A Raw Deal By Design: Why Would Uganda Import Homophobia and Export Oil?

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Introduction

As a masters student concentrating his studies in economics at the University of Chicago, I eagerly pursued, and somehow landed, an opportunity to spend a term at the London School of Economics. Having read a first degree in law, I was fascinated by the booming area of “law and economics” and the LSE was one of the few European institutions with a strong interest in this new intersection of disciplines. I arrived at the LSE unsure what I would do, but confident I would find new people, ideas, and literature to stoke my interest in interdisciplinary study.

The first lecture I attended was for a course called “Global Political Economy of Development,” taught by Dr. Robert H. Wade, who would, through a series of happy accidents in subsequent years, become my Ph.D. supervisor. The course was a rigorous thing and a series of new questions for a student like me, who had scarcely heard the term “political economy” while at Chicago and whose concept of international development was, in retrospect, embarrassingly simplistic (and, somewhat unsurprisingly, Chicago-centric in both its political and economic assumptions).

At that time, I had no intention of writing a Ph.D. and certainly had no intention of spending long periods of time abroad in developing countries as anything other than a

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1 Lecturer in Economics and Public Policy, Northwestern University. Thanks to my dear friend Elizabeth M. Schutte, who has always supported, critiqued, and improved my writing. Thanks to so many, including Abubaker Kasim, Tristan Burger, Sarah Carson and Tom Kirk, Casey and Zach Hoins, Beau Hopkins and Anna MacDonald, Heather Thorne Matthews, Martin Ojok, Solomon Okere, Willy “O.K.” Okello, Robert Okumu, Robert Okwonga, Christopher Oloya, Isaac Oniyat, Richard Oryem, Holly “Aber” and Ben Porter, Jill Shemin, Brooke Skinner, and the people of Gulu (particularly the people of Ariaga) for helping make my time living in Uganda so extraordinary – apwoyo matek! Thanks most of all to Beth Harrington, whose wonderful heart, open mind, and strong will helped guide us through a year of unforgettable adventures in Uganda. I am very grateful to ethnographer Elena Gonzalez-Polledo, who reviewed an early draft of this material and whose course was invaluable in helping me transform my field notes and journal entries into this piece. Thank you to Messrs. Keim and d’Souza for their edits. Errors belong only to the author. This Article is dedicated to brave people, communities, and organizations everywhere that have valued, and fought for, equality.

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tourist. That all changed when I traveled in rural Kenya in 2010 with my friend and colleague Katy McElligott and the President and Vice President of Grameen Foundation (Alex Counts and Camilla Nestor, respectively). I would later return to Anglophone East Africa as a Ph.D. student on fieldwork, living the proverbial stone's throw from the Uganda – South Sudan border.

I write this Article as a person trained in law and economics and it should be read with that skew in mind – perhaps taken with that particular flavor of salt. I am not a political scientist, ethnographer, or anthropologist, though this Article draws upon concepts and descriptive techniques from those disciplines. Much of what I offer is based upon my own field notes, observations, and conversations while resident in Uganda when these events took place. I had the misfortune of observing the imported homophobia that has penetrated and infected Uganda and feel I have not only a unique position, but also a duty, to explain here what I know of its origins, prevalence, and consequences.

I do my best here to refine, rather than dilute, my autobiographical link to the material discussed, as my feelings, experiences, and field notes are inexorably intertwined with underlying questions of history, law, and fact this Article discusses.

**Precolonial and Imperial Homosexuality in East Africa**

I. Historical Evidence

There is little evidence of the persecution, prosecution, or criminalization of homosexuality in precolonial British East Africa.

Occidental anthropological scholars of the independence era often observed practices – including formal and informal practices of prohibition – and recorded them in an attempt to model the politics of the regions they studied. If the highest crime in northern Ugandan culture were, in fact, homosexual sex, it seems unimaginable that this prohibition would not have been recorded. Yet, there is no mention in the relevant texts\(^2\) of aggressive policing – or Draconian punishment – of sexual activity. Dyson-Hudson does not mention the issue despite in-depth discussion of the Karamojong culture. Nor does the detention or killing of gay or lesbian people appear in Girling’s work on the Acholi or the Driberg-Hayley work on the Lango, two peoples situated in areas west from the Karamojong.

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If one continues even farther west, across the Nile primary tributaries and into Francophone Congolese Province Orientale, it is clear that homosexual practices have existed for centuries. Though I encountered few Azande in my time living in the region, their history of homosexual practices is particularly ritualized and hence well-documented. Thus, these practices seem worthy of brief discussion here.

Unlike Acholi history, which scholars (including Girling, who spent nine years attempting to build a consistent timeline of Acholi history) have noted for fifty years is contradictory and difficult to synchronize with Gregorian timelines, the history of the Azande is comparatively intact. The Zande people primarily inhabit the region near the tripoint where the Central African Republic, South Sudan, and the Democratic Republic of the Congo meet, though some substantial number of Azande have been transported to Arua District in northwestern Uganda through refugee migration flows. Azande located in the Congolese Orientale Province often speak Lugbara as a first language, which is also spoken in Arua. The linguistic challenges facing Azande who migrated further east may explain their absence in northern central Uganda, where the dominant languages (Acholi and Lango) are Nilotic and not mutually intelligible with central Sudanic languages like Lugbara, Aringa, and Ma’di (which are partially mutually intelligible and linguistically sympathetic in construction, conjugation, and word order).

There is substantial evidence that homosexual relationships were a central feature in Zande society prior to colonialism. Among the Azande, it was not uncommon to have sexual relations with men and even to have something akin to marriage, usually with younger boys. Evans-Pritchard and other anthropologists and ethnographers in the region during this time did not record harsh sanctions for homosexuality or any formal or informal hostility toward those engaged in homosexual activity.

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3 This is a relatively new province in the Democratic Republic of Congo with roughly the same geographical boundaries as the now-obsolete designation of Haut-Zaïre and contains districts along the Tshopo and Uele Rivers.

4 Azande is the plural of Zande, the latter being an individual person and also serving as an ethnic identifying adjective referring to both a culture and a discrete ethnic group.

5 The name of the Ugandan city of Arua comes from Lugbara. “Aru a” means, literally, the state of being in prison or imprisoned (or, less formally, being captured or, in the context of slavery, being reduced to possession).


7 E.E. Evans-Pritchard documented this and other boy-bride rituals during his time with the Zande in the late 1920’s.
The evidence from southern Uganda is less compelling – in either direction – mostly because the governance and law enforcement mechanisms in the south of the country remained hyper-local until the development of the Victoria waterfront road and the Kampala-Entebbe corridor during the colonial period.

However, most marginalized populations are classified. A central feature of most organized criminalization, stigmatization, or segregation of a group is the taxonomy governing how that group is different from other groups. Yet, while there are words used nationwide (despite Uganda’s linguistic heterogeneity) for new arrivals like white people (“mizungu” or “munu” from the Swahili) or aircraft (again, “dege” is derived from the Swahili) there is no nationwide word for homosexuality. It should be noted that the geographic range of these words is variable: common words like mizungu are used across sub-Saharan Africa. This is further explored in the etymological discussion at Part III, infra.

That there is no evidence of widespread formal or informal sanctions against homosexual individuals or groups in Uganda or the surrounding area during the precolonial and initial colonial periods further suggests that prohibition and punishment of homosexual sex is a modern, Anglo-American, and, hence, imported practice.

II. Legislative and Legal Evidence

Turning to an examination of precolonial (regional) laws in East Africa, and particularly the region now known as Uganda, there is little evidence of explicit sanctions against homosexuality.

Most “laws” in precolonial Uganda were promulgated through verbal commands that were repeated and enforced normatively. Social norms were both held by individuals and policed within communities. This is not meant, however, to say that the system for legislating these rules was simple; rather, it was very complex.8

There is little or no evidence of the criminalization of homosexuality in precolonial Uganda. As no written records exist of Ugandan laws promulgated in the Eighteenth Century or prior, a series of assumptions must be made about the continuity of Ugandan legal and regulatory culture during, and prior to, that period.

