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The New Transnational Politics of LGBT Human Rights in the Commonwealth: What can UK NGOs Learn from the Global South?

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In recent years a significant new social phenomenon has emerged in global sexual politics, which can be identified here as ‘the new London-based transnational politics of LGBT¹ human rights’. This has consisted primarily of the appearance of new non-governmental organisations (NGOs) working internationally, specifically the Kaleidoscope Trust, the Human Dignity Trust and the Peter Tatchell Foundation, all formed in 2011; and also includes the development of national organisation Stonewall into increasing international activity. These organisations have, in particular, sought to foreground and utilise the Commonwealth of Nations – the inter-governmental organisation which emerged from the former British Empire – as a ‘political opportunity structure’ (Kitschelt 1986) for claiming human rights. The task addressed in this chapter is the examination of how this transnational political activity emerging from the UK can be analysed and evaluated through learning from struggles in formerly colonised states worldwide.

In light of postcolonial studies of orientalism and prevailing discourses (Said, 1978), recent critical debates have grappled with the problematic power of western societies in the contestation of LGBT human rights. Much debate has focused on Jasbir Puar’s (2007) conception of ‘homonationalisms’, whereby many western nationalisms are argued to endorse human rights related to same-sex sexualities while remaining problematic in relation to racism, ‘development’ and imperialism. Others influenced by this have raised concerns about ‘homocolonialism’ as ‘the deployment of LGBTIQ rights and visibility to stigmatize non-Western cultures’ (Rahman 2014: 6) - suggesting the need to contextualize invocations of human rights. Hence this chapter presents analysis of NGO approaches in ‘the new London-based transnational politics of LGBT human rights’, then draws contrasts with findings from previous cross-national comparative analysis of struggles for decriminalisation and human rights (Lennox and Waites 2013a). This process is conducted through a critical sociological analysis concerned with multiple forms of power and inequality, and yields findings about what might be learned in the Global North from movements and conflicts in the Global South (defined later) - particularly for UK-based LGBT transnational activism.

The chapter seeks to develop research on the global politics of lgbt human rights (Kollman and Waites 2009) by offering an original comparison between UK-based LGBT NGOs working transnationally, and analysis of their approaches. It takes the following structure. The first section ‘Human Rights, Sexual Orientation and Gender Identity in the Commonwealth’ introduces the Commonwealth and summarises existing comparative research on human rights,

¹ LGBT refers to lesbian, gay, bisexual and transgender, and is used here since this has been the predominant frame used by NGOs since 2011 (see discussion). It is recognised however that LGBTI – including intersex – is increasingly used (Kaleidoscope 2014: 9; LGBTI Human Rights in the Commonwealth conference 2014).

sexual orientation and gender identity in the Commonwealth context. The second section 'The New London-based Transnational Politics of LGBT Human Rights' starts by outlining existing LGBT activism globally, before focusing on analysis of NGO activity in London from 2011. The third section 'Learning from the Global South' brings the two previous sections together, comparing findings from national studies across the Commonwealth to the policies and practices of UK-based NGOs, in the context of postcolonial perspectives. The conclusion then reflects on what this analysis implies for debates over the global politics of LGBT human rights.

Human Rights, Sexual Orientation and Gender Identity in the Commonwealth

The Universal Declaration of Human Rights made by states of the United Nations in 1948 marked the founding of the global human rights system. But only later, particularly from the 1980s, did international human rights become identified as a medium to contest the social status of same-sex sexualities, and subsequently gender identity, leading to a 'human rights turn' by LGBT movements and ongoing conflicts (Kollman and Waites 2009: 4). This took shape partly through global power relations structured by imperialism and colonialism, and critical analyses of sexualities and gender have drawn attention to ways in which those relations are important to understanding human rights claims in particular contexts (Binnie, 2004). Meanwhile the sociology of human rights increasingly highlights how selective representations of human rights are mobilized by various actors (Hynes et al 2012). These themes are useful to keep in mind while approaching the Commonwealth as an international organization with an imperial history, and the records of its member states.

The modern Commonwealth emerged from 1949 out of the British Commonwealth of Nations that existed within the Empire from 1931, and is sometimes known as the Commonwealth of Nations to distinguish it from the Commonwealth of Independent States emerging from the former Soviet Union. Given the history, the current intergovernmental organisation needs to be understood in the contexts of racism, colonialism and imperialism. These include the history of slavery in the British Empire (Morgan 2008), and imperial violence and genocides, recognised for example by Stephen Howe (2012: 703-704).

