could be argued for other members too). See: Human Rights Watch, ‘UN: Suspend Saudi Arabia from Human Rights Council’ (29 Jun 2016) [online]; Leah Schulz, ‘Saudi uses role on UN Human Rights Council to cover up its abuses,’ Middle East Eye (24 Oct 2016) [online].

²⁸ See: ‘African nations attempt to suspend UN’s LGBT rights monitor,’ *The Guardian* (7 Nov 2016) [online]; ‘African states fail to block United Nations’ LGBT rights protector,’ *The Guardian* (21 Nov 2016) [online].

²⁹ United Nations, ‘Council establishes mandate.’

³⁰ Henning Melber, ‘LGBTI vote at the UN shows battle for human rights is far from won,’ *Pambazuka News* (21 Jul 2016) [online].

³¹ Pierre de Vos, ‘South Africa’s great LGBTI failure,’ *Daily Maverick* (4 Jul 2016) [online]; ‘Watch South Africa sell out LGBTI people at the UN,’ MambaOnline (4 Jul 2016) [online].

³² ‘Watch South Africa,’ MambaOnline.

considerations influence states' decisions to support or oppose progressive LGBTI initiatives internationally. As discussed in chapter 5, there are multiple examples that demonstrate states are more concerned about geopolitics than necessarily supporting LGBTI communities globally.

Leading up to the session discussion about the resolution, NGOs from a wide range of countries internationally had called on the UNHRC to introduce a SOGI independent expert.³³ The statement, contributed to the session by a large number of NGOs, argued for the need to:

take into account the linkages to broader issues of gender equality, autonomy over bodies and lives, and sexual and reproductive health and rights, as well as the multiple and intersecting forms of discrimination on the basis of factors such as class, religion, gender, race, HIV status and disability.³⁴

The Sexual Rights Initiative (SRI), a coalition of organisations from Canada, Poland, India, Egypt, Argentina and South Africa, similarly argued that the creation of an independent expert would be more effective if it considered the full range of SOGI related to bodily integrity and autonomy, going beyond 'LGBTI' towards a more nuanced understanding.³⁵ Going beyond simplistic understandings of 'LGBTI' and looking towards a more nuanced, intersectional approach that included similarly marginalised groups, such as sex workers and HIV-positive persons, would enable the UNHRC resolution to be more effective internationally.³⁶ Whilst the resolution outlines that the independent expert will 'address the multiple, intersecting and aggravated forms of violence and discrimination faced by persons on the basis of their sexual orientation and gender identity,' it does not go into any detail about what these intersections might specifically include.³⁷ Whilst some NGOs were very supportive of the resolution as

³³ Daniele Paletta, '628 NGOs from 151 countries call for a SOGI Independent Expert at the UN,' ILGA (28 Jun 2016) [online].

³⁴ *628 NGOs from 151 countries call for a SOGI Independent Expert at the UN* (27 June 2016), 1.

³⁵ Sexual Rights Initiative, 'SRI calls for political and legal framing that recognizes full range of sexual rights' (7 Jun 2016) [online].

³⁶ Sexual Rights Initiative, 'SRI calls for.'

³⁷ UN Human Rights Council, *Protection against violence*.

passed, the diluting impact of the amendments and the failure to fully realise an intersectional approach appear to have been glossed over by some.³⁸

Uganda's Anti-Homosexuality Act (2014): Illustrating International Interactions and Tensions Concerning LGBTI Rights

Drawing on Uganda's Anti-Homosexuality Act (AHA) as a case study, this section will explore some key themes concerning the intersections of international relations and LGBTI rights. Aspects of the development of the AHA, as well as discourses generated in response to its development, illustrate broader, contemporary trends in the articulation and deployment of LGBTI rights internationally. This section will explore the political utility generated in the deployment of laws that discriminate against LGBTI populations, amongst broader assaults on civil society globally, as well as the use of transnational networks to diffuse or otherwise support particular approaches to LGBTI rights.

The AHA was first introduced in October 2009 as a member's bill in the Ugandan Parliament by MP David Bhati. Whilst same-sex sexual activity was already illegal in Uganda, as a legacy of British colonialism, the Anti-Homosexuality Bill (AHB) gained international attention for suggesting that 'aggravated homosexuality' should be punishable by death. A person was said to commit 'aggravated homosexuality' if they engaged in same-sex acts and had HIV, if the victim was underage or disabled, or if the offender was a 'serial offender,' though the AHB also contained punishments for 'attempting to commit' homosexuality, 'promoting' homosexuality, and failing to disclose an offence.³⁹ As Tamale notes, in addition to duplicating existing laws, the AHB violated a number of basic legal rights, including rights to privacy and free speech, undermining the Ugandan constitution and international agreements.⁴⁰ The ways in

³⁸ See: Human Rights Watch, 'UN Makes History on Sexual Orientation, Gender Identity' (30 Jun 2016). For critique on this, see: Gabriel Hoosain Khan, 'The UN, seem from Khayelitsha: Guest post,' *a paper bird* (6 Jul 2016) [online].

³⁹ See: *The Anti Homosexuality Bill* (2009). For an analysis of the bill, see: Sylvia Tamale, 'Human rights impact assessment of Uganda's anti-homosexuality bill,' *Pambazuka News* (14 Jan 2010) [online].

⁴⁰ Tamale, 'Human rights impact.' See also Tamale's engagement with homophobia and sexual discourses in Uganda prior to the introduction of the AHB in 2009: Sylvia Tamale, 'Out of the Closet:

which such LGBTI-discriminatory legislation broadly undermines peoples' rights beyond the LGBTI community is a common feature of other states' attempts at legislating against LGBTI populations.⁴¹

Domestic contestation over the bill, alongside international attention and pressure directed at Uganda, meant that the AHB languished in the Ugandan Parliament until December 2013 when an inquorate parliament finally passed it. The following February, after some domestic political manoeuvres, President Museveni signed the bill into law. On 1 August 2014, however, the Constitutional Court of Uganda ruled that the AHA was invalid because the parliament had not been quorate when it passed the bill.⁴² Despite some postulation that the AHA may be re-introduced, it is more likely that Ugandan politicians and other actors will attempt to find alternative ways to continue criminalising Ugandan LGBTI communities, including maintaining the legacy of British imperial law in the Ugandan Penal Code's prohibitions on same sex behaviour.⁴³

Political Utility of LGBTI Discrimination

Throughout the development of the AHB, it had been used by Ugandan political leaders to foster populist support and to distract from other domestic political issues. Since its introduction in 2009, there were long periods during which there was little parliamentary action afforded to the AHB, and it appears to have been periodically

Unveiling Sexuality Discourses in Uganda,' in *Africa After Gender?*, Catherine M. Cole, Takyiwaa Manuh, and Stephan F. Miescher, eds. (Bloomington, IN.: Indiana University Press, 2007).

⁴¹ For example, see: 'Human Rights and Legal Implications of the Same Sex Marriage Prohibition Bill, 2011 for Every Nigerian Citizen,' in *Queer African Reader*, Sokari Ekine and Hakima Abbas, eds. (Oxford: Pambazuka Press, 2013).

⁴² Due to the international attention directed at the AHA, there are plenty of resources that outline and analyse the development of the bill and eventual, if short-lived, law. For example, see: Stella Nyanzi and Andrew Karamagi, 'The socio-political dynamics of the anti-homosexuality legislation in Uganda,' *Agenda* 29:1 (2015); Adrian Jjuuko, ed., *The Human Rights Advocate: Beyond quorum: why the Anti-Homosexuality Act 2014 was unconstitutional* (March 2015); Adrian Jjuuko and Francis Tumwesige, 'The Implications of the Anti-Homosexuality Bill 2009 on Uganda's Legal System,' *IDS Evidence Report No 44* (November 2013); *Box Turtle Bulletin*, 'Uganda' [online]; *Erasing 76 Crimes*, 'Ugandan Anti-Homosexuality Bill' [online].

⁴³ For example, see: Nicholas Bariyo, 'Uganda's Attorney General Won't Appeal Ruling on Antigay Law,' *The Wall Street Journal* (13 Aug 2014) [online]; Janson Wu, 'Uganda's "Kill the Gays" Bill is Back,' *The Daily Beast* (1 Mar 2015) [online]; Jim Burroway, 'Ugandan Government Minister Promises Program To "Rehabilitate the Members of LGBTI Community,' *Box Turtle Bulletin* (9 Aug 2016) [online]; Peter Walker, 'Gay men "tortured and sodomised" by police in Uganda to "prove they are gay,"' *The Independent* (3 Nov 2016) [online].

revived in parliament as a distractionary measure to coincide with controversial political events.⁴⁴ For example, in 2011, the bill was revived shortly following ‘walk-to-work’ protests against the Ugandan Government over rising prices, in which opposition MPs were arrested and several protestors killed by security forces.⁴⁵ The AHB was also periodically revived around controversial discussions about control and regulation of Ugandan oil production, linked to accusations of government corruption.⁴⁶ Reviving interest in the bill has also offered political utility for individual politicians, either to increase their profile and popular support, or to distract from accusations of political or financial corruption.⁴⁷ For example, Speaker of Parliament, Rebecca Kadaga, a proponent of the AHB, has in the past promised to ensure that it passed as a ‘Christmas gift’ to the Ugandan people at a time when she was speculated as being a potential successor to President Museveni.⁴⁸ Museveni himself has both distanced himself from the AHB and embraced it as and when it has been politically useful to do so. For example, whilst Museveni berated Kadaga and the inordinate parliament for passing the AHB, following a requested ‘Scientific Statement on Homosexuality’ from Uganda’s Ministry of Health, Museveni committed to signing the AHB into law at the ruling party’s caucus, which endorsed Museveni to run unopposed in the 2016 elections.⁴⁹

It should be noted that the political utility of LGBTI discrimination is often tied to broader efforts to enforce state control over dissident elements of society and to entrench political power, reinforced by heteronationalist discourse. For example, preceding the passage of the AHB, Museveni had signed into law a Public Order

⁴⁴ Kelesto Makofane, et al., ‘Homophobic legislation and its impact on human security,’ *African Security Review* 23:2 (2014), 187-188.

⁴⁵ Makofane, et al., ‘Homophobic legislation,’ 187; Musaazi Namiti, ‘Uganda walk-to-work protests kick up dust,’ *Al Jazeera* (28 Apr 2011) [online]; Edward Echawlu, ‘Ugandan media censored over Walk to Work protests,’ *Committee to Protect Journalists* (19 Apr 2011) [online].

⁴⁶ Makofane, et al., ‘Homophobic legislation,’ 187-188; Dayo Olopade, ‘Gay Bashing, a Government Diversion,’ *The New York Times* (22 Feb 2012) [online]; Jim Burroway, ‘What Does Oil Have To Do With Uganda’s Anti-Homosexuality Bill?’ *Box Turtle Bulletin* (26 Nov 2012) [online].

⁴⁷ Nora Caplan-Bricker, ‘Uganda Revives Its Favourite Distraction: Anti-Gay Legislation,’ *New Republic* (5 Dec 2012) [online].

⁴⁸ Nyanzi and Karamagi, ‘The socio-political dynamics,’ 33-34; Caplan-Bricker, ‘Uganda Revives.’

⁴⁹ Yasiin Mugerwa, ‘Museveni blocks Anti-Homosexuality Bill,’ *Daily Monitor* (17 Jan 2014) [online]; Warren Throckmorton, ‘Report on Homosexuality by Uganda’s Ministry of Health,’ *Warren Throckmorton* (15 Feb 2014) [online]; Risdell Kasasira, ‘NRM Caucus endorses Museveni for 2016,’ *Daily Monitor* (10 Feb 2014) [online]; ‘President Museveni signs Anti-gay Bill into law,’ *New Vision* (24 Feb 2014) [online].

Management Act (2013) and an Anti-Pornography Act (2014), which, Oloka-Onyango suggests, taken together demonstrate the ‘growing impunity, autocracy and neglect of the Rule of Law’ of the Museveni Government.⁵⁰ Such legislative developments were further reinforced by the introduction of a controversial Non-Governmental Organisations Act (2016) that aimed to regulate and tighten control of NGOs, in effect diminishing the ability of civil society to dissent to government positions or hold it to account on issues such as corruption or human rights abuses.⁵¹ Some Western commentators noted that the NGO bill could endanger the work of LGBTI groups in Uganda, following the repeal of the AHA in 2014.⁵²

Reducing the capacity of NGOs and civil society is not isolated to Uganda. There have been contemporary international trends whereby states have attempted to restrict civil society spaces, often couched in language of protecting the nation from corruption and the influences of ‘foreign’ or ‘imperial’ NGOs. Examples of states attempting to limit NGOs, civil society and human rights activism have included Ethiopia, Kenya, Russia, Egypt, Azerbaijan, and Cambodia, amongst others.⁵³ These crackdowns on civil society often include state attempts to restrict organising and activism related to LGBTI rights through a heteronationalist discourse that ties LGBTI activism to the influence of ‘foreign’ NGOs, thereby attempting to delegitimise indigenous LGBTI communities

⁵⁰ Joe Oloka-Onyango, ‘Of Mice and Farmer’s Wives: Unveiling The Broader Picture Behind Recent Legislation in Uganda,’ chap. 20 in *Battling over Human Rights: Twenty Essays on Law, Politics and Governance* (Oxford: African Books Collective, 2015); Kenne Mwikya, ‘Unnatural and Un-African: Contesting queer-phobia by Africa’s political leadership,’ *Feminist Africa* 19 (2014); Ivan Okuda, ‘Public Order Management Act: Bad law or poor enforcement?’ *Daily Monitor* (14 Jul 2015) [online].

⁵¹ Human Rights Watch, ‘Uganda: Bill Threatens Rights, Independent Groups’ (20 Apr 2015) [online]; ‘Parliament passes controversial NGO bill on eve of pope’s arrival,’ *Daily Monitor* (27 Nov 2015) [online]; Alon Mwesigwa, ‘Uganda: NGO bill aims to muzzle civil society, say activists,’ *The Guardian* (24 Jun 2015) [online]; Chapter Four Uganda, ‘The Non-Governmental Organisations Act, 2016’ [online].

⁵² Michael K. Lavers, ‘Ugandan president signs controversial NGO bill,’ *Washington Blade* (14 Mar 2016) [online]; Nick Duffy, ‘Uganda passes terrifying new law that could be used to shut down all pro-gay charities,’ *Pink News* (27 Nov 2015) [online].

⁵³ Dupuy, Ron and Prakash, ‘Who survived?’; Mark Tran, ‘Ethiopia curb on charities alarms human rights activists,’ *The Guardian* (26 Jan 2009) [online]; Clár Ní Chonghaile and Carla Kweifio-Okai, ‘Has Kenya’s NGO crackdown affected you?’ *The Guardian* (17 Dec 2014) [online]; Amnesty International, ‘Lawfare to destroy’; Kingsley, ‘Egypt’s human rights groups’; MJ del Valle, ‘Azerbaijan detains prominent human rights activists in fresh crackdown,’ *The Guardian* (15 Aug 2014) [online]; Kuch Naren, ‘UN Envoy, NGOs Rebuke Gov’t Over Recent Spate of Arrests,’ *The Cambodia Daily* (19 Nov 2014) [online]; CIVICUS, ‘Civil society reports show evidence of shrinking civic space in Europe’ (26 Oct 2016) [online].

and movements.⁵⁴ These efforts can be identified in international trends where states have attempted to enact legislation that limits civil society by making it difficult for NGOs to function effectively. For example, there has been a trend towards implementing ‘propaganda laws’ that effectively restrict freedom of association and expression, particularly related to LGBTI rights.⁵⁵ The Russian Duma law banning ‘propaganda of non-traditional sexual relations,’ and its apparent attempt to spread to neighbouring states is a clear example of this.⁵⁶

Further to this, we can see the deployment of heteronationalist discourses in the ways in which some political and religious actors frame same-sex desire as a Western phenomenon, often articulating resistance to LGBTI rights using anti-imperial sentiments. This is most evident in responses to Western criticism of LGBTI discrimination, such as Western criticisms of the AHB and eventual AHA. For example, in response to threats to cut aid to Uganda following the enactment of the AHA, Simon Lokodo, Ugandan Minister for Ethics and Integrity, claimed that the West could keep its aid, Uganda would rather preserve its culture and morality.⁵⁷ The political utility of such discourses is obvious: simultaneously delegitimising indigenous LGBTI communities (because homosexuality is something imported from the West) and appealing to populist anti-LGBTI sentiments is politically useful (Lokodo got his ministerial position in part because of his anti-LGBTI stance).⁵⁸ Lokodo has also suggested that ‘the western world’ has attempted to undermine Uganda’s culture by promoting homosexuality, conspiratorially recruiting children into homosexuality with large sums of money.⁵⁹ Other Ugandan politicians have made similar remarks,

⁵⁴ See also Weiss’ analysis of ‘homophobic anticipatory countermovements’: Meredith L. Weiss, ‘Prejudice before Pride: Rise of an Anticipatory Countermovement,’ in *Global Homophobia: States, Movements, and the Politics of Oppression*, Meredith L. Weiss and Michael J. Bosia, eds. (Urbana: University of Illinois Press, 2013).

⁵⁵ See: *The Perfect Storm: The closing space for LGBT civil society in Kyrgyzstan, Indonesia, Kenya, and Hungary* (Global Philanthropy Project, 2016).

⁵⁶ Human Rights First, ‘Spread of Russian-Style Propaganda Laws’ (11 Jul 2016) [online]; *All Party Parliamentary Group on Global LGBT Rights: The UK’s stance on international breaches of LGBT rights* (April 2016) [hereafter ‘APPG LGBT report’].

⁵⁷ Mike Pflanz, ‘Keep your gays and keep your aid, Uganda tells the West,’ *The Guardian* (28 Feb 2014) [online].

⁵⁸ Pflanz, ‘Keep your gays.’ See: Joanna Sadgrove, et al., ‘Morality plays and money matters: towards a situated understanding of the politics of homosexuality in Uganda,’ *The Journal of Modern African Studies* 50:1 (2012).

⁵⁹ See: Charles Gazza, ‘Homos Want To Rape Me – Fr. Lokodo,’ *Red Pepper* [online].

defending LGBTI discrimination in terms of sovereignty and the defence of Uganda's cultural morality.⁶⁰ The deployment of such heteronationalist discourse, often in response to Western criticism and aid conditionality, is explored in more detail in chapter 5 of the thesis.

Influence of Transnational Networks

The influence of the US Christian Right in Uganda has been widely noted, particularly the role that certain members of the US Christian Right played in influencing political homophobia in Uganda that fuelled the inception and implementation of the AHB.⁶¹ Losing political ground in the US, where legislative progress seemed to be slowly marching in favour of sexual minorities, members of the US Christian Right turned their attention to the global South where they found willing recipients of their homophobia.⁶²

In March 2009, a three-day conference was held in Kampala, Uganda, on 'Exposing the Homosexual Agenda.' The event was attended by Ugandan politicians and community leaders, including those who would go on to draft the AHB, as well as a number of prominent members of the US Christian Right, such as Scott Lively, who gave presentations on the 'homosexual agenda,' a specifically conservative, homophobic, Western understanding of homosexuality.⁶³ These US evangelicals contributed an understanding of same-sex desire that equated homosexuals with Nazism

⁶⁰ See: Yasiin Mugerwa, 'Kadaga, Canadian minister in gay row,' *Daily Monitor* (25 Oct 2012) [online].

⁶¹ See: Kapyra Kaoma, *Globalizing the Culture Wars: U.S. Conservatives, African Churches, & Homophobia* (Somerville, MA.: Political Research Associates, 2009); Kapyra Kaoma, *Colonizing African Values: How the U.S. Christian Right is Transforming Sexual Politics in Africa* (Somerville, MA.: Political Research Associates, 2012); Jeff Shartlet, 'Straight Man's Burden: The American roots of Uganda's anti-gay persecutions,' *Harper's Magazine* 321:1924 (2010); Jim Burroway, 'Slouching Toward Kampala: Uganda's Deadly Embrace of Hate,' *Box Turtle Bulletin* (15 Dec 2009) [online].

⁶² At the time of writing, the progress achieved on LGBTI rights in the US appears to have entered a precarious era: Zach Stafford, 'After a historic year for LGBT rights in US, 2016 may see backlash and complacency,' *The Guardian* (30 Dec 2015) [online]; Human Rights Campaign, 'HRC Statement on the Election of Donald Trump: Our March Toward Equality Continues' (9 Nov 2016) [online].

⁶³ Jeffrey Gettleman, 'Americans' Role Seen in Uganda Anti-Gay Push,' *The New York Times* (3 Jan 2010) [online]; Kapyra Kaoma, 'The U.S. Christian Right and the Attack on Gays in Africa,' *Public Eye* (Winter 09/Spring 10); 'How US evangelical missionaries wage war on gay people in Uganda – video,' *The Guardian* (25 Feb 2014) [online]; Warren Throckmorton, 'College of Prayer, the Ugandan Parliament and the Anti-Homosexuality Bill,' *Warren Throckmorton* (23 Nov 2009) [online]; Burroway, 'Slouching Towards Kampala.'

and paedophilia, providing Ugandan actors with a discourse that legitimised and confirmed their own homophobic attitudes, reinforcing the idea that homosexuals were dangerous and implicitly Western. This can be seen in video footage of a seminar given by Stephen Langa, director of the Family Life Network in Uganda, who attended the Kampala conference, in the ways in which he refers specifically to Lively's teachings on homosexuality.⁶⁴ Langa even refers specifically to writing by a 'homosexual activist' that supposedly outlines the 'homosexual agenda,' a piece repeatedly cited by elements of the US Christian Right, even though the original was a 1987 *satirical* contribution to a gay community magazine.⁶⁵ That such a specific element of the discourse of the US Christian Right was reproduced in formulating Ugandan discourse prior to the introduction of the AHB demonstrates the influence that particular members of the US Christian Right have exerted in Uganda, despite their attempts to deny any responsibility.⁶⁶ Indeed, Sexual Minorities Uganda (SMUG) is attempting to sue Lively under the US Alien Tort Statute for his role in contributing to the increased persecution of LGBTI people in Uganda.⁶⁷ Whilst the transnational contributions of US evangelicals to homophobic discourses in Africa is well evidenced, SMUG's case against Lively marks the first of its kind and a potentially significant means of securing justice for the Ugandan LGBTI community.

In addition to US Christian evangelicals that have attempted to find audiences for their homophobic proselytising in Uganda, homophobic US preachers have also attempted to operate in other Sub-Saharan African states, gaining the attention of international LGBTI activists. For example, in response to transnational LGBTI campaigning, South Africa's Home Affairs Minister Malusi Gigaba refused US pastor Steven Anderson's visa to travel to South Africa, because of Anderson's homophobic hate speech.⁶⁸ Following this, Anderson was the target of another petition to ban his entry into

⁶⁴ Mother Jones, 'Stephen Langa, director of the Family Life Network,' YouTube (10 Mar 2014) [online].

⁶⁵ Mother Jones, 'Stephen Langa'. For information about the satirical piece, see: Michael Swift, 'Gay Revolutionary,' *Gay Community News* (Feb 1987). Available at: Fordham University [online].

⁶⁶ See: 'Anti-imperialism as a hand-washing strategy,' *The Economist* (11 Mar 2010) [online].

⁶⁷ Sexual Minorities Uganda, 'Sexual Minorities Uganda Argues in Federal Court in Case Against U.S. Anti-Gay Extremist Scott Lively for His Role in LGBTI Persecution in Uganda' (9 Nov 2016) [online]; Neal Broverman, 'On Trial for Crime Against Humanity, Homophobe Scott Lively Begs for Cash,' *Advocate* (5 Jan 2016) [online].

⁶⁸ All Out, 'South Africa: don't let anti-gay hate in' (18 Jul 2016) [online]; 'South Africa bars anti-gay US pastor Steven Anderson,' BBC News (13 Sep 2016) [online].

Botswana, where he intended to establish a branch of his 'Faithful Word Baptist Church.'⁶⁹ Although the petition to stop Anderson's entry failed, Botswanan immigration officials deported Anderson following reports of hate speech and assault.⁷⁰ It highlights the complexity of approaches to LGBTI issues internationally that whilst Botswana deported Anderson for hate speech, less than two months later it led opposition in the UN General Assembly to the UNHRC appointment of a SOGI independent expert, as highlighted above.⁷¹ Malawi's government has also blocked Anderson from establishing a church in Malawi because of his 'hate preaching.'⁷² Although homosexuality is still illegal in both Botswana and Malawi, it is a positive development that these governments recognise the role that US pastors have had in fuelling hate and violence towards LGBTI populations, and have taken steps to limit this.

Homophobia, Homonationalism, and Pinkwashing Modernity: Highlighting Contemporary Complexities

As increasing attention has been given to the status of LGBTI rights internationally and Western actors seek to articulate an understanding of LGBTI issues in various international contexts, discourses have emerged to explain the homophobia that prohibits expected progress on LGBTI rights. The problematic nature of simplistic narratives about homophobia internationally has been identified by several academics, particularly the ways in which Western understandings of homophobia are nationalised and racialised. Most commonly identified are the narratives of 'Muslim homophobia' or 'African homophobia' as problematic, distinct and framed in ways in which highlight, unquestioningly, Western progress and modernity with regard to sexual and

⁶⁹ Michael K. Lavers, 'Petition urges Botswana to ban anti-LGBT U.S. pastor,' *Washington Blade* (15 Sep 2016) [online]; 'Now Botswana fights back against gay hate pastor Steven Anderson,' MambaOnline (1 Sep 2016) [online].

⁷⁰ 'Breaking: Yes! He's being deported! Gay hate pastor drama in Botswana,' MambaOnline (20 Sep 2016) [online]; 'Botswana to deport anti-gay US pastor Steven Anderson,' BBC News (20 Sep 2016) [online].

⁷¹ 'African nations attempt,' *The Guardian*.

⁷² Luiz DeBarros, 'Malawi government applauded for also blocking Anderson's hate church,' MambaOnline (27 Oct 2016) [online].

gender rights.⁷³ This ‘geopolitical mapping of homophobia’ that fails to account for the complex and heterogeneous motivations and expressions of homophobia (or various antagonisms and discriminations against sexual and gender minorities) in local contexts means that Western interventions are susceptible to reproducing Western conceptions of LGBTI rights solutions, such as focusing on state legislation.⁷⁴ There is a need for the careful examination and articulation of local conceptions and specificities of homophobia in different contexts if Western interventions are going to be useful and solidaristic to local LGBTI and wider communities.⁷⁵

LGBTI rights, in part through a geopolitical mapping of homophobia, have been used to emphasise the progress and modernity of Western states compared to other, non-Western states that have failed to ‘catch up’ to the homonormative standards of a pinkwashed modernity.⁷⁶ ‘Pinkwashing’ here refers to the use of ‘ostensibly “progressive” policies around gay tolerance to hide and distract from practices of colonialism.’⁷⁷ The progress towards realising LGBTI rights is conceptualised as a journey that the West has already accomplished and must do its part to help along those states that lag behind. For example, regarding a policy of tying acceptance of LGBTI rights to development aid, UK Prime Minister David Cameron explained that ‘I think these countries are all on a journey and it’s up to us to try and help them on that journey, and that’s exactly what we do.’⁷⁸ Rao notes how, following the Indian Supreme Court decision in 2013 that found Section 377 was not unconstitutional (effectively recriminalising same-sex relations in India), various media supportive of LGBTI rights suggested that India should look to the West, framing acceptance of LGBTI equality as

⁷³ See: Puar, *Terrorist Assemblages*; Rahman, ‘Queer Rights’; Patrick Awondo, Peter Geschiere, Graeme Reid, ‘Homophobic Africa? Toward A More Nuanced View,’ *African Studies Review* 55:3 (Dec 2012); Gunkel, ‘Some Reflections’; Rao, ‘Locations of homophobia.’

⁷⁴ Gunkel, ‘Some Reflections,’ 72-73; Puar, *Terrorist Assemblages*; Seckinelgin, ‘Global civil society,’ 542.

⁷⁵ Awondo, Geschiere, and Reid, ‘Homophobic Africa?’; Seckinelgin, ‘Global civil society.’

⁷⁶ Rahman, ‘Queer rights,’ 279-280; Agnieszka Graff, ‘Looking at Pictures of Gay Men: Political Uses of Homophobia in Contemporary Poland,’ *Public Culture* 22:3 (2010), 586.

⁷⁷ Wala AlQaisiya, Ghaith Hilal, and Haneen Maikey, ‘Dismantling the Image of the Palestinian Homosexual: Exploring the Role of alQaws,’ in *Decolonizing Sexualities: Transnational Perspectives, Critical Interventions*, Sandeep Bakshi, Suhraiya Jivraj, Silvia Posocco, eds. (Oxford: Counterpress, 2016), 131.

⁷⁸ David Cameron, interview, *The Andrew Marr Show* (BBC, 30 Oct 2011), transcript available: ‘Transcript Philip Hammond interview,’ BBC News (30 Oct 2011) [online]; Gunkel, ‘Some Reflections,’ 73.

a marker of modernity already embodied by the West.⁷⁹ Both Abbas and Ekine note the ways in which LGBTI rights, as conceptualised and articulated by the West, are often used as a barometer to distinguish between good, liberal states, and bad, uncivilised ones, often with political utility to reinforce the positional superiority of Western states in the international system.⁸⁰

In Europe, sexual politics and LGBTI rights have featured prominently in debates about multiculturalism and Islamophobia in European society, in which LGBTI rights are often deployed in homonationalist terms to mark Muslims and ‘others’ as different and unable to embody European ‘values.’⁸¹ Sexual politics and LGBTI rights are selectively deployed by political actors to mark particular people as non-citizens for their failure to accept or embody the values of the nation, whilst simultaneously denying full rights and equality to queer citizens that would threaten the heteronormativity of the nation. Drawing on France as an example, both Butler and Fassin note that the means by which the nation is defended against those who do not embody ‘our’ cultural norms only selectively draw upon the sexual politics they claim to defend, whilst restricting those elements of sexual politics that would threaten the nation from within.⁸² Immigration policies in both Germany and the Netherlands have been noted to question prospective immigrants on their attitudes to LGBTI people and relationships as a means of ensuring that they adhere to the supposed accepted sexual values of the nation.⁸³ Muslim immigrants in particular are assumed to pose a threat to the values of the nation, or otherwise to LGBTI populations.⁸⁴ Such arguments feature as part of broader far-right, anti-immigration politics, which deploy homonationalist fears of particular immigrants (mainly Muslims), whilst simultaneously engaging in a homophobic politics that seeks to discriminate against and restrict queer lives. This is evident in the

⁷⁹ Rao, ‘Queer Questions,’ 8.

⁸⁰ Hakima Abbas, ‘Aid, resistance and Queer power,’ *SPW Working Paper 7: The global context: Sexuality and geopolitics* (April 2012), 18; Sokari Ekine, ‘Contesting narratives of queer Africa,’ in *Queer African Reader*, Sokari Ekine and Hakima Abbas, eds. (Oxford: Pambazuka Press, 2013), 82-88.

⁸¹ See: Mepschen, Duyvendak, and Tonkens, ‘Sexual politics’; Fassin, ‘National Identities’; Butler, ‘Sexual politics’; Haritaworn, Tauqir, and Erden, ‘Gay Imperialism’; Phillip M. Ayoub and David Paternotte (eds.), *LGBT Activism and the Making of Europe: A Rainbow Europe?* (Basingstoke: Palgrave Macmillan, 2014).

⁸² Butler, ‘Sexual politics’; Fassin, ‘National identities.’

⁸³ Butler, ‘Sexual politics’; Fassin, ‘National identities,’ 515-518.

⁸⁴ Mepschen, Duyvendak, and Tonkens, ‘Sexual politics,’ 968.

2016 US election campaign of Donald Trump, where he and Milo Yiannopoulos, a popular figure in the 'alt-right' despite being gay himself, suggested that mass Muslim immigration to the US would result in the suppression and murder of gay people.⁸⁵

In light of these complexities that appropriate LGBTI issues for other political ends within the dynamics of international relations, LGBTI communities and organisations engaged with LGBTI issues internationally must navigate a clear articulation and realisation of their international strategies that avoids contributing to homonationalist tropes. Whilst operating with an awareness of the ways in which homophobic political actors derive political utility from LGBTI discrimination, as noted in discussions about the UN and the Ugandan AHA above, NGOs should be cautious about conflating multiple, complex homophobias into problematically homogenous, geopolitical articulations of homophobia. NGOs should note that the ways in which they articulate their strategies to contest homophobia internationally do not present limited and exclusionary boundaries about what constitutes LGBTI identities or forms of LGBTI-discrimination.⁸⁶ There is also a need to be cautious about the ways in which queer politics is co-opted by actors for homonationalist discourse, such as when used in anti-immigration or anti-Muslim political strategies, and to ensure that NGO strategies challenge, rather than contribute, to such discourses. Such strategies require intersectional approaches to understanding the ways in which LGBTI issues intersect and share common struggles with, for example, race, gender, and class. Whilst increased attention to LGBTI rights in contemporary international relations has the potential to facilitate positive change to LGBTI people globally, NGOs and other actors engaged in such global struggles should remain vigilant to the ways in which queer struggles are co-opted to oppressive political ends.

⁸⁵ Nick Duffy, 'Donald Trump claims Clinton victory will lead to mass murder of gays,' Pink News (13 Jun 2016) [online]; Nick Duffy, 'Trump supporter Milo Yiannopoulos burns Pride flag in vile election ad,' Pink News (3 Nov 2016) [online]. For other examples of the US Right's appropriation of LGBTI issues, see: Rao, *Third World Protest*, 181-183; Long, 'Gay hanging in Iran.'

⁸⁶ Karl Bryant and Salvador Vidal-Ortiz, 'Introduction to Retheorizing Homophobias,' *Sexualities* 11:4 (2008); Gunkel, 'Some Reflections,' 72.

Chapter 5

Mapping the UK-Based NGO Landscape

What emerges is a clear sense that the new London-based politics of LGBT human rights still has much to learn from subnational, national and regional LGBT movements in the Global South.¹

Within a context of increased international attention to LGBTI rights issues, as well as growing acceptance of LGBTI rights within the UK, a number of UK-based organisations emerged with an interest in supporting the improvement of LGBTI human rights worldwide. In addition to high profile international developments, such as the Ugandan AHB, and imprisonment of a Malawian couple for ‘sodomy and indecency’ in 2010, domestic improvements in social attitudes towards homosexuality in the UK, as well as the implementation of the 2010 Equality Act, appear to have catalysed the desire for NGOs to engage in transnational LGBTI activism.² From 2011, new NGOs emerged in the UK with a commitment to transnational LGBTI activism, and existing NGOs adopted revised strategies to increase their international engagements. The simultaneous emergence of these NGOs within the UK presents an opportunity to map the contemporary landscape of a new transnational LGBTI politics in the UK.³

This chapter introduces a range of UK-based NGOs that engage in transnational LGBTI activism, noting the origins of each organisation and their main aims within the

¹ Waites, ‘The New Trans-National Politics,’ 87.

² See: Godfrey Mapondera and David Smith, ‘Malawian gay couple jailed for 14 years,’ *The Guardian* (20 May 2010) [online]; A. Park, et al., eds., ‘Personal relationships: Changing attitudes towards sex, marriage and parenthood,’ *British Social Attitudes: the 30th Report* (London: NatCen Social Research, 2013). Also see Rao on the suggestion of an ‘existential crisis’ that drives British and European activists towards engagement with international LGBTI issues: Rao, *Third World Protest*, 184-185.

³ Waites, ‘The New Trans-National Politics.’

space. Before exploring the range of NGO strategies in more detail, the issue of funding is examined to contextualise how disparate access to resources shapes opportunities and challenges for NGOs in the UK. The strategies of NGOs are then explored thematically, noting the ways in which UK-based NGOs favour particular methods of activism, whilst noting commonality in the UK space, such as shared commitments to working with local actors. Finally, the chapter concludes with an assessment of the nature of cooperation and coherency amongst UK-based strategic engagements in transnational LGBTI activism. By examining NGO responses to developments in Brunei, the chapter notes that whilst there is a degree of cooperation and coherency in the UK space, there remains scope for improvements in how UK-based NGOs actualise nuanced commitments to working with Southern activists.

Introducing UK-Based NGOs Engaged in Transnational LGBTI Activism

This section will outline the origins and nature the main UK-based organisations considered in this thesis. This will give an indication of the range of UK-based NGOs operating with concern for transnational LGBTI rights, and will allow for a comparative analysis of the strategies employed by NGOs later in this chapter. The NGOs are listed alphabetically. Some NGOs may feature more in some sections than others. Of particular note is that No Going Back and UKLGIG feature more prominently in chapter 6 given their focus on LGBTI asylum seekers and diaspora communities.

Human Dignity Trust

Human Dignity Trust (HDT) is a registered charity that describes itself as supporting ‘those who want to challenge anti-gay laws wherever they exist in the world.’⁴ The charity appeals to the principles of human dignity inherent in international human rights law, including the implications of dignity for identity.⁵ The main focus of the charity is to provide free, technical legal expertise to local activists to support litigation cases

⁴ Human Dignity Trust, ‘The Human Dignity Trust: Legally Challenging the Illegality of Homosexuality’ [online].

⁵ Human Dignity Trust, ‘Why the Human Dignity Trust?’ [online].

against governments that have laws that criminalise homosexuality. Jonathan Cooper, Chief Executive of HDT, notes that:

to understand the Human Dignity Trust is to understand our legal panel, because they are made up of the world's largest, greatest law firms. [...] They act for us *pro bono* [...] we've been able to do all of that work, involve ourselves so intimately and in such a detailed way in those cases because our legal panel is there.⁶

Thus, HDT offers activists, to the extent that they seek it, free, technical legal expertise to support local activists in litigation cases against their government, which Cooper describes as effectively 'levelling the playing field' in cases that would otherwise be too costly and resource-demanding for local activists to fight alone.⁷

HDT emerged during a more general surge of interest in international LGBTI persecution following the introduction of the Ugandan AHB, something that is acknowledged by the Trust: 'We are, in effect, a response to what was going on in Uganda back then when the Anti-Homosexuality Bill was floating around.'⁸ The first chair of the organisation,

drafted an advice for the Commonwealth Lawyers Association on the Anti-Homosexuality Bill and its compatibility with Ugandan law and with Uganda's international human rights treaty obligations. And, not unsurprisingly, he found it violated all of them. But as a result of going through that process he was surprised how many jurisdictions criminalise in breach of their international human rights treaty obligations. And so he thought, if there was any value, an organisation could be set up that just helped facilitate litigation, which is, in a sense, all we do.⁹

Cooper notes, however, that HDT comes from a tradition of organisations that support local activists with test litigation, such as The Death Penalty Project, Reprieve, or the Media Legal Defence Initiative, rather than from a tradition of promoting LGBTI rights.¹⁰ Although HDT emerged around the same time as many of the other UK-based NGOs considered in this chapter, Cooper suggests that, given the tradition and success

⁶ Jonathan Cooper, Chief Executive, Human Dignity Trust, interviewed by author (23 Jul 2015).

⁷ Cooper, interview.

⁸ Cooper, interview.

⁹ Cooper, interview.

¹⁰ Cooper, interview.

of other litigation-focused UK-based NGOs, ‘I think we would have happened anyway even if there hadn’t been this flowering of concern about what’s going on to gay and lesbian people around the world.’¹¹ Even so, HDT have emerged to form a core part of the UK-based NGO movement concerned with transnational LGBTI activism.

Whilst HDT’s legal panel offers its services *pro bono*, as a charity HDT is financially supported by donations from a number of notable charitable trusts and foundations, alongside donations from individuals.¹² En route to receiving charitable status, the Charity Commission twice denied HDT’s application on technical grounds that HDT’s work was too ‘political’ and beyond the definition of ‘public benefit’ under charity law, though the Charity Tribunal eventually awarded HDT charitable status in June 2014 after a successful appeal.¹³

Justice for Gay Africans Society

Justice for Gay Africans Society (JfGA) describes itself as ‘a UK-Based collaborative of activists, artists, academics, politicians and others designed to draw on the leadership and insight of black people in the UK to affect positive change for black LGBTI communities in Africa, Europe and the Commonwealth.’¹⁴ Founded in 2009, the group functions as a voluntary collective of influential individuals that aims to end discrimination against black LGBTI communities, by engaging in ‘educational, campaigning and research projects that help articulate the challenges facing LGBTI people of African descent, as well as potential solutions.’¹⁵ A motivating factor that contributed to the formation of the group was to highlight the voices of black LGBTI

¹¹ Cooper, interview.

¹² Human Dignity Trust, ‘Our Funders’ [online].

¹³ See: Alison McKenna, *The Human Dignity Trust v. The Charity Commission for England and Wales* (CA/2013/0013) 9 Jul, 2014; Owen Bowcott and Maya Wolfe-Robinson, ‘Gay rights group challenges Charity Commission refusal,’ *The Guardian* (17 Nov 2013) [online]; William Shawcross, ‘Charity Commission clarifies its position on the Human Dignity Trust,’ *The Guardian* (11 Jul 2014) [online].

¹⁴ Justice for Gay Africans Society, LinkedIn [online]. See also: Justice for Gay Africans, ‘About’ [online].

