

The Emergence of Queer Diplomacy:

Navigating Homophobia and LGBT Human Rights in International Relations

by

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ABSTRACT

Since 2010, governments from Europe and the Americas have embraced LGBT rights more assertively as a foreign policy objective, leading to “significant policy change” as well as “cultural resistance and policy pushbacks” (Picq and Thiel 2015, pp. 1-2). At least seventy mainly African and Asian states continue to criminalize same-sex conduct: many of these states oppose LGBT rights in multilateral fora such as the UN Human Rights Council, generating conflict with Western and Western-allied states. The student, drawing upon his work as a foreign policy officer – and his experience as an activist and researcher in the LGBT community – argues that no single theoretical perspective can explicate this phenomenon. An interdisciplinary approach is required, bridging key concepts from sociology and cultural studies on queer identity, global sexualities, and LGBT movements with current scholarship in political science, international relations, and human rights. The dissertation’s underlying assertion – that a new queer diplomacy has emerged from the triadic interaction between intergovernmental organizations (IGOs), states and civil society organizations (CSOs) – aims to demonstrate how diplomats work to both strengthen and subvert LGBT rights. The research project employed a reflexive, multidimensional standpoint methodology and involved participant observation at UN meetings in Geneva and New York, and 29 in-depth interviews with diplomats, human rights experts, and IGO and CSO representatives. The data findings suggest Western concepts of sexual and gender identity underlie many approaches used by diplomats and advocates in their international work. To a considerable extent, Western governments, in concert with IGO and CSO

representatives – have succeeded in mainstreaming LGBT issues into UN human rights policy and programming, as well as areas such as development programming, health, women’s rights, and the criminal justice system: however, many gaps remain. The data reveals the close relationships between CSOs and “like-minded” diplomats, as well as the systemic challenges that impede their progress. However, a more inclusive and coordinated diplomatic and civil society strategy is urgently needed to prevent or at least minimize ongoing human rights violations against LGBT people. Possible avenues include streamlining current initiatives, more clearly defining priority areas, identifying policy and research gaps, and pooling resources.

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INTRODUCTION

It is tempting to see the global struggle for lesbian, gay, bisexual and transgender (LGBT) rights as a relatively new phenomenon. However, these recent gains are the fruit of many years of struggle. On September 30, 1984, a few hundred activists marched from Christopher Street to the UN Headquarters in New York for the International March on the UN for Lesbian and Gay Freedom. The demonstration is long forgotten; according to Google, only one alternative website in cyberspace acknowledges that it even occurred (The Cahokian 2019)! However, I know it happened because I was there: a skinny, mustachioed 26-year-old wearing tight jeans, a green hoodie and Kodiak construction boots, waving the Maple Leaf. The crowd – mainly white, North American, left-wing activists – gathered on Dag Hammarskjold Plaza, listening to fiery speeches on the need for international solidarity by speakers.¹

Here is a list of our demands, as presented by The Cahokian, an alternative politics website:

- The freedom to live openly as lesbians and gay males from our youth to our old age.
- An end to violence by governments and institutions against lesbians and gay males, including torture or incarceration in prisons or mental institutions.
- An end to anti-gay violence on the streets and in our homes.

¹ One of the speakers was Cherríe Moraga. The year before, she had co-edited *This Bridge Called My Back*, a seminal feminist text that is still in print: see C. Moraga and G. Anzaldúa (1983).

- An end to all sexual violence...
- The declassification of homosexuality as a disease by WHO.
- Equal rights and equal housing and employment...
- Our right to have and keep our children.
- Quality health care...
- An end to discrimination in any form against people with AIDS, and increased funding for research and treatment...
- An end to anti-gay immigration laws...
- The right to speak openly about our lives and the right to meet and organize freely with other lesbians and gay males (The Cahokian 2019)

Fast-forward to 2015, and I had returned to UN headquarters to conduct my doctoral research. I had taken academic leave from my work as a Canadian Foreign Service officer and was in the middle of a series of interviews with diplomats, UN officials and human rights advocates who were now referred to as “representatives of LGBT civil society organizations” (CSOs). This time I had less hair, more girth, and was wearing a business suit. Thirty-one years before, I had been an LGBT activist demonstrating outside the UN; now I was an LGBT diplomat on the inside. I remember making my way through the busy foyer, with its low couches, soft lights, and cappuccino bar. People emerged from the adjoining meeting rooms, dragging laptops and talking into their cellphones. In the 1980s, the activists’ colourful garb had made us easy to identify. In

2015, however, it was difficult to distinguish the CSO representatives from the diplomats: everyone was now wearing fancy heels and tailored suits.

Adam, Duyvendak and Krouwel (1999) note that the European origins of what is now commonly referred to as the LGBT movement have been well-documented and aligned with “Enlightenment values of secularization, science, humanism, democracy and personal autonomy.” At the end of the nineteenth century, the rapidly industrializing economy allowed for greater personal autonomy as “traditional kinship codes” fell by the wayside (Adam, Duyvendak and Krouwel 1999, p. 5-6). After the Nazis’ campaign to exterminate homosexuals – followed by post-War moral panics and McCarthy-era witchhunts – the 1969 Stonewall Riots in New York launched the modern LGBT rights movement, which began in North America and Europe and has emerged in many other regions. By the time I marched on the UN in 1984, a global movement was beginning to stir. Over the past twenty years, though, the movement has made spectacular gains, especially in North America, Europe and Latin America. Unfortunately, as

Mendos et al (2020) note, 67 countries still criminalize same-sex conduct. While a group of mainly African and Asian governments continues to resist LGBT rights, “national and international courts, and international and supranational organizations” are increasingly promoting LGBT rights and challenging anti-LGBT policies and laws (Hildebrandt 2013, p. 230). These emerging and ongoing conflicts now unfold within the framework of international institutions and organizations. Symons and Altman believe a critical mass of states supporting LGBT rights has now gained momentum (Symons and Altman 2015, pp. 61-62). LGBT diplomacy now takes place bilaterally – through state-to-state

relationships – as well as through an increasing number of multilateral organizations, such as the UN, the World Bank, and the Organization of American States. Nowadays, global LGBT rights are not just debated in international human rights fora: other multilateral processes have broadened the discussion on global LGBT rights into areas such as development, women’s rights, children’s rights, international security, education and criminal justice.

Research context

According to Weeks (2007), a “profound” sexual revolution has resulted in a “globalization of sexuality” whereby sexual categories from North America and Western Europe “interact and interpenetrate” other sexual cultures which “give rise to new discourses of human rights on a global scale” (Weeks 2007, pp. x-xiii). The merging of discourses of sexuality and discourses of human rights has resulted in scenarios that were unthinkable to me as a young man: e.g., Canadian Prime Minister Justin Trudeau marching in the Halifax Pride Parade in 2017, and United States President Barack Obama publicly criticizing Kenyan President Uhuru Kenyatta for his country’s criminalization of same-sex conduct in 2015.

The assertion of LGBT rights has generated considerable political friction in international fora, part of a broader conflict playing out around human rights. According to Stychin (2004), a core theme of this dynamic is the tension between “universalist” claims – that all nations ultimately have similar values – and “the validity claims to the cultural difference and specificity of communities” (Stychin 2004, p. 964). Symons and Altman

(2015) view this as a polarization between two groups of states with apparently conflicting norms: “the West” stands diametrically opposed to states that assert “Orthodox, Christian, Islamic and African” values (Symons and Altman 2015, pp. 61-62). When these two sides square off in international fora, the results can be explosive. As D’Amico (2015) points out, this is because a Western vision of individual rights-based international law clashes with other approaches that refuse to recognize LGBT rights as “universal” (D’Amico 2015, p. 54). In fact, LGBT rights have been excluded from international human rights discourse until quite recently: Picq and Thiel (2015) note that “most international human rights declarations predate the emergence of LGBT claims, and thus exclude specific language on sexual rights.” As a result, “no legally binding global treaty explicitly recognizes” LGBT rights (Picq and Thiel 2015, p. 2).

A few important factors have contributed to this historical moment in which LGBT rights are being asserted on a global scale. First is the impact of feminism. For Weeks, the globalization of sexuality implies more than deregulating homosexuality: it involves the freeing of constraints around sexual expression generally, including female sexuality. The globalization of sexuality has transformed the global human rights movement, no less (Weeks 2007, p. xi). In the realm of international relations, Kollman and Waites (2009) have demonstrated how pioneering feminist advocates began questioning patriarchal assumptions within existing human rights conventions in the 1970s. A group of activists campaigned for lesbian rights to be recognized as human rights at the 1995 UN Conference on Women in Beijing. Even though this attempt was ultimately rejected by the Conference delegates, the assertion of these rights ushered one important aspect

of LGBT rights onto the international stage. Another key factor has been the rapid take-off of LGBT rights at the domestic level (Kollman and Waites 2009). An obvious example is the US: in 2010, President Obama famously announced that his thinking on LGBT rights had “evolved” from opposition to support for same-sex marriage (Steinmetz 2015). Shortly afterwards, the Obama Administration embraced global LGBT rights as a foreign policy objective: on Dec. 6, 2011, Secretary of State Hillary Clinton, in a key speech at the UN Human Rights Council (HRC) in Geneva, declared: “Gay rights are human rights” (Meyers and Cooper 2011).

Another important factor has been the increasing ability of civil society² to create a global impact. Kollman and Waites (2009) point out that, in spite of increased global tourism, LGBT sporting events, and media visibility, LGBT issues did not penetrate the realm of international politics until after the end of the Cold War. In the 1990s, with access to the internet and cheaper airfares, LGBT advocates began to participate more fully in international debates (Kollman and Waites 2009). Many advocates, frustrated by the lack of progress in their own countries, developed local CSOs and worked through international CSOs to influence the policy agendas of intergovernmental organizations³

² In the world of UN processes, the term *civil society* is shorthand for the ensemble of non-governmental organizations, academics, advocates, lawyers and individual citizens presenting positions on human rights that often contrast sharply with member states’ actual behaviour with regard to human rights. In human rights fora, CSOs attempt to provide a voice on behalf of community members affected by discrimination, as well as the victims of human rights abuses, many of whom are deceased, in prison or generally unable to travel and participate in international meetings. More and more, CSOs are active within multilateral human rights processes and present their perspectives at fora, general assemblies, meetings, committees and workshops.

³ *Intergovernmental organization* (IGO) is a term political scientists use to refer to organizations that group together member states as their representatives. An organization as vast as the UN is considered an IGO as well as smaller, regional and/or more specialized organizations, such as the Commonwealth and

(IGOs). In turn, these IGOs developed strategies that aimed to include LGBT issues in more and more policy domains. This strategy would eventually bring pressure to bear on the member states that had been more resistant to change. The EU led the way and is still the only IGO to adopt binding legislation on its members to prohibit discrimination on the basis of sexual orientation. (See, e.g. O’Dwyer 2013.) There is now a plethora of multilateral debates on the LGBT rights. While this dissertation focuses on the UN human rights system and, to lesser extent, the UN’s Sustainable Development Goals – sexual orientation and gender identity (“SOGI”) issues now come up regularly at UN assemblies that address health, children, women, and even drug trafficking.

Creating a research framework

What sets this study apart from all others is the fact that it has been produced by a working diplomat. The study of multilateral diplomacy or the UN human rights system or global LGBT rights by a full-time academic would look very different. The reason I did my Ph.D. on a part-time basis is because I was already “in school” in the heart of Canada’s foreign ministry. I wanted to continue “studying” international relations on the job while learning critical theories and methodologies that would provide the analytical tools necessary to deepen my understanding of the workings of LGBT human rights diplomacy. As someone who had been an activist and researcher in the LGBT community, I was looking for a way to capture the arc of LGBT rights on the world stage

the Andean Community. Diplomats and the people who work at IGOs generally use the term *international organization* or IO to refer to IGOs. However, I will use the more precise term IGO in this paper.

in a reflexive manner, drawing upon my experience in the community, in diplomatic meeting rooms, and in the classroom.

Without my intending to, my career curved in such a way as to bring all the necessary elements together. In 2007, I began working at Global Affairs Canada and was appointed to the Foreign Service in 2009. After three years at headquarters in Ottawa, I moved from the world of international security and NAFTA to the world of human rights diplomacy. In 2010, I was posted to Washington, D.C. and appointed Alternate Representative to the Permanent Mission of Canada to the Organization of American States (OAS). For four years – from the vantage point of my office at the Canadian Embassy on Pennsylvania Avenue – I represented Canada in human rights processes and negotiations alongside delegates from 33 other OAS countries in the Americas.

After my first year in Washington, I had learned the basic mechanics of human rights diplomacy. Multilateral human rights diplomacy consists, primarily, of three actors in constant play: IGOs, states and civil society.⁴ For example, at the Canadian mission to the OAS, we were constantly receiving visits from human rights CSOs that would appeal to the Government of Canada, complaining that Country X or Y was initiating something that would weaken or gradually erode human rights in the hemisphere. Country A would then come to visit, complaining that a certain CSO was stirring up trouble, and that we should be on guard, because supporting such a move would come back to haunt

⁴ However, this triadic model is evolving with the increasing recognition that the state is no longer monolithic in the international arena. For example, more private sector actors are getting involved in international efforts.

us. Country B would then come for a visit and complain that Country A's hidden agenda was to discredit a certain human rights CSO. This environment of ever-shifting alliances was disorienting, especially for diplomats who were more accustomed to the protocol and formalities of bilateral relations.

Before long, I noticed that debates around LGBT rights at the OAS invariably generated huge controversies – dramatic confrontations between normally-staid diplomats that quickly devolved into angry speeches and indignant retorts. CSO representatives attended the meetings and hung on our every word. Between speeches, they would approach the representatives of LGBT-friendly countries and demand that they “do something” to protect LGBT rights. The homophobic discourse generated by member states that railed against LGBT rights had a very familiar ring: before working as a diplomat, I had been a researcher of homophobic violence (Janoff 2005). Now this fiery rhetoric was finding its way into regional – and increasingly global – human rights discussions.

As my part-time studies progressed, I reflected on ways to “write” the diplomacy I was practising. At first, I did not see how I could reconcile my “three selves:” the diplomat, the academic researcher and the queer advocate. As a gay participant in this process, I was particularly unsettled by the references to immorality and the refusal of some diplomats to even acknowledge that human rights violations were occurring against LGBT people in the Americas. However, after I read Nancy Naples' (2003) research on feminist standpoint epistemology, I was inspired to take a critical, reflexive approach to the three worlds I was inhabiting. I decided to write about the way LGBT identities and

movements were being constructed and constrained within this multilateral environment. I wanted to approach this topic using my access to the diplomatic world to produce an analysis that integrated my perspectives as a diplomatic practitioner, gay activist and analyst. I created a heuristic framework with which to examine the triadic interaction of the following players:

- **IGOs.** Multilateral organizations, such as the UN, the OAS and the EU, have created platforms and processes that allow LGBT rights to be debated by diplomats and CSOs.
- **States.** Leaders, Foreign Ministers, diplomats and other state officials make speeches either supporting or denouncing LGBT rights in multilateral fora; governments publicly discuss LGBT human rights issues occurring in other countries.
- **Civil society.** CSO representatives advocate on behalf of the LGBT community during diplomatic dialogues that take place in multilateral fora.

The objective of my dissertation

Using my insider perspectives as a diplomatic practitioner, the objective of this dissertation is to critically assess diplomatic engagement on multilateral LGBT human rights issues. The research contributes to the literature of international relations by illuminating this complex dynamic. On a broader level, this is a study about how multilateral human rights diplomacy unfolds in practice. However, at the heart of the dissertation is a case study about the triadic interaction of these actors in the domain of

global LGBT rights from the perspective of a gay male working diplomat who has had a history of research and activism in the LGBT community.

My research questions

Inspired by my experience in Washington, I decided to study this phenomenon from the viewpoint of the diplomat. At the early stages of the research process, I looked to a range of literature for guidance. Scholarship in political science, sociology and international human rights law tends to focus on two sides of this triadic relationship: the CSOs and the IGOs. This literature highlights the great gains made by non-state actors, the absence of international norms in this area, and the associated power struggles between states. However, this literature sheds little light on the “motivations” of state actors to either support or oppose LGBT rights – except as some larger project to either promote or suppress liberal democratic values. Although the agency of IGO and CSO actors is often demonstrated in the literature, diplomats are generally presented in a two-dimensional manner as either embracing or opposing various positions, with little insight into why and how they achieve these outcomes. My value-added, I believed, was as an insider working in this area.

I designed a research project that attempted to answer these questions. Chapter 4 will describe my three-month research project in 2015, which took me to Geneva and New York, where I participated in activities and conducted interviews on the margins of a series of UN meetings. My data was mainly gleaned from participant observation and 29

semi-structured interviews with diplomats, CSO representatives, IGO staff and human rights experts.

My research project would observe the triadic interaction between IGOs, states and civil society within the multilateral context and look for ways that these actors were working to either strengthen or weaken LGBT rights. To this end, I developed a principal research question: “How do diplomats⁵ work in concert with IGOs and CSOs to strengthen or weaken LGBT rights within the multilateral context?” However, I was aware that this line of inquiry could potentially yield many more related insights related to both the practice of diplomacy and the evolution of the LGBT movement. Therefore, I developed two subsidiary research questions. The first one was, “What challenges face Western diplomats and CSO representatives who advocate for LGBT rights, particularly within the multilateral context?” The second one was, “What do recent victories within the multilateral context indicate more broadly about challenges facing the global LGBT movement?”

Toward an interdisciplinary theoretical framework

The tool of analysis that I use in my dissertation is an overarching theoretical framework that lies at the interdisciplinary juncture of queer studies, politics and international

⁵ The terms “diplomat” and “diplomacy” can be confusing. In my review of the international relations literature in Chapter 2, Hedley Bull (1995) explains that diplomacy refers both to the conduct of “professional diplomatists” in state-to-state relations, and to relations between “official agents” of states and entities, such as the UN, “with standing in world politics.” Bull feels the first dimension is too limiting and prefers the “wider sense of the word” (Bull 1995, p. 156). However, in this dissertation, diplomat has a more restrictive definition. In my research, I observed the triadic interaction between representatives of states, representatives of IGOs and representatives of CSOs. For the purposes of my study, “diplomat” is shorthand for state representatives; “UN expert/representative” is shorthand for those associated with IGOs; and “CSO representative” means an advocate or activist.

relations, and policy studies, using a methodology characteristic in politics and policy studies whereby empirical social science research on current social practices is combined with critical reflection to generate both social analysis and proposals on how practices could be improved. To be clear, this dissertation is not strictly a sociological study; neither is it purely a political science or international relations analysis. To approach my field of inquiry uniquely from those perspectives would have forced an epistemological closure. Early on, I decided that the project would need to cross disciplines in order to embrace the necessary theoretical and epistemological perspectives. This decision was not taken lightly: Moran (2000, p. 15) argues that interdisciplinarity “represents a more radical questioning of the nature of knowledge itself and our attempts to organize and communicate it.” Interdisciplinarity does not simply integrate the “values and priorities of the existing disciplines” (Moran 2000, p. 102), it creates “a kind of undisciplined space in the interstices between disciplines” that allows the analyst “to transcend disciplinary boundaries altogether” (Moran 2000, p. 15).

Feminism is one good example of interdisciplinary inquiry. Traditional disciplines reflected male interests, and artificial barriers divided these domains, obstructing a more encompassing view of women’s reality: feminist research was produced on the margins of traditional disciplines through interdisciplinary studies programs and journals. (See Hesse-Biber, Gilmartin and Lydenberg 1999.) Similarly, as I argue in Chapter 1, queer studies became a form of scholarship that challenged existing orthodoxies. Canadian studies is another example of interdisciplinarity that approaches the idea of Canada in

new ways: for example, McRoberts (1997) views Canadian Prime Minister Pierre Trudeau's rejection of nationalism and his embrace of pluralism in the mid-twentieth century as emblematic of an emergent Canadian identity. McRoberts argues that Trudeau's vision was linked to his "outsider status" both as a Quebecker and as a Canadian (McRoberts 1997, pp. 56-59). That is not to say that Canada is one big happy family: fortunately, Canadian studies has allowed viewpoints to emerge from the margins which challenge the "heroic narrative" of nation-building, a process through which myths are reinforced through a selective memory process that simplifies complex stories. (See, e.g., Francis 2002). For example, Thobani (2007) theorizes a Canada that links the white Canadian, the "Indian," and the immigrant: the essence of Canadianness, she argues, is dependent on and produced through violence and deployed through racialized, gendered technologies of power.

Thus, my dissertation was inspired and guided two interdisciplinary approaches – Canadian studies and queer studies – which allowed me to consider human rights diplomacy both through a Canadian lens and a queer lens. Although my research is not primarily defined as Canadian Studies, it is informed by the interdisciplinary methodology of Area Studies, of which Canadian Studies is a part. Arondekar and Patel (2016) point to ways that Area Studies can converse with queer studies to develop new geographies: they are both "immanent forms that effect a radically ambitious project of recontextualization, each bringing a world into being in such a way that each almost relinquishes or forgets the other" (Arondekar and Patel 2016, p. 154).

My goal was not to create a new theory but rather to develop an inclusive theoretical framework that would help explicate the complex environment I was researching: a dense, transnational space, rife with diplomatic conflict and resistance to LGBT rights. This environment could not be theorized entirely using the literature of sociology and cultural studies. At the same time, a purely political science or international relations analysis would have fallen short. To strike the right theoretical balance, I divided the literature review into three chapters. Chapter 1 examines social constructionism, historical studies of sexuality, postcolonialism, and intersectionality, while Chapter 2 considers international relations theory, human rights theory, diplomacy studies and a nascent literature that attempts to “queer” international relations. Chapter 3 works to bridge the two chapters by examining theoretical approaches to transnational resistance and conflict in the area of LGBT politics: Chapter 3 creates links between sociology and international relations that provide me with an interdisciplinary theoretical framework that helps to explicate the phenomenon of LGBT human rights diplomacy.

THE STRUCTURE OF THE DISSERTATION

Chapter 1 - From Western Deviance to Global Homonormativity? Theories of Sexuality and Sexual Diversity Politics

Sexual and gender identities are socially-constructed, fluid and occur everywhere in many forms. The colonization, regulation and oppression of subjects on the basis of their sexual and gender identities have given rise to an increasingly-globalized LGBT

rights movement – a relatively recent phenomenon. The chapter reviews the literature on: the social construction of sexuality; the history and evolution of the LGBT movement within a democratic framework; intersectionality; queer theory and other poststructuralist critiques; transnational and cross-cultural theories of sexual and gender identity; the prevalence of a Western “mainstream” gay and lesbian identity; and the co-existence of non-Western LGBT movements. The anti-LGBT movement is equally transnational in its scope. The chapter concludes that, at this point, a more concise, compact, queer social movement theory is still in development: the literature on social movement theory has so far failed to explicate the phenomenon of a globalized LGBT movement within the context of international politics. Thus, an interdisciplinary approach is required to bridge theories of LGBT movements and identities with theories of international relations and politics.

Chapter 2 - International Relations, Human Rights Diplomacy, and LGBT Rights

Diplomatic engagement on LGBT rights has led to conflict and polarization on an international scale. In international relations, the West’s promotion of human rights, including LGBT rights, is asserted through international law, diplomacy, development assistance and engagement with CSOs: it provokes conflict with non-Western countries and generates a counter-discourse about cultural relativism. Chapter 2 reviews scholarship on diplomacy, international relations, multilateralism, human rights, civil society engagement, and the marginalization and rise of international LGBT movements and organizations, as well critical literature on the queering of international relations. By the end of Chapter 2, what we see is a range of scholarship that critically assesses LGBT

politics in the international space and the role of LGBT rights within the pantheon of universal human rights.

Chapter 3 - Transnational Resistance to the Human Rights of LGBT Persons

Chapter 3 continues the development of an interdisciplinary theoretical framework by reviewing literature that can help to unpack some of the issues that converge during “international incidents” – when clusters of anti-LGBT human rights violations receive widespread media coverage, are denounced internationally, and become the subject of debate within IGOs – such as the detention and killing of gay men in Chechnya in 2017. An interdisciplinary theoretical framework is required to analyze transnational resistance to LGBT rights and the resultant conflict. Some theoretical tools that can provide insight are analyses of: postcolonial and nationalistic discourses around sexuality and human rights; state homophobia and how it is deployed as a means of statecraft; and Western and Muslim constructions of sexual identity. What emerges from the three chapters is an interdisciplinary theoretical framework that can be applied when these deadly situations re-emerge, drawing upon the social construction of LGBT subjects, the exclusion of these subjects from international relations and the ability of LGBT subjects to affect change at the international level. In other words, we must first take into account the emergence of modern sexual identities in the West from an era of social deviance to an era of homonormativity. Equal rights for LGBT subjects were achieved in the West through domestic politics and legal challenges. There are now increasing demands to protect LGBT rights in non-Western countries as well as increasing criticism of anti-LGBT human rights violations. Intense pressure from civil

society has generated debates on global LGBT rights in international fora, resulting in a diplomatic clash between member states that support LGBT rights and those that oppose LGBT rights.

Chapter 4 - Researching LGBT Identities and Diplomacy

I begin the chapter by considering the context of this type of research – the epistemological issues that emerge when researching issues related to sexuality and human rights – and its social impact from the viewpoints of feminist and queer scholars who challenge traditional foundations of knowledge. I set out some key concepts that guided my research, such as reflexivity and multidimensional standpoint epistemology. I explain why I chose my particular methods – interviews, participant observation and personal narrative – while locating myself within these approaches. I describe my original research design and the ethical challenges that emerged.

I describe the challenges I faced during the research process. Using a reflexive lens, I consider my positionality as a researcher: my multiple standpoints as a man, a gay man, as an academic researcher, as a North American and as a diplomat were constantly overlapping. It was sometimes difficult to negotiate these seemingly contradictory identities and landed me in some unexpected situations. I reflect on the effectiveness of my own research process and the extent to which it contributes to a new queer epistemology.

Chapter 5 - The Mechanics of LGBT Human Rights Diplomacy

The interview and participant observation data was analyzed and organized into three chapters. Although this research project focuses on global LGBT rights, Chapter 6 contributes to the international relations literature on multilateralism and diplomacy. Generally speaking, multilateral human rights diplomacy is an intensely charged space, where battles rage between ideologies, cultural value systems and nationalisms. Interviews with the participants of this type of diplomacy reveal the triadic dynamic between IGOs, diplomats and CSOs. Interview subjects take the reader inside the world of meeting halls, committee rooms, diplomatic receptions and the social events that bring these three main players together, providing candid perspectives on: the strengths and weaknesses of the UN human rights system; the mechanics of working in a permanent mission; the politicization and polarization of human rights diplomacy; and, more broadly, shifting power blocs.

Chapter 6 - Negotiating LGBT Human Rights in International Fora

The data in this chapter contributes to the social science literature on global LGBT rights movements. The multilateral environment is, in effect, a laboratory for the production and global diffusion of LGBT human rights discourse. Despite the best efforts of unfriendly states to muzzle or limit civil society engagement, CSOs have managed to make a significant impact, working closely with IGO representatives and diplomats to inject LGBT rights into mainstream human rights discourse. Both diplomats and LGBT human rights activists, in their own words, explain how certain UN mechanisms and

processes in Geneva and New York are deployed to promote LGBT rights: for example, LGBT rights are becoming increasingly mainstreamed into the programming of UN agencies. Among the many victories, however, are stories of defeat: sabotaging the appointment of a UN expert; thwarting LGBT participation in UN committees and consultations; and actively excluding the thematic of LGBT rights from appearing in the UN Sustainable Development Goals (SDGs).

Chapter 7 - Case Study: The 2014 UN Resolution

In this chapter, I examine the inception, development and debate around the 2014 UN HRC SOGI resolution. Through interviews with diplomats, CSO representatives and UN representatives, I piece together the lengthy preparations, the competing strategies, the intrigue, the manoeuvres and the negotiations that went into “winning” this resolution. The overlapping perspectives, from a wide range of players, underscore the fact that these battles in the multilateral arena – while mainly symbolic – are taken seriously and supported at the highest levels. The stakes are high for my interview subject. They describe the negotiations like some Canadians would describe a hockey game: each body check, goal and tactical victory is carefully detailed and celebrated. What began as a discussion about multilateral procedures morphed into something personal for them: a feeling that they had been personally attacked for defending LGBT rights in this international forum. As one Western diplomat put it, “They were shitting all over us.”

Chapter 8 – LGBT Human Rights Diplomacy: An Analysis

This final chapter applies my interdisciplinary theoretical framework to data presented in Chapters 5, 6 and 7. The chapter is divided into two parts: one that corresponds with my primary research question, and one that corresponds to my two secondary research questions. The first part presents findings on best practices that emerge from triadic interactions within the multilateral context that promotes LGBT rights. The second part presents findings related to challenges facing diplomats and advocates that attempt to promote LGBT rights and findings related to future trends in the area of global LGBT rights. I posit new avenues for research, policy, and programming that have the potential to focus and streamline current strategies, more clearly define priority areas, identify policy and research gaps, pool resources, avoid duplication and develop new areas of expertise.

The interview subjects point to current best practices and areas that are ripe for engagement, including international development programming. Not long ago, if LGBT CSOs could just get in the door and be invited to participate in a UN meeting, it was considered a win: passing a UN resolution on LGBT rights or being mentioned in a UN report was the cause for celebration. I asked my interview subjects what success looks like today, and what their longer view consists of. For many interview subjects, it is not clear what long-term progress looks like. Almost all of those interviewed agreed that the movement to promote and protect LGBT rights within the framework of multilateral fora has accelerated within the past decade. However, there appears to be little consensus on when to declare victory: what indicators need to be developed that

represent “progress” in the area of LGBT rights? Does the eradication of a law or the existence of anti-discrimination legislation necessarily reflect a concrete step towards the equality of LGBT people? There does not appear to be common agreement. As a result, longer-term goals are proving harder to pin down.

Conclusion

The conclusion considers the prospects for more focused LGBT policy and programming within the framework of international human rights diplomacy. Most importantly, however, is the idea that this work must be channelled more effectively in order to prevent the recurrence of terrible events, such as the mass detention and abuse of gay men that occurred in Chechnya in 2017.

A final note on terminology

It is worth noting that geographical terminology can be a potential source of confusion, especially references to the West and the Global South. For the purposes of this study, the West includes Canada, the US, Australia, New Zealand, Japan, South Korea and Europe, including Ukraine but excluding Russia and other former Soviet republics. Although academics and CSO representatives often use the term “Global South,” in my view, it can raise many questions. For example, Russia and China could be viewed as “Global North” countries, especially when their economic and political links to Africa, the Middle East and Central Asia are considered. But their lack of support for global LGBT rights – or their outright opposition to them – would place them more in the company of many countries that are considered to be in the “Global South.” In this

study of multilateral diplomacy, I use the term “Western” often, referring to a collective of polities that generally embrace liberal democratic values in international fora. I use the term Global South sparingly, and when I do, I am generally referring to countries that are not in the West and/or are not predominantly white and/or do not have developed economies and/or are illiberal and/or are non-secular and/or are struggling with the impacts of colonialism and/or conflict.

The dissertation also contributes to an understanding of how complex behaviours and identities are labelled in different contexts; however, debates within the global LGBT human rights community invariably raise many questions around terminology. Case in point: in 2017, hundreds of activists arrived in Montreal for the National Conference on LGBTTIQA2S Human Rights. I surmised that it stood for lesbian, gay, bisexual, transgender, transsexual, intersexual, queer and questioning, asexual and two-spirited. However, I was never quite sure because nowhere in the program or the website could I find a “key” that explained these categories. A lengthy analysis of the current terminology of sexual and identity categories goes beyond the scope of this paper. However, this phenomenon is very much linked to the first pillar of my interdisciplinary framework – described in Chapter 1 – on the stigmatization and pathologization of LGBT subjects on the basis of sexual and gender identity.

In this study, the two terms I tend to use most often are *LGBT* and *SOGI*. *LGBT* – lesbian, gay, bisexual and transgender – is an umbrella term that brings together four sexual/gender identities. It began to be used in the late 1990s to refer to an emerging global community and movement. Although *LGBT* aims to be inclusive, my research will

show that the term also has detractors who believe that LGBT is a Western construct of sexual/gender identity that should not be used to describe non-Western sexual and gender subjectivity. SOGI – sexual orientation and gender identity – is a term used at the UN which focuses on a type of discrimination (e.g., “discrimination on the basis of SOGI”) instead of describing the identity of people being discriminated against (e.g., “discrimination against LGBT people”). Because my research centres on the interface between Western concepts of sexual and gender identity and how promotion of these identities is perceived in some non-Western societies, these two terms are often used in this paper. However, I also use other terms related to sexual/gender identity, depending on the context.⁶

Note that this is a partial discussion about some key identity categories; however, I could continue on for a few more pages. It is unclear whether this fragmentation will continue unabated or whether identity categories will eventually stabilize. The current fluid nature of these categories and labels means that they will continue to sow

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- ⁶ *Homosexual* is used in a more scientific and analytical context, especially with regard to behaviour, and generally predates post-Stonewall gay liberation;
 - *Gay* generally refers to male homosexuality, while *lesbian* refers to female homosexuality;
 - *Gay liberation* refers to the Western male-dominated post-Stonewall political movement;
 - *Gay and lesbian* or *lesbian and gay* refers to the Western subculture and political movement in the 1980s and 1990s that generally excluded trans people;
 - *Trans* or *transgender* refer to transsexuals, transvestites, cross-dressers and transgender people;
 - *LGBTI* refers to the community/movement, often used at the UN, which includes intersex people;
 - *LGBTQ* refers to the community/movement which includes the queer/questioning category;
 - *Sexual and gender identity* refers to the multiplicity of orientations and identities; and
 - *Queer* has the following connotations:
 - *Queer* can refer to the subversive culture and identity that flowed from queer theory and queer nationalism and emerged in North America in the early 1990s;
 - *Queer* can be a verb and adjective, inspired by poststructuralism, that critiques social phenomena by questioning, critiquing and subverting gender binaries;
 - *Queer* can also be an identity category that embraces non-binary and gender non-conforming people who do not identify as straight, LGBT or trans.

controversy and discord. Although there is no “correct” definition, I believe it is important for analysts to be clear about what they mean when they use these terms.