Significantly the Commonwealth was late to becoming a 'human rights' organisation. In its major statement of principles the *Singapore Declaration* of 1971, reference to 'equal rights' appeared, but only explicitly with respect to issues of 'race, colour, creed or political belief' (Commonwealth Heads of Government 1971). Only in the Harare Commonwealth Declaration of 1991 did reference to 'fundamental human rights' appear (Commonwealth Heads of Government 1991).

An Eminent Persons Group established at the Commonwealth Heads of Government Meeting in Trinidad and Tobago in 2009 recommended that human rights become more institutionalised (Eminent Persons Group 2011; Commonwealth Secretariat 2014). Human rights were subsequently entrenched

in the Charter of the Commonwealth created in 2013 (Commonwealth 2013). It is significant that 'sexual orientation' and 'gender identity' are still not explicitly mentioned, although it is possible to argue that these are encompassed by 'other grounds'.

Commonwealth Secretary General Kamallesh Sharma only began speaking out against 'discrimination on grounds of sexual orientation' from 2011 (Lennox and Waites 2013b: 35). It is also noteworthy that on 19 December 2012, Foreign Ministers of all Commonwealth states adopted recommendation 60 of the Eminent Persons Group report, that:

Heads of Government should take steps to encourage the repeal of discriminatory laws that impede the effective response of CW countries to the HIV/AIDS epidemic [...](Eminent Persons Group 2011: 102).

However, governments have discretion on defining discriminatory laws (Kaleidoscope 2014: 11); clearly change overall remains very limited.

Comparative research on experiences in Commonwealth states was initiated in the volume *Human Rights, Sexual Orientation and Gender Identity in the Commonwealth: Struggles for Decriminalisation and Change*, published from the Institute of Commonwealth Studies (Lennox and Waites 2013a). The book focused on 54 (now 53) Commonwealth states, of which 42 criminalised same-sex behavior, representing more than half of the states in the world to do so - with most such criminal laws having been introduced by the British, others revising and partially replicating imperial statutes. The first quantitative analysis of legal change in all Commonwealth states is offered, and national case study chapters covering sixteen states by academics and activists which were used for comparative analysis (Lennox and Waites 2013b, 2013c). UK-based NGO Kaleidoscope Trust notably drew upon this in its report *Speaking Out* (Kaleidoscope Trust 2014a: 9-14).

The British Empire's criminalisation of same-sex behavior had initially been analysed in the Human Rights Watch report *This Alien Legacy* (Human Rights Watch, 2008; an abridged version was reprinted in the Commonwealth volume: Lennox and Waites 2013a). Criminalisation began with the Indian Penal Code created in 1860, in which Section 377 infamously defined 'unnatural offences' to include 'carnal intercourse against the order of nature with any man, woman or animal' (Waites 2010). The focus on penetration reflected the character of laws prohibiting buggery in the United Kingdom. However following creation of the offence of 'gross indecency' in the UK via the Criminal Law Amendment Act 1885, potentially encompassing all male same-sex sexual activity, colonial criminalisation similarly widened. The offence of 'gross indecency' between men was introduced across much of the empire, beginning in the Sudan in 1899. In some later contexts including African states, indecency laws were formulated as gender neutral. Some form of criminalisation for some or all same-sex sexual behavior was enacted in most of the imperial realm, and remains.

However, after the modern Commonwealth emerged it can also be noted that the United Kingdom was the first state to instigate decriminalisation – though initially only in England and Wales in 1967, only later Scotland in 1981 and Northern Ireland in 1982 (Waites 2013). The starting point was the Wolfenden report – formally the report of the Committee on Homosexual Offences and Prostitution (1957), a joint departmental committee of the British government. Led by Sir John Wolfenden and constituted of medical and social authorities, this made the groundbreaking recommendation that a ‘homosexual act’ in private, between consenting adults aged over 21, should not be a criminal offence. There followed a decade of lobbying by groups including the Homosexual Law Reform Society, leading to the partial decriminalisation in England and Wales (Waites 2013). Further decriminalisations occurred gradually in Commonwealth states, though typically partial, especially with respect to unequal age of consent laws: Canada in 1969, Australian federal states from 1972, Malta (1973), New Zealand (1986), The Bahamas (1991), Cyprus (1998), South Africa (1998), Vanuatu (2007), India (2009, reversed in 2013), Fiji (2010) (Lennox and Waites 2013b).

It is useful to consider how this chronology of decriminalisation has related to the Global North and Global South. Here the need for a social rather than purely geographical definition is apparent, yet definitions remain contested. The most widely used definition refers to the Human Development Index (HDI) of the United Nations Human Development Programme (2014), from which the 49 states categorised as having ‘Very High Human Development’ are often framed as ‘Global North’ in policy discussion. In the 2014 Human Development Report, rankings for Commonwealth states which have experienced decriminalisation are: Australia (2), New Zealand (7), Canada (8), UK (14), Cyprus (32), Malta (39), Bahamas (51), Fiji (88), South Africa (118), Vanuatu (131), India (135). So the first six of these states including Malta could be categorised as ‘Global North’, and there is a pattern of association between high development and early decriminalisation.