¹⁵ Justice for Gay Africans [JfGA] Society, ‘About Justice for Gay Africans [JfGA] Society,’ Facebook [online].

people, voices that were otherwise rarely heard in either LGBTI or black communities, and attempt to dispel a lot of myths that surrounded black LGBTI experiences.¹⁶

JfGA has a greater focus on engagement within black communities in the UK, rather than a focus on international activism as such, but hopes that engagement with UK-based communities will help create potential for positive international exchanges, given the cultural and familial connections that many in the black community have with their ‘home country.’¹⁷ In addition, JfGA has supported campaigns at an international level. For example, members of the group have contributed critiques and lobbying efforts on the lack of anti-discrimination protections for LGBTI communities within Commonwealth governance structures, as well as the absence of such protections in the wider Commonwealth community of member states.¹⁸

Kaleidoscope Trust

Kaleidoscope Trust (hereafter ‘Kaleidoscope’) is a registered charity that seeks to promote the human rights of LGBTI people globally. Founded in 2011, emerging during a general escalation of interest in international LGBTI rights at the time, Kaleidoscope has since become a prominent NGO in the UK space concerned with international LGBTI rights. Created by Lance Price, formerly a part of Tony Blair’s media team, Kaleidoscope includes a notable range of individuals on its board of Trustees, including Simon Fanshawe, a co-founder of Stonewall, Rev. Jide Macaulay, founder of the House of Rainbow Fellowship and member of JfGA, as well as John Bercow, Speaker of the House of Commons, as President of the Trust.¹⁹ Price has also noted that campaigner Peter Tatchell was supportive in setting up the Trust, whilst Kaleidoscope appeared to receive support from politicians and some of the wider, UK-based LGBTI community at its launch, though with perhaps less than ideal engagement with global LGBTI

¹⁶ Godwyns Onwuchekwa, Co-founder and Chair, Justice for Gay Africans Society, interviewed by author (13 Aug 2015). See also: *Justice for Gay Africans Society: Strategic Planning Meeting* (25 Aug 2010).

¹⁷ Onwuchekwa, interview.

¹⁸ For example, see: Scott Roberts, ‘Justice for Gay Africans: “Queen’s Commonwealth charter is silent on sexuality,”’ Pink News (11 Mar 2013) [online].

¹⁹ Kaleidoscope Trust, ‘Our Team’ [online].

movements.²⁰ Attendances at Kaleidoscope's annual gala dinners suggests that UK-based support continues, with the presence of celebrity LGBTI individuals arguably raising the profile of Kaleidoscope's work, at least in the UK.²¹ Despite these connections, Waites notes that the initial leadership of Kaleidoscope emerged from the 'the circles of political elites with related contacts, suggesting a mainstream orientation.'²² As Kaleidoscope has become a central actor in UK-based transnational LGBTI activism, it has certainly maintained its 'mainstream orientation' in its approach to international activism.

Kaleidoscope, focusing on supporting international LGBTI rights, engages in a number of different strategies both within the UK and globally. It seeks to support LGBTI activists internationally through project work to support media and communications capacity building in countries, conducted with an ethos of listening to and communicating the experiences of LGBTI communities 'in partnership with organisations on the ground.'²³ Kaleidoscope also engages in advocacy work with political actors in the UK and the Commonwealth, boasting 'established relationships with a network of UK parliamentarians' and an 'an active Parliamentary Friends group, Chaired by former minister Crispin Blunt MP.'²⁴ Lobbying activities also involve engagements with, for example, the Foreign and Commonwealth Office, Department for International Development, and the Commonwealth Secretariat, with lobbying activities conducted 'with consultation with actors on the ground.'²⁵ Aside from these strategies, Kaleidoscope has also published a number of reports, including an examination of the status of LGBTI rights in the Commonwealth,²⁶ as well as highlighting reports produced by other organisations on international LGBTI rights.²⁷

²⁰ Jessica Geen, 'Speaker launches gay rights group Kaleidoscope,' Pink News (14 Sep 2011) [online]; Waites, 'LGBTI organizations navigating,' 7-8.

²¹ Joe Williams, 'In Pictures: Ian McKellen among stars at Kaleidoscope Trust's Annual Gala Dinner,' Pink News (1 Feb 2016) [online].

²² Waites, 'The New Trans-National Politics,' 79.

²³ Assistant Director, Kaleidoscope Trust, interviewed by author (29 Jul 2014). See also: Kaleidoscope Trust, 'Capacity-building' [online].

²⁴ Kaleidoscope Trust, 'Advocacy' [online].

²⁵ Assistant Director, Kaleidoscope, interview.

²⁶ *Speaking Out: The rights of LGBTI citizens from across the Commonwealth* (London: Kaleidoscope Trust, 2013); *Speaking Out 2015: The rights of LGBTI people across the Commonwealth* (London: Kaleidoscope Trust, 2015).

²⁷ Kaleidoscope Trust, 'Resources' [online].

Kaleidoscope has also been instrumental in establishing The Commonwealth Equality Network.²⁸

No Going Back

No Going Back was founded in 2012 to offer free legal support to LGBTI people seeking asylum in the UK, after consultation with a number of NGOs, including Stonewall, Equity Partnership, and MESMAC, to determine the need for greater support for LGBTI asylum seekers.²⁹ No Going Back takes its name from a report published by Stonewall on the treatment and experiences of lesbian and gay people seeking asylum in the UK.³⁰ Whilst the majority of NGOs considered in this thesis are based in London, No Going Back is based in Leeds, though the organisation offers support to LGBTI people seeking asylum across the UK.³¹ The organisation operates on a voluntary basis and so can only take on a small number of cases per year due to the limited finances of the group and the large costs of some legal cases.³²

In addition to offering legal support to LGBTI asylum seekers, No Going Back is also active in delivering training on LGBTI issues, such as working with Stop Hate UK to offer advice to asylum seekers on LGBTI hate crime, and with No5 Chambers to offer training to immigration advisors on best practice in LGBTI asylum cases.³³ No Going Back also delivers training and information visits at universities, or to other groups and organisations that are simply interested in LGBTI asylum but have no direct participation or involvement in the asylum system.³⁴

²⁸ Examined in more detail in chapter 6. See: Waites, 'LGBTI organizations navigating.'

²⁹ Stuart Hanson, Founder and CEO, No Going Back, interviewed by author (3 Aug 2015).

³⁰ Miles, *No Going Back*; No Going Back, 'What we do' [online].

³¹ Hanson, interview.

³² Hanson, interview.

³³ Hanson, interview.

³⁴ Hanson, interview.

Out & Proud African LGBTI

Out & Proud African LGBTI (OPAL), formerly known as Out and Proud Diamond Group (OPDG), was initially founded in 2011 by Ugandan human rights activists Abbey Kiwanuka and Edwin Sesange, though the group was largely inactive under the operations of other NGOs, until 2013 when it became an active organisation in its own right with the establishment of a steering committee.³⁵ OPAL gained charitable status in 2016, marking the change of the official name of the organisation to Out & Proud African LGBTI.³⁶ OPAL now clearly asserts its place in the UK LGBTI space on equal terms with other UK-based NGOs: ‘Previously operating in obscurity under the umbrella of other organisations, [OPDG] now operates in co-ordination with partners with which it operates on equal terms.’³⁷ These partners include Rainbow International and the Peter Tatchell Foundation, both introduced below, as well as COC Netherlands, a Netherlands-based LGBTI organisation that engages in a range of transnational LGBTI activism strategies.³⁸ In addition to organising in the UK, OPAL has chapters in the Netherlands and France demonstrating the transnational nature of the group itself in addition to its participation in transnational activism strategies.

OPAL has emerged as a prominent diaspora-led group within UK-based transnational LGBTI activism spaces, offering support to African LGBTI communities in the UK and LGBTI people seeking asylum. The group regularly posts on Facebook calling for support for members going through the asylum process, and publishes success stories of members who successfully acquire refugee status.³⁹ OPAL holds weekly meetings for members and claims an active membership that participate in transnational strategies, including lobbying and protest action, sometimes in coordination with other UK-based groups.⁴⁰

³⁵ Out & Proud Diamond Group [online]. The OPAL website has since been updated and the information provided has changed. See: Out & Proud African LGBTI [online].

³⁶ Colin Stewart, ‘Diaspora African LGBTI activists win status as U.K. charity,’ *Erasing 76 Crimes* (7 Oct 2016) [online].

³⁷ OPDG, ‘Vision & Mission’ [online].

³⁸ OPDG, ‘Partners’ [online]; COC Netherlands [online].

³⁹ Out & Proud Diamond Group, Facebook [online]; Out & Proud African LGBTI, Facebook [online].

⁴⁰ OPDG, ‘Vision & Mission.’

Peter Tatchell Foundation

The Peter Tatchell Foundation (PTF) was established in 2011, as Peter Tatchell describes, ‘by a group of friends and supporters who wanted to help by giving me a more formal organisational structure for the campaigning work that I do.’⁴¹ Tatchell has engaged in LGBTI and human rights campaigning for a number of decades, having been involved in other UK-based organisations, such as the queer rights direct action group OutRage!. The PTF is involved in a range of activism strategies, including campaigning, lobbying, and protest actions on issues of global LGBTI rights. Tatchell and the PTF highlight that the focus of their work is on the promotion and protection of human rights, rather than specifically LGBTI rights, though the organisation is a prominent actor in the UK LGBTI space, and Tatchell himself is perhaps best well known for his campaigning on LGBTI issues.⁴²

Tatchell has been involved in a number of controversies concerning the role of some Western actors in transnational LGBTI activism, as mentioned in previous chapters. Nevertheless, Tatchell and the PTF continue to work with other UK-based NGOs involved in transnational LGBTI activism, such as Kaleidoscope, HDT, and OPAL.⁴³

Rainbow International LGBT Activist Solidarity Fund

Rainbow International LGBT Activist Solidarity Fund (hereafter ‘Rainbow International’) was founded in 2013, with the purpose to promote LGBTI rights and ‘to provide financial support through the awarding of grants to front line, grass roots, human rights defenders and organisations, worldwide’ that advocate for LGBTI rights.⁴⁴ Whilst it was first officially launched in December 2013, Rainbow International did not begin to accept grant applications until 2014 after a period of fundraising to establish the organisation’s funding capabilities.⁴⁵ Run voluntarily,

⁴¹ Peter Tatchell, Director, Peter Tatchell Foundation, interviewed by author (20 Sep 2014).

⁴² Tatchell, interview; Peter Tatchell Foundation, ‘About us’ [online].

⁴³ Tatchell, interview.

⁴⁴ Rainbow International, ‘What we do’ [online].

⁴⁵ Penny, interview; Colin Stewart, ‘New group to help activists in 76+ countries with anti-gay laws,’ *Erasing 76 Crimes* [online].

Rainbow International has organised several fundraising events to help build up the fund from which it can then issue grants to support the efforts of grassroots LGBTI groups and activists internationally.⁴⁶ Rainbow International has issued grants to activists and organisations in Uganda, Kenya, Cameroon, and Nigeria, amongst others.⁴⁷

Rainbow International emerged out of Rail, Maritime and Transport Union (RMT) support for protest and demonstration actions on international LGBTI issues, largely in response to escalating interest in the effects of anti-homosexuality legislation in countries such as Uganda, coordinating demonstration action with OPAL and PTF.⁴⁸ Paul Penny, co-founder and chair of Rainbow International, was the London Transport LGBT Officer within the RMT, and notes that it is important to recognise the influence of socialist and trade union politics on the ethos of solidarity that is carried through Rainbow International's work.⁴⁹ Since the launch of Rainbow International, the RMT has affiliated with the organisation, highlighting continued union support for LGBTI activism, giving Rainbow International increased credibility as a new organisation at the time, as well as providing a source of funding to enable Rainbow International to carry out its objectives.⁵⁰ Rainbow International also encourage affiliation of trade unions through its website as a means of supporting the organisation.⁵¹

Stonewall

Stonewall was founded in 1989 by a group of activists in response to Section 28 of the Local Government Act, continuing campaigning and lobbying on a range of issues for equality of gay and lesbian people in the UK, gaining charitable status in 2003.⁵²

⁴⁶ See: Rainbow International, 'Fundraising Events' [online].

⁴⁷ Rainbow International, 'Grants Awarded' [online]; 'Rainbow International 2014 report' (email correspondence); 'Rainbow International 2015 report' (email correspondence).

⁴⁸ Penny, interview; 'African LGBT activists protest at Uganda House,' *Worker's Liberty* (18 Nov 2013) [online].

⁴⁹ Penny, interview.

⁵⁰ Penny, interview; RMT, 'Affiliation: Rainbow International LGBT Activist Solidarity Fund' (25 Sep 2014) [online].

⁵¹ Rainbow International, 'Affiliate' [online].

⁵² Stonewall, 'Stonewall's history' (10 Jun 2015) [online].

Stonewall has a comparatively longer history as an established NGO in the UK, which likely has some influence on its positionality in the UK LGBTI space, particularly in terms of its visibility, resources and location, compared to some other organisations considered here that are run by small, voluntary teams. Nevertheless, as with most other NGOs considered here, Stonewall has only engaged in international work in recent years. Starting in 2012, Stonewall has engaged in a range of strategies to support LGBTI activism internationally, including offering a ‘Campaign Development Programme’ to international LGBTI activists on delivering effective campaigns, as well as hosting tailored training sessions and ‘Learning Visits.’⁵³ Stonewall is also involved in international advocacy and campaigns, engaging with the UK Government and United Nations on LGBTI issues, including contributing to the Universal Periodic Review and UNHRC.⁵⁴ Stonewall have also published a number of reports and resources relevant to international LGBTI activism.⁵⁵

UK Lesbian and Gay Immigration Group

The UK Lesbian and Gay Immigration Group (UKLGIG) was founded in 1993 to campaign for equality in immigration law concerning same-sex couples, which was eventually secured under the New Labour Government in 1997.⁵⁶ Following legal challenges culminating in a House of Lords decision in 1999, and the implementation of the Human Rights Act in 2000, LGBTI people were finally recognised as falling under the Refugee Convention, and in 2003 UKLGIG turned its focus to supporting LGBTI people seeking asylum in the UK.⁵⁷ UKLGIG continues to provide information and support to same-sex couples going through immigration processes, though the bulk of its work now concerns working with LGBTI people seeking asylum in the UK.⁵⁸

⁵³ Stonewall, ‘International Training’ [online].

⁵⁴ Stonewall, ‘International Advocacy’ [online].

⁵⁵ Stonewall, ‘International Resources’ [online].

⁵⁶ Paul Dillane, Executive Director, UKLGIG, interviewed by author (11 Aug 2015).

⁵⁷ Dillane, interview; de Jong, *LGBT refugees and asylum seekers*, 4-20.

⁵⁸ Dillane, interview.

Whereas No Going Back offers legal support to LGBTI asylum seekers, UKLGIG does not provide legal services. Rather, as Executive Director Paul Dillane explains,

We're not legal providers. We don't represent our clients. What we do is facilitate access to legal advice through the meetings that we organise. We have a network of volunteer pro bono lawyers that work with us. So every month we have a legal meeting where between 80, 100, sometimes 120 people of very different nationalities will come and seek advice and information from our lawyers.⁵⁹

In addition to facilitating access to lawyers and legal advice, UKLGIG organises events, meetings and support groups to help LGBTI people with the non-legal challenges that they may face whilst going through the asylum process, such as loneliness and isolation.⁶⁰ Generally, mainstream asylum-seeker-supporting organisations do not have the experience to effectively cater to the specific needs to LGBTI asylum seekers, so demand for UKLGIG's services is high.⁶¹ In addition to the monthly meetings that it organises in London and Birmingham, UKLGIG has detailed information on the asylum process and available support on its website.⁶² UKLGIG is also involved in campaigning and advocacy work on LGBTI asylum issues, and has published reports reviewing the asylum system in the UK for LGBTI asylum seekers.⁶³

Comparative Funding Issues for NGOs

This section explores and compares funding issues for UK-based NGOs that engage in transnational LGBTI activism to contextualise how the material resources available contributes to shaping the nature, capacity and limitations of NGOs as they participate in activism spaces. NGOs rely on a range of sources of income, such as individual donations, fundraising events, or institutional and philanthropic grants. For most NGOs, availability of funding presents limitations on the amount or type of work that they are

⁵⁹ Dillane, interview.

⁶⁰ Dillane, interview.

⁶¹ Dillane, interview.

⁶² UKLGIG, 'Asylum Support Work' [online].

⁶³ Dillane, interview; UKLGIG, 'UKLGIG Publications' [online]. For example, see: Laura Milliken Gray, *Failing The Grade: Home Office initial decisions on lesbian and gay claims for asylum* (UKLGIG, April 2010); Keina Yoshida, *Missing the Mark: Decision making on Lesbian, Gay (Bisexual, Trans and Intersex) Asylum Claims* (UKLGIG, Sep 2013).

able to do, the disparity between NGOs' capacity for action highlighted in the various resources available to them.

A common experience for UK-based NGOs is a reliance on donations and fundraising, rather than receiving public funds. The Assistant Director of Kaleidoscope describes the variety of funding sources that support its work:

We're entirely funded by donations. And donations drawn from the usual pots of money that sector organisations get their money from, so, direct donations, small donations, but also institutional donations. Our project work has been largely funded by institutional funders.⁶⁴

This reliance on multi-level donations is a common experience amongst NGOs, and so institutional grants provide important sources of funding. For example, the Sigrid Rausing Trust has issued grants to HDT, Stonewall, and UKLGIG.⁶⁵ Whilst institutional grants offer significant financial support to NGOs, they can be restricted to use for certain projects or objectives, whereas charitable donations, as unrestricted funds, can cover organisational costs not covered by grant funding.⁶⁶ Invitations to donate and fundraise for NGOs are common on organisation websites, whilst reiterating the importance of donations to support organisational activities and strategies.⁶⁷ Income from donations can differ remarkably between NGOs. For example, Stonewall received £1,026,030 in income from donations for its 2014 financial year,⁶⁸ whereas the PTF received £119, 995 during approximately the same period.⁶⁹ It is worth noting the disparity in finances between UK-based NGOs given the consequent impact on NGOs' capacity to engage in multiple strategies of transnational LGBTI activism.

⁶⁴ Assistant Director, Kaleidoscope, interview.

⁶⁵ Sigrid Rausing Trust, 'Human Dignity Trust' [online]; Sigrid Rausing Trust, 'UK Lesbian & Gay Immigration Group (UKLGIG)' [online]; Sigrid Rausing Trust, 'Stonewall' [online]. Cooper, Chief Executive of HDT is also a trustee of Sigrid Rausing Trust: Sigrid Rausing Trust, 'The Trustees' [online].

⁶⁶ See: *Trustees' annual report and financial statements: For the year ended 30 September 2014* (Stonewall Equality Limited), 9, 18-19.

⁶⁷ See: Stonewall, 'Fundraise for us' [online]; OPDG, 'Donate Now' [online]; Peter Tatchell Foundation, 'Donate' [online]; No Going Back, 'What you can do' [online].

⁶⁸ *Trustees' annual report*, 9.

⁶⁹ Peter Tatchell Foundation, 'Accounts' [online].

The size of an organisation and the funding available are a commonly recognised limitation amongst NGOs in the UK space, as it prohibits participation and engagement in some international activism strategies. For example, Tatchell notes the limitations of size and funding on the PTF: ‘So, obviously we’re very small, so there’s a very limited number of campaigns that we can take on.’⁷⁰ Similarly, whilst JfGA is keen to maintain the voluntary structure of the organisation, the dependence on members volunteering their time does mean a lack of human and financial resources affect the work that they can engage in.⁷¹ Stonewall notes the value of volunteers who assist in the operation of the organisation and help to save an estimated £175,000 on staff costs, against employment costs of £1,399,196 per year.⁷² This highlights the significant costs of human resources for NGOs in the sector, and the importance of voluntary work for smaller organisations that would otherwise struggle to meet such costs. Nevertheless, lack of size and available funding does not necessarily limit all contributions to transnational LGBTI activism, as the Assistant Director of Kaleidoscope notes, organisations can add value in other ways:

We’re also a very small and very young organisation and so doing lots of direct funding is slightly beyond our capacity at the moment. And, largely where we add value, I think, with the in-country work, is we bring certain experiences and skills to a project that we can run jointly in-country.⁷³

Gaining charitable status can be important for new organisations as it provides greater legitimacy and can open more avenues to funding, as Penny of Rainbow International, speaking before it acquired charitable status itself, notes: ‘once we have charitable status then we can actually start speaking to big philanthropists and people who could perhaps give us large sums of money, which would be great.’⁷⁴ Even when organisations secure

⁷⁰ Tatchell, interview. Similar sentiments are expressed by: Dillane, interview; Hanson, interview; Penny, interview.

⁷¹ Onwuchekwa, interview.

⁷² Figures relevant to Stonewall’s 2014 financial statement: *Trustees’ annual report*, 5, 9.

⁷³ Assistant Director, Kaleidoscope, interview.

⁷⁴ Penny, interview. Rainbow International acquired charitable status in 2015: Charity Commission for England and Wales, ‘1159834 Rainbow International LGBT Activist Solidarity Fund’ [online].

charitable status access to funding remains a limitation on the amount of work that organisations can undertake.⁷⁵

Some NGOs use a variety of fundraising methods to improve funding beyond individual charitable donations. Fundraising events are popular for several organisations, usually attended by a number of LGBTI celebrities to boost the profile of the events. For example, Kaleidoscope hosts an annual Gala Dinner to raise funds for the charity, whilst the PTF organised an ‘Equality Ball’ fundraiser in 2015.⁷⁶ Stonewall similarly hosts an annual ‘Equality Dinner.’⁷⁷ A number of fundraising gigs and benefits have been organised to raise money for Rainbow International.⁷⁸ Both PTF and Rainbow International also advertise ‘fundraise while you shop’ initiatives to help generate donations via online shopping.⁷⁹ Rainbow International, given its connections to the trade union movement, also suggest the option of trade union affiliation, as a way of building solidarity alongside fundraising.⁸⁰ With support from a local Methodist mission in Leeds, No Going Back have opened a not-for-profit café which helps to generate funds for the charity, as well as providing their service users (LGBTI people seeking asylum) with opportunities to improve their English and develop new skills by working in the café.⁸¹

Although the NGOs considered here use multiple methods of fundraising, and it is reasonable to suggest that some NGOs have access to more funds than others, it is also worth noting the broader context of funding in the UK NGO sector during a contemporary era of ‘austerity.’ LGBTI organisations have been found to be disproportionately affected by cuts to funding, with voluntary, community-based organisations and those dealing with trans issues having particularly suffered.⁸²

⁷⁵ Dillane, interview.

⁷⁶ Kaleidoscope Trust, ‘Fourth Annual Gala Dinner’ [online]; Peter Tatchell, ‘Marc Almond joins line up at Equality Ball 28 November,’ Peter Tatchell Foundation (28 Oct 2015) [online].

⁷⁷ Stonewall, ‘Stonewall annual dinner raises £470,000 for LGBT equality’ (23 Mar 2015) [online].

⁷⁸ Penny, interview; Rainbow International, ‘Fundraising Events.’

⁷⁹ Peter Tatchell Foundation, ‘Fundraise while you shop’ [online]. Rainbow International suggest: giveasyoulive.com.

⁸⁰ Penny, interview; Rainbow International, ‘Affiliate.’

⁸¹ Hanson, interview; Carrie Braithwaite, ‘Sunday School Tea Rooms launch with help from students,’ Leeds Beckett University (3 Jun 2015) [online].

⁸² Fiona Colgan, Chrissy Hunter and Aidan McKearney, ‘*Staying Alive*’: *The Impact of ‘Austerity Cuts’ on the LGBT Voluntary and Community Sector (VCS) in England and Wales*, (London Metropolitan

Concerns have similarly been raised by several members of LGBTI-oriented NGOs on the negative impacts that austerity and cut-backs have had on fundraising for organisations' activities.⁸³ Although none of the NGOs considered here receive money directly from government sources, cut-backs to government funding can have wider ramifications for funding within the NGO sector, as Dillane comments:

Austerity has had a huge impact on LGBT charities. [...] competition is fierce. Central Government is losing a lot of its money. Government funding is decreasing, and pressure on those philanthropic trusts and foundations is increasing. So, LGBT organisations are finding it very difficult to get the money they need to survive and thrive.⁸⁴

Felicity Daly, executive director of Kaleidoscope has highlighted that individuals' contributions to the charity remain important amidst cutbacks, though limited funds still have an impact on the growth and efficacy of the Trust: 'We're so well supported by individuals that that's what's kept us up. But it's also kept us small.'⁸⁵ Nevertheless, the increase in the number of LGBTI organisations supported by the Sigrid Rausing Trust suggests that at least some philanthropic trusts are increasing support for LGBTI groups, including HDT and UKLGIG.⁸⁶ The majority of Sigrid Rausing Trust's LGBTI grants, however, are given to organisations outside of the UK, or are targeted to organisations that deal with the Trust's 'particular interest in the relationship between discriminatory laws, homophobia and violence.'⁸⁷ The Sigrid Rausing Trust placed eighth in a list of the top 'Foundation Funders of LGBTI Issues' globally (2013-2014), and was the highest UK-based foundation on the list.⁸⁸

University, 26 Jun 2014); Patrick Strudwick, 'Lesbian and gay groups face funding crisis,' *The Guardian* (3 Sep 2014) [online].

⁸³ Dillane, interview; Hanson, interview.

⁸⁴ Dillane, interview.

⁸⁵ Chris Godfrey, 'LGBT Charities vs Austerity,' *QX Magazine* (19 Aug 2015) [online].

⁸⁶ Sigrid Rausing Trust, 'LGBTI Rights' [online]; Sigrid Rausing Trust, 'Past Grantees' [online].

⁸⁷ Sigrid Rausing Trust, 'LGBTI Rights.'

⁸⁸ This particular list excluded funding focused on the US. Naa Hammond, Lyle Matthew Kan, Ben Francisco Maulbeck, *2013-2014 Global Resources Report: Philanthropic and Government Support for Lesbian, Gay, Bisexual, Transgender, and Intersex Communities* (New York: GPP and Funders for LGBTQ Issues, 2016), 13.

This highlights a further tension when considering funding sources in the different conceptions of ‘competition’ in the LGBTI space. Cooper suggests that whilst organisations might be in competition for some sources of funding, the fact that some funders support particular interests suggests that competition between groups is not always an issue:

It’s interesting. Are we rivals? I suppose, ultimately, we might be rivals for funding. But we all do different things [...] if funders are interested in litigation, which a number of funders are, then they would fund us and they wouldn’t fund Kaleidoscope, because they don’t do that.⁸⁹

Nevertheless, there is a sense from some smaller organisations that there is a lot of competition for funding and that it is relatively easier for larger organisations to command greater resources to enable them to access further funding, such as having staff dedicated to producing evidence for funding applications.⁹⁰ Reflecting on the experiences of setting up Rainbow International, Penny notes:

Any organisation that is set up to ask for funding, or collect funds, is competing with much the same money that other activists are. And I think we were probably treated with deep suspicion when we were set up.⁹¹

As highlighted by Penny, this sense of competition is not limited to LGBTI-oriented organisations. As Dillane notes, compared to many other countries, the UK is fortunate that it has a wide variety of funding sources in a charity sector that sees exchanges of billions of pounds, though some issues, such as cancer or children’s issues, tend to receive much larger shares of money: ‘I think it’s right to say, the number of organisations that are willing to save money for black, gay, migrants are not plentiful.’⁹² This is perhaps a significant point of concern for organisations engaged in LGBTI issues, particularly those engaged in transnational issues, in that LGBTI rights are simply not as universally popular as other causes, and that activists and organisations may still experience social or institutional homophobia. As Penny notes, ‘We can’t

⁸⁹ Cooper, interview.

⁹⁰ Colgan, Hunter, and McKearney, *‘Staying Alive,’* 73; Penny, interview.

⁹¹ Penny, interview.

⁹² Dillane, interview.

easily go out on the street and just shake a bucket without there being some kind of risk.’⁹³

Whilst we may recognise competition for limited funding as a concern for UK-based NGOs, several NGO representatives have highlighted the funding limitations placed on those activists and organisations that they work with in the Global South. For example, Penny recognises how limited access to funding for activists in the Global South can have a significant impact on the capacity for Southern LGBTI NGOs to contribute to and engage in transnational LGBTI activism.⁹⁴ The costs of travel to international conferences can be a limiting factor, compounded by the difficulties of securing visas, and can have significant implications of effectively silencing Southern LGBTI contributions to transnational LGBTI dialogues and activism.⁹⁵

Competition for funding is also an issue for LGBTI organisations in the Global South, which has an impact on the activism strategies they engage in and on their relationship with other actors in transnational LGBTI activism.⁹⁶ For example, better funded NGOs may be more well-known internationally, increasing their profile and voice in transnational activism, or will at least have more resources to allow for travel to conferences internationally, or security at the in-country level.⁹⁷ LGBTI organisations face serious funding limitations globally, particularly compared to transnational forces opposed to LGBTI equality, such as transnational networks supported by funds from the US Christian Right.⁹⁸ There is also little concrete data on funding for LGBTI issues globally, or on how such money flows through international organisations or is spent locally.⁹⁹ Available data does highlight, however, that a greater proportion of LGBTI funding is dedicated to LGBTI issues in the Global North. For example, between 2013-

⁹³ Penny, interview.

⁹⁴ Penny, interview.

⁹⁵ Penny, interview. See: xtraonline, ‘Ugandan gay rights activist on being denied Canadian visa,’ YouTube (17 Jun 2014) [online]; Jillian D’Amours, ‘Canada denies visa to Tunisian LGBT activist,’ Middle East Eye (17 May 2016) [online].

⁹⁶ Penny, interview; Tatchell, interview.

⁹⁷ Penny, interview.

⁹⁸ APPG LGBT report, 41-42. Kaoma, *Globalizing the Culture Wars*.

⁹⁹ APPG LGBT report, 41-42. See: Nancy Ordovery and Karen Zelsermyer, *A Global Gaze: Lesbian, Gay, Bisexual, Transgender and Intersex Grantmaking in the Global South and East 2010* (Fundors for LGBTQ Issues, 2011); Hammond, Kan, and Maulbeck, *2013-2014 Global Resources Report*.

2014, the Global North received 57% of global funding for LGBTI issues, whereas the Global South and East received only 30% of global funding.¹⁰⁰ Within the broader context of global funding from foundations in the same period, for every US\$100 awarded, only 13 cents specifically benefited LGBTI issues and communities, highlighting how global funding for LGBTI issues remains comparatively small.¹⁰¹

Mapping the Activism Strategies Employed by UK-Based NGOs

This section explores the range of strategies pursued by UK-based NGOs, highlighting common themes in the practices and discourses deployed in their work. This section examines the use of protest action within the UK, transnational strategies utilised by NGOs as well as the ways in which UK-based NGOs engage with LGBTI diaspora groups in the UK, and how NGOs have adopted an ethos and language of ‘working with local actors’ internationally. The section concludes by addressing NGO engagement with public mobilisation around international LGBTI issues, particularly how NGOs contribute to unpacking the complexity of making effective activism strategies more accessible to domestic constituencies.

Protest Strategies

A number of UK-based NGOs engage in protest action as a method of raising awareness of issues facing LGBTI people globally, commonly in response to specific laws or legislative proposals that discriminate against LGBTI people in particular countries.

Rainbow International regularly engages in protest action, usually in cooperation with other organisations such as OPAL, often targeting the embassies and high commissions of countries such as Uganda, Jamaica, Nigeria, Zimbabwe, and Russia.¹⁰² Rainbow

¹⁰⁰ Hammond, Kan, and Maulbeck, *2013-2014 Global Resources Report*, 2.

¹⁰¹ Hammond, Kan, and Maulbeck, *2013-2014 Global Resources Report*, 2, 7. For further discussion of international funding, see Thoreson’s account of IGLHRC (now known as OutRight) and its experiences with acquiring resources and contexts of international funding: Thoreson, *Transnational LGBT Activism*, 52-56.

¹⁰² Penny, interview.

International's protest activity is partially a continuation of protest strategies used by the RMT to promote awareness of international LGBTI issues, prior to the founding of Rainbow International.¹⁰³ Penny has noted that the key aims of using protest action include highlighting human rights abuses of LGBTI people and speaking out against discriminatory anti-LGBTI legislation across the world, hence the targeting of particular state embassies.¹⁰⁴ Protest actions attempt to publicise these issues, educating the public and media on the persecution of LGBTI people globally, and thereby generate pressures on politicians to act or speak out where they have greater international political influence.¹⁰⁵ Tatchell shares a similar position on the use of protest action to raise public awareness of an issue or put authorities under pressure when other methods of engagement have not been successful:

For me, the protest is not an end in itself. It's a means to an end. So, the purpose of any successful protest is to raise public awareness about an issue by getting media coverage, to encourage thinking and debate. But also, through media coverage, to put the authorities under pressure.¹⁰⁶

Penny notes, however, that raising public awareness through protest action is dependent on the celebrity profile of those attending the protest to attract media attention to report on the event, thereby limiting the impact that smaller or less well-known groups can sometimes have:

The difficulty is getting it reported mainstream, because if it got to the stage where Peter Tatchell was there, there would always be a reporter, because he's got connections and he's a well-known face [...] If the African Out and Proud group called it and he wasn't there, no-one would turn up. Or, if the RMT did a demo, no-one would turn up.¹⁰⁷

Whilst the leaders of some diaspora-led organisations have been recognised in 'influential LGBTI people' lists in traditional media, such as Abbey Kiwanuka and Edwin Sesange of OPAL,¹⁰⁸ these lists remain within the niche interests of the LGBTI

¹⁰³ Penny, interview.

¹⁰⁴ Paul Penny, email correspondence (12 September 2014).

¹⁰⁵ Penny, email correspondence.

¹⁰⁶ Tatchell, interview.

¹⁰⁷ Penny, interview.

¹⁰⁸ OPDG, 'OPDG directors among most influential LGBTI people in UK' [online].

community and do not in themselves demonstrate a genuinely persistent interest in non-celebrity LGBTI campaigning from traditional media sources. The Assistant Director of Kaleidoscope suggests that the focus on figureheads within the LGBTI movement can present challenges for movement building, particularly for a movement that ‘tends to love figureheads and then it tends to love to shoot them.’¹⁰⁹ Tatchell acknowledges that his status as a well-known activist will likely draw more media attention to activities that he participates in, but notes that this is symptomatic of media culture in the UK:

Sadly we live in a culture where public figures and celebrities have more media kudos and coverage than ordinary citizens. It shouldn’t be that way, but that’s the reality. So, if I turn up at a protest, or even better, if Stephen Fry or Ian Mckellen turn up, it tends to massively increase the chances of substantial media coverage.¹¹⁰

Tatchell has certainly cultivated a celebrity image that helps draw attention to activism strategies that he participates in, such as protests and direct action campaigns. As noted above, Tatchell was involved in the queer rights group OutRage!, which used direct action to draw media attention to highlight its campaigns.¹¹¹ Whilst celebrity involvement can increase media attention to otherwise under-reported international LGBTI issues, celebrity involvement can equally obscure and detract from the veracity and quality of activist strategies that claim to support LGBTI people.¹¹²

Despite potential difficulties of attracting media attention, Penny notes that there are alternative ways that activists can publicise their activities and protest actions through social media platforms and interactions, ‘we can get out lots of stuff ourselves now, internationally, and we have contacts in other countries who will spread that reporting.’¹¹³

Still, despite challenges that organisations face to increase the media profile of protest actions, Rainbow International and the PTF continue to regularly engage in protest

¹⁰⁹ Assistant Director, Kaleidoscope, interview.

¹¹⁰ Tatchell, interview.

¹¹¹ Peter Tatchell, ‘Protest as Performance’ (1999) [online]; Ian Lucas, *OutRage!: An Oral History* (London: Cassell, 1998).

¹¹² See: Scott Long, ‘Too brown to be heard: The Brunei brouhaha,’ a *paper bird* (25 May 2014) [online]; Scott Long, ‘On death threats, trolls, and truth,’ a *paper bird* (21 Feb 2015) [online].

¹¹³ Penny, interview.

activities in response to ongoing LGBTI human rights violations and anti-LGBTI legislation globally. Diaspora-led organisations equally engage in regular protest activities, with groups such as OPAL participating in protest activity alongside other activists and groups, including Rainbow International and the PTF. Diaspora-led LGBTI organisations regularly demonstrate solidarity with other diaspora groups by engaging in protest activities together around issues of global LGBTI persecution, sometimes on issues specifically related to the identity or experiences of the diaspora group.¹¹⁴ Diaspora-led LGBTI groups have also been involved in protest action concerned with the Commonwealth and most recent Commonwealth Heads of Government Meeting.¹¹⁵ African LGBTI diaspora-led organisations have been notably active and vocal in this regard given the number of African Commonwealth Nations that continue to criminalise and discriminate against LGBTI people. Protest action is also not limited to international LGBTI issues, as demonstrated by the protest action in response to the 2016 Ugandan election results, co-organised by OPAL, the PTF and Uganda Diaspora P10.¹¹⁶

Conferences, Lectures and Other Information-Sharing Events

Several of the UK-based NGOs that engage in transnational LGBTI activism have participated in conferences and events aimed at sharing and enhancing knowledge on issues affecting LGBTI people globally. The format and type of event varies from public lectures aimed at engaging UK-based constituencies interested in global LGBTI issues, to more insular academic or NGO-focused conferences aimed at information sharing and strategy formulation within these sectors.

Kaleidoscope has organised a number of public lectures, including an annual IDAHOT lecture since 2012, which has featured guest speakers including Anna Grodzka, the first transgender Polish MP, and Maurice Tomlinson, a prominent LGBTI

¹¹⁴ See: African Rainbow Family, 'African Rainbow Family London Rally Demands Repeal Nigeria Anti-Gay Law' [online].

¹¹⁵ African Rainbow Family, 'Rally Against LGBTI Persecutions In Commonwealth Nations' [online].

¹¹⁶ OPDG, 'London, Protest @Ugandan Embassy' [online]; Peter Tatchell, '9 March: London rally against rigged Uganda elections,' Peter Tatchell Foundation (7 Mar 2016) [online].

activist involved in the Caribbean region.¹¹⁷ Kaleidoscope also organises annual public lectures for Human Rights Day.¹¹⁸ The Trust has also been involved in helping to organise events in partnership with other organisations. For example, Kaleidoscope and the Overseas Development Institute (ODI) organised a conference to discuss ‘Can aid donors help support LGBT rights in developing countries?’ that brought together a diverse range of actors involved in either LGBTI rights or development.¹¹⁹ Ahead of the Glasgow 2014 Commonwealth Games, the Equality Network led the organisation of a ‘LGBTI Human Rights in the Commonwealth’ conference with partners Kaleidoscope, Glasgow Human Rights Network and Pride Glasgow, with support from the University of Glasgow.¹²⁰ The conference featured a range of activists and policy-makers from across the Commonwealth, resulting in the publication of a conference statement that outlined an intersectional strategy to improve the realisation of LGBTI human rights throughout the Commonwealth.¹²¹

In September 2015, a number of UK-based organisations co-hosted an event titled ‘Exploring the Efficacy of Advocacy,’ featuring a ‘wide array of speakers from across civil society, government and inter-governmental organisations.’¹²² The event was co-hosted by Kaleidoscope, HDT, All Out, Stop AIDS, and the International HIV/AIDS Alliance.¹²³ Events such as these demonstrate a range of actors coming together to share strategies and knowledge on a diverse range of issues related to global LGBTI persecution, including the role of law, politics, and culture. In bringing together a range of actors, including grassroots actors from across the Global South, criticisms of

¹¹⁷ Kaleidoscope Trust, ‘The Kaleidoscope Trust Annual IDAHOT Day Lecture’ [online]; Kaleidoscope Trust, ‘Kaleidoscope Trust Annual IDAHOT Lecture’ [online].

¹¹⁸ Kaleidoscope Trust, ‘Human Rights Day Lecture’ [online].

¹¹⁹ Overseas Development Institute, ‘Can aid donors help support LGBT rights in developing countries?’ Conference (7 Jul 2014); Kaleidoscope Trust, ‘Can aid donors help support lesbian, gay, bisexual and transgender rights in developing countries?’ [online].

¹²⁰ Glasgow Human Rights Network, ‘LGBTI Human Rights in the Commonwealth Conference 2014,’ University of Glasgow, conference (18 Jul 2014).

¹²¹ Kaleidoscope Trust, ‘Conference highlights LGBTI human rights in the Commonwealth in run-up to Glasgow Games’ (21 Jul 2014) [online]; Matthew Waites, ‘The Commonwealth can play a role in the worldwide struggle for LGBTI human rights,’ *The Conversation* (23 Jul 2014) [online].

¹²² Kaleidoscope Trust, ‘Inspiring seminar explored advocacy options to tackle LGBTI persecuted globally’ (5 Sep 2014) [online].

¹²³ Kaleidoscope, ‘Inspiring seminar.’