8 There are precolonial words in Acholi and Lango, for instance, clearly representing the distinction between advocates (attorneys) and legislators (“lapirida” and “lacung iwi bye” respectively), a distinction that did not exist in many languages prior to Occidental contact.
Crafting this series of assumptions is challenging, as Ugandan culture generally (leaving aside legal and regulatory culture for a moment) is not homogeneous nation-wide or even region-wide. Uganda has over forty living indigenous languages, in addition to several extinct languages and several European languages having established communities of local speakers (English being the most prevalent). These linguistic rifts do not occur at discrete borders, nor is the beginning of one language coterminous with the beginning of another – areas of overlap can stretch for hundreds of miles. Equally difficult-to-determine are ethnic and tribal borders, with many peoples claiming the same territories. Majorities by population in any given area are difficult to estimate, in part due to poor government recordkeeping for births and deaths.

If there was, in fact, precolonial criminalization of homosexuality in Uganda, it was so infrequently prosecuted or so poorly-communicated that no one remembers it - which, in a society that has preserved a remarkable canon of law and tradition through oral history and intergenerational tutelage, seems unlikely in the extreme. If there was a widespread homophobic tradition in Uganda, it would also be inconsistent with the Pew Research Center’s research on attitudes, which showed that 11% of Ugandans believe that homosexual behavior is acceptable (compare 1% in Kenya and Tanzania), unless these attitudes have inexplicably and dramatically changed.

III. Etymological Evidence in Acholi, Lango, and Other Languages

Katherine Fairfax Wright and Malika Zouhali-Worrall’s film, “Call Me Kuchu,” suggests that kuchu is, at least in parts of Uganda, analogous to the word “queer” in American English. This is both true and false. It is true in that it is a preexisting word repurposed to have a meaning related to homosexuality. But it is false in the word’s role in characterizing or categorizing individuals within (and excluding individuals from) society. In any event, no word is used uniformly throughout Uganda to refer to homosexuals.

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11 Meanwhile, words have been adopted nearly-nationally or at least super-regionally for important new post-colonial terms, such as “cilim” (pron. “chîl-ĕm”) for HIV-AIDS or “anyongo” for the type of measles that afflicts many parts of Uganda, suggesting that homosexuality is not conceptualized as an affliction or disease, unlike in mid-century
Of the more than forty languages in Uganda, I’ve only studied two Nilotic languages, Acholi and Lango. However, I’ve contacted anthropologists and linguists familiar with other precolonial East African linguistics and my general conclusions in this area seem to be consistent with – or at least not contrary to – their comments as to other languages native to Uganda. As such, I use the Acholi language as an example likely representative of linguistics within Uganda.

In my correspondence\textsuperscript{12} with Dr. Holly Porter,\textsuperscript{13} a colleague from the London School of Economics and an expert in Nilotic language, Porter notes that anal sex is generally considered wrong,\textsuperscript{14} regardless of the gender of the people involved. This is consistent with my understanding of culture in these regions.

To understand the linguistic underpinnings of this argument, one must first understand something of the belief in a greater cosmological construct that is relatively consistent across even heterogeneous populations in Uganda. In other words, even people who are from different tribes, have different ethnic identifications, have different languages, have different politics, and have different internal taxonomical categorizations of how they fit within society tend to share remarkably similar beliefs about the beginning and end of the universe and the nature of fate.\textsuperscript{15} These beliefs are reflected in Ugandan linguistics.

Again, for the sake of simplicity and consistency, I will use Acholi as the language for this conversation, though I believe the basic concepts apply broadly within (and even for a distance beyond) Uganda’s borders. In the village where I lived, where a largely agrarian landscape had been slowly hollowed out around a quasi-urban trading center, it was common (despite the presence of Western influences such as television, music, and so forth) to hear statements that relied heavily or completely upon cosmological beliefs shared by speakers and listeners.

\textsuperscript{12} Electronic mail exchange between Karl T. Muth and Holly Porter on June 19 and 20 of 2013 (on file with the author).


\textsuperscript{14} I use “wrong” here to mean “unnatural” and not to mean “criminal.”

\textsuperscript{15} “Fate” is an admittedly imperfect translation, but reasonably close for the purposes of this discussion.
For instance, when crops failed, it was common to hear the concept of “yir” used, or the phrase “an ki cena” or similar. This served as a way to explain why one farmer’s crop succeeded while the one nearby failed, and varied in its targeting – sometimes, it was a specific accusation that a spiteful neighbor or angry ancestor had placed a curse upon the crops, while other times it was a more nebulous, general accusation that a person’s normal ratio of “gum mabe” to “kec kom” had somehow been disrupted or spoiled. Many expressions in Acholi allude to the normal state of the world being somewhat positive, while negative events are atypical or extraordinary.

Because beliefs about the underlying nature of the universe are shared and can be nearly universally – assumed to be the same among Ugandans, normative rules can exist without any formal enforcement. Returning to the topic of anal sex, it is not wrong because it is “homosexual” but it is wrong because it is “kiir” or disruptive to the normal state of nature or the normal state of the universe.

There is, however, a term for male rape, which is “tek gung.” In the context of male rape, the purpose is seen to be illustrating one’s superiority, rather than demonstrating

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16 “Yir” can describe a physical, verbal, or even metaphysical or psychic act of invoking evil spirits. A person complaining of yir is often saying that spirits have tampered with his fortune or sabotaged his success.

17 “An ki cena” roughly translates as “I’ve had a spell put on me,” or “I’ve been cursed.” Within the sentence, “cen” is the concept of evil spirits or evil presence itself, which is roughly analogous to a “curse” in Western mythology. Note that falling victim to a spell or curse (“an ki cena!”) is very different from simply having had bad luck (“an koma kec totwal!”) or failing to manage one’s affairs well due to inability or incompetence (“pe atwer” or “itimo mara”). For more on “cen,” see Sverker Finnstrom, *Living With Bad Surroundings* at p.185 (2008).

18 Literally the ratio of luck to misfortune, or good luck to bad luck.

19 “Ping rac” means literally “ground bad” but means the entire situation around the speaker is unusually bad.

20 “Kiir” describes, quoting Porter, “some deep imbalance in the social and the cosmological world.”

21 For more on the prevalence and practice of male rape in Africa, see Will Storr, *The Rape of Men*, The Guardian (July 16th 2011), see also Grace Natabalo, *Male Rape Survivors Fight Stigma in Uganda*, al-Jazeera (April 12th 2013). Among the first people to document the scale of male rape in Anglophone Africa was Chris Dolan, who did his Ph.D. research twenty years ago not far from where I did mine. Dr. Dolan, cited in the Guardian piece, now works with the Refugee Law Project at Makerere University in Uganda.

22 “Tek gung” is literally “hard kneeling,” describing the position of the person receiving anal sex. As Dr. Porter notes, “hard on your knees” might be a better translation.
one’s homosexuality. In fact, where Man A is penetrating Man B, Man A is not considered to be homosexual.\footnote{See distinction in Occidental medicine between homosexual men and men who have sex with men, UNAIDS Policy Brief (2006) at FN1, available at www.unaids.org/en/media/unaids/contentassets/dataimport/pub/briefingnote/2006/20060801_policy_brief_msm_en.pdf (last accessed July 22nd 2013).} Man B, however, is seen as acting in a feminine role,\footnote{Men receiving anal sex are, oddly, said to be behaving like a wife, “gubedo calo ci,” despite the fact that Acholi wives are not normally expected to have anal sex with their husbands.} which is also “\textit{kiir}.” Porter notes that Ugandans have mentioned to her that this act is caused by angry ancestors, suggesting that cosmological imbalances – not homosexuality or heterogeneity in Ugandan sexual preferences – are to blame.