Finally, the concept of *homophobia* is very ambiguous. For this reason, care must be taken when labelling anyone homophobic. In his consideration of very different scholarly approaches toward anti-LGBT oppression, Adam (1998) notes that *homophobia* has its roots in psychology, implying an irrational fear of homosexuality located within the individual, which can be alleviated through therapy and education. *Heterosexism* takes a structuralist approach and implies the existence of institutional and material frameworks that prevent LGBT identities from thriving. For queer theorists, *heteronormativity* asserts that the entire homo/hetero binary must be deconstructed (Adam 1998). At the same time, it must be conceded that outside of the academic world, people generally do not refer to other people as heterosexist or heteronormative. Despite its psychological associations, the term homophobia has evolved. In common parlance today, “homophobic” is to homosexual as “racist” is to race – the framing of a person who actively discriminates on the basis of SOGI. In the same way that a racist is not always violent, neither is a homophobe in current parlance. When I use homophobic in this book, it is implied that there is an active attempt to denigrate LGBT people along the lines of Bosia (2013)’s concepts of state homophobia and political homophobia – terms that will be examined in Chapter 3.

CHAPTER ONE

FROM WESTERN DEVIANCE TO HOMONORMATIVITY? THEORIES OF SEXUALITY AND SEXUAL DIVERSITY POLITICS

Picq and Thiel (2015) have observed that LGBT rights have “recently become embedded in the geopolitics of ‘the West.’” The struggle to promote and protect LGBT rights has “gained international prominence in the past decade, achieving significant policy change,” spurring “cultural resistance and policy pushbacks” (Picq and Thiel 2015, pp. 1-2). My interview subjects refer precisely to these conflicts in their day-to-day lives as diplomats, human rights advocates, UN experts and bureaucrats. The data in Chapters 5, 6, and 7 veers into topics as diverse as: how Western concepts of sexual and gender identity have become synonymous with a globalized LGBT movement; how Western-based LGBT CSOs have worked to promote LGBT rights at the global level; how the UN and other multilateral organizations have ushered LGBT rights issues into mainstream human rights discourse; the diplomatic efforts that raise awareness of LGBT rights both multilaterally and bilaterally; the close working relationship between CSO representatives and diplomats; and the struggle of CSOs to address competing priorities that affect LGBT people facing discrimination and violence.

These first three chapters consider a range of theoretical perspectives that have helped me unpack these phenomena. My goal, by the end of Chapter 3, is to build an interdisciplinary theoretical framework that will allow me to bridge key theoretical

concepts from sociology on LGBT identity and movements with current scholarship in political science and international relations to more clearly understand not only the struggle for LGBT rights, but the transnational resistance to this struggle. In this chapter, I review scholarship that examines how the pathologization and regulation of subjects based on their sexuality and gender constructed a new set of identities in the West that gave rise to a rights-based movement. I consider how intersectionality and poststructuralist critiques such as queer theory have both enriched and complicated thinking around LGBT identities, including the emergence of the homonormative subject. Transnational and cross-cultural theories of sexual and gender identity are examined, along with the rise of non-Western movements, culminating in a reflection on the inability of current social movement theory to adequately explicate the emergence of LGBT politics on the international stage.

The emergence of LGBT identities and movements

The purpose of this chapter is not to produce a teleological account of sexual and gender identity and movements but to provide a window into the key concepts, intense controversies, radical thinking, and social transformation that this movement has sparked and continues to generate. Sexual and gender identities have been theorized in myriad ways, rooted in the psychiatric, medical, criminal and moral discourses that held sway for much of the twentieth century. Today, much of the rhetoric that fuels homophobic and transphobic discourse in the international realm can trace its roots back to the pathologization of the homosexual in the twentieth-century.

Contemporary scholarship today on the history and evolution of sexual and gender identities owes much to Foucault. In *The History of Sexuality, Vol. I* (1990), he examines discourses around sex that emerged in the nineteenth century which he attributes to the growth of what he refers to as “bio-power” (Foucault 1990, pp. 140-144). Dreyfus and Rabinow (1982) describe Foucault’s concept of “bio-power” as “control of the body and control of the species... Sex became the construction through which power linked the vitality of the body together with that of the species” (Dreyfus and Rabinow 1982, p. 140). During the Victorian era, the sexuality of children, couples, “hysterical” women and people with “perverse” sexual practices became the objects of great alarm and state intervention (Foucault 1990, pp. 104-105). For Foucault, this “deployment of sexuality” (Foucault 1990, p. 140) challenges the “repressive hypothesis” – the myth that sexuality was repressed during the Victorian era. In fact, he believes the opposite: a “discursive explosion” (Foucault 1990, p. 17) triggered a paradigmatic shift: from the concept of sexual *behaviour* to the concept of sexual *identity*.

The increased emphasis on sexuality in the nineteenth century coincided with more individualized disciplinary techniques and the growing power of professionals (Epstein 1992, p. 250). Doctors and psychiatrists developed new labels to describe sexual “anomalies” (Foucault 1990, p. 105). As legal, medical, and religious discourses merged, the labelling of these new sexual categories generated a series of laws, incarcerations, psychiatric treatments and other forms of social control. “Once a diagnosis of perversion was scientifically established, corrective technologies – for the good of the individual and of society – could and must be applied... the body, the new sexual science, and the

demand for regulation and surveillance were connected” (Dreyfus and Rabinow, pp. 172-173). In previous centuries, same-sex conduct had been sporadically regulated under the rubric of sodomy; gradually, an identity category emerged:

The nineteenth-century homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphobiology, with an indiscreet anatomy and possibly a mysterious physiology... The sodomite had been a temporary aberration; the homosexual was now a species (Foucault 1990, p. 43).

The Rise of a Gay and Lesbian Movement (Adam 1995) demonstrates how this Western construction of a homosexual identity – associated with abnormality and deviance – soon gave rise to stigmatization, criminalization and extrajudicial violence. At the same time, however, resistance to such targeting triggered a social movement whose impact still resonates today locally, nationally and internationally. Self-identification became the secret weapon of LGBT politics, and remains so until this day: stigmatized subjects took on the homosexual label to make collective gains. The first modern LGBT rights organization was established in Berlin in 1897. The Scientific-Humanitarian Committee’s original focus was resistance to Paragraph 175 of the German criminal code, which set out penalties for homosexual acts. Soon, however, the nascent movement was working to increase social awareness and tolerance. By the 1920s, the German movement had made great strides, inspiring homosexual movements in other countries; however, homosexual networks remained isolated in other parts of the Western world for the first part of the twentieth century (Adam 1995, p. 19). The Nazis’ rise to power had a

profound effect on the LGBT movement in Germany. The most obvious and devastating impact was the persecution, arrest and murder of thousands of homosexuals and suspected homosexuals in Germany and occupied countries from the early 1930s until the end of WW II. Many homosexuals who survived were driven underground (Adam 1995, pp. 53-57). In other parts of the West, campaigns targeting male-loving men also took place in the first half of the twentieth century in toilets and other spaces. Other state activities included the censorship of homosexuality in films and anti-homosexual media campaigns. D'Emilio's (1981) research demonstrates how the US military framed homosexuals as immoral, psychopathic, perverted, and as a threat to national security. During World War II, Canadian military officials expelled homosexuals, labelling them "anti-social psychopaths" with "psychopathic personalities" and "abnormal sexuality" (Kinsman and Gentile 2010, p. 69).

Post-war and Cold War shifts in homosexual identity

In many countries today, homosexuality is viewed as a threat by the military, police and other security forces. Similar patterns of persecution and criminalization occurred in the West over the twentieth century: resistance to these practices by LGBT people generated significant gains. D'Emilio (1981) notes that many in the US military labelled homosexual were decommissioned, choosing to resettle in New York and Los Angeles after WW II. In an ironic twist, the military's attempt to "cast out" gays and lesbians created life-long bonds and a strong sense of community that endured (D'Emilio 1981, pp. 80-81). These social networks soon became sources of strength and support in the midst of a hostile environment created by the anti-homosexual McCarthy campaigns of

the 1950s (Adam 1995, p. 67). During the Cold War, queer sex was constructed as the “alien other,” linked to “conspiracy, recruitment, opposition and a threat to civilization” (Stychin 1998, pp. 7-10). In the US, the policies behind the “Lavender Scare” – a campaign that targeted US federal civil servants, diplomats and military members – began in the early 1950s and remained in place until the 1970s (D.K. Johnson 2004). Canada went through a similar phase, which involved the firing of homosexual civil servants and the banning of homosexuals from the military and the RCMP. Johnson (2013) describes how the US exported a “state-sponsored homophobic panic” to its Western allies, which led to blacklists, surveillance and dismissals. Underlying this ideology was a belief that homosexuality was a maladjustment that left civil servants vulnerable to blackmail and exposed them to communist ideology (D.K. Johnson 2013, pp. 55-61). In other words, homosexuality was a national security threat (Stychin 1998, p. 1). The US investigated Americans working at the UN and 26 other IGOs and generally pressured these organizations to purge homosexuals. (D.K. Johnson 2013, pp. 63-71).

The Canadian Department of External Affairs (DEA) purged many homosexuals from its ranks. In 1960, for example, the DEA identified 59 confirmed, suspected or alleged homosexual staff (Kinsman and Gentile 2010, pp. 131-132). One Canadian diplomat claimed that his Montreal hotel room had been bugged to record a tryst with a male colleague (Kinsman and Gentile 2010, p. 143). The Canadian Foreign Service had traditionally been a magnet for gay men, since they were often willing to go on

assignments, unattached, to places that were less desirable for diplomats with families.⁷

In fact, in the late 1940s and 1950s, DEA had a policy of posting “bachelors” to the Soviet bloc (Kinsman and Gentile 2010, p. 132). For example, David Johnson was Canada’s ambassador to the Soviet Union between 1956 and 1960. After Johnson learned that one of his clerks had been a victim of KGB entrapment, he sent the clerk back to Ottawa. During the subsequent interrogation by the RCMP, the clerk eventually revealed that Ambassador Johnson was also a homosexual; Johnson was recalled and dismissed. The clerk also produced an address book that yielded the names of other homosexuals, who were subsequently fired (Kinsman and Gentile 2010, pp. 93-95). Johnson’s predecessor, John Watkins – Canada’s ambassador to the Soviet Union from 1954 to 1956 – had also been gay. While posted to Moscow, he had also been the victim of KGB entrapment. Doubts about his loyalty lingered for years after his return to Canada: he was suspected of being a Soviet spy. In 1964, he was abducted by RCMP officers. He was detained at a Holiday Inn in Montreal: he endured a month-long interrogation, eventually succumbed to a heart attack and died (Kinsman and Gentile 2010, pp. 95-97).⁸

The social construction of homosexuality

In North America, as the 1960s dawned, the changes that occurred both socially and intellectually in the West are key to understanding how a Western LGBT movement took

⁷ In Canada, lesbians also joined the Foreign Service but suffered a double discrimination, since women in the Foreign Service were generally stymied in their career advancement until well into the 1980s. See E. Keeble and H. Smith (2001).

⁸ Ian Adams (1999) wrote a book about this incident. *Agent of Influence* was made into a 2002 film by the same name starring Christopher Plummer.

hold and circulated globally. Gradually, the gay and lesbian community became more visible and vocal, which paralleled the activist stance that was taking place on campuses and on the streets to protest issues related to the Vietnam War, workers' rights, civil rights and women's rights. At the same time, a shift was also taking place within the discipline of sociology: the way homosexuality came to be viewed is a case in point. Over the course of the twentieth century, scholars informed by Freud had focused on the repression of homosexual desires: sex was seen as an "overpowering animal force" (Epstein 1992, 247) and a "metapsychology of drives with its hydraulic metaphors of libido" (Epstein 1996, p. 148). For criminologists, homosexuals were "the other," strangers and outsiders engaging in deviant behaviour (Reiss 1961; Humphreys 1970). Many of these approaches were influenced by positivism, an approach to social science inspired by Comte which hews closely to empiricism (Honderich 1995, pp. 705-706). In this configuration, heterosexuality was deemed "natural" and homosexuality "unnatural" (Epstein 1996, p. 147). Stein and Plummer (1996) describe the empirical approach, emerging from classical sexological research, as follows: "Classifying etiologies of homosexuality as an object of social divisions" (Stein and Plummer 1996, p. 130).⁹

Underlying positivist research methods is the concept of objectivism, crucial to understanding how LGBT people in many countries are stigmatized, humiliated and

⁹ Although the authors use the example of Kinsey, Pomeroy and Martin's (1948) research, an argument can be made that there are much more stark examples of sexual classification (e.g., see Havelock Ellis [18977]) since the "Kinsey scale" posited a continuum between homosexuality and heterosexuality. However, in Epstein's view, although 37% of the men surveyed had had sex with men, the research was lacking important social context (Kinsey, Pomeroy and Martin 1948, cited in Epstein 1996, p. 148).

criminalized. According to Harding (1993), the putative goal of “maximizing objectivity” is to dispassionately “weed out social values from research;” however, “it only identifies and eliminates those social values and interests that differ among researchers and their peers.” Positivism mystifies objectivity, allowing dominant groups to claim to be objective without critically examining their own historic locations (Harding 1993, pp. 70-71). For example, Code (1993) points to the controversy around the research of Philippe Rushton (Rushton 1989), who asserted that “Orientals” were “more intelligent, more family-oriented, more law-abiding and less sexually-promiscuous than whites,” while whites were superior to blacks in these areas – all while using “an objective statistical methodology.” Code is not only concerned about inherent racism, but about the “androcentricity of objectivist epistemologies” (Code 1993, pp. 27-33).

In other words, if objectivists can argue that certain races are inferior, they can use the same approach to argue that women and, by extension, LGBT persons, are inferior. In social research, studies on homosexuality suffered from a similar objectivist bent: in the 1960s, research on deviant homosexual behaviour gradually gave way to new epistemologies. Homosexuality began to be viewed through the lens of “sexual meanings, identities and categories” that were considered to be “intersubjectively negotiated social and historical constructs” (Epstein 1992, p. 247). McIntosh’s (1968) research exemplifies this new approach. Modern Western sexual identity categories, she asserts, are a recent invention: the social role of homosexuals is a distinct one. Homosexual activity may be common, but homosexuals are still seen as socially threatening. To manage this tension, homosexuals are stigmatized “to keep the rest of

society pure;" a barrier is erected "between permissible and impermissible behaviour." The behaviour itself is referred to as "primary deviance." However, the homosexual identity is actually produced through "secondary deviance," the process through which the individual is labelled and then internalizes that label. She concludes that the search for the causes of homosexuality is a category mistake (Epstein 1996, p. 149); what is most important for the analyst is to observe the "homosexual role" (McIntosh 1968).¹⁰

The evolution of the gay liberation movement

The emergence of the LGBT subject represents what Stuart Hall (1992) would consider an example of how, in the 1960s, the modern subject began to be viewed as a sociological construct, formed in relation to society through symbolic interactionism. Identity acts as a kind of suture, stitching the subject into the structure which, in turn, "stabilizes both subjects and the cultural worlds they inhabit" (Hall 1992, p. 276). As a result, a set of collective social identities were formed and stabilized in the modern era, shaped through industrialization, capitalism, urbanization, and the social and sexual division of labour (Hall 1997, pp. 44-45). When LGBT subjects assume the "homosexual role" *en masse*, their identities become more visible. In 1969, after LGBT people asserted their rights in New York, the Stonewall rebellion launched a new social movement: gay, lesbian and transgender people rioted to protest police repression in their communities. Inspired by the black, Chicano, feminist and anti-war movements, gay liberation was seen as part of a social revolution to raise consciousness, question

¹⁰ Although it can be argued that not all homosexuals assume a "homosexual role," McIntosh's work articulates an important phenomenon: the emergence of a distinct LGBT subject.

gender and sex roles and put an end to sexual repression (Adam 1995, pp. 81-85).

Epstein describes the gay liberation movement of the 1960s and 1970s “as a specific instance of identity politics” (Epstein 1996, p. 150). To understand the broader context of this movement, Weeks (2007) identifies four key shifts that occurred between the 1960s and the 1990s:

- A “democratization and informalization of personal relationships” which involved separating sex and reproduction, marriage and reproduction, and sex and marriage.
- Increased sexual agency brought about by the women’s liberation movement.
- The “reshaping of the boundaries of public and private,” which touched on issues around consent, decriminalization, violence, pornography and the sexuality of minors.
- The AIDS epidemic, which triggered a shift towards a more secular intimate life that offered more personal agency (Weeks 2007, p. xi).

These shifts will be important to reflect on when analyzing my data in later chapters.

Many East-West clashes over LGBT rights involve societies where these shifts may be less pronounced; for example, personal relationships may be more formal and less democratic; women may enjoy less sexual agency; people may have less agency to choose or consent to sexual activity; and their sexual agency may be curtailed by laws or violence. Altman (2008) asserts that the emergence of a Western gay and lesbian identity, with its rejection of gender stereotypes, heterosexuality and traditional

marriage, was only possible within an affluent liberal framework. “The demand for equality for homosexuality, and its current expression in demands for gay marriage... is largely the creation of modern consumer capitalism” (Altman 2008, pp. 153-154).

Post-Stonewall, Canada and the US experienced an explosion of urban gay and lesbian communities and a mass coming-out. Jenness and Broad (1997) note that “the emergence and institutionalization of new social movements” reframed the politics of violence, which was “no longer seen as a personal problem in the private sphere.” Feminists identified assault, rape, sexual harassment, forced prostitution and other forms of violence as a social problem. LGBT anti-violence movements followed a similar path, which eventually led to an expansion of civil liberties, legal protection, and hate crime legislation for LGBT people (Jenness and Broad 1997, pp. 24-27). However, as the centre moved rightward in the US, the broad progressive movements disintegrated, leaving the gay and lesbian movement vulnerable to attack (Duggan 2003). In the early 1980s, for example, there was an unprecedented series of raids on Toronto bathhouses in Canada. As a result, the gay community in English Canada quickly became a much more cohesive political force (Warner 2002). The AIDS crisis exacerbated this tenuous situation. LGBT communities united to push “reluctant governments” to tackle the AIDS epidemic (Altman 2008, pp. 153-154).

Equality-seeking movements, mainstreaming and the queer critique

When viewing LGBT politics from a transnational perspective, it seems doubtful that the path taken by LGBT CSOs in the West can be replicated in other polities, throwing doubt

on the possibility of a “universal” or “global” LGBT movement. From 1970 to the early 2000s, the struggle for LGBT equality in the West was carried on to a great extent by gay and lesbian advocates who lobbied to reform legislation, policy and institutions.

However, it is important to note that this Western approach relied on a form of rights-based politics. In the 1970s, new social movements, especially in the US, took root through collective social protest and countercultural movements by staking out universal goals, such as human rights, world peace and saving the planet. The rise of these movements challenged liberal pluralist theory that collective identities, such as gays and lesbians, were simply “interest groups” vying for power (M. Smith 1999).

As gays and lesbians entered the mainstream, the focus shifted from gay “liberation” to gay “equality:” the concept of equality had the potential to include more areas of social and legal rights than the concept of liberation. Gay and lesbian equality rights activists tended to be educated, middle-class professionals who negotiated bureaucracies.

Warner refers to them as “assimilationists” who claimed that “family” issues, including the right of gay and lesbian couples to marry and have children, were of equal importance to all members of the community (Warner 2002). Epstein demonstrates how, once the original gay liberation element was shed, LGBT people used a mainstreaming “civil rights political strategy” (Epstein 1992, 282). Indeed, the Western gay and lesbian community’s strategic decision to take on a more coherent identity appears to have worked: legal protection and political representation has increased steadily.

Waites (2013) might explain this phenomenon by arguing that the decriminalization of certain types of homosexual behaviour grants homosexuals an implicit type of citizenship that allows them to participate in the political sphere in a limited manner. Instead of being governed directly through legal constraint, this arrangement symbolizes a new relationship. Using Foucault's concept of governmentality, Waites describes a modern homosexual citizen emerging from the shadows, "psychologised and associated with a new responsabilisation" (Waites 2013, pp. 168-171). Individual freedom is achieved through self-regulation. However, this model is a far cry from equal rights: it puts the onus on the homosexual citizen to manage behaviour. In fact, the goal is to eradicate "homosexuality from public life to maintain desired social norms in the population." However, he believes the approach falls short, achieving "only a sufficient degree of normalisation" (Waites 2013, pp. 171-173).

So far, I have shown how the Western movement arose in reaction to stigmatization and labelling and coalesced around a shared minoritarian identity ("gay and lesbian") that yielded political gains and greater visibility in the 1980s and 1990s. However, by the late 20th century, the notion of a cohesive gay and lesbian identity had begun to unravel, pointing up some serious divisions that gave rise to new theorizing about sexual and gender identity. There are a few possible explanations for this. Epstein (1996) might attribute this to a failure of social constructionism to adequately theorize gay and lesbian identity. Around the same time that constructionist perspectives arose in the academy that repudiated positivist studies of homosexuality, the gay and lesbian community began to consolidate around a fixed identity, with its own flags,

neighbourhoods, and garb. Constructionists came to view this consolidated homosexuality as “essentialist” (Epstein 1996, p. 151). Epstein outlines the contours of the essentialism-constructionism debate. Essentialists take a fixed sexual orientation for granted (Epstein 1992, p. 282); sexuality is seen as a “biological force.” Constructionists, on the other hand, feel that sexual identities “belong to the world of culture and meaning, not biology” (Epstein 1992, 262).

Hall (1997) might suggest that the fragmentation of gay and lesbian identity was due to the emergence a postmodern subject, which is composed of multiple social identities and inhabits positions constructed through different categories and antagonisms (Hall 1997, p. 57). Cohen (1991) describes one aspect of postmodernism as “a suspicion of identity as a totalizing construct that subsumes difference” (Cohen 1991, quoted in Epstein 1996, p. 156). As a result, in “a postmodern ‘decentering’ of identity ... formerly paradigmatic patterns of identity construction ... lose sway” (A. Stein 1992, cited in Epstein 1996, p. 154). Hall feels that Darwinian biology, the rise of the new social sciences, Marxism, Freudianism, and feminism all eroded the concept of a foundational identity (Hall 1992, pp. 285-291). As a result, identities are never completed: they are constructed through an ambivalence and a splitting “between that which is, and that which is the other... the self as it is inscribed in the gaze of the Other” (Hall 1997, pp. 47-48). Other scholars argue that the poststructuralists contributed to this fragmentation, challenging the concept of “gay and lesbian” identity, and recasting it as “multiple, relational and constantly open to reconstitution.... a rejection of a unified identity and of the master categories of heterosexuality and homosexuality” (Rankin 2000, p. 187). For

Nash, poststructuralism means that gay and other subjectivities “are neither fixed nor inherent.” Because these identities are specific to cultural and historical circumstances, they “are more usefully thought of as circulating systems of meaning or discourses that order social relations” (Nash 2005, p. 117).

The turn towards poststructuralist concepts of identity inspired a new stream of criticism in the 1990s called queer theory, which used literary and cultural scholarship to analyze what Sedgwick (1990) refers to as “putatively marginal experience in order to expose the deeper contours of society.” For her, sex, gender and sexuality are discrete concepts: while gender usually focuses on the male/female binary, sexuality has the potential for much more slippage (Sedgwick 1990, pp. 27-36). Butler’s (1990) seminal work, *Gender Trouble*, was a response to the feminist debates over the meanings of gender. She argues that gender is the effect of a regulatory practice that imposes a uniform identity through what Rich calls “compulsory heterosexuality” (Rich 1980, cited in Butler 1990, p. 43). Drag implicitly reveals the imitative structure of gender itself – as well as its contingency (Butler 1990, p. 87). Through drag, gender is unmasked: the “original identity” is actually an imitation without an origin. The operation of gender requires a performance that is repeated – a mundane way in which bodily gestures and movements create a gendered subject (Butler 1990, pp. 188-191).

Butler (1993) goes on to explore the queer subject. The word *queer* operates both by shaming and producing the queer subject, who cites the term *queer* in order to oppose it, miming and rendering hyperbolic the discursive convention that it reverses. Social strategies of regulation, abjection and normalization constantly link gender and

sexuality; the task of queer analysis is to theorize how these links are made (Butler 1993, pp. 226-240). Queer theory and the Queer Nation movement can be read as a postmodern decentering of the space once occupied by gays and lesbians. However, Epstein (1996) argues that while queer theory challenged gay and lesbian social movements – which are based on the importance of a shared identity – it is unclear how politics can be possible when identity is fluid and resists categorization (Epstein 1996, pp. 157- 158).

Some trans theorists are also critical of queer theory, questioning its ability to theorize transgender people. In Namaste's (2000) view, queer theory contributes to the anti-foundationalist agenda of poststructuralism, but its field of analysis is very limited: "novels, films, plays, and drag performances." Although Butler's work is synonymous with queer theory, Namaste lambastes Butler's "tragic misreading" of trans people: drag queens are framed as subversively exposing the gender system while transsexuals are portrayed as highly conservative dupes of gender who reinforce normative sex/gender relations (Namaste 2000, pp. 13-20). Because so much trans scholarship focuses on identity categories, the lived experience of trans persons is erased; they are reduced to the figural, the unthinkable, the invisible, and the impossible. Theorizing how gender is constructed does little to improve the material lives of marginalized trans people: the poverty and prostitution present in many trans people's everyday lives is ignored. Namaste prefers to frame her research questions in the everyday world, focusing on institutional relations that regulate and produce the experiences of trans subjects (Namaste 2000, pp. 46-52).

The critiques by queer and trans theorists may have had another impact: the lesbian and gay movement gradually became known as the LGBT movement. At the same time, however, Western sexual and gender identity has becoming increasingly mainstreamed. This normalization, the subject of the next section, has had a significant impact on the “brand” of sexual and gender identity that gets exported to non-Western countries: a rights-based, hence Western, way of categorizing sexual and gender identity movements.

Homonormativity and same-sex marriage as a feature of contemporary Western LGBT identity

Ironically, although queer culture encouraged a more radical and diverse identity, many LGBT people have since moved in the opposite direction, working hard to blend into the mainstream. In the West, the public face of homosexuality has to a great extent been normalized: for example, in 2019, there were four “out” state leaders: Prime Minister Leo Varadkar of Ireland; Prime Minister Jóhanna Sigurdardóttir of Iceland; Prime Minister Ana Brnabic of Serbia; and Prime Minister Xavier Bettel of Luxembourg. Queer theorist David Eng (2005) argues that, over the past 30 years, many changes have occurred in the West: the rise of neoliberalism, the war on terror, the implosion of the welfare state, a tide of fundamentalism, new patterns of migration, and the mainstreaming of lesbian and gay culture, along with increased legal protections – amounting to a post-identity, post-racial queerness (Eng 2005, p. 2). Eng believes that, through mechanisms of normalization, queer liberalism has recoded freedom as privacy, marriage and consumerism, reconstituting a type of reactionary identity politics (Eng

2005, p. 4). Duggan has created a term for this: *homonormativity*, “a privatized, depoliticized gay culture anchored in domesticity and consumption” (Duggan 2003, p. 50). For example, Califia (1997) observes that some conservative gay men want to “rehabilitate gay sexuality as monogamous, reproductive heterosexuality.” She dismisses these men as “supercilious elites who condemn and limit the parameters of other sexual minorities’ pleasures” (Califia 1997).

For Puar (2007), US queerness has become “an elite cosmopolitan formulation.” Society has embraced select LGBT citizens who are loyal to the state. Increasingly, queers are coupled and occupy conventional structures of family and kinship. They rely on revised laws and transnational adoption to fill out this conventional image (Puar 2007, p. 4). Much of this normalization has been entwined with the idea that same-sex marriage has tamed the more unruly aspects of homosexuality and contributed to greater social acceptance overall. For example, Irish Prime Minister Varadkar’s 2019 visit to the United States’ White House with his husband was the subject of intense media interest (Jackson 2019). In the West, progress on LGBT rights is measured to a certain extent by the right of same-sex couples to marry – now legal in over 24 countries (CNN 2019). Yet, my interview subjects indicated that same-sex marriage was almost impossible to discuss with many non-Western diplomats: it appears that controversies around the right to marry have the potential to develop into violent international confrontations in the coming years.

According to Butler (2004), the fact that more and more jurisdictions are recognizing same-sex marriage has led to a “crisis of legitimation.” Debates in this area have been

conflated with fears of technology, demographics, feminism and “gay promiscuity” (Butler 2004, p. 110). To exclude people from marriage is to articulate “a fantasy of normativity.” Traditional marriage becomes “an ideological account of kinship” (Butler 2004, p. 116). Within Lévi-Strauss’ frame of reference, the institution of marriage symbolically orders culture; conversely, the disappearance of marriage is linked to chaos (Butler 2004, pp. 103). However, Weeks (2007) rejects the view that same-sex marriage is a product of either heteronormativity or neo-liberalism: rather, he sees it as a “queering of traditional institutions,” one of many ways that LGBT people challenge heteronormativity (Weeks 2007, p. xiii). Indeed, Díez (2015) argues same-sex marriage has altered “foundational and historically dominant heteronormative elements of Latin American societies.” At stake here is more than just a reconfiguration of the central institution, the family; to wit, same-sex marriage upends the Thomist Catholic belief that sex and reproduction are inextricably linked (Díez 2015, pp. 29-38).

As the above literature review suggests, a “homonormalization” of LGBT identity has taken root, to varying degrees, in Western states, achieved through legal reform and by accessing political structures. Broadening the institution of marriage to include LGBT people has helped to construct a homonormative Western subject. However, this raises questions about the ability of this model to be replicated in non-Western countries. First, while such a transformation has been possible within the framework of liberal democracies, it is unclear how substantive legal and political changes can occur in non-democratic countries without the buy-in of powerful élites. Second, as I note in the next section, sexual and gender subjectivities have evolved differently in non-Western

countries, often with less access to capital and fewer human rights protections. The ability of the Western model to be replicated outside the West remains dubious. More likely, a patchwork of legislative and policy changes will gradually emerge.

Intersectional, transnational and postcolonial approaches to LGBT identities and movements

In this section, I review theories that examine the co-existence of Western and non-Western constructs of gender and sexuality. Weeks (2007) views the early 21st century as an era that points up many of the contradictions of contemporary sexuality, resulting in the questioning of relationships, gender roles, transgender identity, and the proliferation of new authorities, narratives and forms of sexual/intimate citizenship (Weeks 2007, p. xii). Altman argues that globalization has disrupted traditional economic, social, gender and sexual relations (Altman 2008, pp. 147-149). However, as Chapter 3 and my data will later demonstrate, a homophobic discourse in some non-Western countries “blames” and “accuses” the West of contaminating them with foreign concepts and constructs of homosexual identity. Certain theoretical tools can assist in understanding the validity of these claims and the strategies that LGBT activists use to counter them: intersectional, transnational and postcolonial approaches to gender and sexuality.

Intersectional approaches in sexuality studies point to multiple layers of identity and subjective experience. Intersectionality forces the analyst to consider gender and sexuality in relation to other axes of social differentiation that discriminate against and

disadvantage subjects. Race, social class, religion, nationality and ethnicity, to name a few categories, combine with gender and sexuality to create differing experiences of oppression. Crenshaw (1991) created one of the first theoretical frameworks to map the intersections of race, gender and class. She used racialized violence as a lens to demonstrate how mainstream feminist and anti-racist movements ignore and conflate social, class and gender differences (Crenshaw 1991). In another example, Crichlow's (2003) interviews with Jamaican-Canadian gay men convincingly demonstrate that: they experience racism and heterosexism from white people in Canada; they are racialized and sexualized within the gay Canadian white community; and they experience heterosexism within the black community (Crichlow 2003). It is important to understand that these phenomena are mutually constituted and not additive. It would be imprecise to conclude that these subjects are oppressed *because* they are black or gay or immigrants to Canada: although any one of those factors can contribute to their marginalization, a more multi-faceted analysis derives from considering how multiple sources of oppression interlock. Gender and sexuality studies of societies prior to colonization can also provide rich insights. Many Indigenous notions of sex and gender roles and behaviour were negated and erased through colonization (e.g., see L.T. Smith 1999). Lugones (2007) describes an ideology of "heterosexualism" that was often violently imposed by Spaniards on the Americas, demonstrating how gender fused with race in the operation of colonial power. For example, many pre-contact indigenous nations in the Americas acknowledged intersex people and recognized more than two genders (Lugones 2007). Colonists applied stigmatizing labels when language failed

them: for example, the French referred to indigenous people who did not conform to Western gender roles as male prostitutes, sodomites and hermaphrodites (Kinsman 1996b, pp. 92-97). Moreover, the spiritual aspect accorded to these subjects was often ignored by Western anthropologists (Shelley 2008, p. 23).

Comparative sexuality studies draw parallels between various identity categories.