However it is important to problematise normative conceptions of ‘development’ and engage more critical definitions of the Global South as ‘a place that is less a place [...] than a condition’ (Lopez 2007: v). Relationships to colonialism and racism are usefully highlighted by this approach, which also implies attention to how these have shaped contextually specific forms of gender and sexuality. Even where a state-based analysis is necessary, an approach influenced by this is preferable and should also distinguish Malta, which benefitted economically from colonial trade and experienced limited racism towards the Maltese ethnic majority, from the Bahamas, which can be seen as more clearly on the periphery and subject to racism. From such a perspective more focussed on colonial power, it can still be argued that the first five Commonwealth states to decriminalise were in the Global North.

The first decriminalisation to take place in the Global South was in the Bahamas in 1991. Further decriminalisations in the South have been rare: South Africa in 1998; Vanuatu in 2007; India in 2009, followed by recriminalisation in 2013; and Fiji in 2010 (after a suspension from the Commonwealth had already begun, running until 2014). It has been argued that these decriminalisations are

particularly significant to study for developing strategies to win rights across the Commonwealth (Lennox and Waites 2013c).

The relationship of gender identity issues to the Commonwealth context is much less clear than for sexual orientation, given the history of imperial criminalisation of same-sex behaviour. However the ILGA report *State-Sponsored Homophobia* does cover laws relating to transgender experience (Itaborahy 2012). Generally Commonwealth states do poorly relative to all states globally. Reasons require further analysis, but it seems that states which move to non-discrimination with respect to sexual orientation are likely to be more liberal, and to consider progressive reform (see Lennox and Waites 2013b, 2013c). What is clear is that the criminalisation of same-sex sexual behaviour not only affects certain transgender people directly, particularly where they are perceived to be in a same-sex relationship, it also has considerable indirect effects. For example police harassment of people invoking prohibitions on 'unnatural offences' can be used to threaten hijra people – a cultural group often described as a third gender, outside the dominant gender binary in South Asian states (Baudh 2013).

In the following section I turn to explore recent UK-based attempts to address all these issues.

The New London-Based Transnational Politics of LGBT Human Rights

The emergence of a 'new London-based transnational politics of LGBT human rights' has become apparent as a feature of transnational social relations over the past five years. This has consisted primarily of the appearance of new non-governmental organisations (NGOs), specifically the Kaleidoscope Trust, the Human Dignity Trust and the Peter Tatchell Foundation, all formed in 2011; and has also involved Stonewall's development into greater international activity. While appreciating there are wider forms of transnational political activity by LGBT people and allies from the UK, outside London and often online, this focus reflects an emphasis on the central significance of NGOs mentioned. To understand the significance of this social formation in transnational politics first requires a brief overview of global LGBT organizing as context, after which it is possible to examine each of the NGOs mentioned in turn, including indicative comments on the racial/ethnic and class characteristics of their leaderships. Regarding research methods, data used has been selected from the websites of the organisations after several readings between January 2014 and March 2015, for content from 2011.

At a global level the oldest and most globally representative LGBT organization is ILGA, formed as the International Gay Association in 1978, now the International Lesbian, Gay, Bisexual, Trans and Intersex Association (Power 1991; ILGA, 2015). This organization was founded in the UK by Europeans and has been influenced by gay liberationism, later human rights and broader analysis of inequalities (Paternotte 2014). ILGA was joined in 1990 by the International Gay and Lesbian Human Rights Commission (IGLHRC, 2015), based in the United States,

contrasting with ILGA's European origins. IGLHRC contrasts to ILGA in key respects: its focus was human rights rather than broader inequalities and liberation; it also had less emphasis on national representation and participatory democracy (Thoreson 2014).

While ILGA and IGLHRC have been most prominent, a number of other organisations can be mentioned. ARC-International was created in Canada in 2003 to work on sexual orientation, gender identity and human rights; it is the longest-standing organization in Geneva to lobby the United Nations. Coalition of African Lesbians is just one alternative transnational example originating in the Global South. Also important are leading international human rights organisations which have LGBT programs, particularly Human Rights Watch, and Amnesty International. All these 'social movement organisations' play a key role in representing the transnational LGBT 'social movement' and form a 'social network' (Melucci 1996). All of this pre-existed the new London-based NGOs, which can now be discussed.