In normal discourse, the common perception is not that putting a penis into the anus of another person is wrong in a Western moral or quasi-theological framework, but that it is disruptive to the broader environment. Indeed, the explanation can be as simple as, “Where does it go, or does it go there?”\footnote{“\textit{Cun eni cito kwene?}” or “\textit{Cun eni cito kono?}” (lit. where should the penis go?; does the penis go there?)} The answer being, always, with no further explanation needed, “No, it (the penis) does not go there.”\footnote{Author’s field notes from field visit near Macho Dwogo market in Oyam, pp. 88-89. On file with the author.}

It is not difficult to understand why, in cultures with these beliefs about homosexuality, a formal blanket legal prohibition on homosexuality would not have evolved. Part of this is related to the concept that the future is not knowable,\footnote{A common Acholi saying, “\textit{anyim col},” means the future (lit. the area ahead) is dark (fig. unknowable).} but will happen within a range of predictable outcomes, unless something magical or very unlikely occurs (\textit{kiir}, \textit{yir}, or other supernatural\footnote{I use the term “supernatural” with hesitation. These events involving spells, spirits, and unusual disturbances in the cosmological state are “supernatural” from an Occidental philosophical or mythological perspective, but are not supernatural in the Ugandan sense. They are perhaps \textit{supranatural} rather than \textit{supernatural} – they do not run counter to nature, but rather run in concert with the natural state of things (this is written with a conscious awareness that the Anglicized use of Latinate prefixes has long since divorced itself from the accusative and ablative distinction between the two).} occurrences). But the belief is also that if the universe is balanced and all is well in the cosmological space, then anal sex will not occur for the same reasons the sky will not fall or the sun will continue to rise.

\footnote{24}{Men receiving anal sex are, oddly, said to be behaving like a wife, “gubedo calo ci,” despite the fact that Acholi wives are not normally expected to have anal sex with their husbands.}
\footnote{25}{“\textit{Cun eni cito kwene?}” or “\textit{Cun eni cito kono?}” (lit. where should the penis go?; does the penis go there?)}
\footnote{26}{Author’s field notes from field visit near Macho Dwogo market in Oyam, pp. 88-89. On file with the author.}
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\footnote{28}{I use the term “supernatural” with hesitation. These events involving spells, spirits, and unusual disturbances in the cosmological state are “supernatural” from an Occidental philosophical or mythological perspective, but are not supernatural in the Ugandan sense. They are perhaps \textit{supranatural} rather than \textit{supernatural} – they do not run counter to nature, but rather run in concert with the natural state of things (this is written with a conscious awareness that the Anglicized use of Latinate prefixes has long since divorced itself from the accusative and ablative distinction between the two).}
Perhaps no saying in Uganda adhered to my consciousness as permanently as “winyo ma li malo, dugu too ping,”29 which roughly translates30 to “even the high-flying bird will eventually die on the ground” but philosophically translates to something similar to Nietzsche’s Türkentfatalismus.31 In other words, surprising and exceptional things may be possible, but there is an end to everything. This is the essence of the shared Ugandan cosmology: unusual and inexplicable things can (and do) happen, but the world always snaps back into an equilibrium of importantly predictable events. When the world and its constituent events is viewed through this lens, anal sex is not seen as a “crime” or a “moral offense” but rather as a deviation from this normal equilibrium, a detour from the normal trajectory of day-to-day events.

Those interested in this more subtle question of differentiation between mere prevailing disapproval and formal criminalization must look beyond the Western concept of crime and realize that, while the actions Westerners associate with homosexuality are frowned-upon in Uganda, traditionally, this is very different from what one might term criminalization of homosexuality. In a world of magic and metaphor,32 where the world and the individual are both able to right themselves33 without any help from government,

> 29 This saying is an Acholi saying, but is used verbatim (with no textual transposition or alteration) in Lango and an equivalent saying, which is nearly a word-for-word translation, exists in Dinka.

> 30 Helpful advice on how to best translate and interpret this particular anecdote came from Willy Okello.

> 31 Friedrich Nietzsche, The Wanderer and His Shadow (1880) (“Türkenfatalismus” or “Turkish fatalism”). Though tempting, it is probably not appropriate to liken Acholi philosophy – or any traditional Ugandan philosophy – to compatibilism, as there is no rigorous effort in Acholi philosophy to reconcile free will and determinism conceptually or examine areas of their potential mutual-exclusivity.

> 32 Nearly every piece of Acholi conversation has metaphorical ingredients. Take, for example, these phrases often heard as merchants and customers negotiate:

> “dwok wele piny” – “reduce your price to the floor”

> “dwany wiye manok” – “deduct a little from the top”

> Consider, also, these phrases describing feelings, all referencing the speaker’s heart:

> “cwinya cwer” – “my heart is leaking” (I am sad)

> “cwinya wang” – “my heart is burning” (I am in pain)

> “cwinya tek” – “my heart is hard” (I am brave)

> 33 For more on this concept of origin and oughtness in Ugandan culture, each of the origin stories of the Ugandan tribes is fascinating. However, to understand the Acholi world view and the underlying cosmology, the modern poem, Song of Laweno, is particularly illustrative. Copies of its 1966 final draft in Acholi (frequently published or republished as “The Song of Lawino: An African Epic Poem” alongside its 1967 English
acts are transgressions – but the fundamental, immutable nature of people, even those who partake in these unpopular acts, always remains good.

Contemporary American Influence in African Affairs

The formal American influence in Uganda began in 1962 shortly after Uganda’s independence from the United Kingdom. At that time, the only law in place was an obscure British law, the Unnatural Offences Law (later codified in the UK as §§145-46, 48 of the Penal Code Act of 1950 and codified in Uganda as the Penal Code Act of 1950 (UR100 Ugandan Statutes 1950)). There are no reported cases of anyone in Uganda or British East Africa being prosecuted in the early or mid-Twentieth Century under these sections. The Penal Code Act of 1950, and its sympathetic counterpart in post-colonial statutes, reads, in relevant part:

§145. Unnatural offences. Any person who—
(a) has carnal knowledge of any person against the order of nature; [or]
(b) has carnal knowledge of an animal; or
(c) permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.[5]

§146. Attempt to commit unnatural offences. Any person who attempts to commit any of the offences specified in section 145 commits a felony and is liable to imprisonment for seven years.[5]

§148. Indecent practices. Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.

34 “Reported cases” is used here strictly in the legal sense, to mean prosecutorial efforts that have been publicly reported, rather than in the journalistic sense.


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While these British legal structures, traditions, and methods of procedure and practice slowly eroded, they were replaced by a growing American influence and an increasingly corrupt, politicized judiciary.\(^{36}\)

It is important to recognize two types of American influence – that of government money and aid (principally through USAID and similar organizations) and that of private actors (I include in this group everyone from churches to oil companies).

I. The Role of U.S. Government Actors in Post-Colonial Uganda

The U.S. government has set few policies in Uganda, though State Department officials routinely voice concern (off the record) about President Museveni’s spending habits, including his procuring fighter planes in recent years while many in the north of the country went without basic medicines.

American aid to Uganda, which is substantial in its scope and duration (and unbelievable in its patience, given the glacial pace of and discernible development progress in the country), makes up a substantial piece of the Ugandan budget. As such, American aid likely serves less as a path toward Ugandan industrialization or as a reward for Ugandan good behavior than as a threat: Do what we say, or we will take this aid money away.

As President Museveni’s lavish lifestyle – and his subordinate bureaucracy’s profligate spending – quickly grow to consume any available hard currency, the threat of withdrawing millions of U.S. dollars of “free money” from the economy is a real and effective one.