Weeks (2007) describes three key models that occur around the world: an intergenerational homosexual identity, a cross-gendered identity, and a more “egalitarian” model. While these categories differ, each is vulnerable to similar patterns of discrimination (Weeks 2007, pp. 217-220). Guzmán critiques gay Western culture from the viewpoint of a Latino living in the U.S. (Guzmán 2006), while Quiroga argues that American gay culture places too much emphasis on coming out and self-identifying (Quiroga 2000). Picq (2015) uses the case of Gay Pride celebrations to address two misconceptions: that the Amazon region is “non-modern” and that homosexuality is a Western construct. In fact, these celebrations demonstrate how regions separated from the core can be cosmopolitan examples of sexual modernity, connected to global politics (Picq 2015). Other research is ethnographic. For example, Prieur (1998) explores the world of Mexican men who dress as men during the week and work in more traditional jobs; on weekends, they dress as women and sell sex to supplement their incomes. She reflects on her native Norway, where gay men are only tolerated if they act straight. She asks: “Which country is more tolerant” (Prieur 1998, p.66)?

Queer diaspora studies theorize divergent sexualities alongside questions of race and ethnicity, sparking a rethinking of critical race theory and postcolonial studies. Queer

diasporas contest family/kinship structures, the nation-state, citizenship, imperialism and empire, challenging the “racialized heteropatriarchy” that has been so central to Western sexual development (Eng 2005, p. 8). For Luibhéid (2005), transnational theory helps to view migrants as agents who take on identities in multiple societies simultaneously. Queer migrants are sometimes forced to repudiate their own sexual and gender norms to gain entry to a new land: refugees must renounce their homelands and demonize their countries in order to gain asylum (Luibheid 2005). In his study of Filipino men in the U.S., Manalansan (2003) describes a process of negotiation between a gay Western identity and a *bakla* identity – which combines elements of homosexuality, hermaphroditism, crossdressing, effeminacy, and transformation (Manalansan 2003, p. ix). Manalansan argues that the *bakla* and the gay man “are not two modes of identity but permeable boundaries of two existing cultural ideologies” (Manalansan 2003, p. 13-14).

Mobilization, law reform and decriminalization beyond the Western context

This section addresses: the growth of transnational advocacy networks; the emergence of non-Western LGBT CSOs; the strategies used by these organizations to promote LGBT rights; and how these CSOs have moved beyond borders to tackle issues such as law reform and decriminalization in multiple sites. Social movement theory has enriched our understanding of the rise of a Western LGBT movements (see, e.g., Adam 1995), which was discussed earlier in this chapter; it also helps explain the elements needed for domestic LGBT movements to thrive, even outside the context of Western liberal democracies (Adam, Duyvendak and Krouwel 1999b) to be discussed below. However,

some aspects of social movement theory may be more useful for my particular project, given my triadic focus on official actors and especially when considering the role of the state and the professionalization of CSOs. For example, during my research I came into contact with a few international NGOs that engage uniquely on LGBT rights on an international scale – and which are the source of some of my data in Chapters 5, 6, and 7. One of my interview subjects referred to these groups as the “Geneva élite.”

I found Deibert’s (1997) definition of global civil society movements particularly useful when trying to get a clearer sense of how these global LGBT rights organizations have evolved and how they operate. They are essentially “transnationally organized political networks and interest groups largely autonomous from any one state’s control” (Deibert 1997, pp. 14-15). CSOs fundamentally challenge “the modern world order paradigm by diffusing a dense network of social and interest-group activities across territorial-political boundaries.” These new networks “frame their movements’ aspirations and interests in universalist terms, beyond boundaries.” These global movements assert their legitimate influence in issue-specific areas, thus challenging “the monopoly claims of territorial states over legitimate authority” through processes of deterritorialization (Deibert 1997, p. 18).

In a similar vein, Carpenter (2007) examines the world of transnational advocacy networks (TANs), which consist of CSOs, international organizations, governments and individuals that lobby, set standards, monitor compliance and criticize member states for violating certain human rights norms. Issue emergence occurs when a problem becomes a matter of concern on the international stage. This problem becomes an

“issue” when advocates label the problem a human rights violation and start campaigning for a specific outcome. For example, Canada successfully advocated on behalf of “war-affected children” (see, e.g., Sorger and Hoskins 2007) – a relatively-recent construction in human rights discourse – as part of its human security campaign in 2000 (Carpenter 2007, pp. 100-104). Once an issue is defined by a “norm entrepreneur,” it must be adopted by a “gatekeeper” in order for full emergence to occur. However, it is often unclear what criteria are used when gatekeepers choose “new issues from the ‘primordial soup’ of possible emerging claims.” The only way to understand this, she argues, is to research bureaucratic decision-making processes by looking “inside the black box of gatekeeping organizations” (Carpenter 2007, pp. 113-115).

Carpenter (2005) demonstrates how CSOs and IGOs worked together to frame human rights violations against women within the UN context. In her analysis of UN humanitarian assistance, the UN agencies she examined deployed gender essentialisms as a tool, “exaggerating alleged differences and obscuring variation within the groups.” Photos of desperate or slaughtered women were posted on UN agency websites, but not similar images of men. In fact, men were completely absent; civilians were constructed simply *as* women and children. Maternal images were used to generate international sympathy. In this narrative, women were depicted as “inherently peaceful,” while non-combatant men were invisible (Carpenter 2005, pp. 296-306). The frame was then amplified to provoke a response. At the same time, men were recast as the sole perpetrators of violence. Yet, Rwandan and Bosnian women who had

participated in their civil wars as combatants were framed as civilian victims. She observes how CSOs picked up on this narrative: some advocates posted fallacies on their websites, going so far as to claim that eighty percent of all refugees were women and that the majority of war casualties were women and children (Carpenter 2005, pp. 319-322).

True and Minstrom (2001) explore how transnational feminist movements have impacted domestic politics and policy. As a lens, the authors use gender mainstreaming, which they define as the policies implemented by institutions to rectify persistent gender disparities. The gender mainstreaming trend demonstrates how transnational politics shapes domestic politics: changes in domestic norms then feed back into the international realm. Countries that undergo a rapid policy shift on women's rights are associated with two main variables: transnational networks and international norms (True and Minstrom 2001, pp. 28-41). Other variables are democratization, GDP spending and women's access to education. The authors conclude that gender mainstreaming has diffused rapidly across countries where women's NGOs have "multiple ties to transnational networks" and when domestic policy institutions have been open to new ideas. They conclude that the transnational networks of non-state actors have the potential to catalyze rapid policy diffusion at the domestic level (True and Minstrom 2001, pp. 44-52).

Generally speaking, the scholarship on international LGBT rights movements examines issues such as: the types of advocacy activities that are organized on the ground; the framing strategies that LGBT advocates use; and the allies that LGBT CSOs work with on

a national level. For example, Adam, Duyvendak, and Krouwel (1999b) use social movement theory to develop a list of stages which, in their view, all LGBT movements need to pass through in order to successfully advocate on behalf of a local LGBT population. During the first stages in the life cycle of an LGBT organization, there tends to be a focus on decriminalization. "In the next phase, movements combat discrimination in other fields." Obviously, in countries where civil society is stronger, these movements will be more successful (Adam, Duyvendak and Krouwel 1999b, pp. 344-352). Lennox and Waites (2013a) describe the wide range of LGBT advocacy activities that Global South CSOs engage in. In their study of sixteen Commonwealth member states, they found that most countries had at least one LGBT NGO, which can be necessary when broader human rights organizations choose to ignore LGBT issues. Activities include litigation, protest, information campaigns and requests for legislative review (Lennox and Waites 2013a, 509-512). At the domestic level, Lennox and Waites list various political opportunity structures: LGBT advocates engage with parliamentarians, election campaigns, national human rights institutions, and individual ministries that are receptive to LGBT rights. Public advocacy and resource mobilization are other important strategies (Lennox and Waites 2013a, pp. 520-531).

LGBT advocates use different framing strategies, depending on the political opportunities and contexts, including HIV and health issues, psychological support, violence prevention and economic issues related to tourism. The movement to decriminalize homosexuality is a popular framing strategy used by Global South LGBT advocates. Hildebrandt (2013) notes that the trend towards decriminalization began in

France in 1791, when the ban on private same-sex acts was lifted; all thirteen countries in the world where same-sex acts have never been banned are former French colonies. Another wave of decriminalization occurred in Communist countries in the early 20th century (Hildebrandt 2013, pp. 2-8), while a second wave in the 1960s paralleled increasing social acceptance in the West. In the 1980s, there was a resurgence, spurred on by *Dudgeon vs. the UK*, a turning point in international human rights law. There was another wave in the 1990s, when twenty former Communist countries decriminalized homosexuality (Hildebrandt 2013, pp. 13-17). Homosexuality was criminalized across the British Empire in the 19th century (Kirby 2013): although countries began to decriminalize in 1967, 35 countries in the Commonwealth still have anti-homosexual legislation (Mendos et al, 2020).

In some Global South countries where there have been efforts to rescind laws that prohibit same-sex conduct, there has been considerable local resistance and even backlash. Lennox and Waites' (2013) edited collection examines the strategies and prospects for decriminalization in several Commonwealth countries in Asia (see, e.g., Shah 2013), Africa (see, e.g., Santos 2013), and the English-speaking Caribbean (see, e.g., Gaskins 2013). The most common tactics that LGBT CSOs in the Commonwealth use to spur on decriminalization are litigation and requests for legislative review through parliamentary bodies, the court, and other judicial bodies (Lennox and Waites 2013a, pp. 529-531). In the Bahamas, decriminalization was achieved using a "right to privacy" framing strategy, focusing on the separation of the public and private spheres. This approach can sometimes soften the rhetoric, especially in societies where support for

LGBT equality is weak (Lennox and Waites 2013a, p. 535). Other scholars believe that the most promising approach is through constitutional reform, which bypasses the need for endless debates on decriminalization – since a new inclusive constitution has the potential to obviate extant censures. South Africa’s 1996 constitution is often cited as a positive example. Sexual orientation was included in the equality clause as a prohibited ground for discrimination (Spruill 2001, p. 4). Stychin views this as an opportunity for a “newly imagined national identity characterized by the dereification of identity categories” (Stychin 1998, pp. 53-59).

Keating (2013) demonstrates the impact that developments in the US can have on local LGBT organizing in the Global South: state homophobia sometimes mobilizes in reaction to the gains of LGBT movements in the Global North, forcing local LGBT organizations to react. In effect, this denies local LGBT organizations the opportunity to shape their own movements but instead nudges them “toward their EuroAmerican counterparts” (Keating 2013, p. 251). However, Lennox and Waites’ (2013a) research seems to suggest that Global South movements modeled on Western LGBT movements are not the norm. For example, in India, broader coalitions have been built between women’s organizations, LGBT organizations and more specialized groups. This is an interesting departure from some scholarship on Western LGBT organizing which, the authors argue, tends to exaggerate the need for identity-based politics as a basis for successful campaigning. Lennox and Waites found few connections between trade unions and grassroots LGBT movements in the Global South, “perhaps suggesting that such actors have not been key allies in decriminalisation processes.” They conclude that there is no

single frame, platform or structure more conducive to LGBT activism; in fact, deploying an array of strategies may be the way to go (Lennox and Waites 2013a, pp. 509-514).

Towards a Global South decolonial approach to LGBT politics and human rights

To say that there is a vast literature on “global sexualities” is true, but such a term can also oversimplify a complex range of scholarship. To recap some of the multiple, overlapping literatures on global sexualities I have just reviewed, there are: comparative sexuality studies (Weeks 2007, Guzmán 2006, Prieur 1998) focusing on the similarities and differences of identity categories across different cultures; decolonial research on how sex and gender have been impacted by colonialism (Lugones 2007, L.T. Smith 1999); transnational studies that demonstrate how migration impacts sexual and gender identities across borders (Lubhéid 2005, Manalansan 2003); critical literature on the impact of Western constructs of sexual and gender identity on non-Western societies (Puar 2007, Eng 2005); analyses of how homosexuality is regulated politically, legally and socially in different jurisdictions around the world (Diez 2015); and the emergence of and connections between LGBT movements around the world (Adam, Duyvendak and Krouwel 1999a and 1999b, Lennox and Waites 2013a).

All of these areas of study assist in unpacking the phenomenon of transnational resistance to LGBT rights, sparked at the intersections of sexual and ethnic hierarchies within postcolonial contexts. In the next chapter, I will review literature that illuminates how these conflicts play out in the international political arena. For now, though, we can say that much of the literature on global sexualities contributes to our understanding of

a concept that Rahman (2014) refers to as *homocolonialism*. He defines the term as “the deployment of homonormative nationalism” by Western cultures that projects a discourse of respectability “in a classic colonializing mode” towards cultures that are constructed as traditional and homophobic. In turn, he demonstrates how this assertion of Western-style LGBT identity “provokes Muslim homophobia.” In the international realm, this type of reaction is framed as “a discourse of resisting Western cultural imperialism to maintain cultural/religious integrity” (Rahman 2014, pp. 279-280). In the process, however, the lives of LGBT people in these “traditional societies” are affected. If they are targeted by the state, they may turn to Western sources of support, which can then reinforce accusations that the marginalized group’s sexual identity is indeed Western-inspired.

Bosia (2020) explores this clash in *The Oxford Handbook on Global LGBT Politics* (Bosia, McEvoy, and Rahman, eds. 2020). Bosia (2020) points out that while in some countries the “globalization of sexual diversity politics” has led to the decriminalization of homosexuality and an increase in protections, in other countries, civil society has been suppressed and sexual and gender minorities have been policed, displaced and tortured (Bosia 2020, p. 3). In the same volume, Rahman (2020) argues that Western LGBT politics derives from Western colonialist capitalism whose inherent heteronormative structure works to suppress and minoritize non-conforming sexual and gender identities. In another edited volume, *Decolonizing Sexualities* (2016), the editors call for a rethinking of the “neo-colonial epistemic categories,” advocating for a new concept: “decolonial queerness” (Bakshi, Jivraj and Posocco 2016, pp. 1-2). In the Prologue,

Crawford (2016) rejects the First World LGBT version of “success:” a white assimilationist model cannot address the “multiple exclusions” experienced by LGBT people of colour who are fighting against a daunting “sexual, gender, race, spiritual, economic, political, and linguistic hierarchy of power” (Crawford 2016, pp. xix-xxi). In the volume’s foreward, Mignol (2016) reflects on the “good intentions” on Western scholars: if they have not experienced “the colonial wound,” they cannot heal others. However, they can heal themselves, and in so doing, reduce “the privileges that whiteness, heterosexuality, and First Worldness bestowed up on them” (Mignol 2016, p. xi). *Decolonizing Sexualities* set the tone for exciting new research on LGBT identities and movements from a decolonial and Global South perspective.

A few years earlier – and in the same vein – Wieringa and Sívori (2013) investigated the “diversity of beliefs, practices, and cultural traditions that shape and challenge sexual meanings and classifications in the context of pre-colonial realities and peripheral modernities.” The authors make an important contribution by naming “two imbricated, seeming paradoxical processes” that are occurring in the Global South at the moment. On the one hand, a kind of “postcolonial amnesia over ancient sexual practices, relations, politics and expressions” occurs, making it difficult to separate fact from fiction. At the same time, however, there is “a striking continuity between the sexual politics of postcolonial regimes and their colonial predecessors” (Wieringa and Sivori 2013, p. 12). Wieringa and Sivori argue that the Eurocentric gaze not only created and regulated new sexual subjectivities, it set up a new form of centre-periphery relations: the “normal, modern” construction was placed at the centre, while the “deviate” and

the “traditional” was placed at the periphery (Wieringa and Sivori 2013, pp. 1-2). For example, IGOs use Western identity categories, such as LGBT, to frame their funding in Global South contexts. When local CSOs take on these terms, it can trigger claims from opponents in the Global South that Western IGOs and diplomats are imposing foreign concepts of sexuality on their population (Wieringa and Sivori 2013, p.4). This “perceived hegemony of Western conceptualizations of sexuality” must be decentered (Wieringa and Sivori 2013, p. 17).

Like Wieringa and Sivori, Rao (2020) is skeptical of the labels that Western funders use in India to assist sexual minorities. He explores this and many other themes in his meditation on colonialism and homophobia in India and Uganda – two countries whose LGBT communities have been impacted by British sodomy laws. Uganda’s Anti-Homosexuality Act triggered “global frictions” and are emblematic of ways that “gender and sexuality are co-constituted by a host of other categories... nation, religion, race, class, and caste” (Rao 2020, p. 12). For example, Rao points to an ironic incident where UK Prime Minister Theresa May expressed her regret for British sodomy laws during the colonial era but was silent on slavery (Rao 2020, p. 9). He notes that international development parlance has turned *trans* into “an overarching signifier for gender non-conformity” despite the complexity and multiplicity of categories. For Rao, this transfer of Western identity categories to the Global South is an example of “homocapitalism,” which he describes as a “consensual strategy” that holds out “the prospect of a rosy future redolent with growth and productivity” when societies in the Global South adopt Western sexual/gender identity categories (Rao 2020, p. 12). On the other hand, in

funding applications, the *hijra* – instead of being viewed as a sexually-diverse group in need of assistance – are also framed as “backward,” in deference to the Indian constitution’s commitment to ameliorate caste disparity (Rao 2020, pp. 29, 216).

However, as theorists and researchers grapple with ways to decolonize sexuality studies, Waites (2020) believes that there is a danger that human rights can be misrepresented or glossed over. In the introduction to another recent edited collection, *The Sage Handbook of Global Sexualities* (2020), Waites reviews a range of scholarship on global sexualities. To begin with, the term “global” can sometimes be misleading, often emanating in the West, where a “global perspective” can stem from “privileged vantage points” (Waites 2020, p.3). Globalization becomes associated with the Americanization of LGBT culture, which can lead to conflicts around LGBT rights. He notes that, until recently, editors and authors in global sexuality studies were “disproportionately based in the West” (Waites 2020, pp. 4-5). Another trend that concerns Waites is the lack of attention by some decolonial scholars to human rights, with its colonial baggage. He calls for a more intimate linking of human rights scholarship with decolonial critiques; i.e., “the need to think more historically about the formation of contemporary patterns and structures of power and inequality, especially through the influence of colonialisms” (Waites 2020, p. 8).

Waites notes that much theorizing around LGBT human rights gets “stuck” on “the tension between foundationalist universalism and cultural relativism.” As a result, the promotion and protection of global LGBT rights become synonymous with the “top-down model, whereby UN human rights will gradually be transferred down to various

peoples” (Waites 2020, pp. 10-12) without taking into account how multilateral human rights discourse works in exclusionary ways and “lacks sustained attention to the issues of transnational colonial and transnational racism” (Waites 2020, p. 13).

Conclusion

The literature reviewed on LGBT identities and movements in this chapter provides an important foundation to assist me in analyzing the data that emerged from my three research questions. There are three main areas that I found to be particularly useful when framing my data analysis. The first is the triadic interaction between states, IGOs and CSOs. The globalization of civil society organizations, unmoored from domestic constraints, permitted the growth of transnational advocacy networks that framed human rights issues, found a multilateral platform on which the issue could be launched, and mobilized to raise awareness and lobby for policy change. This triadic movement has the potential to “reach back” to individual member states and inspire changes in policy and increased adherence to international norms.

The second area is sexual- and gender identity-based identities. The key to unpacking transnational resistance to LGBT rights is understanding that sexual and gender identities are socially constructed and fluid; the colonization, regulation and oppression of subjects on the basis of their sexual and gender identities have given rise to a multiplicity of models of sexuality and outcomes. The third area is social movement theories. There is no “one size fits all” LGBT social movement theory. Although certain analyses can enrich our understanding of the growth and challenges facing LGBT

movements within particular political, historical, social and cultural contexts, the theorization of what is occurring at the international level must be broken down into different elements: post-colonial and transnational theories of gender and sexuality, the local movements that resist stigmatization and criminalization, and the transnational civil society networks that engage on different aspects of this resistance by asserting LGBT rights on a global scale through IGOs. The social construction analysis from this chapter, combined with particular theoretical insights related to international politics in the next chapter, will provide a framework for better understanding of transnational resistance to LGBT rights.

In this chapter, I have reviewed literature on how the targeting of sexual and gender minorities generated movements that have asserted identity-based rights, in the West and increasingly around the world. The literature has also considered how pre-colonial sexual and gender identities blend with Western constructs. The next chapter will explore how the theorization of LGBT identities and movements coexists within the literature of international relations, human rights and diplomacy.

CHAPTER TWO

INTERNATIONAL RELATIONS, HUMAN RIGHTS DIPLOMACY AND LGBT RIGHTS

Butler (2004) views the equation of LGBT rights with human rights as no less than “a remaking of reality... a reconstituting of the human.” She links this idea to Hegel’s concept of recognition: only if I receive and offer recognition can I persist in my own being. Conversely, if I am not recognizable, it is not possible for me to persist in my own being (Butler 2004, pp. 29-31). Hillary Clinton offered this type of recognition when she addressed the UN Human Rights Council (HRC) in Geneva on Dec. 6, 2011 and said: “Gay rights are human rights.” She argued that “members of these groups are entitled to the full measure of dignity and rights, because, like all people, they share a common humanity... being LGBT does not make you less human.”¹¹ As one of the world’s most visible and powerful female politicians at the time, she was “offering recognition.”

Given the prestige of the location – the site of treaty negotiations and peace talks on the shores of Lake Geneva – even the most obdurate diplomats in that room would have conceded that LGBT rights had become a topic of legitimate debate within the realm on international relations. Within a little more than 100 years, the LGBT movement had become a truly global phenomenon. Sexual orientation and gender identity (SOGI) issues have been mainstreamed not only into human rights discourse, but into other

¹¹ Excerpts of the speech are cited in C. Wilkinson and A. Langlois (2014). Note that, as of Aug. 25, 2017, the original video and transcript of the speech had been removed from the U.S. State Department’s website.

areas of international relations. However, linking LGBT rights to the broader liberal concept of human rights has had a knock-on effect in countries that criminalize and constrain homosexuality: diplomatic engagement on LGBT rights has led to conflict and polarization between states, spurred on by the West's promotion of LGBT rights at the multilateral level.¹² The West uses certain tools to promote LGBT rights: international law, multilateral and bilateral diplomacy, international assistance and a close involvement with civil society organizations (CSOs). Although it might not be possible to draw a causal link, my interview subjects – diplomats, as well as UN experts and CSO representatives – argued that Western engagement on SOGI issues leads to conflict with representatives from non-Western states who generate a counter-discourse about cultural relativism.

By the end of Chapter 1, we learned how emergent LGBT identities and movements had gone global. In order to better understand how queer diplomacy has emerged as a tool to navigate transnational homophobia, I am developing an interdisciplinary theoretical framework which creates a conversation between international relations literature and the literature reviewed in Chapter 1 on the social construction of LGBT identities and the emergence of LGBT movements in Western liberal democracies and beyond. This global presence is hardly reflected in the mainstream literature on international

¹² Although some would argue that Western support for LGBT rights was radically disrupted during the Trump era, there is strong evidence to suggest that US rhetoric at the highest levels tempered, but did not stop, the US from supporting LGBT rights from 2016-2020. The Council for Global Equality, a US LGBT policy think tank, has documented several examples of support for LGBT rights by senior State Department officials for the Equal Rights Coalition and IDAHOT celebrations. Some openly-gay US ambassadors were also appointed by the Trump administration. See Council for Global Equality (2021).

relations and diplomacy: in fact, until the early 21st century, global LGBT rights was not a topic normally explored in the international relations literature. This chapter focuses on areas of scholarship that illuminate the landscape of multilateral human rights diplomacy where many international SOGI issues have found a home: specifically, the international human rights institutions and processes that have been engaged by advocates and opponents of LGBT rights. I review some key concepts in the areas of international relations, multilateralism, and human rights, before exploring some newer scholarship that attempts to “queer” international relations.

International relations and the rise of multilateral human rights institutions

The term ‘international relations’ was coined in the late 18th century (Brown 2005, p. 19). The liberalism that first shaped international relations in the nineteenth century combined the Enlightenment’s “optimistic view” of the world with concepts of democracy and free trade. The result, by the end of WW I, was the rise of liberal internationalism, a doctrine that aimed to prevent future wars through the application of international law and multilateralism: Wilsonian idealism contributed to the creation of the League of Nations (Mingst 2008, pp. 60-61). Since traditional diplomacy had failed to prevent WW I’s devastation, the League’s founders felt that this new institutional framework could succeed by strengthening democratic political systems and supporting national movements of self-determination. However, the onerous conditions of the Treaty of Versailles led an aggrieved Germany to move in the opposite direction. With the rise of Nazism, liberal internationalism began to be viewed as a failure, and the

search was on for new theoretical understandings of international relations (Brown 2005, pp. 21-25).

In 1939, E.H. Carr developed a theory known as realism (Carr 2001 [1939]), which emerged as “the major theoretical counterpoint to liberalism.” Mingst summarizes realism as the view that states are “primarily selfish and power-seeking,” pursuing their own national interests within an anarchic international system that has no identifiable hierarchy. States depend on themselves to manage insecurity; they do this by balancing the power of other states and deterring other states from threatening them (Mingst 2008, p. 63). Brown (2005) views realism as the dominant theory in international relations. In the early 1970s, realists began to be challenged by proponents of transnational theory, complex interdependency theory and pluralism, which raised the issue of agenda-setting (Brown 2005, pp. 35-36). Underpinning much of the realist scholarship is rational choice theory. In 1979, Kenneth Waltz published *Theory of International Politics*, an influential work that created neo-realist theory, which argued that the most stable system was a bipolar one. Waltz’s work unleashed a torrent of criticism and generated new theories to counter his utilitarianism (Waltz 1979, cited in Brown 2005, pp. 41-43).

A host of international relations critics reject the central role played by the state in rational choice theory, preferring to focus on “global social, economic, cultural and political forces.” The most prominent of these counter-theories is constructivism, which Brown argues is more of a “bumper sticker” term for opponents of mainstream international relations theories. Constructivists believe that outcomes are not

predetermined: states have identities, and these identities matter (Brown 2005, pp. 48-50). Constructivists note that issues such as gender and ethnicity are absent from mainstream theorizing; they recognize the importance of beliefs, social norms and behaviours in the collectivities that shape the identities of these states. They are interested in learning how states' identities change "as a result of cooperative behavior and learning" (Mingst 2008, p. 73). Neumann and Sending (2007) focus on relations of power and examine governmental practices and techniques that produce certain types of identities and behaviour. They believe that "the international" is "a discourse where liberal norms of governing take on increasing importance" (Neumann and Sending 2007, p. 678). Drawing on Foucault's efforts to theorize a rationality of governing, their analysis builds on constructivism: one example of this process is when states use "indirect rule" to govern the conduct of postcolonial states through international cooperation programs (Neumann and Sending 2007, pp. 695-700).

The English School also critiques a realist vision of international relations. Buzan (2004) describes the English School as "an established body of theoretical and empirical work" with two important aspects: it is "theoretically pluralistic" and embraces three main concepts: international system, international society and world society. International system refers to "power politics among states." International society presupposes states with shared identities, interests, norms, rules and institutions. World society describes a globalized vision beyond the states-system (Buzan 2004, pp. 6-7). A central question for Hedley Bull (195), an English School adherent, was: "How is order maintained within the present system of sovereign states?" In *The Anarchical Society* (1995), he sets out five

“institutions of the society of states” that maintain order: balance of power, international law, diplomacy, war, and the Great Powers (Bull 1995, p. xv).

In Chapter 1, I showed how LGBT advocacy groups began to assert their rights claims at the UN and other IGOs in the 1990s. Multilateral approaches to international relations arose in Europe in the nineteenth century. In 1856, a joint commission was launched to supervise navigation on the Danube. In 1864, the first Geneva Convention, “for Bettering the Condition of Wounded Soldiers,” was signed by 25 states (Anderson 1993, p. 245-251). In 1892, the first international peace organization was established in Bern (Anderson 1993, p. 249). When the League of Nations dissolved in 1946, it was replaced by the UN. Since practically every country in the world is represented, the UN has become the point of reference for global debates on almost every thematic imaginable. Other prominent IGOs include the World Bank, the North Atlantic Treaty Organization, the European Union, the Commonwealth, La Francophonie and the Organization of Islamic Cooperation.

Regional human rights organizations and systems play an important role in the monitoring, promotion and protection of human rights through regional treaties and bodies. These include the Council of Europe, the Inter-American human rights system and the African human rights system. The UN human rights system is massive and complex. The Universal Declaration and the International Human Rights Covenants are the human rights norms that states are expected to comply with. These rules are interpreted and implemented by three main actors: the UN Charter Bodies, the UN Treaty Bodies and the secretariat, known as the UN Office of the High Commissioner for

Human Rights (OHCHR), which was established in Geneva in 1993. In 2016, the UN devoted approximately 3.5 percent of its annual budget to human rights: this amounted to approximately \$95 million, with an additional \$129.6 million donated by members and international organizations (OHCHR 2017c). In 2017, the OHCHR had 994 staff in 24 offices around the world (OHCHR 2017a).

As Chapter 1 indicates, global acceptance of LGBT rights is spotty and reflects the inconsistency and reticence with which UN member states accept human rights protections. There are ten Treaty Bodies,¹³ responsible for the implementation of the nine Core Treaties, also known as the “Core International Human Rights Instruments.”¹⁴ The Treaty Bodies monitor state compliance through a process in which the state submits periodic reports. Donnelly describes this system as “limited, noncoercive monitoring... There are no sanctions of any sort even if the country refuses to submit its report (as a few do)” (Donnelly 2013b, p. 166). Donnelly notes that after WWII, when the international human rights system was being built, a series of political compromises resulted in a human rights system with “normative strength” but without a system of international enforcement (Donnelly 2013b, pp. 170-171). However, pointing to the

¹³ Committee on the Elimination of Racial Discrimination; Committee on Economic, Social and Cultural Rights; Human Rights Committee; Committee on the Elimination of Discrimination against Women; Committee against Torture; Committee on the Rights of the Child; Committee on Migrant Workers; Subcommittee on Prevention of Torture; Committee on the Rights of Persons with Disabilities; and Committee on Enforced Disappearances. See OHCHR (2017b).

¹⁴ International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; International Convention for the Protection of All Persons from Enforced Disappearance; and Convention on the Rights of Persons with Disabilities. (See OHCHR 2017b.)

example of the Treaty Bodies' reporting system, he notes that its aim is not coercion but "to encourage and facilitate compliance... reporting often has a significant positive effect" (Donnelly 2013b, p. 166). Treaty Bodies can also issue "General Comments," legal opinions that Donnelly believes "influence the progressive development of international human rights law by offering quasi-authoritative interpretations of the nature of obligations under the treaty." Although they are not legally binding, they are a "significant device for the progressive development of international human rights jurisprudence" (Donnelly 2013b, pp. 167-168). Individuals can also submit complaints to the Treaty Bodies if they feel their own government has violated their human rights by not adhering to certain international obligations. The committees review these complaints and issue written comments in certain cases if they determine there has been a violation of the treaty. Although these opinions are not legally binding, they are often taken very seriously by the state and can lead to remedies. For example, in 1994, the UN Human Rights Committee issued a Communication that concluded that the sodomy law in Tasmania violated the right to privacy in the International Covenant of Civil and Political Rights. This paved the way for Australia's decriminalization of sodomy in Tasmania.¹⁵ The same Treaty Body issued two communications with regard to same-sex relationships. *Young v Australia*¹⁶ found that a same-sex partner was discriminated against when he was denied a veteran's pension. In *X v Colombia*,¹⁷ a same-sex partner

¹⁵ *Toonen v Australia*, UN Human Rights Committee, Communication No 488/1992, UN Doc CCPR/C/50/D/488/1992 (4 April 1994) [8.7].

¹⁶ *Young v Australia*, UN Human Rights Committee, Communication No 941/2000, UN Doc CCPR/C/78/D/941/2000 (18 September 2003).

¹⁷ *X v Colombia*, UN Human Rights Committee, Communication No 1361/2005, UN Doc CCPR/C/89/D/1361/2005 (14 May 2007).

in Colombia was also found to be discriminated against when she was denied survivor pension benefits.

In 2011, Hillary Clinton declared that gay rights were human rights at the UN Human Rights Council (HRC). The HRC is one of five Charter Bodies empowered by the UN Charter: the others are the Universal Periodic Review (UPR), the Special Procedures, the Complaints Procedure of the HRC, and the Commission on Human Rights (CHR). The Charter Bodies have become a major forum for political discourse on human rights. However, Davies explains that by the turn of the 20th century, the CHR's efforts to protect and promote human rights was a "poisoned chalice" (Davies 2010, p. 450). After WW II, the CHR was the central UN human rights body. Membership was voluntary, but by the end of the Cold War, more and more member states had joined the CHR "to protect themselves against criticism or to criticise others." However, even member states with very poor human rights records could join and even lead the Commission: for example, Libya assumed the chair in 2003. Using various procedures, certain states were able to avoid criticism, while at the same time harshly criticizing other members. In 2001, the US let its membership lapse. The resultant backlash and polarization led to a complete reform of the UN human rights system, giving birth to the UN Human Rights Council (HRC) in 2006 (Davies 2010, pp. 450-454).

However, as Chapter 1 mentions, until relatively recently the human rights of LGBT people did not have a global reach because they were excluded from the mainstream human rights movement. The fundamental message of the 1948 Universal Declaration on Human Rights (UDHR) was "the inherent dignity... of all members of the human

family” (Donnelly 2013b, p. 19-23). Some would view this document as the result of a long process that had begun 200 years earlier: the Enlightenment subject spawned classical liberal theories of government based on individual rights, which linked the masses to the structure of the new nation-state (Hall 1992). By the end of the 18th century, the concept of equal and inalienable rights had emerged in Western political theory. Equal rights refers to the idea that all rights are important – not just some rights. Inalienable rights is the idea that all people have rights – not just some people. At the outset, “all” people did not include women and slaves (Donnelly 2013b, pp. 89-91). However, attitudes towards slavery, colonialism and women changed dramatically during the nineteenth and twentieth centuries (Donnelly 2013b, pp. 24-25). Donnelly argues that only after WWII was the world ready for the notion of equal political rights for all people in all countries (Donnelly 2013b, pp. 89-91). In effect, the UDHR challenged the Westphalian tenets of state sovereignty and non-intervention. This “seismic” shift (D’Amico 2015, p. 61) indicates, in Donnelly’s view, that the UDHR was not really a “Western” document since it did not “reflect long-held Western ideas and practices” (Donnelly 2013b, p. 91).

