

# Uganda's anti-homosexuality bill: looking beyond a single explanation – By Kristof Titeca

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A primary school reenactment of the signing of the anti-homosexuality bill.

Last Friday, a wealthier primary school in the suburbs of Kampala had a special occasion during their Friday Assembly (in which students hold performances): the P2 class [reenacted the signing of the anti-homosexuality bill](#) by President Museveni. [One kid was dressed as President Museveni](#), wearing his distinctive hat, and a smart jacket – he was surrounded by his classmates who were acting as MPs, and one was dressed in uniform to represent the military. After signing the bill, ‘Museveni Junior’ told the other kids “Fellow Ugandans, this is our country. We should not accept cultures and values imposed on us. I am, therefore, signing this bill into law to stop all immorality.”

In doing so, it shows a dominant explanation of Museveni’s signing of the anti-homosexuality bill: provoked by [Western insistence](#) on the issue, Museveni had no choice but to sign the bill. In other words, there is a clear cause (Western activists’ unproductive insistence on the issue) and effect – the bill becoming law. Other analyses emphasise how the [“tussle over gay rights has drawn attention away from Mr Museveni’s increasingly autocratic rule”](#).

These sets of analyses emphasize how the Ugandan regime was the main agent, wanting to divert attention from other issues. In this piece, I want to question these single explanations. Instead, I want to highlight how due to a range of factors, Museveni was no longer in full control over the bill, leaving little other option than to sign it. More generally, different actors have been trying to influence the bill and had an impact on the debate – not always in the ways they intended to – such as Western donors. In this context, it is hard to put ‘blame’ on one particular set of actors, be it American evangelicals, Western donors or a master plan of the Museveni regime: all of them played a role in the bill becoming law.

**Museveni’s balancing act**

A crucial point is that President Museveni has never been an outspoken supporter of the bill, instead being rather dubious about it: he was fully aware of the disastrous international consequences. In his [first public reaction after the introduction of the bill](#), he argued how it did “not represent the party of government position” and how “Uganda cannot risk its foreign policy by allowing the Bill to pass in its current form”. In the following years, the bill was weakened and consistently shelved, (in 2009, 2011 and 2013), until it reappeared on 20th December 2013, when it was passed by parliament.

After its passing, Museveni continued to pursue an ambiguous position: he claimed how the bill was passed [without his consultation, and in a rushed manner](#), by a small number of MPs led by speaker Kadaga. This had then forced him to look further into the matter. In his interviews and statements, Museveni has consistently focused on two issues: On the recruitment of homosexuals (and related with this, the ‘recruited’, those who become homosexuals for ‘mercenary reasons’), and secondly, ‘exhibitionism’ of homosexual behavior. In doing so, he left a loophole, being that there was a possibility that certain people were ‘born homosexual (...) rare deviations in nature from the normal’. In doing so, he could both satisfy the domestic constituency – he was criticizing homosexuals - but also the international constituency, by leaving this loophole open. For example, even after announcing that he was going to sign the bill, in a [response](#) to Obama’s criticism, Museveni argued how he encouraged the US government to provide evidence that some people are born homosexual, which would then allow him to review the legislation.

It is important to remember that the bill has to be seen within the national political context: on the one hand, the bill coincided with the political ambitions of a range of actors, in which for example speaker Kadaga is rumored to be interested in Museveni’s position. The anti-homosexuality bill, around which she has been actively mobilizing, is an excellent platform for this. On the other hand, it has to be situated in a power struggle between government and parliament, in which the latter increasingly wants to assert its power. Both of these factors help to explain how the bill was passed in parliament [without being announced on its agenda](#), in order to avoid actions from the government - Prime Minister [Mbabazi tried to block the bill at the last minute](#) as it was being passed without the necessary quorum.

This internal political climate helped the bill to gain increasing prominence and importance within the public debate which was in turn further fueled by external interventions: not only by [American evangelicals](#), but also through Western pressure. This allowed Ugandan political actors to build further political capital. As highlighted by many analyses, the gay rights agenda is perceived in Uganda as an imperialistic, neo-colonial Western agenda. [Picking a fight with donors over this](#) ‘invasion’ is politically very productive and unites many Ugandans.

Lastly, the bill was not only the product of national-level political calculations and international pressure, but also because it was popular at the local level: constituencies want their MPs to deliver on the bill. After being introduced, and certainly after the bill acquired its specific meaning as an anti-Western instrument, it was very difficult for MPs to follow Museveni’s position, or any other actor opposing the bill. Churches also played an important role. Not only evangelical churches, but also other (traditional) churches have consistently supported the anti-gay bill, but on a [local](#) and [national](#) level.

This context made it increasingly difficult for Museveni in balancing both domestic and international interests: nuanced positions became almost impossible; certainly after the bill had passed parliament. Reflecting his personalized rule, Museveni traditionally has a firm grip

on the parliament, and particularly over contested legislation such as the anti-homosexuality bill, which he managed to contain for years. After the bill had passed parliament, he was no longer fully in control.