II. The Role of Private Actors in Post-Colonial Uganda

Historically, the role of private actors in Uganda has been primarily extractive. There is oil hidden under various pieces of the country that would – and will – make many millionaires in coming years, and perhaps even a few billionaires. This follows a

\(^{36}\) So pervasive is corruption in the Ugandan legal system that there are now allegations that the anti-corruption court – formed to tackle this issue – was itself improper and illegal in its formation. The anti-corruption court’s queued calendar, a docket of 200 cases delegated by the High Court through a highly-unusual procedural process, has been halted until a further investigation into the court’s jurisdiction and formation can be performed. *Anti-Corruption Court Suspended*, News Uganda (July 12th 2013), available at: newsuganda.ug/news/latest/red-pepper/anti-corruption-court-suspended/908pe.168737 (last accessed June 30th 2013).
tradition of extractive industrial (and pre-industrial) activity in this part of Africa, from rubber to timber to the modern exploitation of African bauxite and diamond wealth.

In this, churches are unique, in that they generally (arguably) have brought more to Uganda than they’ve taken away. Over the decades, religious organizations and those affiliated with them have brought everything from Italian architecture to water purification projects to much-improved brewery methods to Uganda. However, they’ve also helped import an unprecedented\(^{37}\) hatred toward the LGBTQ community.\(^{38}\)

This hatred, many will be quick to point out, has been hastily adopted by local people, local politicians, and local media organizations (see inset excerpted from a recent Ugandan newspaper).

\(^{37}\) Some argue, largely without evidence, that anti-LGBTQ sentiments predate advocacy by Occidental religious groups.

\(^{38}\) LGBTQ stands for lesbian, gay, bisexual, transgender and queer or questioning. The author considered many other variants and hesitates to abbreviate a heterogeneous, vibrant community of millions with a single somewhat-impersonal set of letters. That having been said, after much thought and discussion with friends who self-identify as part of the community, LGBTQ was chosen rather than LGBT, LGBTQQ, longer strings of letters, or words or phrases that might be considered more overtly gendered. The author recognizes that any categorical taxonomy constructed in this way is, by its very architecture, not sufficiently inclusive, but also recognizes that the constituent etymology within any abbreviation is still up for debate at the time of this writing. For the sake of consistency, LGBTQ is used throughout this Article.
The Sunday Edition of the Red Pepper newspaper, a popular tabloid in Uganda, from February 24, 2013 reporting that “Top Uganda Gay Recruiters” have been “Busted.”

The Red Pepper has a history of provoking homophobic violence and sentiment reaching back to at least 2006. The Red Pepper newspaper is owned or controlled by a network of conservative activists who are quick to highlight any hint of homosexual sympathies or frowned-upon activities among well-known Ugandans. For instance, the paper was the first to report that former Speaker of Parliament, James Wapakhabulo, died of HIV/AIDS in 2004. On May 20, 2013, shortly after the paper published a piece critical of incumbent President Yoweri Museveni’s son, the offices of the newspaper in Kampala were raided by police. As of this writing, The Red Pepper offices are still under the control of heavily-armed police units.

The presence of homophobic organizations in Uganda dates at least to the 1970’s and possibly earlier, though the current anti-LGBTQ sentiment is more closely associated with the period post-1994 which is also, perhaps not coincidentally, the period during which serious oil exploration in Uganda began.

While earlier anti-LGBTQ groups – this broadly includes Catholic Relief Services and other faith-based organizations that have operated in Uganda since independence – had distributed literature and engaged in rhetoric that alienated gay and lesbian Ugandans,
they did not actively lobby for anti-gay legislation or capital punishment for homosexuality. After the 1965-1970 period, post-colonial British influence through Anglican missions (which are now rare) was replaced with American ultra-conservative groups with both political and theological agendas. As Kristi Heim notes in *The Seattle Times*, “[many] churches had been reluctant to help [with issues related to HIV/AIDS] before because they regarded AIDS as a gay disease, or opposed condom distribution.” After that period, groups like Children’s AIDS Fund (an ultra-conservative group that has blamed gays for the HIV/AIDS epidemic) became extremely active in Uganda.

It is during this last period that strategic alliances began to form between local spiritual leaders (like Robert Kayanja, who runs an American-style megachurch in Kampala), American churches, and far-right-wing businesspeople in the United States. Through these alliances, massive amounts of money flowed from wealthy ultra-conservative Americans to those who were said to have influence over the Ugandan public and, directly or indirectly, the Ugandan government. During this period, Pastor Kayanja went from being a poor pastor in a mud-and-reed traditional building to being one of the wealthiest men in Uganda who preaches in a megachurch, better-described as a 10,500-person stadium. Kayanja is often discussed as one of the most powerful men in Uganda and has the ability to make valuable introductions between Western businesspeople and other influential Ugandans.

**The Role of USAID (and DFID)**

USAID and DFID (which may or may not have been rebranded “UKAID” by the time this Article goes to print) have done little to intervene in the criminalization of homosexuality and the marginalization of LGBTQ individuals in Uganda. Despite

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41 Id.


43 “Uganda embroiled in church sex scandal” AFP (May 21, 2009), available at: www.google.com/hostednews/afp/article/ALeqM5jCMfj7SYna0Yw2mNd-zL9Px6HIuQ (last accessed June 30th 2013).
imminent threats to the lives of Ugandan men and women persecuted by their countrymen and their government, the United Kingdom and United States have consistently failed to offer diplomatic or security assistance to threatened individuals. As of mid-2013, no Ugandan, including those marked for death by local newspapers, has received asylum or refugee assistance from the United Kingdom or United States government.\footnote{British agencies have also been criticised for ignoring local human rights abuses committed by government actors in other parts of Africa. See www.guardian.co.uk/global-development/2013/jul/17/ethiopia-rights-abuses-us-uk-aid-agencies (accessed July 19th 2013).}

These development agencies continue to commit to projects to be completed in partnership with religious organizations that have proved at best apathetic, and at worst enthusiastic, as to the growing problem of hate crimes generally, and homophobic violence in particular, in Uganda. For instance, USAID partners with World Vision and Catholic Relief Services, neither of which has actively opposed\footnote{World Vision did release a statement suggesting the controversy surrounding the bill, and the law if instituted, might make its HIV/AIDS work more difficult due to men being unwilling to admit they’d committed a crime (by having homosexual intercourse) at the time of screening. However, as homosexual intercourse is already illegal in Uganda, it’s unclear why World Vision believes this law would change patients’ degree of honesty.} the anti-homosexuality legislation. Dr. Rajiv Shah of USAID stated\footnote{\textit{USAID Chief Praises CRS}, CRS (February 21st 2012), available at: newswire.crs.org/usaid-chief-praises-crs/ (last accessed June 30th 2013).} in 2012:

> Partners like World Vision or Catholic Relief Services that take the time to engage with communities they’re trying to serve, that are willing to be there for the long run, that work in partnership and cooperation with governments so that they are coordinating their efforts and getting the most out of … the investments we make.

Dr. Shah conveniently neglected to mention in his comments that the “cooperation” of these organizations with the government of Uganda might lead to the extermination of Uganda’s gay population.
The State Department and Department of Defense

The United States State Department and Department of Defense have rarely discussed the homophobic sociolegal situation in Uganda. The State Department’s travel warning for Uganda reads, as of 27 June 2013:

In 2009, a Ugandan Member of Parliament submitted draft “anti-homosexuality” legislation which, if passed by Parliament, would further criminalize homosexuality in Uganda and condemn individuals convicted of homosexuality or a range of “related offences” to death. Although this bill remains in draft form, U.S. citizens should be aware that societal harassment and intimidation of lesbian, gay, bisexual, and transgender (LGBTQ) individuals in Uganda continues.

The State Department posted personnel as far south as Entebbe and as far north as Gulu in 2011, but local announcements specifically stated that these units were not present for the protection of American civilians in the area.

The Department of Defense has posted personnel to Uganda, primarily to train Ugandan troops to address potential threats from militia groups. There has been no action specific to the LGBTQ rights issue from the Department of Defense or officers present in Uganda.