In the United Kingdom the most prominent and well-funded national organisation is Stonewall (2015a), working on lesbian, gay and bisexual issues - adding transgender only from 2014, although earlier in Stonewall Scotland. However Stonewall chose for a long time to limit its international work, discussed later (Stonewall 2015b). It was in this context from 2011, after approaches to Stonewall on international issues were not satisfied, that other organisations were created.

The most significant new organization to appear in London was the Kaleidoscope Trust, prominently launched at the UK parliament in 2011 and becoming a registered charity from 2012 (Kaleidoscope Trust 2014b). Its founding document stated the aim to 'promote diversity and respect for all regardless of sexual orientation', also stating it would deploy resources in relation to 'gender identity' (Kaleidoscope Trust 2011: 3), but the organisation has since become more consistently 'LGBT', with specific policies referring to 'LGBTI' from 2014 (Kaleidoscope 2014a: 9). Stated objectives included 'capacity building' in various countries, 'network development', 'opinion forming' and 'international lobbying and dialogue' (Kaleidoscope Trust 2011: 3).

Kaleidoscope was conceived and led by Lance Price, who formerly worked in the Labour Party as a special adviser to Prime Minister Tony Blair, and was well-connected in Westminster. Hence the initial leadership did not emerge from established LGBT activist networks, but was formed from the circles of political elites with related contacts, suggesting a mainstream orientation and lack of international LGBT relations. Statements of support at its inception came from Prime Minister David Cameron, Labour leader Ed Miliband, and Liberal Democrat leader Nick Clegg.

The place of gender identity in Kaleidoscope's initial aims was somewhat secondary to sexual orientation. The leading individuals who initially created and led this small organization - with only two full time paid staff by 2014 - were white, although the board had some ethnic diversity, and Siddarth Deva became

Acting Chair in 2014. Probably more importantly, the organisation's website initially gave little information on how it would achieve representation of, or work with, existing activist groups in different states and regions. This contrasted to the institutionalised practices of representation in ILGA. Kaleidoscope's emergence was thus indicative of the need to develop new forms of transnational working (Lennox and Waites 2013: 39).

Kaleidoscope's approach emphasising human rights, and particularly the value of contesting these in the Commonwealth, was captured in its report *Speaking Out: the rights of lgbt citizens from across the Commonwealth* (Kaleidoscope Trust 2014a). The Introduction by Chair Purna Sen, formerly Head of Human Rights at the Commonwealth Secretariat, argues that LGBTI people across the world 'are demanding... their rights... are protected under the law' (Kaleidoscope Trust 2014a). The report provides a 'platform' for 'contributors from across the Commonwealth' (p.10). However in Sen's Introduction and the opening chapter (pp.9-13), Kaleidoscope can be seen - in a sociological light (Hynes et al 2012) - to enact a subtle interpretation of the 'voices of LGBTI citizens' (p.10). Claims are made such as that 'The demands of LGBTI people in the Commonwealth are [...] to be included in what the Commonwealth itself says it believes in [human rights]' (p.10). The emphasis is on people's support for the moral universalism of human rights as principle, without distinguishing the issue of who is to claim those rights within states, and when. This has the effect of obfuscating the differential processes of claiming which are in fact taking place.

By contrast research evidence from LGBT social movement studies led by Currier (2009) in Namibia, and Jjuuko (2013) in Uganda, present a different picture, echoing studies in the sociology of human rights (Hynes et al 2012). The academic research shows that in practice movements in most contexts have made selective and delimited claims for specific human rights, according to strategic priorities - what Jjuuko (2013) calls an 'incremental approach'. This is not surprising, since this was certainly also the case in the United Kingdom, where for example an equal age of consent was claimed before same-sex adoption (Waites 2005). These variable sub-national processes of rights-claiming relate to Kate Nash's distinction between top-down 'global constitutionalist' and bottom-up 'subaltern cosmopolitan' understandings of how human rights can and should emerge (Nash 2012). Yet this tension between international moral universalism simultaneously claiming all rights and selective local/national political strategies is not recognised or addressed in the discourse of Kaleidoscope.

The figure of Kaleidoscope's Chair Purna Sen is a key example of an individual from the Commonwealth Secretariat, as an organization still somewhat infused with colonial attitudes, who came to occupy a key position in UK LGBT organizing. Her arrival with wide and intersectional human rights expertise, and as a South Asian woman from an Indian family, brought change to the leadership's previous narrower LGBT rights focus. As argued elsewhere however, this can be conceptualized with reference to the sociology of elites, whereby the circulation of elites allows for a few talented members of ethnic minorities to achieve meritocratic advancement within networks of postcolonial

governance (Mills 1956; Waites 2015). This affected how the Commonwealth's value as a political opportunity structure has been positively evaluated by UK-based LGBT NGOs, despite limited explicit attention to developing postcolonial strategies for North/South alliance building.