The UDHR gave birth to the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights – international treaties that spell out the rights of individuals and some group rights, and “....provide mechanisms to operationalize concepts such as nondiscrimination” (Donnelly 2013a, p. 26). However, these treaties quickly became tools used by Western governments to insist that non-Western governments protect human rights. Duncker (2007) observes that, as the decolonization

processes unfolded, Asian and African states began to criticize human rights as a Western, Euro-Atlantic construct (Duncker 2007). This counter-narrative redefines human rights by creating a “limited concept of human rights” that is appropriate to specific cultures, especially with regard to family law, gender equality, freedom of religion, freedom of expression, and cultural rights. Universalists claim that one set of human rights must apply to all; relativists argue that human rights are culturally and politically conditioned (Duncker 2007). McMahon and Ascherio (2012) note that states emphasizing universalism focus on “shared, cross-national values.” Cultural relativists, on the other hand, value “the supremacy of individual cultures.” Cultural relativists make one of two arguments: either that universal human rights do not exist or that universal rights “must be mediated and interpreted through the particular social, cultural and historical prisms” of a given society. For example, as a counter-balance to “Western values,” Asian member states have sometimes argued in favour of “Asian values” that emphasize sovereignty, hierarchy and authority (McMahon and Ascherio 2012, pp. 231-232).

Multilateral human rights diplomacy

Once the UN treaties were written and the Treaty and the Charter Bodies established, the challenge became how to put them into operation – giving rise to the practice of multilateral human rights diplomacy. However, in the previous chapter, we saw how LGBT rights have been minimized and sidelined even as the rights of other marginalized groups are asserted. To paraphrase Orwell, some rights “are more equal than others.” As mechanisms to monitor the human rights of UN member states became more robust,

LGBT advocates faced indifference and disdain. One of the main goals of my research was to learn how diplomats have promoted LGBT rights on the job: in the process of doing so, I began to learn more about the lives of diplomats and the practice of diplomacy.

However, the term “diplomacy” is used in many, often overlapping, circumstances. Bull (1995) points out that the term has three different usages. The first refers to how states and other entities “with standing in world politics” conduct themselves “by official agents and by peaceful means.” Diplomacy also refers to the conduct of what he calls “professional diplomatists.” However, he feels that this definition is limiting because the role of ambassadors and envoys is in decline. The third definition is quite vague and refers to the practice of low-key, subtle state-to-state relations (Bull 1995, p. 156). He argues that diplomacy refers not only to its “pristine form” – i.e., “transmitting messages between one independent community and another” – but also to relations between states and “other political entities with standing in world politics,” including the UN and other international organizations (Bull 1995, pp. 157-158). Bull lays out five main functions of diplomacy. The first is the facilitation of communication between state leaders and other political entities. The negotiation of agreements is the second function, followed by intelligence-gathering, and attempts at peace-building or minimizing “the effects of friction.” The final function of diplomacy is to symbolize “the existence of the society of states” (Bull 1995, pp. 163-166).

Unfortunately, as Sending, Neumann and Pouliot (2011) point out, there is a dearth of critical scholarship on diplomacy. Until relatively recently, its study was left to the

practitioners, who typically used either functionalist approaches to describe their work in terms of negotiations, information gathering, and other processes, or descriptive approaches to rehash historical events, conflating practice with analysis (Sending, Neumann and Pouliot 2011, p. 530). Other writing on diplomacy tends to be in the form of memoirs of foreign service officers coming up the ranks and making a difference along the way through hard work and the beneficence of their superiors. Some diplomats describe being transported to an exotic, luxurious, disorienting world (see, e.g. Elam-Thomas 2017; Hinton 2015). To address this gap in the literature, Sending, Neumann and Pouliot advocate for the development of “analytical tools that capture how diplomats and others understand and do diplomatic work” (Sending, Neumann and Pouliot 2011, p. 532). However, much scholarship about “diplomacy” is really about international relations: for example, Vogt’s study on “personal diplomacy” is not about how career diplomats operationalize foreign policy, but rather about the key decisions that world leaders make during crucial historical junctures (Vogt 2017). On that point, Sending, Neumann and Pouliot criticize scholars who relegate the “real” diplomats to the background since “diplomacy is much more than a vehicle through which ideational-driven political change takes place” (Sending, Neumann and Pouliot 2011, p. 541).

In the traditional diplomatic relationship, states interacted with external state actors through their foreign ministries in “a dialogue about representation and negotiation between political units that recognize each other” (Sending, Neumann and Pouliot 2011, pp. 531). These representatives practise private – or “quiet” – diplomacy, an effective tool when trying to bring pressure to bear on another state with regard to individuals or

policies. It is often the threat of “going public” that brings about action (Donnelly 2013a, p. 141). However, diplomacy is currently losing its “gentlemanly” characteristics. The rise of a “new” diplomacy is the result of deterritorialization: it is now possible to be the ambassador to an institution or of a theme.¹⁸ Diplomacy has become hyphenated: there is now nuclear diplomacy, military diplomacy, and NGO diplomacy. One big change is the legalization of world politics: “Lawyers have become central diplomatic actors in their own right, providing authoritative interpretations” (Sending, Neumann and Pouliot 2011, p. 528). This deterritorialization is nowhere more evident than in the multilateral sphere: the UN functions with all the “pomp” of the diplomatic community, and yet it represents neither an NGO nor a particular state (Sending, Neumann and Pouliot 2011, p. 537). While it is true that IGOs and NGOs also advocate on behalf of global citizens, at the end of the day, “it is state representatives who publicly defend state behaviour and conformity with international law” (Sending, Neumann and Pouliot 2011, p. 541).

Other critical literature focuses on other aspects of the “new” diplomacy: emerging literature on diplomats who have been traditionally marginalized, including women (Aggestam and Town, eds., 2018; Cassidy, ed., 2017). Most extant scholarship on LGBT diplomats focuses on systemic historical discrimination (see, e.g. Johnson 2006, Kinsman 1996 and Kinsman and Gentile 2010) and how gay and lesbian diplomats have been targeted. Kopp and Naland (2017) are former Foreign Service officers (FSOs) who publish a comprehensive guide to the US Foreign Service. Their recent revised edition

¹⁸ For example, in 2019, Canada named Jacqueline O’Neill Ambassador for Women, Peace and Security.

contains sections on the Lavender Scare as well as systemic discrimination faced by US LGBT diplomats. They quote FSO Patrick Linehan, who was told by State Department security officials in 1984: “We used to spend 90 percent of our time fagchasing, but we stopped that. You can be queer in the State Department; we just don’t want to hear about it” (Kopp and Naland 2017, p. 25). They note that Hillary Clinton, in 2009, “amended Foreign Service regulations to define same-sex domestic partners.” In 2015, John Kerry named an openly-gay career FSO, Randy Berry, the first Special Envoy for the Human Rights of LGBT persons. The same year, six openly-gay men headed U.S. missions around the world (Kopp and Naland 2017, p. 26). Although the practice of LGBT diplomacy and the growing number of openly gay and lesbian diplomats are separate issues, they also overlap. “LGBT-friendly” diplomats now routinely promote LGBT rights in their daily work. My interviews with diplomats in later chapters reveal that, while the diplomatic closet is still a reality, more and more diplomats are publicly identifying as gays and lesbians.

My data in later chapters demonstrates how the deterritorialization of diplomacy has propelled LGBT rights beyond a state-to-state discussion into many other areas of international relations. Although some scholars (see, e.g. Kennan 1997, Sharp 1997) have predicted the “end” of diplomacy, Sending, Neumann and Pouliot (2011) argue that it might make more sense to ask how the institution of diplomacy “is changing over time as new actors are included in global governance and new forms of governing are being developed and put to use” (Sending, Neumann and Pouliot 2011, p. 536). The authors firmly believe that we are not approaching, as Kennan described it, “a world of

diplomacy without diplomats” (Kennan 1997, cited in Sending, Neumann and Pouliot 2011, p. 535).¹⁹

Support for LGBT rights in international settings can be viewed as part of a broader trend by Western democracies to frame themselves as international champions of human rights. Human rights diplomacy takes place at the bilateral level when two countries meet to discuss this topic. However, human rights diplomacy also takes place when diplomats represent their countries at global fora where human rights negotiations take place. IGOs such as the UN and the Organization of American States provide platforms for debate on international human rights issues. Day in and day out, in Geneva, Vienna, Washington and New York, diplomats represent their countries in these fora, asserting and negotiating their respective countries’ positions on human rights. Western foreign ministries project their countries’ domestic human rights policies externally and make international respect for human rights a key component of their foreign policies. As Donnelly explains it, “The global human rights regime has created a world in which a government’s commitment to human rights is seen as essential to full national and international legitimacy” (Donnelly 2013b, p. 199).

Donnelly points out that the US, under President Jimmy Carter, was the first Western country to integrate human rights into its foreign policy. At the time, this was considered controversial, diverting attention away from anti-communist efforts. Canada

¹⁹ The authors’ views on the changing nature of diplomacy are very much on point. My research confirms that, as diplomacy moves into more and more areas, there is room for personal agency on the part of diplomats. Rather than simply carrying a message, diplomats are able to shape the human rights debate.

and the Netherlands followed suit in the early 1980s; however, other Western countries only adopted human rights foreign policies in the late 1980s and early 1990s (Donnelly 2013b, pp. 197-198). Human rights foreign policy is enhanced through changes to international norms: increased domestic willingness to promote human rights “is thus both a cause and a consequence of the domestic preferences of states and the global human rights regime’s mutual interactions with one another” (Donnelly 2013a, pp. 139-142). Langlois argues that human rights are now a main driver in the “governmentalization” of international politics (Langlois 2012, pp. 561-562). Here are some examples of Western countries²⁰ that currently view the international promotion and protection of human rights as a central component of their foreign policies:

- Canada: One of the foreign ministry’s four goals is to “strengthen Canada’s contribution to a more just, inclusive and sustainable world” (GAC 2018a).
- US: The State Department’s stated vision is to “promote and demonstrate democratic values and advance a free, peaceful, and prosperous world” (Department of State 2018a).

²⁰ Although many other countries not traditionally considered to be “Western,” including Latin American countries, also have foreign policies that promote human rights internationally, I have limited the examples to Western countries because these policies will assist me in answering my primary research question on resistance to LGBT rights by non-Western countries. To examine the human rights policies of a multiplicity of states in the Global South is beyond the scope of my current study. My data, analyzed in later chapters, presents many examples of how regional and ideological blocs have resisted LGBT rights and directed this opposition towards Western countries. These geopolitical realities raise interesting questions about the extent to which Global South countries that support LGBT rights are “punished” for doing so. A few of my interviews hinted that support for LGBT rights in Latin America had caused waves in Africa, for example, but clearly further research is needed.

- Australia: One of the five objectives of the 2017 White Paper on foreign policy priorities is to “promote an open, inclusive and prosperous Indo–Pacific region in which the rights of all states are respected” (DFAT 2018).
- France: One of France’s eight foreign ministry areas of focus is human rights (MEAE 2018).
- Germany: One of Germany’s five foreign policy priorities is the promotion of democracy and human rights (Federal Foreign Office 2018).

According to Donnelly (2013a), human rights diplomacy focuses on three principal areas: the treatment of individuals, e.g. political prisoners; specific policies, e.g. the death penalty; and broader patterns that characterize a state’s actions, e.g. gross, systematic human rights violations (Donnelly 2013a, p. 141-142). Certain “quieter” diplomatic approaches include: working with the victims of human rights violations; training individuals and organizations; and working to change specific laws, social practices and policies. Public diplomacy – reaching out, collecting information and communicating opposing viewpoints – increases the pressure on a host government to act. For example, the U.S. publishes annual country reports on human rights practices (Donnelly 2013b, pp. 198-203; see Department of State 2018b). Donnelly argues that the most effective human rights diplomacy is about “mobilizing shame,” i.e., the threat of publicizing a particular issue (Donnelly 2013b, pp. 198-203). States have other tools at their disposal, including linking foreign assistance to human rights; in extreme cases,

brutal governments can be targeted by broad economic sanctions, although these can “perversely” punish a regime’s citizens (Donnelly 2013a, p. 143).

The operationalization of multilateral human rights systems

As the previous chapter demonstrated, the interests and well-being of LGBT subjects have been systematically excluded on an institutional basis, and the UN human rights system is no exception. Although an analysis of the complete workings of the UN human rights regime goes beyond the parameters of this dissertation, the following overview provides a useful frame of reference for the data to be presented and analyzed in Chapters 6, 7 and 8. This section focuses on one aspect of the UN human rights system that featured prominently in my empirical research: the Universal Periodical Review (UPR). A brief description of the UPR is followed by literature that critically assesses the effectiveness of the UPR, which helps frame some of the criticism of the process that appears in my data chapters. The section also briefly points to other human rights fora beyond the UN.

The UN Human Rights Council (HRC) meets three times a year at the Palais des Nations in Geneva. At each three- to-four-week session, the 47-member Council considers up to 30 resolutions on a wide range of topics, from violence against women to the right to food. The HRC has many committees, experts, procedures and mechanisms at its disposal. The HRC also oversees the UN Special Procedures, a term used to describe an array of independent experts, special rapporteurs and working groups that focus on 44 thematic and 12 country mandates, which include investigating human rights violations

against, inter alia, LGBT persons, women, the disabled, and victims of human trafficking, toxic waste, mercenaries and the war on terror (OHCHR 2017e). These experts raise public awareness of the issues, produce reports and carry out *in situ* country visits that monitor the human rights situation in real time (OHCHR 2017e).

Probably the HRC's best-known instrument is the Universal Periodic Review (UPR). The UPR, established in 2008, is a peer review mechanism that allows members to evaluate each other's progress.²¹ It is also the most controversial procedure since it allows members with very poor human rights records to evaluate members that consider their human rights records to be superior. Each of the 193 UN members is evaluated on a rotating basis. During a member state's review, any other member state has the right to ask questions and provide recommendations, even though the member state under review is under no obligation to respond (OHCHR 2017f). Davies (2010) sees the UPR as a "non-adversarial, dialogue-centered approach" and a response to "compliance pressure," which is construed by realists and constructivists differently. In rational choice theory, compliance pressure results from asymmetries of power between actors: an external incentives model is needed, "which sits in 'judgment' over others" and "provides correctives to be followed." Constructivists believe compliance is "promoted through persuading parties as to the rightness of changing their behavior, independent of social sanctions" (Davies 2010, pp. 445-446)." Davies sees the UPR model as a compromise between the two approaches: instead of punishing the member state, it

²¹ Each UN member state is subject to a UPR review, which takes place at the UN Human Rights Council every three or four years to assess the state's compliance with international human rights norms. The process will be examined in greater detail in the coming chapters.

“maps routes forward for the state” through “rhetorical action.” However, the three-hour time frame for each review prevents any deep analysis. Follow-up investigations lead to extremely broad recommendations that are difficult to monitor (Davies 2010, pp. 460-463).

Rhona Smith (2013) examined the UPR reviews of the Permanent Members of the UN Security Council (UNSC): China, France, Russia, the UK and the US. Smith found that China’s UPR review garnered the most positive comments when compared to the other four Permanent Members. China was identified most frequently as “embodying good practices that should be publicized and emulated.” Although there were some references to the death penalty, freedom of expression, religion and minorities, “only selected aspects of China’s performance were considered during the dialogue” (R. Smith 2013, pp. 8-16). McMahon and Ascherio (2012) analyzed 8000 UPR recommendations and discovered that Western member states make three times more recommendations than member states from other regions of the world; a high percentage of Western recommendations were directed towards African and Asian countries. Asian and African member states were much more likely to accept²² recommendations that came from other Asian and African member states (McMahon and Ascherio 2012, pp. 234-238). For example, China accepted all 41 of the recommendations from Asian and African member states, but only eight of the 69 recommendations made by Western member

²² The UPR rules provide UN member states with the option of “accepting” or “not accepting” the human rights recommendations that other member states make. The difference is academic since there are no repercussions if a member state chooses not to accept another member state’s recommendation, nor are there any repercussions if the member state accepts another member state’s recommendation but chooses not to implement it.

states. The authors conclude that “clear regional patterns exist,” reflecting “the polarized nature” of this process (McMahon and Ascherio 2012, pp. 242-245). Lennox and Waites (2013a) analyzed 239 UPR reviews of Commonwealth member states. The states only accepted 14% of the LGBT recommendations made to them. In contrast, non-Commonwealth states accepted three times the number of LGBT recommendations (Lennox and Waites 2013a, p. 540).

In addition to the UN human rights system, there are other IGOs that address human rights. For example, Europe has various institutions that promote and protect human rights, including the European Commission and the European Court of Justice. (EU 2017). The Council of Europe unites 47 members that are parties to the *European Convention for the Protection of Human Rights and Freedoms* (Council of Europe 2017). Compliance with the Inter-American human rights system is monitored by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights (Duhaime 2012). The African human rights system (ACHPR 2017) faces more challenges, plagued by weak institutions, poor reporting mechanisms and states that are reluctant to investigate human rights complaints (Donnelly 2013b, pp. 175-177).

The marginalization of LGBT voices within multilateral human rights diplomacy

Saunders traces the earlier struggles of advocates to insert LGBT rights into the international human rights agenda (Saunders 1996). In 1982, the UN Human Rights Committee decided against Finland in a complaint regarding discrimination against homosexuals in television and radio programming. In 1983, a UN report on prostitution

made negative references to male prostitution, transvestitism, transsexuality and pedophilia (Saunders 2006). Reflecting on this process, Morgan (2001) criticized the UN for its “continuous performance and validation of heteronormativity” which, at best, “participates in a minoritizing discourse which locates the homosexual as a misunderstood victim.” At worst, UN representations of homosexuality produce fear: “Hysteria concerning paedophilia, myths of predation and proselytizing, discourses of Western corruption and disease are usually brought to the fore” (Morgan 2001, p. 211). In 1992, John Fisher, the head of Canada’s gay and lesbian rights organization, Egale, became the first representative of a gay and lesbian organization to speak at a UN human rights forum. In 1993, the UN Vienna World Conference on Human Rights was a turning point, when Egale and two other NGOs participated alongside human rights organizations from around the world, even though gay and lesbian issues were ultimately excluded from the outcome document (Saunders 1996; Morgan 2001, p. 211). The same year, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) became the first LGBT NGO to be granted consultative status at the UN Economic and Social Council (Saunders 1996). In 1994, France’s proposal to include references to sexual orientation at a UN conference on discrimination was defeated (Saunders 2006). Although many lesbians were visible at the 1995 UN Conference on Women in Beijing, their issues were excluded from the conference’s final outcome document (Swiebel 2009; Morgan 2001).

In 2003, international LGBT CSOs²³ attended the UN World Conference on Human Rights in Vienna, where the draft resolution “Human Rights and Sexual Orientation” was sponsored by Brazil. However, it went nowhere and discussion was postponed indefinitely at the 59th session of the UN Commission on Human Rights in 2004. In 2008, a joint statement, known as the SOGI Declaration, was presented by Argentina to the UN General Assembly and supported by many Western member states.²⁴ It provoked a counter-statement by 57 members, presented by Syria and vocally supported by Russia, China, the Holy See, and members of the Arab League and the Organization of Islamic Cooperation (OIC), which claimed that the Argentina-led statement “undermined the framework of international human rights and risked legitimizing ‘deplorable acts’ such as pedophilia” (D’Amico 2015, pp. 58-60). In 2010, the US proposed amending the UNGA resolution on extrajudicial and summary executions to include SOGI references, which passed. By 2011, the time was ripe. The first-ever resolution on SOGI to be adopted at the UN was passed at the HRC on June 17, 2011, with 23 in favour, 19 against, three abstentions, and two absent. D’Amico notes: “The moves from neutral positions in 2008 to either for or against... suggests a slightly increased polarization of

²³ In the 1990s, advocacy organizations began to frame human rights violations not as individual cases, but as a pattern affecting a collective identity. The International Gay and Lesbian Human Rights Commission (IGLHRC), now Outright Action International, was established in 1991. In 1995, Amnesty International first recognized LGBT people as prisoners of conscience. Human Rights Watch has a section that monitors LGBT human rights violations. Other organizations that closely support LGBT human rights defenders and organizations include ARC International, ILGA International and ILGA Europe.

²⁴ A joint statement is issued by states when there is not quite enough support to press forward on a resolution on a particular topic. To avoid the ignominy of presenting a resolution and having it defeated, a joint statement announces that a group of member states is concerned about a particular topic; it signals the possibility of a future resolution on the matter; and it gauges the current level of support for the topic, i.e. it lets member states find out who their “friends” are.

view.” It was the first-ever UN resolution issued on LGBT human rights. Subsequent HRC SOGI resolutions were passed in 2014, 2016 and 2019. The 2011 HRC resolution was followed by three regional seminars in Asia, Europe and the Americas. The findings of these seminars were discussed at a meeting in Oslo in 2013, co-chaired by Norway and South Africa and attended by over 200 CSO and government representatives (D’Amico 2015, pp. 64-67).²⁵

The UN Core Treaties and other mechanisms have been singled out for their failure to protect LGBT citizens. Morgan believes that “sexuality remains a marginalized and contested field in the international legal arena” (Morgan 2001, p. 208). Langlois (2015a) has pinpointed a key challenge facing LGBT victims of human rights violations: “There is very little that those populations can directly expect from the formal international institutions and legal structures of the human rights movement” (Langlois 2015a, p. 24). D’Amico (2015) argues that this failure results from “a subtle, insidious, and invisible heterocentric bias.” Heteronormative language in some treaties has been turned against LGBT people: in the UDHR, for example, the phrase “morality, public order, and general welfare,” has been used by member states to opt out of language that supports LGBT rights. Moreover, the Rome Statute of the International Criminal Court does not recognize genocide against LGBT people (D’Amico 2015, pp. 69-70). In a similar vein, Sheill (2009) examines how the “gendered struggle over sexual rights” glosses over lesbian rights: the Convention on the Elimination of all Forms of Discrimination Against

²⁵ The Oslo meeting served as an interesting chapter in the evolution of LGBT human rights diplomacy at the UN and is discussed in greater detail in Chapter 6.

Women (CEDAW) has failed to advocate on behalf of lesbians. In international human rights law, women tend to be constructed as wives and mothers in need of protection, persons who are “equal” to men, and victims (Sheill 2009, p. 57). There have been feminist concerns about the way sexual violence against women has been constructed in multilateral fora, such as the International Criminal Court (ICC) which, until recently, framed these acts as “crimes of honour,” thereby obscuring their criminal nature. In a report released by the UN Secretary General on violence against women (UNGA 2006), one paragraph out of 139 pages referred to anti-lesbian violence (Sheill 2009, pp. 58-59).

Although “LGBTI” rights are debated in UN fora, the focus is primarily on the rights of gay men: more specifically, the decriminalization of sex between men. In many countries, the law remains silent on sex between women even when sex between men is prohibited (Sheill 2009, pp. 62-63). However, many lesbians are abused by non-state actors, often in the privacy of their homes: danger lurks for lesbians in these private spaces (Sheill 2009, p. 64). Serra (2013) examines the domestic violence remedies of the CEDAW to see whether they can be queered. International discourse on violence against women generally presumes heterosexual relationships in which men abuse women. The CEDAW calls on states to do more to protect victims. Yet, many states fail to offer lesbian survivors of domestic violence the same support accorded women in heterosexual relationships, namely shelters, social services, restraining orders and other criminal justice protections (Serra 2013). Zanghellini (2008) explores the prospects for UN human rights mechanisms to support same-sex parenting and procreation, using the

protection afforded “the family” and “family life” in the International Covenant on Civil and Political Rights as a measuring-stick (Zanghellini 2008).

Queering international relations and human rights diplomacy

Generally speaking, can we say that LGBT rights have become a legitimate issue for engagement in the world of international politics? Although there have been certain gains, it is important to remember that 72 years after the UDHR, sexual orientation is still criminalized in dozens of countries. A theorization of queer international relations cannot simply bask in a narrative about how LGBT subjects have managed, with great determination, to “get inside” the world of international politics.

In this chapter, my literature review of “the international” has examined scholarship on international relations, multilateralism, human rights diplomacy and the role of CSOs in these processes. In this final section, I consider the attempts of some scholars to queer these concepts. The goal here is not to provide an exhaustive survey of all queer critiques of international relations and human rights diplomacy, but rather to shine a light on some aspects of the mainstream literature currently being viewed through a queer lens. As a framing device, I explore how these concepts are being challenged using roughly the same categories I used throughout the chapter: queering international relations, multilateralism, human rights diplomacy, international human rights law, and international development. I end the chapter with reflections on the translatability of LGBT identity to non-Western contexts.

Queering international relations

Not surprisingly, global sexuality politics is absent from most international relations theory. Picq and Thiel (2015) assert that this “indifference” toward sexuality is actually rooted in “broader theoretical gaps that disconnect paradigmatic [international relations] theories from the world it is supposed to understand” (Picq and Thiel 2015, pp. 3-4). As I build this dissertation’s theoretical framework, the challenge becomes how to link patterns of stigmatization, pathologization and identity formation described in the previous chapter to the state of international LGBT politics today.

As a starting point, it is worth considering how some critical theorists view mainstream international relations theories. According to Neumann and Sending (2007), scholars of international relations are largely divided into realists who use “the international” to refer to a “continuous and basically homogeneous political struggle” among states, and constructivists, who see “the international” as a “transnational process of norms diffusion,” related to elements such as democracy, human rights, the rule of law and the market economy (Neumann and Sending 2007, pp. 678-689). However, in the view of Symons and Altman, neither theory can easily explain why some states are so invested in opposing LGBT rights (Symons and Altman 2015, p. 62). Brown (2005) points out that some feminist poststructuralists view many of the Enlightenment principles upon which classical international relations theory is based as Eurocentric, masculinist and rationalist. In their view, emancipation cannot be achieved using a liberal additive approach; instead, the concept of gender in “the international” must be interrogated (Brown 2005, p. 57).

Weber (2016) agrees that international relations scholars undertheorize sexuality; at the same time, however, queer studies scholars resist making important links between sovereignty and identity (Weber 2016, p. 3). As Symons and Altman (2015) point out, for many states, sexuality is linked to national identity. Opposition to LGBT rights is framed as defending a state's sovereignty against the imposition of Western cultural and identities categories (Symons and Altman 2015, pp. 61-65). Fortunately, queer international relations literature offers new tools to unpack this clash of cultures. Richter-Montpetit and Weber (2017) argue that, in mainstream international relations literature, "analytical binaries like war/peace, international/domestic, and public/private" are often left unchallenged. However, by applying an analytical lens that examines "gendered and sexualized dichotomies, such as male/female and heterosexual/homosexual," new understandings emerge that complicate basic international relations concepts related to "the modern military and military masculinity" (Richter-Montpetit and Weber 2017, pp. 11-13). On the other hand, to address gaps in current international relations theory, Langlois (2015b) believes a rethinking is required: a queer lens is needed to theorize the international beyond the traditional "human rights" paradigm. This means "unlearning" established theoretical frames and using positionality and reflexivity to view this phenomenon from a completely new angle (Langlois 2015b, p. 387).

Queering multilateralism

Earlier in this chapter, I showed how post-War multilateral institutions, processes and programming emerged to promote liberal democratic values and human rights. Queer

scholars are now challenging the notion that IGOs are up to this task. For example, an article by Hagen (2016) examines how the UN frames queer issues in conflict zones and battlefields. Her research is on the UN's women, peace and security policy agenda.²⁶ Her research reveals that queer women are largely ignored as a result of "heteronormative assumptions" (Hagen 2016, p. 314) and a failure to adequately frame the violence occurring during conflict as gendered power relations. For example, "gender" and "women" appear to be used interchangeably: within this frame, conflict-related rape victims are women even though men are also targeted for rape by other men. When casualty and sexual assault figures are compiled for regions experiencing conflict, the victimization of LGBT persons is rendered invisible: they are excluded from international monitoring and reporting because their identity categories are not reported as such. As a result, it is impossible to measure the prevalence of killings, casualties and sexual assaults based on sexual and gender identity. Hagen links this gap to the actions of mainstream NGOs since LGBT groups were not consulted when the WPS architecture was first constructed (Hagen 2016, pp. 314-318). Hagen urges policymakers to take into account "the social, political and economic factors that drive perpetrators of SGBV"²⁷ (Hagen 2016, p. 322). In other words, terms such as SGBV must be "queered" in order to take into account victimization of LGBT people in conflict scenarios.

²⁶ Informed by UNSC Resolution 1325 in 2000, women, peace and security is now a high-profile multilateral policy endeavour that brings together military and diplomatic representatives from several countries with a view to include women more actively in peace and security processes. See, e.g. the Global Affairs webpage on Canada's support for the Women, Peace and Security policy agenda (GAC 2020).

²⁷ Sexual- and gender-based violence.

Critical scholarship is also examining IGOs' failure to develop humanitarian programming that targets and concretely benefits LGBT people caught up in conflict. For example, a UN refugee camp in Kenya – the largest in the world in 2012 – was a haven for many LGBT refugees fleeing conflict zones in neighbouring countries. Yet, there was no programming imperative to address the unique needs and concerns of this large subgroup (Hagen 2016, p. 328).

Queering human rights diplomacy

In multilateral fora, Western member states have increasingly embraced LGBT rights, while other states remain opposed. Langlois (2015a) reflects on the West's need for other countries to "respect" LGBT rights: it is essential to "credentialing states as suitable members of economic and political communities." LGBT rights are a "shibboleth:" if a state respects LGBT rights, it gets a pass to ignore other rights (Langlois 2015a, pp. 31-34). Bosia (2015a) describes the Western export of LGBT foreign policy as:

... the neoliberal and imperial needs of the post-millennial state... the globalizing and neoliberal impulse fostering both homonormativity and homophobia arises in and is pushed by an Anglo-American West that sees itself as singular and uncontested modernity, against a variety of 'east' in Europe and across a world it constitutes in anticipation of liberation (Bosia 2015, p. 41).

Hillary Clinton's declaration that "gay rights are human rights" means that LGBT rights have now reached a new level of awareness internationally. In the view of Richter-Montpetit and Weber, Clinton's promotion of LGBT rights has gradually become viewed as "a marker of modernity and civilization" (Richter-Montpetit and Weber 2017, pp. 7-8). However, as Langlois (2015a) points out, Clinton's "gay rights are human rights" mantra is, in fact, never neutral: it implies a particular political engagement. "It is very easy to become seduced by the rhetoric of human rights – its claims to universalism, its claim to being a global ethical movement – and to be blinded by the macro-level impact of the global human rights institutional architecture" (Langlois 2015a, p. 28).

For Keating (2013), Hillary Clinton's 2011 speech at the UN Human Rights Council was a classic example of "homoprotectionism:" the state shields sexual minorities from homophobic rhetoric and policies. Hence, Clinton does not refer to fighting state homophobia, but rather homophobic attitudes and values: she positions the US as the leader in this fight. Although admitting that the US "has a long way to go," Clinton declares that oppressed LGBT people "have an ally in the United States of America." For Keating, this position is problematic since "the US is at best a fickle and unstable partner in the fight for sexual justice" (Keating 2013, p. 249). Moreover, widespread discrimination still exists in the US in areas such as relationship recognition, child adoption, foster care, the workplace, schools and public housing (Rimmerman 2008).

For some scholars, Clinton's move is just one of many examples of how Westerners promote their own superior brand of LGBT identity in the Global South. For example, Puar (2007) sees parallels between US foreign policy that seeks to liberate Afghan

women and foreign policy that aims to liberate homosexuals in the Middle East (Puar 2007, pp. 41-51). Bosia believes that the Obama administration's pro-LGBT policies after 2011 can be viewed as "constituency advocacy at home" which is "susceptible to the geopolitical security interests of the world's primary superpower abroad." In other words, the "global interests of the US" are tethered to an LGBT rights agenda (Bosia 2015, p. 47-48).

Queering international human rights law

In 2006, a group of international human rights experts penned The Yogyakarta Principles – a set of international principles on SOGI issues created to address the existing gaps in international human rights law (The Yogyakarta Principles 2018). Hagen (2016) suggests that the Principles can be used to "inform consideration of how a more radical gender perspective" might be applied to UN processes, such as the Women, Peace and Security framework (Hagen 2016, p. 330). One advocate I interviewed felt that the Principles play an important role in "unpacking the normative framework to apply the human rights treaties to LGBT rights." The Principles are powerful because "they make the connections between human rights norms," examining the "existing provisions in existing treaties through a SOGI lens." Seventeen countries have used them as a domestic tool: "In Nepal, they have led to amendments in legislation that conceptualize the rights of a third gender" (Interview C15, 2015). On the other hand, Mittelstaedt (2008) sees the Yogyakarta Principles as part of a trend in which non-state actors attempt "to impose international law and norms upon unwilling, or at least resistant,

nations.” She wonders why human rights NGOs focus so much effort “on changing laws instead of changing attitudes” (Mittelstaedt 2008, p. 353).