Homosexuality as a Test Case for American Interventionism

One of the most troubling aspects of the American-led, American-funded push for anti-homosexuality laws in Uganda is the observation that it is likely only a first step. If the far-right extremists of American politics can gain control over this landlocked country and establish its legislature’s (and perhaps presidency’s) loyalty to a well-funded American fringe, the financial rewards could be enormous.

This suggests many funding this push may have business, rather than ideological, motives.

The timing is conspicuous.

There are clear parallels between the activities of wealthy Christian investors in the United States and the policy changes in Uganda. During the same year political conversations about homosexuality in Uganda began at the national level (1992), high-

47 “The Anti-Homosexuality Bill can be traced back to remarks by several American[s.]” Supra at n.39.
profile right-wing Christians were investing in a series of political fights in the United States. In that year, billionaire ultra-right-wing provocateur, Philip Anschutz, funded Amendment 2 in Colorado, which would have allowed discrimination on the basis of sexual orientation. Amendment 2 failed, pushing Anschutz and others into funding other initiatives. Financially outgunned by Ballmer, Bloomberg, Gates, and others, the ultra-right-wing retreated to the place where its limited financial resources would buy the most control over governments: Africa. As Jeffrey Gettleman wrote in *The New York Times*, “Uganda seems to have become a far-flung front line in the American culture wars, with U.S. groups on both sides — the Christian right and gay activists — pouring in support and money.”

Overseas, there were opportunities to exert the degree of influence over governments that these ultra-conservative allies craved — all at a reasonable price. And some of these opportunities were far more attractive than others. Countries with oil and gas resources (which can be extracted easily and profitably once control of the government is secured) were first on the list. While many countries had already signed agreements governing the exploitation of their resources by multinational corporations, the discovery of oil and gas resources in Uganda was recent and substantial. It was an obvious target for ultra-conservative businesspeople (Uganda welcomed these businesspeople, as, despite having huge subterranean deposits of oil and gas, it currently imports nearly all of its fossil fuels from Mombasa).

The plan was simple. The ultra-conservative Americans would negotiate directly with the Ugandan government for control over natural resources. Simultaneously, they

48 More recently, Anschutz has funded films such as “Waiting for Superman” and campaigns attempting to maximize private companies’ control over government functions, from education to healthcare to other topics.
49 To understand the financial firepower Anschutz and other far-right-wing funders were up against, see Clare O’Connor, *As Supreme Court Decision Looms, Meet The Billionaires Backing Same-Sex Marriage*, Forbes (March 26th, 2013).
52 It was well-known, at the time, that negotiation with these governments meant buying luxury items for government officials as often as it meant crafting a deal that would represent the interests of the African country in question. Buying control of a poor government in Africa would prove a bargain when compared to expensive political battles in the United States.
would work to pass legislation showcasing their degree of control over the government. Advertising the degree of control enjoyed by the acquirer or influencer to other potential investors is common in Africa and allows other investors to observe directly the level of control enjoyed by current investors before committing capital. Any investors raising doubts about their degree of control over the Ugandan government would be confronted with the reply: “If we control this African government to the degree where we can get these laws passed, we certainly control them to the degree necessary to exploit their natural resources.”

In early 2013, President Museveni acknowledged that he had been in negotiations with foreign oil companies, likely including Tullow, ExxonMobil, China National, Total, Royal Dutch Shell, and BP, since 2007: “We are now with the issue of oil for seven years. We need to make our final decisions.” At the time of Museveni’s statement, the oil reserves were estimated at 1.7 billion barrels in the broader Albertine region of Uganda with an estimated value of about 150 billion U.S. dollars or nearly ten times Uganda’s current GDP.

The Business Case

The business case for encouraging homophobia in Uganda is closely-related to the military case, infra. Specifically, the business case has to do with proving Uganda’s degree of loyalty to wealthy foreign investors.

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53 Schemes for elites to capture control in order to exploit natural resources are not new. See, e.g., V. Iversen et al. High value forests, hidden economies and elite capture…, Ecological Economics, Vol. 58, Issue 1 (June 10th, 2006) (discussing capture of institutions by elites to exploit timber resources).


If Ugandan officials are willing to take an issue that has little provenance in Ugandan political discourse (sexual orientation) and make radical changes to the law in this area (including the imposition of harsh penalties of life imprisonment or death), then perhaps sudden, radical changes in Ugandan law are possible in other areas. Specifically, perhaps if Ugandans are willing to institute new legal structures to kill their own people, perhaps they would be willing to change the current law barring whites from owning land (which, in turn, makes it difficult for foreigners to exploit natural resources).

The xenophobic laws that have prevented investment in Uganda date to the Asian Purge, a policy instituted by Idi Amin and focused on the short-notice banishment of business-savvy Asians, who he claimed were “sabotaging” the Ugandan economy or, at a minimum, felt were intruding upon mercantile opportunities for Ugandans. While the Asian Purge has ended (Indian and Chinese shopkeepers are again common in Uganda, though perhaps not as common as they were in the 1970’s), the ban on white land ownership remains, along with other arbitrary rules with ethnic boundaries.

For wealthy investors who have backed the homophobic legislation in Uganda, the passage of new laws that imprison or kill Ugandans (for example, gay Ugandans) indicate that the Ugandan legislature’s loyalties lie with foreign, wealthy, ultra-right-wing investors and not with local alliances. If Ugandan parliamentarians can truly be coerced, bribed, or tempted away from their local benefactors and into the hands of foreign investors on an issue that requires them to obey foreigners and kill fellow Ugandans, then perhaps they could be convinced to sell land and, eventually, oil rights to the same foreign investors.

Like most powerful alliances, the group of Americans attempting to influence Ugandan politics is heterogeneous. No doubt there are many “believers” who are ideologically-driven (I met several Americans in northern Uganda who were in favor of exterminating gays in Uganda for ideological or theological reasons – when challenged on this point, one did concede that killing gay people “might be a bit extreme”). However, there are many others who are more interested in the potential for vast profits if Ugandan politics is captured and controlled by foreigners.

One might liken this heterogeneity to the Zionist movement in Israel (and its diaspora), where there are people who believe there are theological, historical, or legal reasons the settlements should continue and people who simply want enough certainty about the real estate situation to start building condominiums; I don’t claim either group is more

58 Author’s field notes from Coffee Hut, p. 38. On file with the author.
philosophically-appealing than the other, but their desired outcomes bring their interests (however temporarily) into alignment.

The Christian right was a natural fit for investors attempting to get control of Ugandan politics: Christian aid is a huge source of cash for the Ugandan regime, Christian groups have thousands of “foot soldiers,” evangelists, clergy, and volunteers on the ground across Uganda, and the Venn diagram describing which many people are interested in controlling Uganda’s natural resources and which people are in Republican-dominated mega-church flyover country is close to being a total eclipse.

The relationship between oil-thirsty far-right American politics and the Ugandan regime goes back decades. As NBC News recently reported, C Street House has, for decades, attempted to influence Ugandan politicians and politics. Energy industry plutocrats have used – unwittingly and cooperatively – religious zealots throughout Africa to both disguise and advance their plans. With reportedly close links to C Street House, ultra-conservative billionaires similar to Anschutz or the Koch Brothers were likely the sources of the funding needed for plans of this scope, duration, and expense.

59 More commonly known as The Family or The Fellowship, C Street House is part thinktank, part boys club, part far-right-wing strategy collaboration. It coordinates everything from campaigns to fundraising mechanisms to large-scale global strategy initiatives. To learn more, see Peter J. Boyer’s article in *The New Yorker*, “Frat House for Jesus,” in that periodical’s September 13, 2010 edition. The article is available at www.newyorker.com/reporting/2010/09/13/100913fa_fact_boyer (accessed July 26th 2013).

60 “Uganda be Kidding Me” NBC News (available at: www.nbcnews.com/id/34783946/ns/msnbc-rachel_maddow_show/t/uganda-be-kidding-me/).