Western intervention in this area can be raised, allowing the potential that actors can develop improved strategies from such experience-sharing forums.¹²⁴

Working with Diaspora, Asylum Seekers, and BME Communities

A small number of UK-based NGOs directly offer support to LGBTI people seeking asylum in the UK. Different organisations tend to offer different types of support, from offering support networks and legal advice, to offering legal representation. For example, UKLGIG organises monthly meetings to provide legal advice to LGBTI asylum seekers, often catering to large numbers.¹²⁵ UKLGIG also provides opportunities for emotional and social support for LGBTI asylum seekers via meetings and support groups, as Dillane describes, to ‘try and keep people strong and positive in, as I’ve said, what can be a very gruelling process.’¹²⁶

No Going Back, based in Leeds, similarly offers support to LGBTI asylum seekers. No Going Back differs to UKLGIG in that it offers legal representation to LGBTI asylum seekers and does not engage in the same kinds of advocacy work that UKLGIG does with the UK Government.¹²⁷ Both organisations offer support to LGBTI asylum seekers in multiple ways, including in terms of educating other services that asylum seekers might use.¹²⁸ ReachOUT is another organisation based in Leeds that also offers support to LGBTI asylum seekers and refugees, such as offering workshops and safe spaces to build community relationships, as well as educating different services about LGBTI asylum issues.¹²⁹

Diaspora-led organisations also offer support to LGBTI asylum seekers as well as settled diaspora communities. Groups such as OPAL support individual cases, attending member court hearings as part of their asylum process, organise meetings and events on a range of issues affecting diaspora communities, as well as offering much needed

¹²⁴ Kaleidoscope, ‘Inspiring seminar.’

¹²⁵ Dillane, interview.

¹²⁶ Dillane, interview.

¹²⁷ Hanson, interview.

¹²⁸ Dillane, interview; Hanson, interview.

¹²⁹ ReachOUT, ‘What We Do’ [online].

networks of support for members.¹³⁰ The OPAL Facebook page shares a lot of material about the organisation's work and achievements, as well as the success stories of its members securing refugee status, from its UK, France, and Netherlands chapters.¹³¹ There are a number of similar diaspora-led organisations across the UK that act as support networks for LGBTI diaspora living in the UK, including the Lesbian Immigration Support Group, based in Manchester, Rainbows Across Borders, based in Croydon, and Pride Without Borders, based in Leicester.

Bisi Alimi, a Nigerian LGBT activist active in the UK, has been critical of a wider lack of support for diaspora and BME communities in the UK from UK-based LGBTI organisations, voicing particular criticism of Stonewall and Kaleidoscope in this regard.¹³² Alimi, recognising a general lack of strategic coherency in the wider UK-based NGO sector on LGBTI issues, is critical of NGOs failing to recognise that international strategies should intersect strategies for supporting diaspora and BME communities within the UK:

You don't get to hear that, as far as arrests in Uganda, this is our strategy to support activism on the ground. And in case they find their way to our country, this is our strategy to be able to support them. So you don't want to support me in my own home, that when I come to your own home, you tell me I'm not welcome, or you turn your back against me. Your strategy doesn't have to start and stop in Uganda.¹³³

Whilst a few NGOs do work with diaspora communities or support LGBTI asylum seekers, such as UKLGIG and No Going Back, there is more that UK-based NGOs could do to link international LGBTI strategies to supporting LGBTI diaspora and BME communities in the UK.¹³⁴ Although Stonewall has produced research on LGBTI BME experiences and supported UK Black Pride for a number of years,¹³⁵ there is little

¹³⁰ For example, the OPDG website 'Events' section showed various support meetings, as well as dates of member asylum appeal hearings: OPDG, 'Events' [online].

¹³¹ Out & Proud Diamond Group, Facebook.

¹³² Bisi Alimi, interviewed by author (19 Aug 2014).

¹³³ Alimi, interview.

¹³⁴ Also noted by: Dillane, interview.

¹³⁵ For example, see: April Guasp and Hannah Kibirige, *One minority at a time: Being black and gay* (Runnymede; Stonewall, 2012); Stonewall, 'Stonewall Sponsors UK Black Pride for Fifth Year' (12 Aug 2015) [online].

indication of Stonewall *linking* its international strategies to support for LGBTI diaspora in the UK, as Alimi suggests it should.

One NGO that perhaps best attempts to link work with UK BME communities to international strategies is JfGA. JfGA aims to work within BME communities to support black LGBTI people and ‘dispel a lot of myths that exist within that community’ around LGBTI issues, particularly myths that might produce or sustain homophobia in these communities.¹³⁶ Given the cultural and heritage links that many within BME communities have with their ‘home countries,’ including ties maintained through contact with relatives or through political interests, JfGA hopes that working with BME communities in the UK can have a positive impact globally:

We know that by extension, by bringing an understanding of same-sex relationships, by making sure that those people know the harm of homophobia or homophobic thoughts within them that they will be a sort of channel to reach out to their relatives and heritage.¹³⁷

The work that JfGA does with BME communities is important for dispelling myths about LGBTI issues within these communities where cultural issues are not addressed adequately or sensitively. Onwuchekwa argues that no one is having conversations that address the cultural concerns of some members of these communities.¹³⁸ One strategy of dispelling myths about LGBTI people and issues has been to bring together black LGBTI people who are successful and respected to counter negative stereotyping, not to *force* people to accept LGBTI issues, but to make them aware that it is only one facet of a person’s life.¹³⁹ This is perhaps most starkly contrasted to the implicit tone of Stonewall’s broad ‘Some people are gay. Get over it!’ campaign, which does not invite the same level of nuance as JfGA’s strategies in challenging homophobia.

Several members of Rainbow International’s board of trustees and advisors are diaspora that are involved in a number of other related groups as well, including Richard Banadda, who is involved with OPAL and Rainbows Across Borders, and Stephen

¹³⁶ Onwuchekwa, interview.

¹³⁷ Onwuchekwa, interview.

¹³⁸ Onwuchekwa, interview.

¹³⁹ Onwuchekwa, interview.

Chukwumah, who is the founder and executive director of the Improved Youth Health Initiative in Nigeria, and was a visiting fellow at the University of York in 2013.¹⁴⁰

Inter/Trans-National Strategies Beyond the UK

At the core of Rainbow International's transnational strategies is its function as a solidarity fund, providing grants to individuals and groups internationally to support LGBTI rights defenders. Penny notes the significance of Rainbow International's willingness to support individual activists, even if they are not tied to well-known organisations, which he suggests is different to many other Western NGOs.

There will be people with courage who may not [...] belong to any otherwise recognised groups in a country, but if they come to us and they can prove that they really have good ideas and all they're short of is some money to actually get some equipment to organise, a computer, phone, or whatever, and just be in action, then we will actually support them financially.¹⁴¹

Penny also notes that it is important to highlight individuals' work 'so that other funders will go and help them' too.¹⁴² Rainbow International has awarded grants to groups including Youth on Rock Foundation in Uganda, 'in recognition of the group's bold and spirited frontline grassroots sexual health and LGBT rights work in Uganda,' as well as helping to fund other initiatives to support activists and events in Uganda.¹⁴³ Rainbow International has also 'awarded a grant to an international LGBT human rights and sexual health activist from Nigeria' to attend the ILGA World Conference 2014 in Mexico City, allowing the grantee 'to speak on an international platform about the current human rights violations impacting the lives of LGBT people in Nigeria.'¹⁴⁴ The organisation has also raised funds to support the recovery of two victims of a

¹⁴⁰ Penny, interview; Rainbow International, 'Trustees and Advisors' [online]; Scott Roberts, 'LGBT activists protest against Uganda's anti-gay laws outside London commission,' Pink News (18 Nov 2013) [online].

¹⁴¹ Penny, interview.

¹⁴² Penny, interview.

¹⁴³ *Rainbow International LGBT Activist Solidarity Fund, 2014 Report*, email correspondence (2 Jan 2015). See also: Rainbow International, 'Youth On Rock Foundation (YRF)' (4 Jan 2016) [online]; Rainbow International, 'Grants Awarded.'

¹⁴⁴ *Rainbow International, 2014 Report*.

transphobic attack in Uganda.¹⁴⁵ Rainbow International has also ‘been building solidarity links with activists from Cameroon’ in response to homophobic and transphobic violence that creates many challenges for LGBTI communities there.¹⁴⁶ These examples demonstrate the range of recipients that Rainbow International grants funding to, despite the relatively small size of the fund, highlighting the sense of grassroots solidarity central to the organisation.

Penny also highlights that, whilst it would be challenging to have established contacts in all homophobic states around the world, it is important to work on building links with local activists and groups to find out what is going on at a local level.¹⁴⁷ Reaching out and developing these contacts can help to inform the work of Rainbow International in identifying groups or individuals who could benefit from the fund.¹⁴⁸ Tatchell also notes the importance of transnational networking, highlighted in support for Steven Monjeza and Tiwonge Chimbalanga, two Malawians who were jailed for unnatural acts and gross indecency in 2010,¹⁴⁹ making use of links he had developed in Malawi in the 1970s:

Through that connection and the International Humanist Movement, I was able to contact George Thindwa of the Association for Secular Humanism in Malawi, who was a former political prisoner during the Banda tyranny. We arranged for him to do regular prison visits to the two people in prison. Because he had experience of the prison system, with money we provided, he was able to ensure that Steven and Tiwonge were moved from cells where they were being harassed and brutalised, and ensure they received regular food parcels, medicine and vitamins, to supplement the meagre prison rations.¹⁵⁰

This demonstrates a practical example of transnational solidarity that is facilitated through the relationships that activists had built across multiple causes, highlighting the possibilities of engaging in effective transnational activism across borders.¹⁵¹

¹⁴⁵ Paul Penny, email correspondence (25 Oct 2015).

¹⁴⁶ Paul Penny, email correspondence (9 Mar 2016).

¹⁴⁷ Penny, interview.

¹⁴⁸ Penny, interview.

¹⁴⁹ See: Mapondera and Smith, ‘Malawian gay couple jailed.’

¹⁵⁰ Tatchell, interview.

¹⁵¹ Tatchell, interview.

Kaleidoscope’s advocacy work utilises ‘established relationships’ within multiple levels of the UK political system, including parliamentarians and officials in government departments, such as the FCO and DFID, to ‘spread awareness among officials and policy-makers’ about global LGBTI issues.¹⁵² Kaleidoscope has received support from the UK political establishment since its launch in 2011, from MPs publicly supporting the aims of the Trust, to the launch of a ‘Parliamentary Friends Group’ that promises to ‘strengthen the Trust’s ties with the Houses of Parliament.’¹⁵³ Kaleidoscope’s advocacy focus at the international level centres on Commonwealth institutions, with advocacy strategies being informed by consultation with activists in countries related to the issues being raised.¹⁵⁴

Stonewall is similarly active in its advocacy work with UK political actors and institutions, presumably building upon its history of campaigning on LGBTI issues within the UK, though relatively younger NGOs, such as Kaleidoscope, have equally demonstrated an aptitude for working closely with political actors in the UK. Stonewall uses its experience of working with the UK Government to both advocate for supporting LGBTI groups internationally as well as helping LGBTI groups to engage with UK political actors within the UK and internationally.¹⁵⁵ Stonewall has not demonstrated as much of an international focus on the Commonwealth as Kaleidoscope has done, instead engaging more with the UN, including contributing to the Universal Periodic Review.¹⁵⁶ Both Stonewall and Kaleidoscope engage in UK-based and international advocacy around including LGBTI issues in international development frameworks.¹⁵⁷ UKLGIG has experience of working with the UK Government, particularly around raising

¹⁵² Kaleidoscope, ‘Advocacy.’

¹⁵³ Kaleidoscope Trust, ‘Kaleidoscope Trust Launches Parliamentary Friends Group’ (28 Feb 2013) [online]; Alan Duncan, ‘Alan Duncan: Launch of the Kaleidoscope Trust,’ Department for International Development (12 Sep 2011) [online].

¹⁵⁴ Assistant Director, Kaleidoscope, interview; Kaleidoscope, ‘Advocacy.’

¹⁵⁵ Stonewall, ‘International advocacy’; Jasmine O’Connor, *Engaging with the UK Government: A guide for lesbian, gay, bisexual and transgender activists worldwide* (Stonewall).

¹⁵⁶ Stonewall, ‘International advocacy.’

¹⁵⁷ Stonewall, ‘International advocacy’; Kit Dorey, *The Sustainable Development Goals and LGBT Inclusion* (Stonewall); Kaleidoscope Trust, ‘The Kaleidoscope Trust’s Response to the Department for International Development’s approach on LGB&T rights’ (10 Feb 2016) [online].

concerns about LGBTI asylum, working with other refugee and asylum organisations to increase government attention to LGBTI asylum seeker experiences.¹⁵⁸

Kaleidoscope's capacity building strategies have sought to help organisations 'to develop their ability to engage with local opinion formers and policy makers through a range of channels and mechanisms.'¹⁵⁹ This has included a 'strategic communications project' in Uganda, in September 2013, to support the Civil Society Coalition on Human Rights and Constitutional Law, 'to conduct a review of their communications strategy.'¹⁶⁰ Kaleidoscope also supported a 'media and communications project' in the Caribbean, supporting activists from Jamaica, Barbados and Trinidad and Tobago, resulting in the launch of a coalition of LGBT youth organisations called Generation Change, which included organisations from Belize, Guyana, and St. Lucia.¹⁶¹ The Assistant Director of Kaleidoscope is keen to note that these kinds of projects are developed in consultation with the organisations concerned:

These projects are developed from the conceptual stage through to their delivery in partnership with organisations on the ground, rather than us coming in with a particularly set agenda, or trying to bypass local partners to work either with the media there or politicians there.¹⁶²

Kaleidoscope has been criticised, however, by Alimi, who helped to set up Kaleidoscope and was Director of Africa for the Trust between 2011 and 2012.¹⁶³ Alimi has been critical of the Kaleidoscope's lack of a clear strategy, particularly in its first few years of operating.¹⁶⁴

¹⁵⁸ Dillane, interview.

¹⁵⁹ Kaleidoscope, 'Capacity-building.'

¹⁶⁰ Kaleidoscope, 'Capacity-building.'

¹⁶¹ Kaleidoscope, 'Capacity-building'; Kaleidoscope Trust, 'Caribbean LGBT youth group issues urgent call for equality and inclusion' (9 Jun 2014) [online]; *Generation Change: LGBT youth from around the Caribbean speak out* (Kaleidoscope Trust).

¹⁶² Assistant Director, Kaleidoscope, interview.

¹⁶³ Alimi, interview.

¹⁶⁴ Alimi, interview.

Several NGOs are involved in campaign work that aims to raise awareness of international LGBTI issues. Kaleidoscope has run a number of campaigns including producing a viral video ‘What if it were illegal for you to be you?’ to raise awareness of the criminalisation of same-sex behaviour around the world, as well as a ‘To Russia With Love’ campaign to raise money for the Trust and Russian LGBTI counterparts to challenge homophobia in Russia.¹⁶⁵ The PTF is also involved in campaigning on international issues. Tatchell notes that publicising what is happening in other countries can be a key step to place authorities under pressure to instigate change.¹⁶⁶ Stonewall has also run various campaigns on international LGBTI issues and also makes available materials based on its ‘Some People Are Gay, Get Over It’ campaign in a number of different languages.¹⁶⁷ It is not clear to what extent the ‘Get Over It’ element of the campaign is convincing in different international contexts, nor how Stonewall decides on translations in a meaningful way that accounts for local nuances of LGBTI identity and discourse. It is also unclear to what extent ‘Get Over It’ is a useful way to engage with homophobia internationally to help people understand LGBTI lives and debunk homophobic myths to foster greater understanding between communities.

One aspect of Stonewall’s international work is the training that it offers LGBTI human rights defenders, suggesting that this training ‘has been at the core of what we do ever since we started to work internationally in 2012.’¹⁶⁸ Stonewall’s ‘Campaign Development Programme’ ‘equips LGBT human rights defenders with the tools and tactics they need to develop more effective campaigns,’ presumably drawing upon Stonewall’s experiences of campaigning in the UK, Stonewall’s website highlighting how the programme was well received by Russian LGBTI activists.¹⁶⁹ Stonewall also hosts ‘learning visits’ at its London offices for LGBTI activists ‘who are interested in learning more about Stonewall’s work.’¹⁷⁰ Contrary to the published material on Stonewall’s website (at the time of writing), these initiatives are not only concerned

¹⁶⁵ Kaleidoscope Trust, ‘Innovative Communications’ [online]; The Kaleidoscope Trust, ‘What if it were illegal for you to be you? – Kaleidoscope Trust,’ YouTube (3 Jul 2012) [online]; Kaleidoscope Trust, ‘To Russia With Love’ [online].

¹⁶⁶ Tatchell, interview.

¹⁶⁷ Stonewall, ‘International Campaigns’ [online]; Stonewall, ‘International Resources.’

¹⁶⁸ Stonewall, ‘International training.’

¹⁶⁹ Stonewall, ‘International training.’

¹⁷⁰ Stonewall, ‘International training.’

with Stonewall telling other activists how to campaign effectively. The learning visits that Stonewall hosts also act as opportunities for Stonewall staff to learn about LGBTI issues and activism in different contexts, suggesting a more mutual element to the ‘learning visits’ than is presented on their website.¹⁷¹

Solidarity and the Mantra of ‘Working with Local Actors’

A common theme amongst UK-based NGOs is an emphasis that they are ‘working (in solidarity) with local actors.’ This sentiment is expressed in different ways, depending on the nature of the organisation, though the central premise that NGOs practice transnational solidarity remains the same, acting with the consent and participation of allied actors in the communities that their operations seek to target. As Dillane observes: ‘it’s quite de rigueur these days for LGBT and human rights organisations to say, “well, we’re always led by the activists in-country.”’¹⁷² Tatchell suggests that although UK-based NGOs pursue different strategies of supporting the rights of LGBTI people internationally,

there is a broad general consensus, which is that we should consult and take our lead from activists in the countries we’re seeking to engage with. It’s very much around the principle of solidarity with *their* struggles. All of us reject the idea of imposing Western values or a Western agenda.¹⁷³

The emphasis with which many UK-based organisations talk about solidarity and being led by local activists, at least in one-to-one interviews, is arguably a reiterative response to a discourse critical of the historic pattern of Western interventions in the Global South that dictate action, rather than seeking solidarity and being led by local knowledge. These criticisms are not merely rooted in observation of Western contributions to transnational LGBTI activism, but are, arguably, rooted in more general, post-colonial approaches to critiquing Western interventions, based on a history of problematic encounters.

¹⁷¹ International Officer, Stonewall, email correspondence (10 Aug 2015).

¹⁷² Dillane, interview.

¹⁷³ Tatchell, interview.

Alimi, who was involved in the setting up of Kaleidoscope, adding a Nigerian activist voice to a white, middle-class organisation, said at the launch event for Kaleidoscope: ‘I am tired of international organisations coming to Africa to tell us what to do. Kaleidoscope is coming to Africa to say, “What do you want us to do?”’, and that is the most important thing.’¹⁷⁴ Alimi’s experiences of working with Kaleidoscope, as Director of Africa, were not entirely positive however, whereby the Trust changed strategies from working in Nigeria to working in Uganda without his knowledge, input or participation.¹⁷⁵ Alimi’s experiences bring into question the extent to which Kaleidoscope offered an unproblematic alternative to other Western interventions that Alimi was hopeful for.

Tatchell has also faced criticism from African LGBTI activists regarding campaigning conducted by Tatchell and OutRage! (before the PTF was established) on LGBTI issues in Nigeria and Uganda specifically. African activists were critical of OutRage! for not verifying information in press releases and not consulting ‘relevant local activists before embarking on campaigns.’¹⁷⁶ The public statement was signed by a number of African LGBTI activists from a range of countries and organisations.¹⁷⁷ Tatchell and Kizza Musinguzi, African Affairs spokesperson for OutRage!, responded to the criticism by arguing that ‘This controversy has nothing to do with LGBTI liberation. It is all about certain African LGBTI groups vying for power and funding, and their bid to damage other, more radical grassroots, African LGBTI groups, which they see as political rivals.’¹⁷⁸ Further details of the criticisms and defensive responses can be read in each public statement, though verifying accusations in each is difficult.¹⁷⁹ What is interesting about the incident is that it provides an example of possible tensions inherent in the

¹⁷⁴ Geen, ‘Speaker launches’; Alimi, interview.

¹⁷⁵ Alimi, interview.

¹⁷⁶ ‘African LGBTI Human Rights Defenders Warn Public against Participation in Campaigns Concerning LGBTI Issues in Africa Led by Peter Tatchell and Outrage!’ *MRZINE* (31 Jan 2007) [online].

¹⁷⁷ ‘African LGBTI Human Rights Defenders Warn.’

¹⁷⁸ Peter Tatchell, ‘African LGBTI smear campaign’ (30 Mar 2007) [online].

¹⁷⁹ It is worth noting that Tatchell has been involved in a number of controversies regarding transnational LGBTI activism. For a good examination of some of these, including the above Nigerian and Ugandan cases, see: Rao, *Third World Protest*, 183-188. See also: Long, ‘Unbearable Witness’; Long, ‘Gay Hanging in Iran.’

concept of ‘working with local actors.’ Reflecting on his experiences of working transnationally, Tatchell suggests:

In some countries there are rival groups with different ideas, different strategies, who expect different things of people in the West. Then, campaigners like me face a dilemma: who do we support? My instinct is that I want to unite and support them both, but that isn’t always possible. There’s been some occasions when I and others have been criticised for supporting one group and not another. [...] It’s not the business of the West to pick and choose which groups or campaigns to support, but sometimes, faced with very divergent approaches by organisations in the Global South, we inevitably have to make that choice.¹⁸⁰

Whilst Tatchell provides a Western perspective on the potential impact that local rivalries can have on transnational activism, Rao suggests that the ways in which Western activists choose to work with particular local groups can ‘exacerbate local tensions and rivalries’ as groups compete for the resources and influence offered by Western activists.¹⁸¹ Rao further notes that ‘Western solidarity activists gravitate towards local interlocutors who desire their presence, while ignoring those who do not,’ thus Western activists’ particular transnational strategies become authenticated by their choice of local partners.¹⁸²

The passing of the Ugandan AHA in February 2014 provides an example of the ways in which UK-based NGOs respond to and act upon being led by local actors. For example, Kaleidoscope lobbied various UK governmental institutions, including the FCO, British Parliament, and British Government, relaying particular ‘asks’ that were coming from Ugandan LGBTI organisations:

All of that lobbying was done in very close consultation with actors like Sexual Minorities Uganda and Frank Mugisha in particular. All asks of the UK Government and members of the UK Parliament were crafted in conjunction with those actors, if not direct requests from the ground.¹⁸³

¹⁸⁰ Tatchell, interview.

¹⁸¹ Rao, *Third World Protest*, 187-188.

¹⁸² Rao, *Third World Protest*, 187-188.

¹⁸³ Assistant Director, Kaleidoscope, interview.

Other UK-based activists note how organised Ugandan activists were at that time, sending organisations in the West updates with recommendations, including when media attention would be good for their movement or when it might hinder behind the scenes work that activists were planning.¹⁸⁴ This example is symptomatic of the recognised ability of Ugandan LGBTI activists to communicate with and use transnational LGBTI activist networks effectively. For example, Dillane notes how ‘SMUG and a coalition of other activists are very clear with the international community what they want and what action they’re calling for.’¹⁸⁵ Cooper highlights that Southern activists are well aware of the benefits of engaging with the international LGBTI activist community, noting that activists have developed the knowledge and skills to use the international community in the best ways for their local struggles.¹⁸⁶ The international community is evolving in synergistic ways in which ‘people do know their place, and they know what they offer, they know what they can bring, or what they need.’¹⁸⁷

Other examples of organisations enacting solidarity in their work includes Kaleidoscope’s in-country projects that are developed ‘in partnership’ and ‘in consultation’ with local organisations, ‘rather than us coming in with a particular set agenda or trying to bypass local partners.’¹⁸⁸ HDT provides local actors access to legal resources which have the effect of ‘levelling the playing field,’ providing LGBTI activists with access to the same world-class law firms that governments have access to.¹⁸⁹ Cooper notes, however, that the level of support that HDT provides to activists is dependent on what the activists themselves want to do: ‘To the extent they want our help we offer it and we will do everything for them if they want us to do everything for them, or we’ll just give them advice and they can use that as they want to use it.’¹⁹⁰ This is exemplified in a Singapore case in which HDT advised activists not to pursue litigation because the ‘constitutional framework isn’t strong enough to win,’ though

¹⁸⁴ UK-based European LGBT activist, interviewed by author (20 Aug 2014).

¹⁸⁵ Dillane, interview.

¹⁸⁶ Cooper, interview.

¹⁸⁷ Cooper, interview.

¹⁸⁸ Assistant Director, Kaleidoscope, interview.

¹⁸⁹ Cooper, interview.

¹⁹⁰ Cooper, interview.

activists took their case to court anyway and lost: ‘they still went ahead, which of course is their choice, and we carried on helping them. It’s their choice to litigate, not ours, we have no role in that, other than to give them our view to the extent that they want to have our view.’¹⁹¹

Alimi has been critical of Western approaches to ‘solidarity,’ particularly highlighting cases of transnational activism around cases of litigation:

I think the conversation we are having in the world now, it’s about telling me what to do. We see that happening in litigations around the world, where activists, mostly from the Caribbean and Africa, have been bullied into suing their government, you know, to change the laws in their country; when the legal framework in that country is not ready for it and you put the community in danger.¹⁹²

Cooper recognises that some people are ‘suspicious’ or ‘actively hostile’ towards the idea of what HDT represents, as a ‘white, legal kind of imperialism,’ which he acknowledges as an understandable view.¹⁹³ Nevertheless, Cooper emphasises that for those activists and local lawyers who want transnational support to engage in litigation, HDT offers advice and support, facilitating access to substantial legal resources, to the extent that activists want it.¹⁹⁴ Whilst Alimi doesn’t explicitly mention HDT, it is questionable that HDT has ‘bullied’ activists into litigation. For example, in 2013, HDT became involved in supporting Belizean activists’ legal challenge against their government *after* the case had already started.¹⁹⁵ What was problematic about HDT’s intervention in this case, however, was the way in which its involvement was described in the UK press as initiating the legal challenge as a ‘first test case’ of a ‘global campaign to decriminalise homosexuality,’ without acknowledging the role of local and regional organisations that had already been contributing to the case in Belize.¹⁹⁶ The

¹⁹¹ Cooper, interview.

¹⁹² Alimi, interview. For an examination of the complexities of decriminalisation strategies in South Asia also, see: Sumit Baudh, ‘Decriminalisation of consensual same-sex sexual acts in the South Asian Commonwealth: struggles in contexts,’ in *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change*, Corinne Lennox and Matthew Waites, eds. (London: Human Rights Consortium, University of London, 2013).

¹⁹³ Cooper, interview.

¹⁹⁴ Cooper, interview.

¹⁹⁵ Lennox and Waites, ‘Human rights, sexual orientation,’ 40-41.

¹⁹⁶ Owen Bowcott, ‘Global campaign to decriminalise homosexuality to kick off in Belize court,’ *The Guardian* (16 Nov 2011) [online]; Lennox and Waites, ‘Human rights, sexual orientation,’ 41. See also:

framing of the legal challenge as a Northern-led intervention provided an easy opportunity for Belizean groups opposed to the case to delegitimise the local action as part of a plot by the Global North to promote homosexuality.¹⁹⁷ Following the eventual success of the challenge in 2016, in which the Belizean law was found to be unconstitutional, HDT's press release about the victory at least recognised and paid tribute to the work of local actors in the case: 'The case is the culmination of years of work by a Caribbean-led coalition of lesbian, gay, bisexual and trans (LGBT) activists, academics and legal experts.'¹⁹⁸

For Rainbow International, solidarity forms a central part of the ethos of how the fund operates, embodying some of the spirit of the trade union movement from which it emerged. For Penny, solidarity is a key part of why the fund was established, drawing upon his experiences of making international contacts and hearing the stories of those LGBTI people who face daily challenges to survive,

What comes through all the time is that there's no shortage of courage and bravery, and at the end of the day, the fight, the struggle always has to come from within the country. [...] We use the term 'solidarity' rather than help. We're not patting people on the head and 'there, there, have some money.' We really feel we are working together in solidarity. There's a real difference for me, that word.¹⁹⁹

Penny argues that it is important to be led by strategies developed by local actors, 'We have to look for direction, for strategy from within the countries and not be telling any leaders or groups how they should be.'²⁰⁰ This suggests a collaborative approach to transnational activism, which suits the nature of Rainbow International as a fund that can help facilitate local activism strategies by providing financial resources.

Dillane notes how, whilst UK-based NGOs are keen to note that they work with and support local actors, it is less common for UK-based NGOs to consult or seek input from LGBTI diaspora communities in the UK: 'we have a rich resource in this country

Human Dignity Trust, *Press Release: Caleb Orozco Fights to Uphold his Dignity and Rights in Belize* (2 May 2013) [online].

¹⁹⁷ Lennox and Waites, 'Human rights, sexual orientation,' 41-42.

¹⁹⁸ Human Dignity Trust, 'Belize scarp law targeting gay men' (10 Aug 2016) [online].

¹⁹⁹ Penny, interview.

²⁰⁰ Penny, interview.

of people who have experienced first-hand LGBT discrimination, violence and persecution, and we're not involving them in the debates and discourses in the ways that we should be.²⁰¹ Dillane does note, however, that UKLGIG has been in dialogue with other UK-based organisations, as well as journalists and politicians, to encourage more UK-based actors to include LGBTI diaspora in discussions about international LGBTI rights, and that there is evidence that some organisations and politicians are responding proactively to this.²⁰² Dillane believes that including LGBTI diaspora in UK-based approaches to transnational LGBTI activism will help to disrupt narratives of Western interventions as white, imperialist and problematic.²⁰³ Indeed, discourse that has been critical of Western or Global North interventions as imperialist has arguably stimulated the overt reiterations of 'working with local actors.' Therefore, for UK-based NGOs, journalists and politicians to engage more with LGBTI diaspora in the UK, or reach out to local activists in the Global South, has the potential to strengthen the solidaristic nature of UK-based approaches to transnational LGBTI activism, if UK-based actors take seriously and *act upon* their claims of solidarity.

Public Engagement and Mobilisation

Penny suggests that repeated activities in the UK space around transnational LGBTI activism and LGBTI rights internationally helps to build awareness and increase peoples' recognition and consciousness of the issues more.²⁰⁴ Repeated protest actions, that the public can get directly involved in, can be a good way to increase mobilisation around transnational LGBTI activism; even though mobilisation might be a slow process:

I think that's a way that many people just begin to want to get involved. I go outside an embassy now and it's no worries, but for lots of people that's quite a big thing to stand with a placard. It does take courage, even in this country, for people to do

²⁰¹ Dillane, interview.

²⁰² Dillane, interview.

²⁰³ Dillane, interview.

²⁰⁴ Penny, interview.

that. So, mobilising is a slow thing, but, yeah. We get numbers just be keeping on doing it. Inspiring people. Telling the story.²⁰⁵

Whilst it is positive for the movement that more people are recognising the need to engage with and support transnational LGBTI activism, Penny recognises the limitation of purely online participation: ‘It’s like our Facebook page. We’ve got lots of likes. Lots of people like things. It’s converting, translating the likes into action. Action either in donations or supporting demonstrations in this country that highlight the issue.’²⁰⁶

Assistant Director of Kaleidoscope has also noted the increase in mobilisation around international LGBTI rights, particularly around well publicised issues, such as the AHB in Uganda or the Sochi Olympic Games and LGBTI propaganda laws in Russia.²⁰⁷ This increase in mobilisation, however, presents a complex problem of how to utilise people’s desire to contribute to transnational LGBTI activism in both effective and accessible ways:

It’s very difficult, I think, to square the circle between effective activism in this space and accessible activism in this space. And it’s something that we struggle with, and something that I struggle with: how can someone on the street, for want of a better term, actually be effectively and positively engaged in this, when it is a complicated and difficult space, and calling for boycotts or not buying of vodka isn’t perhaps the most effective and may actually be deleterious to the situation on the ground.²⁰⁸

That being said, they are also wary of ‘gatekeeperism’ within the movement that is overly and problematically critical of methods of public participation that might lack experience or engage in forms of online activism.²⁰⁹ They argue that education is an important factor here, in that a key way to make accessible activism more effective is to educate UK-based constituencies about some of nuances of the issues, such that they can choose to act in more informed, and thereby hopefully more effective, ways:

²⁰⁵ Penny, interview.

²⁰⁶ Penny, interview.

²⁰⁷ Assistant Director, Kaleidoscope, interview.

²⁰⁸ Assistant Director, Kaleidoscope, interview.

²⁰⁹ Assistant Director, Kaleidoscope, interview.

I guess the challenge is to try and make the accessible activism slightly more thorough and rigorous in its approach. But also, there is an educating level of this as well, that you can't just expect to step into this space and act effectively without doing a little bit of work. [...] if we want to get people on board and on board effectively, actually as UK-based activists and advocates, we need to engage in a process of educating domestic constituencies around the subtleties and nuances of the issue.²¹⁰

On the point of education, Dillane notes how UKLGIG has tried to educate the UK public on the issues that it deals with: 'We've tried to engage with the media and different types of media to try to talk about these issues, to talk in a way that's easy for the public, who might not know a great deal about migration, asylum, refugee issues, to understand.'²¹¹ Dillane notes that he has seen an increased interest in these issues, such as interest from elements of the gay press to report on the experiences of LGBTI people who have sought refugee status in the UK.²¹²

Tatchell argues, however, that there is a blasé attitude of some journalists and mainstream press towards the global scale of homophobia: 'Unless something exceptional happens, there's a tendency to say "Oh we've done homosexuality – we've done homophobia in Africa umpteen times. That's it." [...] Reporting about the Anti-Homosexuality Act in Uganda has often been wildly inaccurate, even by big name liberal papers, like *The Guardian* and the LGBTI media.'²¹³ Similarly, the Assistant Director of Kaleidoscope notes that whilst media attention on some international LGBTI issues has allowed for increased mobilisation and momentum of the movement to engage with these serious issues, it is unclear how long such a momentum can be sustained, particularly in the mainstream media: 'I think there is certainly a window of opportunity here and I think it's probably beyond our power as an organisation, potentially beyond our power as a movement, to keep that window open indefinitely, possibly even to keep it open long enough for things to change fundamentally in some parts of the world.'²¹⁴

²¹⁰ Assistant Director, Kaleidoscope, interview.

²¹¹ Dillane, interview.

²¹² Dillane, interview. See: Chris Godfrey, 'Asylum in the Scene,' *QX Magazine* (4 Jun 2015) [online].

²¹³ Tatchell, interview.

²¹⁴ Assistant Director, Kaleidoscope, interview.

Most NGOs have utilised the contemporary mobilisation around international LGBTI issues by suggesting ways that people can become involved in the space. Accessible methods of activism are usually just participating in protests or contributing financially to NGOs. For example, Kaleidoscope’s ‘What you can do’ page on its website just lists ways of donating, fundraising, and volunteering.²¹⁵ Similarly, Stonewall’s ‘Get Involved’ page on its website suggests fundraising, donating and volunteering.²¹⁶ Whilst Stonewall also suggests campaigning or attending events, none of its suggested campaigns give details on how to engage in transnational LGBTI activism strategies beyond donating to Stonewall.²¹⁷ Tatchell notes that the PTF aims to ‘give people a range of options’ to be involved in the transnational activism that the organisation participates in, such as making financial donations to groups in the UK or abroad, or writing letters to politicians or representatives.²¹⁸

Participation in online forms of activism can be an easily accessible way for people interested in international LGBTI issues to become involved in transnational LGBTI activism. This can be seen in the use of petition websites, such as All Out, which is dedicated to petitions related to LGBTI issues internationally.²¹⁹ Some have noted, however, that there are limitations to the use of online petitions in attempting to foster change internationally. Alimi argues that, whilst there are some benefits to social media for LGBTI activism, there are also significant limitations:

As the President of Nigeria, governing 170 million people, do I care that you get a petition mainly from Europe and America, 100,000 people saying that you should leave the gays alone? Fuck are you. Your vote doesn’t even count, so why should I lose my sleep over you?²²⁰

Others have noted that, whilst online petitions can be useful as part of broader strategies to pressure for change, NGOs should be realistic and not give people the false idea that their contribution to a petition is necessarily going to be effective activism,

²¹⁵ Kaleidoscope Trust, ‘What you can do’ [online].

²¹⁶ Stonewall, ‘Get Involved’ [online].

²¹⁷ At the time of writing. Stonewall, ‘Get Involved’; Stonewall, ‘Our International Work’ [online].

²¹⁸ Tatchell, interview.

²¹⁹ All Out, <https://allout.org/en/> (accessed 30/11/16).

²²⁰ Alimi, interview.

particularly depending on who the object of the petition is, as suggested by Alimi above.²²¹ Sometimes, petitions can have a deleterious effect on transnational strategies when they give the effect of the West loudly condemning actors or states in the Global South, undermining potentially more effective and nuanced local strategies.²²² It should be noted, however, that not all online petitions only focus on the Global South, with plenty of petitions aimed at issues in Europe and the US, and there appears to have been a trend, as pointed out above, towards clearly stating how petitions are devised in consultation with local activists. For example, compared to the language and style of some earlier petitions, All Out now clearly states how local activists have been involved in creating their campaigns, usually framing the petitions as coming from these local activists.²²³ Nevertheless, despite the ability of online petitions to make transnational LGBTI activism more accessible to people not usually involved in spaces of transnational activism, Alimi suggests that our efforts should not be limited to online participation: ‘I think what happens offline is much more effective than what happens online.’²²⁴ Still, the complex negotiation of accessible and effective activism in transnational LGBTI organising is an issue that UK-based NGOs continue to negotiate.

Dillane suggests that there is a sense of solidarity within the UK LGBTI community, demonstrated in the support that UKLGIG receives:

I think it does exist actually, and I think it’s not always recognised. [...] I think sometimes, there might be reasons for you to be pessimistic, but I think it does exist, and I think it is growing actually. Over the last twelve months, whilst I’ve been director of this charity, I think, quite tangibly, I can feel that it’s increasing.²²⁵

For example, Dillane notes UKLGIG’s experiences at the 2015 London Pride, being placed at the top of the parade, ‘because they told us they wanted to demonstrate how important asylum and refugee issues were for Pride in London [...] the whole way along the parade members of the public were applauding our clients and I think people

²²¹ UK-based European LGBT activist, interview.

²²² UK-based European LGBT activist, interview.

²²³ Observed in myriad email communications from All Out. The structure of All Out’s website makes it difficult to reference specific petitions.

²²⁴ Alimi, interview.

²²⁵ Dillane, interview.

recognise the difficulties.’²²⁶ Although people favourably supported UKLGIG and LGBTI people from beyond the UK in this case, Penny notes that Pride events have not traditionally supported international LGBTI issues: ‘only in the last two years, I would say, has really given any real focus to international LGBT rights.’²²⁷ The recent experiences of UKLGIG hopefully demonstrate an increasingly active support for LGBTI communities abroad as people become more aware of international LGBTI issues and find opportunities to engage in transnational LGBTI activism.

Assessing Cooperation and Coherency in UK-Based LGBTI Activism

Reflecting on the different strategies that UK-based NGOs pursue, as well as the different objectives and organisational structures that comprise the UK-based NGOs explored in this chapter, questions arise about the extent to which the UK LGBTI space can be understood to cooperatively engage in a coherent approach to transnational LGBTI activism. Given the post-2011 emergence of most of these NGOs, it is worth reflecting upon the ways in which they cooperate and engage with each other in the UK and within transnational LGBTI activism spaces.

Some are positive about the level of cooperation between NGOs in the UK space. For example, the Assistant Director of Kaleidoscope notes that most organisations that work in the area of international LGBTI rights maintain regular contact: ‘We do have roundtable meetings relatively regularly, where we work out what each other is doing, and where we sit within the space.’²²⁸ This is particularly true of the Doughty Street Group, comprised of HDT, Stonewall, Kaleidoscope, UKLGIG, International HIV/AIDS Alliance, and Stop Aids. Cooper, who is a member of Doughty Street Chambers, from which the informal group derives its name, describes how the group meets six times a year and ‘just share stories,’ otherwise meeting ‘if there’s an issue of common concern’ for the members of the group.²²⁹ Although the members of the group have different specific concerns and approaches to international LGBTI issues, that the

²²⁶ Dillane, interview.

²²⁷ Penny, interview.

²²⁸ Assistant Director, Kaleidoscope, interview.

²²⁹ Cooper, interview.

group exists demonstrates a clear attempt at cooperation between particular NGOs in the UK space. As the Assistant Director of Kaleidoscope notes:

Even though we don't necessarily always come at the issue from the same place, there is a level of agreement within the movement. There is a level of consultation and coordination, particularly when we're talking about UK-based advocacy.²³⁰

Dillane notes that cooperating and engaging with other groups in the space can benefit an organisation's work due to the contacts and influence that different NGOs have with other actors, such as politicians. UKLGIG works with HDT, Stonewall and Kaleidoscope, 'because these organisations are very prominent, they have a role to play in influencing politicians, government departments, particularly the Foreign Office, and media, in Britain's role in the international human rights and LGBT discourse.'²³¹ Dillane also notes, however, the importance of working with as many organisations as possible to ensure that their LGBTI clients seeking asylum are supported in multiple ways.²³² UKLGIG works with organisations such as the Helen Bamber Foundation, Freedom from Torture, Terrence Higgins Trust, Naz Project, House of Rainbow, and Imaan. For example, 'the Naz Project is a sexual health service that works with BME communities and they come into us once a month to give sexual health sessions and also to facilitate onward referrals to other organisations.'²³³ Similarly, Hanson is also keen to point out that No Going Back works with and gains support from a range of groups other than LGBTI-specialising groups.²³⁴

It appears as though organisations and activists not involved in the core, big-names of the Doughty Street Group feel that there is a lack of cooperation and coherency in the UK space. For example, Penny suggests that 'there is no real connection to other groups in working a coherent strategy,' though Rainbow International has worked with diaspora-led groups, such as OPAL, and the PTF on protest action in the past, so there is some cooperation even in the absence of a coherent strategy within the space.²³⁵

²³⁰ Assistant Director, Kaleidoscope, interview.