A second new London-based non-governmental organisation to emerge in 2011, also launched at the UK parliament, was the Human Dignity Trust (2014a). The Trust began as a UK company limited by guarantee, and gained charitable status in 2014. As clearly stated at the top of its website's homepage, the focus is 'Decriminalising Homosexuality by Upholding International Law' – hence it is concerned only with sexual orientation, not gender identity as such, and on decriminalisation rather than wider human rights struggles (Human Dignity Trust 2014a). In light of social constructionist, bisexual and queer theories of sexualities, the Trust's tendency to conflate sexual orientation with homosexuality and heterosexuality is unhelpful (Lennox and Waites 2013: 40b).

The organisation defines itself as a network to mobilise lawyers and law firms to provide assistance to local groups challenging criminalisation - this is offered 'pro bono' ('for the public good', on a voluntary or reduced fee basis). The Trust's formation was led by Chief Executive Jonathan Cooper, who was awarded the Order of the British Empire (OBE) for human rights work in 2007. Although the Chief Executive is white, the Trust has involved black barristers such as Philip Dayle who initially worked with J-Flag in Jamaica. The Trust is explicit on its limited political remit: 'The Trust does not campaign. We seek clarification of the law through test case litigation' (Human Dignity Trust 2014b). It states a commitment to only bring a case or intervene if acting in consultation with local groups (Lennox and Waites 2013: 40). However while its first engagement in Belize proceeded with agreement of the litigant Caleb Orozco of the United Belize Advocacy Movement (UNIBAM), Caribbean activist Colin Robinson argued there was a lack of engagement with the regional Caribbean Vulnerable Communities coalition and its pre-existing strategy (Lennox and Waites 2013: 41-42).

A third new organisation formed in London in 2011 was the Peter Tatchell Foundation (2014a). This grew out of Peter Tatchell's longstanding activism since involvement in the Gay Liberation Front in the early 1970s, and particularly with Outrage! as a radical direct action group from the early 1990s (Lucas 1998), together with other collective campaigns and individual work (Tatchell 2014). The Foundation's aims are clearly focused on human rights, in some contrast to the wider politics of equality, social justice and liberation which Tatchell has campaigned for:

The aims and objectives of the PTF are to raise awareness, understanding, protection and implementation of human rights in the UK and worldwide. (Peter Tatchell Foundation 2014b).

Hence formation of the Foundation was significant as part of a wider focusing on human rights in London-based transnational LGBT campaigning, indeed Tatchell collaborated with Sen on Commonwealth lobbying from 2009 (Waites 2015). However criticisms have sometimes been made of Peter

Tatchell's work, for example from African LGBTI Human Rights Defenders (2007) who found his initiatives insensitive to their contexts (Tauqir et al 2011; Long 2015). Hence the institutionalization of his activism, with growing resources and support from a board (apparently all white), posed questions about who was to be represented.

Returning to Stonewall, particularly since 2014 there has been increasing involvement in international activity, after earlier reticence partly related to problems of white leadership. By March 2015 two black individuals, Phyll Opoku-Gyimah and Sheldon Mills, were among the senior team of ten. The organisation's international campaigning is framed with reference to human rights, rather than more expansive equality politics; it supports 'LGBT human rights defenders around the world' (Stonewall 2015b). International Officer Jasmine O'Connor has played a key role. Stonewall hosts learning exchange visits for national LGBT groups worldwide, thus facilitating capacity building. When new Chief Executive Ruth Hunt replaced Ben Summerskill from 28 July 2014, a greater focus on international issues was clear in opening comments, and in 2014/15 one of six key priorities was 'Our friends abroad' (Stonewall 2015c). Hunt's ascendance posed questions about whether Stonewall might occupy international territory previously covered by other organizations, which remains unclear.

However by March 2015 the international web pages still focused on providing information, largely via links to ILGA and other organizations. There were only specific briefings on two states – India and Russia – plus webpages on Uganda, Nigeria and Brunei. Kollman (2014) has noted Stonewall's lack of reference to European examples in policy papers on partnership laws; its publications, research and consultations still do not focus on international issues

To summarise this section, the emergence in 2011 of three new London-based NGOs focused on LGBT human rights (only sexual orientation for Human Dignity Trust) marked a development of international significance. This needs to be conceptualised as an institutionalised social network and also as having characteristics of a social movement (Melucci 1996). The next section will elaborate key findings from comparative research on movements in different states, discussing what these imply for the London-based transnational politics of LGBT human rights.