61 See id.

62 There was also government funding for Uganda and it increased with nearly any sign that indicated Uganda was ready to be controlled by a mostly-white, ultra-conservative, predominantly-Christian, nearly-exclusively-Republican group of overseas investors. During this period, “Bush administration officials praised Uganda's family-values policies and steered millions of dollars” destined for the African country. See n.51 supra.

63 It is unclear who exactly funded the decades-long campaign to build ties between ultra-conservative investors in America and the regime in Uganda. Many of these people, like Anschutz, are reclusive in the extreme (despite being one of the fifty wealthiest people in America, Anschutz has granted only two interviews in the past three decades). See
There is a substantive debate over whether C Street House or The Family or The Fellowship engages in politics. This, of course, depends upon what one calls politics.\(^64\)

*The Family/Fellowship has functioned as a political organization ever since it was first formed in the 1930s to elect Arthur Langlie to the office of the Washington governor’s office. It was political when it threw its muscle behind the 1947 Taft-Hartley Act that undid much of the New Deal; it was political when it lobbied vigorously against the creation of Israel; it was political, in 1959, when it arranged U.S. support for the Haitian dictator Papa Doc Duvalier; it was political in the late 60s, when it became the back channel of communication between the Nixon administration and the genocidal regime of Indonesian dictator Suharto; it was political when became a forum through which associates lobbied for billions of U.S. aid to the junta of Brazilian generals in the early 70s; it was political when it sent Senator Chuck Grassley to Somalia (and Uganda) in the early 80s to build U.S. support for the genocidal regime of dictator Siad Barre; and it’s political now, as it struggles to do damage control over the Uganda issue. Sending someone like Senator Jim Inhofe to meet with foreign leaders — readers should know that goes through the State Department — on the taxpayer’s tab is political.*

*Message from Jeff Sharlet\(^65\) to Bob Hunter\(^66\)*

The work on The Family is ongoing, but its (and related wealthy conservative networks') attempts to gain control of Ugandan politics (and, by extension, Ugandan oil and other assets worth billions of dollars) is persistent and well-financed.

This likely in part, or nearly wholly, explains the shift in right-wing rhetoric in 2007, a key year in the rise of homophobia in Uganda. The anti-gay bill, which was allegedly provided in draft form to David Bahati by conservative American lawyers\(^67\) after a

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\(^{65}\) Jeff Sharlet wrote the most recent comprehensive book on the topic of The Family’s influence in conservative politics, *The Family: The Secret Fundamentalism at the Heart of American Power*. See n.60 supra.

\(^{66}\) *Id.*

\(^{67}\) Many aspects of early drafts of the legislation, including the presence of an aggravated offense in a separate portion of the legislation, appear to mirror American legislative drafting practices rather than British or post-colonial drafting practices, suggesting
National Prayer Breakfast\textsuperscript{68} meeting in Washington, D.C. in 2007, must\textsuperscript{69} have been written around the time oil discoveries in Uganda were confirmed. In an interview for Jeff Sharlet’s book on ultraconservative influence, Uganda’s ethics minister (James Nsaba Buturo, who often appears at events in support of the anti-homosexuality bill) mentioned\textsuperscript{70} he was looking forward to attending The Family’s next National Prayer Breakfast.

Jeff Sharlet’s excellent reporting on The Family’s nature and agenda includes a fascinating document\textsuperscript{71} outlining a portion of The Family’s strategy for its African mission:

2. THE EXECUTION OF THE VISION
   A. A congressman and/or Senator from the United States will befriend the leader of another country and tell him/her how Jesus and His teachings will help his country and its poor.

Sharlet goes on to outline how Uganda was targeted as particularly ripe territory for foreign influence and a Senator from Oklahoma was chosen\textsuperscript{72} as the “ambassador” to befriend and influence Uganda:

[A] 2003-4 budget for the project makes clear who the U.S. Senator is: Jim Inhofe of Oklahoma, designated as partner for 11 African leaders, including the

American attorneys were involved in the Act’s drafting. Certain passages appear to be lifted, verbatim, from American legislative drafting (or to have been written by American attorneys), rather than from British or Commonwealth legislation. See, e.g.: “A person commits the offense of aggravated homosexuality where…”

- A Bill For an Act Entitled The Anti Homosexuality Act (2009) §II(3)(1) (note the American spelling of “offense,” emphasis added). The Author is not aware of formal textual analysis performed by an expert on this textual issue, but several aspects of the bill are similar to American legislative drafting methods, including the structure linking an underlying or fundamental offense to an aggravated offense, which is distinguishable from drafting conventions typical of modern English (and post-colonial) criminal law.

\textsuperscript{68} Bahati, sponsor of the anti-homosexuality bill in Uganda’s parliament, was later invited to speak, but did not speak, at a subsequent National Prayer Breakfast in 2009.

\textsuperscript{69} Due to committee and other meetings among Ugandan legislators concerning the legislation in late 2007.

\textsuperscript{70} See n.42 supra.

\textsuperscript{71} Id; see also Jeff Sharlet, The Family: The Secret Fundamentalism at the Heart of American Power (Harper 2009).

\textsuperscript{72} Id.
president] of … Uganda, relationships supported by funds raised by teams of American businessmen and religious activists. Inhofe’s Uganda mission was budgeted for $70,000 – he traveled there on the taxpayers’ dime – almost twice as much as that for the other nations.

This cooperation between CEOs and religious extremists – both interested in capturing control of Uganda’s government (albeit for somewhat different reasons, but with temporarily aligned interests) – is a common theme in the effort to make Uganda a puppet state of the American far-right.

Heritage Oil, in September 2007, confirmed the presence of substantial subterranean oil and gas resources in Uganda. Heritage’s exploration efforts had been contemporaneous and non-competitive with exploration by Philip Anschutz’s Anschutz Exploration Corporation (AEC). Shortly after the oil and gas resources were confirmed, efforts by American conservative elites to exert influence over Ugandan institutions, including the President, kicked into high gear. In October 2007, President Museveni of Uganda flew to Washington for a face-to-face meeting “with President Bush and other senior Administration officials. President Museveni also met with several Members of Congress. During his visit, President Museveni discussed a wide range of issues, including U.S.-Uganda relations[.]” Shortly after the meeting, aid from the United States to Uganda increased from 332.1 million U.S. dollars to $419 million U.S. dollars (more than a 25% increase in one fiscal year and by far the largest aid increase in percentage terms to any African country during that period).

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73 Emphasis added.
74 Heritage Oil owns producing assets in Nigeria and Russia and has exploration operations in Pakistan, Libya, Malta, and elsewhere. It owned so-called blocks 1 and 3A in Uganda from an unknown date in late 2007 or early 2008 until 2010, when it disposed of these assets without establishing productive assets in Uganda.
75 Heritage began communicating as early as the summer of 2007 that it has discovered large oil reserves near Lake Albert in an amount later amended upward to over 600 million barrels of crude. Other estimates, including contemporary estimates by Tullow Oil, exceeded one billion barrels of oil (this estimate was for a broader portion of the Albertine basin). Tullow had earlier announced that its appraisal well confirmed earlier suspicions that gas reserves might flow over 14 million cubic feet per day of natural gas, indicating an enormous stable reserve.
77 Id.
The Military Case

The military case for encouraging violent homophobia in Uganda is clear and dates to Roman times. When Roman generals would capture a surrendering unit of a foreign army, these units would often go through disciplinary and cultural training to bring them into line with the structure and ethos of the Roman legions. Part of this integration, particularly during campaigns where the Romans met fierce resistance, was the ritual of decimation.

Originally reserved for cowardly units who had retreated and failed to hold their lines, decimation spread to have other uses in the Roman military. In the ritual, a commander would order men to formation and then count off the men in groups of ten. Then, every tenth man would be killed. The ritual emphasized the power of Rome and the powerlessness of the individual.

In the case of adopted garrison forces, foreign commanders would sometimes be ordered to decimate their own units as a demonstration of absolute loyalty to Rome. If ultra-right-wing American lobbyists, funders, and quasi-political actors can successfully encourage Ugandans to kill fellow Ugandans (whether through mob violence or formal executions), there is no doubt where Uganda’s loyalties lie – or so goes the argument.