Queering international development

Richter-Montpetit and Weber (2017) point out that “the security and development needs of the LGBT subject” are “key terrains in geopolitical struggles around war and security as well as around human rights and norms diffusion” (Richter-Montpetit and Weber 2017, p. 5). For example, an increasing number of critical studies now focus on the effectiveness and impact of international assistance on LGBT communities. (See, e.g., Mason 2018.) Bosia (2015) describes one case in which military support to Uganda was delayed because of Uganda’s position on LGBT rights. However, this delay was not framed as sanctions. Certain officials in the Ugandan government were identified, but they were not top officials and their names were not published (Bosia 2015, p. 49). Until recently, the queer international relations literature has focused more on situations where development assistance has gone wrong: e.g., the thorny issue of tied or conditional aid. Development assistance to Global South countries can be increased or even withheld depending on a Global South country’s domestic policies on LGBT rights. The pressure on countries to adopt LGBT-friendly norms ebbs and flows. However, the effectiveness of this approach is dubious.

Scholars have written extensively about the incident involving UK Prime Minister Cameron, who was roundly condemned by African leaders for threatening to cut funding to governments that are viewed as not protecting the human rights of LGBT

persons. His remarks took place during the Commonwealth Heads of Government meeting in Australia in 2011 (Kaoma 2013; Sarpong 2012). Altman and Beyrer (2014) criticize Cameron's stance, arguing that his statement could be "easily twisted as yet more evidence that the West is promoting alien lifestyles" (Altman and Beyrer 2014, p. 1). In terms of best practices, Altman and Beyrer advocate for a more strategic approach: in Uganda, for example, the US cut aid to anti-LGBT religious organizations but maintained funding for treatments to persons with HIV/AIDS (Altman and Beyrer 2014, pp. 1-2). However, in some cases, the provision of aid to local LGBT groups can lead to increased stigmatization and scapegoating (Rahman 2014b, pp. 281-283). Rahman argues that no cuts to aid should be considered without asking what impact this policy could have on local queer groups – including the prospects for increased financial hardship, stigmatization and harassment. The key is to be aware of local priorities. Generally speaking, international LGBT movements should support local versions of sexuality that intersect with more globalized identities (Rahman 2016, pp. 101-103).

Critiquing LGBT identity in non-Western contexts

More and more scholarship is questioning the translatability of Western LGBT identities to non-Western societies. Rahman (2015) argues that global homophobia cannot be challenged using Western concepts of sexual identity; more "complex intersecting sexual formulations" are required (Rahman 2015, pp. 104-108). Questions about identity categories loom large: many scholars use the term "LGBT," while others have

added other letters, such as Q, for queer and questioning, I for intersex, and the number 2, for two-spirited (Wilkinson and Langlois 2014, pp. 251-252).

Waites (2009) is critical of the way that two major categories, sexual orientation and gender identity, have now become predominant and privilege a binary model of gender in international human rights discourse. For example, the Yogyakarta Principles make the universalist claim that sexual orientation and gender identity “are integral to every person’s dignity and humanity.” In some documents, *sexual orientation*, *gender identity* and *homosexuality* are used interchangeably, creating confusion: *orientation* is constructed as an innate characteristic, making it “incompatible with bisexuality.” At the same time, transgender theorists have critiqued *gender identity* as privileging a dualistic two-gender system: *gender expression* has emerged to address these gaps. Waites argues for continuing to use the categories of sexual orientation and gender identity while at the same time encouraging debates that contest their meanings. He predicts that these debates will continue in international human rights law, producing “incoherence, slippages and disjunctures” (Waites 2009, pp. 143-150).

The values attributed to Western LGBT subjects is a matter of considerable debate. In the last chapter, I examined the concept of homonormativity: the idea that increased acceptance of gay and lesbian identities in the West has led to a more conservative LGBT subject. Weber (2016) asserts that the sexuality of the “normal homosexual” is no longer seen as pathological; the “perverse” homosexual is “a figure whose unruliness and irrationality threatens national gay patriotisms and national and international neoliberalisms” (Weber 2016, pp. 8-11). Langlois (2015a) refers to a related concept –

“dating the state” – a reference to the ways that LGBT people are accorded rights but, in return, are expected to support “national projects” (Langlois 2015a, pp. 31-34). Puar (2007) argues that homonormative LGBT people in the West espouse an ideology that promotes an “aggressive militarist, masculinist, race and class-specific nationalism” (Puar 2007, p. 4). Puar describes these citizens as “homonationalists” who “extend the project of U.S. nationalism and imperial expansion endemic to the war on terror” (Puar 2007, p. 2). Homonationalism “reiterates a positionality that polices non-nationalist non-normative sexualities and enables a transnational discourse of U.S. sexual exceptionalism” (Puar 2007, p. 20). For example, she claims that post 9/11, gay white males in the U.S. came out in support of the bombing of Afghanistan; meanwhile, Mark Bingham, a gay victim of the 9/11 attacks, was constructed by the media as a masculine, all-American hero who stood up to the terrorists (Puar 2007, pp. 41-51).

The concept of homonationalism resonates in critical literature that explores the actions of Western-oriented NGOs in the Global South that promote LGBT rights. For example, Browne and Nash (2014) are concerned about the notion of “an unproblematic, unidirectional, and uniform adoption of Western gay and lesbian identities in the Global South” (Browne and Nash 2014). For Langlois (2015b), the human rights narrative with which the West often frames LGBT rights in the Global South obscures relations of power that sustain “colonial, imperial, capitalist and other exploitative dynamics (Langlois 2015b, pp. 393-395).” He criticizes “neo-Orientalist” LGBT activists who imagine the Global South “as contemporary re-enactments of an undeveloped western past” (Langlois 2015b, pp. 391-392).

Massad (2007) goes further, criticizing the Western LGBT rights movement for “heterosexualizing the world:” Arabs are ostensibly forced to adopt a Western binary, which leads to either an avowal or disavowal of homosexuality (Massad 2007, pp. 188). Massad nicknames the international LGBT movement “Gay International” and accuses it of being a hysterical, destructive force (Massad 2007, pp. 160-190). Langlois (2015b) believes that Western-oriented LGBT advocates diffuse certain sexual identities and ideologies, instead of tailoring their strategies to the political dynamics facing local communities suffering from homophobic attacks (Langlois 2015b, pp. 393-395). In a similar vein, Mittelstaedt (2008) argues that Western LGBT advocates can sometimes create more harm than good: she examines the case of a bill that would have prohibited same-sex marriage in Nigeria. Even though the bill had not passed and had receded into the background, a British activist began a global campaign to oppose it, which triggered statements from the US Congress, the European Parliament, the UN, Human Rights Watch, and the *New York Times*. After Nigeria was thrown into the international spotlight, the law re-emerged. African NGOs criticized this “neo-colonial” campaign, arguing that it had subverted their strategy of quiet negotiation (Mittelstaedt 2008).

Yet, at the same time that Western states and NGOs stand accused of exporting foreign constructs of sexuality, conservative Western NGOs are often welcomed: a transnational homophobic discourse has emerged. Western religious and conservative NGOs and think tanks share information, expertise and strategies on how to launch campaigns opposing issues such as same-sex marriage (Browne and Nash 2014). In Uganda, the international aid that poured in to support AIDS programming was often directed

towards conservative, religious-based NGOs, leading to clashes with the LGBT community. Not long afterwards, the world's first country-wide same-sex marriage ban was introduced (Weiss and Bosia 2013, pp. 47-51).

Conclusion

In Chapter 1, the literature showed how widespread discrimination and violence prevented LGBT subjects from becoming full citizens, excluded them from many institutions, and denied them protections. In this chapter, while exploring the highly-contested space of international relations, I highlighted key theoretical concepts that underpin multilateral human rights diplomacy, I explained the mechanics of some core institutions, I demonstrated how LGBT issues have been marginalized within the context of international human rights treaties, fora and mechanisms, and I considered the role of civil society in human rights diplomacy.

International relations scholarship on LGBT issues appears to have reached a turning point. My literature review shows how earlier research focused on discriminatory and exclusionary assumptions and practices that occur when states and CSOs insist on acknowledging the concerns, challenges, rights and victimization of LGBT persons within the framework of multilateral fora and processes. Queer international relations scholarship – a relative recent phenomenon – has emerged to challenge heterocentric approaches to international relations and human rights. Queer theorists use unconventional and sometimes confrontational approaches to question how sexual and gender identities are constructed. Combined with intersectional and decolonial

analyses, scholars of international relations and global social movements are exploring how queer subjects are framed and managed within the international human rights regime. Queer theory is also interrogating Western-based LGBT movements that have had to defend themselves against accusations that human rights diplomacy is a Trojan horse through which Western-style LGBT rights and subjectivities are exported to non-Western nations. In the next chapter, I attempt to link the theoretical insights gained in Chapters 1 and 2 with the literature that examines current non-Western situations of conflict that have been sparked by debates around sexual and gender identity.

CHAPTER THREE

TRANSNATIONAL RESISTANCE TO THE HUMAN RIGHTS OF LGBT PERSONS

D'Amico argues that Western countries that implement pro-LGBT foreign policies can trigger a violent, vociferous backlash in Global South countries (D'Amico 2015, pp. 68-69). Such cases occur within a polarized international environment in which the West's insistence on the universality of human rights, including LGBT rights, can lead to a conflict with non-Western countries, generating a counter-discourse about cultural relativism. Weeks views "detraditionalizing and individualizing processes" as the source for conflicts around sexual identities, leading to an upsurge in homophobic violence (Weeks 2007, pp. 200-205).

In 2017, one such case made international headlines in relation to Chechnya, a semi-autonomous Russian state. After dozens of gay men were abducted and tortured by state officials in Chechnya, world leaders spoke out, IGOs and CSOs sprung into action, and states intervened to provide refuge to the victims. The Chechnya case is a prime example of a violent backlash against LGBT subjects in a non-Western context, reinforcing Altman's view that totalitarian governments attempt to control sexual behaviour when they are threatened by "any sort of free expression" (Altman 2001, p. 136).

This chapter contributes to the final piece of an interdisciplinary theoretical framework I have been developing to better understand how queer diplomacy has emerged as a tool

to navigate transnational homophobia. In Chapter 1, I reviewed literature on how the social construction of sexual and gender identities in the West morphed into a global social movement. In Chapter 2, I reviewed literature on international relations and human rights to demonstrate how Western liberal values, including the universal notion of human rights, have been transmitted multilaterally and bilaterally through diplomacy and civil society engagement. I also considered how this international relations literature is being challenged by critical scholars who argue that LGBT subjects have been both marginalized and co-opted within the realm of international relations.

In this chapter, I review literature that examines the interface between a Western vision of LGBT rights and the internal politics of non-Western countries. The themes in this final section are complex: nationalism, religious extremism, postcolonial constructs of sexuality, and state homophobia are all areas that need to be unpacked since they feed dangerous narratives that compound the oppression of LGBT subjects, particularly within the postcolonial context. This chapter is a sobering reminder of what happens when LGBT rights are resisted to the extreme. It serves as a reminder that my research is not purely “academic.” State behaviour that we normally associate with the Gestapo is still around and can resurface if left unchecked. I end on a more positive note, examining literature that provides clues about how to avoid future Chechnyas.

The perfect storm

The objective of this chapter is not to produce an exhaustive case study of what I am calling “the Chechnya affair:” no doubt numerous studies will emerge. However, I argue

that it is an example of a “perfect storm.” The naked violence triggered against LGBT people was justified by Chechnya’s leader, Ramzan Kadyrov, as a reaction to Western-style LGBT rights and serves as a springboard from which to examine not only the diplomatic reaction but a variety of toxic aspects of homophobia, including religious extremism and nationalism. Chechnya is the site of widespread human rights violations against those who oppose Kadyrov’s rule. He has publicly condoned honour killings not only as punishment for women suspected of promiscuity, but as a pretext for homophobic violence (HRW 2017, pp. 2-3).

From February to April 2017, over a hundred gay and bisexual men in Chechnya were abducted, detained in state detention centres, and tortured (HRW 2017, pp. 1-2).

Victims interviewed by Human Rights Watch said they were electrocuted and beaten with sticks and pipes until their bodies turned blue (HRW 2017, pp. 18-21). At least one man died from his injuries, and two were killed by their families; security officials summoned male family members and instructed them to kill their sons as a way to maintain their families’ “honour” (HRW 2017, p. 15). Some of the detained men, once freed, left Chechnya. More men fled Chechnya once they learned that their friends had been detained and that their friends’ cellphones had been confiscated. One man said it was just a “matter of time” before he would have been rounded up too (HRW 2017, p. 18-21).

The diplomatic fallout was swift. Several world leaders voiced their concerns, including Justin Trudeau and Angela Merkel – particularly since the Russian government had at first downplayed the reports and resisted international calls for an independent inquiry.

A month after the story broke, President Putin promised to investigate the allegations further (HRW 2017, pp. 2-3). A joint statement signed by 24 countries was released by the Equal Rights Coalition (ERC), an inter-governmental network committed to promoting and protecting global LGBT rights, which condemned the “reports of arbitrary detention, torture and killing of gay men by security services and other government authorities” and called on the Russian government to release “anyone wrongfully detained and hold accountable anyone found responsible” (ERC 2017). Three months later, President Kadyrov was interviewed about the purge during the filming of a documentary. He was angry that other countries harboured negative impressions as a result of the Chechnya affair. He vowed to the interviewer that he would “put the world on its knees and screw it from behind.” He denied that there were gays in Chechnya, then qualified his words: “To purify our blood, if there are any, take them” to Canada (Keating 2017).

Perversion, nationalism and colonialism

It is impossible to generalize about how and why states deploy homophobia to target their own citizens. What occurred in Chechnya was more than randomized hatred. However, some familiar tropes emerge: homosexuality is vilified as a perverse lifestyle, a religious aberration, and a Western practice forced on an innocent population: in short, a threat to the nation. Homosexuality is seen as the result of moral contagion from the West. Altman refers to this phenomenon as “reverse Orientalism:” the West is denigrated by non-Western critics as sexually perverted (Altman 2001, p. x). There is a

growing literature about homophobia in non-Western countries that explores questions of nationalism, colonialism, as well as the roles played by the media and civil society.

Stychin (1998) observes that nations are often constructed in sexualized, gendered terms, conjuring up masculinized images of the need to defend women – passive agents of reproduction and the “mothers of the nation” (Stychin 1998, pp. 7-10). According to Stychin, a wave of “heteronationalism” swept through some postcolonial African countries, where black nationalist masculinity was construed implicitly as heterosexual (Stychin 1998, p. 12). For example, former Zimbabwean president Robert Mugabe used the trope of colonial contamination to reinforce two identities: “the beleaguered nation state and the masculine subject” (Stychin 2004, p. 956). As far back as 1995, Mugabe linked homosexuality “to the degeneration of an indigenous African heterosexuality caused by colonialism, capitalism and the sexual exploitation of Africans by white men.” The repudiation of the homosexual is “metaphorically equated with the erasure of the white colonizer and, with him, his degenerate influence on a mythologized pre-colonial African sexuality” (Stychin 1998, p. 61). For example, in 2005, several gay Cameroonians were arrested and charged as “sexual delinquents,” then sent to prisons, where they were raped. More recently, Cameroonian gays and lesbians have been branded as “dangerous sources of moral impurity.” The labelling has shifted to “sorcery, occultism, and devilry.” Since witchcraft is a criminal code offence, this is an example of how state homophobia is deployed using a shifting set of legal mechanisms (Ndijio 2013, pp. 122-125).

Other Commonwealth countries have also intertwined homophobic discourse with anti-colonial discourse. Ndijio (2013) notes that homosexuality is often viewed as an un-African phenomenon, “the most dangerous vestige of Western colonialism” (Ndijio 2013, pp. 122-125). Colonialism simmered under the surface in Zimbabwe: President Mugabe stated that gays were worse than dogs and pigs at a time when he also railed against British and white domination. This led to sodomy charges against the former president, Canaan Banana. The flexibility of Zimbabwe’s laws – which were expanded to prohibit “physical contact offensive to public decency” – is another example of the modular nature of state homophobia (Bosia 2013, pp. 42-44). A similar pathologizing process occurred in Malaysia. Anwar Ibrahim, a political opponent of the Prime Minister, was also imprisoned on sodomy charges. Sodomy was deployed as a symbol for the imposition of Western homosexuality: a violent, non-consensual attack on national sovereignty (Bosia 2013, pp. 42-44).

In some countries, public anti-homosexual campaigns can be linked to periods of dramatic political and structural change. For example, in India, anti-lesbian riots by Hindu fundamentalists occurred at the same time that globalization was transforming the economy (Bosia 2013, p. 40). During Iran’s post-revolutionary period in the early 1980s, when homosexuality was made a capital crime, 200 homosexuals were reportedly executed. The state ignored Persia’s history of same-sex love; homosexuality was constructed as a Western import linked to the Pahlavi regime. More recently – and in spite of official pronouncements that homosexuality does not exist – homosexuality has again become a social problem to be managed through censorship, surveillance,

raids, arrests and forced anal exams (Korycki and Nasirzadeh 2013). In Egypt, LGBT people were recoded by the state as national security threats (Richter-Montpetit and Weber 2017, p. 14). When Egyptian authorities raided the gay bar that triggered a show trial, the Islamist movement was increasing in strength and the currency was being devalued. A media sympathetic to the state's actions developed a narrative that linked the men on trial to the spread of Western homosexuality, representing a foreign menace. While LGBT people may have once been viewed as deviant or decadent, the strategy of the state and the media was to reframe them as enemies of the state (Bosia 2013, pp. 39-40).

Religious institutions and the media sometimes work together to reinforce homophobic tropes. Kaoma (2013) analyzes how Ugandan theological, political and public discourse has become saturated with narratives of Western homosexual identity. He argues that there is an "insidiously inverse" relationship between advances in LGBT rights in the US and the suppression of LGBT rights in Uganda, fuelled by US missionaries. For example, the US fundamentalist Scott Lively spoke to the Ugandan Parliament for four hours about the dangers of Western homosexuality. In 2010, a Ugandan newspaper published the names of "Uganda's top homos," along with their names, addresses and workplaces, with the headline, "Hang Them" (Kaoma 2013, p. 76-82).

In authoritarian states such as Russia, Wilkinson (2014) argues that political homophobia is at the heart of "an increasingly nationalist and populist regime of moral regulation." Local laws prohibiting homosexual propaganda introduced in 2006 had, by 2013, become federal law. Since the concept was never defined, the law came to

symbolize all that was diametrically opposed to traditional Russian values. Wilkinson argues that political homophobia is often a central motivating factor when a state chooses moral sovereignty as a way of reinterpreting its own human rights obligations. Western criticism of Russia's laws was framed as an undemocratic imposition of "cultural imperialism" and "dangerous moral depravity" (Wilkinson 2014, pp. 365-368).

Not surprisingly, Western-style LGBT rights emerge in Global South countries "in response to repression as part of the state's agenda" (Bosia 2015, p. 47-48). However, not all repression automatically generates a robust local movement: states also engage in a process that Weiss (2013) calls "pre-emptive homophobia:" instead of waiting for an LGBT movement to form, the state attempts to block it from taking root (Weiss 2013). Even when governments attempt to be more responsive, the results can be mixed: Lind (2013) analyzes Ecuador's process of constitutional modernization. Although anti-discrimination legislation was created, "new forms of homophobia and transphobia have emerged as a result of competing transnational discourses of sexual deviance and sexual modernization." However, despite anti-LGBT views on both ends of the political spectrum and the increased influence of transnational religious networks, the LGBT movement in Ecuador has strengthened (Lind 2013).

The Chechnya example, as well as the examples above, have shown how a series of drivers – economic and political uncertainty and threats to security, sovereignty and religious identity – can inspire the state to target and persecute LGBT people using an array of strategies – such as accusing the West of moral contamination – and techniques

such as media shaming, the suppression of civil society organizations, assembly, and the press, legislation, mass arrests, incarceration and torture.

Muslim identities, queer identities and modernity

In addition to Chechnya, many jurisdictions with a Muslim majority have state policies that explicitly oppress LGBT citizens: 30 out of 45 Muslim-majority countries criminalize homosexuality. The links between homophobia and religion – especially Islam – are especially controversial and need to be teased out. The Organization for Islamic Cooperation (OIC), the IGO based in Saudi Arabia that represents 57 countries, has been very vocal in its opposition to LGBT rights. The result of this “clash of civilizations” is a polarized political environment where Muslim-majority states are labelled as homophobic, leaving little room for attitudinal change. However, it is important to note that states without Muslim-majority populations, such as Russia and Nigeria, also vigorously oppose LGBT rights.

Rahman describes the current Western era as one of “Islamic otherness,” which juxtaposes Islam and homosexuality (Rahman 2014a, pp. 2-3). Muslims are coded as being a special threat to homosexuals. Media images of LGBT refugees fleeing ISIS and Chechnyan extremists have fed a growing Islamophobia in the West. In the Netherlands, gay-bashing has emerged as a “Muslim problem” even though many gay-bashers are white Europeans. Ironically, the Dutch right-wing often denounces Muslims in the media for being homophobic (Hekma 2011). According to Puar (2007), Pim Fortuyn, the assassinated right-wing Dutch politician, exemplifies the homonationalist subject who

insists on a binary between a “perverse sexualized and racialized Muslim population” and law-abiding white homosexuals (Puar 2007, p. 20).

Rahman argues that the injection of sexual diversity into international relations operates “dialectically and definitionally toward the traditional space of the East,” a provocative move that sets Eastern cultures on a collision course with modernity (Rahman 2014b, p. 279). Rahman outlines two ways that the regulation of postcolonial sexuality in Muslim countries can be theorized (Rahman 2014a, pp. 71-72). Massad’s (2007) approach, which represents one perspective, sees a unique culture of Arab same-sex eroticism dating back to the medieval era and celebrated through art and literature at the time. Although colonialism forced a shift and led to a disavowal of this history, Arab same-sex intimacy was and is a culturally-specific phenomenon. To suggest that this can somehow be compared to Western constructs of homosexuality is an act of cultural imperialism in its own right; the West’s insistence that the Arab world respect LGBT rights becomes an imposition of Western human rights norms (Massad 2007).

Rahman’s approach is different. He believes it is important to acknowledge that, given the diversity of cultures and nationalities in the Islamic world, a multiplicity of queer Muslim identities co-exist and have done so for centuries. In turn, these identities intersect “with the increasingly globalized discourse of Western gay political identity” (Rahman 2015, pp. 101-102). This does not mean that queer Muslims are mimicking Western LGBT identities. In fact, the history of Muslim homoeroticism renders the “homosexuality as a marker of Western modernity” discourse untenable (Rahman 2014a, p. 92). To equate LGBT identity with neocolonialist politics is reductionist since so

many other elements are connected, including pre-Islamic cultural traditions, urbanization, social control, and industrialization (Rahman 2015, pp. 97-99). Nonetheless, the current Western formulation of global LGBT rights is perceived in some parts of the Muslim world to be a form of neo-colonialism (Rahman 2015, pp. 92-95). LGBT rights are linked to modernity, and modernity originated in capitalist, democratic countries. Hence, it is difficult to defend LGBT rights without also defending Western culture (Rahman 2015, pp. 92-95). At the same time, “enlightened” attitudes towards homosexuality have become a way of asserting Western superiority. This is demonstrated when discourses on homosexuality surface in the context of “civilizational” differences. The West perceives its views on homosexuality to be above reproach, amounting to “a defining feature of Western exceptionalism.” As a result, this incongruence “casts” the Muslim world “out” of the project of modernity, which is equated with liberal democracy and individual rights. The underlying message here is that women’s and LGBT rights are only possible within a liberal democratic framework (Rahman 2014a, pp. 2-3).

The assumption that Western sexual modernization will benefit the world creates certain misunderstandings that obscure the reality of contemporary Muslim sexual diversity. Public opinion surveys suggest that Muslims are not supportive of LGBT rights. These attitudes are explained away by viewing Muslim states and populations as less than modern in regards to economic and democratic development within a secular framework. Western-style modernization then becomes the “solution” to Muslim homophobia (Rahman 2014b, p. 277). Unfortunately, these polarized viewpoints trigger

an oppositional response that proposes a “nationalist and/or ethnic version of sexual and gendered cultures” devoid of LGBT identities (Rahman 2015, p. 95), resulting in a triangulated dynamic. In Western countries, support for queer rights can be viewed as resistance to Islamic homophobia, while in Muslim countries, opposition to queer rights can be seen as resistance to the imposition of neocolonialist constructs of identity (Rahman 2014b, p. 279). The only way out of this conundrum is to resist monolithic and static definitions of both “traditional” Muslim cultures and “superior, progressive” Western cultures (Rahman 2014b, pp. 281-283). Rahman feels that scholarship should focus on “the everyday experiences of that oppression” (Rahman 2015, pp. 101-102). No doubt research in this area will reveal two worlds that are “interconnected and interdependent rather than as static points in a civilizational opposition” (Rahman 2014a, p. 115).

How theories of global homophobia fall short

The Chechnya case and other examples have demonstrated how state homophobia plays out, depending on the historical, political and cultural contexts of each country. Is there a way to theorize how this repression works – so that, as analysts, we can learn from these horrific examples and find ways to prevent these situations from reoccurring? Developing new theories of global homophobia means reviewing previous theoretical understandings and critiquing them. Bosia (2013, 2014 and 2015) and Weiss and Bosia (2013) critique the following five approaches:

The globalization of sexuality: Earlier in the century, certain scholarship focused on the globalization of sexuality – the idea that migration, tourism, media and the internet were blending together to form new sexual and gender subjectivities. [In addition to those reviewed in Chapter 1, see also Weeks (2007) and Altman (2001), (2004), and (2008).] However, these studies focused less on the strategies used by states to ostracize, stigmatize, inhibit and actively constrain LGBT rights (Weiss and Bosia 2013, p. 8). Although some scholarship points the finger at tourism or international LGBT CSOs for triggering state homophobia in certain countries, in other countries these factors do not, in fact, provoke state homophobia – even in countries where LGBT CSOs are weak or dispersed (Bosia 2014, pp. 259-264).

Religiosity and tradition: Scholars often reduce homophobia to “a variable reflecting static religious values and traditional attitudes towards sexuality.” Seen thus, homophobia, decoupled from the state, is something that “society” does and which LGBT activists, inspired by Western models of sexuality, fight against (Weiss and Bosia 2013, p. 8). However, this is an over-simplification, especially since some countries considered to be “traditional” and “religious” have relatively vibrant LGBT movements and communities, while others do not.

The clash of civilizations: Some scholars assert that Western-inspired LGBT activists have exacerbated problems in non-Western countries by transposing foreign sexual identities onto “traditional societies,” thus triggering a cultural conflict. However, Western LGBT advocates also trigger these types of conflict in their own countries. In other words,

resistance to LGBT rights is a transnational phenomenon. The idea that this amounts to a clash of civilizations may be overplayed (Weiss and Bosia 2013, pp. 9-11).

Societal backwardness: Some scholars posit that state homophobia attaches itself to narratives of tradition and fear. However, this view undermines and depoliticizes homophobia, framing it as a social disease that can be cured. This approach reinforces the image of backward, “psychosexually primitive” societies wracked by prejudice, irrational disgust and paranoia (Weiss and Bosia 2013, pp. 11-12). Bosia challenges narratives that frame LGBT advocates from more “advanced” societies as “reaching back” to more oppressed LGBT subjects (Bosia 2014, pp. 257-258).

Sexual modernization: Some theorists claim that anti-homosexual attitudes will eventually wither away. Homophobia is framed as a religious and/or “traditional” construct; increased urbanization will inevitably lead to greater acceptance of LGBT people. However, this approach frames homophobia as the “public manifestation of a private attitude,” ignoring the role of the state in promulgating homophobic policies (Weiss and Bosia 2013, pp. 12-13).

Other theoretical approaches focus on sexual and gender identity within the structure of heteronormativity or masculinity or take homophobia as a “given,” failing to elucidate why it has become a political strategy of choice. Queer theorists convincingly demonstrate “normalizing discursive structures,” but these approaches do not necessarily explain “positivist policy making” (Weiss and Bosia 2013, pp. 14-15). After examining these various theories’ shortcomings, Weiss and Bosia argue that

homophobic oppression deployed by the state is not a random series of activities and cannot be explained away simply as the wholesale oppression of sexual minorities amidst a backdrop of postcolonial tensions; it is a conscious political strategy (Weiss and Bosia 2013, pp. 1-2). Political homophobia is used by regimes to create “an authoritative notion of national collective identity.” The state achieves this by actively scapegoating LGBT people (Weiss and Bosia 2013, p. 3).

In separate articles, Bosia investigates why and when state actors “invoke sexual minorities as objects of opprobrium and targets of persecution” (Bosia 2013, p. 31). Key to Bosia’s theories of state homophobia is its modular nature. It appears and disappears according to circumstances. State homophobia is not a strategy that the state always turns to: it cannot be “explained away” by citing a particular tradition or belief since that “tradition” is malleable, constructed using “an increasingly modular LGBT boogeyman” (Bosia 2013, pp. 33-34). He asserts that the state uses violence against the LGBT community when the political system is facing a severe crisis: these actions affirm state authority while reinforcing a sense of belonging. State homophobia is deployed as crises emerge: it becomes “a convenient tool for state rule.” State homophobia can be used to shore up diminished state capacity, drawing on alliances with other actors (Bosia 2013, pp. 31-32). For example, in Uganda, the state became increasingly dependent on international aid from Christian organizations, opening up a space for homophobic discourse to take root (Bosia 2014, pp. 265-268). In Egypt, the military and the security state transformed the markets and economy; over time, the division of gender and sexuality into “normal” and “transgressive” became key tools of statecraft. This context

helps explain the trial of 52 men on debauchery charges and the ongoing suppression of LGBT movements over at least a decade (Bosia 2014, pp. 267-268).

The research cited above provides important theoretical tools that unlock our understanding of cases such as the Chechnya crisis. Is it possible that the homophobic repression cannot be explained away as a backward-looking society's adherence to religious tradition? Was the targeting of homosexuals a "conscious political strategy?" In my opinion, it is easier to fall back on stereotypes and grand narratives than to contemplate an even more horrifying scenario: that political leaders may be consciously creating lethal homophobic campaigns not out of hatred, not for religious reasons, but because it is politically expedient.

Advocacy and conflict

In the previous sections, I reviewed literature that attempts to unravel the narratives, ideologies, strategies, tactics and belief systems that fall into place when states deploy homophobia as a weapon against its citizens. Ironically, these actions can result in the emergence of a local LGBT movement which Bosia refers to as a "strange fruit produced by state homophobia" (Bosia 2014, pp. 257-259). In this section, I examine ways that queer advocacy and diplomacy work to counter state policies and practices that target their own LGBT citizens.

Chapter 1 showed how a Western LGBT movement became a global movement. Chapter 2 examined how this global movement penetrated international politics through the advancement of universal human rights and democratic values. I would like to end this

literature review on a more hopeful note, highlighting a few ways that human rights advocates, diplomats and IGOs are working together to strengthen LGBT rights, minimize conflict and combat campaigns of homophobic aggression.

Advocacy within the international human rights regime. Many of my interview subjects, while proud of their progress, also had lingering doubts about the efficacy of existing international human rights processes and mechanisms. On the one hand, two documents penned by LGBT activists and experts – the Yogyakarta Principles (The Yogyakarta Principles 2018) and the Declaration of Montreal (Declaration of Montreal 2018) – promote an international LGBT human rights agenda which, in Waites’s words, represents “a new discursive framework” (Waites 2009, pp. 138-139.) Even if an international framework on LGBT rights were possible, some scholars argue that it would need to engage more directly with regional and specialized IGOs. Rahman (2014a) argues that regionalization can help “soften” the universal language in UN documents which, for many Muslim-majority countries, may be a bridge too far and could even trigger “more resistance to change at the national level” (Rahman 2014a, pp. 142-144).

Other multilateral fora: Global LGBT advocacy and diplomacy also take place through other IGOs. At the Commonwealth, the goal of advancing LGBT rights is particularly contentious because of a fundamental disagreement about shared values (Cowell 2013, p. 125). Lennox and Waites (2013b) point out that “Accusations of racism, as well as of neocolonialism and cultural imperialism, may be strategically utilised” by legislators when responding to criticism about the perpetuation of archaic laws that criminalize

homosexuality, “often to serve domestic political audiences and circumstances” (Lennox and Waites 2013b, p. 29). Cowell argues that progress will not be made through existing Commonwealth mechanisms that monitor governance and the rule of law. The Heads of Government are the main decision-makers; without their support, any progress on LGBT rights will be negligible. A declaration that favours the decriminalization of homosexuality would probably provoke a backlash: progress in this area will be difficult and slow-going (Cowell 2013, p. 139). However, Lennox and Waites argue that more scholarship and public awareness are needed that focus on the positive role that regional human rights bodies have played in the struggle for LGBT rights. For example, although the African human rights system has been criticized for its unwillingness to embrace LGBT rights and recognize LGBT CSOs, regional human rights systems have the potential to be effective drivers in the shift from soft law to hard law (Lennox and Waites 2013a, p. 516).

Thematic strategies: In a similar vein, Lennox and Waites (2013a) warn that successful advocacy in the Global South should not focus strictly on popular themes such as decriminalization. Despite the seeming severity of much anti-LGBT legislation, criminal laws do not appear to be heavily enforced – even though there is no guarantee that laws will be not invoked in the future. The biggest threat to LGBT people, according to Lennox and Waites, is not strict implementation of these laws, but more generalized police harassment. In cases where decriminalization is achieved, the victory may be only partial since the privatization of same-sex intimacy does not guarantee full citizenship. A more holistic strategy, from the viewpoint of human rights activists, is needed: positive

legislation that actively protects LGBT people from discrimination and violence could make a huge difference. (Lennox and Waites 2013a, pp. 533-534).