²³¹ Dillane, interview.

²³² Dillane, interview.

²³³ Dillane, interview.

²³⁴ Hanson, interview.

²³⁵ Penny, interview.

Coordinated protest actions between organisations, such as OPAL, PTF and African Rainbow Family, demonstrate solidarity between groups with shared strategies.²³⁶ Alimi is very critical of the lack of a coherent strategy within the UK space, particularly in the ways in which organisations have emerged in the space without a clear strategy on how to engage effectively in international LGBTI advocacy.²³⁷ This is potentially a key criticism of the space, though the NGOs in question have largely developed clear strategies over the past five years, even if they lack coherency across the space. Waites highlights that several of the core organisations in this space ‘have been learning on the job,’ evidenced by the lack of international engagement prior to launching.²³⁸ For example, Alimi’s experiences at Kaleidoscope suggest that the organisation lacked a clear international strategy at the outset, though it has since developed a clearer role for itself concerning focus and engagement in the Commonwealth.²³⁹

Onwuchekwa suggests that even though there may not be a coherent approach to international LGBTI issues in the UK space, there are still advantages in the ways in which peoples’ passions motivate action in the space, and that the different experiences that people bring to the space can creatively benefit the development of organisations’ strategies.²⁴⁰ He does note, however, that some organisations can be driven by agendas that are often hard to ‘step out of’ when necessary, and that there is also a lot of incoherency about the authenticity of ‘voices’ within the UK space:

A lot of people disagree, even within the LGBT community, about what is necessary or what is important and who should speak and who should not speak. A lot of people disagree on whose voice is the right voice and whose is not right.²⁴¹

Others have similarly noted that different organisations and activists have different approaches to transnational LGBTI activism, and that some voices can dominate the space over others.²⁴² Onwuchekwa describes how JfGA works with very small organisations that are likely to be unknown nationally, but they are still important

²³⁶ African Rainbow Family, ‘African Rainbow Family London Rally.’

²³⁷ Alimi, interview.

²³⁸ Waites, ‘The New Trans-National Politics,’ 87.

²³⁹ Alimi, interview. See: Waites, ‘LGBTI organizations navigating.’

²⁴⁰ Onwuchekwa, interview.

²⁴¹ Onwuchekwa, interview.

²⁴² UK-based European LGBT activist, interview.

because of the differences that they make within their communities.²⁴³ This highlights the role that smaller organisations play in making a difference at a local level, even if they do not dominate the national discourse as much as other organisations do, such as Stonewall, Kaleidoscope, or the PTF.

Even though UK-based NGOs may adopt different strategies and have different ideas about how to best engage in transnational LGBTI activism, the UK space is generally coherent to the extent that all are concerned with doing the best to improve LGBTI human rights internationally.²⁴⁴ As discussed above, there is a coherency within the UK space concerning the need to engage with and be led by local activists, regardless of the different strategies that UK-based NGOs pursue. It is clear, however, that in analysing the coherency and cooperation of UK-based NGOs, that a general ethos of ‘being led by local actors’ is selectively adopted in practice.

Brunei and Boycotts

A notable example of the above complexities can be seen in UK-based reactions to developments in Brunei that sought to introduce increased penalties for various crimes under the implementation of sharia law, which included escalating the penalty for engaging in homosexuality (more specifically adultery and sodomy) to the death penalty.²⁴⁵ In the spring of 2014, upon hearing of the changes to Brunei’s law, some celebrities in the US and UK responded by calling for a boycott of the Dorchester Collection chain of hotels, because the chain is owned by the Sultan of Brunei (or, more specifically, an investment of the Brunei Ministry of Finance).²⁴⁶ The celebrity boycott of the Dorchester hotels was echoed by some UK-based activists, particularly Tatchell and the PTF, who encouraged a global boycott of the hotels, whilst also calling on the Commonwealth to suspend Brunei.²⁴⁷ Stonewall, however, criticised the boycott action,

²⁴³ Onwuchekwa, interview.

²⁴⁴ UK-based European LGBT activist, interview; Cooper, interview.

²⁴⁵ Nick Duffy, ‘Brunei: “Stone the gays” law to be phased in from tomorrow,’ *Pink News* (30 April 2014) [online].

²⁴⁶ Long, ‘Too brown to be heard’; Nick Allen, ‘Hollywood turns on Sultan of Brunei,’ *The Telegraph* (10 May 2014) [online].

²⁴⁷ Peter Tatchell Foundation, ‘Commonwealth urged to suspend Brunei’ (6 May 2014) [online].

questioning whether the action would even be effective and highlighting that the LGBTI community in Brunei had not asked for the action.²⁴⁸ Ruth Hunt, then acting chief executive of Stonewall released a public statement outlining Stonewall's position:

By turning the issue into a battle between gay people and the Sultan – which it isn't, it affects everyone in Brunei, not just gay people – we limit the opportunity for dialogue and put the lesbian, gay, bisexual and trans people of Brunei at far greater risk. A group of people, I hasten to add, who've yet to publicly call for a boycott.²⁴⁹

Whilst Stonewall appeared to actually enact the ethos of being led by local actors, the organisation came under criticism for its refusal to participate in the boycott by Western constituencies. Other prominent London-based LGBTI organisations, such as Kaleidoscope or HDT, largely stayed silent on the issue. In response to criticism, Hunt published a second piece confirming that Stonewall would no longer use Dorchester hotels for its events, effectively giving up its position to dispel suggestions that its stance was for commercial reasons.²⁵⁰ Whilst Hunt reiterated the importance of working with and being guided by local and international activists, Hunt's statement curiously put the knowledge and experience of local and international activists on a par with the views of UK-based constituencies:

We're sorry that we didn't anticipate the strength of feeling in the LGBT community, and beyond, and take longer to talk to you about our position and ask what you think. That was a mistake on our part. [...] We will be creating opportunities for you to feed-in your views about what you think we should do – on boycotts and our wider international agenda. We're currently working with activists in 30 countries, from Armenia to Peru, and we'll ask them what they think too.²⁵¹

Given that those who advocated the use of the boycott failed to engage with activists in the Southeast Asian region, including groups other than LGBTI people who would also be greatly affected by changes to law, particularly women, Stonewall's suggestion

²⁴⁸ Ruth Hunt, 'Why Stonewall isn't joining the Dorchester boycott,' *The Telegraph* (16 May 2014) [online].

²⁴⁹ Hunt, 'Why Stonewall isn't.'

²⁵⁰ Statement available: Joseph Patrick McCormick, 'Stonewall confirms it will no longer use hotel owned by Sultan of Brunei who wants to execute gays,' *Pink News* (18 May 2014) [online].

²⁵¹ McCormick, 'Stonewall confirms.'

that the views of US and UK-based constituencies are as valid as those most effected by the law is rather disingenuous to the people they claim to ‘work with’ internationally. Drawing on the earlier discussion of accessible versus effective activism, this was clearly an instance where UK-based NGOs should have educated domestic constituencies on the issue, but instead accessible ‘activism’ took precedence over developing more effective responses. Other than affecting staff who work in the hotels, it is unclear how the Hollywood elite hoped the boycott action would influence Brunei’s legislative developments, other than act as a reactionary, temporary, feel-good gesture. Little seemed to be made of the fact that homosexuality was already illegal as a consequence of British imperialism, and the boycott action appears to have failed to stall or reverse the phased implementation of sharia law in Brunei.²⁵² The above case highlights how not all organisations act with the explicit support of local groups, and when they do their commitments to local activists seem to be mitigated by appeasement to UK-based constituencies.

Since 2011, NGOs appear to have developed a clearer focus on their individual strategies of engagement in transnational LGBTI activism, compared to when they first emerged, even if the space as a whole lacks coherency other than a shared commitment to improving international LGBTI rights. These strategies range from protesting in response to high profile developments to pressure actors to implement change, to supporting local LGBTI activists with fundraising or capacity building. Whilst UK-based NGOs have demonstrated cooperation around select issues, or formed small networks to share experiences, such as the Doughty Street Group, not all NGOs experience cooperative politics equally within the UK space. Though UK-based NGOs have increased engagement with LGBTI diaspora-led groups in the UK, a shared commitment to ‘being led by local actors’ is not always realised in consistently effective ways, as demonstrated in the above examination of responses to developments in Brunei. This suggests that there is scope for improvement in how UK-based NGOs actualise their commitments to working with Southern activists, requiring more nuanced strategic engagements that go beyond simplistic appeals to LGBTI rights, to

²⁵² Dominique Mosbergen, ‘Brunei’s LGBT Community Faces Terrifying Future,’ *The World Post* (15 Oct 2015) [online]; Long, ‘Too brown to be heard.’

enacting solidarities that recognise the complexity of lived experience of LGBTI people worldwide. Such strategies should reflect on how UK-based NGOs contribute to UK governmental interventions in international LGBTI rights, and the ways in which such interventions have been inattentive to the legacies of colonialism.

Chapter 6

UK Governmental Interventions in Transnational LGBTI Activism

You cannot condemn (as indeed you should) the neo-colonialism of foreign evangelists exporting homophobia to Africa, and ignore the neo-colonialism of foreign financial institutions that enforce neoliberal economics on an abject continent.¹

In order to develop a comprehensive understanding of the role of UK-based NGOs in transnational LGBTI activism, consideration must be given to the ways in which UK-based NGOs engage with the UK Government on international LGBTI issues. As domestic interest and support for international LGBTI issues has increased within the UK, the UK Government has similarly increased its support for LGBTI rights internationally, either through direct engagement with governments and LGBTI communities in countries of concern, or through international forums such as the UN. The establishment of an All Party Parliamentary Group on Global LGBT Rights (APPG LGBT) in 2015 signified a parliamentary effort to engage with UK-based NGOs towards evaluating the UK's response to international LGBTI issues. Despite increased engagement, concerns of deprioritisation and lack of a coordinated, central strategy risk undermining UK governmental contributions to international LGBTI rights.

This chapter explores key UK governmental engagements with international LGBTI issues, via an analysis of the APPG LGBT, the FCO, and DFID, and how UK-based NGOs are involved with each. Using LGBTI aid conditionality as a case study, the

¹ Scott Long, 'Uganda, the World Bank, and LGBT rights: Winners and losers,' *a paper bird* (10 Mar 2014) [online].

chapter evaluates some of the key complexities that have emerged in UK engagements in international LGBTI rights, shaped by the influence of the colonial spectre on contemporary international relations.

All Party Parliamentary Group on Global LGBT Rights

The APPG LGBT was founded in June 2015 with the purpose to ‘provide a forum for parliamentarians and organisations across the public, private, and third sectors to work together to champion LGBT rights and push back against abuse and discrimination.’² As an All-Party Parliamentary Group, the APPG LGBT is an informal, cross-party group, with no official status within Parliament.³ Nevertheless, the creation of the APPG LGBT demonstrates the desire of some parliamentarians to support greater coordination and engagement between UK political and civil society actors on LGBTI issues. This was clear at the inception of the APPG LGBT, in that UKLGIG, Kaleidoscope, HDT and Stonewall were present at the founding meeting of the APPG LGBT.⁴ The Chair of the APPG LGBT, MP Nick Herbert, particularly thanked the role of Kaleidoscope and MP Crispin Blunt in ‘providing the foundations for this group.’⁵ Indeed, the APPG LGBT is an evolution of Kaleidoscope’s Parliamentary Friends Group, which was founded in February 2013 in the interest of strengthening ties between Kaleidoscope and parliamentarians.⁶ This proactive interest to work with NGOs has allowed the APPG LGBT to draw upon the experience and work of key UK-based NGOs that work in the area of global LGBTI rights. As Dillane notes, being involved at the founding meeting allowed UKLGIG to encourage the APPG LGBT to consider UK domestic LGBTI issues, particularly LGBTI asylum, rather than only being concerned with global LGBTI issues that happen elsewhere in the world.⁷

² APPG LGBT report, 2.

³ UK Parliament Website, ‘All-Party Parliamentary Groups’ [online].

⁴ Dillane, interview. Note that these four NGOs are all part of the Doughty Street Group.

⁵ Nick Duffy, ‘Nick Herbert: Parliamentary group on global LGBT rights will help tackle “discrimination and abuses,”’ Pink News (29 Jun 2015) [online].

⁶ See: Kaleidoscope Trust, ‘All-Party Parliamentary Group on Global LGBT Rights launched’ (23 Jul 2015) [online]; APPG on Global LGBT Rights, ‘MPs and Peers form new group to champion LGBT rights around the world’ (22 Jul 2015) [online]; Kaleidoscope, ‘Kaleidoscope Trust Launches.’

⁷ Dillane, interview.

The APPG LGBT launch event demonstrated a continued close association between the APPG LGBT and UK-based NGOs. In addition to politicians that supported the initiative, the launch event was attended by LGBTI activists and organisations, including many that did not attend the founding meeting, such as JfGA, Black Pride, and the PTF.⁸ Dillane notes that the inclusion of diaspora-led NGOs at the APPG LGBT launch event was a positive step in demonstrating the APPG LGBT's commitment to working with LGBTI diaspora and asylum seekers and ensures that the APPG LGBT is not only seen as a white, Western, politician-led initiative.⁹ The launch event was also used to announce the first task of the APPG LGBT to undertake an inquiry into 'The UK's stance on international breaches of LGBT rights,' and invited evidence from individuals and organisations across all sectors with an interest in global LGBTI issues.¹⁰

The APPG LGBT published its first report in April 2016, detailing its findings from the inquiry and making recommendations for future action across different UK government departments.¹¹ The report draws on evidence submitted by more than 40 organisations and individuals.¹² The APPG LGBT makes an overall fairly positive analysis of UK Government commitments to global LGBTI rights, though notes that more could be done to improve the effectiveness of UK responses to global LGBTI rights abuses.¹³ Key findings of the inquiry included the need for a 'coherent, co-ordinated cross Whitehall strategy for promoting equality of LGBT people around the world,' as well as more political and resource investment 'to ensure effective implementation' of British strategies for promoting LGBTI rights globally.¹⁴ The report notes that NGO contributors to the inquiry, such as Stonewall, Kaleidoscope, and UKLGIG, highlighted that the lack of a central strategy and government coordination

⁸ Patrick Strudwick, 'MPs Demand An End To Discrimination Against LGBT People Around The World,' BuzzFeed News (21 Jul 2015) [online].

⁹ Dillane, interview.

¹⁰ APPG on Global LGBT Rights, 'Parliamentary group on global LGBT rights launches major new inquiry' (23 Jul 2015) [online].

¹¹ APPG LGBT report.

¹² APPG on Global LGBT Rights, 'More action needed to tackle serious breaches of LGBT rights globally' (14 Apr 2016) [online]; APPG LGBT report, 59.

¹³ APPG, 'More action needed.'

¹⁴ APPG LGBT report, 4. For a summary of recommendations, see: APPG LGBT report, 6-7.

was ‘an obstacle to effective, timely and strategic interventions.’¹⁵ Therefore, the need for greater clarity, direction and coordination in UK Government responses to international LGBTI issues is a key priority, the lack of which is evident in prior departmental engagements with international LGBTI issues, as explored below.

One significant element of the APPG LGBT approach to global LGBTI rights, that clearly echoes UK-based NGO discourse on the issue, is the need to take the lead from ‘local LGBT communities’:

In all of this, however, it is vital for stakeholders in parliament, government, the private sector and civil society to take their lead from local LGBT communities. Successful and long lasting change comes from within countries. While there is role for external pressure from international leaders, businesses, states and multilateral forums, it needs to be allied to national strategies that have civil society support and operate within specific political and cultural contexts.¹⁶

Whilst this is a welcome realisation, reflective as it is of a broader UK-based emphasis on the importance of ‘local actors’ in international LGBTI engagements, the APPG report lacks critical reflection of how the mantra of ‘local actors’ would be enacted in practice. For example, the report favourably cites the role of external interventions that responded to guidance from Ugandan LGBTI activists as contributing to successful opposition to the Ugandan AHA.¹⁷ The report, however, neglects to explain how UK governmental actors can be led by local actors in contexts where LGBTI civil society may be less organised, or in contexts that are less high-profile than Uganda. Also, the emphasis on ‘local actors’ as a cohesive unit fails to acknowledge that multiple local actors may have competing strategies or priorities, or that local actors necessarily want to work with Western actors, particularly UK governmental actors. Whilst the focus on being led by local actors is a necessary outlook for international engagements, it remains to be seen to what extent the APPG LGBT can influence UK Government policy and action in this regard.

The APPG LGBT report also draws attention to wider, intersecting concerns linked to global LGBTI rights. For example, the report engages with contemporary health issues

¹⁵ APPG LGBT report, 52.

¹⁶ APPG LGBT report, 4, 40-42.

¹⁷ APPG LGBT report, 40-41.

affecting LGBTI populations, from predictable consideration of HIV and MSM, to considering wider health issues, such as mental health, at the prompting of contributions from Kaleidoscope and the Institute of Development Studies (IDS).¹⁸ The report also draws attention to specific issues that ‘women who have sex with women’ (WSW) and trans people face, drawing on research from Felicity Daly, former executive director of Kaleidoscope.¹⁹ The report also reflects a growing interest in researching the economic costs of LGBTI discrimination for individuals, businesses, and economies, drawing upon academic research in this area, including contributions to the inquiry from the IDS.²⁰ The APPG report also gives consideration to the role that the private sector can play in the progress of LGBTI rights internationally, something that is often overlooked in favour of a great focus on governmental and civil society actions.²¹ The report appeals to the Yogyakarta Principles to outline the definitions of sexual orientation and gender identity that it uses in the report, an internationally-focused effort to define sexual orientation and gender identity that often seems to be neglected in UK-based LGBTI activism.²²

Focused as it is on UK engagement with global LGBTI rights, the report recognises the significant role of British colonial era legislation on the contemporary international landscape of LGBTI rights, from which it draws the following conclusion:

While this fact alone offers a justification for British action to address the persecution faced by LGBT people, it also suggests caution when seeking to intervene bilaterally in support of LGBT rights, particularly against the backdrop of an often fraught colonial history. The same colonial history that impels actions can also lead to accusations of neo-colonialism when that action fails to take into account local contexts.²³

The conclusion that British action is ‘justified’ due to Britain’s role in introducing much anti- LGBTI legislation globally is problematic. Aside from neglecting the

¹⁸ APPG LGBT report, 19.

¹⁹ APPG LGBT report, 18; Felicity Daly, ‘Claiming the Human Right to Health for Women Who Have Sex With Women Through South Africa’s National Strategic Plans on HIV and STIs,’ *HEARD Policy Brief* (June 2015).

²⁰ APPG LGBT report, 22-28.

²¹ APPG LGBT report, 49-51.

²² APPG LGBT report, 8.

²³ APPG LGBT report, 12-13.

complexity of the multitude of forces that influence homophobia in different contexts internationally, such a language of ‘justification’ suggests that the UK’s stance is more concerned with redeeming the sins of our colonial past, rather than acting in the pursuit of equality and justice for LGBTI human rights. The APPG LGBT at least recognises, however, the need for caution when acting or navigating against the postcolonial dynamics of contemporary international relations. This caution has been lacking in previous UK governmental approaches to LGBTI rights, explored below, and so the recognition of the need for caution and reflection on our postcolonial relations that the APPG LGBT demonstrates here is a potentially positive influence on future UK Government action.

UK-based NGOs have responded favourably to the APPG LGBT, though this is a little unsurprising given the close relationship between the APPG LGBT and some NGOs. Cooper notes that the APPG LGBT is beneficial as it now means that there is a central point in Parliament to work on UK-based approaches to international LGBTI issues.²⁴ HDT had included the suggestion of an APPG on global LGBTI issues in a list of policy recommendations to the British Government, several of which appear in the APPG LGBT report.²⁵ Dillane has similarly noted that the APPG LGBT could have a potentially positive influence on shaping the UK Government’s agenda on international LGBTI rights, particularly when the Government lacks a clear and informed strategy.²⁶ Dillane does note, however, that since the APPG LGBT is a parliamentary body, rather than a government initiative, it remains to be seen what degree of influence the APPG LGBT can exercise on the Government.²⁷ Stonewall and Kaleidoscope, as the other two NGOs at the APPG LGBT founding meeting, also praised the APPG LGBT report, favourably noting that their submitted recommendations were included in the report.²⁸ Others have also responded favourably to the APPG LGBT report, including Aderonke Apata of African Rainbow Family, though Apata expresses similar concerns to Dillane

²⁴ Cooper, interview.

²⁵ Human Dignity Trust, *Policy Recommendations of the Human Dignity Trust: Briefing for the UK Government* (May 2015) [online].

²⁶ Dillane, interview.

²⁷ Dillane, interview.

²⁸ Stonewall, ‘UK Government urged to tackle LGBT rights globally’ (14 Apr 2016) [online]; Kaleidoscope Trust, ‘Kaleidoscope Trust welcomes All Party Parliamentary Group on Global LGBT Rights Report’ (14 Apr 2016) [online].

that the effectiveness of the APPG LGBT to influence change remains to be seen.²⁹ Wood notes that whilst the report provides a good foundation for future coordinated action between politicians and civil society, there is need to ensure that recommendations are realised, particularly given the ‘absence of practical, measurable commitments or timelines’ in the report.³⁰

The APPG LGBT represents an interesting development in the evolution of UK-based engagements with LGBTI issues internationally. That the APPG LGBT is led and supported by a number of out LGBTI MPs and LGBTI-friendly, cross-party allies is illustrative of the progress of LGBTI rights in the UK. The formation of the APPG also represents the formalisation of working relationships between parliamentarians and UK-based NGOs, centred around a greater awareness of and engagement with international LGBTI issues within the last decade. With input from interested civil society actors, the APPG LGBT report provides a useful evaluation of different government departments’ records on international LGBTI issues, as well as demonstrating an awareness of some broader issues affecting LGBTI lives internationally. As Wood suggests, the APPG LGBT report is useful in that it ‘sets a direction of travel that advocates and politicians alike can coalesce around.’³¹ Whilst it is a benefit of the report that the APPG LGBT’s considerations of LGBTI issues is informed by UK-based NGOs, it also presents a limitation in that it does not stray beyond mainstream NGO discourse to provide a more critically reflective evaluation of UK interventions internationally. For example, the report takes for granted the role and activities of NGOs, rather than engaging with Southern voices that might be critical of Western NGO interventions. Nevertheless, the APPG LGBT is a good starting point that presents opportunities for discussions and working relationships between the UK Government and civil society actors that can evolve over time. Key to the success of the APPG LGBT will be the degree to which it can influence government policy and action, and whether its recommendations, and by extension the recommendations of NGOs and civil society actors, can be realised.

²⁹ African Rainbow Family, ‘UK Parliament Urges For More Actions To Tackle Serious Breaches of LGBT Rights Globally’ (14 Apr 2016) [online].

³⁰ Stephen Wood, ‘Responding to the UK parliamentary report on global LGBT rights,’ IDS (16 May 2016) [online].

³¹ Wood, ‘Responding to the UK.’

Foreign and Commonwealth Office

There are two elements to the FCO's work on promoting the protection of the rights of LGBTI people: internationally, the FCO vocally supports resolutions agreed at the Human Rights Council on sexual orientation; whereas at the in-country level, the FCO supports the work of NGOs rather than acting publicly itself, but may engage in private conversations with political leaders in some cases.³²

The APPG LGBT notes how the FCO's 'strategic deployment of diplomatic resources behind the scenes' has successfully supported initiatives in multilateral spaces that aim to defend the rights of LGBTI people internationally, such as UNHRC resolutions on sexual orientation and gender identity.³³ The FCO makes clear that it works with 'like-minded states and civil society colleagues' at the UN level, as well as the EU and Council of Europe.³⁴ In 2014 the UK supported the second resolution on sexual orientation in the UNHRC and became a member of the UN LGBT Core Group in New York.³⁵

The FCO states that its embassies and high commissions 'undertake a variety of initiatives on LGBT rights, through funding projects, lobbying on LGBT rights and supporting local LGBT NGOs,' giving examples of such work in Serbia, Hungary, Chile, and Brazil.³⁶ In 2010, the FCO outlined its 'programme for promoting the human rights of LGBT people,' which included the recommendation that the FCO should work with LGBTI groups to identify 'countries where support from Posts and The British Council would provide added value to equality and non-discrimination work.'³⁷ A member of the FCO's Human Rights & Democracy Department notes the benefit of the FCO working with UK-based NGOs on these issues:

³² FCO official, Equality and Non-Discrimination Team, Human Rights & Democracy Department, interviewed by author (21 Nov 2014).

³³ APPG LGBT report, 30.

³⁴ *Human Rights and Democracy: The 2013 Foreign & Commonwealth Office Report* (FCO, Jun 2014), 75-76.

³⁵ *Human Rights and Democracy: The 2014 Foreign & Commonwealth Office Report* (FCO, Mar 2015), 62.

³⁶ *Human Rights and Democracy: 2013*, 77-78.

³⁷ FCO, *An FCO programme for promoting the human rights of LGBT People* (30 June 2010), 2.

It's important that when we do speak out that we're consistent with what we're saying. And I work reasonably closely with some of the international NGOs that are headquartered in the UK, especially in London. It's useful for me to be able to have a conversation with them about global trends, and what's working, what's not working.³⁸

The Assistant Director of Kaleidoscope notes that the FCO has responded positively to NGO suggestions for government actors to adopt more nuanced approaches to LGBTI rights internationally, suggesting that the FCO appears to be 'well appraised of what it can and can't do in this space.'³⁹ The FCO has also engaged in projects with UK-based NGOs. For example, the FCO worked with Kaleidoscope to deliver a project in Trinidad & Tobago 'that encouraged public and political support for progress toward the repeal of legislation discriminating against LGB&T citizens.'⁴⁰ The FCO has a good relationship with international and domestic NGOs, working in consultation on strategies, as well as using private diplomacy and the reach and access of the FCO's diplomatic network as a way to 'echo the views of civil society':

A good example of that would be we have quite a few events hosted at our missions, whereby you'll get politicians, you'll get business leaders, but we also bring in civil society people into that space so that they can have direct contact with influential people in-country.⁴¹

The APPG LGBT notes the work that the FCO does to support local LGBTI organisations and initiatives, work which the FCO continues to support.⁴² The FCO also supports embassies and high commissions that support local Pride events, although the decision to do so is ultimately left to the individual posts, 'not least because open UK support for LGBT rights might be counterproductive in some countries.'⁴³ Whilst funding for the FCO's Magna Carta Fund for Human Rights and Democracy has been doubled to £10.6 million, there remain barriers for LGBTI groups to access the fund as in many countries LGBTI groups are prevented from registering as NGOs, meaning that

³⁸ FCO official, interview.

³⁹ Assistant Director, Kaleidoscope, interview.

⁴⁰ *Human Rights and Democracy: 2014*, 63.

⁴¹ FCO official, interview.

⁴² APPG LGBT report, 31; *Human Rights and Democracy: The 2015 Foreign & Commonwealth Office Report* (FCO, Apr 2016), 10.

⁴³ *Human Rights and Democracy: 2013*, 78.

LGBTI groups fail to meet registration requirements to access the fund.⁴⁴ Such barriers to access the Magna Carta Fund are noted by the Foreign Affairs Committee, drawing on evidence submitted by Stonewall, concluding that the Fund ‘acts against an intelligent deployment of resources which takes into account a clear assessment of in-country human rights priorities.’⁴⁵ The Foreign Affairs Committee recommends that the FCO should change its policy of mandatory registration for the Magna Carta Fund so that affected groups, such as LGBTI groups, are not prohibited from applying to the fund.⁴⁶ This will be especially important if the FCO wishes to keep its commitment to spending £900,000 of the Fund on LGBTI community projects internationally.⁴⁷

In the international work that the FCO engages in on LGBTI rights, there remains a tension between the expectation that the FCO should be seen to condemn countries that violate the human rights of LGBTI people, and the private conversations that FCO officials have with political leaders to encourage them to drop homophobic legislation or support LGBTI rights. Baroness Anelay, Minister of State at the FCO, in a speech for International Human Rights Day talked about the FCO and private diplomacy, suggesting that private diplomacy can have very positive impacts in a range of human rights abuses, but that drawing attention to instances of private diplomacy can harm the UK’s influence by ‘undermining the trust and respect we’ve built so painstakingly.’⁴⁸ This highlights a tension of private versus public diplomacy by suggesting that demands that the FCO be seen to be publicly condemning countries can undermine the impact of private diplomacy that the FCO engages in. The FCO has engaged in private diplomacy, expressing concern at high-level meetings with government actors, in response to a number of international developments that sought to discriminate against LGBTI people, such as in Uganda, Nigeria, Russia.⁴⁹ Anelay recounts ways in which the FCO has defended LGBTI rights internationally by working with the governments of

⁴⁴ APPF LGBT report, 31. See, Ashley Currier and Joëlle M. Cruz, ‘Civil Society and Sexual Struggles in Africa,’ in *The Handbook of Civil Society in Africa*, Ebenezer Obadare (ed.) (Springer Science & Business Media, 2013), 343; Human Rights Watch, ‘Kenya: High Court Orders LGBT Group Registration’ (28 Apr 2015) [online].

⁴⁵ Foreign Affairs Committee, *The FCO’s administration and funding of its human rights work overseas: Fourth Report of Session 2015-16* (5 Apr 2016), 11.

⁴⁶ Foreign Affairs Committee, *FCO’s administration*, 11.

⁴⁷ UK Parliament Website, ‘Appendix: Response from the Foreign and Commonwealth Office’ (7 July 2016) [online].

⁴⁸ Baroness Anelay, *Speech for International Human Rights Day* (9 Dec 2015).

⁴⁹ *Human Rights and Democracy: 2013*, 76.

Belarus, Uganda, Nigeria, Belize and Mozambique.⁵⁰ Former Foreign Secretary Philip Hammond emphasised the role of private diplomacy in the FCO's response to human rights abuses internationally, suggesting that 'lecturing people in public doesn't always work, and can sometimes prove counter-productive. Just because the British Government isn't shouting about an issue from the rooftops, doesn't mean we aren't assiduously pursuing a case in private.'⁵¹ Whilst this may be the case in a lot of the work that FCO officials do internationally, there is no way to measure or hold accountable the impact that private diplomacy has on preventing human rights abuses globally. Sen notes that, whilst 'megaphone diplomacy' is problematic and counter-productive, particularly from a postcolonial analysis, the failure to publicly censure rights-abusing political leaders sends a message to other leaders that there are few personal consequences to abusing vulnerable communities in their own countries.⁵²

Tatchell notes the difficulties that the FCO faces in openly supporting LGBTI communities, where overt support can sometimes jeopardise future work or the NGOs concerned: 'It's a very fine line they're treading. In some instances, if the Foreign and Commonwealth Office is too outspoken, it just plays into the hand of those within the country who claim this is all a Western plot.'⁵³ Even where private diplomacy is the preferred option, its impact will largely depend on how receptive political leaders are to the diplomatic influence of the UK on LGBTI rights. As an FCO official notes, whether or not private diplomacy is useful can depend upon the mood in the country towards LGBTI rights and how individual political leaders respond to private diplomatic efforts:

So, if we were to go in, even in private, and try and convince a leader of their country to change, then that leader of the country would, particularly if they were facing a political battle or elections, they would use those conversations to play out in public [...] it very much depends on the mood in the country.⁵⁴

⁵⁰ Baroness Anelay, *Speech for International*.

⁵¹ Philip Hammond, 'Promoting human rights is not about who can shout the loudest,' *The Independent* (9 Dec 2015) [online]; APPG LGBT report, 31-32.

⁵² Purna Sen, 'Stoning Gays to Death? Life in Prison for Being LGBT? Britain Cannot Stay Silent Any Longer,' *The Huffington Post* (5 May 2014) [online]. See also: Allan Hogarth, 'The government says we shouldn't "shout the loudest" on human rights. I wonder why that is,' *The Independent* (11 Dec 2015) [online].

⁵³ Tatchell, interview.

⁵⁴ FCO official, interview.

An example of this can be seen in Ugandan President Museveni publicly recounting conversations that he had had with Western leaders who wanted to talk about ‘the gays,’ as Uganda faced increasing pressure around its then proposed AHB.⁵⁵ Despite this, carefully chosen private interventions that appeal to international human rights agreements, rather than specifically Western values about LGBTI rights, can help to mitigate homophobic, postcolonial rhetoric from political leaders that is more commonly triggered by overtly pro-LGBTI pronouncements against the Global South from Western states.⁵⁶ Key to any action, however, is the necessity of being led by local LGBTI communities, rather than the FCO acting alone: ‘We are there to support the voices of people on the ground who are demanding the change themselves.’⁵⁷ From this it can be seen that the FCO takes a similar approach to being led by local activists as the broader UK-based NGO space does: ‘in-countries, it’s important that it’s civil society that is speaking [...] we do a lot of work with NGOs in different countries to build their capacity to do things like communications effectively, how to engage with the media.’⁵⁸ Furthermore, the FCO notes that there are opportunities to have private diplomatic conversations with leaders about the business and economic impacts of LGBTI discrimination, highlighting the role that businesses can play in these conversations as well:

A lot of the private companies at the moment [...] they’re having conversations with leaders of various different countries, saying that if you’re discriminatory towards people, we don’t think that creates a very sustainable and fertile ground for investment, and we’ll think twice about coming to your country.⁵⁹

This approach compliments a growing interest in the ways in which businesses and the private sector can contribute to supporting LGBTI rights internationally, as noted in the APPG LGBT report.⁶⁰

⁵⁵ Xan Rice, ‘Uganda rows back on draconian anti-gay law after western outrage,’ *The Guardian* (14 Jan 2010) [online].

⁵⁶ FCO official, interview.

⁵⁷ FCO official, interview.

⁵⁸ FCO official, interview. See: O’Connor, *Engaging with the UK Government*.

⁵⁹ FCO official, interview.

⁶⁰ APPG LGBT report, 25-26, 50-51.

The ways in which the FCO has shaped its human rights agenda and given priority to different international issues has changed under successive governments. Under the former Labour Government sexual orientation discrimination was a standalone priority for the FCO, whereas under the Conservative-Liberal Democrat Coalition Government it was not a standalone priority, but was incorporated into a broader approach of non-discrimination.⁶¹ Whilst having sexual orientation discrimination as a standalone priority gave clarity to the work of the FCO network and diplomatic posts, not having a fixed strategy has arguably allowed the FCO to respond to LGBTI rights abuses with greater flexibility, as observed by an FCO official:

The results of having a standalone priority probably didn't match the results we're seeing over the last five years or so. But again, I think that's probably as a result of what's going on internationally, as well as just what the UK is doing. Possibly, by taking a broader approach to non-discrimination, we were more flexible in being able to respond to the dynamics internationally and also in some countries, rather than just trying to come down with a very fixed priority strategy.⁶²

The formal deprioritisation of LGBTI discrimination has factored into broader concerns that the FCO has deprioritised all human rights related work. Drawing on evidence from the Foreign Affairs Committee, as well as contributions by UK-based NGOs, such as HDT, the APPG LGBT report highlights concerns that the FCO has deprioritised its human rights work in favour of focusing on a 'prosperity agenda.'⁶³ For example, Human Rights Watch submitted evidence to the Foreign Affairs Committee that demonstrated that the 'FCO/UK response to the human rights crisis in Egypt has been extremely weak.'⁶⁴ The Committee also noted that whilst organisations found that they could meet with some FCO officials, 'it had become harder to get access to senior Ministers and their immediate advisors,' and that the FCO 'may focus on engaging with larger more well-established NGOs at the expense of smaller organisations.'⁶⁵ Whilst ministers such as Anelay and Hammond may reject the idea that human rights have been deprioritised within the FCO, the Foreign Affairs Committee concludes that 'there

⁶¹ FCO official, interview.

⁶² FCO official, interview.

⁶³ APPG LGBT report, 32-33.

⁶⁴ Foreign Affairs Committee, *The FCO's administration*, 7.

⁶⁵ Foreign Affairs Committee, *The FCO's administration*, 7-8.

is plainly a perception' that human rights have been deprioritised, emphasising that '[p]erceptions and symbols matter, particularly in the context of the UK's soft power and international influence.'⁶⁶ The perception that the FCO has deprioritised human rights has been noted by other commentators who have drawn comparisons to the overt human rights objectives of previous Labour and coalition government ministers.⁶⁷

Further to the perception that the FCO has deprioritised its human rights work are broader concerns about the UK's relationship to particular human rights-denying states. For example, the UK's relationship with Saudi Arabia has been called into question concerning an alleged vote-trading deal to secure seats at the UNHRC, this following widespread criticism of rights-abusing states holding key positions within the UNHRC.⁶⁸ The UK's support of rights-denying states by other means, such as arms sales, also contradicts the perception that international human rights are a priority for the UK Government.⁶⁹ These complications can have consequences for the progress of LGBTI rights internationally, as seen in attempts by Saudi Arabia and other states to derail UNHRC SOGI resolutions.⁷⁰ If the UK Government is to be taken seriously in its commitment to international human rights and LGBTI rights then it should reflect on how its actions internationally contradict such commitments and contribute to the perception that human rights have been deprioritised by government departments, such as the FCO.

Even though LGBTI rights may not be a priority for the FCO, diplomatic posts are still active in supporting LGBTI issues at a local level. Whilst the FCO will not put as much pressure on diplomatic posts to promote protection of LGBTI rights as it would other standalone human rights priorities, such as women's rights, diplomatic posts will relay any domestic LGBTI issues and concerns to central FCO administration in the UK, as an FCO official points out: 'I suppose by having it not as a priority, you don't

⁶⁶ Foreign Affairs Committee, *The FCO's administration*, 7; UK Parliament Website, 'Appendix: Response from the Foreign.'

⁶⁷ Dillane, interview; 'The Guardian view on human rights and foreign policy: do the right thing, not the easy one,' *The Guardian* (5 Apr 2016) [online]; cf. Baroness Anelay, *Speech for International*.

⁶⁸ Owen Bowcott, 'UK and Saudi Arabia "in secret deal" over human rights council place,' *The Guardian* (29 Sep 2015) [online]; Tom Brooks-Pollock, 'Anger after Saudi Arabia "chosen to head key UN human rights panel,"' *The Independent* (20 Sep 2015) [online].

⁶⁹ For example, see: 'Yemen crisis: Oxfam critical of UK-Saudi arms deals,' BBC News (23 Aug 2016) [online]. At least some UK-based NGOs are critical of such a relationship. For example, see: Peter Tatchell Foundation, 'Yemen & Badawi: Sign petition against Saudis' (12 Jan 2017) [online].

⁷⁰ See: United Nations, 'Council establishes mandate.'

get me as much from the centre pushing down actions on posts, but our posts are very responsive to what's going on on the ground and will push back up towards London.'⁷¹ The APPG LGBT has raised concerns, however, that the lack of a central strategy or formal mechanisms to exchange knowledge and good practice limit the effectiveness of British foreign policy on LGBTI rights internationally, despite the evident 'good will' towards LGBTI rights in the FCO.⁷² Cooper, contributing evidence to the APPG LGBT, goes as far as to suggest that: 'A clearly defined approach could support the reduction in the number of jurisdictions that criminalise considerably in the next five to ten years.'⁷³ Even in the absence of formal mechanisms, however, the FCO does make use of its networks for knowledge exchange and sharing good practice.⁷⁴ Whilst the APPG LGBT, and NGOs such as Stonewall and HDT, argue that a central strategy is needed to ensure the FCO can more effectively support LGBTI rights internationally, the APPG LGBT report does not outline specific recommendations, other than that a strategy be objective-oriented, identifying appropriate interventions for countries that are 'responsive to change.'⁷⁵ Whilst such a specific strategy for particular countries could benefit the FCO's work to support LGBTI rights by providing guidance and direction to posts, the nature of international LGBTI issues would require such a strategy to be frequently reassessed. Most importantly, such a central strategy would need to be informed by local LGBTI communities. It remains to be seen how effective such a central strategy would be, particularly in such a way that would be different from the current position of posts independently responding to and engaging with local LGBTI communities.

The perception that the FCO has deprioritised human rights, including specifically LGBTI rights, has been compounded by the decision of the Foreign Secretary in 2015 to not allow the rainbow flag, a universal symbol of the LGBTI community, to be flown at FCO buildings during Pride events, including overseas embassies and high

⁷¹ FCO official, interview.

⁷² APPG LGBT report, 34.

⁷³ APPG LGBT report, 34.

⁷⁴ FCO official, interview.