The ability of foreign investors (many of whom have never visited Uganda) to cause this type and scale of Ugandan fratricide shows a level of control over Ugandan society, legislation, and culture that is particularly high.

David Kato’s Murder: The Lobbyists Succeed

Among the visible and tragic fatalities of the American homophobic lobbying campaign in Uganda was David Kato, an openly-gay activist who died when he was beaten with a hammer by unknown assailants. The New York Times wrote, in the wake of Kato’s killing, “Uganda seems to be on the front lines of this battle. Conservative Christian

79 Most captured units converted to Roman control were not asked to advance at the front (with the rare but important exceptions of the campaigns in Germania and Britannia), but were instead instructed to hold captured territory alongside Roman forces charged with constructing fortifications and protecting supply lines.

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groups that espouse antigay beliefs have made great headway in this country and wield considerable influence.” 81  Other news outlets ran similar stories. 82

An October 2010 edition of Rolling Stone includes images and personal information for 100 Ugandans accused of not being heterosexual. The caption reads “Hang Them.”

After the Rolling Stone tabloid (no relation to the American music magazine of the same title or the rock band of the same name) ran David Kato’s picture in a story advocating violence against gay people, the tabloid’s publisher refused to accept responsibility for the murder, drawing an unbelievable distinction in an interview with CNN: “When we

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81 Id.
called for hanging of gay people, we meant ... after they ha[d] gone through the legal process.”  

Kato’s murder was a clear sign of the influence of American conservatives on Uganda, both in governmental and private spheres. Violent homophobia, something completely alien to Ugandan life a generation ago, was now commonplace. The killing of gays was encouraged and celebrated on the front pages of Ugandan newspapers and, sometimes on the same day, decried on the front pages of European and American newspapers. On other occasions, people died in homes, alleyways, and automobiles in Uganda without any whisper of recognition in the Occidental media.

However, as the tide began to turn against right-wing investors in the United States, proxy wars evolved overseas. Soon, Uganda had become a key battleground. And it had all the key ingredients to support the evolution of far-right politics. Evangelical and far-right-wing charities channeled millions of dollars of resources into Uganda, a bankroll

83 Id.
84 This can be seen in debates ranging from gay rights to hydraulic fracturing.

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thus far impossible for American liberal organizations to match.\textsuperscript{85} There are few environmental regulations and no one to enforce the few that exist. A mix of Chinese investors and European aid agencies is repairing the roads needed for the coming oil boom – and nothing draws the interest of American investors like black gold.\textsuperscript{86} Any investor who had been approached during this period knew the effort was no longer focused on stoking Ugandan homophobia, but rather on assuring that Ugandan decision makers would have no objection to the plunder of Ugandan oilfields.

It seemed inevitable to everyone, regardless of his or her political persuasion, that the Ugandans would happily hand over their oil rights to a mix of ultra-conservative investors united not by hatred for homosexuals, but by greed for the hundreds of millions of dollars waiting to be pumped from below its savannahs. Indeed, President Museveni would later, in late July of 2013, give a speech announcing he’d handed over the rights to the oil beneath Uganda\textsuperscript{87} – but not to the Americans.


\textsuperscript{86} Mark Henstridge and John Page, working with the Brookings Institution, conducted an in-depth study of how the oil windfall in Uganda might be managed in June of 2012, later releasing the paper under Oxford’s Centre for the Analysis of Resource Rich Economies (Research Paper 90). The paper makes what this Author believes are very optimistic arguments about how the oil boom in Uganda might be managed to benefit local actors rather than foreign investors.

\textsuperscript{87} Museveni’s speech, given on Tuesday, July 23, 2013, announced he’d handed over 74 out of every 100 barrels of oil to foreign investors. The revenue sharing agreement was not disclosed publicly. Immediately, Parliament and members of civil society objected to Museveni’s negotiation of the country’s oil rights without consulting either the Uganda Oil Revenue Management Authority or the Petroleum Authority, agencies to which authority had been delegated in the prior exploratory phase. Mary Karugaba, “MPs Want President Museveni’s Speech Erased,” New Vision, July 26th 2013 available at: www.newvision.co.ug/mobile/Detail.aspx?NewsID=629012&CatID=1 (last accessed July 28th 2013)
David Cecil's Incarceration: A Play Within a Play

An image of David Cecil waving from a holding area at Victoria Prison in Kampala, Uganda.

The strategy of trading homophobia for oil was moving smoothly as 2012 moved forward and the first of the year’s two harvests approached. There were a few hints the quiet operation to manipulate Ugandan politics had gotten out of control – the situation was boiling over, becoming uncomfortably conspicuous.

I wasn’t sure of this as Beau Hopkins moved to my neighborhood in Uganda, but it soon became apparent.

Beau is a playwright and poet from a family of scholars. An Etonian and one of three Oxford-educated brothers, it would be easy to see his visit to Uganda as an extension of Anglophone blue-blooded imperialism. But that couldn’t be farther from the truth.

Beau arrived from Kampala in a nondescript gray minivan with his girlfriend, their daughter, and the domestic staff from their home in the south. The long journey, six
hours in total, was the last one possible before the rains began. In the following weeks, I got to know Beau as we sat on the rear patio of his compound, where British Air Force officers had surely sat years earlier. Drinking Nile, we would share our favorite stories, debate our favorite books, and attempt to invent recipes from the limited ingredients at “cuk ma dit.”

Among his other strengths, Beau was a well-trained linguist and picked up Acholi quickly. His interest in the local culture and political structure was genuine and broad. We rarely, however, discussed the topic of homosexuality. That is, until late June of 2012.

Beau had written a play, entitled *The River and the Mountain*, which he’d mentioned several times. He would occasionally travel to Kampala for rehearsals or make revisions on typewritten drafts of scripts. He never described the plot of the play during our afternoon *stammtisch*. Nor did he mention that it featured a gay main character, a first in Ugandan theater – and certainly a first among plays performed at the National Theatre, a venue dating from the years immediately prior to independence.

As the performance approached, and I prepared to leave my home in northern Uganda, Beau prepared for what would become the only internationally-relevant thespian

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88 Nile Gold Lager is a beer commonly-available in Uganda. It is an American-style pale lager produced by Nile Breweries (SAB). It is seen locally as a premium product, slightly cleaner and more flavorful than its primary competitor, Tusker Malt Lager (sold in South Africa as Tusker White Label).

89 The main market in many Acholi towns, including Gulu, is called cuk ma dit (the large market). Cuk (pronounced chewk) is one of several words with Central Semitic linguistic provenance, though scholars are not unanimous as to when Luo dialects adopted these words (many claims suggest that slavers present in what is now South Sudan likely spread certain words from Sudanese Arabic (which was, at that time, evolving as a sub-dialect of Peninsular Arabic; the pidgin “Juba Arabic” is sometimes named as a possible crossover tongue). There was almost certainly a sub-dialectal Luo word for “market” before “cuk” was adopted from the Arabic word “souq” (“سوق”). The migration of these words is not thought to be influenced by similar words in other languages (see, e.g. the Hebrew word “ pelic,” phonetically similar yet distinguishable), though the non-holographic nature of Luo and its sub-dialects, including Acholi, makes dating and tracing claims as to etymological provenance exceedingly difficult.

90 The National Theatre opened in 1959, three years prior to Uganda’s independence from Britain.

91 By coincidence, I left Uganda a few days before *The River and the Mountain* was performed.

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undertaking in Kampala for 2012. His play, with its gay main character, produced by David Cecil, would open soon at the National Theatre in Kampala.

