

“ TURNING POINT

President Goodluck Jonathan signs the Same Sex Marriage (Prohibition) Act into law

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Mark Gevisser's last book, *Lost and Found in South Africa*, was shortlisted for the 2014 Jan Michalski World Literature prize. His previous book, *Thabo Mbeki: The Dream Deferred*, won the Sunday Times Alan Paton Prize in 2008. He is currently working on a book on the *Global Sexuality Frontier* — about how a new global conversation about sexuality and gender identity is changing the world. His journalism has appeared in many publications, including *Granta*, *The Guardian*, *The New York Times*, the *Mail&Guardian* and the *Sunday Times*.

The global culture wars

As some states advance the notion of ‘universal human rights’, others insist it is a violation of their cultural sovereignty. And that’s where things get really political



In 2013, the Supreme Court of the US struck down the Defence of Marriage Act, there was federal recognition of same-sex unions and Queen Elizabeth II signed into law Bills enabling full marriage equality for British homosexuals. Six months later, on January 12 2014, Nigeria's President Goodluck Jonathan signed the Same Sex Marriage Prohibition Act, just a few weeks before President Yoweri Museveni signed a similar act into law in Uganda. The Ugandan law was declared unconstitutional on procedural grounds, but looks likely to be reintroduced into parliament soon. A troubling new global equation seems to be coming into play: the more rights are won by sexual minorities in some parts of the world, the more they are lost in others.

Nigeria's new legislation makes it illegal not only to have any kind of homosexual relationship, but to exhibit any kind of homosexual behaviour; worse yet, you will find yourself in contravention of the law if you do not inform on others, including members of your own family. In thinking about the new global debate on homosexuality and the effect it is having in Africa, I have chosen President Jonathan's silent, somewhat secretive stroke of the pen on January 14: because of Nigeria's size and importance, and also because the president had made it clear privately, that he did not wish to do so. That he was propelled towards signing it marks a turning point in the increasingly fraught discourse on sexuality rights in Africa, and, specifically, in the way ground is being won by the anti-gay voice, with its toxic admixture of religious fundamentalist fervour and knee-jerk anti-imperialism.

The actions of these Nigerian and Ugandan leaders — followed in November by the Gambian President Yahya Jammeh — take place within a broader context, which we might call "The Global Culture Wars". This has played out at the United Nations. Here, some states in the West and all of Latin America, along with some Asian countries, advance the notion of "universal human rights" and insist that this include full rights for sexual minorities. Others insist the above is a violation of their "cultural sovereignty", that "traditional values" must be respected: these include Russia, the

Muslim world, and most African states.

In a vote on the issue at the United Nations Human Rights Council (HRC) in September last year, South Africa was the only African country that voted "yes" on a resolution to continue investigating human rights violations on the basis of sexual orientation and gender identity: even so, this country has backed off, dramatically, from its previous leadership of the "yes" camp, because of the fervour of the "no" voices in its own neighbourhood, and its own geopolitical aspirations to lead Africa. Still, it was interesting to note that of the 11 other African states currently serving on the 46-member HRC, three abstained (Burkina Faso, Namibia and Sierra Leone) and one stayed away (Benin). Things are not as black and white as they might initially seem.

Seen within this context, President Jonathan's stroke of the pen, like President Museveni's, is a gesture towards re-establishing "traditional values", or "cultural sovereignty" against the inevitable onslaught of globalisation, and all the vectors of this force which have brought the notion of LGBT rights to the African continent in the first place. These include the global human rights movement, but also the information revolution and the social media explosion; unprecedented urbanisation and industrialisation, economic migrancy and global tourism; global commodity culture and multinational corporatism.

Presidents Jonathan and Museveni are sophisticated men. They know that an anti-gay act is no bulwark against any the above, and in fact they embrace and encourage many of the effects of globalisation, which is why neither of them wanted to sign their

respective parliaments' bills in the first place. They also do not want to be out of step with their big buddy across the Atlantic. But their hands were tied by their fear of being seen as "Western stooges", and by the polemic of a pernicious new rightwing Christian ideology that Pentecostalism has been blowing across the continent, at almost the same time — and in reaction to — the human rights messages that the global human rights movement has blown in the other direction.

This polemic aims to inoculate a supposedly pure Africa against immoral Western infection with the kind of legislation that has been passed in Nigeria, Uganda and Gambia. Ironically, the very notion of such legislation was introduced by American missionaries, who have set out to save souls in Africa — much as the previous wave of Victorian missionaries did — because they have lost the battle back home. By buying into it, African leaders can send an easy whipping boy — the homosexual — to the gallows to "prove" their Africanness to their own constituencies, and perhaps even to themselves, even as they roll over, inevitably, for the forces of globalisation which they cannot control. In the Nigerian context, the strongest threat of this globalisation comes not from the West at all, but from globalised Islamism and its contempt for political borders. The new African homophobia is a product of fear: a fear of losing control in a world increasingly without borders.

"There's now an attempt at social imperialism, to impose social values," said President Museveni when he signed his country's bill into law in February last year. "We're sorry to see that you (the West) live

the way you live but we keep quiet about it." This statement represents another turning point: whereas an earlier generation of African homophobes, such as Zimbabwe's Robert Mugabe, deny the existence of African homosexuals, Museveni acknowledges them: this is one of the victories of Uganda's vibrant LGBT rights movements. But he is right about a profound difference in how African and Western societies deals with sexuality. While there have, of course, always been African homosexuals, gay African culture is a very new phenomenon on the continent, outside of South Africa and perhaps Zimbabwe and Namibia. The notion of sexual orientation as a political or social identity, one deserving of rights and equality, is a product of Western liberal democracy, where capitalism and urbanisation made it possible for people to uncouple themselves from family and fealty, and to develop a sense of personal autonomy. This is precisely what is now happening in African societies, and what African patriarchs fear so much.

Explaining why his country still criminalises homosexuality, Senegalese President Macky Sall said last year: "You have only had same-sex partnerships in Europe since yesterday, and yet you are asking for it today from Africans! This is all happening too fast. We live in a world that is changing slowly!" Leaving aside the disingenuousness of the statement — no one in Senegal, or Nigeria, or Uganda is asking for gay marriage, but simply for basic protection from harm — it is quite simply wrong. The world is changing quickly, and African governments are not managing to keep up with it.

Certainly, the West is asking for change from countries that still criminalise homosexuality, and is even willing to use controversial levers such as sanctions, when these countries ramp up official homophobia. But this misses the point too. Africans are asking for change themselves, and are beginning to exercise their personal autonomy by going online, or watching satellite television, or travelling, or moving to the cities away from their parents, and encountering a world of new liberties. Other Africans are frantically trying to set up the floodgates against this, with reformatted Christian and anti-colonialist rhetoric. There will be social and political conflict around the rights of sexual minorities in Africa for years to come.



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