Differences in approach: Some scholars are very critical of Western-based NGOs that directly intervene in cases of state-sponsored homophobia in the Global South. For example, in the previous chapter, Mittelstaedt (2008) presented a case in which a British activist's international campaign to oppose homophobic legislation in Nigeria was accused by Nigerian LGBT activists as being "neo-colonialist." However, Bosia (2015) argues that critics who dismiss all Western-based LGBT rights groups working to protect human rights in the Global South as "rescue missions" may actually misunderstand the aims of these organizations and "the populations to be rescued and the forces they need to be rescued from" (Bosia 2015, pp. 47-48). Still, Wilkinson feels that local LGBT CSOs that organize campaigns that project an essentialized identity are limited in scope. "Born This Way"-style campaigns are less effective than media campaigns that focus on the story of diverse LGBT people through "rehumanization" (Wilkinson 2014). Mittelstaedt (2008) believes that, while international human rights organizations have a role to play in the promotion and protection of LGBT rights in the Global South, they should take approaches that are less confrontational and are not perceived to be exporting Western laws. For example, when Human Rights Watch sent a letter to the Guatemalan Congress to express its views on legislation that banned same-sex marriage, instead of demanding that Guatemala pass same-sex marriage legislation along the lines of Western countries, it encouraged Guatemala to focus on developing more equitable legislation, drawing upon Guatemala's own laws as examples of best practices

(Mittelstaedt 2008). Rahman (2015) argues that Global South LGBT role models are needed to disaggregate LGBT identity from Western constructs of modernity. Moreover, new transnational dialogues are needed: challenging homophobia should move beyond the UN meeting rooms to other global initiatives, including FIFA and the World Cup. Instead of taking a punitive approach that shames or excludes countries that resist LGBT rights, cultural events and conferences could take place in conjunction with sporting events, potentially reaching many people (Rahman 2015, pp. 104-108).

Religious differences: Some scholars argue that dialogue must move out of the secular realm and engage in difficult conversations with religious communities. Queer people in Muslim-majority countries need to develop their own voices and critique their overlapping experiences of homophobia and Islamophobia (Rahman 2014a, pp. 145-151). Lennox and Waites (2013a) observe that religious institutions can play an important role in the political opportunity structure that social movements are part of. Although these institutions are often viewed as opposing LGBT people, according to their research, many of them are not (Lennox and Waites 2013a, pp. 517-518). This finding could inspire LGBT NGOs to move beyond the parameters of a secular human rights discourse and engage more intensely in religious debates.

In this chapter, I presented Chechnya as a contemporary example of transnational resistance to LGBT rights occurring in the field of international relations. The violent homophobic campaign that took place there can be viewed in different ways: the juxtaposition of nationalism and LGBT identity to shore up support for a regime facing economic and political crisis; the weaponization of Chechnya's Muslim identity as a

justification for the scapegoating of the LGBT community; a case study of state impunity with regard to widespread human rights violations; the tragic result of having no strong local LGBT civil society organizations; the result of engagement by international human rights organizations and their impact on both international and domestic politics; the role of the media in authoritarian states; the efforts of Western leaders and their governments to address the crisis; and the ability of humanitarian groups to remove LGBT victims from hostile environments.

Conclusion: Theorizing diplomacy, LGBT rights and international relations

In this chapter, I have reviewed literature that explores aspects of state conflict around LGBT rights: nationalism, religious intolerance, colonial legacies, and political homophobia deployed by the state. I have also examined literature on international LGBT advocacy that points to certain strategies that could be used to bridge some of the more glaring divides. In the final chapter of this dissertation – after analyzing the data gleaned from interviews with international advocates – I will present best practices and recommendations that seek to mitigate conflict and prevent more Chechnyas from occurring.

As I noted at the outset of this chapter, there is no one theoretical orientation or discipline that can readily explain the phenomena of queer diplomacy and advocacy that addresses transnational resistance to LGBT rights. Instead, I built an overarching interdisciplinary theoretical framework gleaned from the literature review in Chapters 1, 2 and 3, which I described in the Introduction as a tool of analysis that lies at the

interdisciplinary juncture of queer studies, politics and international relations, and policy studies, using a methodology characteristic in politics and policy studies whereby empirical social science research on current social practices is combined with critical reflection to generate both social analysis and proposals on how practices could be improved. My theoretical framework is as follows:

In the 20th century, Western liberal values, including the universal notion of human rights, began to circulate globally. Support for LGBT rights in multilateral fora can be viewed as part of a broader trend by Western democracies to frame themselves as international champions of human rights. As Donnelly explains it, “A global human rights regime has created a world in which commitment to human rights is seen as essential to full national and international legitimacy” (Donnelly 2013b, p. 199).

Support for LGBT human rights is rooted in the rise of a transnational movement that began in the late 19th century. Foucault (1990) traces the emergence of a homosexual subject through the regulation and pathologization of same-sex behaviour. Adam (1995) demonstrates how this Western construction of a homosexual identity – associated with abnormality and deviance – soon gave rise to stigmatization, criminalization and extrajudicial violence. By the late 20th century, resistance to such targeting had produced a host of domestic identity-based and equality-seeking movements (Adam 1995), particularly in the West, that created significant gains, generated greater visibility, and built momentum in other regions.

The 1990s was also when a more globalized LGBT movement emerged which began to participate more visibly in international human rights fora (Kollman and Waites 2009), particularly within the European (O'Dwyer 2013) and UN (D'Amico 2015) systems. LGBT human rights diplomacy occurs when advocates engage diplomats and IGOs to address persistent situations of homophobic discrimination and criminalization, often in non-Western countries.

However, the promotion and protection of LGBT rights triggers accusations of homocolonialism, which Rahman (2014) describes as a Western “deployment of homonormative nationalism” towards cultures viewed as traditional and homophobic. The result is “a discourse of resisting Western cultural imperialism to maintain cultural/religious integrity” (Rahman 2014, pp. 279-280). This resistance is often framed as an attack on sovereignty (Symons and Altman 2015) – a process through which states claim that an alien and perverse Western sexual identity is being imposed on their traditional and/or religious cultures (Stychin 1998).

However, this explanation falls short: it is important to emphasize that many states that publicly reject the protection of LGBT human rights in the international sphere violate the human rights of LGBT persons at the domestic level. Bosia (2013) argues that state homophobia is unleashed when systems are facing a severe crisis: the persecution of sexual minorities reinforces a sense of belonging and becomes “a convenient tool for state rule”. Thus political homophobia cannot actually be linked to a particular tradition or belief since that “tradition” is malleable, constructed using “an increasingly modular LGBT boogeyman” (Bosia 2013, pp. 31-34). Political homophobia generated at the

domestic level then attaches itself to international human rights discourse, sowing conflict and often resulting in polarization.

To summarize, my interdisciplinary framework is a tool that permits a deeper understanding of the policy implications that have emerged from the internationalization of LGBT human rights. This is a study of the ways that diplomats and advocates both strengthen and undermine these rights in a range of international contexts. The complexity of the topic forces me to engage all of these theoretical perspectives, critically acknowledging their strengths and limitations. The construction of sexual identities and the regulation of sexual subjects obviously takes myriad forms across many cultures – but at some point, acknowledging certain categories of sexual identity is necessary in order to advance human rights claims and strengthen movements. While some critics dismiss human rights institutions and processes as vehicles for homocolonialism, even an imperfect system plays a crucial role in calling states to account when they violate the human rights of sexual minorities. Rather than taking claims of a state's defence of "traditional" culture at face value, a state's deployment of homophobic discourse in the international sphere must be challenged and connected to the modularity of its homophobic policies at the domestic level.

CHAPTER FOUR

RESEARCHING LGBT IDENTITIES AND DIPLOMACY

The main objective of my research is to critically assess diplomatic engagement on multilateral LGBT human rights issues using my perspectives as a diplomat, a gay activist and analyst. My principle research question is: “How do diplomats work in concert with IGOs and CSOs to strengthen or weaken LGBT rights within the multilateral context?” In this chapter, I argue that a feminist epistemology that takes into account the everyday world is an important way of producing knowledge about LGBT human rights diplomacy. I explain how this approach opened the door to particular methodologies that provide insights into how subjects are ruled, how subjects experience the everyday world and how the researcher can capture multiple standpoints. I then explain my research design and describe my methodology. This chapter is not just an explication of my research process: I reflect on the methods I used, my successes and failures, the ethical dilemmas I faced and the unexpected issues that emerged. I have woven the reflexive content of my diaries, interviews, and participant observation into this chapter. I end the chapter by locating myself as a researcher of this topic and by reflecting on how my own range of standpoints made an impact on the way my research unfolded.

EPISTEMOLOGY AND METHODS

Epistemological issues

How knowledge is produced and who gets to tell the story are questions that have been the topic of endless debate. These are also questions I had to confront before even beginning to design my research project. Dorothy Smith (1990) asserts that, since Durkheim, sociology has detached itself from the subject's direct encounter with the world: subjects disappear, subdued by objectifying discourse (D. Smith 1990, pp. 46-47). The subject is conceptualized through the objectifying disciplines – studied, measured and described in official documents, court transcripts and police records. To counter this, she advocates research that focuses on the socially-organized practices that rule people's lives (D. Smith 1990, p. 4).

In *Sociology for Changing the World*, Frampton et al (2006) argue that an epistemological shift takes place when researchers question these so-called objective accounts and acknowledge the distinction between the conceptual world and the everyday world: the objective knowledge of the political-administrative regime versus the reflexive knowledge of individuals in their everyday worlds. Pretending to have a value-free approach to social research does not work: objective knowledge should no longer be seen as the "truth," but rather as a way society is ruled (Frampton et al 2006, pp. 50-51). On the other hand, if social scientists hold to the view that subjects are simply produced through discourse, there can be no hope for social transformation (Frampton et al 2006, p. 10). When we stop striving for an objective epistemology and

move toward a reflexive epistemology, we shift our reference point from the generalized world of conceptual and theoretical explanations to the concrete, sensuous world of people's activities (Frampton et al 2006, p. 51).

The impact of this shift is profound. When I view myself reflexively, I find my own location in the world – and this helps me better understand my role as a social researcher. For Harding (1993), in societies stratified by race, ethnicity, class, gender, and sexuality, there are limits to what can be learned by studying the people at the top of the hierarchy; the activities of those at the bottom are starting points for learning because they provide significant problems to be explained (Harding 1993, p. 54). In other words, while troubling social issues related to class, race and other divisions can sometimes be glossed over when examining the top of the hierarchy, the contradictions become more and more evident when research is conducted bottom-up.

Bondi (2002) challenges the construction of the unemotional, disembodied, unified, self-knowing Cartesian subject. While men have historically been viewed as rational, women have been associated with irrationality (Bondi 2002, p. 6). Feminist research is portrayed as ideological, distorted and biased in contrast to “objective” sociology (D. Smith 1990, p. 32). Dorothy Smith critiques patriarchal sociology from the standpoint of women's experience, arguing that sociology should not simply be “supplemented” with other perspectives (D. Smith 1990, p. 13): she proposes a sociology grounded in the actual experience of women, taking the everyday world of women as its problematic (D. Smith 1990, p. 27). In a similar vein, Collins (1999) believes that women who play the role of the “outsider within” are able to view the lives of women from a unique standpoint. For

example, black women who worked as domestics in white households were, on one level, “invisible;” on another level, however, their “insider status” provided an alternative perspective on social relations (Collins 1999, p. 155).

That said, it is tempting to use identity categories in order to “explain away” social phenomena. Razack (1998) warns against the “cultural differences approach,” a form of epistemological “imperialism,” in which the colonized possess a series of knowable characteristics and can be studied, known, and managed accordingly by the colonizers. When it comes to multiple characteristics, she also warns against “an additive model of oppression,” because “racism plus sexism produces a doubly oppressed woman” but “tells us nothing about how systems of oppression work, how they sustain one another and how they come into existence in and through one another” (Razack 1998, pp. 10-12). Razack aims to:

... move toward accountability, a process that begins with a recognition that we are each implicated in systems of oppression that profoundly structure our understanding of one another... we must shed our notions of mastering differences, we must invest our energies in exploring the histories, social relations, and conditions that structure groups unequally in relation to one another... we need to direct our efforts to the conditions of communication and knowledge production (Razack 1998, p. 10).

Yet, even when the subject's "everyday world" remains central to the research, other problems emerge. Scott (1999) reflects on the example of a gay man writing about his secret, hidden life. For many readers, this experience becomes "evidence." It is considered "authentic" – an unassailable kind of truth. However, experience is actually a selective ordering of information used to present a specific version of reality. Instead of considering the individuals who are having an experience, she argues that we must instead view subjects as being constituted through experience (Scott 1999, pp. 85-93).

In my own personal and professional life, I have sometimes been silenced or made to feel that my particular way of knowing the world was less than valid. Feminist epistemology has come closest in terms of pinpointing my own challenges as a gay male researcher and providing signposts on my quest to produce my own knowledge. In the course of my research, I have instinctively embraced many of the precepts listed above: a dialogic, reflexive, sensuous approach, cognizant of the relations of ruling and engaged in the everyday world of my subjects. This is my queer epistemology.

Methodological issues

Kinsman and Gentile (2010) lay out an analytical framework in social research that links theory to method and is "committed to active agency and anti-reification. The social world is produced and can be known, but only through the social practices of people, developing a reflexive, dialogical, bottom-up analysis" (Kinsman and Gentile 2010, p. 26). My research begins with the assumption, articulated by Frampton et al (2006), that social research has the capacity to change the world – but only if its aims and methods

are sufficiently interrogated. A key tool the authors use is Dorothy Smith's concept of institutional ethnography (D. Smith 1987, pp. 151-179) – an analytical framework that elucidates how subjects are marginalized through the relations of ruling – which Frampton et al describe as a sociology for oppressed people. Political activist ethnographers produce knowledge through a reflexive social process, beginning from the standpoint of institutional relations (Frampton et al 2006, pp. 4-6). Instead of theorizing the marginalization of oppressed people using social movement theory, political activist ethnographers call upon sociologists to illuminate the textual practices of ruling regimes. In their view, the problem to be studied is not the social movement itself, but the ruling social forces.

A useful example of this approach is the research of Canadian sociologist George Smith. He describes the ways that grassroots organizing has been used to resist the relations of ruling. In two separate studies, the problematic arises out of the suffering of gay men, constructed as criminals and victims of a fatal disease (see G. Smith 1988 and G. Smith 1989). He analyzes texts to show how subjects are managed by government officials and the professional apparatus. In short, he deconstructs the “official story” and demonstrates how the implementation of these laws and regulations has affected and, in some cases, destroyed, the lives of their subjects (G. Smith 2006, p. 44). George Smith's research on the police raids on gay bathhouses in Toronto highlights laws as well as government and law enforcement documents that illuminate the workings of the ruling apparatus. In his research on people living with AIDS, he takes an institutional approach to highlight the lack of funding and infrastructure needed to manage the

delivery of new experimental treatments. He convincingly demonstrates how these laws and regulations are often taken for granted: they are viewed as the everyday features of people's lives, divorced from their ideological origins (G. Smith 2006, pp. 46-48).

From an institutional viewpoint, George Smith challenges mainstream, speculative accounts of homophobic practices that attempt to explain away the origins of and the reasons for this discrimination. Homophobic practices of the police are not caused by their personalities, but by the relations of ruling. In fact, the political apparatus and bureaucracy go beyond the state to include multiple sites of administration: there is no uniformity. Instead of weaving an elaborate theory of policing or homophobia, George Smith studies the way gay men are policed. It is not an account of gay lives led but of the institutional relations that shape those experiences (G. Smith 2006, pp. 52-56).

George Smith's approach to the production of knowledge resonates: his focus on understanding institutions and rule-making reflect the ways I aspire to engage in social research in my community. He provides a path forward that makes the LGBT subject central to the story being told.

Naples (2003) argues that research must be democratized, allowing for more participatory strategies that can benefit both the participants and the researchers (Naples 2003, p. 31). Researchers have the power to shape relations with their subjects, and subjects have the power to research and resist (Naples 2003, p. 4). Power is not unidirectional but intersubjective: not only should the power imbalance between the researcher and researched be acknowledged, it can actually be renegotiated.

Participatory research does not simply imply the use of different methods: it can

influence analytic choices during the research study. Self-reflection is a powerful tool that can have a positive impact on research outcomes. For Naples, delving into these questions will define our roles as researchers, laying bare the ethics of our own research practices (Naples 2003, pp. 31-32).

Standpoint analysis questions the truth claims of both positivist and feminist methodologies. In her research on economic dependence issues affecting women, Naples drew upon socialist feminist theories of the state. However, she discovered that these theories were unable to account for “multiple capitalist, patriarchal, colonialist and racist formulations” (Naples 2003, p. 18). Feminist socialists claim that women’s experience of power relations may be structurally different than men’s experience. However, to claim that there is a distinct women’s perspective suggests that there is some uniform experience common to all women: this leads to situations where some women see the truth while others do not. Naples believes that Patricia Collins falls into this trap with regard to the standpoint of black women’s experience: Collins’ approach masks the differences within each group (Naples 2003, pp. 70-71). Naples agrees with Dorothy Smith (1997) that standpoints are achieved through communities, not individuals:

When we assembled *as* “women” and spoke together *as* “women,” constituting “women” as a category of political mobilization, we discovered dimensions of “our” experience that had no prior discursive definition (D. Smith

1997, p. 394, cited in Naples 2003, p. 74, emphasis in the original).

Multiple standpoints are required, which emerge from differing contexts that explain relations of domination (Naples 2003, pp. 75-85). Naples also addresses the tension between standpoint theorists and postmodern feminists who critique metanarratives: these critiques have destabilized the practice of ethnography, causing a shift from empirical investigation to representational practices. Materialist feminist theory, joined with standpoint epistemology, offer effective responses to the postmodern challenge to ethnographic practice (Naples 2003, pp. 24-26). Feminist standpoint epistemology includes such ingredients as feminism, historical materialism, situated knowledges, black feminist thought, Third World feminism and institutional ethnography (Naples 2003, pp. 18-23).

Naples argues that if researchers do not explore their own structural positions, they could end up reproducing dominant gender, race and class biases (Naples 2003, p. 3). Moreover, the methods we choose as researchers will be shaped by our epistemological stances: this will define our roles as researchers, our ethical research practices, and our practices of consent and confidentiality. For example, Archibald and Crnkovich (1995) interrogated their use of feminist research methods while working in the Arctic. Although they tried to create a project that was inclusive, action-oriented and participatory, their own privilege – as educated, white professionals from the outside – surfaced. Even before they began their research project, they became labelled as Arctic “experts” and began receiving invitations to conferences. Their positionality also created

a power imbalance vis-à-vis their subjects, who asked them to lobby officials on their behalf on issues of public policy (Archibald and Crnkovich 1995).

Whose perspectives should be used in the event of overlapping viewpoints, and how do I locate myself in relationship to the subjects of my research? A materialist feminist critique points up power differentials between the researcher and the researched, masked by their “insider/outsider distinction” (Naples 2003, p. 49). Ethnographers are never fully outside or inside the community. Naples notes that although Merton claimed that whites could research blacks in a neutral way, this idea was criticized by black scholars (Merton 1972, p. 49, cited in Naples 2003, pp. 50-51). Class, gender and race divisions will shift the standpoints. A multidimensional standpoint framework explores the specificity of women’s experiences in different social locations through time and space. However, the difficulty of explicating women’s social locations remains a challenge from a standpoint perspective. While Naples was conducting research in rural Iowa, at first blush everyone seemed like an outsider; however, Naples could not ignore the fact that Mexicans were harassed and racialized. Her standpoint shifted from one day to the next as Naples interviewed white women, blacks, Mexicans, and men: sometimes she was an outsider, sometimes she was an insider (Naples 2003, pp. 78-85).

Naples’ insider/outsider distinction resonated because of the multiple standpoints from which I engaged in my own research. As a former gay activist, I felt like an insider when participating in LGBT community activities and interviewing advocates. Their enthusiasm and strong convictions made me recall a very special period of my life. At the same time, when I interviewed diplomats and UN representatives, I also felt like an insider, even

though my standpoint had shifted. During these interviews, I dressed, comported and expressed myself in a similar fashion: I noticed that I was more reserved than I had been with the advocates. Naples' standpoint analysis helped me to negotiate these differences.

Much has been written on the difficulties inherent in conducting research with LGBT subjects. In my previous research on homophobic violence (Janoff 2005), invisibility was a challenge: queer interview subjects were often closeted; crimes motivated by hate were often disguised as robberies and "crimes of passion." Another challenge was the overall lack of information on the topic; statistics on queer-bashing were conspicuously absent from the official record. This lack of empirical data meant that I had to tap into several different sources (Janoff 2005). Halberstam echoes this sentiment: "Queer methodology is a scavenger methodology that uses different methods to collect and produce information on subjects who have been deliberately or accidentally excluded" (Halberstam 1998, p. 13). In Ekins' study of crossdressers, he argues that the task of the analyst is not to unearth some hidden meaning in the social world, but "to trace the histories and consequences of the meanings that emerge from within social interaction" (Ekins 1997, p. 36). As an overarching framework, Kinsman and Gentile (2010) utilize the concept of heterosexual hegemonies: i.e., "social practices through which lesbian, gay and queer sexualities are constructed as deviant, abnormal and unnatural and through which, simultaneously, a particular male-dominated form of heterosexuality is naturalized and normalized." In order to counter these negative constructs and reflect the everyday world of LGBT people, Kinsman and Gentile "disrupt the master narrative

of heterosexual hegemonic mainstream Canadian history by placing the social experiences of queers at the centre” of their analysis (Kinsman and Gentile 2010, p. 5).

However, putting queers at the centre does not always do justice: in the 1950s and 1960s, sociologists of deviance placed homosexual men under the microscope and subjected them to degrading and dehumanizing accounts: social research on trans people still suffers this fate. Namaste calls this “objectivist sociology,” part of a broader trend in relation to the research of trans people: sociologists often float dubious theories about why trans people do what they do (Namaste 2000, pp. 29-33).

Reflexivity and objectivism

Reflexivity is a tool that can be integrated into many methods. Some examples stand out. Pratt’s (1991) meditation on race, gender and sexual orientation is informed by her own journey as a feminist, lesbian, anti-racism activist. She directs her gaze inwards to reflect on her family’s racist roots in the southern U.S. She uses her standpoint as a white Southern woman to frame her work within the context of other progressive white Southern movements, such as the Underground Railroad (Pratt 1991). Pratt’s method of writing the past into the present inspired Mohanty (2003) to reflexively consider the ways that women “colonize and objectify their own distinct histories.” She describes how, after living in the US for many years, she returned to India as a “radical feminist of colour,” challenging Hindu fundamentalism (Mohanty 2003, pp. 125-132). Collins (2006) reflexively reconceptualizes race, class and gender categories. She argues that we all have barriers that limit our vision; in order to transcend them and create coalitions for

social change, we need to challenge ourselves by asking how our own thoughts and actions uphold someone else's subordination. This requires getting in touch with our "internal oppressor" and examining our own experiences of domination and subordination (Collins 2006).

Taylor and Rupp (2005) believe that "self-reflexivity" is "crucial" when considering how one's own gender and sexuality impact the research process. In their study of drag queens, the authors found that "being women and lesbians facilitated rather than hampered our entrée into the world of drag queens, even as our gender and sexuality also complicated the research process" (Taylor and Rupp 2005, p. 2115). Naples points out that reflexivity can be an important tool when considering emerging research issues, such as the ethical dilemmas associated with relationships and friendships between the researcher and the researched. To whom is the researcher accountable? Reflective and dialogic techniques can be employed to reveal power differentials (Naples 2003, pp. 37-39). However, Naples warns that confessional discourse is not necessarily reflexive: in her analysis of the phenomenon of sexual abuse, she argues that "recovery discourse" lacks a political dimension because of its excessive focus on the individual (Naples 2003, pp. 163-185).

Reflexivity can also shed light on the researcher's motivations and emotions. This can make the research more powerful and believable. For example, Halberstam observes: "I have been stigmatized by a masculinity that marked me as ambiguous and illegible" (Halberstam 1998, p. 19). Shelley explains why he deleted references to his research subjects' physical abuse: it was "too upsetting" and risked desensitizing the reader

(Shelley 2008, p. 96). In this example, Shelley could have easily filled his book with endless horrific stories that affected trans people. Instead of creating an objectivist account, he reflected on his own role as a researcher and the impact these stories could potentially have on the reader (and, by extension, on the interview subjects if they were to read his book). Instead, he took a more nuanced approach. Ristock (2002), while reflecting on her interviews with lesbian survivors of domestic abuse, recalls: "The experience of listening to women for hours and hours left me numb and overwhelmed." Although she had often been critical of the way that public and private violence became homogenized, she realized that she was also guilty of this trend. Many of her interview subjects had experienced other types of violence: "My focus on domestic violence was often enlarging a small slice of their lives" (Ristock 2002, pp. 42-43). The fact that she critiques her own research in a reflexive way means that: she is questioning her own role in the process; she is admitting that, even as the "expert" she does not have all the answers; and she understands how this type of research can in some ways skew the complexity of subjects' lives by highlighting only certain aspects of their "stories."

Reflexivity also has its place in the international realm: Sjolberg (2015) argues that a global LGBTQ perspective can only emerge when the researcher asks "how and what we learn about global politics, about gender identities in global politics, from paying attention to the location and *lived experience* of LGBTQ people" (Sjolberg 2015, p. 163, emphasis in the original). LGBT international relations scholarship should not only examine the world of global LGBT issues: it should also be paying attention to the world of queer scholars: "The positionality of the LGBTQ is not just 'out there' in the world

that scholars study... but also in the world of *the scholar*." Scholarship in queer studies depends on "using what we have learned about LGBTQ positions, practices, lives, and experiences 'out there' to revisit the structure and function of disciplinary research processes" (Sjolberg 2015, p. 168, emphasis in the original).

To prevent the objectification of LGBT subjects, reflexivity can enrich a research project by providing more context about the positionality of the researcher. Ekins' (1997) research is an example of social research that could benefit from reflexivity. Although Ekins immerses himself in the research experience, there is barely a hint of his own motivations or reactions. In his research on the discreet networks of mainly heterosexual British cross-dressers, he presents a world that exists in a vacuum: there is no reflection of oppressive laws, regulations and social practices that shape the world of his subjects. Even more telling is Pettway's (1996) ethnography of poor black transgender women in Baltimore. In Namaste's (2000) view, Pettway's research borders on the lurid, including many details of subjects' lives but no insight as to how they got there. Pettway's subjects are subjected to endless scrutiny, but not the researcher (Namaste 2000, p. 30). To avoid this pitfall, I went in the other direction: later in this chapter, I have included a section, "Reflecting on My Methods and Positionality," which attempts to make clear how my own roles as a diplomat, advocate and researcher complicated and enriched the research process.

RESEARCH DESIGN AND METHODS

Having reflected on my research methodology, I decided to design a research project that was practical: I was in the middle of a one-year education leave, after which I would be moving back to Ottawa and working full-time in a completely new position at Global Affairs Canada that would not afford me the time or flexibility to engage in an extended research phase. A long-term or longitudinal study was not feasible: my project would need to be completed within a shorter time-frame. I needed a research setting that was easily accessible and in which I could immerse myself in the global politics of LGBT rights at the multilateral level. While I had not yet finalized my research methods, I was on the look-out for an environment that would afford access to: interviews with human rights activists, diplomats and UN experts on LGBT rights; libraries where I could engage in documentary research; and meetings and events that I could observe where LGBT rights were discussed. I concluded that the best two research sites were Geneva and New York, since both had UN offices, diplomats working within the UN system, human rights experts and meetings in which LGBT rights were discussed.

Between March 24 and May 20, 2015 I interviewed 29 people: 21 in person, four by phone and four on Skype. (See Tables 1 and 2.)

INTERVIEW TIMETABLE

Phase	Date	In-person interview	Skype interview	Telephone interview	Place	Event
1	March 24 to April 19	1		2	US/Canada	
2	April 20 to May 13	16	2	1	Geneva	<ul style="list-style-type: none"> • UPR • Special Procedures • IDAHOT
3	May 14 to May 21	4	2	1	New York	<ul style="list-style-type: none"> • IDAHOT • SDGs

Table 1

INTERVIEW DEMOGRAPHICS

Age	Sex	Race	Location	LGBT-identified
Under 40: 15	M: 19	White: 20	Global North: 17	Yes: 19
40+: 14	F: 9	Non-white: 9	Global South: 12	No: 10
	Gender non-conforming: 1			

Table 2

I also participated in five activities in Geneva and New York that occurred over the same time period I was conducting interviews. In Geneva, I attended several sessions of the UN Human Rights Council (HRC)'s Universal Periodic Review (UPR). I actively participated in a UN Special Procedures meeting and a meeting of CSOs to mark the International Day against Homophobia and Transphobia (IDAHOT). In New York, I actively participated in a UN-organized event to mark IDAHOT. I also attended sessions at UN headquarters with LGBT activists to negotiate the inclusion of SOGI issues in the Sustainable Development Goals (SDGs).

Research methods

After considering a range of methodologies, I am convinced that objective research is impossible. The best way forward is to acknowledge my social location: this is only possible by shifting from a world of generalities to a materialist, sensuous, reflexive epistemology. I decided on a multiple-standpoint research design that would help explicate complex relations of power by taking into account the intersection of class, gender, racial, and other differences. The intersection of these multiple standpoints became a queer lens through which to view the lived experience of LGBT subjects – who are placed at the centre of the analysis. The following methods enriched my research project: discourse analysis, participant observation, interviewing and story-telling techniques.

Discourse analysis

Although my research did not entail a formal discourse analysis, I employed some of its features when analyzing the transcripts of my 29 interviews. I was on the lookout for insights into how LGBT rights were constrained and regulated within the multilateral context. Critical scholars must learn to read between the lines to uncover power differentials; discourse analysis is an important tool that can be employed. Foucault's earlier works examine the discursive practices of experts and other people in authority who utter "serious speech acts." (See, e.g., Foucault 1972 and Foucault 1975.) Dreyfus and Rabinow (1982) show how Foucault creates a method that focuses purely on what is said or written. The analyst can then begin to see patterns, discerning how one discursive formation can be substituted for another. For example, one way to understand the system of clinical practices is to consider the discursive totality of the social, political, economic, technological and pedagogical tropes, which converge and function in a particular way (Dreyfus and Rabinow 1982, p. 64).

Naples (2003) employs Foucauldian discourse analysis in her research on female community activism. Her analysis reveals how movement frames contest, reproduce, and participate in relations of ruling. By isolating recurrent themes, she discovers that activists who campaigned for community control of their schools were increasingly prevented from advocating such an approach in the 1980s and 1990s (Naples 2003, pp. 89-107). Naples also analyzes survivor discourse, which is reproduced through experts, talk shows, celebrity biographies, media, fiction and discussion groups (Naples 2003, p. 164). Survivor discourse is often juxtaposed with expert discourse: one that derives from

personal experience and emotional pain as opposed to one grounded in more systematic truth claims. Naples uses this method to examine the feminist problematization of violence, incest, and abuse (Naples 2003, pp. 169-171). She considered the debates around *The Courage to Heal* (Lance and Bass 1988), a book that has been vilified by experts as a tract causing hysteria, false memory syndrome and the infantilization of fragile women. Naples also examines the “recovery industry” which aims to address a host of issues affecting women, such as incest, abuse, alcoholism, and eating disorders, and other issues (Naples 2003, pp. 174-176). She asserts that the confessional format may be part of the problem, reinforcing relations of domination. This individual approach to recovery, as opposed to a collective approach to social change, results in depoliticized discourse, posing little challenge to the abusive patriarchal order (Naples 2003, pp. 166-169).

When the researcher employs discourse analysis, it can be used as a tool that moves beyond textual analysis to a broader analysis of policies and legislation. For example, Naples (2003) uses this technique – shifting the standpoint towards marginalized women – to analyze the implementation of policies regarding university students on welfare. She is able to identify gaps, making it more possible to challenge the bureaucratic and sexist assumptions that contribute to women’s impoverishment (Naples 2003, pp. 143-161). She analyzed a series of Senate hearings on welfare policy. She noticed that a consensus had emerged between Democrats and Republicans to construct welfare recipients in negative ways. The dominant frame regarding welfare was maintained using organizational practices of exclusion. Only one out of 246

witnesses had actually been a recipient of welfare. This exclusionary discourse organized relations among and between legislators. Subject positions emerged, infused with gender, racial, ethnic, and class inequities. This ritual was used to justify legislative action and reinforce behavioural and moral tropes, such as the work ethic and family – instead of addressing structural barriers to women’s economic security. Poor single mothers were constructed as objects of state intervention rather than representatives of social or political movements. Race formed a powerful subtext, but structural issues regarding blacks were obscured. The poverty of single women eclipsed the poverty of men. Black women remained at the center of the discourse, thanks to statistics on out-of-wedlock births, their absence from the labour market, and the lack of financial support provided by black fathers (Naples 2003, pp. 109-139).

I conducted a textual analysis by carefully reviewing the transcripts of my 29 interviews with diplomats, CSO and UN representatives. Three main themes emerged: challenges related to the practice of diplomacy in the multilateral context; challenges related to the promotion of LGBT rights in the multilateral context; and challenges facing LGBT movement more broadly when promoting and protecting human rights on a global scale. This exercise allowed me to divide my data into sub-themes and sub-sub-themes that enabled me to look beyond the “issues” and develop substantial policy recommendations.