The tipping point seems to have been the NRM caucus in early February in Kyankwanzi where Museveni was publicly endorsed as the NRM flag bearer for the upcoming 2016 elections, and which has led to [Museveni's public announcement](#) at the same event of his intention to sign the bill. Although he kept his options open after this – as shown above, he invited the US to bring more evidence – when this was picked up by the [international media](#), showing the West to be in charge, Museveni had no choice other than to sign the bill – not doing so would make him politically too vulnerable. The [East African](#) for example quotes insiders saying that public statements of Western leaders, including Obama “smacked of arrogance” leaving Museveni no choice but to sign it “to salvage national pride”.

### **A diversion from whom?**

Another important point is the diversion argument, in which it is argued that diversion from internal politics is the main reason of existence for the bill. This is certainly a factor, but probably not in the way it is presented. First, the term ‘diversion’ suggests a level of instrumentality and unity within the regime which does not exist, as has been shown above. This becomes clearer when looking at the lifespan of the bill: it does not appear that the bill was introduced by MP Bahati as part of a larger plan to divert attention from broader political issues, rather than by personal political ambition and his links with evangelical churches. When looking at the way in which the bill was used, one could however make a point for diversion, as the bill [re-appeared at critical moments](#) (although one could argue that, given the regime’s governance record of the last years, such moments can be found at any point of its recent history). In other words, it is difficult to see diversion as the cause of the bill, but it is nevertheless an important outcome as it was used in this manner: the passing of the bill into law further confirmed this, as the popularity of the President and the regime strongly increased.

Second, a distinction needs to be made according to the audience it wants to divert attention from. Internationally, it certainly did not do the job: there has never been more attention for Uganda and its politics. Historically, the donor audience naturally ignored draconian measures of the Museveni regime: given its geopolitical (and particularly regional military) importance, recent measures which are closing down the political space, through for example the public order management bill, or the treatment of opposition politicians, have mostly been ignored. Yet, the anti-homosexuality law managed to get the spotlight on the regime, and seems to succeed where other measures failed, in provoking world-wide condemnation and a number of aid cuts.

Another outcome is that the law gives the regime ammunition against potentially critical voices, and can be seen in the context of other recently introduced laws such as the public order management act or the anti-pornography bill. [According to the Minister of ethics](#), the latter law allows the arrest depending on “the way in which one talks, dresses or walks which is deemed provocative or likely to cause sexual excitement.” (...) “Anything that provokes, stirs or creates unnecessary sensitivity...” In other words, these laws allow draconian measures to be taken in various fields, but all of which may succeed in further narrowing down the political space, rather than the stated objectives of the laws in the social sphere.

It is unclear to what extent the police are actually going to arrest women in mini-skirts; and these laws therefore seem to reflect a broader tendency allowing the regime to build up a range of judicial measures which it can use à la tête du client to silence critical organisations. The fact that 'pro-gay' or 'pro-pornography' propaganda are vaguely defined, only adds to the discretionary power of the regime. The laws do not only offer formal ammunition to the regime, but also morally: as [Andrew Mwenda argued](#), while before the law critical politicians could for example be accused of rape (as infamously happened with main opposition candidate Kiiza Besigye), they can now be accused of being homosexual. The fact that Mwenda – who is outspoken against the law – is now referred to as homo by Ugandan tabloids seems to prove his point.

### **Identity politics as mobilization platform**

Every society has will have a number of internal cleavages running through it, these may include ethnicity or sexual identities. None of these are necessarily defining for the politics or society of which they are part. Yet, as has been proven extensively for ethnicity, identity politics is a very effective tool for political mobilization: it is difficult to find a more effective mobilization platform than the development of an 'us vs them' discourse, particularly if the 'other' is an exotic minority, about which little is known. Sexual identity has only recently become an important factor in Ugandan society and politics, as the issue has become politically mobilized by a range of actors.

It is important to mention that the identity politics surrounding the anti-homosexuality bill has different layers, and is not limited to 'anti-gay' vs 'pro-gay': the more prominent the issue became, the more it became a debate about other issues: Africa vs the West, about the protection of African culture, and on an individual level it is perceived to be about the protection of its own family. All of these help to understand why it is deemed important on a local level, why Western public statements might be counterproductive, and why the issue is an important mobilization platform.

Finally, in this snowball effect in which the issue became more and more important, it is difficult to see how it will play out, and how it will be implemented. A good point of comparison is perhaps the recently introduced anti-pornography law, in which there are increased reports of harassment of people, in which [mobs undress people for 'indecent dressing'](#), forcing the police to issue [a statement warning the public](#) to stop undressing women wearing miniskirts. It has to be noted that, different from the anti-pornography law where this 'popular implementation' started almost immediately; so far this does not seem the case for the anti-gay law. This does not mean that the national state will be able to fully control the issue: a major problem will be how individual actors will understand and enact the law.

In other words, once the gay issue was introduced as a political factor, it was hard to foresee where it would end up – as various actors positioned themselves around it, and had an impact on the debate, external pressure and various forms of internal domestic pressure further fed into each other, both leading to a further prominence of the debate. In this rather unpredictable environment, which was, and continues to be dominated by short-term calculations and an increasingly intense political climate, it is difficult to attribute 'blame' to one particular actor: this became particularly clear in the period between the passing of the bill in parliament late December and the actual signature late February, in which Museveni had to balance all of these factors and felt more and more cornered, ultimately leading to bill becoming law.

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**This piece was also published in a slightly different form on Matts Utas' blog:**  
**<http://matsutas.wordpress.com/>**