Learning from the Global South

Key findings from existing cross-national comparative analysis (Lennox and Waites 2013) can usefully be summarised in relation to six themes. For each theme these findings will be compared to the existing practices of London-based NGOs. Hence new analysis can suggest how Global South activist experiences and analyses might better inform UK LGBT NGOs.

1. Decriminalisation is not always the top priority.

The first key finding is that 'decriminalisation' is not always the first priority of movements. This is particularly clear from the Caribbean, where in Trinidad and Tobago the key NGO Coalition Advocating Inclusion of Sexual Orientation (CAISO) has explicitly prioritised issues of hate crime and violence ahead of decriminalisation in its approaches to the national government (Gaskins 2013). It also emerges from South Asia, where interviews with activists in Pakistan, Bangladesh and Sri Lanka find that criminal law prohibiting same-sex sexual behaviour has been more rarely invoked in legal practice than in India, and even police threats to use such laws have been infrequent - with other laws more frequently used (Baudh 2013). Hence the connection between decriminalisation campaigns and lived experiences is far from straightforward; sexual health promotion or anti-violence work often have greater immediacy.

This clearly contrasts with substantial aspects of the London-based transnational politics of LGBT human rights as it emerged with an emphasis on decriminalisation. In particular the Human Dignity Trust is solely focused on decriminalisation through law. However while decriminalisation is central for Kaleidoscope, the Peter Tatchell Foundation and Stonewall they also have had broader human rights approaches. Nevertheless there has been a considerable emphasis on lobbying for legal changes relative to broader activist movement-building strategies being adopted by NGOs like CAISO.

2. Decriminalisation need not derive from global constitutionalism

A second central finding from previous comparative analysis is that decriminalisation has not only occurred through reference to international law or human rights as defined by the United Nations. This emerges from Gaskins' (2013) groundbreaking study of the Bahamas, the first Commonwealth state to see a decriminalisation in the Global South. He finds that the Bahamas decriminalisation in 1991 was not the result of a mass movement but occurred after a change of view to endorse the right to privacy by Attorney General Paul Adderley, who crucially made reference to this right in the national constitution (Gaskins 2013: 442). There does not appear a process in which human rights as defined by the United Nations were invoked legally or politically. What Gaskins account interestingly suggests is that the right to privacy in the national constitution was invoked without reference to other rights; hence as elsewhere, LGBT reformers do not always invoke all human rights together as an indivisible package.

As previously mentioned, British sociologist of human rights Kate Nash has characterised a certain understanding of human rights as developing through 'global constitutionalism', that is, through the international law and global human rights discourses, particularly from the United Nations (Nash 2012). The Bahamas case stands as an empirical refutation of such assumptions. This problematises assumptions which have been pervasive throughout the London-based transnational politics of LGBT human rights, that reference to human rights as defined by the UN must be central in legal and political activity. This is

evidently in tension with the Human Dignity Trust's definitive focus on transnational legal work, also an empirical corrective to the way that Kaleidoscope Trust (2014a) and Peter Tatchell Foundation (2014) tend to presume that human rights defined by the UN are always the appropriate frame to invoke rather than national constitutions. The Bahamas case suggests that national politics can work, so global or North/South international work may sometimes need to focus on supporting national responses. Relatedly, a need to avoid conflation between supranational and global emerges from attention to the Caribbean Vulnerable Communities coalition as a regional network, which activist Colin Robinson emphasises has international strategies (Caribbean Vulnerable Communities 2014; Gaskins 2013; Lennox and Waites 2013a).

3. Human rights can be won without a narrowly defined movement.

A third central finding from comparative analysis is that movements have not always needed to utilise narrow definitions of 'gay and lesbian' identity in order to win decriminalisations or human rights, as western scholarship has sometimes implied (Adam, Duyvendak and Krouwel 1998; Tremblay, Paternotte and Johnson 2011). Generally there is a need to understand the diversity of genders and sexualities that exist within different local, national and regional cultural contexts, and to interpret struggles in that light (Lennox and Waites, 2013b, pp.8-10; 2013c pp.508-514). In particular the India case shows that the Voices Against 377 coalition was explicitly and self-consciously 'queer', deploying that category in its central campaigning documents to include the vast range of relevant sexual and gender identities and experiences, including 'hijra' and 'kothi' (Waites 2010; Baudh 2013).