Straight Ugandan actor Okuyo Joel Atiku Prynce discussed researching his role as a gay man for the play *The River and the Mountain*. Mr. Prynce, elaborating on his research for the role, said, “I spoke to some friends who are gay – all of whom are closeted. They are forced to suffer in silence. There is a huge taboo surrounding sex in general, and homosexuality in particular, in this country. The church preaches a lot of hate against gay people, and the government has made it worse by proposing the death penalty for homosexuals. However, this hatred is pushed by extremists, since Ugandan society as a whole is not profoundly homophobic.”

I didn’t see Beau again until we met in London at a characteristically Dalston bar on Stoke Newington Road in Hackney. It was a chilly London night, very different from our encounters in short sleeves at the turn of the equatorial dry season. I heard only in retrospect of David Cecil’s arrest, the play’s controversy (which led, in turn, to more attention as to conservative funders’ control over Ugandan institutions), and the diplomatic gamesmanship required to get Cecil out of prison and back to England.

**Conclusion**

Recently, several sources have confirmed that the death penalty clause has been removed from the draft of the bill likely to be submitted to Parliament. Among these sources are Ugandan gay rights activist F. Mugisha, who has confirmed the removal of the clause several times, though he did not cite his source or provide the draft of the law to which he referred.

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The international attention brought by constant re-submission of the anti-gay bill in the Ugandan Parliament has brought criticism of ultra-right-wing figures, lobbyists, funders, and politicians who support and control parts of the Ugandan regime. Scott Lively, an enthusiastic American supporter of the “Kill the Gays Bill”\(^3\) was sued in January of 2013 by a gay rights group under the Alien Tort Statute\(^4\) (the litigation is related to Lively’s enthusiastic work to deprive gay people of basic human rights); this litigation is ongoing at the time of this writing. House Resolution 1064 (111th Congress, 2d Session, H. Res. 1064), a resolution “[e]xpressing the sense of the House of Representatives that the ‘Anti-Homosexuality Bill, 2009’ under consideration by the Parliament of Uganda, that would impose long-term imprisonment and the death penalty for certain acts, threatens the protection of fundamental human rights…” even managed to find a lone Republican supporter in Rep. Ileana Ros-Lehtinen of Florida’s 18th congressional district.

\(^3\) This is language Lively has often used to describe the pending legislation in Uganda, which he supports. A piece in The Washington Post notes that Lively has called himself ‘the father’ of the anti-gay movement in Uganda. Vince Warren, *Scott Lively Gets His Day In Court*, The Washington Post (January 4th 2013).

Heritage Oil, once a darling friend to both American conservatives and the Museveni regime, lost a politically-charged tax battle with the regime in which President Museveni’s government will collect half a billion dollars\(^95\) from Heritage which, though it prospected in Uganda, never managed to pump a single barrel of oil from the earth under Lake Albert into a tanker at Mombasa. Exploration by American energy billionaires and their companies in the northwest of Uganda has largely ground to a halt – many believe this is because these companies or their owners can no longer demonstrate to investors sufficient control over the politicians or political mechanisms in Uganda.

The newest iteration of the oil exploitation deal in Uganda gives exploration and exploitation rights to five companies, none of them American: Tullow Uganda,\(^96\) China National Oil Corp., Total E&P Uganda,\(^97\) Dominion Petroleum,\(^98\) and Neptune Petroleum.\(^99\)

As of mid-2013, ultra-conservative funders in America have scaled back their support for initiatives and politicians in Uganda and begun looking elsewhere for cheaper political influence (and more easily-accessible oil). This may be due to a fracturing of the fragile alliance between well-heeled oil investors and blue-collar conservative Christian activists. The fracturing likely began in 2012 when it seemed increasingly likely that despite millions of dollars spent and years of political friend-making, it was likely no U.S. company would control oil drilling in northwestern Uganda.

As this outcome became reality, ultra-conservative Christian activists moved on to larger, higher-population countries with fewer linguistic barriers\(^100\) to large-scale indoctrination; the ACLJ, founded by American televangelist, Pat Robertson, expanded its presence\(^101\) in Kenya and Zimbabwe rather than building its planned office in Uganda’s capital, Kampala. Meanwhile, the oil CEOs and Republican megafunders turned their attention elsewhere. Uganda would have been an enormous prize – exclusive or nearly-exclusive control of between one and two billion barrels\(^102\) of oil would have made many

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\(^95\) Emily Gosden, *Heritage Oil Falls on Ugandan Tax Dispute…*, The Telegraph (April 4th 2013).
\(^96\) A joint venture between the Ugandan government and Tullow, an Irish firm.
\(^97\) A joint venture between the Ugandan government and Total S.A., a French firm.
\(^98\) A wholly-owned subsidiary of Ophir Energy Plc., a U.K.-based firm.
\(^99\) A Ugandan firm with a poor track record of oil exploration.
\(^100\) Uganda’s linguistic diversity poses a problem for American evangelical groups.
\(^102\) Oil production estimate from Henstridge & Page, OxCarre Research Paper 90 (Oxford 2012).
substantial fortunes, even after the plunder was divided several times. However, once it became apparent the prize would be shared with others, it began to look far less attractive – proved world oil reserves in 2011 were about 1.6 trillion barrels,\(^{103}\) meaning Uganda’s oil, even when fully-developed, would only be about one five-hundredth\(^{104}\) of the world market. It is a big prize for one investor to divide among his friends and allies, but too small a prize when split many ways.

The social tide, too, is gradually shifting. Less than one year ago, the town of Entebbe (the site of Uganda’s only commercially-serviced international airport and an exurb of the capital of Kampala) celebrated its first Gay Pride Parade, unthinkable only a year earlier.\(^{105}\) While South Africa remains the only country\(^{106}\) on the Continent with laws protecting gay rights explicitly, the age of gay rights suffering as collateral damage in American ultra-conservatives’ fight for control over African governments may be slowing.

It seems likely that, without backing from powerful investors who see big financial incentives on the horizon, extreme churches and ultra-conservative social movements cannot fund years-long operations in Africa themselves. Most of these organizations do not have the deep pockets needed to do years – and, in some cases, decades – of on-the-ground research, alliance-building, and political maneuvering. Preaching hate simply is not, by itself, profitable enough. And only a prize worth billions of dollars, such as the oilfields of Uganda, is tempting enough to lure investors to dedicate enormous amounts of capital and strike unlikely – and potentially-embarrassing – deals with televangelists and local fixers to gain overseas political influence.

The unlikely alliance between CEOs and radical Christianity may be resurrected, however. Many of the same key figures in the American ultra-conservative movement are already attempting to repeal Africa’s few, and generally weak, environmental regulations as a show of political currency with African regimes. The anti-environmentalist movement, popular with both investors and social conservatives, may be the next rallying point.\(^{107}\) Oil companies, manufacturers, the Chinese, the American Republicans, and the broader conservative movement are all generally opposed to


\(^{104}\) See supra at n.102.


\(^{106}\) Malawian President to Repeal Gay Laws, al-Jazeera (May 18th 2012).

\(^{107}\) J. M. Dean et al., Are Foreign Investors Attracted to Weak Environmental Regulations? …, Document 3505; ISSN 1813-9450 (World Bank 2005).
environmental protection rules or any regulation of pollution, logging, and so forth. This seems an obvious next area\textsuperscript{108} where religious extremists could get funding to recruit more Africans, investors could get access things they find valuable (cheaper, dirtier, less-regulated projects like factories, refineries, and power plants that tend to be profitable more quickly than heavily-regulated, more environmentally-friendly facilities), and African bureaucrats and preachers could become millionaires by making a few new mizungu friends.

Perhaps an ultra-conservative American businessperson will be able to court investors in this way in the future. Perhaps he or she will be able to demonstrate that some poor African country is merely a puppet state ready to hand over its riches. And, perhaps, it will make that person his second or third fortune. Until then, however, it appears African leaders are the ones having the last laugh and pocketing the final shilling.

\textsuperscript{108} For more on this area, see B. Chaytor and K. R. Gray, International Environmental Law and Policy in Africa (Springer 2003).
The author with a chicken ("gweno") near his home in Uganda in 2012.