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Homosexuals in the Periphery: Gay and Lesbian Rights in Developing Africa

Brett Kennedy

Abstract: Slowly but surely American and Western European culture is being eased into an approximate acceptance of homosexuality and other non-heterosexual orientations. Great leaps have been taken in the past four decades to improve the quality of life for non-heterosexuals in almost all parts of the developed world. However, in those countries which lie on the outside of this small core group of economic power, the issue of gay rights is often not even considered. In this analysis, I will be looking at the attitudes and treatment of homosexuals in developing Africa. Primarily, the focus will rest on South Africa and its neighbors. South Africa, being among the more 'developed' countries on the continent, has in its constitution a provision for the protection of the rights of people of all sexual orientations. This is in high contrast to many of the surrounding countries in which homosexuality is illegal and severely discouraged. I will consider the causes and effects of the differentiation in attitudes and policy between South Africa and other countries in this region.

Introduction

Amid armed conflict, the HIV/AIDS pandemic, the collapse of health care and educational systems, and inequalities within countries and among continents that defy every principle of social justice, the consequences of political leaders vilifying marginalized groups may seem small. They are not. These attacks serve a political distraction from urgent social and economic needs. They divert debate away from reaching solutions, toward seeking scapegoats. They strike at communities' capacity to accommodate diversity and accept change (Long 2003: 10).

It's one thing to have your rights and equality in the law, it's quite another to have in each day in the street, at work, in the bar, in public places (Jessie Duarte quoted in Massoud 2003).

In 1996, South Africa adopted “one of the most progressive and inclusive constitutions in the world” (Isaack 2003). Emerging from oppressive apartheid rule, the new government, led by the African National Congress (ANC) party and President Nelson Mandela, had been drafting the constitution for six years. Since its inception in 1990, there has been a provision in the bill of rights to include “sexual orientation” as a status against which it is illegal to discriminate. To further protect its citizens and prevent any form of discrimination, the Bill of Rights was created to be horizontally and vertically implemented in that it applied to both the government and the private sector (Isaack 2003). This constitution was the first to legitimize Gay, Lesbian, Bisexual, and Transgender (GLBT) rights by law. This momentous event was a culmination of years of hard work by a gay and lesbian community which had only recently become politicized. Though deep race and class divisions still remain in South Africa, the new constitution and government has been a platform on which to base social reform. However, despite general growth in awareness and tolerance, homophobia and heterosexism remain prevalent, especially in the former townships and other poor neighborhoods.

As South Africa is struggling with acceptance, its neighbors have implemented policies of oppression. Rwanda, Zimbabwe, and Namibia encourage and reinforce homophobic attitudes among their populations through hate-filled rhetoric and general intolerance. Robert Mugabe, president of Zimbabwe, has led the homophobic charge against gay rights. He has notoriously said, and often repeated that, “I don’t believe that they [homosexuals] should have any rights at all” (Palmberg 1999). This sentiment is echoed by leaders in the other two states. They have begun to use homophobia and hate speech as a way to control and redirect public opinion. Sam Nujoma, president of Namibia until November 2004, adopted Mugabe’s stance on homosexuality and continually referred to it as a primary problem facing his country (Long 2003). By using homosexuality as a scapegoat, the leaders of these countries, all embroiled in economic and social turmoil, are able to misdirect the attentions of their populace.

From basic human right to hated scapegoat, the rights of lesbians and gays in Sub-Saharan Africa play dichotomous roles over narrow borders. As Donham notes, “In less developed societies of the world...transnational flows become particularly relevant in understanding the formation of sexual communities” (1998). South Africa is affected by the homophobic policy in its neighboring countries, while gay rights movements in those countries are empowered by South Africa’s success. Extensive parallels can be drawn between the historical development of South Africa and its

neighbors. These parallels include previous colonial rule, continuing economic and social subordination by former colonial powers, dependency on foreign aid, strong racial and class divisions, and active radical political movements. However, there are numerous and important differences which have affected their differential policies and attitudes towards gay and lesbian rights. In order to explore these differences, the history of GLBT rights movements must be examined in each country.

South Africa from Racism to Equality

The roots of South Africa's gay and lesbian rights movement lay deep in the midst of the apartheid era. Because of the prevalence and completeness of racial separation during this period there cannot be one contiguous history of activism in the country. It must be split, as the country was, between the races. In the beginning, gay groups were primarily based in large urban areas such as Johannesburg and Cape Town. These groups were dominated by middle-class white males who continued to constitute the majority of "out" homosexuals well into the nineties (Gevisser 1995).