This contrasts with much of the London-based transnational politics. Again divergence from the Human Dignity Trust (2014) is most clear; the Trust advocates decriminalisation of 'homosexuality', repeating the Wolfenden report's conflation of acts and identities while rendering invisible bisexual and queer experiences. However there is also a clear difference with the Kaleidoscope Trust and its initial aim focused on sexual orientation, and treatment of gender identity as somewhat secondary (Kaleidoscope Trust 2011). Although Kaleidoscope moved to a more consistent emphasis on lesbian, gay bisexual and transgender (LGBT) human rights, and recently LGBTI on occasion (Kaleidoscope Trust 2014a), this still represents a use of western identity categories. Meanwhile Stonewall, having initially been 'lesbian and gay' had become 'lesbian, gay and bisexual' by 2011, but only added transgender work in 2014 (Topping 2014). The Peter Tatchell Foundation (2014) has a broad approach, often LGBT or LGBTI, sometimes venturing to be queer.

4. Avoid linkage of LGBT human rights to cuts to development aid

A fourth central point to emerge from comparative analysis was an opposition from activists in African states to linkages being made by Northern governments between development aid provision and LGBT human rights. This opposition

was stated clearly by leading Ugandan activist Adrian Jjuuko (2013), and by activist Undule Mwakasungula (2013) from Malawi, who commented:

In recent years we have seen how some donors, such as the British, have been threatening aid cuts if countries like Malawi do not decriminalise homosexuality. Unfortunately, such approaches are counterproductive as they evoke memories of imperial control (Mwakasungula 2013: 366).

This was in contrast to earlier comments of Peter Tatchell, who in 2008 called for the US State Department to link rights and aid (Tatchell, 2008). In 2009 he commented regarding Malawi that there should be 'no blank cheque' for countries that 'violate human rights', and that if diplomacy failed 'the UK should reconsider its aid and trade agreements with Malawi' (Scotsman, 2009). Prime Minister David Cameron subsequently proposed 'We want to see countries that receive our aid adhering to proper human rights, and that includes how people treat gay and lesbian people ... British aid should have more strings attached' (Long 2011; Lennox and Waites 2013b: 36-37). This was an approach lacking subtlety or strategy. Following a statement by African social justice activists opposing this linkage (reproduced in Tatchell 2011), Tatchell changed position in November 2011 to propose 'switching' aid: 'donor countries should divert their aid money from human rights abusing governments and redirect it to grassroots, community-based humanitarian projects' (Tatchell, 2011). Other NGOs such as Kaleidoscope and Human Dignity Trust did not take a stance linking human rights to aid. In 2014 Kaleidoscope hosted a seminar with the Overseas Development Institute which shifted talk of cuts towards possible targeting of aid.

5. Engage with religious traditions and beliefs

A fifth finding was the importance of engaging with religious frameworks of belief, traditions and cultures. This emerges most clearly in work of Shah (2013) on Malaysia, although is also clear in Baudh's (2013) discussion of Islam in Pakistan and Bangladesh, and in Ward's (2013) work on Uganda and South Africa. Shah argues that engagement with religious beliefs is essential in Malaysia as a 'Muslim-majority state', particularly since both the main political parties are Islamic. He argues that winning 'acceptance' of the existence of people with same-sex desire is an important starting point; and notes some Muslim religious experts internationally who see same-sex love as compatible with Islam.

By contrast London-based NGOs such as Kaleidoscope and Stonewall generally do not propose ways to positively utilize religious traditions. Peter Tatchell has been recently criticized for ill-conceived forms of activism including a placard stating 'Islam Nazis behead and burn queers' in 1994, though he argues this should be interpreted in the context of demonstrating against the radical group Hizb ut Tahrir (Tatchell, 2012; Hizb ut-Tahrir, 2015). While Tatchell (2012) argues that he has been equally critical of other religions, his criticisms of 'Islamic fundamentalists' have been perceived as problematic by critics like Puar

(2007, pp.17-22) although his 2014 move to become patron of anti-hate crime Muslim NGO Tell Mama seems constructive (Pink Paper 2014).

6. Understand human rights struggles in a broader intersectional politics

A sixth, final and centrally important theme is the value of understanding how human rights can be established within the context of a broader hegemony – a term describing a political and cultural formation, from Marxist Antonio Gramsci. This theme emerges in South Africa, where the African National Congress formed a hegemonic project coming out of the apartheid era, in which principles of equality and human rights became central (da Costa Santos 2013; Lennox and Waites 2013c: 524). Hence while most ANC supporters did not engage with sexual orientation before apartheid came to an end, the movement's ethos of equality provided the political opportunity structure in which key movement leaders including Mandela felt able to make South Africa the first state to place 'sexual orientation' in its Bill of Rights, within the new constitution of the 'rainbow nation'.