Participant observation

Participant observation was another important element of my research project. Taylor and Rupp (2005) observe that researchers who use participatory methods in the LGBT community “negotiate relationships fraught with gender, sexual and other tensions” which “can impede understanding and rapport, on the one hand, and enrich interpretation, on the other” (Taylor and Rupp 2005, p. 2116). A good example of this approach is Ekins’ (1999) study of cross-dressers: he said he entered the research setting with few predetermined ideas. The initial phase consisted of exploration, participant observation, direct observation, and field study; meeting individual cross-dressers, attending support group meetings, going to drag bars, and accompanying cross-dressers to sessions of electrolysis and speech therapy, as well as surgery. He attended drag events and weekend gatherings of cross-dressers. He worked as a human rights advisor for a crossdressers’ organization and established an archive of books, documents, and audio-visual materials (Ekins 1997, pp. 37-45). In the following sections, I describe why participant observation was such an important part of my research design and how this “outsider within” approach enriched the overall project.

Interviews, focus groups and story-telling

In-depth interviews with open-ended questions were the most important component of my research. Allowing people to share their own stories, as Kinsman and Gentile point out, reflect “the dialogic character of the social world; multiple stories help to expose the partial and ideological character of the official story” (Kinsman and Gentile 2010, p.

14). Sharing personal perspectives can be a powerful research tool: interviews, storytelling and oral narratives exist along a continuum, from more objective to more subjective ways of conveying individual experiences. For Shelley (2008), the narrative technique is a “hermeneutic and dialogic engagement with transpeople as knowing subjects.” The method is used “to insert the importance of storied lives” into the research. There are ways that the gap between the interviewer and the subject can be reduced (Shelley 2008, p. 10). Avis (2002) believes the research process is enriched if the interviewer can inhabit multiple positions and engage reflexively. Instead of fading into the background, feminist methodology calls for the researcher to be part of the conversation: “Research is as much about allowing for the exploration of the self as it is the exploration of others” (Avis 2002, p. 193). Acker (2000) goes further, recommending that researchers imagine themselves in the position of their subjects: a tenet of feminist methodology is “refusing to stay detached.” By acting as an “outsider within,” the researchers can generate trust, sharing their own stories and expressing themselves emotionally (Acker 2000, p. 193).

Another way to conduct social research is to allow subjects to share their perspectives with each other. The focus group is a research technique that allows stories to be told in a shared environment. For example, Ristock (2002) put notices in the bathroom cubicles of lesbian bars and women’s resource centres in search of subjects for her research on lesbian domestic violence. She organized eight focus groups; the advantage of this method was that it provided a social context for her research topic. It also provided a

“sheltering” environment: since many of the subjects had themselves been abused, it created a space for common understandings (Ristock 2002, pp. 30-34).

For Razack (1993), storytelling is central to pedagogy, an archeological endeavour akin to the Foucauldian concept of suppressed knowledge: a critical pedagogy can uncover relations of domination and voices that have been lost. However, not all storytelling is critical. There can be a failure to recognize multiple subjectivities: an emphasis on “caring and compassionate” discourse can lead to a passive listening of diverse voices (Razack 1993). Another form of storytelling takes place in the courtroom: how these stories are told can be revealing, interrogating “the space between the knower and the thing known.” By paying close attention to the narrative, the researcher begins to understand how “objective truth” is constructed – by converting information into “fact” (Razack 1998, p. 37). Whether it is a formal testimony in a courtroom or a storytelling session in a classroom, the researcher is creating a space for interview subjects to present their perceived version of events. In my research, interviews and story-telling became intermingled, especially among subjects who brought me into their confidence and shared personal insights that concerned them. Because of my location as a diplomat – and my history in the LGBT activist community – I quickly slipped into the role of the insider, shifting my standpoint depending on the context.

Personal narratives

Writing my field notes in a journal provided an additional layer of insight. Naples (2003) admits that, when scholars include their own personal narratives in their research, these

first-person accounts can be suspect. One reason might be because this type of writing poses a challenge to more traditional academic formats, especially with regard to language and tone. Many academics have been trained to separate their personal life experience from the issues they are analyzing. However, as a form of critical reflection informed by theoretical insights, Naples believes that oral narratives can help uncover the complex dynamics involved in the production of everyday life. For example, Naples' decision to write openly about her own experiences of sexual abuse is a good example of both reflexivity and the power of personal narratives. Her objective was to present the "incest survivor" in a very different way. By conveying the complexity of this identity category, her aim was to prevent others in her situation from reducing her simply to that category (Naples 2003, pp. 187-193). Naples's approach to research was liberating and gave me "permission" to share some aspects of my life experience albeit in a very limited and focused way. Although the personal experiences I shared in my own field notes were less than revelatory, they provided nuanced reflections of an intense research experience that contributed greatly, in my view, to my own personal and professional development.

DATA GATHERING STAGE

The trip to Geneva

My main preoccupation before leaving the U.S. was finding a place to stay in Geneva. A friend had recommended a website for expatriates. At Newark Airport, just before getting on an overnight flight to Geneva, I made an appointment to see an apartment

the following afternoon. I arrived in Geneva on the morning of April 20. After waiting for several hours with my suitcases, and after various expensive meals and taxi fares, I negotiated a one-month sublet and handed over \$2500 in cash. The apartment had a beautiful view and was about 20 minutes to Central Geneva by tram. Since the internet took a few days to install, the Starbucks near the train station became my temporary office. I was busy over the next few days. I purchased a Swiss cell phone, which proved unnecessary, since everybody communicated by WhatsApp. My Carleton University student card allowed me to acquire a UN researcher's pass, which gave me wi-fi and access to the UN library and other buildings at the Palais des Nations, the main UN campus. Additional accreditation was required to access the building where the HRC held its meetings; I could only be sponsored for a pass through a permanent mission or a UN-accredited CSO. Through my contacts, I approached an international NGO in Geneva which agreed to put my name on their list of delegates.²⁸

Since I was on a one-year unpaid leave from work, my main preoccupation was trying to live as cheaply as possible. I knew that some of my meetings would inevitably take place in restaurants. However, even the cheapest restaurants were very expensive: I purchased food at expensive grocery stores to reduce my weekly food budget. A considerable amount of time was spent buying and hauling groceries, as well as preparing food,

²⁸ I wanted to remain as independent as possible. I chose not to contact my colleagues at the Canadian mission and opted instead to be accredited through an NGO with whom I had contacts. I wanted to avoid the perception that I was receiving favours from Canadian diplomatic colleagues.

which I carried with me and nibbled throughout the day. After four days of chaos, things began to settle a bit. Here is an excerpt from my journal:

Finally... things have begun to take off. I am sitting at a Turkish restaurant on a patio on the pedestrian mall in front of the Cornavin train station.

I had been struggling with various logistical issues for days and finally yesterday went to the Starbucks and sent 20 emails off.

This morning I received a call from [x, of a Western foreign ministry], who ... gave me the names of a couple of people affiliated with [an NGO] to interview. Then I got a whole bunch of emails, including one from [a human rights activist] who explained that the only time ... [to meet for an interview] ... was in an hour so I rushed over there and locked myself out of the apartment. I've now been out for the day and am back at the Starbucks working!

The interview with [the activist] was excellent, but intense.

(Field notes, Excerpt #1, April 24, 2015)

In fact, the whole time in Geneva was very intense: in addition to getting oriented, attending the UPR sessions, participating in two events and arranging interviews, I conducted eighteen interviews between April 24 and May 12.

Documentary analysis

Over the course of my research, I collected the following:

- **UN documents between September 2014 and March 2015:** HRC resolutions, reports, transcripts of meetings, debates, speeches and UPR reviews, as well as other website content.
- **Documents generated by CSOs:** Reports, press releases, letters, analyses, surveys, studies, policy papers, speeches, transcripts of meetings, the testimony of victims and witnesses, blog entries, You-Tube videos, and correspondence.
- **Miscellaneous documents:** Court and tribunal cases on LGBT human rights issues in various jurisdictions; and documents produced by national governments, human rights commissions and law enforcement agencies regarding laws and policies in their own countries.

Interviews

I conducted 29 interviews with:

- People affiliated with the UN secretariat, including Commissioners, Special Rapporteurs, Independent Experts, and IO staff members;
- Diplomats based at their Permanent Missions; and
- Current and former civil society actors, including: LGBT citizens and victims; members of human rights organizations and LGBT rights organizations; academics and researchers; activists; and lawyers who represent LGBT victims.

My first interviews were in North America, but with people who were globally connected. After each interview, they suggested more people I could interview in New York, Geneva and elsewhere. However, this snowball method also opened up the possibility that my interviews would begin to skew towards the perspectives of “member states that are viewed by CSOs as LGBT-friendly.” I then attempted to triangulate this data by reaching out to officials from member states at the HRC that are known to oppose LGBT rights. I attended the UPR reviews of these member states, approached these member states’ representatives, introduced myself and provided my business card. After my first few interviews, I realized I was asking too many questions. I decided to adjust my interview schedules. I had developed three similar, but slightly varied, sets of questions depending on whether I was interviewing diplomats, advocates or IGO representatives.

Narrative format

I produced field notes, using a reflexive narrative approach to highlight key aspects of my trip to Geneva. Instead of producing a traditional ethnography, diary, or encyclopedic, chronological account, my goal was to produce a series of colourful snapshots of my research trip that would portray the diplomatic efforts currently underway at the UN to engage on LGBT rights. In the end, these excerpts complemented the interviews presented in the data chapters.

Participant observation

I participated in the following activities: formal meetings at the UN where these topics are debated and discussed by diplomats, NGOs, and other participants; informal meetings with these same groups; events sponsored by NGOs and universities, including lectures, seminars, workshops and panel discussions; informal gatherings of participants which take place on the margins of more formal events; and informal social activities which would allow me to interact with people working in these areas. In the end, I spent 3.5 weeks in Geneva and one week in New York in April and May.

Observing the Universal Periodical Review (UPR)

The UPR session went from May 4 to May 15. Approximately 14 UN member states are reviewed every three or four months. At the session I attended, the member states being reviewed were: Andorra, Belarus, Bulgaria, Croatia, Honduras, Jamaica, Liberia, Libya, Maldives, Marshall Islands, Mongolia, Panama, and the United States. The UPR sessions all take place in the Human Rights and Alliance of Civilization Room, akin to a mini-UN General Assembly hall, complete with row upon row of desks that display the names of each UN member state. Spain donated \$20 million to renovate the hall, with its multi-coloured, sculpted ceiling. The atmosphere was very intense and a bit claustrophobic. Hundreds of people in suits were constantly cycling in and out of the hall while the meetings were taking place. The images of the speakers were projected onto giant screens; meanwhile, speeches blared from the speakers in all official UN languages.

It took some time to understand the process that was taking place. At the first review I attended, the Belarusian officials appeared on stage to present their country's human rights policies, followed by presentations on Belarus by UN experts. However, most of the time was allotted to the dozens of UN member states to make recommendations on how Belarus could improve its human rights record. Exactly one minute and fifteen seconds after a member state began delivering comments, the microphone would be cut off and the floor would be given to the next member state on the list. To an outsider, the session seemed very disjointed. Here are some the observations from my journal:

Venezuela commended Belarus for its human rights record.

Austria singled out Belarus for intimidation and arbitrary

arrests. Botswana criticized Belarus for its mass arrests,

sexual violence and lack of freedom of expression. Brazil

recommended that Belarus strengthen gender equality and

address gender-based violence. Canada called for free

elections, the freeing of political prisoners, the right of

CSOs to be officially registered, and freedom of assembly

and association with regard to sexual orientation. Chile

recommended that Belarus enact anti-discrimination

legislation on the basis of sexual orientation and gender

identity. Belarus responded that it was a world leader in

access to medical services; these services were delivered to

all people, regardless of sexual orientation. (Field notes, Excerpt # 2, May 4, 2015)

I was beginning to understand that SOGI issues played a relatively minor part of these reviews, since all manner of human rights were discussed. I began to zoom in on the member states that were making SOGI recommendations:

Argentina, Brazil, France and Canada all recommended that Liberia decriminalize consensual same-sex relations. Colombia called for Liberia to fight violence and discrimination based on SOGI. Colombia said it was willing to share its legislation in this area. (Field notes, Excerpt #3, May 4, 2015)

The next day, Malawi's UPR review took place. Here were some of the highlights:

The Netherlands, Slovenia, South Africa, Switzerland and the US all made recommendations on SOGI issues in Malawi. Spain noted that homosexuality was a crime punishable by up to 14 years in prison. Sweden recommended a public campaign against homophobia. Norway acknowledged that Malawi had taken some steps not to enforce the law criminalizing homosexuality. The UK expressed concerns about Malawi's recent marriage act

that excludes same-sex unions. (Field notes, Excerpt #4,
May 5, 2015)

I began to think that I had made a mistake planning my trip to Geneva at this time. When I looked around the room, I was struck at how rehearsed the whole process was. Nobody seemed to be listening to what was being said: the lines had been prepared well in advance of the meeting. It was impossible for the member state under review to respond in any depth to the recommendations since dozens and dozens of member states made consecutive recommendations at each review. The delegates seemed to be more focused on their laptops and cellphones than on the issues being discussed. However, I came to realize that this was actually an excellent time to be in Geneva because all diplomats and CSOs that focused on human rights were in this building over the two-week UPR session. Since the UN secretariat was producing notes of all the proceedings, I realized it was less important to get down every word; the substance of the meetings were being recorded and could be retrieved at a later date. The real diplomacy was happening downstairs at the Serpentine Bar, which served snacks, meals, coffee and wine. This is where I spent much of my time in Geneva and where I conducted most of my interviews.

Observing the Special Procedures

My attempts to arrange interviews with the Special Procedures Mandate Holders proved difficult. Hundreds of Special Procedures meetings take place each year in Geneva on a multiplicity of human rights topics; these proceedings are quite formal.

After sending emails to the offices of each Mandate Holder, I received promising responses from two UN Special Rapporteurs who were interested in sharing their perspectives with me; however, one was in Paris and the other was in Los Angeles. In fact, very few of these experts are based in Geneva. Since they only go to Geneva a few times a year for meetings, I would have had to arrange these meetings much further in advance. Fortunately, the UN Committee on Business and Human Rights was meeting on May 7. To attend, accreditation was required. Again, a CSO registered me so that I could attend. The set-up was very impressive: a wood-panelled meeting room with 30-foot-high windows, interpreters' booths, and a panel of four Working Group members seated at a desk at the front of the room, facing the twelve people in the audience. Much of the time was spent discussing processes, such as action plans and benchmarking exercises that measure each member state's progress towards implementing the recommendations set out in the UN Guiding Principles on Business and Human Rights. There was much discussion about how business and human rights concepts could be integrated into other areas of UN system and how these objectives aligned with the post-2015 UN development agenda.

Some in the audience had very complex questions for the committee, often related to corporate social responsibility: one audience member took 15 minutes to ask his "question." The tone was very academic: there was very little mention of human rights violations. As I sat in the room, I wondered how my research could possibly fit into these rather dry proceedings. Still, I was curious about whether these processes could be "queered." In other words, I wanted to see what impact might be generated by injecting

SOGI topics into the proceedings. At one point they took questions. I asked whether the committee's work could have a beneficial grassroots impact on LGBT people in the workplace to combat homophobic violence and discrimination by employers. Since I had written to the Working Group in advance to see whether I could ask such a question, they were not surprised. They took several other questions and then tried to answer all them in the last few minutes of the tightly-scheduled proceedings. One minute before the end of the meeting, a Working Group member responded to my question. Here are my field notes of his response:

In principle, any form of discrimination is unacceptable. We work closely with International Labor Organization. We feel that the work they are doing to address workplace discrimination against LGBT people at the national level is sufficient. I'm sure it would please you if we could do a whole report for the Human Rights Council on LGBT rights and business. We are working with the Treaty Bodies a lot and encourage them to integrate all rights into their frameworks. However, we acknowledge that we should work a little closer with them. (Field notes, Excerpt #5, May 7, 2015)

I felt quite satisfied with the response, especially given the general nature of the question and the forthright manner with which they responded. I had not been aware of the International Labour Organization (ILO)'s ongoing work on SOGI issues:

coincidentally, shortly after this meeting, ILO Director-General Guy Ryder released a statement about their campaign to raise awareness about homophobic and transphobic workplace discrimination (Ryder 2015). However, it also struck me that if I had asked a similar question about indigenous or disabled people, the response probably would have been roughly the same. This realization led me to consider the “additive” nature of SOGI issues within the panoply of UN human rights issues. The number of mandates that the Special Procedures is now responsible to review and report on has mushroomed. My attempt to “queer” the Special Procedures meeting allowed me to reflect on the degree to which certain UN human rights processes are able to affect change both at the domestic level – e.g., substantive new policy, eliminating regressive legislative, etc. as well as by taking a rhetorical or symbolic approach to social change. I also realized that the question that I had asked was unanswerable by this or any other committee because of the sheer scale and range of issues addressed by the UN human rights system. I concluded that, as a researcher, all I could do was examine a few parts of this system and hope to draw some recommendations that could potentially make a positive impact.

Observing the Geneva IDAHOT event

On May 13, I attended a side-event at the Palais de Justice organized by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) to celebrate the International Day against Homophobia and Transphobia (IDAHOT) and to launch their annual Report on State-Sponsored Homophobia (ILGA 2015). There are many such NGO side-events at the UN. About 35 people attended: a mix of diplomats, IGO

representatives and advocates. The tone and the intent of the speakers was serious, but it was not a gloomy affair: these people were here to support each other in a positive way.

The event began with remarks by Renato Sabbadini, then Executive Director of ILGA, who welcomed everyone and introduced a speaker from the UN Office of the High Commissioner for Human Rights (OHCHR), who spoke on behalf of the UN Secretariat and provided a few words of encouragement. Next was Ambassador Regina Cordeiro, the Brazilian Permanent Representative. As I saw it, her role was basically to reiterate the diplomatic efforts on LGBT rights taking place within the framework of the UN human rights system. She also took the opportunity to explain Brazil's role, both domestically and internationally. She proudly noted that: Brazil had a national council on LGBT issues; the state health care system was facilitating surgery for transgender people; there has been civil marriage since 2012; the national census now takes note of same-sex couples that self-declare; and efforts are still needed to prevent anti-LGBT violence in her country. She stated that Brazil's progress "wouldn't be possible if it weren't for action within the multilateral human rights system – especially the Human Rights Council, even though this is still a work in progress."

Ambassador Cordeiro then took the audience through the entire journey for LGBT rights at the HRC (to be discussed in greater depth in the data chapters): the first resolution and report in 2011; the panel discussion on the report in 2012; a series of regional seminars; the Oslo donors' meeting; and the 2014 resolution, which she read aloud. "It was a South American initiative that got support from different regions," she said. "Now

we want to move forward.” She lauded the action on LGBT rights generated by then-UN Secretary General Ban Ki-Moon and his staff. She praised the UPR as an excellent mechanism to raise awareness and bring attention to LGBT rights. She called on the Treaty Bodies and the Special Procedures to continue reporting on SOGI issues: “States have an important role to continue supporting this. They should also encourage the president of the HRC to lead the way on this issue.”

The next presentation was by Aengus Carroll, an Irish legal scholar who co-authored ILGA’s annual *Report on State-Sponsored Homophobia* (Carroll and Mendos 2015). It is one of the most authoritative reports of its kind, a comprehensive country-by-country report referenced by scholars, government officials and journalists to track the numerous laws that both regulate and protect LGBT people. These laws range from the most egregious – such as capital punishment for homosexual acts – to legislation that prevents discrimination and bestows rights, such as the freedom to marry. The annual report provides an opportunity to reflect both on progress and setbacks over the previous year.

Then a Nigerian human rights activist, who preferred not to publicize his name, made a presentation. He lamented that, despite progress elsewhere, “in my country, it has gotten worse.” He blamed the introduction of legislation prohibiting same-sex marriages which triggered, in effect, more hateful rhetoric: “The goal of the law was to silence LGBTI rights,” he said. The rationale for the bill was the fact that 92% of the Nigerian population believed that same-sex marriage should be criminalized. Since the Nigerian legal system has failed LGBT people, “the only recourse we have is the international

human rights system.” He made an analogy between violence against women and violence against LGBT people. The Convention on the Elimination of Discrimination and Violence against Women has been a very useful tool to strengthen measures to protect Nigerian women from violence: compare this to the inability of the UN human rights system to protect Nigerian LGBT people. Then he made the radical argument that LGBT rights should be “securitized.” He said that international security forces should intervene to protect LGBT people whom the state has failed to protect: “We need to make the link between the security of LGBT people and what ‘international security’ means as a whole.”

The next presentation was equally stimulating: a videoconference by the RIWI Corporation, a Toronto-based IT firm that specializes in designing and administering surveys on sensitive topics for hard-to-reach populations. Their randomized, web-based survey of over 50,000 people in 51 countries was the largest of its kind and found that popular support for same-sex marriage varied wildly around the world (RIWI Corporation 2016). The presentation was followed by a lively discussion and concluded with an announcement of some upcoming side events that ILGA was co-sponsoring, including an event on AIDS solidarity and another on the rights of children. The event ended with a reception where everyone mixed freely and seemed to know one another. Although some would criticize this type of event as “preaching to the converted,” it was clearly a key opportunity for diplomats, UN and CSO representatives to share progress in the area, exchange information, showcase expertise and strengthen their networks.

Observing the UN negotiations in New York

On that evening after the ILGA event, I went home and packed my bags. I flew to New York the following day, May 14. Because my ethics clearance was about to expire, the May 31 deadline to complete my interviews loomed. (I had received one extension and was informed by the ethics committee that it would not be renewed; all my interviews would need to be completed by May 31.) Over my three and a half weeks in Geneva, I had interviewed 19 key people from NGOs, the missions and the IGOs. No more meetings with UN experts had materialized; nor had many meetings with Global South diplomats. I felt I had spoken to many of the key players in Geneva. One of my preliminary findings during the Geneva interviews was that although the UN human rights system had been a key focal point for LGBT rights, diplomatic momentum in other areas was ramping up. The message I was getting in Geneva was that SOGI issues had nearly gone as far as they could go within the context of a polarized Council. In Geneva, everyone was talking about the “Post-2015” process which, shortly after my interviews, morphed into the Sustainable Development Goals (SDGs). The SDGs were adopted a few months later at the 2015 UN General Assembly in New York. There was real optimism on the part of many LGBT advocates. Another preliminary finding of my Geneva interviews was the conviction that governments of “middle-ground” states, such as Rwanda and India, would be more successful “selling” LGBT rights to their populace by avoiding the term “human rights” with their liberal Western overtones. Instead, many reasoned, some Global South countries might be more amenable to addressing certain

elements of LGBT rights – e.g., access to justice, workplace discrimination, housing, health, etc. – using the fluid vocabulary of “sustainable development.”

Through my CSO contacts, I learned that civil society consultations on the post-2015 process (CCEP 2017) would be taking place at UN headquarters in New York in mid-May.

The stakes were high: these negotiations would spell out the UN’s development priorities over the next fifteen years. LGBT advocates were lobbying the diplomats to ensure that SOGI issues be included in the indicators used to measure the member states’ progress on the SDGs. I spoke to my supervisor and proposed that I add on this portion of the trip as a way of triangulating my data on the UN human rights system with data on other UN processes. I was interested in meeting LGBT activists who spoke about human rights using the discourse of development. Even better, the New York office of the UN OHCHR was organizing an IDAHOT event in Times Square – a key annual event in the area of UN LGBT diplomacy. The IDAHOT event in Geneva was on May 13. The IDAHOT event in New York was on May 14. By flying from Geneva to New York on the morning of May 14, I would have the opportunity to compare the two events back-to-back and then conduct more interviews at the UN in New York.

On May 14, I landed at Newark airport and raced to an Airbnb apartment on the Upper East Side, not far from UN headquarters. I stashed my bag and arrived at Times Square at 5 p.m., which felt like 11 p.m. with the time difference. The IDAHOT event was part of the OHCHR’s Free and Equal Campaign, which aims to increase global LGBT visibility and public awareness. The event was impressive because of its ambition and scale – no less

than a video projected on the giant Reuters and NASDAQ screens in the midst of the hustle and bustle of Times Square. This is how a UN blog described the event:

The new 2-minute video, “Faces”, celebrates the contributions that lesbian, gay, bisexual, transgender and intersex people make to families and local communities around the world. There are no actors, just real people filmed in their workplaces and homes – among them, a fire-fighter, a police officer, a teacher, an electrician, a doctor and a volunteer, as well as prominent straight ally UN Secretary-General Ban Ki-Moon. Singer Sara Bareilles is lending her support and has contributed the song “Brave” as the soundtrack (United Nations Peacekeeping 2017).

Approximately 35 LGBT UN employees assembled on a sidewalk just off 42nd St., across the street from the Jumbotron that flashed so far above us. The mood was festive but casual; everyone broke into cheers when the video suddenly appeared. There were no formal speeches, just people milling around and chatting. I asked the organizers to introduce me to other diplomats in attendance, but I was told that I was the only one: to keep the event low-key, invitations had not been sent to the permanent missions.²⁹ I

²⁹ When IGOs organize events, even smaller ones, there is considerable pressure not to “pick favourites” and to send invitations to every member. In New York, this is especially challenging when organizing smaller, more informal events, because there are over 150 permanent delegations. Sometimes it is simpler not to invite any member states. The main organizer of the event told me that although no other diplomats had been invited, an exception would be made for me because I was on a research assignment. Despite the huge number of UN employees in New York, the number of openly-gay employees who attend the IDAHOT event in Times Square was relatively small.

was only there because I had heard about it from the organizers and had asked for special permission to tag along. The “stars” of the video were also there. After half an hour, the group began dissipate; some of us went to dinner, which felt a bit awkward, since my UN contact was not there to introduce me to people. I got the impression that my presence was a bit of a mystery. At dinner, I sat beside a couple of UN employees. I told them about my research and asked if they would help me arrange interviews with staff from other UN agencies and departments. I returned to my apartment, exhausted. The whole day felt surreal: flying from Geneva to New York; watching a video on giant screens in the middle of Times Square; dining in Midtown; and going to bed at what seemed to be 4 a.m.

Fortunately, I had a few days in New York to rest before the UN meetings began. It gave me an opportunity to arrange more interviews. Readjusting to North America was simple: everything was cheaper and more accessible. People seemed friendlier and less formal. Again, I approached a CSO through my contacts, which added me to their delegation list. On the opening day of the post-2015 consultations, getting through security at UN Plaza to pick up my pass was so simple. I spent the next few days sitting in on the intergovernmental negotiations on the SDGs. I absorbed the atmosphere in the UN meeting rooms. Kenya and Ireland were chairing this round of meetings; a discussion paper had been circulated that strove to include civil society in a meaningful way. I spent quite a bit of time trying to arrange interviews with UN staff that never materialized. I got the impression that staff who worked in other parts of the UN were hesitant to comment on a “human rights” issue. Was this a product of the “silos” in

which the UN tackled its themes? Since I was not interviewing diplomats or UN personnel, I had the opportunity to interview more activists who had much to say about LGBT diplomacy at the UN from the vantage point of UN headquarters and from a development perspective. They complained bitterly that high-level African delegations had actively campaigned to exclude CSOs from the process as much as possible.

By the third week of May, I had completed nine more interviews. I returned to Kentucky, then moved back to Canada. Two months later, I began a new job at Global Affairs Canada (GAC) after five years abroad.

Reflecting on my methods and positionality

In the same way that I had to combine various theoretical approaches to create a framework understanding the complexities of my topic, my methodology was therefore a combination of qualitative methods that shone a light on the complex web of social and political realities, actions and experiences that exist in the realm of international LGBT rights promotion. There are many ways I could have designed a research project on LGBT human rights diplomacy. One of my earlier ideas was to approach it through formal discourse: I thought about analyzing the reports, transcripts and recommendations prepared for the UPR reviews. This would have allowed me to explore how LGBT human rights issues are framed within the multilateral environment, who does this framing and how homophobic discourse is produced in this process. However, I soon realized that my greatest opportunity for original research was to be able to integrate my unique standpoint as a diplomatic practitioner with my standpoints

as a gay activist and researcher in order to develop a deeper social analysis of the triadic relationship between diplomats, advocates and IGO representatives. By locating myself within this world, I was able to reflect on how my positionality both shaped and informed my research.

This reflexive, integrated research approach employs Collins' (1991) concept of Black feminist thought. She argues that an "alternative epistemology" emerges when Black women access both Afrocentric and feminist standpoints, drawing upon the lived wisdom gained by Black women's experiences of their own oppression (Collins 1991, p. 206). In Collins' view, the linking of these standpoints creates "a paradigmatic shift in how we think about oppression by embracing race, class and gender as interlocking systems of oppression. It reconceptualizes the social relations of domination and resistance (Collins 1991, p. 222)."

Harding (1993) acknowledges the overlapping contradictions triggered through multiple standpoints. In contrast to empiricist epistemologists who "discover" knowledge in the object to be studied, standpoint theorists acknowledge that "the same kinds of social forces that shape objects of knowledge also shape (but do not determine) knowers and their scientific projects." In other words, subjects are not homogenous and coherent: they are heterogeneous and contradictory. The subject can be both an insider/outsider: it is even possible for subjects to be committed to two conflicting agendas (Harding 1993, pp. 63-64). I had no choice but to acknowledge that power differentials existed between the researcher and the researched. In my case, there was an added layer of difference: I was surprised at the extent to which my diplomatic persona – one of the

three standpoints from which I experienced this project – loomed over the interview process. In my day-to-day professional life, I work in a hierarchy: I view myself as somewhere in the middle. I do not see myself as “powerful.” Although I am privileged to work in an organization that makes decisions that affect my country, I see my role as essentially a collaborative one. As public servants, we are trained to keep our egos in check: in theory, our reward is not fame, but to serve.

The interview process was very revealing. The most remarkable thing was how willingly interview subjects gave of their time. Before the interviews, several made it very clear that they did not have much time for me; very often though, they would go into overtime with their thoughts and opinions – almost as if no one had ever asked them these questions before. I learned a lot about myself as well. Despite my best efforts to remain neutral, my own opinions sometimes bubbled to the surface. Empathy sometimes gave way to raw emotion. Some interview subjects took professional risks in sharing their views with me, causing me to reflect on ways to keep their stories anonymous without diluting their intensity.

Interviewing CSO representatives was, to my surprise, the most challenging aspect of my research. At first, I thought they were the group I could most easily relate to, but I was mistaken. CSO representatives who know me well understand that I am multi-faceted – before being a diplomat, I was a queer activist, a published author and an expert on homophobic violence. Yet, I had the impression that others viewed me as a “stuffed shirt,” an intelligence operative, a proponent of right-wing foreign policy, even a patriarch. Although working as a diplomatic practitioner no doubt helped me secure

many of these interviews, I soon realized I was not necessarily endeared to them. For example, when I asked one CSO representative his views on working with diplomats, his immediate response was: “Fortunately I don’t work with diplomats.” I cringed a bit. I suppressed the urge to say: “I’m not that guy. I’m not your ‘typical’ diplomat.” I suddenly knew how lawyers must feel when someone cracks a lawyer joke.

During one interview, a CSO representative made it very clear to me that she was very disappointed with then-Prime Minister Harper’s foreign policy. My first instinct was to say, “That’s not me. Don’t judge me by him.” In both these cases, I blushed, but then I laughed it off. It felt as though they were testing me to see how I would react. On the other hand, I realized that my role had clearly touched a nerve. Although working with diplomats was part of their job, it was clearly the source of much frustration. I had to remind myself that, although they worked with diplomats every day, I was probably the first one who had asked them, “How do you like working with diplomats?” Since I had asked the question, I needed to be prepared for the answer – even if it stung a bit. These types of exchanges made me realize that my research strategy was working. Because I was not defensive about their comments on diplomacy, a space of empathy and trust had opened up, followed by lengthy, candid interviews.

In another interview, there was a clearly a lack of trust. I was speaking to an advocate from the Global South now living in the Global North. The more I tried to break the ice and encourage a discussion about the advocate’s experiences, the more uncomfortable the conversation became. I assumed that the advocate was an asylum-seeker whose situation was related to LGBT activism. I made the mistake of suggesting this possibility,

which caused the interview to grind to a halt. After the interview, I realized my mistake; however, I was hesitant to make contact again and raise the issue in case it caused more discomfort. A few days later, the advocate e-mailed me to explain that, since I was a government official, the hesitancy was related to an assumption that I was an intelligence officer, gathering information. However, the advocate had done some research and contacted a friend of friend who provided assurances that I was not a spy. I learned that the advocate had received death threats and had been granted asylum; however, the case was still very hush-hush. Hence the reaction when I had casually raised this scenario as a possibility.

ETHICAL AND PERSONAL ISSUES

In my research proposal, one of the ethical issues that concerned me was the issue of power differentials between me and my interview subjects. In particular I was thinking of my “other role” as a Canadian diplomat. In the multilateral context, some states wield more power; while not the most powerful, Canada has a certain standing, especially as a G7 member and significant donor of foreign aid. I pondered a scenario in which I asked to interview a diplomat from a member state that was a recipient of Canadian development assistance. Would that diplomat feel obligated to consent to the interview? In an attempt to remedy this potential imbalance, I informed my research subjects that I was in fact on a leave of absence from work and not representing the Canadian government. I provided potential interview subjects with material on my own background, the questions I was going to ask, and the confidential nature of the project.

I assured them their anonymity would be guaranteed and that they could withdraw from the project if they had second thoughts.

Looking back at my interviews, I was pleasantly surprised at how willing the subjects were to discuss these topics. It is true that many of the people I contacted chose not to participate (although most did not explain why). I presume that these potential subjects were not in a position to embrace the aims of the research, for logistical, professional or even possibly personal reasons. The flipside, however, is that the subjects who grasped the project's scope and were willing to sign the consent forms were very supportive of the research and usually quite candid in their comments.