The first legitimate and purposeful mobilization of homosexuals in South Africa was in 1968. In response to a police raid of a large 'gay party,' the government, through Minister of Justice P.C. Pelser, was pushing a bill through legislature which illegalized gay sexual relations. Though sodomy was already illegal under common law, the new draconian laws would make homosexual relations (male and female) punishable by a compulsory three year prison sentence (Palmborg 1999). Pelser justified the new law insisting that, "if unchecked, homosexuality would bring about the utter ruin of civilization in South Africa" (Retief 1995). Out of fear for their lifestyle a group of white, middle-class, male gay professionals formed the "Homosexual Law Reform Fund" or Law Reform, for short. The purpose of this group was singular; they raised money to fund lawyers to present their case against the law. On April 10, 1968, Law Reform called for the first public meeting of homosexuals in the history of South Africa, men were called on to donate money and evidence to the cause (Gevisser 1995). While the Law Reform gathered their evidence and had fund raising parties, the government was secretly investigating homosexuals:

The report of this investigation...was published in 1968...Perhaps the most memorable section is the report of a police detective who went undercover, tracked down some lesbians and gay men, and tried to find

out everything he could about the lesbian and gay community. A few “insights” from the cloak-and-dagger operation: queers usually occupy flats which they keep very neat and which they furnish fashionably; all true homosexuals drink excessively; a “dilder” [sic] is a rubber object that the butch lesbian utilizes. And, rather appropriately, “[in homosexual speech] uniform members of the police are known as ‘morons’” (Retief 1995).

In the end, the Law Reform Fund had paid off; the bill was not turned into law. However, some of the provisions which were included in it did. These included: (1) age of consent for homosexual acts rose from 16 to 19; (2) dildos are outlawed; (3) any homosexual act at a “party” (gathering of more than two people) is against the law. Immediately after the parliamentary committee released this report the Law Reform disintegrated back into isolated cliques (Gevisser 1995). However, the white gay community had demonstrated its ability to mobilize if necessary.

While in wealthy urban areas, white homosexuals were carving a niche for themselves and becoming more segmented from the mainstream, gay and lesbian identities in the poor, segregated townships were virtually non-existent. As Donham (1998) points out, “In apartheid era urban black culture gender apparently overrode biological sex to such a degree that it is difficult, and perhaps inappropriate, to maintain the distinction between these two analytic concepts.” Because of this emphasis on gender (a cultural construction), in these townships, gay male culture was centered on cross-dressing and sexual role playing. The receiving male was called, in slang, a *stabane*, literally a hermaphrodite; township people found it easier to accept gender non-conforming males as girls, or as a mixed, third sex (Donham 1998). These boys were raised as girls, dressed in women’s clothing, and did work traditionally done by women. They also often worked as prostitutes in local *Shebeens* (unlicensed, illegal bars). The tradition of cross-dressing is still prevalent in many groups of township homosexuals today, though they now identify themselves as *skesanas* a word which implies both the receptive role in sex and the female role in a relationship, or as one *skesana* put it, “a boy who likes to be fucked” (McLean & Ngcobo 1995).

It was not until 1982 that the two homosexual worlds of South Africa finally met. In this year the Gay Association of South Africa (GASA) was formed; this was the first African organization that approximated the gay and lesbian movements found in the Western world. Though in the beginning the group consisted entirely of white middle-class males, it was the first gay organization in South Africa

which gained a somewhat considerable black membership. Focusing on providing social services and counseling, GASA clearly stated itself as completely apolitical (Kovac 2002). For a few years, GASA formed an important centerpiece for a gay community which desperately needed a foundation on which to stand. But, as Gevisser (1995) pointed out, “GASA’s avowedly ‘apolitical’ stance was a major attraction; ironically, it was ultimately the reason for its collapse. It attempted to remain outside the political fray at a time in South African history when this was untenable.” As the anti-apartheid movements picked up steam in the mid-eighties, an important figure emerged from GASA. Simon Nkoli, a young black man from Soweto, though a minor in the GASA organization, was a very active in the youth anti-apartheid movement. He was arrested and tried along with Nelson Mandela in the famous Delmas Treason Trial. When Nkoli was shipped off to Robbin Island to serve his two year sentence with many members of the African National Congress (ANC), Nkoli became a world-famous figure for gay rights (Gevisser 1995). Gay and Lesbian rights organizations around the world rallied behind him, except for GASA, which was severely condemned for their inaction. Because of this they were expelled from the International Lesbian and Gay Association. Soon thereafter the organization dissolved (Kovac 2002).