⁷⁵ APPG LGBT report, 34, 52-53.

commissions.⁷⁶ Several embassies have previously flown the rainbow flag during Pride events in 2013 and 2014 under William Hague as Foreign Secretary, including embassies in Santiago, Paris, Oslo, and Tel Aviv.⁷⁷ The FCO has sought to justify this decision by stating that the FCO's policy is to only fly the Union Flag and the flag of the constituent country at all times, and that the FCO does not fly flags of any other organisations or associations of which it supports or is a member of.⁷⁸ This last point is somewhat peculiar in that the use of the rainbow flag more accurately represents support for LGBTI rights, rather than representation of a particular organisation. Nevertheless, the FCO suggests that the decision not to allow the rainbow flag should not be seen as a lack of commitment to LGBTI rights, and highlights that it has supported Pride events and marked the International Day Against Homophobia, Biphobia, and Transphobia in other ways.⁷⁹ Dillane notes that the British embassy in Riga has worked with and supported the Latvian LGBTI group MOZAIKA, and recounts his experience of attending a reception at the embassy for British and Latvian LGBTI activists.⁸⁰ Dillane points out, however, that it was 'disappointing' that the embassy was prohibited from flying the rainbow flag after it had done so much to support LGBTI activists in Latvia in other ways, particularly considering that other foreign embassies were flying the rainbow flag nearby.⁸¹

That government departments have taken different positions on whether to fly the rainbow flag demonstrates the lack of a clear, central position on LGBTI rights within the UK Government. Whilst the FCO had refused to fly the rainbow flag, both the Cabinet Office and DFID have done so at different times in support of LGBTI events.⁸² In August 2016, following his new appointment as Foreign Secretary, Boris Johnson lifted the former ban on flying the rainbow flag at FCO buildings, reversing Hammond's stance, though the decision to fly the rainbow flag is at the discretion of individual

⁷⁶ APPG LGBT report, 33; Siobhan Fenton, 'Foreign Secretary "tells embassies not to fly rainbow flag for gay pride,' *The Independent* (16 Jun 2015) [online].

⁷⁷ GOV.UK, 'British Embassy in Santiago flies rainbow flag' (17 May 2013) [online]; Fenton, 'Foreign Secretary.'

⁷⁸ UK Parliament Website, 'Appendix: Response from the Foreign.'

⁷⁹ UK Parliament Website, 'Appendix: Response from the Foreign.'

⁸⁰ Dillane, interview.

⁸¹ Dillane, interview.

⁸² Frances Perraudin, 'Cabinet Office and FCO divided over flying rainbow flag,' *The Guardian* (22 Jun 2015) [online]; GOV.UK, 'DFID flies the rainbow flag' (17 May 2016) [online].

ambassadors and high commissioners.⁸³ It is appropriate that the decision be made by individual posts, rather than enforced centrally, given the need for careful consideration of the impact of such action on local attitudes and approaches to LGBTI rights. This is a positive decision that follows from the recommendations of the Foreign Affairs Committee, the APPG LGBT and UK-based NGOs to allow the rainbow flag to be used.⁸⁴ That the Foreign Affairs Committee made note of the issue of the FCO disallowing the use of the rainbow flag demonstrates that LGBTI issues are taken seriously when holding the UK Government to account on its actions. It is worth noting here that Crispin Blunt MP is both chair of the Foreign Affairs Committee and a member of the APPG LGBT, as well as being an openly gay politician, demonstrating the potential for politicians and parliamentary bodies to influence and hold the government to account on LGBTI issues.⁸⁵

Department for International Development

DFID shares similar criticism to the FCO regarding its approach to LGBTI issues internationally. Whilst the department has demonstrated an engagement with and support of LGBTI rights internationally, such support is often *expressed* more than it is realised as a comprehensive strategy. As the APPG LGBT has noted from its inquiry, whilst ministers are seen to be keen to support LGBTI rights through DFID's work, it is often unclear to what extent these commitments have been 'translated into significant streams of work.'⁸⁶ Nevertheless, positive steps toward a (potential) comprehensive strategy can be seen in the publication of DFID's 'approach' to LGBTI rights, as well as the consultation that DFID engages in with UK-based NGOs, particularly Kaleidoscope and Stonewall.⁸⁷

Successive Parliamentary Under Secretaries of State for International Development have been openly supportive of LGBTI rights in recent years and have emphasised DFID's commitment to engaging with LGBTI issues internationally. It is likely that

⁸³ 'Boris Johnson lifts ban on UK embassies flying gay pride rainbow flag,' *The Guardian* (5 Aug 2016) [online].

⁸⁴ Foreign Affairs Committee, *The FCO's administration*, 8; APPG LGBT report, 33.

⁸⁵ Dillane, interview; Foreign Affairs Committee, *The FCO's administration*.

⁸⁶ APPG LGBT report, 35.

⁸⁷ *DFID's approach on lesbian, gay, bisexual and transgender (LGB&T) rights* (DFID, 9 Feb 2016).

more support for LGBTI issues has been shown by the Under Secretary of State than other ministers due to the ‘inclusive societies’ element of the Under Secretary’s responsibilities.⁸⁸ For example, Lynne Featherstone stated that LGBTI rights were one of her ‘top priorities’ and engaged with Kaleidoscope and Stonewall to discuss international strategies, highlighting that DFID was ‘led by local gay campaigners.’⁸⁹ Baroness Northover also reiterated a commitment to ‘strengthening southern voices’ and ‘integrating LGBT issues into DFID’s inclusion work.’⁹⁰ More recently, Baroness Verma has also spoken about DFID’s commitment to LGBTI rights whilst chairing a session on LGBTI issues for the Commonwealth People’s Forum shortly before the 2015 CHOGM in Malta.⁹¹

Whilst ministers are clear to emphasise DFID’s commitment to LGBTI rights internationally, it is unclear to what extent DFID engages in projects that specifically support LGBTI rights. DFID’s own publications vaguely reiterate that it works with the FCO to challenge ‘punitive and discriminatory laws and other human rights abuses,’ though this approach primarily contextualises LGBTI populations with regards to HIV and health issues.⁹² DFID has also funded projects that support the delivery of health care and sex education to LGBTI populations, though, again, these development initiatives remain centred around health issues.⁹³ DFID has, however, also supported research on understanding international LGBTI issues, such as funding the Sexuality, Poverty and Law Research Programme at IDS, Sussex University.⁹⁴ This is a practical demonstration of DFID’s emphasis on the need for more evidence to inform and support policy-making on LGBTI issues internationally.⁹⁵

⁸⁸ GOV.UK, ‘Parliamentary Under Secretary of State for International Development’ [online].

⁸⁹ Lynne Featherstone, ‘Lynne Featherstone MP writes...A great leap backwards for gay rights,’ Liberal Democrat Voice (28 Feb 2014) [online].

⁹⁰ The Voice, ‘Baroness Lindsay Northover on developing evidence-based policy to strengthen LGBT rights across the world,’ Liberal Democrat Voice (5 Mar 2015) [online].

⁹¹ APPG LGBT report, 29; Baroness Verma, ‘Interview: Universal human rights belong to all of us,’ Commonwealth People’s Forum (24 Nov 2015) [online].

⁹² *Towards Zero Infections – Two Years On* (DFID, 27 Nov 2013), 22, 45.

⁹³ For example, see: *DFID Diversity and Inclusion – Annual Report 2012-13* (DFID, 5 Sep 2013).

⁹⁴ The Voice, ‘Baroness Lindsay Northover.’ See: Sexuality, Poverty and Law Programme, IDS, <http://spl.ids.ac.uk/> (accessed 24/08/16).

⁹⁵ *DFID’s approach on lesbian.*

In February 2016, following roundtable discussions with NGOs, which included Kaleidoscope, IDS and Stonewall, amongst others with an interest in including LGBTI issues in development frameworks, DFID published their ‘approach on LGB&T rights.’⁹⁶ This ‘approach’ has been welcomed by UK-based actors, though as the APPG LGBT report notes, ‘Whilst this is a positive development the approach is brief and represents a starting point, rather than a fully realised strategy.’⁹⁷ Kaleidoscope, IDS and Stonewall have welcomed the ‘approach,’ though this is unsurprising given their engagement with DFID prior to the release of the report.⁹⁸ This highlights the positive engagement and impact that UK-based NGOs can have on the development of government strategies on international LGBTI issues. DFID’s commitment to link an understanding of LGBTI issues to the Sustainable Development Goals (SDGs) was particularly welcomed by commentators.⁹⁹

Nevertheless, there remains the issue, similar to critiques of the FCO, that whilst expressed support for global LGBTI rights and an outlined ‘approach’ are positive steps, DFID lacks a clear central strategy that demonstrates a practical engagement with LGBTI-specific issues, particularly beyond health issues. Whilst DFID has made some positive contributions, it falls subject to a broader critique of the international development industry, as Haste, Overs and Mills observe, ‘commitment to promote LGBT rights in theory at international level is not always matched by a commitment to meaningfully fund programmes for LGBT at a local level.’¹⁰⁰ The APPG LGBT notes that:

No additional streams of funding for LGBT programming have been publicly identified, raising concerns about how the department plans to match its aspirations with action, particularly given the relative under-resourcing of the sector.

⁹⁶ Kaleidoscope Trust, *The Kaleidoscope Trust Newsletter* (email correspondence, 18 Feb 2016); *DFID’s approach on lesbian*.

⁹⁷ APPG LGBT report, 35.

⁹⁸ APPG LGBT report, p. 35, n. 114.

⁹⁹ APPG LGBT report, 35; Kaleidoscope, ‘The Kaleidoscope Trust’s Response’; *DFID’s approach on lesbian*.

¹⁰⁰ Polly Haste, Cheryl Overs, and Elizabeth Mills, ‘Avenues for Donors to Promote Sexuality and Gender Justice,’ *IDS Policy Briefing* 120 (June 2016).

Furthermore, there is a need for DFID to clearly identify and track funding of programmatic work with an LGBT component.¹⁰¹

Kaleidoscope has similarly noted that DFID's engagement with LGBTI issues would benefit from more detailed tracking of its spending on LGBTI issues, particularly as part of mainstreaming LGBTI rights into its project work in a similar way that it has done with women's rights and disability rights.¹⁰²

In addition, it will be important for DFID to consider LGBTI issues beyond health and HIV, realising the broader economic costs of discrimination and the impact that this has on local civil society groups.¹⁰³ As identified by Kaleidoscope in the APPG LGBT report:

Overwhelmingly, the greatest need identified by our partners is the challenge they face in resourcing their work. There is a pressing need to make resources available for LGBT-specific programming that is innovative in approach and aimed at creating long term positive change.¹⁰⁴

Whilst it is positive that DFID has expressed a commitment to working with local civil society, DFID's 'approach' lacks a clearly outlined strategy of how engaging with civil society will inform projects, or whether increased funding to civil society is something that DFID is willing to take seriously. As Wood notes, 'Transformational as proposals to mainstream LGBT across DFID activities and programming might be, they will not be sufficient alone if the requisite investment in civil society doesn't take place in parallel.'¹⁰⁵

It also worth noting that DFID's 'approach' does not outline any strategies for engaging specifically with trans and gender identity issues, or how trans and gender non-conforming people may be 'left behind' in ways that are distinct from issues of sexual orientation. For example, the gap in DFID's engagement with trans people's specific needs in development has previously been identified by STOP AIDS.¹⁰⁶

¹⁰¹ APPG LGBT report, 36.

¹⁰² Assistant Director, Kaleidoscope, interview.

¹⁰³ APPG LGBT report, 36

¹⁰⁴ APPG LGBT report, 53-54.

¹⁰⁵ Wood, 'Responding to the UK.'

¹⁰⁶ Fionnuala Murhpy, *Increasing DFID's contribution to addressing HIV among key populations: Review and recommendations* (STOPAIDS, 2014), 17.

In the wake of the recent EU referendum and the resulting changes to the UK Government Cabinet, it is unclear how differently DFID might engage with LGBTI rights under Theresa May's Government or under the leadership of the new International Development Secretary, Priti Patel. Patel's previous scepticism of DFID's work, her focus on trade and economic prosperity, coupled with her poor voting record on human rights and LGBTI rights, raises concerns about the future place of LGBTI rights within DFID's broader agenda.¹⁰⁷ Patel has been criticised for pandering to an anti-development and anti-immigration press, presenting a misleading view of UK development work.¹⁰⁸ Furthermore, the decision to pass the implementation of the SDGs from DFID to the Cabinet Office undermines DFID's former commitment to link LGBTI issues to the SDGs.¹⁰⁹ This is not to suggest, however, that DFID's progress on incorporating LGBTI rights within its development agenda will necessarily disappear completely, especially given the recent engagements between DFID and UK-based NGOs, such as Kaleidoscope and Stonewall, and the potential for the APPG LGBT to hold DFID to account on its LGBTI commitments. As with the FCO, it will be necessary to ensure that commitments to support LGBTI rights are actually realised, whilst challenging any perceptions of deprioritisation of LGBTI rights in DFID's future work.

Aid Conditionality

This section provides a detailed analysis of 'aid conditionality' as it relates to governmental interventions into international LGBTI rights activism. 'Aid conditionality' broadly refers to practices whereby states in the Global North attach conditions to development aid given to states in the Global South. This section examines the practice and discourse of LGBTI aid conditionality, whereby Northern development assistance is leveraged against pressure to improve LGBTI rights in particular Southern states. The analysis highlights the influence of the colonial spectre in LGBTI aid conditionality discourse, as well as illuminating trends in contemporary UK-based

¹⁰⁷ Molly Anders, 'What DFID appointment and new PM's voting record tell us about "May-era aid,"' Devex (15 Jul 2016) [online]; Sian Lea, 'Where Theresa May's New Cabinet Stand On Human Rights,' Rights Info (14 Jul 2016) [online].

¹⁰⁸ Priti Patel, 'Too much of YOUR money is simply stolen or squandered,' *Daily Mail* (14 Sep 2016) [online]; Anna Leach and Katherine Purvis, 'UK NGOs raise concerns about Priti Patel's new approach to foreign aid,' *The Guardian* (14 Sep 2016) [online].

¹⁰⁹ See: Molly Anders, 'A fitful start for Priti Patel's DFID,' Devex (14 Sep 2016) [online]; APPG LGBT report, 35.

LGBTI activism and governmental interventions that operate unmindful of the legacies of empire.

Aid conditionality has featured as a major part of the discourse of UK governmental involvement in international LGBTI rights issues. Literature that engages with aid conditionality and LGBTI rights inevitably references comments made by UK Prime Minister David Cameron in October 2011 at the Commonwealth Heads of Government Meeting (CHOGM) in Perth, Australia. Cameron made comments suggesting that governments that received British aid should adhere to human rights, including the human rights of LGBTI people, effectively threatening the withdrawal of aid from countries that violated the rights of LGBTI people.¹¹⁰ Cameron later reiterated his statement on the BBC's *The Andrew Marr Show*:

We're also saying that British aid should have more strings attached in terms of do you persecute people for their faith or their Christianity, or do you persecute people for their sexuality? We don't think that's acceptable. [...] we want to see countries that receive our aid adhering to proper human rights, and that includes how people treat gay and lesbian people.¹¹¹

This sentiment of 'aid conditionality' would only affect bilateral budget support to governments, which in 2011 accounted for about 5% of the UK's annual aid budget, and which already had conditions attached to it that required recipients to adhere to 'rules on poverty reduction, respect of human rights, good governance and domestic accountability.'¹¹² These public statements outlined the UK Government's intended approach to link aid policy to an international LGBTI rights agenda by highlighting that LGBTI rights were included in 'human rights' requirements.

To focus on these public statements alone as the genesis of LGBTI aid conditionality betrays some of the complexity of the issue and assumes a clear UK Government strategy that NGOs can narrate an opposition to on behalf of their Southern allies. The reality behind the discourse reveals the lack of a centralised strategy on international LGBTI rights for the UK government and a general lack of historical or critical

¹¹⁰ 'Cameron threat to dock some UK aid to anti-gay nations,' BBC News (30 Oct 2011) [online].

¹¹¹ 'Transcript Philip Hammond interview,' BBC News. Note that this webpage is peculiarly titled 'Transcript Philip Hammond interview,' though the interview is solely with David Cameron.

¹¹² 'Cameron threat to dock,' BBC News.

awareness of the complexities of development from NGO and broader public approaches to the intersection of LGBTI rights and development aid.

Understanding the Broader Context of Cameron's Aid Conditionality Message

Conditionality in development aid policy is not something new or unique to contemporary approaches to development. For decades, the UK, along with other donor states, has used conditionality in its aid policies to attempt to ensure that particular policies or practices are implemented by recipient states. The use of Structural Adjustment Programmes in the 1980s is a clear example of the deployment of conditionality in development policy, though conditionality persists in other development interventions and policy programmes.¹¹³

From 2005 onwards, documents detailing the UK's approach to conditionality in aid policy attempted to reflect broader international changes that sought to place more emphasis on 'partnerships' and 'greater country ownership' of conditions placed on aid.¹¹⁴ Agreements from The Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008) were reflected in DFID commitments to increase aid effectiveness, such as by 'ensuring that development is driven by partner countries.'¹¹⁵ Whilst such commitments related particularly to bilateral aid relationships, the UK was also involved in pushing for reform to reduce conditionality in multilateral financial institutions, such as the IMF and the World Bank.¹¹⁶ In 2014, several years after Cameron's CHOGM statement and with no examples to show for any significant

¹¹³ See: Peter Burnell, 'Governance and Conditionality in a Globalizing World,' in *Politics in the Developing World*, Peter Burnell and Vicky Randall, eds. (Oxford: Oxford University Press, 2008); Paul Mosely, 'Conditionality as Bargaining Process: Structural-Adjustment Lending, 1980-86,' *Essays in International Finance* 168 (Princeton: Princeton University, 1987); Jeremy Gould, ed., *The New Conditionality: The Politics of Poverty Reduction Strategies* (London: Zed Books, 2005); Graham Harrison, 'Post-Conditionality Politics and Administrative Reform: Reflections on the Cases of Uganda and Tanzania,' *Development and Change* 32:4 (2001); Oliver Morrissey, 'Conditionality and Aid Effectiveness Re-evaluated,' *World Economy* 27:2 (Feb 2004); Georg Sørensen, ed., *Political Conditionality* (London: Frank Cass, 1993); UK Aid Network, 'Aid Conditionality' [online].

¹¹⁴ See: *Partnerships for poverty reduction: rethinking conditionality*, Policy Paper (DFID, FCO and HMT, Mar 2005), 1. See also: *Eliminating World Poverty: Building our Common Future* (DFID, Jul 2009); *DFID Guidance Note: The Partnership Principles* (DIFD, Mar 2014).

¹¹⁵ *Eliminating world poverty*, 127. See: *The Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008)*, OECD [online].

¹¹⁶ *Eliminating world poverty*, 115-116.

LGBTI aid conditionality in practice, DFID reinforced a reserved approach to conditionality, suggesting that cuts to aid ‘should not be made on the basis of a predetermined formula,’ instead favouring careful, case-by-case reviews.¹¹⁷

Whilst DFID has outlined an aid conditionality policy that is reflective of an international intent to shift away from Northern-imposed conditions on aid, it retains basic criteria of conditionality focused on four ‘Partnership Principles’ of financial accountability, poverty reduction, human rights, and good governance.¹¹⁸ Focusing on the ‘human rights’ element of the Principles, Cameron’s CHOGM statements implied a return to imposed conditionality, using British aid to coerce dependent states to behave in particular ways. This is evident in the responses of some Southern actors to Cameron’s statements, such as Given Lubinda, a Zambian government minister, who appealed to the Paris and Accra agreements to criticise Cameron:

David Cameron must be reminded of what we agreed when we met in Paris for the Paris Declaration. When we met in Ghana, we came up with the Accra Agenda for Action and both those declarations are that no country will use its aid to influence the policies of an aid receiving country.¹¹⁹

Naturally, such criticisms aim to detract from the poor LGBTI rights records of countries who can appeal to international agreements such as Paris and Accra, and conveniently ignore commitments to international agreements such as the Universal Declaration of Human Rights. Nevertheless, such criticisms also serve to highlight the inconsistency of the UK Government’s approach to conditionality and the lack of foresight to how its belligerent articulation of aid conditionality, in contrast to its ‘Partnership Principles’ policy, will be received by states of the Global South. It also confirms critique of the Paris and Accra agreements that alone they ‘are insufficient to ensure donors improve the development impact of their aid.’¹²⁰

The lack of clarity in the UK’s position on conditionality can be seen in that although the ‘violation of human rights or other international obligations’ is highlighted as a

¹¹⁷ *DFID Guidance Note*, 9-10.

¹¹⁸ *Partnerships for poverty reduction; DFID Guidance Note*; UK Aid Network, ‘Aid Conditionality.’

¹¹⁹ Stephen Gray, ‘Zambia and Zimbabwe appear to reject gay rights “pressure” on aid,’ *Pink News* (4 Nov 2011) [online].

¹²⁰ Cecilie Wathne and Edward Hedger, ‘Aid effectiveness through the recipient lens,’ *ODI Briefing Paper 55* (Nov 2009) 1.

potential factor in considerations to reduce or suspend aid, LGBTI rights are not specifically mentioned in policy documents on conditionality in aid.¹²¹ Nevertheless, the principle that conditionality might be applied in cases where violations of LGBTI rights are seen to constitute a violation of *human rights* has some potential within UK development policy even before Cameron made his CHOGM statement. The fact that the UK Government did not have a specific policy relating to aid conditionality and LGBTI rights is symptomatic of a general lack of a clear, central strategy on international LGBTI issues, as highlighted previously in this chapter. This adds to the sense that Cameron's CHOGM statement, without being backed by a clear policy position or framework, can be regarded more as posturing in an international forum than as a concrete plan of action.

Indeed, the potential that LGBTI rights might be applied under the umbrella of 'human rights' in DFID policy became apparent even before Cameron's CHOGM statement. Earlier in the same October that Cameron made his CHOGM statement, Andrew Mitchell, Secretary of State for International Development at the time, had already commented on the UK Government's position of being willing to enact aid conditionality against states that 'do not have respect for human rights.'¹²² These comments followed an article in the *Mail on Sunday* that revealed the UK Government's supposedly new policy of aid conditionality on 'gay rights':

Poor African countries which persecute homosexuals will have their aid slashed by the Government in a bid by David Cameron to take his gay rights crusade to the Third World. International Development Secretary Andrew Mitchell has already cut aid to Malawi by £19 million after two gay men were sentenced to 14 years hard labour.¹²³

The article framed the policy within the context of Cameron's 'decision to legalise gay weddings,' as well as suggesting that aid to Malawi was cut, earlier in 2011, in response to Steven and Tiwonge's persecution and imprisonment, which is a misleading

¹²¹ *Partnerships for poverty reduction; Eliminating world poverty; DFID Guidance Note.*

¹²² James Park, 'Andrew Mitchell: UK will withhold aid from African countries with poor gay rights,' Pink News (16 Oct 2011) [online].

¹²³ Simon Walters, 'We'll cut your aid if you persecute gays, Britain warns African nations,' *Mail on Sunday* (8 Oct 2011) [online].

oversimplification of why aid was cut to Malawi.¹²⁴ The *Daily Mail* issued a follow-up article with essentially the same content and arguments a few days later.¹²⁵

Arguably, these *Mail* stories, in addition to Mitchell's statements shortly afterwards, contributed to much of the miss-reporting and confusion on the Government's position on LGBTI aid conditionality. By suggesting that £19 million of budget support was cut to Malawi primarily in response to Malawi's poor record on LGBTI rights, even in response to Steven and Tiwonge's imprisonment specifically, misleadingly ignores the more primary concerns of economic mismanagement and poor governance in Malawi.¹²⁶ Prior to the aid cut, diplomatic relations had deteriorated between the UK and Malawi, under the increasingly autocratic government of President Bingu wa Mutharika, though widespread concerns amongst the international community also saw aid cuts to Malawi from the World Bank, the EU, the African Development Bank, Germany and Norway.¹²⁷ Whilst Mitchell confirmed, following the publication of the *Mail* articles, that state homophobia had factored into his decision to suspend budget support to Malawi, Mitchell later made comments, whilst visiting Malawi, that development aid was not tied to acceptance of LGBTI rights.¹²⁸ These comments were not reported in UK media, which instead focused on improvements and reforms of the new Malawian President, nor in government statements on Mitchell's visit.¹²⁹ President Joyce Banda, who succeeded Bingu wa Mutharika, had been attempting to reform policies to see the return of donor funding, also stating that she sought to overturn Malawi's ban on homosexual acts.¹³⁰ That Mitchell might be seen to be disavowing LGBTI aid conditionality to assuage Malawian criticisms of tying aid to acceptance of LGBTI rights could be understandable, particularly given the state-sponsored homophobic vitriol and incitement to violence following the 2011 aid cuts to Malawi,

¹²⁴ Walters, 'We'll cut your aid.'

¹²⁵ Daniel Martin, 'Foreign aid for countries with anti-gay rights records to be slashed, pledges Cameron,' *Daily Mail* (10 Oct 2011) [online].

¹²⁶ Mark Tran, 'Britain suspends aid to Malawi,' *The Guardian* (14 July 2011) [online].

¹²⁷ Tran, 'Britain suspends aid.'

¹²⁸ Park, 'Andrew Mitchell: UK'; 'Britain tells Malawi aid not tied to gays,' *Nyasa Times* (31 May 2012) [online]; PANAPRESS, 'UK will not tie Malawi aid to gay rights' (31 May 2012) [online].

¹²⁹ For example, see: Mark Tran, 'Andrew Mitchell praises Malawi but holds back on budget support aid,' *The Guardian* (13 June 2012) [online]; DFID and Andrew Mitchell, 'Malawi: UK protects poorest from devaluation difficulty,' GOV.UK (31 May 2012) [online].

¹³⁰ 'Malawi to overturn homosexual ban, Joyce Banda says,' BBC News (18 May 2012) [online].

over five months prior to Cameron's CHOGM statements.¹³¹ It does highlight, however, a lack of a clear, central strategy on the use of aid conditionality to press for LGBTI rights internationally, at least in terms of how UK Government ministers articulated the policy to different audiences, and how such a policy was inconsistently applied to different states worldwide.

The LGBTI aid conditionality discourse seemed to reflect the Coalition Government's attempts to pursue LGBTI progress, and by extension LGBTI domestic support. In March 2011, the Coalition Government published a report that set out its plans to tackle LGBTI inequalities both domestically and internationally.¹³² The report outlined the Government's commitment to:

Use our political dialogue with other countries to push for the recognition of LGB&T rights and advocate for changes to discriminatory practices and laws that criminalise homosexuality and same sex behaviour. We will also work with EU and international partners to oppose the introduction of new anti-homosexual legislation.¹³³

Whilst the report does not suggest the use of aid to leverage progress on LGBTI rights internationally, Cameron and Mitchell's later statements on aid conditionality can be seen to be at least a nominal extension of this commitment, suggesting to UK audiences favourable to such progress that the Government can be seen to be acting on such interests. This can more evidently be seen in a speech Cameron gave at a Downing Street reception for the LGBTI community in June 2011, suggesting that the UK is in a strong position to put pressure on homophobic states to enact change:

[maintaining a commitment to 0.7% by 2013] has a spin-off benefit of giving us some moral authority in the world to talk to other leaders and governments about our relationship with them and what we expect from them. [...] We have got the ability to speak to African leaders, African governments, about this issue that I know concerns everyone here tonight. And it concerns me.¹³⁴

¹³¹ Paul Canning, 'Malawi government threatens pro-LGBT groups, activists over foreign aid withdrawals,' *LGBT Asylum News* (21 Apr 2011) [online].

¹³² *Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward*, (HM Government, March 2011).

¹³³ *Working for Lesbian*, 14.

¹³⁴ Jessica Geen, 'David Cameron says UK will pressure Africa on gay rights,' *Pink News* (22 June 2011) [online].

It is questionable to what extent ‘committing’ to achieving the 2013 target of 0.7% would have given the UK ‘moral authority’ to pressure other governments, given that the original UN target was set in 1970 and the UK only achieved it in 2014.¹³⁵ Furthermore, Cameron’s focus on ‘African leaders’ and ‘African governments’ is symptomatic of a significant problem of the UK Government’s contribution to the LGBTI aid conditionality discourse. Cameron’s CHOGM statement, and much of the discourse favourable to LGBTI aid conditionality, has been focused on the interaction between governments, rather than engaging with LGBTI activists and civil society to understand other ways the UK Government might act that would be more effective for supporting LGBTI people internationally.

Long suggests that Cameron’s CHOGM statement played well for multiple domestic audiences, from right-wing constituencies hostile to increases in foreign aid spending, to LGBTI constituencies who could feel that the Government was supporting LGBTI equality internationally, at a time when support for same-sex marriage was also increasing domestically.¹³⁶ The homonationalist deployment of LGBTI aid conditionality suggests an attempt by Cameron to garner support from multiple domestic audiences, rather than pursuing a realistic international LGBTI rights agenda that engages with ‘local’ LGBTI activists.¹³⁷ Furthermore, Tren and Bate question why Cameron chose to focus on LGBTI rights in light of the multitude of human rights abuses conducted by states, which the UK Government knowingly continues to support with aid despite such abuses.¹³⁸ Similarly, Kretz notes how the lack of specificity concerning how such a LGBTI aid conditionality policy would be implemented suggests that the CHOGM statements were posturing for a domestic audience, rather than a coherent policy plan:

¹³⁵ Mark Anderson, ‘UK passes bill to honour pledge of 0.7% foreign aid target,’ *The Guardian* (9 Mar 2015) [online].

¹³⁶ Scott Long, ‘African activists on human rights and aid,’ *a paper bird* (31 Oct 2011) [online].

¹³⁷ Alimi, interview.

¹³⁸ Richard Tren and Roger Bate, ‘United Kingdom: Cameron plays politics with gay rights,’ *Global Post* (23 Nov 2011) [online].

Cameron's refusal to engage policy specifics allows his pronouncement to be all things to all constituencies. LGBT voters see it as a piece of a larger equality agenda, while social conservatives view it as a throwaway to LGBT voters, an important voting bloc in Cameron's coalition.¹³⁹

Indeed, the inconsistent application of the policy raises questions about the UK Government's commitment to improving LGBTI rights internationally. The evolution of the discourse itself, very much focused on Commonwealth nations in the context of the CHOGM, has targeted particular countries as problematic despite the range of anti-LGBTI legislation across the Global South, as well as in the Global North. For example, compare the different approaches to Malawi and Uganda, which are more dependent on UK aid and have received harsher threats on aid conditionality, with the approaches to countries of strategic interest to the UK, such as Nigeria, Russia, and Saudi Arabia.¹⁴⁰ Furthermore, even where LGBTI aid conditionality has been threatened, it is more often the case that aid has been suspended due to other reasons, as seen in the experience of Malawi in 2011. In 2012, the UK, along with several other countries, suspended aid to Uganda due to corruption, rather than any reason specifically relating to LGBTI rights abuses or the continued threat of the AHB.¹⁴¹ There are also no details concerning DFID's current stance on LGBTI aid conditionality in its most recent publication detailing DFID's approach to LGBTI rights.¹⁴²

Ultimately, as Kretz highlights, simply posturing on LGBTI aid conditionality, instead of actually implementing policy interventions against homophobic states, will result in states not taking the UK's commitment to LGBTI rights seriously, potentially undermining other diplomatic strategies, such as FCO initiatives.¹⁴³ The LGBTI aid conditionality discourse appears to have been most useful to political leaders, in both the UK and the Global South, as fostering political support domestically, rather than

¹³⁹ Kretz, 'Aid Conditionality,' 21.

¹⁴⁰ Alimi, interview; Kretz, 'Aid Conditionality,' p. 20, n. 126; Tren and Bate, 'United Kingdom.'

¹⁴¹ DFID, 'Uganda: UK suspends aid to government,' GOV.UK (16 Nov 2012) [online]; 'UK cuts aid to Ugandan government,' BBC News (16 Nov 2012) [online]; Mark Tran and Liz Ford, 'UK suspends aid to Uganda as concern grows over misuse of funds,' *The Guardian* (16 Nov 2012) [online]; Alon Mwesigwa, 'Uganda: NGOs Launch Anti-Corruption Week As Germany Cuts Aid,' Global Policy Forum (2 Dec 2012) [online].

¹⁴² *DFID's approach on lesbian.*

¹⁴³ Kretz, 'Aid Conditionality,' 21-22. See also: Simon Allison, 'Britain's half-hearted fight for gay rights in Africa,' *Daily Maverick* (9 Dec 2011) [online].

producing any significant successful progress on LGBTI rights internationally as a result of threats to cut UK aid. For Cameron, the LGBTI aid conditionality discourse allows him to garner support from across the UK political spectrum. For homophobic leaders in the Global South, the discourse provides them with an opportunity to capitalise on domestic anti-imperial and homophobic sentiment for political utility, distracting from corruption or other rights abuses.

Postcolonial Narrative Responses to Aid Conditionality

Perhaps the most significant consequence of this LGBTI aid conditionality discourse, has been the ability of elites in the Global South to sustain the discourse beyond the initial threats from Western leaders, such as Cameron's CHOGM statements. Examining the responses of some homophobic politicians from the Global South reveals how the concept of LGBTI aid conditionality has been used in postcolonial rhetoric in defiance of Western imperialism both when LGBTI aid conditionality has and has not posed an immediate threat. This rhetoric employs the threat of LGBTI aid conditionality to entrench homophobia and scapegoating of LGBTI communities in the Global South, garnering public support and distracting from other human rights abuses and corruption.

Following Cameron's CHOGM statements, Ghanaian President, John Atta Mills, made clear that he would 'never initiate or support any attempts to legalize homosexuality in Ghana,' adding that Cameron should not 'direct other sovereign nations as to what they should do' regarding 'societal norms.'¹⁴⁴ Ugandan presidential adviser John Nagenda was critical of the UK's 'bullying mentality' and suggested that the UK was treating states like Uganda as 'children.'¹⁴⁵ Such statements immediately following Cameron's CHOGM statements highlight a core element of this postcolonial rhetoric, namely that the West should respect the sovereignty of Southern states to enact their own laws. As Penny observes:

¹⁴⁴ Agence France-Presse, 'I will never support legalizing homosexuality, Ghana's President says,' *National Post* (2 Nov 2011) [online].

¹⁴⁵ Jordan Helton, 'Uganda: Fury at UK threat to cut aid over gay rights,' *Global Post* (4 Nov 2011) [online].

There's lots of resentment from many leaders in the Global South that this is just colonialism again, Western leaders imposing these restrictions and conditions. And these leaders have used that against the LGBT community.¹⁴⁶

Indeed, Cameron's use of the CHOGM to make a statement on aid conditionality merely serves to reinforce the historical, colonial power relations between the UK and other Commonwealth nations, such that postcolonial reactions from former colonies are unsurprising.¹⁴⁷ As Anguita highlights: 'Perhaps, someone should have reminded [Cameron] that the Commonwealth is a legacy of the former British empire and that it is, at least, quite embarrassing to see a British authority publicly instruct the heads of states of former British colonies on what is or not acceptable in terms of human rights.'¹⁴⁸ Furthermore, Cameron failed to acknowledge the historical role of the British Empire in introducing a significant number of sodomy laws internationally, particularly in states that are now part of the Commonwealth.¹⁴⁹

Even prior to Cameron's CHOGM statements, as the AHB in Uganda was gaining traction and international attention, Ugandan leaders were critical of Western condemnation of what they saw as a Ugandan matter. For example, then Ugandan Minister for Ethics and Integrity, Nsaba Buturo, responded to Swedish threats to withdraw aid by highlighting the negative impact of the withdrawal of aid on the Ugandan people, positioning the Ugandan government as protectors of Ugandan citizens: 'It is also revealing that support which would benefit countless number of orphans, children and mothers can be withdrawn simply because government is protecting its citizens against vices such as homosexuality.'¹⁵⁰ Similarly, as the AHB met stalled progress in the Ugandan Parliament due to executive intervention, most likely encouraged by international pressure on President Museveni, parliamentarians emphasised their view that Ugandan 'traditional values' were more important than donor funds; that the passage of the AHB was a moral issue.¹⁵¹ David Bahati, Ugandan

¹⁴⁶ Penny, interview.

¹⁴⁷ Peter Dunne, 'LGBTI Rights and the Wrong Way to Give Aid,' *The Harvard Kennedy School Review* 12 (2012), 67-68.

¹⁴⁸ Anguita, 'Aid conditionality,' 12.

¹⁴⁹ Alimi, interview.

¹⁵⁰ Jessica Geen, 'Swedish minister suggests aid funding could be cut over Uganda's anti-gay bill,' *Pink News* (3 Dec 2009) [online].

¹⁵¹ Isaac Imaka, 'Blocking gays Bill is moral corruption – MPs,' *Daily Monitor* (23 Aug 2011) [online].

MP and author of the AHB, has suggested that Ugandan dependency on aid detracts from Uganda's independence to make its own decisions, specifically highlighting Cameron's threats of aid conditionality.¹⁵² Thus, despite Uganda's dependency on aid, elements of the political class in Uganda were clear that what they considered to be a moral issue was significantly more important than the acceptance of aid. Indeed, that aid is the method by which the West would seek to leverage change in the developing world is telling of the political dynamics of aid relationships between the North and South. Tren and Bate suggest that Cameron should have called the bluff of some African leaders who said that the UK should halt aid to them, in part because it would, in the long run, reduce their reliance on UK aid.¹⁵³ Abbas similarly argues that since aid dependency is not in the long-term interest for African peoples, 'why would aid conditionality be a tool for African social justice?'¹⁵⁴ Thus, whilst we should question whether aid is an appropriate method by which to leverage progress on LGBTI rights, the discourse also has the potential to feed into a wider discussion about the re-evaluation of aid and aid relationships between the North and South.

The ways in which the Ugandan political class appealed to morality and 'traditional values' in response to threats of aid conditionality, demonstrate a moral framing to the narrative of postcolonial resistance that harms local LGBTI communities in a number of ways. The narrative of resistance is framed against what is regarded as a Western social phenomenon, simultaneously appealing to populist resistance to Western imperialism whilst delegitimising domestic LGBTI communities by claiming their sexual identities and experiences are a Western taint on the morality of the state. Thus, the discourse of LGBTI aid conditionality initiated by Western politicians harms local LGBTI communities' attempts to 'shift the same-sex sexuality discourse from the morality debate to a human rights debate,' by providing Southern politicians with opportunities to frame the debate as a moral issue against Western threats of moral corruption.¹⁵⁵ Furthermore, Khanna notes that 'Cameron's statement suggests that a

¹⁵² Josh Kron, 'Resentment Toward the West Bolsters Uganda's New Anti-Gay Bill,' *The New York Times* (28 Feb 2012) [online].

¹⁵³ Tren and Bate, 'United Kingdom.' See: Pflanz, 'Keep your gays.'

¹⁵⁴ Abbas, 'Aid, resistance,' 17.

¹⁵⁵ 'Statement on British "aid cut" threats to African countries that violate LGBTI rights,' *Pambazuka News* (27 Oct 2011) [online]. Also available as: 'African statement to British government on aid conditionality,' in *Queer African Reader*, Sokari Ekine and Hakima Abbas, eds. (Oxford: Pambazuka Press, 2013), 92-94.

progressive politics of sexuality can only be imagined in the form that it has taken in Europe and North America,' such that as well as failing to consult local actors, Cameron reinforces a Western-dominated hetero-homo binary discourse of sexuality that silences local sexual realities, expression and experiences.¹⁵⁶

One significantly problematic element of aid conditionality discourse has been that even when it is not employed by Western states or agencies, homophobic elites can still enact the discourse at any time to suggest that the sovereignty of their nation is threatened. Prime examples of this type of postcolonial, anti-Western posturing can be found in recurring and spontaneous statements of Zimbabwean President, Robert Mugabe. For example, in a speech at a party for his 92nd birthday, Mugabe said, 'If aid, as I understand, is to be given on the basis that we accept the principle of gay marriages, then let that aid stay where it is.'¹⁵⁷ Seemingly unprompted by any demands that Zimbabwe would actually have to accept 'gay marriages' in exchange for development assistance, Mugabe made the comments at a party that reportedly cost \$800,000, held in a region that was amongst the hardest hit by drought and starvation.¹⁵⁸ Mugabe has a history of impulsive and unprompted homophobic rhetoric that serves as populist and postcolonial posturing.¹⁵⁹ Such examples highlight the significant problem whereby the mere concept of LGBTI aid conditionality, which has rarely been implemented by Western actors, serves as an easily accessible rhetorical device for homophobic elites. As Kretz suggests, the UK Government's failure to enact aid conditionality, despite postulating threats, has undermined the potential for such threats to have any effect on Southern governments, thereby reinforcing populist, homophobic rhetoric that encourages violence against local LGBTI communities.¹⁶⁰

¹⁵⁶ Akshay Khanna, 'Aid conditionality and the limits of a politics of sexuality,' *IDS: Participation, Power and Social Change* (31 Oct 2011) [online].

¹⁵⁷ Bobby Rae, 'Robert Mugabe will refuse "filthy aid" if he has to accept gay rights,' *Pink News* (1 Mar 2016) [online].

¹⁵⁸ Camila Domonoske, 'Robert Mugabe's 92nd Birthday Present: More Outrage From Critics,' *NPR* (27 Feb 2016) [online].

¹⁵⁹ Rae, 'Robert Mugabe will refuse.' For example: Nick Wells, 'Robert Mugabe to the UN: We are not gays,' *Pink News* (29 Sep 2015) [online]; Daniel Carter, 'President Mugabe uses inauguration speech to say: "Homosexuality a filthy, filthy disease,"' *Pink News* (23 Aug 2013) [online].

¹⁶⁰ Kretz, 'Aid Conditionality,' 22.