The lesson here is about how struggles in relation to sexual orientation and gender identity take place in the context of wider struggles for social justice and human rights along multiple axes of inequality. What is striking however is that the London-based transnational politics has tended to adopt the character of single-issue identity politics, claiming LGBT human rights. In Kaleidoscope, discourse initially could have been more sensitive to post-colonial dynamics or 'intersectional' strategies (Crenshaw 1989; Waites 2015). In 2013 its website proclaimed 'we're telling the Commonwealth' to support 'LGBT human rights', as if a UK-based NGO should be able to 'tell' the Commonwealth what to do, and as if the Commonwealth - with its London-based Secretariat - did not remain an organization considerably shaped by colonialism. The Queen remaining Head of the Commonwealth is still a substantial problem, especially as the only signatory of the 2013 Charter. There is a need for UK-based NGOs to more explicitly and consistently refer to other human rights such as in relation to racial discrimination and religion, in order to convince that they support human rights per se rather than only for LGBT people (Waites 2015). More explicitly anti-colonial and intersectional human rights discourse is needed, as in our recent *Statement* of the LGBTI Human Rights in the Commonwealth conference (2014), in Glasgow.

Frustratingly, despite sustained collaborative work on developing a postcolonial and intersectional framing in this *Statement* - between Kaleidoscope, Glasgow Human Rights Network, Equality Network and others - it is noticeable that Kaleidoscope's subsequent approach shows limited signs of change. The Commonwealth Equality Network of over 30 human rights NGOs, instigated by Kaleidoscope, wrote to the Commonwealth Secretary-General in March 2015 selectively quoting the Glasgow *Statement* in calling on the Commonwealth to act on LGBT rights. Yet it does so without making any similar mention of rights on racism and religion, or suggestions about how this could be done in a postcolonially sensitised manner (Commonwealth Equality Network 2015).

Conclusion

This chapter has analysed four organisations working on LGBT human rights, using six themes to compare experiences of LGBT movements worldwide to the recent practices of those NGOs. What emerges is a clear sense that the new London-based politics of LGBT human rights still has much to learn from sub-national, national and regional LGBT movements in the Global South. Given that the UK-based organisations formed in 2011 show no sign of having conducted or published any reviews of what could be learned from existing LGBT organizing globally before they commenced work, this is hardly surprising – instead these organisations have been learning on the job. No evidence appeared that existing global or transnational NGOs such as ILGA, IGLHRC, ARC-International or Coalition of African Lesbians were asked for advice or guidance, which certainly seems to speak of confidence and power in London, and a feeling of being at the centre of the world. The leadership of UK-based LGBT NGOs has tended to come from the circles of political elites, disproportionately from white middle class sections of the population; and while the desire to act internationally for human rights has usually been well-intentioned and achieved much that is beneficial, the willingness to act with limited contextual understanding – particularly to invoke the Commonwealth from the North without Southern leadership (Waites 2015) – does somewhat reflect experiences of privilege.

Certainly the organisations in London are not very similar, and to group them together as a single phenomenon has analytical limitations. However it is fair to speak of the London-based NGOs as having certain shared tendencies and characteristics. I have highlighted six tendencies as follows. First, a tendency to privilege decriminalisation of same-sex sexual behaviour in law relative to wider struggles for the social realisation of human rights. Second, a tendency to assume a global constitutionalist model of human rights whereby change occurs top-down, through international law and global deployment of UN human rights discourse. Third, a tendency to use narrow and western-originating identity frames such as homosexual or, more usually, ‘LGBT’; rather than more queer and open framings. Fourth, a tendency towards sympathy for linkage of UK development aid to the achievement of LGBT human rights in other states, initially via threats of cuts, more recently via suggested targetting. Fifth, lack of positive engagement with religious discourses and traditions, though with a few signs of change. Sixth, a tendency to approach LGBT human rights as a single issue rather than adopt a broader intersectional, multi-dimensional and anti-colonial human rights politics, or via broader strategising over cultural conflicts and the contestation of hegemony. This list of themes is intended to be suggestive rather than definitive; and it is crucial to emphasise that the extent to which any particular organisation corresponds to these varies.

There is ongoing contact of all the groups with Southern activists; the questions which remain concern the forms, degrees and depth of engagement, and crucially how engagement is constrained within overall conceptual framings. In particular a human rights universalist framing strategy is widely used, but there

is no consistent sense of these NGOs espousing or enacting intersectional and postcolonial framings and strategies. The issue of the global distribution of money is also noticeably missing; each organisation's website invites online donations via debit or credit card, but an appeal for funds from Ugandan NGOs in 2014 made by Kasha Jacqueline Nabagesera, did not appear prominently on the any of the four UK NGO websites. Hence the analysis suggests the need for a more critical approach to resources as well as discourses in the development of transnational politics.

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