Out of the ashes of GASA formed a number of racially mixed, militant, and politicized lesbian and gay organizations. Groups such as Gays and Lesbians of Witwaterstand (GLOW) and Lesbians and Gays against Oppression (LAGO) quickly allied with and fought alongside the anti-apartheid movement. This solidified their place in the new government created by the ANC and the United Democratic Front (UDF), a coalition of anti-apartheid groups to which some of the gay organizations belonged (Gevisser 1995). Because of their active participation in the formation of the new South African government, gay and lesbian rights activists were able to have a voice in the creation of the new constitution. It was this voice which led to the inclusion of the Sexual Orientation clause of the bill of rights.

Though the GLBT rights movement in South Africa has certainly accomplished much in the short time of its existence, there is still much to be done; the constitutional provision that the groups had worked so hard for needs to be reinforced in the courts. The National Coalition of Gay and Lesbian Equality, an umbrella organization for 74 different gay and lesbian groups across South Africa, was formed in 1996. Their objective was two-fold—to fight the anti-gay laws in the courts and through lobbying, and to fight homophobia through education (Massoud 2003). The group orchestrated a number of important legal victories. The first goal was to repeal the sodomy laws,

which degraded lesbians and gays as second-class citizens. These were easily repealed, as their unconstitutionality was seemingly obvious to all. The group continued to win cases, though surprisingly, “the state has contested in court almost every single precedent setting case meant to define those rights under the Equality Clause—including, astonishingly, defending the constitutionality of the sodomy laws themselves” (Isaack 2003). As Sheila Croucher (2002) notes, the struggle against apartheid created an “opportunity structure” in which gays and lesbians could assert their rights. The movement has significantly avoided the alliance of a single party, while firmly opposing the creation their own. Their goal is to create a movement which is all-inclusive of all political views.

Next Door: Homophobia Surrounds South Africa

Long (2003) notes: “Unable to protect their populations against the public health disaster generated by HIV/AIDS, as well as political and economic crisis, southern African governments have fallen back on the language of protecting ‘cultural authenticity’”. And nowhere in Africa is this attempt to maintain control more apparent, and successful, than in Zimbabwe. For more than a decade, President Robert Mugabe has been constantly and loudly denouncing homosexuality as a “Western perversion” and an aspect of “neocolonialism” (Palmbert 1999). In 1989 the Gays and Lesbians of Zimbabwe (GALZ) formed as a support group for closeted gays. Like in South Africa, the composition of this group was almost entirely white, middle-class, and male. Internal racism hindered the group’s effectiveness, even as a social society, despite supposed “racial reconciliation” policies designed by Mugabe (Coutinho 1993).

The group functioned beneath the radar for five years, until they applied for a stand at the International Book Fair held in Harare. Since the Sodomy Common Law is still extant in Zimbabwe, President Mugabe told the Book Fair Board to turn down the GALZ application on moral and legal grounds. The board did so, if grudgingly (Long 2003). The following year GALZ once again applied for a booth, and bravely the board accepted. However, there was so much violence threatened towards GALZ by groups incited by homophobic rhetoric from Mugabe that they couldn’t remain at their stand.

As the conflict between GALZ and Mugabe grew, the white members of the group, who were wealthier and had much more to lose should the president out them, quickly left, and were replaced by militant, politicized black men and women. Though lacking support from any of the NGOs in Zimbabwe, GALZ continues to battle

Mugabe's rhetoric. The battle is an uphill one. The majority of the media in Zimbabwe is owned by the state, and is therefore Mugabe's most powerful tool in fueling homophobia in the country (Long 2003).

Sam Nujoma, president of Namibia, was quick to realize the effectiveness of Mugabe's strategy. He too, was leading a sinking economy and was surrounded by dissidents. Nujoma echoed the homophobic sentiments, blaming homosexuality on 'neocolonialism,' saying, "It should be noted that most of ardent supporters of this perverts [sic] are Europeans who imagine themselves to be the bulwark of civilization and enlightenment" (Long 2003: 26). Nujoma has announced that no foreign homosexual will be allowed into Namibia and, that they will be turned around and put back on the plane they came in on. The Deputy Minister of Lands was quoted, "Homosexuality is like cancer or AIDS and everything should be done to stop its spread in Namibia" (Palmborg 1999: 283). However, unlike Mugabe, Nujoma has experienced considerable resistance from human rights organizations. Sister Namibia, a women's rights organization, has created "The Rainbow Project" (TRP), a group dedicated to the support of lesbians and gays in Namibia (Palmborg 1999).