UK-based Activist Responses to Aid Conditionality: the 'Redirect Aid' Narrative

The LGBTI aid conditionality discourse had been steadily developing alongside increasing international attention to LGBTI rights abuses, such as the progress of the AHB in Uganda, even before the British Government's publicised stance on aid conditionality in the autumn of 2011. As early as 2008, Tatchell argued that US aid should be redirected from 'anti-gay regimes' to 'local and international aid agencies that respect LGBT and other human rights.'¹⁶¹ In May 2011, a panel discussion of African LGBTI activists addressed the increasing discourse of aid conditionality by raising concerns about the impact that it could have in developing states, ultimately suggesting that cutting aid in response to legislation such as the AHB would not be a good idea.¹⁶² Val Kalende, a Ugandan activist, argued that it would be better to see a grassroots approach to building dialogue and debate that incorporates LGBTI rights as part of wider human rights in Uganda, not as a special case that ignores human rights abuses or reinforces the idea that homosexuality is a Western imposition.¹⁶³

Following the *Mail* articles and Mitchell's statements concerning threats to withhold aid in the autumn of 2011, more international activists commented on the policy approach of aid conditionality. Some activists, such as Joseph Akoro, executive director of The Initiative for Equal Rights in Nigeria, raised concerns that a policy of aid conditionality further reinforces the perception that states of the Global North are engaging in neo-colonial behaviour in their relationships with the Global South.¹⁶⁴ A common concern has also been that Western governments had not engaged with or consulted LGBTI activists on the issue before making statements or enacting it as a policy.¹⁶⁵ Onwuchekwa notes, the UK Government had clearly not sought the advice of those who would be most impacted or who understood the political nuances of potential

¹⁶¹ Peter Tatchell, 'No US aid for anti-gay regimes' (21 Jul 2008) [online]. See also: 'Scotland is urged to act after Malawi police arrest gay couple for marrying,' *The Scotsman* (29 Dec 2009) [online].

¹⁶² Chris Johnson, 'African activists oppose cuts to Ugandan aid,' *Washington Blade* (18 May 2011) [online].

¹⁶³ Johnson, 'African activists oppose.'

¹⁶⁴ Paul Canning, 'Cautious welcome, concern as UK ties foreign aid to LGBT human rights,' *LGBT Asylum News* (11 Oct 2011) [online].

¹⁶⁵ Stephen Wood, 'Sexuality, development and continued colonialism?' *IDS: Participation, Power and Social Change* (3 Nov 2011) [online]; Canning, 'Cautious welcome'; Kretz, 'Aid Conditionality,' 13.

target countries.¹⁶⁶ Abbas also notes the lack of consultation with communities, as well as the broader impact that this would have on LGBTI communities, let alone whole populations as struggling public services would be affected by cuts to aid.¹⁶⁷

A few days before the 2011 CHOGM and Cameron's statements, African social justice activists released a statement responding to reports of cutting British aid to countries that violated LGBTI rights. The statement reiterated concerns raised by other actors internationally, such as aid conditionality reinforcing the unequal power dynamics between donors and recipients, as well as disregarding 'the agency of African civil society movements and political leadership.'¹⁶⁸ The statement also highlights a key problem of the LGBTI aid conditionality discourse that is often overlooked, particularly in Western discourse, that 'singling out LGBTI issues emphasizes the idea that LGBTI rights are special rights and hierarchically more important than other rights,' which can create tensions in civil society organising and solidarity, let alone that LGBTI people would suffer equally under the effects of general budget cuts.¹⁶⁹

Others have, however, argued in favour of aid conditionality. For example, Kaoma has argued that the US Government should make aid conditional to African states that 'have sanctioned the persecution of LGBT persons.'¹⁷⁰ Sarah Margon of Human Rights Watch suggested that the US should link human rights violations with Ugandan security assistance, particularly since police and security forces 'are going to be the ones tasked with implementing the law.'¹⁷¹ The Nepali LGBTI organisation Blue Diamond Society welcomed British statements on aid conditionality, though suggested that respect for human rights should extend beyond just LGBTI rights.¹⁷²

Even though there may not be a clear international consensus on the issue of aid conditionality, the lack of consultation is evident in the disconnect between the British Government's simplified narrative and the more nuanced discussions happening

¹⁶⁶ Onwuchekwa, interview.

¹⁶⁷ Abbas, 'Aid, resistance,' 18.

¹⁶⁸ 'Statement on British "aid cut" threats.'

¹⁶⁹ 'Statement on British "aid cut" threats.'

¹⁷⁰ Kaoma, *Globalizing*, 22.

¹⁷¹ Scott Stearns, 'HRW: US Should Cut Security Aid to Uganda Over Anti-Gay Law,' *Voice of America* (19 Mar 2014) [online]. See also: Human Rights Watch, 'Uganda: Anti-Homosexuality Law Will Come at a Serious Cost' (19 Feb 2014) [online].

¹⁷² Canning, 'Cautious welcome.'

amongst activists internationally. As Alimi notes, ‘While the government might think it is working in good faith, they most of the time failed to consult with the community at the centre of the issues.’¹⁷³ Maurice Tomlinson, a Jamaican LGBTI activist, draws attention to other methods that could be more effective at encouraging LGBTI rights than simply cutting aid:

Direct aid to organizations on the ground engaged in documenting, educating about and responding to human rights abuses against LGBT should be done in tandem with visa restrictions on specific anti-gay politicians and public figures, freezing of personal assets held in the UK, and public condemnation of homophobic statements at international fora.¹⁷⁴

Tomlinson’s suggestions are echoed by other actors, including Kaleidoscope, which has suggested that actions such as visa restrictions for homophobic politicians avoids some of the counter-productive repercussions of aid conditionality, such as scapegoating and backlashes against local LGBTI communities.¹⁷⁵

In the wake of these responses to the widely reported British Government’s position on LGBTI aid conditionality, Mitchell ‘clarified’ the Government’s position in November 2011, stating that rather than cut aid to homophobic states entirely, the Government would re-direct any aid away from central government to NGOs and CSOs.¹⁷⁶ Mitchell also highlighted that the Government’s policy on aid conditionality had been misrepresented in the media and continued to be based upon the four ‘Partnership Principles,’ of which LGBTI rights are only a small part, and are clearly outlined in prior DFID reports.¹⁷⁷ Indeed, there was misleading reporting of the Government’s policy, such as in the *Mail* articles, though Cameron’s statements at the CHOGM 2011 and *Andrew Marr* appearance only served to reiterate the focus that LGBTI rights were a specific condition of aid. Also, not all reporting was misleading with some reports in the LGBTI press accurately reporting on the specifics of the policy regarding the

¹⁷³ Canning, ‘Cautious welcome.’

¹⁷⁴ Canning, ‘Cautious welcome.’

¹⁷⁵ Assistant Director, Kaleidoscope, interview; Canning, ‘Cautious welcome.’

¹⁷⁶ Peter Lloyd, ‘Government will divert – not cut – financial aid, says MP,’ *DIVA* (22 Nov 2011) [online]; Stephen Gray, ‘Minister confirms UK will redirect aid, not cut it, for human rights violations,’ *Pink News* (22 Nov 2011) [online].

¹⁷⁷ Lloyd, ‘Government will divert’; Gray, ‘Minister confirms UK’. For example, see: *Partnerships for poverty reduction*.

broader human rights requirements and the withdrawal of budget support, rather than claims to blanket cuts to aid.¹⁷⁸

Mitchell made these clarifications to UK aid policy at a meeting attended by Kaleidoscope, JfGA, Tatchell, Stonewall, and the International HIV/AIDS Alliance, at which the UK-based NGOs presented Mitchell with the African social justice activists' statement on aid conditionality, mentioned above.¹⁷⁹ That the meeting took place suggests that the Government is at least willing to engage with UK-based NGOs on the issue, even if not with those activists and communities who would be most affected by the policy in the Global South. Lance Price, then executive director of Kaleidoscope, noted of the meeting:

Andrew Mitchell clearly understands the importance of setting LGBT rights into a wider context and of avoiding any risk of harm to those that British policy is designed to help. We are fortunate to have a government that takes these issues seriously and is prepared to speak out when necessary.¹⁸⁰

Such comments are oddly flattering of a government that failed to effectively communicate its approach to the issue, that has brought into question that it 'takes these issues seriously' given its uneven record of interactions with homophobic states, that it failed to engage with local civil society before acting, and that spoke out in ways that were inconsistent and entirely *unnecessary*. Nevertheless, UK-based NGO intervention here was positive in that it highlighted to the government African activists' concerns with its aid conditionality policy that it might otherwise not have engaged with. As explained by the Assistant Director of Kaleidoscope:

I think one of the big challenges in the UK space [...] was to make the British Government aware of when it's interventions were unhelpful. So, following 2011, when David Cameron famously made a statement about aid conditionality, which wasn't well received on the ground or by activists in the UK space, a lot of the work

¹⁷⁸ For example, see: Gray, 'Zambia and Zimbabwe.'

¹⁷⁹ Kaleidoscope Trust, 'Andrew Mitchell says UK support for LGBT rights will not lead to cuts in aid levels' (22 Nov 2011) [online]; Peter Tatchell, 'UK won't cut aid over human rights abuses' (22 Nov 2011) [online]; Onwuchekwa, interview; Assistant Director, Kaleidoscope, interview; Lloyd, 'Government will divert'; Gray, 'Minister confirms UK'; 'Statement on British "aid cut" threats.'

¹⁸⁰ Kaleidoscope, 'Andrew Mitchell says'; Gray, 'Minister confirms UK'.

that had been done since that was actually to get the UK Government to understand the subtlety and the nuance that is needed to intervene in this space.¹⁸¹

The focus on consultation with local actors, encouraged by UK-based NGOs as well as the APPG LGBT, will hopefully go some way to prevent postulating statements by Government ministers that fail to take into account their impact on those they are claiming to help. As Anguita points out, however, Northern actors should appreciate the difficulties of consulting with Southern actors when ‘organizations from the North want to quickly respond to rights violations in other areas,’ given that Southern actors may not have the time or resources to develop detailed strategies to contribute to a quick Northern response.¹⁸²

Whilst UK-based NGOs contributed to pressuring the UK Government to seek to consult with LGBTI communities more, the involvement of UK-based NGOs on the issue of aid conditionality has not been unproblematic. Alimi points out that whilst the majority of African activists have been clear that they do not support aid conditionality, Alimi accuses UK-based NGOs of pushing the aid conditionality discourse because it favours the UK Government’s agenda to reduce aid spending.¹⁸³ Although it should be noted that UK-based NGOs have condemned government statements on aid conditionality, as highlighted by the NGO meeting with Mitchell above, some NGO actors largely reiterate the aid conditionality narrative by suggesting that aid should be diverted from abusive governments to NGOs and CSOs. For example, Tatchell has argued that ‘Instead of cutting aid, Britain and other donor countries should divert their aid money from human rights abusing governments and redirect it to grassroots, community-based humanitarian projects.’¹⁸⁴ Tatchell references the African social justice activists’ statement as part of his criticism of aid conditionality and was present at the NGO meeting that delivered the statement to Mitchell, yet whilst Tatchell stands ‘in solidarity with their statement,’ it should be noted that the African activist statement does not call for the policy of diverting aid that Tatchell advocates.¹⁸⁵ Some have

¹⁸¹ Assistant Director, Kaleidoscope, interview.

¹⁸² Anguita, ‘Aid conditionality,’ 13.

¹⁸³ Alimi, interview.

¹⁸⁴ Peter Tatchell, ‘UK: Don’t cut aid over human rights abuses, switch it,’ Peter Tatchell Foundation (1 Nov 2011) [online].

¹⁸⁵ Tatchell, ‘UK: Don’t cut aid’; ‘Statement on British “aid cut” threats.’

pointed out that Tatchell has previously advocated for aid conditionality.¹⁸⁶ As problematic as Tatchell's stance has been, it should be noted that Tatchell has broadly maintained a narrative of redirecting aid, rather than outright cuts to aid assistance.¹⁸⁷ Onwuchekwa advocates a similar approach: 'We say, instead of cutting aid entirely, what you can do is change how you apply aid to these countries. So, why don't you give aid to local charities that are on the ground working, because then it can reach the people who need it, because people really do need help.'¹⁸⁸ This redirecting aid narrative is suggested as an alternative to aid conditionality, yet it is precisely this policy that DFID was already enacting anyway, such as in Malawi.¹⁸⁹ The redirecting of aid is still essentially aid conditionality: governments will receive aid so long as they demonstrate acceptance and protection of LGBTI rights.

The redirecting aid narrative is symptomatic of a broader misunderstanding of the complexities of international development aid within some activist and NGO spaces. As Long points out, some discussions about LGBTI rights and aid conditionality appear ignorant of developments in international aid negotiations, such as the Paris and Accra agreements, or at least fail to informatively frame the debate with an understanding of the impact of historical practices of aid conditionality on the Global South.¹⁹⁰ Anguita similarly argues that the framing of the aid conditionality debate as it relates to LGBTI rights has *only been framed in terms of LGBTI rights*: 'I do think we should challenge ourselves to climb a step further and try to see the whole scene, to abandon for a moment the detailed picture (LGBT) and look at the broader one (human rights).'¹⁹¹ There are intersecting issues of concern that we miss in our singular focus on LGBTI aid conditionality, including the inconsistencies between development policies and foreign policies with different states in the Global South, as well as failing to take into account

¹⁸⁶ Scott Long, 'Growing pains: More on British aid,' *a paper bird* (1 Nov 2011) [online]; Waites, 'The Commonwealth can play,' 84-85.

¹⁸⁷ For example, see: Tatchell, 'No US aid.'

¹⁸⁸ Onwuchekwa, interview.

¹⁸⁹ Andrew Sparrow, 'Andrew Mitchell interview: "this is the most interesting job I've had in politics,"' *The Guardian* (23 Mar 2012) [online].

¹⁹⁰ Long, 'Resources for the unbelievers.'

¹⁹¹ Anguita, 'Aid conditionality,' 11.

the changing development landscape and the role that non-Western states can play in the promotion of LGBTI rights.¹⁹²

Long further questions whether redirecting aid to NGOs and civil society are necessarily good suggestions, given that this is essentially similar to neoliberal approaches to development in the 1980s and 1990s, which continue to have a lasting impact on states in the Global South.¹⁹³ Rao similarly points out that the redirecting aid narrative is problematic, ‘oblivious as it is to the fact that aid in the 1980s and 90s took precisely this form and was criticised for bypassing and undermining the state in its neoliberal preference for “civil society” actors.’¹⁹⁴ Indeed, in bypassing the state, the redirecting aid narrative problematically absolves the state of its responsibilities both to provide public services and to protect the rights of its citizens. As Long argues, ‘whilst civil society in some places has played important roles in providing health care and schooling the young, treaties and international law still makes these the core tasks of governing.’¹⁹⁵

The African social justice activist statement suggests that the British Government could ‘Expand its aid to community based and lead LGBTI programmes aimed at fostering dialogue and tolerance.’¹⁹⁶ The statement calls on donor states to *expand* aid, rather than redirect it, suggesting the possibility that, given the stated problems with aid conditionality, the allocation of funding to local NGOs can be run simultaneously to continued general budget support. Abbas cautions, however, that funding as a strategy to support LGBTI communities should be critically evaluated:

on very little, the African LGBTIQ movement has made great strides. If funding is to genuinely be a strategy for solidarity, the African LGBTIQ movement must be afforded the space to dictate its own funding priorities. [...] The movement also

¹⁹² Anguita, ‘Aid conditionality,’ 11.

¹⁹³ Long, ‘Growing pains.’ For example, see: William Gumede, ‘The retreat of neoliberalism,’ *Pambazuka News* (21 Jul 2016) [online].

¹⁹⁴ Rao, ‘On “gay conditionality.”’

¹⁹⁵ Long, ‘Growing pains.’ See: Anna Leach, ‘Talkpoint: should aid be withdrawn from countries violating LGBT rights?’ *The Guardian* (9 Jul 2014) [online]; Overseas Development Institute, ‘Can aid donors help.’

¹⁹⁶ ‘Statement on British “aid cut” threats.’

needs to begin to set the parameters of what money is acceptable given the political framework in which the movement operates and seeks to have an impact on.’¹⁹⁷

Broader questions should be considered about the role of aid in development and the progress of LGBTI rights, as well as whether the sources of funding support or contradict the long term political interests of communities across the international LGBTI rights movement. Questions are also being asked about whether contemporary international funding models for LGBTI rights are accountable and transparent to actors in the Global South.¹⁹⁸ These are relevant questions not only for LGBTI organising in the Global South, but Western NGOs must also ensure that the sources of their funding support social justice and solidarity internationally.¹⁹⁹

Not all UK-based NGOs appear to lack an appreciation for the complexities of development and demonstrate an understanding of the changing landscape of aid and development.²⁰⁰ It is concerning, however, that whilst the APPG LGBT reiterates many of the criticisms of aid conditionality shared by UK-based NGOs, it offers solutions within the bounds of the redirect aid narrative: ‘Instead of threats of blanket cuts to aid, the strategic re-allocation of aid and the use of reviews of existing funding may be effective in bringing pressure to bear on states that violate the rights of LGBT people.’²⁰¹ The APPG LGBT report, however, does not make clear what ‘strategic reallocation’ or ‘reviews of existing funding’ would entail, or how it would be different to other forms of aid conditionality. Indeed, regardless of threatening statements, reviewing existing funding and reallocation of aid was the policy that DFID had been adhering to all along. This is symptomatic of elements of the aid conditionality discourse to fail to extend a critique of aid conditionality beyond Cameron’s CHOGM statements, undermining a much needed critical analysis of the role of aid conditionality in international and multilateral funding practices.

¹⁹⁷ Abbas, ‘Aid, resistance,’ 18.

¹⁹⁸ Global LGBTI Politics, ‘Are international LGBTI Funders accountable?’ YouTube (22 Jul 2016) [online].

¹⁹⁹ See: Long, ‘HRC and the vulture fund.’

²⁰⁰ Assistant Director, Kaleidoscope, interview.

²⁰¹ APPG LGBT report, 46.

International Practices of Aid Conditionality

Whilst most attention is given to the UK and Cameron's CHOGM statements in the aid conditionality discourse, several other states have threatened to or cut aid on the basis of LGBTI rights abuses. Instances of aid conditionality in practice have mostly revolved around the development of the AHB in Uganda. For example, Swedish Development Assistance Minister Gunilla Carlsson suggested that Swedish aid to Uganda could be jeopardised if the AHB became law, though efforts would be made to redirect aid to NGOs and civil society.²⁰² Responding to the development of the AHB, US Congressman Barney Frank introduced an amendment in the House Financial Services Committee that urged the Treasury Department to 'oppose any financial assistance from multilateral development institutions to countries that persecute people on the basis of their sexual orientation, gender identity, or religious beliefs.'²⁰³ Once the AHB became law in February 2014, several countries suspended aid to Uganda, including The Netherlands, Denmark, Norway, Sweden and the US, though most suggested that aid would be redirected to local NGOs in Uganda.²⁰⁴ The Dutch Government's aid cuts affected funding to the Ugandan justice sector, thereby targeting state apparatus linked to the enforcement of the new law.²⁰⁵

Whilst the above state enacted aid conditionality in response to the AHB might be critiqued in similar fashion to the above analysis of UK governmental interventions, albeit with less posturing and largely less complicated colonial dimensions, it is interesting to analyse the World Bank's response to the AHB in light of criticism of state enacted aid conditionality. The APPG LGBT report favourably notes the role of the World Bank temporarily suspending a \$90 million health care loan to Uganda following the passage of the AHA, citing Jim Yong Kim, President of the World Bank,

²⁰² Geen, 'Swedish minister suggests.'

²⁰³ David Badash, 'Barney Frank to Uganda: Pass The Kill The Gays Bill, Say Goodbye To Foreign Aid,' New Civil Rights Movement (10 May 2011) [online]; Johnson, 'African activists oppose.' This threat of aid conditionality from the US was also reported in Ugandan media: Benon Herbert Oluka, 'US legislators push for aid cut to Uganda over gays bill,' *Daily Monitor* (28 Mar 2011) [online].

²⁰⁴ Andrew Potts, 'First countries cut aid to Ugandan Government over anti-gay law,' Gay Star News (25 Feb 2014) [online]; Philippa Croome, 'U.S. suspends some aid to Uganda over anti-gay law,' Reuters (13 Mar 2014) [online]; Joseph Patrick McCormick, 'Several countries cut aid to Uganda over anti-gay law,' Pink News (25 Feb 2014) [online].

²⁰⁵ 'Dutch government announces measures in response to Ugandan anti-gay law,' Government of the Netherlands (24 Feb 2014) [online]; Potts, 'First countries cut aid.'

suggesting that the suspension had deterred other African leaders from adopting similar legislation in other countries:

The temporary withholding of development loans to Uganda by the World Bank is an example of how reviewing funding arrangements in light of human rights violations can successfully exert pressure on governments.²⁰⁶

Since Kim would not disclose which African leaders had told him they would not adopt similar legislation because of the loan suspension, it is difficult to measure how effective the loan suspension really was as a deterrent.²⁰⁷ Indeed, it is not clear whether the suspension had any real effect on Uganda specifically, given that the law was eventually overturned on a matter of constitutionality, Museveni's reluctance to pursue a re-introduction of the bill appears to have more to do with international threats to trade rather than aid, and many Ugandan MPs continued to push for new anti-homosexuality legislation.²⁰⁸ Indeed, it is misleading to suggest that the loan was only temporarily withheld, as the loan was official 'dropped' by at least April 2014.²⁰⁹ Furthermore, even after the AHA was overturned in August 2014 by Ugandan's Constitutional Court, Ugandan civil society actors and international allies continued to pressure the World Bank to enact safeguards to 'prevent discrimination in health service provision' for LGBTI people, noting concerns in Uganda beyond the AHA, such as the HIV Prevention and Control Act passed by Museveni in July 2014.²¹⁰ Such pressure levied against the World Bank is fair, considering that few practical developments in safeguarding were enacted following the suspension of the loan and a Ugandan police raid of a HIV centre in April 2014 highlighted how homophobic politics continued to impact healthcare provision in Uganda.²¹¹

²⁰⁶ APPG LGBT report, 46.

²⁰⁷ J. Lester Feder, 'World Bank President: Our Efforts Have Slowed Rise of Anti-LGBT Laws,' BuzzFeed News (9 Apr 2015) [online].

²⁰⁸ 'CLOSET PRESIDENT: Uganda's Leader Museveni Back Tracks on Homosexuality Law, okays 'private' gays,' Ekimeeza Lobby News (14 August 2014) [online]; Saskia Houltuin, 'Gay Ugandans face new threat from anti-homosexuality law,' *The Guardian* (6 Jan 2015) [online].

²⁰⁹ World Bank, 'Uganda Health Systems Strengthening Project AF (P145280): Overview' [online]; Feder, 'World Bank President.'

²¹⁰ Human Rights Watch, 'Joint CSO Letter to World Bank on Discrimination in Uganda's Health Sector' (23 Sep 2014) [online]; Human Rights Watch, 'World Bank: Safeguards Essential for Uganda Loan' (23 Sep 2014) [online].

²¹¹ J. Lester Feder, 'World Bank Review Team To Recommend Approving Loan to Uganda Despite Anti-Homosexuality Act,' BuzzFeed News (22 Apr 2014) [online].

Indeed, what is particularly surprising about the suspension is that the World Bank loan was to ‘focus on maternal health, newborn care, and family planning,’ information which was conspicuously absent from much media reporting on the suspension at the time, including in the APPG LGBT report.²¹² It is curious that a loan, equivalent to 20 per cent of Uganda’s health budget, that was primarily concerned with maternal healthcare in a country with high maternal and child mortality rates should be suspended on concerns of LGBTI discrimination.²¹³ Long suggests that the loan suspension was a matter of convenience to play to domestic audiences in the West: ‘The real reason for the selection is that this loan was up for board approval on February 28. The Bank seized on the first loan that came along to postpone. It was a matter of convenience, not strategic targeting.’²¹⁴ President Kim, however, has suggested that it was a matter of ensuring non-discrimination in the project at the time in the wake of the AHA:

In that case, I took a careful look. I know that country and the health-care system in Africa. I just wasn’t convinced that we could ensure non-discrimination. So we pulled it back. Now there is a conversation that started in Uganda that never would have happened if we were not able to do that.²¹⁵

Kim’s statement fails to specifically elaborate on how the health care loan would be affected by LGBTI discrimination, or why LGBTI discrimination was necessarily more significant than maternal mortality and healthcare. Questions could also be asked of why the World Bank targeted Uganda aside from the timing of the AHA, particularly since many states have severely homophobic legislation, some of which is arguably worse than the AHA. As has been pointed out by an article in *The Economist*, ‘Almost 80 of the bank’s member countries, including most in Africa, have legislation that discriminates against gays.’²¹⁶ What is particularly arrogant about Kim’s justification is the suggestion that the loan suspension has started a ‘conversation’ in Uganda, as though the work of Ugandan LGBTI activists had contributed nothing to the progress

²¹² World Bank, ‘Uganda Health Systems’; Long, ‘Uganda, the World Bank.’ See: APPG LGBT report, 46.

²¹³ ‘Right cause, wrong battle,’ *The Economist* (12 Apr 2014) [online]; Long, ‘Uganda, the World Bank.’

²¹⁴ For further analysis on the political issues of maternal mortality in Uganda, see: Long, ‘Uganda, the World Bank.’

²¹⁵ Danielle Douglas-Gabriel, ‘Here is why the World Bank withheld aid to Uganda,’ *The Washington Post* (3 Apr 2014) [online].

²¹⁶ ‘Right cause, wrong battle,’ *The Economist*.

of LGBTI rights in Uganda in the years prior to the AHA becoming law. Though international activist responses to the loan suspension and other states enacting aid conditionality in reaction to the AHA was somewhat mixed, Julian Pepe Onziema, program director of SMUG, was critical of such actions:

There are so many horrible laws in this country, but to single out, to radically react to the AHA is not only patronizing but also further enhances LGBTI persons' vulnerability to both non-state and state-sanctioned homophobia.²¹⁷

Concerns were raised from both Ugandan civil society and the Ugandan Government about the impact that the suspension of the loan would have on the Ugandan healthcare system.²¹⁸ Other international activists, such as Alimi, whilst critical of state enacted aid conditionality have argued in favour of the World Bank making loans conditional on the improvement of LGBTI rights.²¹⁹ Since the World Bank action is tantamount to aid conditionality, the production of positive narratives about the aid suspension, as seen in the APPG LGBT report, is oddly jarring against the *de riguer* anti-aid conditionality narrative of UK-based (and broader international) LGBTI activism. Also, given that lack of consultation with local actors has been a common criticism of aid conditionality practices, it should further be noted that the World Bank failed to consult Ugandan LGBTI activists before the AHA was passed and the loan suspended.²²⁰

Ultimately, the decision of the World Bank to suspend the healthcare loan to Uganda played out very similarly to the British LGBTI aid conditionality discourse. The practice is enacted with supposedly good will to improve LGBTI rights, but with no consultation with actors on the ground, such that it appears to be played more for Western domestic constituencies at the expense of those most impacted. Furthermore, LGBTI rights are singled out as special against a backdrop of other serious human rights abuses, often in reactionary ways that fail to engage with broader problems, particularly if doing so would question or undermine Western systems that benefit from the continued subjugation of the Global South. As Long argues: 'You cannot condemn (as indeed you should) the neo-colonialism of foreign evangelists exporting homophobia to Africa, and

²¹⁷ 'Briefing: Punitive aid cuts disrupt healthcare in Uganda,' IRIN (2 Apr 2014) [online].

²¹⁸ 'Briefing: Punitive aid cuts,' IRIN.

²¹⁹ For example, see: Adebisi [Bisi] Alimi, 'The Development Costs of Homophobia,' *Project Syndicate* (17 Jun 2014) [online].

²²⁰ Michael K. Lavers, 'World Bank criticized for "ignoring" LGBT issues,' *Washington Blade* (13 Oct 2014) [online].

ignore the neo-colonialism of foreign financial institutions that enforce neoliberal economics on an abject continent.²²¹ Despite the action to suspend the loan possibly an attempt by the World Bank to appear to be doing something about LGBTI rights, the Bank has continued to receive criticism on its failure to not be doing enough to address LGBTI rights internationally.²²² This is not surprising given that the loan suspension was a reactionary attempt to support LGBTI rights, rather than a serious, long-term strategy.

Acknowledging the Colonial Spectre: Cautious Opportunities for Future UK-Based Engagements

The ways in which UK-based NGOs adopted varying stances on LGBTI aid conditionality, acting as arbiters for the defence of LGBTI communities, betrays their complicity with UK Government forces in their continued support of ‘redirecting aid.’ That NGOs failed to engage with the specifics of DFID’s policy, complicated by Mitchell and Cameron’s confused articulation of the policy, is symptomatic of NGOs’ failure to contextualise contemporary LGBTI rights within a broader understanding of aid relations and the spectre of colonialism. For example, NGOs made no reference to the Paris or Accra agreements, nor to a situated understanding of the impact and legacies of Structural Adjustment Programmes and economic underdevelopment of the Global South. Also, there appears to have been very little engagement in working a strategy, either from the UK Government or UK-based NGOs, to disrupt the use of postcolonial narratives that deploy LGBTI aid conditionality as a means of delegitimising local LGBTI communities in the Global South. This is perhaps the most detrimental consequence of the aid conditionality discourse initiated by Western actors, situated as it is within a history of the West leveraging economic power against the Global South. Even where LGBTI aid conditionality has not been used in practice (and it rarely has, particularly by the UK), the incitement to discourse has given homophobic elites an easily deployable heteronationalist narrative, by virtue of the spectre of colonialism, with which to delegitimise already disadvantaged LGBTI communities. How the UK

²²¹ Long, ‘Uganda, the World Bank.’

²²² Lavers, ‘World Bank criticized.’

Government and UK-based NGOs will contribute to mitigating the effects of the discourse of LGBTI aid conditionality remains to be seen.

Despite this, the UK Government has demonstrated some potentially positive engagements with international LGBTI rights. For example, in addition to UK involvement in and support of UN resolutions supporting the progress of LGBTI rights during its time on the UNHRC, the UK was amongst a number of states that signed a commitment to an 'Equal Rights Coalition' at a recent international conference in Uruguay.²²³ Vocal support for international LGBTI rights has come from across various government departments, though it remains to be seen whether a coordinated, central strategy will transform supportive sentiment into effective action. Whilst the FCO itself has previously suggested that it should work with other departments to ensure that 'the same message is being used across Whitehall,' the APPG notes that there has been a lack of clear coordination, or cross-government policy on the UK's approach to international LGBTI rights.²²⁴ If UK-based NGOs continue to lobby the UK Government on this and hold it to account for its actions, then perhaps the UK can make some effective contributions internationally. For example, Kaleidoscope, Stonewall, UKLGIG, HDT, StopAids, and United Belieze Advocacy Movement met with officials from the FCO, DFID, and Government Equalities Office 'to discuss greater cross government coordination on a range of global LGBT rights issues.'²²⁵ Hopefully, the close links between NGOs and the UK government, as seen with the potential of the APPG LGBT to effectively facilitate such relationships, will encourage political representatives to think more carefully before speaking out on international LGBTI issues. Certainly, there appears to be a commonly accepted ethos that UK-based actors, both governmental and non-governmental, should engage with and be led by local activists in countries of concern, though the extent to which either group *effectively enact* such an ethos should be subject to continued critique.

²²³ *Equal Rights Coalition: Founding Principles* (Montevideo, 13 Jul 2016); Human Rights Campaign, 'Equal Rights Coalition Launches at Global LGBTI Human Rights Conference' (26 Jul 2016) [online]; Michael K. Lavers, 'Uruguay hosts global LGBT rights conference,' *Washington Blade* (15 July 2016) [online].

²²⁴ FCO, *An FCO programme*, 3-4; APPG LGBT report, 29, 52.

²²⁵ Kaleidoscope Trust, *September and October Newsletter from The Kaleidoscope Trust* (email correspondence, 1 Nov 2016).

It is of potential concern, however, that there remains a lack of a non-mainstream critique of NGO activities and international LGBTI activism more broadly within NGO-government relations, as seen in the absence of such critique in the APPG LGBT report. Furthermore, despite the close relationships between some NGOs and UK governmental actors, UK-based NGOs should not simply be used as a substitute for engagement with international LGBTI activists. UK-based NGOs should critically reflect on their engagement with governmental actors when considering the intersectional issues that affect LGBTI communities globally. For example, since LGBTI people's experiences do not begin and end with their sexuality, where are NGO engagements with environmental issues, or development policy beyond sexual rights and HIV? How does the UK Government rationalise its commitment to supporting LGBTI communities globally, when it continues to sell arms to virulently homophobic regimes? Why are these intersectional issues that understand the lives of LGBTI people within the context of their lived experiences, rather than the limits of their sexual orientation, not included in the APPG LGBT report? Drawing upon Long's analysis of US-based LGBTI NGO engagement in US foreign policy, by failing to press the intersectionality of international LGBTI issues, there is a potential danger in UK-based NGOs sacrificing effective support for LGBTI people globally for the glimpses of power that are gained from connectivity to the political classes:

Not to see the complexity of these relations, not to understand how the people you flatter are implicated in the abuses you abhor, goes deeper than sycophancy. It's complicity.²²⁶

²²⁶ Long, 'Selling out.'

Chapter 7

Intersections of International Strategies and LGBTI Lives: Sodomy Laws, the Commonwealth, and LGBTI Asylum in the Context of the Colonial Spectre

Discrimination operates at multiple levels and comes from various parts of society. Lesbian and gay refugees are ostracised because of their refugee status, their race, their sexuality and their culture – broadly because they are different.¹

The spectre of colonialism influences contemporary international relations in multiple forms, from the international economic inequalities between states, to jurisdictional and institutional structural legacies. There is a need to appreciate these legacies of British imperialism and their impact on the contemporary international landscape of LGBTI rights and how UK-based NGOs acknowledge and engage with these legacies. Firstly, the chapter explores the British imperial legacy of sodomy laws that continue to be used to criminalise LGBTI populations globally. Sodomy laws are an easily identifiable legacy of British imperialism in many jurisdictions and a recognition of this is prominent within contemporary international LGBTI discourse. How UK-based actors and NGOs conceptualise and engage with the legacy of sodomy laws reveals how colonial history is selectively articulated, often prioritising LGBTI rights above other colonial legacies that impact upon the lives of LGBTI people. Secondly, the chapter explores how UK-based NGOs engage with the Commonwealth as an institutional consequence of British imperialism, examining whether NGOs fully engage with the

¹ *Poverty, Sexual Orientation and Refugees in the UK* (London: Micro Rainbow International, Oct 2013), 6.

complexities of colonial legacies in their pursuit of LGBTI rights within the Commonwealth.

To develop a comprehensive understanding of UK-based approaches to international LGBTI activism, it is important to consider not only the ways in which UK-based actors respond to LGBTI lives ‘out there,’ but also how they respond when the people they claim to help seek help ‘here.’ Thus, recognising the challenges that LGBTI asylum seekers face reveals some of the tensions and contradictions in UK-based approaches to *international* LGBTI issues when LGBTI lives are deprioritised at *home*. The chapter concludes by reflecting on tensions and differences between seeking to improve LGBTI rights and seeking to improve the *lives of LGBTI people internationally*. The latter requires engagement with a complex, intersectional approach to international relations, beyond a narrow focus on LGBTI rights.

Contemporary Complexities of Colonial Sodomy Laws

There is a widespread recognition within contemporary international LGBTI discourses that the British Empire had a direct influence on the spread of ‘sodomy laws’ that criminalise LGBTI people globally. As discussed in chapter 2, a legal template was diffused across the British Empire that implemented legislative criminalisation of same-sex behaviour, which has broadly persisted after the withdrawal of empire.² Contemporary UK-based approaches to international LGBTI rights should be contextualised within a historical framework that notes the significant contribution that British colonialism had on many patterns of homophobia globally, whilst recognising the limits and complexities that colonial legacies place on contemporary international relations.

Recognising the historical influence of British sodomy laws has contributed to a discourse that emphasises that homophobia was imported to countries worldwide through the application of colonial penal codes. The deployment of the ‘imported homophobia’ discourse attempts to contest the widespread, politically popular discourse of ‘imported homosexuality’ in many countries, which rationalises criminalisation of homosexuality as a cultural or moral issue, rather than as a consequence of British

² See: Gupta, *This Alien Legacy*; Kirby, ‘The sodomy offence.’

colonialism. The ‘imported homosexuality’ discourse attempts to delegitimise indigenous LGBTI communities by suggesting that these behaviours and identities are merely products of Western decadence. What is problematic about both of these discourses is that they only assign agency to Western actors and influences and rely on oversimplifications of expressions of SOGI, and homophobia. For example, the ‘imported homophobia’ discourse fails to account for the complexity of influences that motivate homophobia in various cultural contexts independently of British imperialism.³ The issue of agency is particularly important given that a singular focus on the influence of British imperialism draws attention away from contemporary actors in the Global South that could actually influence changes in legislation, or could have done so in the decades following decolonisation.

Therefore, it is relevant to evaluate the ways in which UK-based actors have engaged with the issue of British imperialism and colonial sodomy laws and the impact of such colonial legacies on contemporary transnational activism. An engagement with the impact of colonial legacies is not intended to suggest that UK-based actors have a contemporary responsibility to act in any particular way, but to attempt to understand whether UK-based interventions are responding responsibly to the impact of British colonial legacies, including legacies beyond sodomy laws.

The colonial legacy of British sodomy laws is widely recognised amongst UK-based activists. For example, Apata notes that ‘most of these countries that criminalise LGBT people inherited these anti LGBT laws from their colonial master, Britain.’⁴ Tatchell explains that the purpose of including a recognition of the origin of ‘anti-gay laws’ in activism strategies is to highlight the Western influences of such homophobia, be it from legislation or missionary evangelism, ‘in order to debunk the idea that the anti-gay laws and values that existed in many of these countries came out of an authentic national tradition.’⁵ Sesange similarly notes the pervasive impact of colonial-era laws that criminalised same-sex behaviour: ‘The existence of these anti-gay laws over the

³ For example, see: Awondo, Geschiere, and Reid, ‘Homophobic Africa?’; Bosia, ‘Strange Fruit’; Meredith L. Weiss and Michael J. Bosia, eds., *Global Homophobia: States, Movements, and the Politics of Oppression* (Urbana: University of Illinois Press, 2013).

⁴ African Rainbow Family, ‘UK Parliament Urges.’

⁵ Tatchell, interview. See also: Peter Tatchell, ‘Evils of colonialism still wrecking lives,’ *The Independent* (18 May 2010) [online].

last century has created a climate where many people believe that homophobic attitudes and laws are a part of their cultures.’⁶ Unfortunately, whilst these approaches recognise the role of British imperialism in influencing homophobia in many contexts globally, they fail to appreciate the complex ways in which such cultures and homophobias have developed since colonisation. Specifically, they fail to account for the ways in which particular homophobias have evolved or have drawn upon existing, ‘traditional’ homophobias to produce contemporary cultural approaches to same-sex sexualities.⁷ Whilst recognising the influence a particular brand of British imperial homophobia has had in multiple contexts globally, reiterating only historical influences of homophobia is not necessarily conducive to producing effective strategies to engage with contemporary realities.⁸

Adopting the tone of UK-based NGOs on the issue, the APPG LGBT report also includes a recognition of the influence of British colonialism on the criminalisation of LGBTI people globally, but goes further in explicitly suggesting that such history justifies contemporary British intervention:

While this fact alone offers a justification for British action to address the persecution faced by LGBT people, it also suggests caution when seeking to intervene bilaterally in support of LGBT rights, particularly against the backdrop of an often fraught colonial history. The same colonial history that impels action can also lead to accusations of neo-colonialism when that action fails to take into account local contexts.⁹

At least the APPG LGBT report mitigates ‘justified’ British action to intervene on the issue with a recognition that British intervention should be understood against the ‘backdrop of an often fraught colonial history’ (though ‘fraught’ is an understated way of describing the broader horrors of colonialism). This is a welcome change to the ways in which UK political actors have approached international LGBTI issues in the past in failing to acknowledge the complexities of the colonial spectre, such as with LGBTI aid

⁶ Michelle O’Toole, ‘Protesters demand that the Commonwealth decriminalises homosexuality,’ Pink News [online] (27 Nov 2015).

⁷ Awondo, Geschiere, and Reid, ‘Homophobic Africa?’; Ryan Richard Thoreson, ‘Troubling the waters of a “wave of homophobia”: Political economies of anti-queer animus in sub-Saharan Africa,’ *Sexualities* 17 (2014).

⁸ See: Bosia, ‘Strange Fruit.’

⁹ APPG LGBT report, 12-13.

conditionality. Indeed, whilst activists from the Global South recognise the influence of British imperialism on contemporary LGBTI lives globally, given that it is easy to trace the legislative origins of contemporary laws, they are cautious that this does not give legitimacy to Western actors to interfere further.¹⁰ Given the history of problematic Western intervention in the Global South, effective strategies to improve LGBTI rights globally should be based on more than Western guilt to correct perceived historical responsibility.

Onwuchekwa argues that we should recognise the ways in which governments in the Global South have kept colonial laws that criminalise LGBTI people, or have introduced new laws to expand on existing legislation: ‘I would rather blame the Nigerian Government for making the law, keeping it, than blame the UK Government for putting that law there in the first place.’¹¹ Onwuchekwa further notes that the realities of international politics mean that the UK has no power to enforce change in Nigerian law, and so a focus on the colonial origins of the law directs attention away from potentially effective sources of power to actually change the law:

Arguing and blaming colonial government is really a waste of energy, because colonial government doesn’t exist anymore. [...] It’s acknowledged and I do think we should acknowledge it’s something that happened. Two-hundred years down the line, our efforts should be about how do we remove it and who has the power to remove it.¹²

The Assistant Director of Kaleidoscope offers a similar assessment of the implications of appealing to historical responsibility for contemporary problems:

I still think there is a challenge there where if you place all the responsibility, for want of a better term, on the British Empire, on Britain, you also remove agency from the South as well. So it’s a difficult line to manage. I think on the one hand you need to recognise that history, particularly with this legislation, but on the other hand realise that there’s still agency on the ground to change it.¹³

¹⁰ UK-based European LGBT activist, interview.

¹¹ Onwuchekwa, interview.

¹² Onwuchekwa, interview.

¹³ Assistant Director, Kaleidoscope, interview.

Dillane similarly notes that, in the case of LGBTI people seeking asylum, we should recognise the laws that LGBTI people are fleeing were implemented by the British, but that we should also note that these countries have chosen to keep such laws.¹⁴ Cooper also suggests that given Britain's historical role that it has an obligation to commit resources to supporting LGBTI people globally, whilst at the same time holding countries to account for the ways in which they 'have embraced these laws as their own.'¹⁵ Beyond discussions of historical responsibility, Dillane suggests that as much as we should recognise Britain's responsibility in first establishing these laws, Britain should be as much compelled to act because 'we are a country committed to those causes.'¹⁶ Thus, there is a sense that regardless of Britain's historical role in influencing contemporary homophobia, the values that UK-based actors purport to support, such as equality and rights for LGBTI people, should motivate effective strategies to help improve the lives of LGBTI people internationally.

Whilst colonial sodomy laws are a clearly identifiable legacy of British imperialism related specifically to LGBTI lives, there appears to be little engagement with the broader legacies of colonialism amongst UK-based NGOs interested in LGBTI issues. Whilst NGOs are focused on improving the lives of LGBTI people, there is little sense that such strategies are linked to improving the lives of LGBTI people beyond their experiences of SOGI, as the Assistant Director of Kaleidoscope notes:

Talking about wider colonial legacies, beyond just the sodomy laws, I'm not entirely convinced that the movement thoroughly engages with the wider problems and legacies of colonialism, whether it being the rise of relatively fundamental Christianity, or the economic costs still being borne by the decolonized zones.¹⁷

The overriding focus on sodomy laws, as easily identifiable colonial legacies, risks a discourse that suggests LGBTI issues are a more significant legacy of the problems of colonialism, affecting only the lives of LGBTI people. Calls for Britain to apologise for implementing colonial-era sodomy laws, without explaining the strategic efficacy of

¹⁴ Dillane, interview.

¹⁵ Cooper, interview.

¹⁶ Dillane, interview. Cooper expresses a similar sentiment: Cooper, interview.

¹⁷ Assistant Director, Kaleidoscope, interview.

such a move, risk such a position.¹⁸ What is lacking is a sense that broader problematic legacies of colonialism, such as continuing economic burdens and underdevelopment, racism, and contemporary expressions of imperial power in international relations, affect the lives of LGBTI people regardless of their sexual orientation or gender identity. This is aptly highlighted by Rao:

the demand for an apology for the *sodomy* law, as opposed to, oh I don't know, late Victorian holocausts, dependency, slavery or all of the phenomena typically grouped under the sign of 'colonialism' [...] isolates and elevates Commonwealth queer subjects as a privileged constituency deserving of an apology that is in fact owed to the entirety of the societies in which they are embedded.'¹⁹

If the whole range of colonial legacies that impact contemporary international relations are not thoroughly engaged with, then Western LGBTI activism risks being co-opted by contemporary exercises of imperial power.²⁰

As both Onwuchekwa and Penny note, a focus on colonial history serves to help repressive governments in the Global South to use colonial narratives against various forms of colonial intervention, simultaneously delegitimising local LGBTI communities.²¹ As explored in the previous chapter, such references to colonialism are usually made to imply any contemporary Western interventions are neo-colonial, undermining the sovereignty of states to enact their cultural values, and conveniently ignoring historical legacies such as sodomy laws. In November 2016, however, Sam Kutesa, Uganda's Foreign Minister, blamed British colonialism for Uganda's current laws that criminalise LGBTI people, suggesting that Uganda was 'tolerant' of sexual minorities.²² Such a narrative of Uganda's treatment of sexual and gender minorities conveniently ignores a great deal, including the AHA, and recent raids on Ugandan

¹⁸ Although called for by those LGBTI people directly affected by the legacies of such laws, it is still unclear what broader strategic outcome such a move would create. For example, see: African Rainbow Family, 'UK Parliament Urges.'

¹⁹ Rao, 'On "gay conditionality."'

²⁰ See: Puar, *Terrorist Assemblages*.

²¹ Onwuchekwa, interview; Penny, interview.

²² Nick Duffy, 'Uganda's Foreign Minister: Our anti-gay laws are Britain's fault,' Pink News (4 Nov 2016) [online].

LGBTI community gatherings.²³ This demonstrates the problematic nature of ‘blaming empire’ for contemporary legislation, rather than acknowledging the nuances of historical legacies to understand the complexity of the present. In this case, as others have noted above, by assigning blame and responsibility to the British Empire, Kutesa absolves responsibility from contemporary Ugandan political actors and legislature who have the agency to enact contemporary change.

The discourse of colonial sodomy laws and their influence on contemporary homophobias in multiple contexts globally is worthwhile to the extent that it contextualises contemporary international relations and strategies related to LGBTI issues. Colonial-era sodomy laws are an easily identifiable influence on contemporary homophobias, though are best understood within a broader recognition of the deployment of sexual and social control by imperial forces in the Global South. A recognition of the influence of sodomy laws is perhaps best used to help shape appropriate and responsible responses from UK-based actors in ways that mitigate practises or accusations of neo-colonialism. If UK-based actors are going to appeal to the legacies of sodomy laws, then they should do so in ways which clearly outline practical contemporary strategies that will support LGBTI communities internationally, rather than bemoaning the imperial past. Such strategies should be articulated in ways that appreciate the broader legacies of colonialism beyond sodomy laws, in ways that ensure support for LGBTI people extends beyond the limits of LGBTI rights.

LGBTI Rights Within the Commonwealth of Nations

With the recent decriminalisation of homosexuality in Belize, currently 38 out of 53 Commonwealth member states criminalise same-sex behaviour in some way, half of the 76 jurisdictions in which same-sex activity is criminalised globally.²⁴ The Commonwealth of Nations is an intergovernmental consequence of the British Empire, though not all of the current 53 members are former British colonies. All members of

²³ Joseph Patrick McCormick, ‘Pride Uganda raided by police as LGBT activists arrested,’ Pink News (4 Aug 2016) [online].

²⁴ Human Dignity Trust, ‘Belize scraps law targeting gay men’ (10 Aug 2016) [online]; J. Lester Feder, ‘Belize’s Supreme Court Just Struck Down A Law That Made Homosexuality Illegal,’ BuzzFeed News (10 Aug 2016) [online].

the Commonwealth, however, must subscribe to the Commonwealth's values and principles as outlined in The Commonwealth Charter, which includes a commitment to the Universal Declaration of Human Rights and an opposition to 'all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.'²⁵ Whilst sexual orientation and gender identity are not explicitly included as forms of discrimination in The Commonwealth Charter, there has been a slow recognition by some actors within the Commonwealth network that protecting the rights of LGBTI people should be a shared value of the Commonwealth. For example, former Commonwealth Secretary General Kamallesh Sharma argued that Commonwealth values opposed LGBTI discrimination and that there should be 'mutually respectful and constructive national debate' on the issue at different intergovernmental levels, whilst the current Commonwealth Secretary General Patricia Scotland has committed to discuss LGBTI rights with member states.²⁶ This 'support' for LGBTI rights is reminiscent of the UK Government's discordant approach between rhetoric in favour of LGBTI rights and lacklustre action in that few formal mechanisms to engage the issue have been utilised. For example, whilst the 2015 CHOGM People's Forum in Malta included two sessions dedicated to LGBTI themes, these were ultimately fringe, civil society-led events that did not translate into explicit action or recognition on LGBTI rights by governmental actors at the central CHOGM.²⁷ This does highlight, however, the nature of the Commonwealth as facilitating networks that connect actors across Commonwealth nations, with opportunities for civil society to engage with governmental actors within Commonwealth structures.²⁸

²⁵ *Charter of the Commonwealth* (2013).

²⁶ The Commonwealth, 'Commonwealth Secretary-General addresses UN Human Rights Council' (28 Feb 2013) [online]; The Commonwealth, 'Secretary-General calls for respect on sexual orientation and gender identity' (30 Jan 2014) [online]; Mark Leftly, 'Baroness Scotland uses new role as secretary-general of the Commonwealth to call for LGBT rights,' *The Independent* (28 Nov 2015) [online].

²⁷ Commonwealth Foundation, 'CPF Malta 2015 Programme' [online]; Waites, 'LGBTI organizations navigating,' 13-14.

²⁸ For further detail on the Commonwealth's evolving engagement on LGBTI rights, see: Lennox and Waites, 'Human rights, sexual orientation'; Frederick Cowell, 'LGBT rights in Commonwealth forums: politics, pitfalls and progress?' in *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change*, Corinne Lennox and Matthew Waites, eds. (London: Human Rights Consortium, University of London, 2013); *Speaking Out; Speaking Out 2015*; Lewis Brooks and Alistair Stewart, *Collaboration and Consensus: Building a constructive Commonwealth approach to LGBT rights* (The Royal Commonwealth Society; Kaleidoscope Trust, Mar 2015).

Several UK-based NGOs have targeted activism strategies at engagement with Commonwealth structures, aimed at improving the Commonwealth's response to LGBTI rights. For example, JfGA has worked with the Human Rights Unit of the Commonwealth Secretariat to lobby for LGBTI rights to be discussed within Commonwealth forums, and was critical of The Commonwealth Charter for not explicitly including SOGI as categories protected from discrimination.²⁹ Onwuchekwa notes that whilst working with the Commonwealth Secretariat can open good avenues for dialogue and networking, there is a limit to sustaining discussion about LGBTI rights at a governmental level, particularly given the majority of homophobic governments within Commonwealth forums.³⁰ Tatchell has also been noted to have engaged with the Human Rights Unit of the Commonwealth Secretariat from 2009, and, having been critical of the lack of action from the Commonwealth on supporting LGBTI rights, has lobbied the UK Government to speak out at CHOGMs.³¹ Other UK-based NGOs and activists have also focused campaigning and lobbying efforts around the CHOGMs as focal points of Commonwealth activity and discussion. The previous chapter noted the role of UK-based NGO activity around the 2011 CHOGM, particularly with regard to LGBTI aid conditionality. Diaspora-led LGBTI groups have also engaged in protest action centred around CHOGMs, such as OPAL and African Rainbow Family's rally outside the Commonwealth Secretariat in London during the 2015 CHOGM, also supported by the PTF.³² More recently, OPAL has launched a campaign and petition to include LGBTI rights on the main agenda for the next CHOGM, which will be held in the UK in early 2018.³³ The petition asks CHOGM organisers to invite 'openly LGBTI people from the Commonwealth to address CHOGM leaders,' with the aim of opening up dialogue between discriminating governments and their LGBTI populations, rather than structuring the forum as LGBTI-

²⁹ Justice for Gay Africans, 'Lobbying the Commonwealth on Decriminalization' [online]; Justice for Gay Africans, 'JfGA says "The Charter of The Commonwealth is Silent on Sexuality"' [online].

³⁰ Onwuchekwa, interview.

³¹ Peter Tatchell, 'The Commonwealth is a bastion of homophobia,' *The Guardian* (17 May 2011) [online]; Matthew Waites, 'Claiming LGBTI Human Rights in the Commonwealth After Empire,' *Discovery Society* 16 (3 Jan 2015); Waites, 'The Commonwealth can play.'

³² O'Toole, 'Protesters demand'; African Rainbow Family, 'Rally Against LGBTI.'

³³ OPAL launched the petition whilst it was still known as OPDG. Out and Proud Diamond Group, 'Urge Commonwealth Heads of Govt Meeting 2018 to support LGBTI rights,' The Petition Site [online].

friendly states telling other states to decriminalise.³⁴ This latest campaign by OPAL demonstrates a maturity in UK-based protest against the Commonwealth in that it presents concrete suggestions to facilitate LGBTI dialogue within Commonwealth structures, compared to previous protest action that has criticised the Commonwealth for not discussing LGBTI issues without clear appreciation for the intergovernmental nature of Commonwealth structures that rely on consensus and voluntarism.³⁵ Other than the participation of UK-based LGBTI diaspora, it is not clear that such protest action is conducted with the endorsement of ‘local’ LGBTI organisations from across the Commonwealth, particularly given the focus on decriminalisation and human rights which are not primary goals universally shared amongst all LGBTI organisations within the Commonwealth.³⁶

Kaleidoscope has maintained a keen focus on the Commonwealth, as seen in the publication of its *Speaking Out* reports, which detail the status of LGBTI rights across the Commonwealth, as well as its engagement with the Royal Commonwealth Society, and its co-organisation of conferences related to LGBTI rights in the Commonwealth.³⁷ Kaleidoscope has also been instrumental in establishing The Commonwealth Equality Network (TCEN), a network of civil society organisations from across the Commonwealth that have an interest in ending LGBTI inequality.³⁸ Analysing Kaleidoscope’s engagement with the TCEN, Waites observes the ‘internally leading and agenda-setting role of Kaleidoscope within TCEN,’ raising questions about the impact of ‘internal inequalities’ on shaping the strategy of the network around the Commonwealth.³⁹ In the early formation of the network as an email list, Kaleidoscope had control of access to the list, which Waites notes had the implied effect of ‘circumventing [...] key southern activist intellectuals’ on other key email lists (such as

³⁴ Colin Stewart, ‘LGBTI Africans urge Commonwealth focus on human rights,’ *Erasing 76 Crimes* (15 Mar 2016) [online].

³⁵ For example, see: Peter Tatchell Foundation, ‘London protest against Commonwealth homophobia’ (13 Nov 2013) [online].

³⁶ See: Waites, ‘The New Trans-National,’ 82-84.

³⁷ See: *Speaking Out; Speaking Out 2015*; Brooks and Stewart, *Collaboration and Consensus*; ‘LGBTI Human Rights in the Commonwealth Conference 2014’; Kaleidoscope Trust, ‘LGBTI Rights in the Commonwealth,’ (14 Oct 2015) [online].

³⁸ The Commonwealth Equality Network, <http://www.commonwealthequality.org/> (accessed 13/10/16); Waites, ‘LGBTI organizations navigating,’ 9-12.

³⁹ Waites, ‘LGBTI organizations navigating,’ 11, 15.

the global SOGI and Euro-Queer lists), that might have offered post-colonial intellectual perspectives that are lacking in some functional aspects of the network.⁴⁰ For example, the London-centric nature of the network Secretariat neatly reflects the broader London-centric nature of the Commonwealth, including the participation of elite networks in the Commonwealth's Human Rights activities.⁴¹ Waites further suggests that the ways in which the Commonwealth is 'entwined' with 'elite networks of power centred in London [...] helps to explain how sympathetic engagement with this organisation has emerged as a key strategy for leading UK LGBT NGOs without enough postcolonial understanding.'⁴²

Nevertheless, the transnational networks that Kaleidoscope had engaged with through the TCEN contributed to the organisation of two LGBTI themed sessions at the CHOGM People's Forum in Malta in 2015, shortly before the main CHOGM events.⁴³ Although the main CHOGM did not include any formal engagement with LGBTI issues, the sessions at the People's Forum marked a significant advance in terms of Commonwealth civil society recognition of and engagement with LGBTI discrimination, which has the potential of moving discussion of LGBTI issues into the main forums of future CHOGMs. Collaboration between the TCEN, Kaleidoscope and the FCO contributed to the 2015 Commonwealth Leader's Communique that outlined a commitment 'to protect individuals from all forms of violence,' which Kaleidoscope has suggested 'can advance the rights of LGBT people' with its focus on violence, rather than on human rights.⁴⁴ Waites notes, however, a lack of critical awareness or engagement with the risks that the Commonwealth may end up embodying homonationalist tendencies of favouring LGBTI rights, particularly given the colonial dynamics of anti-LGBTI discourse within Commonwealth states:

⁴⁰ Waites, 'LGBTI organizations navigating,' 12.

⁴¹ See: Waites, 'New Trans-National Politics'; Waites, 'LGBTI organizations navigating'; Waites, 'Claiming LGBTI Human Rights.'

⁴² Waites, 'Claiming LGBTI Human Rights.'

⁴³ See: TCEN, 'Historic inclusion of LGBTI rights in Commonwealth discussions' (25 Nov 2015) [online]; Waites, 'LGBTI organizations navigating,' 13-15.

⁴⁴ Kaleidoscope Trust, '2015 CHOGM Communiqué includes language that can advance the rights of LGBT people' (4 Dec 2015) [online]; Kaleidoscope, 'Kaleidoscope Trust welcomes'; APPG LGBT report, 31.

Paradoxically it seems organizations believe one cannot talk about imperialism in the Commonwealth, when both the history of criminalization and sometimes neo-colonial economic relations through which LGBT culture can be privileged, call for precisely this.⁴⁵

As identified in other areas of the thesis, the preoccupation of LGBTI rights, particularly LGBTI decriminalisation, without proper engagement with intersectional issues such as race and income inequality has the potential to undermine effective, radical solutions to the improvement of LGBTI lives globally. Although a transnational effort to produce a contextual framing of post-colonial power relations was attempted at the *LGBTI Human Rights in the Commonwealth Conference* (2014), by the time of the Malta CHOGM People's Forum sessions, Waites argues that 'LGBTI human rights-claims are insufficiently framed through decolonizing discourses' by Kaleidoscope and TCEN.⁴⁶

Despite Waites' critiques, he does note that transnational engagement with(in) the Commonwealth is still important: 'LGBTI human rights activism cannot afford to repudiate the Commonwealth, since the need for international action is too serious.'⁴⁷ The key point here, however, is that precisely because the Commonwealth has the potential to be a valuable forum for transnational LGBTI activism, it is necessary to thoroughly engage with and understand the 'colonial baggage' that infuses relations within the Commonwealth.⁴⁸ Compared to other international forums, such as the UNHRC, which can involve a greater range of allies, such as Latin American states, which have been instrumental as leading Southern voices on LGBTI rights at the UN, proponents of LGBTI issues within the Commonwealth have most strongly tended to be the UK and Canada. Thus, the contemporary relations and discourse within the Commonwealth on the issue of LGBTI rights continues to risk being framed within a North-South colonial dynamic. A solution would be to bring 'Southern'

⁴⁵ Waites, 'LGBTI organizations navigating,' 15.

⁴⁶ Waites, 'LGBTI organizations navigating,' 15; Waites, 'Claiming LGBTI Human Rights.'

⁴⁷ Waites, 'Claiming LGBTI Human Rights'; Waites, 'The Commonwealth can play.'

⁴⁸ Waites, 'The Commonwealth can play.'

Commonwealth states that have decriminalised, such as the Bahamas, into the dialogue more to upset this imbalance.⁴⁹

In addition to this are further concerns about the ways in which the UK and the Commonwealth fail to disrupt legacies of colonialism beyond the discussion of LGBTI rights. Waites highlights the ways in which ‘UK elites maintain disproportionate power in the Commonwealth Secretariat,’ which has fed into UK-based NGO engagement with the Commonwealth as a primary focus of transnational LGBTI activism without thorough questioning of other colonial legacies.⁵⁰ For example, there has been little recognition or challenge to the persistence of structures of global economic inequality as a consequence of colonialism, or the failure of the Commonwealth to effectively deal with this.⁵¹ OPAL and the PTF’s petition to urge the 2018 CHOGM to discuss and support LGBTI rights does not indicate any recognition of colonial legacies beyond the impact of colonial sodomy laws.⁵² Similarly, although Kaleidoscope has maintained a focus on engagement with the Commonwealth, there is little recognition of the ways in which the Commonwealth might be a forum for change beyond LGBTI issues that still affect LGBTI people regardless of their SOGI, such as economic inequality.⁵³

The contemporary strength of the Commonwealth in making positive change to LGBTI people’s lives internationally lies in the networking and civil-society-driven forums of the Commonwealth, as demonstrated at the Malta CHOGM. This current momentum, driven as it is by civil society from across the Commonwealth, has the opportunity to shape LGBTI discourse in the Commonwealth in intersectional terms that would help to overcome some of the more problematic elements of the colonial spectre that hang over state-level Commonwealth relations. This could involve, for example, a radical politics that attempts to destabilise North-South divisions and takes into account intersectional themes of racial, gender, and income inequality that shape international relations, beyond the overly simplistic mantra of ‘decriminalisation’ that appears to drive much of contemporary UK-based activism. Kaleidoscope, through the

⁴⁹ See: Lennox and Waites, ‘Comparative analysis’; Waites, ‘New Trans-National Politics,’ 77; Waites, ‘Claiming LGBTI Human Rights.’

⁵⁰ Waites, ‘Claiming LGBTI Human Rights.’

⁵¹ Waites, ‘Claiming LGBTI Human Rights.’

⁵² Out and Proud Diamond Group, ‘Urge Commonwealth Heads.’

⁵³ For example, see: *Speaking Out; Speaking Out 2015*.

establishment of TCEN, and diaspora-led NGOs, such as OPAL and African Rainbow Family, have the opportunity to take a leading role to facilitate such a transnational approach to the Commonwealth. If such a radical politics is to succeed in helping to shape Commonwealth progress on LGBTI rights, then it may be necessary to also destabilise what Waites identifies as the London-centric Secretariat and elite networks that have shaped UK-based interactions.⁵⁴ It remains to be seen whether Kaleidoscope and other UK-based NGOs are able to divest themselves of such elite networks for the greater benefit of LGBTI people across the Commonwealth.

LGBTI Asylum

Whilst analysing UK-based approaches to transnational LGBTI activism, it is important to consider how the consequences of colonial legacies, such as sodomy laws, affect the lives of LGBTI people internationally. One consequence of LGBTI violence and discrimination internationally is LGBTI people seeking asylum in countries with better LGBTI rights protections, such as the UK. When considering the range of UK-based engagements in transnational LGBTI activism, it is relevant to consider the ways in which these engagements extend to supporting those LGBTI people who seek asylum in the UK, rather than only considering LGBTI activism as something that happens ‘out there.’

Evolving State of LGBTI Asylum

The UK’s approach to LGBTI asylum has evolved over the past three decades, from changes in the legal definition and recognition of who counted as a LGBTI asylum seeker, to changes in how LGBTI asylum claims are evidenced and understood by UK authorities. An initial legal challenge faced by LGBTI asylum seekers was whether persecution based on SOGI fit within the 1951 Refugee Convention as reasons for which asylum seekers could claim refugee status in the UK. In 1989, the High Court in the UK ruled that ‘homosexuals’ were not a ‘particular social group’ and therefore not eligible to claim asylum under grounds that the asylum seeker faced persecution due to

⁵⁴ Waites, ‘LGBTI organizations navigating.’

their association with a sexuality or gender non-conforming group.⁵⁵ After a series of legal decisions in the 1990s that culminated in the cases of *Shah & Islam*, in 1999, the House of Lords decided that LGBTI people did constitute a ‘particular social group’ under the grounds of the Refugee Convention, though the issue of credibility and evidencing state persecution continued to present a challenge to LGBTI asylum claims.⁵⁶

Whilst LGBTI people could now claim asylum based on persecution they faced for being LGBTI, the UK asylum system continued to disfavour LGBTI asylum claims through poor decision making based on false understandings of sexual identity and the nuances of LGBTI persecution. UKLGIG published research that found that in 2009, whilst ‘73% of all asylum claims made in the UK were denied at the initial decision making stage,’ 98% of claims made by lesbians and gay men were rejected at the same stage.⁵⁷ Stonewall also published research in 2010 that investigated LGBTI asylum in the UK, demonstrating an increasing awareness of the issue amongst UK-based NGOs.⁵⁸ Between 1999 and 2010, the Labour Government’s approach to LGBTI asylum assumed that ‘discretion’ and ‘relocation’ were acceptable alternatives to granting refugee status, accounting for the significant proportion of rejected LGBTI asylum claims during this time.⁵⁹ As UKLGIG noted, the ‘discretion’ requirement suggested that it was acceptable to deny refugee status to a person on the basis that they ‘get back in the closet,’ even though similar requirements were not placed on people claiming religious or political persecution.⁶⁰ This focus on sexuality as relating to discrete sexual acts ignores many of the more complex realities of LGBTI lives in homophobic countries, including that the reason LGBTI people seek asylum is because it is already known that they are LGBTI, for example by their family, or are perceived to be LGBTI by their community.⁶¹ In addition, the suggestion that LGBTI asylum seekers could simply relocate within their country of origin ignores the extent of legal

⁵⁵ de Jong, *Lesbian, gay, bisexual*, 8-9.

⁵⁶ de Jong, *Lesbian, gay, bisexual*, 9-10; Dillane, interview.

⁵⁷ Gray, *Failing The Grade*, 2.

⁵⁸ Miles, *No Going Back*.

⁵⁹ Dillane, interview; Gray, *Failing The Grade*, 4-6.

⁶⁰ Dillane, interview; Gray, *Failing The Grade*, 4.

⁶¹ Gray, *Failing The Grade*, 5.

and societal homophobia that LGBTI people may be subject to.⁶² Furthermore, credibility is a barrier to LGBTI asylum claims where Home Office case owners do not believe that a person is LGBTI or has suffered persecution for being LGBTI. Applications may have been dismissed because they do not conform to the case owner's narrow, stereotypical view of LGBTI identity, or because the applicant had previously been married or had children.⁶³ Again, much of this focus on credibility relies on ignorance about the complexities of LGBTI lives in different societies, as well as the expectation that LGBTI people can reasonably lead closeted lives to avoid persecution. The fact that LGBTI rights greatly improved in the UK under the Labour Government suggests that a double standard was being applied to LGBTI people seeking asylum, specifically that it would be intolerable to expect LGBTI citizens in the UK to live in the closeted ways the Home Office suggested LGBTI asylum seekers should do as stated in the rejection of their asylum claims.⁶⁴

In 2010, the newly elected Conservative and Liberal Democrat Coalition Government declared its commitment to 'stop the deportation of asylum seekers who have had to leave particular countries because their sexual orientation or gender identification puts them at proven risk of imprisonment, torture or execution.'⁶⁵ Following the general election, the Supreme Court's decision in the case of *HJ (Iran) and HT (Cameroon) v. Secretary of State for the Home Department* ruled that the discretion requirement was not valid grounds for refusing asylum.⁶⁶ Whilst the Coalition commitment and Supreme Court ruling were welcome developments in the UK's handling of LGBTI asylum, UKLGIG has found that in practice the asylum system continues to present challenges to LGBTI people, including continued misunderstandings of sexuality and discretion. For example, there is evidence that decisions to reject claims have been based on expectations that the applicant could choose to keep their sexuality discreet, or that because they have chosen to keep their sexuality discreet in the UK, they could

⁶² Gray, *Failing The Grade*, 5-6.

⁶³ Gray, *Failing The Grade*, 8-9; de Jong, *Lesbian, gay, bisexual*, 22-23.

⁶⁴ For example, between 1997-2010, legislation was introduced to equalise age of consent laws, repeal Section 28, ensure employment and discrimination protections for LGBTI people, and grant civil partnerships, amongst other advances in LGBTI rights.

⁶⁵ HM Government, *The Coalition: our programme for government* (May 2010), 18.

⁶⁶ Dillane, interview; APPG LGBT report, 37. See: *HJ (Iran) and HT (Cameroon) v. Secretary of State for the Home Department* (2010) UKSC 31, UK: Supreme Court, 7 July 2010.

reasonably be expected to do so in their home country.⁶⁷ UKLGIG points out that these decisions betray a lack of understanding about why some LGBTI asylum seekers may be reserved about expressing their sexuality:

In some cases, where a person has only been in the UK for a short period of time, it may be difficult for a lesbian or gay man from a homophobic country to express openly feelings they have suppressed all their lives. In other cases, an asylum seeker may for economic reasons be living within their home country community where it is difficult to be open about their sexuality due to homophobia.⁶⁸

LGBTI people may also not disclose their sexual orientation because they feel uncomfortable doing so to interpreters or other officials who they perceive to be homophobic, or may not be fully aware of their rights to claim asylum based on their sexual orientation or gender identity.⁶⁹ Issues of credibility also continue to affect LGBTI asylum claims.⁷⁰ It has been noted that there appears to have been a shift towards requiring more ‘proof’ that a claimant is gay following the change in policy in 2010, as Chelvan describes, ‘the shift has been from discretion to disbelief.’⁷¹ The suggestion here is that in the absence of being able to reject LGBTI asylum claims using the discretion test, where establishing the sexual identity of the claimant is ultimately irrelevant, in order to ensure the rejection of asylum claims under the new policy the requirements of ‘proof’ for sexual identity are purposefully high. Between 2011 and 2013, 86% of asylum claims were rejected because the Home Office did not believe the applicant to be gay, lesbian or bisexual.⁷² Even small inconsistencies in an applicant’s claim have been cited as reasons for refusal, and the evidentiary requirements for sexual identity claims appear inconsistent from case to case.⁷³

⁶⁷ Yoshida, *Missing the Mark*, 23-25. See also: John Vine, *An Investigation into the Home Office’s Handling of Asylum Claims Made on the Grounds of Sexual Orientation, March-June 2014* (October 2014), 44.

⁶⁸ Yoshida, *Missing the Mark*, 24.

⁶⁹ de Jong, *Lesbian, gay, bisexual*, 22.

⁷⁰ Yoshida, *Missing the Mark*, 11-17.

⁷¹ S Chelvan, quoted in: Home Affairs Committee, *Asylum: Seventh Report of Session 2013-2014* (11 Oct 2013), 28, 27-28.

⁷² Yoshida, *Missing the Mark*, 12.

⁷³ Yoshida, *Missing the Mark*, 13-15.

There has also been evidence of case workers relying on stereotypes to inform their questioning and decision-making, as well as the use of inappropriate sexual questioning.⁷⁴ Examples of such questioning range from stereotypes about whether someone looks gay or lesbian, to whether they had read Oscar Wilde or knew famous gay celebrities, to whether they had attended popular gay clubs or Gay Pride in the UK.⁷⁵ There is also evidence of expectations that upon reaching the UK, previously persecuted LGBTI people would embrace the sexual freedom of the UK and enjoy stereotypical aspects of gay life, such as attending gay clubs, and enter into relationships as proof of their sexuality.⁷⁶ Whilst some LGBTI asylum seekers may find confidence in the relative freedom that the UK can offer LGBTI people, experiences are not homogenous for all LGBTI people seeking asylum and are not meaningful proof of one's sexual identity.⁷⁷ Inappropriate sexual questioning has also been reported, such as invasive, explicit, and humiliating questioning about sexual practices or number of partners.⁷⁸ As UKLGIG has noted previously, examples of inappropriate questioning 'highlights that some case workers remain fixated on sexual practice rather than on sexual identity.'⁷⁹ Therefore, such inappropriate questioning demonstrates elements of systemic ignorance in the way asylum claims are handled, particularly in that they do little to prove a person's sexual identity in any meaningful way.

Evaluating the Home Office's approach to LGBTI asylum raises concerns as to whether the high rejection rate of LGBTI asylum claims and ignorance demonstrated in interview questioning is evidence of systemic homophobia in the asylum process. Despite legal developments and formal guidelines, case holders have continued to ask inappropriate questions, some of which occupy an uncomfortable tone between ignorance and homophobia. Even beyond the pressures to evidence their sexuality against ignorant questioning, LGBTI asylum seekers face homophobic bullying and

⁷⁴ Dillane, interview; Yoshida, *Missing the Mark*, 18-20.

⁷⁵ Dillane, interview; Hanson, interview; Yoshida, *Missing the Mark*, 18-20; Mark Townsend and Diane Taylor, 'Home Office wouldn't believe I was gay: how do you prove it?' *The Observer* (8 Feb 2014) [online].

⁷⁶ Miles, *No Going Back*, 16.

⁷⁷ For some examples of different LGBTI asylum seekers' experiences of engaging with the UK gay scene, discussed more below, see: Godfrey, 'Asylum in the Scene'.

⁷⁸ Yoshida, *Missing the Mark*, 20; Miles, *No Going Back*, 17; Diane Taylor and Mark Townsend, 'Gay asylum seekers face "humiliation,"' *The Observer* (8 Feb 2014) [online].

⁷⁹ Yoshida, *Missing the Mark*, 19.

violence in detention centres, from both fellow detainees and guards.⁸⁰ Hanson suggests, however, that it is more an issue of ignorance and lack of training within the asylum process, than that the system is homophobic.⁸¹ Whilst the use of the discretion test prior to 2010 was a clear example of systemic homophobia, in the way it specifically discriminated against and disadvantaged LGBTI asylum seekers, it would be more accurate to attribute more recent failings to systemic ignorance. A lack of adequate training has been a clear factor contributing to the absence of sensitivity in handling asylum cases and the inappropriateness of questions asked. Case holders themselves had admitted that they have not known what questions to ask in LGBTI asylum interviews.⁸² It is curious that whilst Stonewall identified the systemic ignorance of the UK asylum system in its 2010 report, in 2011 it named the Home Office as the best public sector employer for LGBTI people.⁸³ The Home Office won the same award in subsequent years too, such that it is now a ‘Stonewall Star Performer.’⁸⁴ This is symptomatic of an inherent problem in the way in which the UK Government has approached LGBTI rights, specifically in that it has improved LGBTI rights for its employees, whilst failing to provide adequate and fair support for LGBTI people seeking asylum in the UK. At least in its most recent employer list, Stonewall noted the improvements the Home Office has tried to implement to improve the quality of the asylum process for LGBTI asylum seekers.⁸⁵

Due to the inconsistency of evidentiary requirements, systemic ignorance of the UK asylum system, and focus on credibility, some lgbt asylum seekers have tried to pre-empt stereotypical and sexual questioning by attempting to embody gay stereotypes, or provide evidence of sexual activity in the form of pornographic photos or video.⁸⁶ Of course, whilst such evidence is driven in response to the systemic ignorance of the

⁸⁰ Miles, *No Going Back*, 13, 20; Taylor and Townsend, ‘Gay asylum seekers.’

⁸¹ Hanson, interview.

⁸² Miles, *No Going Back*, 16.

⁸³ Home Office, ‘Stonewall announces the Home Office as top public sector employer,’ GOV.UK (11 Jan 2012) [online].

⁸⁴ *Stonewall Top 100 Employers: The definitive guide to the most inclusive employers in Britain, 2016* (Stonewall, 2016).

⁸⁵ *Stonewall Top 100 Employers*, 5.

⁸⁶ Hanson, interview; Townsend and Taylor, ‘Home Office wouldn’t believe’; *African Rainbow Family Submission to All Party Parliamentary Group on Global LGBT Rights (APPG LGBT)’s Invitation to submit written evidence on: The UK’s stance on international breaches of LGBT rights* (18 Sep 2015).

asylum process, it does not prove sexual identity in any meaningful way. NGOs and lawyers involved in immigration and asylum have advocated for questions to focus more on sexual identity and move away from stereotyping sexual practice. Dillane argues that instead of relying on stereotypes, ‘what we should see is a sensitive inquiry into a person’s understanding and development of their sexual orientation or gender identity.’⁸⁷ Hanson explains how No Going Back supports LGBTI asylum seekers’ applications by adopting the DSSH model created by Chelvan, which seeks to allow for a sensitive investigation into the applicant’s individual narrative about their sexuality, focusing on their experiences of Difference, Stigma, Shame, and Harm (DSSH).⁸⁸ Whilst the model may not apply to all applications, Chelvan notes that the detailed narratives that the model encourages has resulted in approvals for refugee status, and the model has been endorsed by the UNHRC and been referred to by a number of European governments, including the UK.⁸⁹ As an alternative to problematic trends in questioning that focus on sexual practice and stereotyping, models such as this are important for LGBTI asylum seekers to be able to frame their personal narrative in a meaningful way that explains their persecution as a result of difference, stigma, shame and harm that they have experienced under heteronormative oppression. Rather than relying on inappropriate material evidence or gay stereotypes as a standard threshold of evidence, this approach attempts to identify experiences common to people with non-normative sexuality or gender identity in ways that transcend cultural stereotypes of a particular country or region, giving credibility to a LGBTI asylum seeker’s personal experiences of persecution. Identifying feelings and experiences of difference and shame is more appropriate than caseworkers questioning when an applicant ‘knew they were gay.’ As Dillane notes, it is difficult to have standard questions to apply to all LGBTI asylum cases, so it is important that civil servants have adequate training to be able to handle cases in appropriate and sensitive ways:

⁸⁷ Dillane, interview.

⁸⁸ Hanson, interview. See: S Chelvan, ‘From ABC to DSSH: How to prove that you are a gay refugee?’ *Free Movement* (23 July 2014) [online].

⁸⁹ Chelvan, ‘From ABC to DSSH.’ See: UN Human Rights Council, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees* (23 Oct 2012), 15-16.

There isn't any standard questioning or standard list of questions, because a lesbian from Gambia is not going to present in the same way as a trans woman from the Philippines. [...] There isn't a checklist. We understand that these are very complex claims, so it's about giving civil servants the skills and tools they need to sensitively assess these claims.⁹⁰

Therefore, a big role that non-governmental actors in the UK play is in advocating for more sensitive models of inquiry in LGBTI asylum cases, engaging with UK Government bodies as UKLGIG does, or utilising such models when supporting LGBTI asylum cases as No Going Back does.

Whilst some case workers and judges have demonstrated sensitivity and reasonable questioning in the asylum process, examples of concerning behaviour continue to be observed.⁹¹ In 2014, following criticisms of the UK asylum process by the Home Affairs Committee, as well as media reporting on the issue of inappropriate questioning and the barriers LGBTI asylum seekers face in the UK, the then Home Secretary, Theresa May, commissioned an investigation into the Home Office's handling of asylum claims based on sexual orientation.⁹² In October 2014, the Independent Chief Inspector of Borders and Immigration, John Vine, published the findings of the investigation, noting that whilst the Home Office had produced guidance on handling LGB asylum claims, the application of guidance was 'inconsistent.'⁹³ Stereotyping of applications was found to have occurred in a fifth of substantive interviews, whilst inappropriate questions were asked in over a tenth of interviews.⁹⁴ The report made eight recommendations to the Home Office to improve its handling of LGB asylum claims, including improving training so that consistency is improved, whilst ensuring stereotyping and inappropriate sexual questions are not used by caseworkers.⁹⁵ The Home Office broadly accepted the

⁹⁰ Dillane, interview.

⁹¹ Yoshida, *Missing the Mark*, 18-20.

⁹² Vine, *An Investigation*, 2; Dillane, interview; Home Affairs Committee, *Asylum*, 27-28, 45; Taylor and Townsend, 'Gay asylum seekers'; APPG LGBT report, 37.

⁹³ Vine, *An Investigation*, 2-3.

⁹⁴ Vine, *An Investigation*, 3, 24-27.

⁹⁵ Vine, *An Investigation*, 4.

recommendations.⁹⁶ It is worth noting, however, that the investigation did not consider asylum claims based on gender identity.⁹⁷

The report also found that information about LGBTI asylum cases was not properly being recorded by the Home Office.⁹⁸ UKLGIG has also noted the lack of reliable and accessible data on LGBTI asylum from the Home Office, even after the recommendations of the Vine report.⁹⁹ The lack of concrete data impacts on our understanding of LGBTI asylum in the UK, which in turn places limitations on support provision and data to inform training guidelines, as well as making it difficult for civil society and parliamentary bodies to hold the Home Office to account for its commitments to improving its record on LGBTI asylum.¹⁰⁰ Dillane notes that whilst UKLGIG can identify trends in the number of service users from particular countries, as a charity it lacks the resources to collect detailed data that the Home Office should be providing, instead prioritising resources to support LGBTI people seeking asylum.¹⁰¹ The Vine report and the Home Office response both make reference to the DSSH model to improve the quality of interviewing in LGBTI asylum cases. The Vine report recognises that whilst the Home Office includes DSSH in its training, ‘the Home Office’s current approach to DSSH seems to us to be a “half-way house” and rather confusing,’ whereas the Home Office response recommends that further consultation is required on the use and efficacy of the model.¹⁰²

In February 2015, the Home Office published revised guidance on ‘sexual identity issues in asylum interviews’ (updated in August 2016), though has not revised its guidance on gender identity claims.¹⁰³ UKLGIG has welcomed the revised guidance on

⁹⁶ Home Office, *The Home Office response to the Independent Chief Inspector’s report: “An Investigation into the Home Office’s Handling of Asylum Claims Made on the Grounds of Sexual Orientation” March – June 2014* (Oct 2014).

⁹⁷ APPG LGBT report, 38.

⁹⁸ Vine, *An Investigation*, 40-45.

⁹⁹ Dillane, interview.