In Botswana, attitudes towards homosexuals are similar. A recent study has shown that gays, lesbians, and bisexuals experience heightened levels of distress due to "social isolation, criminalization of same-sex behaviors, and unmet health care needs" (Ehlers et al. 2001: 10). In Botswana, common law against homosexuality remains on the books, but unlike in South Africa, where the law was 'sleeping,' in Botswana it is certainly active. Before a debate on homosexual law reform the vice-president said, "The law is abundantly clear that homosexuality, performed either by males or females, in public or private is an offence punishable by law" (Long 2003: 48).

Shared Borders, Divergent Viewpoints

Homophobia doesn't come from one culture as opposed to another. It comes from isolation and traditionalism...apartheid brought homophobia in because they felt threatened and they wanted to circle the wagons, hang on to the Afrikaner's traditional family with a servant wife bearing sixteen sons to the farmer...and then homophobia came to the townships because apartheid cut them off from communication and change (Mazibuko Jara quoted in Long 2003).

It is readily apparent that there is an intense contrast between attitudes towards homosexuality in South Africa and those in Zimbabwe, Namibia, and Botswana. While South Africa leads the

world as one of the most constitutionally progressive states in the world, Zimbabwe is considered the most homophobic state in Africa. And yet they share 225 kilometers of borderlands. The homophobia set off by Mugabe was not intensely initiated until 1996, which was the same year that South Africa voted in the new constitution. Has South African liberal policy affected its neighbor's policy towards homosexuality? Has the homophobic rhetoric found in the neighboring countries affected attitudes in South Africa?

The reasons for South Africa's inclusion of the sexual orientation provision in their constitution cannot simply be dismissed as the cause of an active gay and lesbian rights movement. The circumstances of the anti-apartheid movement likely had as much to do with the new government's willingness to listen to groups like GLOW and OLGA, as with the general atmosphere of acceptance which was so prevalent. After the oppression of apartheid, "few if any political parties wanted to be seen in the media promoting any form of animus in light of South Africa's history of brutal racial injustice" (Massoud 2003). With the different parties fighting for votes, everyone knew that each vote was important. Any opposition to the inclusion of 'sexual orientation' would be likely slandered in the media.

Gay-bashing and rape is still a disturbingly common occurrence in South Africa, especially in townships. Among lesbians in poor neighborhoods, fear of gang rape is an everyday occurrence: "Homophobic violence is...formulated in relation to the subversion of norms, particularly norms around masculinity" (Reid & Dirsuweit 2002). Because lesbians challenge male sexuality, qualitative data (obtained through interview) has demonstrated that lesbians are disproportionately subjected to rape, particularly gang rape. In addition, police are less likely to help gay and lesbian individuals, despite required sensitivity training (Reid & Dirsuweit 2002).

South Africa's struggle against oppressive apartheid rule was based on the end of an oppressive racist regime; their new government was based on acceptance and public input and was highly influenced by the time that the ANC members in exile spent in Europe. The struggle for independence in Zimbabwe and Namibia both were involved in violent guerrilla operations which, in Zimbabwe, toppled the dominant white government. In Namibia, the South-West African Peoples Organization (SWAPO) fought against the South African government until it was finally granted statehood through the UN peace plan. Both the lack of a politically-active gay and lesbian rights movement and an atmosphere of war and violence likely contributed to both countries negative attitudes toward homosexuality.

Certainly, it is fortunate that the political climate in South Africa allowed for such a progressive and open constitution. However, even within that country, the fight for equality is far from over. Systemic homophobic violence still persists in many neighborhoods, and gays and lesbians do not know how to exercise the rights given to them by the constitution. Groups such as NCGLE must continue to push for more education and the country as a whole needs to continue economic development to shrink the gap between rich and poor. If the people in the townships stay poor, unemployed, and uneducated, they will be more likely to fall victim to the homophobic rhetoric that crosses the border: "The state is no longer the primary target or ultimate goal of new social movements that are more focused on the social domain, or civil society" (Croucher 2002).

Acknowledgments

I would like to thank Beth Klopping, Dr. Robert Hitchcock, Ben Purzycki, and the *Nebraska Anthropologist* Editors for all of the assistance and encouragement I received while writing and editing this article.

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