¹⁰⁰ Dillane, interview; APPG LGBT report, 38-39.

¹⁰¹ Dillane, interview.

¹⁰² Vine, *An Investigation*, 14; Home Office, *Home Office response*, 5.

¹⁰³ UKLGIG submission to All Part Parliamentary Group (APPG) on *Global LGBT Rights: Inquiry into the United Kingdom’s stance on international breaches of LGBT rights* (18 Sep 2015). See: Home Office, *Asylum Policy instruction: Sexual orientation in asylum claims* (2 Aug 2016); Home Office, *Gender Identity Issues in the Asylum Claim* (13 Jun 2011).

sexual identity claims, though has emphasised the need for ‘effective implementation’ by civil servants.¹⁰⁴ Ensuring effective implementation of guidance is very important given the shortcomings of the asylum system that failed to consistently implement the law and policy guidance following 2010. Given the evolution of the Home Office’s handling of LGBTI asylum, it is concerning that stereotyping and a focus on sexual practice still informs some interviews and decisions.¹⁰⁵ Other LGBTI asylum claims continue to reach the notice of media attention, sustaining the discussion about LGBTI asylum in the UK regardless of the merits of individual cases.¹⁰⁶ In some cases, UK-based groups, such as OPAL, have launched petitions to attempt to stop the deportation of people refused asylum on grounds of sexual orientation.¹⁰⁷

Whilst the evolution of the Home Office’s approach to LGBTI asylum has demonstrated some clear improvements since 2010, there has remained a slowly closing gap between policy commitments and the *implementation* of guidelines. These improvements have largely been driven by legal developments, civil society and media pressures, and the top-down implementation of policy guidelines within the Home Office has clearly required time to shift the systemic ignorance that has pervaded the asylum system investigation and decision-making processes. Although there is clearly still room for improvement in the way the Home Office handles LGBTI asylum, particularly with regards to record management and the detention of asylum seekers, discussed below, it is encouraging that parliamentary bodies including the Home Affairs Committee and the APPG LGBT have taken the issue of LGBTI asylum seriously in their holding the Home Office to account. The APPG LGBT, clearly drawing on the evidence and experience of NGOs such as UKLGIG, has noted ‘that the issues facing

¹⁰⁴ UKLGIG submission to APPG, 5; Scott Roberts, ‘Charity welcomes new Home Office guidance for gay asylum cases,’ Pink News (17 Feb 2015) [online].

¹⁰⁵ See: *Apata, R (On the Application Of) v The Secretary of State for the Home Department* (2015) EWHC 888; Paul Dillane, ‘LGBT asylum seekers: a toxic mix of homophobia, misogyny and ignorance corrupts the asylum system,’ *Free Movement* (27 Apr 2015) [online]; Jennifer Blair, “‘Not a lesbian’: Adoronke Apata and the impossibly high threshold for asylum claims based on sexuality,’ *The Justice Gap* (4 Mar 2015) [online].

¹⁰⁶ For example, see: Debora Singer, ‘How do you prove you are gay? A culture of disbelief is traumatising asylum seekers,’ *The Guardian* (24 Nov 2015) [online]; Dean Kirby, ‘Robert Kityo: Ugandan man faces deportation after “failing to prove he’s gay,”’ *The Independent* (15 Nov 2015) [online]; Joe Morgan, ‘UK tells gay Ugandan asylum seeker he can Skype his boyfriend after he is deported,’ *Gay Star News* (12 Sep 2016) [online].

¹⁰⁷ OPAL launched the petition whilst it was still known as OPDG. Out and Proud Diamond Group [African LGBTI], ‘UK govt stop deportation of a Ugandan gay man and release him from detention,’ *The Petition Site* [online]. See also: Out & Proud Diamond Group, Facebook.

LGBT asylum seekers are closely linked to international concerns.’¹⁰⁸ It is important that the UK Government understands its own positionality in the international scope of LGBTI subjectivities, that if it is to be taken seriously on its commitment to improving LGBTI rights internationally, it must demonstrate that it takes seriously the rights and experiences of LGBTI people seeking asylum in the UK. As it stands, even though the Home Office’s evolving policies on LGBTI asylum have generally improved, the experiences of LGBTI people seeking asylum within the broader complexities of the asylum process suggests that there is still more that could be done to support LGBTI and other people seeking asylum in the UK.

LGBTI Asylum Seekers’ Experiences of the Asylum Process

Whilst the legal and governmental approaches to LGBTI asylum have generally improved, LGBTI people seeking asylum in the UK continue to face obstacles during and after the asylum process. In some cases, these obstacles are issues for all asylum seekers, regardless of the reason for their asylum claim. LGBTI people seeking asylum, however, also face challenges specifically due to their being LGBTI. Some obstacles for LGBTI people occur during the asylum application process, as explored above. These obstacles can range from LGBTI people not understanding their rights to asylum as LGBTI people, to finding it difficult to divulge information due to homophobia applicants may have experienced in their country of origin and the UK. Dillane notes the difficulties that LGBTI asylum seekers can face in being able to verify or prove their identity or experiences, compared to political or religious refugees that may be able to prove their identity of belonging to a persecuted group, or have access to networks that can corroborate their membership of a particular group.¹⁰⁹ As Dillane highlights, ‘If you’re a LGBT person and you’ve spent a large portion of your life in the closet, in fear of your life, for your safety in another country, there aren’t necessarily going to be many people who are able or willing to confirm who you are.’¹¹⁰ African Rainbow Family have also noted that fear of authority due to experiences of harassment, abuse, and

¹⁰⁸ APPG LGBT report, 9.

¹⁰⁹ Dillane, interview.

¹¹⁰ Dillane, interview.

torture by authority figures in their country of origin, can make it difficult for LGBTI asylum seekers ‘to make asylum claims or divulge any evidence of what we went through especially when we aren’t provided with an enabling environment to do so.’¹¹¹ Whilst this can be a particular issue for LGBTI people seeking asylum due to homophobia they have experienced, it can also apply to others seeking asylum for other reasons who may have faced abuse from authority figures previously. Therefore, it is important that all asylum seekers feel comfortable enough to disclose their experiences and that their applications are treated with sensitivity and respect. Case holders, interviewers, and other figures of authority within the UK asylum system should be reflective of how their position as figures of authority may be understood and perceived by asylum seekers who have faced abuse from authority figures in the past.

These concerns can be directly linked to the detention of asylum seekers in the UK. Whilst the UK Government may be critical of other countries that imprison LGBTI people, this is exactly what happens to some LGBTI people who seek asylum in the UK. As Dillane notes, what kind of message does it project internationally that the UK indefinitely detains LGBTI people seeking asylum, locking them up in facilities where they are subject to homophobic abuse and harassment?¹¹² Most often it is other detainees that threaten homophobic abuse and violence, which can compound other problems that LGBTI asylum seekers may be experiencing, such as mental health issues or feelings of isolation.¹¹³ Such environments can prohibit LGBTI asylum seekers from being open about the reasons for their asylum claims, which can make it difficult for them to talk about or prepare for the processes of claiming asylum.¹¹⁴ The APPG LGBT has recognised the homophobic abuse that asylum seekers face from other detainees whilst in detention, and a joint inquiry into the use of detention by the APPG on Refugees and the APPG on Migration also noted the homophobic abuse and harassment that LGBTI asylum seekers can face in detention.¹¹⁵

¹¹¹ *African Rainbow Family submission*.

¹¹² Dillane, interview.

¹¹³ Dillane, interview; *African Rainbow Family submission*; Miles, *No Going Back*, 13; *Poverty, Sexual Orientation*, 27-28.

¹¹⁴ Dillane, interview.

¹¹⁵ APPG LGBT report, 21, 37-38; *The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom: A Joint Inquiry by the All Party Parliamentary Group on Refugees & the All Party Parliamentary Group on Migration* (2015), 68.

Whilst the UK is one of only a few countries in Europe with no upper time limit on detention, LGBTI asylum seekers face homophobic abuse in detention centres across Europe.¹¹⁶ For example, LGBTI refugees have faced abuse and harassment at the hands of fellow refugees in asylum centres in the Netherlands and Germany.¹¹⁷ In both cases, local LGBTI groups have attempted to support these LGBTI refugees, in some cases being able to offer or find alternative accommodation arrangements for the LGBTI refugees to provide safe spaces away from the homophobia of the refugee centres.¹¹⁸ The asylum policies of other European countries has also been called into question. For example, Germany designated Algeria, Morocco and Tunisia as ‘safe places of origin’ for LGBTI asylum seekers, despite each of these countries having laws that prohibit same-sex conduct and discriminate against LGBTI people.¹¹⁹ In 2010, the Czech Republic was criticised for using ‘phallometric tests’ to determine whether asylum seekers were gay, whereby the arousal of asylum seekers was measured while they watched heterosexual pornography, the practice of which has since been banned.¹²⁰

Beyond the specific challenges that LGBTI asylum seekers face in asylum detention, UK-based organisations, such as UKLGIG, contribute to a broader movement of asylum reform that seeks to improve the ways in which asylum seekers are treated within the UK. For example, UKLGIG was amongst a number of organisations that have raised questions concerning a recent government policy on vulnerable adults in detention.¹²¹ Following challenges to processes such as the Detained Fast Track system and civil society and parliamentary pressures to reduce the use of asylum detention in the UK, there is some hope that the way the UK handles asylum detention could improve in the

¹¹⁶ Jansen and Spijkerboer, *Fleeing Homophobia*, 77-78; *The Report of the Inquiry*, 16.

¹¹⁷ Tom Porter, ‘Germany: Gay asylum seekers attacked by fellow refugees,’ *International Business Times* (26 Jan 2016) [online]; ‘Gay refugees say they have been “bullied” in Dutch camps,’ BBC News (24 May 2016) [online].

¹¹⁸ Porter, ‘Germany’; ‘Gay refugees say,’ BBC News.

¹¹⁹ All Out. ‘Germany: Don’t send them back!’ (23 May 2016) [online]. See also: Human Rights Watch, ‘Tunisia: Men Prosecuted for Homosexuality’ (29 Mar 2016) [online]; Joe Williams, ‘Two more men jailed for being gay in Morocco,’ Pink News (3 Feb 2016) [online].

¹²⁰ Paul Dillane, interview; ‘Czech gay asylum “phallometric test” criticised by EU,’ BBC News (8 Dec 2010) [online].

¹²¹ Theresa Schleicher, et al., ‘New immigration detention policy for “adults at risk” needs urgent review,’ *The Guardian* (11 Sep 2016) [online].

future.¹²² Community-based alternatives to detention that draw upon the work and experiences of ex-detainees and civil society are promising areas of detention reform.¹²³

Given the experiences that LGBTI people claiming asylum can face in detention centres, and the impact that these environments can have on their mental health as well as their ability to pursue their asylum application openly, Dillane highlights that ‘It’s important that there are as many safe spaces as possible for our clients, because LGBT asylum seekers can often be very marginalised and very isolated.’¹²⁴ Even beyond detention centres, however, LGBTI refugees and asylum seekers can face further challenges whilst living in the UK. Whilst they face many of the same challenges as other asylum seekers, in some cases their status as LGBTI people can compound the difficulties they face. The UK-based charity Micro Rainbow International (MRI), with support from Lesbian Immigration Support Group and UKLGIG, has published a report that investigated the relationship between poverty and sexual orientation for LGBTI refugees in the UK.¹²⁵ Whilst for many LGBTI asylum seekers the UK represents greater opportunities for safety and freedom, the material realities of being a LGBTI refugee in the UK often means a decline in one’s quality of life:

Throughout the interviews we saw that the dream of a land of opportunities and liberation that respondents construe was easily shattered after arriving in the UK. [...] For many respondents the land of opportunity merely represents a downward social mobility ladder.¹²⁶

Due to being LGBTI, some asylum seekers lack the emotional and financial support of family members in their home communities, and can face harassment and housing insecurity, such as amongst homophobic diaspora elements in the UK.¹²⁷ LGBTI asylum seekers have experienced anti-LGBTI discrimination whilst living in asylum

¹²² See: Paul Dillane, ‘Are the days of indefinite detention finally numbered?’ *The Justice Gap* (10 Apr 2015) [online]; Ben, ‘After the fast track: what next for the detention of asylum seekers?’ *Detention Action* (5 Jan 2016) [online].

¹²³ See: Ben, ‘New Detention Action report on alternatives: “Without Detention,”’ *Detention Action* (26 Sep 2016) [online]; Eiri Ohtani and Jerome Phelps, *Without Detention: Opportunities for alternatives* (London: Detention Action, Sep 2016).

¹²⁴ Dillane, interview.

¹²⁵ *Poverty, Sexual Orientation*.

¹²⁶ *Poverty, Sexual Orientation*, 28, 6.

¹²⁷ *Poverty, Sexual Orientation*, 6; Dillane, interview.

support accommodation due to the homophobic sentiments of other asylum seekers or property management staff.¹²⁸ Due to the financial limitations of LGBTI asylum seekers, alternative accommodation arrangements are limited and often results in reliance on the goodwill of friends and partners, placing LGBTI asylum seekers in precarious housing situations and vulnerable to homelessness.¹²⁹ Whilst LGBTI asylum seekers can face particular challenges related to accommodation due to hostility towards their sexual orientation, it is worth acknowledging the broader vulnerabilities of all asylum seekers to homelessness in the UK.¹³⁰ Regardless of sexual orientation, the systemic limitations that all asylum seekers face create barriers to financial stability both during and after the asylum process. Asylum seekers can face difficulties in securing work and opening bank accounts in the UK whilst their asylum process is still open, limiting their ability to gain job experience or build a credit history, increasing their financial instability even if they do eventually gain refugee status.¹³¹ Some refugees also experience discrimination in the job market because of their refugee status, or find that qualifications they have earned in their countries of origin are not valid in the UK, limiting their job prospects.¹³² MRI suggests that asylum seekers should be allowed to work whilst their asylum case is decided to allow asylum seekers opportunities to gain work experience and help lift them out of poverty in the long run.¹³³ MRI also argues that more support should be available to refugees after gaining refugee status due to the ‘precarious living conditions’ that they can find themselves in after completing the asylum process.¹³⁴

¹²⁸ Michael Bell and Cole Hansen, *Over Not Out: The housing and homelessness issues specific to lesbian, gay, bisexual and transgender asylum seekers* (Metropolitan Support Trust, May 2009), 17, 19-20, 29-31.

¹²⁹ Bell and Hanson, *Over Not Out*, 16-17, 27-29. See also: Alasdair Stuart, *Over Not Out Refreshed 2012* (Metropolitan, 2012).

¹³⁰ Bell and Hanson, *Over Not Out*, 27-28. For example, see: Tracy McVeigh, ‘Asylum seekers face eviction four weeks after being allowed to stay in Britain,’ *The Observer* (17 Oct 2015) [online].

¹³¹ *Poverty, Sexual Orientation*, 8, 13. See also: Peter Walker, ‘Refugees unable to open UK bank accounts facing debt and destitution,’ *The Guardian* (6 Jan 2016) [online].

¹³² *Poverty, Sexual Orientation*, 6, 12-13.

¹³³ *Poverty, Sexual Orientation*, 33.

¹³⁴ *Poverty, Sexual Orientation*, 33-34. See: Micro Rainbow International. ‘Press Release – MRI selected as finalist in European Social Innovation Competition: “Integrated Futures”’ (4 Oct 2016) [online].

The UK can present greater opportunities for personal and sexual freedom for LGBTI refugees, compared to other more repressive societies, giving them more confidence to express their sexuality or gender identity in ways they couldn't previously.¹³⁵ Despite this greater sexual freedom, however, LGBTI refugees can face discrimination based on their race, culture, or immigration status, even from within the LGBTI community and LGBTI social scenes in the UK.¹³⁶ This can be understood within a broader problem of racism within the LGBTI community in the UK, to the extent that racism can be a bigger issue than homophobia for LGBTI people who are BME.¹³⁷ As Alimi notes, 'we forget the intersectionality that every time you as a gay person is racist, you're racist against a fellow gay person who is not like you.'¹³⁸ Though not specific to the UK LGBTI community, the failure to understand and respect the intersectional experiences of sexuality and race undermines the potential for solidarity to impact positive change. If UK LGBTI civil society wants to meaningfully improve the lives and experiences of BME LGBTI, including LGBTI refugees and asylum seekers, then it must look to tackle the intersectional issues that impact on quality of life beyond simply a concern for homophobia, particularly when homophobia alone is not always the primary concern for all LGBTI people in the UK.

Although LGBTI people seeking asylum can have specialist needs, they also have the needs of any other asylum seeker, and so it is important to ensure that asylum services that LGBTI people may need to use are LGBTI-friendly, as Dillane notes:

[LGBTI asylum seekers] may want help with their English skills, they may need medical and sexual health services. They may need help with their housing and financial assistance. So, we need to try to make sure that other organisations are LGBT friendly and knowledgeable. So we do try to offer support and training and information to others so that when our clients go and ask for help that they can get what they need.¹³⁹

¹³⁵ Godfrey, 'Asylum in the Scene.'

¹³⁶ Godfrey, 'Asylum in the Scene.'

¹³⁷ See: Stuart Haggas, 'Racism and the gay scene,' *FS Magazine* 148 (Jun/Jul 2015); Jemal Polson, 'Attitude's newest columnist Jemal Polson on racism within the gay scene,' *Attitude Magazine* (15 Sep 2015) [online].

¹³⁸ Alimi, interview.

¹³⁹ Dillane, interview.

There are organisations across the UK that offer information and support to LGBTI asylum seekers and refugees, either in the form of specialist LGBTI-focused support, or LGBTI-friendly refugee services.¹⁴⁰ There are several local and regional groups that seek to provide support for LGBTI refugees and asylum seekers across the UK, such as the Lesbian Immigration Support Group based in Manchester, ReachOUT based in Leeds, or UNITY LGBT Support Group based in Glasgow. As well as providing services and support to LGBTI refugees and asylum seekers, some groups also engage in campaigning or lobbying the UK Government on issues relating to LGBTI asylum. For example, both UKLGIG and African Rainbow Family have contributed evidence to All Party Parliamentary Group inquires on LGBTI asylum.¹⁴¹ The APPG LGBT notes that LGBTI refugees and diaspora can contribute unique, first-hand perspectives of the asylum system in the UK, as well as the persecution LGBTI communities face globally.¹⁴² This hopefully marks the growth of a parliamentary trend to seek out and include the perspectives of LGBTI diaspora in the UK that can contribute to informing government policy on LGBTI issues in the UK and abroad.

Taking into account the organisations discussed here, it is evident that there has been a growth in the number of UK-based organisations that seek to support LGBTI refugees and asylum seekers in the UK, particularly in the past five to ten years, the growth of which is comparable to the broader growth in interest of international LGBTI issues. UKLGIG, Lesbian Immigration Support Group, OPAL, No Going Back, MRI, African Rainbow Family, ReachOUT, UNITY LGBT Support Group, amongst others that offer advice, organise support networks, campaign on behalf of LGBTI people going through the asylum process, undertaking and publishing research on LGBTI refugee and asylum seeker experiences in the UK. These organisations deliver different aspects of support that often work in overlapping and complimentary ways. The comparable origins and formation of these groups is also interesting, with several of the groups emerging as diaspora-led initiatives to support LGBTI refugees and asylum seekers, or LGBTI diaspora communities more broadly, such as Lesbian Immigration Support Group, OPAL, Rainbows Across Borders, and African Rainbow Family. On the other hand,

¹⁴⁰ For example, see: *Asylum in the UK: Information for Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People* (Scottish Refugee Council, Jul 2014).

¹⁴¹ See: APPG LGBT report; *The Report of the Inquiry*.

¹⁴² APPG LGBT report, 57.

organisations including No Going Back, ReachOUT, and MRI emerged to fill a gap in asylum services that were failing to adequately support LGBTI refugees and asylum seekers. The emergent trend of these organisations broadly reflects the general growth of LGBTI organisations with an interest in international LGBTI issues. The reasons for this trend are likely a combination of improving awareness, acceptance, and rights for LGBTI people in the UK that allows these groups to operate with greater freedom and flexibility. With regards to LGBTI asylum, a combination of legal developments in this field, coupled with a growing interest in international LGBTI issues internationally has provided fertile ground for groups to emerge. The emergence of diaspora-led groups is symptomatic of the growing strength of LGBTI diaspora communities in the UK that have created networks of support in the absence of more comprehensive support from broader civil society or the UK Government.

Queer Lives, Intersectionality and the Colonial Spectre

Whilst LGBTI asylum seekers may have more opportunities to access support and services in the UK following the developments outlined above, LGBTI people continue to face the pressures and challenges of being detained in the UK for seeking asylum from persecution based on their sexual orientation or gender identity.¹⁴³ Thus, the ways in which the UK Government has treated LGBTI people seeking asylum risks contradicting the UK Government's vocal support for LGBTI rights internationally. As highlighted by Dillane, what kind of message does it send to the international community that the UK detains LGBTI people who have sought asylum from homophobic violence, discrimination and imprisonment in their countries of origin?¹⁴⁴ Compare this to the issues raised in the previous chapter, particularly concerning the UK Government's support for virulently homophobic states, and the UK Government appears to undermine its own commitments to improving LGBTI rights internationally. Whilst appreciating the complexities of international relations, it is necessary to hold

¹⁴³ Dillane, interview; Ruth Hunt, 'When LGBT asylum seekers escape persecution... Britain locks them up,' Politics.co.uk (25 Oct 2016) [online]; Bachmann, *No Safe Refuge*.

¹⁴⁴ Dillane, interview.

governments to account to ensure that commitments to improving LGBTI rights translate into real action to improve the *lives of LGBTI people* internationally.

In a contemporary environment in which LGBTI rights are positioned as a virtue of the West as a consequence of pinkwashing modernity, simultaneous to anti-asylum sentiments against the backdrop of the ‘migrant crisis,’ it is perhaps unsurprising to find myths that suggest LGBTI asylum is an easy option for those seeking refugee status in the UK. For example, in August 2015, the *Daily Mail* claimed that posters in the migrant camps at Calais were encouraging migrants to lie about their sexuality as a way of claiming asylum in the UK.¹⁴⁵ UKLGIG noted that there was no evidence of any such posters, and that stories such as these perpetuate myths that seeking LGBTI asylum is an easy option, highlighting that ‘LGBT people face significant obstacles in navigating the complex and frequently unsympathetic UK asylum system.’¹⁴⁶ Such myths appear to arise amidst inconsistencies between the ways in which states claim to value LGBTI rights and the ways in which states treat LGBTI people. For example, in 2014, Richard Lusimbo, a Ugandan LGBTI activist, was initially denied a visa to enter Canada to attend WorldPride in Toronto to share Ugandan LGBTI activism experiences, because of fears that he would claim asylum once he got to Canada.¹⁴⁷ Compare this to the apparent prioritisation of LGBTI people over non-LGBTI people in some instances of asylum applications, such as Canada’s acceptance of LGBTI Syrian refugees, but not single (heterosexual) Syrian men.¹⁴⁸ This is emblematic of the problem of prioritising LGBTI rights in certain situations that contributes to the perpetuation of myths about the prioritisation of LGBTI rights, which is problematic because the prioritisation of LGBTI rights does not always equate to improvements in the lives of *LGBTI people*.¹⁴⁹

¹⁴⁵ Emily Kent Smith, ‘Say that you are gay to get to the UK: Posters tell migrants they can lie about their sexuality to claim asylum,’ *Mail Online* (5 August 2015) [online].

¹⁴⁶ UKLGIG, ‘UKLGIG statement on “false” LGBT asylum claims: no significant evidence people are lying about sexuality to claim asylum’ (5 Aug 2015) [online]; Dillane, interview.

¹⁴⁷ xtraonline, ‘Ugandan gay rights activist.’ See also: D’Amours, ‘Canada denies visa.’

¹⁴⁸ Scott Long, ‘Cairo, and our comprador gay movements: A talk,’ *a paper bird* (22 Jun 2016) [online]; Patrick Kingsley, ‘Canada’s exclusion of single male refugees may exacerbate Syrian conflict,’ *The Guardian* (24 Nov 2015) [online].

¹⁴⁹ Sibongile Ndashe, ‘The single story of “African homophobia” is dangerous for LGBTI activism,’ in *Queer African Reader*, Sokari Ekine and Hakima Abbas, eds. (Oxford: Pambazuka Press, 2013), 160-161. See also: Melissa Autumn White, ‘Ambivalent Homonationalism: Transnational Queer Intimacies and Territorialized Belongings,’ *Interventions: International Journal of Postcolonial Studies* 15:1 (2013).

Evaluating UK-based NGOs that engage with international LGBTI issues reveals an apparent lack of an articulated, concrete vision of the end-goal of UK-based strategies to improve LGBTI rights internationally, particularly regarding how the outcomes of such strategies work towards the intersectional benefits of LGBTI people.¹⁵⁰ NGO interview participants, however, had a broadly positive outlook that more states will move towards decriminalisation and support for LGBTI rights in the next few decades, though recognise that some states and regions will take longer than others.¹⁵¹ The Assistant Director of Kaleidoscope highlighted the role of Southern states, such as Latin American states, in leading on the issue of LGBTI rights internationally as a positive development, further noting that Northern governments should do more to support Southern states to lead debates internationally.¹⁵² Interviewees from both Kaleidoscope and HDT both noted how successes of and backlashes against LGBTI activism had regional and global impacts, highlighting the complex transnational nature of LGBTI activism that is likely to continue.¹⁵³ Cooper argues that the LGBTI ‘grassroots movement is never going to go away, it’s only going to get bigger and stronger despite the attempts to crush it.’¹⁵⁴

How UK-based NGOs support the international LGBTI grassroots movement will matter, particularly if they enact their commitments to working with and being led by local LGBTI activists. One UK-based activist argues that this is particularly important:

Give space and give voice to activists. So, whenever conferences are being organised, or whenever an article is being written, or whenever a documentary is being done, it’s not a Western narrative, but it’s voices that are coming from the country and explaining the situation.¹⁵⁵

There is evidence that this is increasingly being enacted by UK-based actors, as seen in the inclusion of Southern voices at conferences concerned with international LGBTI

¹⁵⁰ Alimi, interview.

¹⁵¹ Assistant Director, Kaleidoscope, interview; Cooper, interview; Tatchell, interview.

¹⁵² Assistant Director, Kaleidoscope, interview.

¹⁵³ Assistant Director, Kaleidoscope, interview; Cooper, interview.

¹⁵⁴ Cooper, interview.

¹⁵⁵ UK-based European LGBT activist, interview.

issues.¹⁵⁶ UK-based NGOs should be held to account to ensure that this practice continues, and that this commitment to include Southern voices continues to inform international strategies. Also, UK-based NGOs should continue to work with UK Government bodies to ensure that all UK-based strategies on international LGBTI rights are informed by consultation with activists in the Global South. In the same way, UK-based NGOs should ensure that UK Government commitments to improving LGBTI people's lives is reflected in improved support for LGBTI asylum seekers in the UK. Such an approach, however, should also look towards contributing support to improving the asylum system as a whole, to ensure that LGBTI issues are not perceived to be prioritised at the cost of other marginalised or disenfranchised people, as has been perceived at the international level.

The emergence of diaspora-led organisations in the UK should be encouraged and supported by existing NGOs, as they add a valuable voice to UK-based approaches to transnational LGBTI activism given their first-hand experiences of LGBTI discrimination and violence in various contexts, be it in their country of origin or in the UK asylum system. There is evidence of UK-based NGOs actively engaging with LGBTI diaspora in the UK, either through campaigning and activism, or supporting diaspora-led organisations in the work that they do. UK-based NGOs should continue to draw upon LGBTI diaspora experiences, and encourage the UK Government to do more to recognise and support their contributions to transnational LGBTI activism. Whilst the APPG LGBT report does include a recognition of diaspora experiences and contributions to UK-based activism, it would be welcome to see the UK Government acknowledge this by effectively improving the ways in which the asylum system and UK society treats LGBTI diaspora communities. That being said, engagement with LGBTI diaspora in the UK should not be a substitute for continued engagement with LGBTI communities internationally.¹⁵⁷ Indeed, at the heart of this is the need to acknowledge how collective engagement at multiple levels can contribute to the development of effective transnational strategies that draw on a range of LGBTI experiences. To do so allows for a contemporary realisation of the complex impact of the colonial legacies that are a central issue for the UK's involvement in this space. By

¹⁵⁶ For example: Overseas Development Institute, 'Can aid donors help?'; 'LGBTI Human Rights in the Commonwealth Conference 2014'; Kaleidoscope, 'Inspiring seminar.'

¹⁵⁷ Onwuchekwa, interview.

acknowledging and accepting responsibility for its historical influence on contemporary realities for LGBTI people internationally, UK-based actors, from NGOs to government bodies, can act reflectively and responsibly, mitigating practices and accusations of neo-colonialism that undermine effective action.

Conclusion

I do think we should challenge ourselves to climb a step further and try to see the whole scene, to abandon for a moment the detailed picture (LGBT) and look at the broader one (human rights).¹

Since 2011, UK-based engagements in transnational LGBTI activism have continued to evolve, with the emergence of UK-based NGOs dedicated to improving LGBTI rights globally playing a significant role. UK-based NGOs have continued to refine their strategic engagements in transnational LGBTI activism, with the range of NGO strategies ensuring that the UK space offers multiple approaches to supporting LGBTI rights globally. Although NGOs declare a shared commitment to the importance of ‘working with local actors,’ it is evident that solidarity has sometimes been selectively enacted, whilst the prioritisation of LGBTI rights risks obscuring broader challenges that LGBTI people face beyond their sexual orientation and gender identity. This highlights that there remains scope for UK-based NGOs to demonstrate a more thorough commitment to intersectional approaches to supporting LGBTI people globally, in a way that is responsibly reflective of the complex impacts that British colonial legacies have on the contemporary realities of LGBTI peoples’ lives internationally.

Examining UK-based NGO engagements reveals a range of strategies, from protest actions, to lobbying the UK Government, to supporting LGBTI activists in different states with financial assistance or strategy sharing. UK-based NGOs also play an important role in raising awareness of contemporary challenges for LGBTI people

¹ Anguita, ‘Aid conditionality,’ 11.

globally, with public lectures and conferences providing forums for information sharing, usually bringing international voices together to discuss issues affecting LGBTI communities and transnational activism. Whilst there is some overlap in NGO strategies, with a common emphasis on decriminalisation and the Commonwealth, NGOs tend to specialise in certain areas of transnational LGBTI activism, such as development, litigation, or LGBTI asylum. One common theme amongst UK-based NGOs is their insistence on the need to ‘work (in solidarity) with local actors’ when engaging in transnational activism. Whilst engagement with local actors may inform NGO strategies, instances such as the furore over the Brunei case demonstrate that Western outrage is sometimes prioritised over transnational solidarity and coordination with local activists. The ways in which NGOs respond to increased public mobilisation on international LGBTI issues will continue to be a challenge, particularly in ensuring that activism strategies remain effective. Central to this is the importance of NGOs educating domestic constituencies about the realities and nuances of transnational activism.

Examining the contributions of UK governmental actors to international LGBTI rights reveals the ways in which UK-based NGOs engage with and attempt to influence government strategies. This is most evident in the involvement of UK-based NGOs in the founding of the APPG on Global LGBT Rights. The influence of NGOs is apparent in the APPG LGBT’s first report, which echoed the main arguments and ethos of NGOs, including an emphasis on ‘working with local actors.’ Whilst it remains to be seen how much impact the APPG LGBT will have on government policy, it has the potential to influence improvements in the ways in which governmental actors engage with and respond to international LGBTI issues. For example, whilst the FCO is involved in discussing and supporting LGBTI rights at multiple levels internationally, and has developed good working relationships with states and NGOs in this area, concerns about the deprioritisation of LGBTI rights within the FCO should continue to be examined. Similarly, NGOs and activists should continue to hold the UK Government to account to ensure greater clarity and coherency in governmental strategies, and that professed support for LGBTI rights is enacted effectively. The UK Government’s deployment of LGBTI aid conditionality narratives was illustrative of the ways in which Western governments and international institutions attempt to appease domestic audiences at the cost of effective international progress. The failure of UK-based NGOs to effectively

respond to LGBTI aid conditionality discourse reflects a common problem in the UK space of prioritising LGBTI rights, missing the broader complexities and intersectional implications of Western development and foreign policies on the lives of LGBTI people globally.

In recognition of these tensions, the thesis has sought to highlight how the spectre of colonialism influences and shapes contemporary international relations and the ways in which UK-based approaches have failed to fully engage with the broader complexities of these historical legacies. For example, whilst the legacies of sodomy laws are broadly recognised by UK-based actors, there is little to suggest that UK-based NGOs have developed effective strategies to engage with the broader legacies of colonialism, such as the structural, economic and political inequalities of the international system that are perpetuated by Western states. The failure of UK-based NGOs to recognise the irony of advocating a ‘redirect aid’ narrative as a counter to LGBTI aid conditionality revealed an ignorance of aid relations in the context of the colonial spectre. UK governmental actors, such as Cameron, failed to appreciate or take responsibility for the UK’s central role as an imperial state, thereby appearing to enact a neo-colonial approach to ensuring LGBTI rights that provided homophobic elites in the Global South with a clear framework with which to delegitimise local LGBTI civil society.² The threat of LGBTI aid conditionality, or other threats to impose LGBTI rights from the West, is now an ever present strawman that homophobic elites can invoke at will. It remains to be seen how UK-based actors will contribute to mitigating the effects of this incitement to discourse of LGBTI aid conditionality. Perhaps quiet diplomacy by the FCO, or collaboration within TCEN and Commonwealth civil society, despite their own limitations, may have the potential to gradually erode the damaging influence of the colonial spectre on international LGBTI rights discourse and transnational activism.

Whilst the thesis emphasises the importance of highlighting the influence of colonial legacies on contemporary international relations, the singular focus of UK-based actors on British responsibility for sodomy laws is problematic, particularly when it suggests ‘justification for British action.’³ Though the UK should accept responsibility and apologise for the implementation of sodomy laws, this should be part of a broader

² Penny, interview.

³ APPG LGBT report, 12-13.

recognition of the myriad harmful legacies of empire. Singular focus on sodomy laws detracts from the responsibility of states to have maintained such laws and adopted them as their own, ignoring the complex influences and manifestations of homophobia globally. Recognising British responsibility for colonial legacies should inform contemporary strategies to act responsibly in light of the impact of such legacies on contemporary international relations. For example, the UK should work with and support allies in the Global South to lead improvements on LGBTI rights globally, rather than attempting to levy economic and political power to coerce states as though it has the superiority to do so.

Accepting responsibility for colonial legacies should extend to recognising the UK's responsibility for ensuring better treatment of LGBTI asylum seekers, directly affected as they are by the legislative relics of colonialism. Accepting responsibility for the broader legacies of colonialism, however, also requires an evaluation of the asylum system as a whole, ensuring that the UK's commitments to human rights are realised in the fair treatment of refugees in the UK. This presents opportunities for intersectional politics that extends activist engagements beyond a singular focus on LGBTI rights. For example, even where LGBTI asylum seekers do not face homophobia in detention centres, they are still detained in much the same way as any other vulnerable person seeking asylum. Similarly, UK-based NGOs engaged in transnational LGBTI activism should also be aware of and challenge homonationalist deployments of LGBTI rights, which undermine intersectional politics by manipulating a focus on LGBTI rights for racist political objectives. NGOs should likewise challenge homonationalist discourses that pinkwash conceptions of Western modernity, which legitimise neo-colonial interventionism, by contributing to efforts that educate domestic constituencies on the complexities of transnational LGBTI engagements and the limitations of feel-good, accessible activism. In doing so, UK-based NGOs should articulate more thoroughly intersectional strategies that demonstrate appreciation for the complexities of lived experiences of LGBTI people globally, noting that the limits of our participation in emancipatory struggles should not end at the borders of LGBTI identity.

Whilst these recommendations present challenges for UK-based NGOs given the relative youth and limited resources of the space, they are necessary points of engagement if NGOs are truly committed to supporting LGBTI communities globally. As evidenced in this analysis, UK-based NGOs, as well as UK governmental actors,

have not always acted in the best interests of LGBTI communities, though NGOs have continued to evolve and improve their strategic engagements in transnational LGBTI activism, contributing to successes of a worldwide movement. Opportunities have arisen through collaboration with transnational networks as NGO approaches to international LGBTI rights have matured, and which will hopefully continue to improve so long as commitments to working with local actors continue to be realised through an intersectional politics, appreciative of the complexities of colonial legacies. The 2018 CHOGM to be held in the UK will present an opportunity for UK-based NGOs (and the UK Government) to demonstrate whether they can present a coherent and nuanced approach to LGBTI rights in the Commonwealth, drawing on TCEN and transnational activist collaborations. The colonial spectre will continue to infect the dynamics of international relations, though by confronting the tensions and complexities of the UK's historical and contemporary complicity in the impact of colonial legacies, UK-based NGOs can contribute to mitigating its more harmful effects on LGBTI people globally.

Directions for Future Research

Building upon Waites' analysis of 'the new London-based trans-national politics of LGBT human rights,' the thesis has produced an analysis of the broader UK-based NGO space to examine a bigger picture of UK-based engagements in transnational LGBTI activism, including the role of diaspora-led organisations, and organisations involved in LGBTI asylum, such as UKLGIG.⁴ This allowed for a more detailed understanding of UK-based engagements with the intersections of colonial legacies and international LGBTI activism as a central aim of the thesis. Following from the example of Waites' examination of Kaleidoscope and its involvement in TCEN, however, there is scope for more detailed analysis of any one of the UK-based NGOs considered in this thesis.⁵ More detailed research into both well-established NGOs, such as Stonewall or UKLGIG, and newer, growing NGOs, such as MRI or OPAL, would be of interest and enhance an understanding of these NGOs' participation in UK-based transnational LGBTI activism. Following the lines of inquiry introduced in the thesis, such research could further examine NGO interaction with other NGOs in the UK and internationally,

⁴ Waites, 'New Trans-National Politics.'

⁵ Waites, 'LGBTI organizations navigating.'

and with UK political actors, as well as further examining their contribution, or lack thereof, to a radical, decolonising transnational LGBTI political activism. Based on the experience of conducting research for this thesis, such research could face limitations from the reluctance of some NGOs to participate in such a close examination of their work.⁶

Building upon the themes explored in the thesis, further research into the growth and impact of diaspora-led LGBTI organisations and activism in the UK would be of particular interest, especially given the lack of attention given to LGBTI diaspora involved in transnational activism in current academic research. Whilst some research has been produced by UK-based NGOs on the experiences of LGBTI diaspora, this has mostly focused on the experiences of LGBTI asylum seekers, rather than analysing the *impact* of LGBTI diaspora on UK-based LGBTI activism. This would contribute to a more comprehensive understanding of UK LGBTI activism spaces and transnational organising beyond the more professionalised NGO networks (such as the Doughty Street Group). Dillane has expressed interest in exploring the impact of LGBTI diaspora on UK-based activism, though notes that the capacity of NGOs such as UKLGIG to conduct such research is limited.⁷

Reflecting on the significant contribution of interview data to the development and analysis of the thesis, it is a regret that more interview data could not be collected with members of diaspora-led NGOs and organisations that support LGBTI asylum seekers in the UK. Several difficulties hindered the arrangement of interviews with such groups, including poor or infrequent communication, or unfortunate timing and lack of resources. Most diaspora-led organisations that were approached for interview were keen to participate, even if interviews were not eventually secured, suggesting that organisations would be willing to participate in future research projects. Anyone engaging in research with such groups should note the voluntary nature of most of these

⁶ Note, however, IGLHRC enabling Thoreson's in-depth research: Thoreson, *Transnational LGBT Activism*.

⁷ Dillane, interview. Dillane will become executive director of Kaleidoscope in March 2017, so it will be interesting to see how his experiences of working with LGBTI refugees intersects with Kaleidoscope's focus on the Commonwealth and TCEN. See: Kaleidoscope Trust, 'Introducing Our New Executive Director of Kaleidoscope' [online].

organisations, and the limited staff and resources that they have available, on a professional and personal level.⁸

The thesis recognises the importance of situating an analysis of UK-based NGOs within a broader examination of UK-based approaches to international LGBTI rights, particularly the role of UK governmental actors and their participation in international LGBTI strategies. There is scope for further research on the evolving strategies of UK governmental actors, such as the FCO and DFID, as well as the interactions between NGOs and government actors in shaping broader UK contributions to international LGBTI activism. Of particular interest is the APPG LGBT's potential to contribute to facilitating effective dialogue and influence between UK-based and international NGOs, and the UK Government. Also, if government departments eventually respond to NGO requests to publish data related to LGBTI issues, particularly DFID regarding LGBTI rights in development strategies, and the Home Office regarding LGBTI asylum figures, then such data would be useful for detailed research into these departments' strategies as they concern LGBTI lives.

Finally, the 2018 CHOGM to be held in the UK will provide an excellent opportunity for research examining how far UK-based engagements in international LGBTI rights have come since the problematic interventions at the 2011 CHOGM in Perth. It will be an opportunity to observe whether UK-based NGOs have developed nuanced strategies in their engagement with transnational networks, such as TCEN, and whether the UK Government can meaningfully contribute to a productive discourse on LGBTI rights, attentive to the colonial legacies woven into the fabric of the Commonwealth with the return of the CHOGM to the metropole.

⁸ Dillane, interview.

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