Confidentiality

I originally coded my interviews from 1 to 29 and added the dates of the interviews and their sex. I assigned them to one of three groups: D, I and C. See Table 3:

INTERVIEW CODING

			# of subjects
D	(Diplomat)	An official representing a UN member state either at a diplomatic mission or in the capital.	8
U	(UN)	A person who works for the UN or is considered a UN expert, e.g. a Special Rapporteur or the member of a human rights-related UN Working Group or the member of a Treaty Body	7

		or an organization that is responsible for monitoring compliance to UN treaties	
C	(Civil society)	An activist, an advocate or an employee, volunteer, member, or ex-member of a human rights or LGBT rights organization.	14

Table 3

In addition to protecting my interview subjects' confidentiality, they were also given the option of changing their minds after the interview and asking that any critical statements they made be deleted – although none requested that I do this. However, I soon realized that mentioning the interview date and the sex of the interview subject could make the subject more identifiable. I was in North America from March 24 to April 19 (Phase 1), in Geneva from April 20 to May 13 (Phase 2), and in New York from May 14 to May 21 (Phase 3): adding the exact date of the interview could point towards the interview subject's location. Adding the sex could create more clues. Other safeguards were put in place to bolster confidentiality. Specific details were blurred. For example, if a subject spoke about his work on the Violence against Women resolution, I would refer to it as a "human rights resolution on women's rights." This is because the Violence against Women resolution is well known to be presented every June at the HRC in Geneva, which increased the possibility that the subject could be located in time and space. As a result, the interview subject's level of anonymity has been given a substantial boost.³⁰

³⁰ In other words, efforts to avoid pronouns and bolster anonymity and confidentiality have resulted in some awkward syntax over the next four chapters.

With regard to referencing the interviews, I chose not only to eliminate the interview date, but to avoid numbering the interviews chronologically, e.g. from 1 to 29, since this would also reveal where the interview took place. Using Table 1 as a guide, it becomes apparent that interviews 1-3 took place in the US and Canada; interviews 4-22 took place in Geneva; and interviews 23-29 took place in New York. To correct this, I printed a list of the 29 interview subjects numbered chronologically from 1 to 29, along with the exact date of each interview. I labelled them as D, I or C. I cut the sheet into 29 strips, scrambled them, and through random selection created a new list of interview subjects, numbered from 1 to 29. I created a key that corresponds to the real name of each interview subject. The electronic list is not saved on a server; the USB key and the hard copy are locked in a cabinet. The end result is a referencing system that does not reveal the name, location or sex of the interview subject, nor does it mention on which date the person was interviewed (although we know the interview took place between March and May 2015).

Locating myself

As noted above, reflexivity is not only an epistemological approach but a very practical tool that can enhance research methods. My reflexive approach to research yielded some surprising results. The reason I chose certain reflexive approaches over others is best understood by painting a picture of the social location I inhabited while conducting this research. In this section, I provide insights on the personal, political and professional elements that informed my project. To paraphrase Taylor and Rupp (2005), being a gay male diplomat facilitated my research – but it also complicated it. The standpoints I

inhabited in relation to my profession, my country and my sexual identity at times made me feel like an insider; at other times, they made me feel like an outsider.

For more than half of my life, I have been involved in policy, research, journalism and activism in the area of LGBT rights. In 1982, while working as a teacher in Colombia, I first became aware that LGBT people were being targeted in a systematic way.

Prostitutes, including trans prostitutes – along with other “undesirables” – were the targets “social cleansing” by right-wing death squads (Orodoñez 1995). In the 1980s, as the AIDS crisis unfolded in Canada, I recorded the epidemic as a journalist while working with grassroots organizations that were springing up to support the afflicted and to defend against a rising tide of homophobia. In the process, the lesbian and gay movement gathered strength, advocating for better health care and treatment, safer streets, political representation and legal equality. As the 1990s progressed, I became active on the topic of homophobic violence both in Canada and abroad. In 1997, I joined the board of Egale, Canada’s national gay and lesbian equality organization; during the Amsterdam Gay Games in 1998, I represented Canada at one of the world’s first international LGBT human rights conferences, organized by Amnesty International. In 2005, I published the first book on homophobic violence in Canada (Janoff 2005), which led to a cross-country speaking tour, a French translation (Janoff 2007), and a French-language book tour in Québec and France. I presented this research in the US, Bulgaria, Colombia, Jamaica, Turkey, Costa Rica, and Peru. My most unforgettable experience during this period: in 2003, I interviewed a transgender activist in Istanbul tortured by the police. At the city morgue, disoriented by the stench of human flesh, I was shown

photos of the mutilated bodies of transgender women by the Chief Medical Examiner. He also described how transgender prostitutes died after jumping from moving cars – while trying to escape violent clients (Janoff 2004, p. 28).

Witnessing the rise of LGBT rights as a foreign policy issue

In 2002, I began a new life as a civil servant in Ottawa, where I grew up. In 2007, after working in a few different federal departments, I landed at the Department of Foreign Affairs and International Trade (DFAIT), now known as Global Affairs Canada (GAC). My first exposure to LGBT diplomacy occurred that year when I observed a bilateral consultation³¹ between a senior-level Canadian diplomat and an ambassador from a country in the Global South. The room suddenly went silent after the Canadian diplomat said: “We are concerned about reports from Amnesty International about gay men who have been targeted for physical and sexual assaults because of their sexual orientation.” The Ambassador appeared to be expecting this and, without missing a beat, assured the Canadian that the “highest levels of government” were “reviewing” the matter and took it very seriously. I was amazed at such a frank exchange and was pleased that our diplomats were not averse to raising such issues. I felt good about my country’s progress in this area and was pleased that Canada was on the “right side” of this argument. Thinking back at my own protest in front of the UN in 1984, I was excited that this issue – once a fringe topic – was entering the mainstream. Later, however, I realized that I

³¹ A bilateral consultation is a term used to describe a formal but low-key meeting, away from the media glare, that allows diplomatic representatives from two countries to provide updates and exchange views on topics of mutual interest.

had mixed feelings: Canada emerged from the meeting as the good guy, while the other country had been labelled a violent homophobe.

In 2009, I was appointed to Canada's Foreign Service. My next encounter with LGBT diplomacy occurred in 2010, when I arrived in Washington, D.C. for my first posting at the Permanent Mission of Canada to the Organization of American States (OAS). I arrived a year after the first OAS resolution on LGBT rights had been introduced. Over the course of my four-year assignment, the debates on LGBT human rights issues became more and more fractious – the subject of bitter protests by many English-speaking Caribbean member states. Over the same period, the Inter-American Commission on Human Rights (IACHR) established an LGBT Unit and a Special Rapporteur on the issue; meanwhile, CSOs were becoming increasingly vocal and visible.

In 2015, when I returned to headquarters in Ottawa, I took a two-year assignment as the LGBT advisor in GAC's human rights division: after many years away from Canada, it was a good fit.³² Shortly after I arrived, Justin Trudeau was elected Prime Minister. Canada's foreign policy on LGBT rights shifted considerably over the two years that I worked in the position. There were increased efforts to engage with LGBT CSOs; Trudeau appointed Randy Boissonnault as Special Advisor to the Prime Minister on LGBTQ2 Issues; Canada sent a Parliamentary Secretary to an international LGBT human rights conference in Montevideo for the launch of an inter-governmental coalition in

³² Foreign Service officers tend to be generalists and move from one area of foreign affairs (or trade or development) to another. Because officers are constantly rotating abroad and then back to headquarters, their assignments are varied and often quite unpredictable. After a few years at a headquarters assignment, the officer will typically go abroad or take a different assignment at headquarters.

support of LGBT rights called the Equal Rights Coalition (ERC); and Canada became the Co-Chair of the ERC, along with Chile. The Chechnya case I describe in Chapter 3 also has a personal dimension: I was part of a team in Canada's foreign ministry that crafted a diplomatic and humanitarian response to the crisis which culminated in a handful of countries providing asylum for dozens of gay Chechnyans fleeing the violence (Ibbitson 2017).

Negotiating work, study and a personal life

The Foreign Service is traditionally seen as a magnet for gays and lesbians; however, I discovered the diplomatic life could be lonely, especially for single people. Because Foreign Service officers are transient by nature, a posting can spawn isolation, create unstable living arrangements and strain existing relationships, friendships and family structures. On a personal level, I have always felt supported by my department; however, I observed that some LGBT diplomats in Latin America and the Caribbean region did not necessarily enjoy the same level of support. For example, relatively few countries provide same-sex spouses and partners with full diplomatic status, immunity, and work visas – privileges that are much more often accorded opposite-sex spouses. When I went to Washington in 2010, the US government was still refusing to provide accreditation or work visas to the same-sex partners of foreign diplomats. I ended a relationship with someone from a third country because I knew that, even if we had found a way for him to live in the US legally, the arrangement would have had a negative impact on his career and stripped him of his independence. By the time the US reversed the policy in 2011, the damage to our relationship was irreparable.

The irony here is the public's perception of a glamorous and privileged diplomatic life. This point was driven home in 2013 when Canada's Foreign Service officers went on strike. (Canada is one of the few countries in the world with a unionized Foreign Service.) The federal minister responsible for the negotiations told the press: "These are very well paying jobs, highly sought after, in the public service" (Wingrove 2013). His office noted that, during the previous Foreign Service recruitment campaign, 9,000 people had applied for 141 positions. The media joined the fray, creating the impression that we were spoiled brats: "Strikers with an average yearly salary of \$86,000 can still get thousands of dollars in other help from taxpayers, like housing allowances or kids' educational expense coverage." In this example, two issues – pay and overseas allowances – were distorted by the media in an effort to vilify Foreign Service officers and create the impression that we basked in a life of privilege. While it was true that the average yearly salary of Foreign Service officers was \$86,000, it was actually lower than that of civil servants in other federal departments in Ottawa doing similar work with similar education levels. One of the aims of the strike was to raise our pay to the level of "regular" public servants. The "kids' educational allowance" conjured images of diplomats sending their children to private schools; yet, private schools are often the only option for families posted abroad. The issue of housing allowances was construed as a "perk." However, they are allowances to compensate a Foreign Service officer earning a Canadian salary abroad who has to pay higher rents: for example, in Washington, DC, my rent was \$5000 per month. In Ottawa, the same apartment would have cost \$2000.

The feeling that diplomatic work is neither understood nor appreciated by the public – coupled with the strain on relationships and the impact of dislocation and isolation – contributes to a general malaise experienced by many friends and colleagues. My point here is not that I was a “victim,” but that I sometimes felt isolated, demoralized and exhausted over the thirteen-year period that I worked full-time as a diplomat and part-time as a Ph.D. student. I took unpaid leave for two of those thirteen years; for the other nine years though, I was working 40 to 50 hours per week while studying in the evenings, on weekends, and during vacation. I never had any scholarships: although the Department paid my tuition for the first two years, I paid eight years of tuition out of my own pocket, as well as all research-related expenses. Over that same period, I served in four countries, moved six times, held eight different assignments at GAC, and travelled overseas for work 25 times.

In other words, doing my PhD while working full-time as a diplomat was very challenging: I had to choose my research topic very carefully. I chose the topic of multilateral human rights diplomacy because I was a specialist in an area where there was great movement on the topic of LGBT rights. I also chose multilateralism because I wanted to keep my job: Canada would be one of dozens of countries whose foreign policies I would be observing. I wanted to avoid critiquing Canadian federal policy: all Canadian public servants are bound by the Value and Ethics Code of the Public Sector. Section 1.2 states that we are expected to be “Loyally carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians” (Government of Canada 2018).

I wanted to make sure my opinions did not clash with Canadian foreign policy and create an “international incident.” One famous Canadian example in 2002 took place in Prague at a meeting between Canadian Prime Minister Jean Chrétien and US President George W. Bush. Chrétien’s communications director was overheard referring to President Bush as a “moron” (Reuters 2002). In a lower-profile incident in 2009, a Canadian diplomat in Bangkok was criticized in the *Ottawa Sun* for expressing political opinions on his Facebook page. He reportedly criticized not only the Thai government but his own government: he called Prime Minister Harper a “terrible leader” and complained that the Conservatives’ policy to cut arts funding to Quebec was “cheap.” According to the articles, he was sent back to Ottawa, where an investigation was launched (Weston 2009a; Weston 2009b). These cases reminded me that diplomatic work and academic work was a delicate balance, and probably the less limelight, the better.

Conclusion

In this chapter, I have examined certain key epistemological and methodological issues that had a significant impact on my research. For this project, my aim was to create new approaches to the topic of global LGBT rights that rejected the objectifying, generalized accounts in which subjects disappear. In this chapter, I also outlined and reflected on the methods I chose – participant observation, interviews and a narrative format – as well as some of the challenges I encountered along the way.

In general, I would say that the research project was very successful and achieved my objectives. What emerged was a partial, imperfect, but unique examination of LGBT human rights diplomacy. My research design allowed actors who engage in human rights diplomacy to describe their experience in their own words. My 29 interviews represent original research, providing insights into the pro-and anti-LGBT strategies and techniques deployed at the HRC and other UN fora.

Although a larger number of interviews would have been ideal, on a concrete level, I was constrained by the amount of time and money I could spend on this project.

Besides, I was more interested in the quality of my interviews than the quantity:

lengthy, semi-structured interviews allowed the conversation to delve deeply into the matters being discussed. However, since 65 percent of my interview subjects were male, I would have preferred to interview more female, transgender and non-binary subjects.

Because 69 percent of my subjects were white, I would have preferred to interview more people who were not white.

In retrospect, I would have preferred to do more interviews with diplomats and UN experts to balance the interviews with CSO representatives, who represented almost half of my interview subjects. It would have also been very illuminating to interview diplomats from member states that oppose LGBT rights in order to learn more about how they strategize and rationalize their actions: I believe that this important research still needs to be done. However, I had difficulties finding “non-LGBT friendly” subjects to interview.

Reflexivity was a key element in this process, made possible by examining my own locatedness: my age, class, race, gender, nationality, profession and sexual orientation all played a role in shaping this research. On a professional level, the research was invaluable in preparing for a range of issues I would encounter over the next two years at Global Affairs Canada. On a personal level, I learned that I wear many hats – as a diplomatic practitioner, a social researcher, and an advocate. Although I inhabit many standpoints, my research helped me understand that I am not defined by one in particular: they are all part of who I am. I believe I handled myself well and was able to express empathy in a few sensitive situations. I believe this helped me reap some insightful, multi-layered, and moving responses, which will be presented and analyzed over the next three chapters.

CHAPTER FIVE

THE MECHANICS OF LGBT HUMAN RIGHTS DIPLOMACY

Earlier in the dissertation, I developed an interdisciplinary theoretical framework that serves as a tool in our understanding of the phenomenon of multilateral LGBT human rights diplomacy. One key element is the idea that over the past century, key Western liberal values, including democracy and universal human rights, have been promoted through international institutions and processes. In this chapter, I show how the transmission of these values – channelled through the triadic relationship of IGOs, CSOs and state representatives – plays out from the point of view of these participants.

This chapter, along with Chapters 7 and 8, looks at human rights diplomacy from the viewpoint of the practitioners. I analyze the data gleaned from 29 interviews with diplomats, advocates and UN representatives. Most of the interviews took place in corridors, lobbies, and meeting rooms at UN offices, diplomatic missions, CSO offices, and coffee shops in Geneva and New York – two cities where international affairs take precedence. As one CSO rep put it, “if you can get a door open in Geneva or New York, it can lead to a door opening in another country” (Interview C8, 2015). My data analysis goes from the general to the specific. This chapter provides an overview of the multilateral environment and how human rights diplomacy is operationalized, while Chapters 7 and 8 focus to a greater extent on LGBT human rights diplomacy. The interviews began as conversations on global LGBT rights but quickly turned into deeper

and broader reflections on the state of human rights diplomacy. My interview subjects describe a polarized multilateral environment rife with conflict, dysfunction and mistrust: the UN meetings are the frontline in a battle between member states that embrace a universal concept of human rights and member states that do not.

In this chapter, diplomats, UN representatives and human rights advocates reflect, in their own words, on: the strengths and weaknesses of the UN human rights system; the rarefied world of high-level diplomacy; the personal hatreds that lurk beneath the business suits; the shifts in regional dynamics that have led to polarization; the ways that states and civil society push the human rights agenda forward; and the challenges faced by civil society in these fora. My interview subjects' candid comments on the practice of human rights diplomacy point not only to its accomplishments, but to a toxic, cynical environment where stronger states wield human rights like a club against weaker states; where hypocritical states preach respect for human rights at the UN while violating their own citizens' rights; and where member states are more than willing to sacrifice human rights on the altar of economic and regional self-interest.

Diplomatic disconnect: Geneva vs. the “real world”

My interview subjects shared many observations about the practice of diplomacy writ large. According to Sending, Neumann and Pouliot (2011), the traditional diplomatic relationship, in which states interact with external state actors through their foreign ministries, has been reshaped by multilateralism (Sending, Neumann and Pouliot 2011, pp. 534-535). When asked about what it was like working with representatives from so

many member states in a multilateral environment, one UN representative said, “We don’t ask ourselves often what it’s like to work with diplomats” (Interview U11, 2015). In the multilateral context, diplomats have more freedom to assert their own policy and political choices in certain situations, while in other situations they are more constrained and must hew exactly to the policy position of their respective governments. The UN representative reflected on what makes a diplomat “effective” or “ineffective”: “leeway” is one indicator of a diplomat’s effectiveness. The more influence diplomats have in their capitals, the greater a change they can effect. In other words, there is more pressure on a low-ranking diplomat with little political capital to adhere exactly to his government’s “party line,” while a higher-ranking diplomat with more political capital can afford to deviate somewhat and “freelance.” The UN representative reflected: “When it works, it works well, but it also works the other way” (Interview U11, 2015). In other words, while a skilled “like-minded” diplomat can be a very effective advocate dedicated to strengthening human rights, a “non-like-minded” diplomat can use that same skill set to do the opposite. At best, certain diplomats are simply obstructionist: at worst, “They won’t even take a meeting. If you contact the diplomatic mission and ask to have a meeting to discuss LGBT issues, you will simply be ignored” (Interview U11, 2015).

One UN representative prefers to work with diplomats who are foreign service officers (very “professional” and “rigorous”) as opposed to those representing line ministries; however, the further diplomats are from capital, the harder it is for them to “implement the issues that have been adopted by their respective hierarchies” (Interview U13,

2015). Diplomats are torn on issues of human rights policy and even confide in their CSO colleagues: “They say, ‘I’m on your side, but I have instructions from capital...’” (Interview C19, 2015). One advocate explained thus:

... by the time these diplomats are posted to Geneva, they have been exposed to so much and are very open-minded. For some diplomats, their personal views are not always the same as their state’s position. They are fighting certain fights within their ministries. So, what we see is a Geneva perspective and a capital perspective (Interview C15, 2015).

One UN representative described the secret of winning over diplomats:

When I work with a lower- to mid-level diplomat in his early thirties, I can take his sociological profile into consideration when I’m negotiating with him. I know that he is a centre-left, well-educated, well-travelled, multilingual, open-minded person. That’s the nature of the job. He is conflicted when it comes to defending issues related to energy and defence. I can go to him and say, “Dude, we both know that this is not really your position. You have to do something. You did your Master’s in

international relations at Oxford. Can you seriously defend this” (Interview U10, 2015)?

“Professionalism” was repeated again and again as an important quality: political expediency was seen as the opposite end of this continuum. Since the diplomats posted to the missions only come for three years on average, one CSO representative said delicately, “Their engagement waxes and wanes” (Interview C16, 2015). For example, the Permanent Mission of Country X is extremely engaged on SOGI issues – hosting events, giving speeches, etc. – from 2014 to 2016, mainly because the Deputy Head of Mission is a strong advocate. Suddenly he is posted elsewhere and his replacement has decided to focus on another human rights issue. Another factor related to a state’s inconsistency is linked to the fact that many of those who work at the missions in Geneva and New York are not career diplomats: they are political appointees.³³ One Global South diplomat revealed that very few professional Foreign Service officers from the diplomat’s Foreign Ministry were actually posted abroad. Instead, many of the country’s embassies and permanent missions around the world were staffed by political appointees. According to the diplomat, the major disadvantage of these political appointees was their lack of professional training. One of the senior negotiators at the

³³ There are two types of diplomatic political appointees. It is well known that many of the Permanent Representatives and Deputy Permanent Representatives are brought in at a high level to maintain certain ideological positions. What is less known, however, is that many of the permanent missions are staffed by lower-level political appointees who are not career foreign service officers. The plum appointments function as gifts; key political allies are given the opportunity to send their children abroad and live a life of privilege in cities such as Geneva and New York.

permanent mission did not have a university degree. Many of the appointees, once ensconced, resisted all efforts to be sent back (Interview D12, 2015).³⁴

A diplomat from the Global South admitted to one CSO representative that sometimes no consultation with the mission even takes place; instructions are simply sent from capital. At the other extreme, some missions receive almost no instructions and very little guidance from capital, a situation that provides the diplomats at post more leeway to develop their own positions (Interview C19, 2015).³⁵ This is what one UN expert described as “diplomacy driven by individuals. The personal views of diplomats can have a real effect” (Interview U13, 2015). There are two sides to this “individual diplomacy.” One Latin American diplomat said that being from a smaller country decreased the possibility of being micro-managed from capital:

...our country doesn't have the resources to cover all the

UPR reviews and all the human rights themes, so our

mission needs to prioritize. We have an internal list of what

³⁴ One of my colleagues worked with a junior diplomat in a prestigious world capital who refused to come into work for days on end or would show up at the office for a few hours before disappearing again. However, the diplomat had political connections. The boss weighed the potential complications that could result from sending the diplomat back to capital and decided to do nothing. The junior diplomat eventually returned to capital, was promoted, and posted abroad again.

³⁵ The distinction between instructions and guidance can sometimes be difficult to parse. Generally speaking, when instructions come from capital on a specific issue, the diplomat is expected to vote or support certain like-minded states in a prescribed way; i.e., a top-down process with little room for interpretation. Guidance from capital tends to provide a more flexible range of options, allowing the diplomat more agency when it comes to creating alliances, gathering intelligence, and feeding back to capital a range of alternatives. In other words, the less guidance and the fewer instructions the diplomat receives from capital, the more autonomy the diplomat has to engage (or not engage at all) on a given issue. The reasons that diplomats are “starved” for instructions or guidance can be complex, but often come down to two things: 1) Is the issue being debated in the multilateral forum a priority for the government? 2) Does the Foreign Ministry have the resources to engage on this issue?

we consider to be vulnerable groups... I can make a difference in terms of what argument to make to my capital. So I will create a justification for this or that. Most of the time they accept our suggestions; about a third of my recommendations are accepted (Interview D7, 2015).

However, it can go the other way: as one diplomat put it, "Certain countries seem to be bipolar" on specific issues. Foreign policy can be generated by the personal biases of certain delegates who are "off the leash" (Interview D24, 2015). For example, one diplomat from the Caribbean region was very obstructionist with regard to a sensitive resolution on LGBT rights: A UN representative opined: "I don't believe that his position was representative of the actual policy being espoused at the highest levels of his government"(Interview U13, 2015).

One advocate remembers a lot of time being spent at the UN General Assembly (commonly referred to by diplomats as "UNGA") on a resolution on extrajudicial executions in 2010 "after some states tried to strip out references to sexual orientation" (Interview C8, 2015). A diplomat recalled the decision of the Ambassador to abstain on this resolution: "... Was he actually representing his country's position? Or was he representing his own personal opinion? At least he didn't vote against it" (Interview D12, 2015). A UN representative described "a disconnect between the diplomatic setting here in Geneva and the real world." Paradoxically, a state that regularly violates human rights at home will not necessarily vote *against* a human rights resolution

(Interview U14, 2015). For example, a UN representative discussed a certain country that supported the 2014 resolution on LGBT rights,

... but there is violence against LGBT persons there. I wouldn't want to single them out on the gap between foreign policy and national positions because it becomes a game of political football... when you work with diplomats, you learn that diplomats promote the interests of their employers. At the end of the day, they marry their views to their roles as diplomats, furthering their own foreign policies (Interview U17, 2015).

After all these discussions, an image began to emerge: the diplomat is mercurial, duplicitous, and glib, all while living a life of privilege. Some of the civil society and UN representatives could barely hide their contempt for diplomats. One advocate felt that diplomats were masters at blocking out any perspectives they didn't agree with: they "are good at trying to dismiss the claims using confrontation and counter-arguments" (Interview C29, 2015). One UN representative was enraged by the amount of time that diplomats wasted debating the finer points of a resolution that was supposed to be supporting people who had been subjected to human rights atrocities: "I look at these people, and I laugh: have you ever been to a prison before? I don't want to spend so much time on this" (Interview U20, 2015).

Pros and cons of the UN human rights system

Langlois (2012) points out that “human rights” is a hallowed term, with “great political respectability and legitimacy.” International human rights law has made great progress; international human rights bodies and human rights CSOs are thriving like never before (Langlois 2012, p. 558). In this rosy view, we are in a world of “linear progress towards the recognition and protection of universal human rights,” eventually leading to an “end” of human rights. Pessimists see human rights as a concept hijacked by militaries, businesses and religion; now everyone wants to be viewed as supporting human rights (Langlois 2012, pp. 559-560). For Langlois, the discourse of universal human rights “has a profoundly depoliticizing effect” on international politics: politicians deploy the concept of human rights to disguise political issues. Moreover, the approach to human rights by IGOs suffers from a “programmatic simplicity” in its declarations of rights for various themes and groupings (Langlois 2012, p. 564). Langlois questions why only certain cases of norms violations, committed by certain states at certain times, become publicized? When these claims emerge, they produce subjects and threats, and discourses of order and disorder (Langlois 2015, p. 386).

My interviews pointed up some of the UN’s strengths – and many of its weaknesses. A main feature of the system is its procedural nature – a seemingly-unending flow of action plans, resolutions, treaties, optional protocols, and declarations that are constantly being negotiated and updated. One Global South UN expert defended this approach:

I think the UN has a high degree of credibility. Within the UN human rights system, the negotiations necessary to get an agreement can be quite painful, but the process is legitimate in that all countries participate in it. Whatever the outcome, it is taken quite seriously. If you manage to get an international agreement at the UN level, it can't be ignored by ... national ministries (Interview U14, 2015).

Geneva is viewed as a centre for the “softer” UN issues, such as human rights, refugees and peace accords. As noted in Chapter 2, the UN Office of the High Commissioner for Human Rights (OHCHR), located in Geneva, acts as the secretariat for the ten Treaty Bodies and the five Charter Bodies: the latter includes the UN Human Rights Council (HRC), which meets three times a year and coordinates human rights reviews for up to forty member states. At UN Headquarters in New York, every autumn human rights are debated in the Third Committee at UNGA (the UN General Assembly). Human rights are also raised in many other UN contexts, such the UN Security Council, the Commission on the Status of Women, as well as numerous gatherings on development, the environment, peace-keeping, and indigenous rights, to name only a few. However, one advocate felt that Geneva provides “more fertile ground” for discussions on LGBT rights (Interview C26, 2015). According to a UN official, the diplomatic missions to the UN in New York “are more focused on domestic policy and are highly political compared to Geneva” (Interview U4, 2015). There were some complaints about the duplication of UN debate: scores of diplomats in the permanent missions in Geneva negotiate human

rights resolutions three times a year at the HRC, and another slew of diplomats at the permanent missions in New York negotiates a whole other set of human rights resolutions in the Third Committee of UNGA. One Geneva diplomat complained: “When this [HRC] resolution was being debated, UNGA was happening, so it was hard to get [my capital] to pay attention” (Interview D1, April 28, 2017).

Generally speaking, the CSO and UN representatives had a positive view of the HRC – as an institution – compared to the diplomats. One CSO representative, who has followed the HRC closely since its inception in 2006, felt that the simple fact that the majority of HRC members now supports SOGI resolutions represents “a sea change” (Interview C16, 2015). A UN representative explained it another way: a human rights resolution at the HRC that supports LGBT rights

... strengthens the international legitimacy of this issue, it builds an international framework and it provides recourse. Even though many states don’t support the resolution, they are forced to preface their homophobic comments by claiming that they do not support violence against gay people. You have to support the efforts to change the parameters of the public debate. This makes it easier for politicians to take a supportive position and more costly for politicians to take a hard-line approach (Interview U17, 2015).

One CSO representative viewed his work with the UN Treaty Bodies as a “strategic working relationship” – an opportunity to strengthen “the UN’s normative human rights framework” (Interview C15, 2015). Another CSO representative said that some of the Treaty Bodies were more LGBT-friendly than others, especially the Convention on the Elimination of Discrimination against Women, the Convention against Torture, and the International Convention and the International Covenant on Civil and Political Rights (Interview C29, 2015). However, one UN representative complained that many HRC resolutions use such innocuous language as to be almost meaningless: “There was incredible support; everyone voted yes. On the other hand, it’s pie in the sky. It talks about principles, but the wording is vague enough that every country could vote for it” (Interview U14, 2015). I was surprised to hear this UN representative go on to dismiss the UN Special Procedures:

I don’t think they have a tremendous impact. I wasn’t even aware of their existence Some procedures have had more of an impact than others. I’m surprised at the tone ... the typical approach is very academic and theoretical. It’s all about process, not about the implementation of human rights standards. We are essentially a kind of think tank.

(Interview U14, 2015)

The UN representative complained about the UN’s “spin” on human rights:

In my position, I'm not allowed to tell it the way it is. In my introductory UN briefing, I was told to be wary of being quoted, because then people will say, "The UN said that." I was told, "Please protect the brand. If we want long-term success, we need to maintain the UN's broad credibility."

That was my only briefing (Interview U14, 2015).

The interviews I conducted coincided with one of the year's three UPR sessions. Most of the interview subjects were engaged in some aspect of the UPR. Not surprisingly, many interview subjects had opinions on this topic; almost all the comments were positive.

One advocate recalled that Ecuador was the very first member state to receive a SOGI recommendation during the first UPR review: "When the report came up for adoption, Egypt attempted to block it, saying that it was not relevant to the UPR process. Ecuador said no; they accepted the recommendation." More broadly, the example illustrates the constructive power of the UPR process: not all Global South countries are resistant to being criticized on aspects of their human rights performance (Interview C16, 2015).

Another advocate was quick to point out that, in some countries, the UPR recommendations delivered at the HRC are taken very seriously: for example, a UPR recommendation to abolish India's sodomy law was heard during arguments in the High Court. "It is an example of how the UPR is becoming part of legal discourse" (Interview C19, 2015). Others see the UPR's power in its ability to bring human rights situations to light from the perspective of civil society.

The UPR is a particularly valuable instrument because it presents evidence. States often lie and say there are no gay people. Sometimes they say that there is a law, but it is not applied. But often there is collateral damage from the law ... the UPR forces the states to consider these issues in a consistent manner (Interview C2, 2015).

One Global South diplomat had an optimistic view: by choosing to accept all UPR recommendations, “it demonstrates a deep commitment of our government to attain higher standards and be more inclusive” (Interview D12, 2015). One Global South diplomat noted that although states do not technically have to comply with the UPR recommendations, “there will be countries in the next session asking about it. There is a price to be paid for either not accepting a recommendation or ignoring it. The process forces the country to look at the problem internally” (Interview D23, 2015). Interview subjects felt the UPR was especially apt on the topic of LGBT rights.

One Global South diplomat compared “the number and depth of SOGI recommendations” between the first and second cycles³⁶ and believes that the member states are taking this exercise more and more seriously.³⁷ When member states commit

³⁶ The “first cycle” refers to the period after the UPR was created. All 193 UN member states underwent human rights reviews for the first time from 2008-2011. All UN members were reviewed a second time from 2012-2016. The third cycle extends from 2017 to 2021.

³⁷ Some of the activists I spoke to have worked in Geneva since the UPR’s inception and remember when SOGI issues were first introduced to the UPR. They note that the number of SOGI recommendations made at the UPR has steadily increased. ARC International, in one analysis, observed: “...states have made 46,584 recommendations on more than 55 different topics. Of these, a total of 1,110 recommendations have been on SOGIESC issues – nearly 2.5 per cent of all those made. On the list of the top issues

to support SOGI resolutions, “it also encourages them to adopt these principles and to implement them on a national level” (Interview D7, 2015). The only sour note was struck by another Global South diplomat:

... the problem is, you end up recommending a lot of things that are not implemented. Then you have the states who “accept” the recommendations, but then they don’t do anything. Special Rapporteurs and Independent Experts can help to move things along, but what we need is a mechanism to track the implementation of the UPR recommendations (Interview D9, 2015).

This diplomat also complained about the vague language attached to the UPR recommendations. For example, what does it mean to “Strengthen measures related to x” (Interview D9, 2015)? This criticism seems to line up with Davies’ criticism of the UPR process: the practice of using diplomats at the UPR turns the process into a “foreign affairs exercise rather than a national process for the examination and improvement of human rights protection and promotion” (Davies 2010, 462-463).

“Us against them”

Polarization in multilateral fora results from a tendency of states to divide into ideological camps. However, in a forum such as the HRC where human rights issues are

addressed at the UPR, SOGIESC ranks in 24th position. However, it is noteworthy that more than 150 countries of all regions have received SOGIESC recommendations” (ARC International 2016, p. 28).

debated, there appears to be a deeper chasm separating the two camps. Stychin (2004) describes the tension that arises between, on the one hand, states that espouse a universalizing human rights discourse which claims that all nations ultimately have similar values, and states which adhere to “claims to the cultural difference and specificity of communities” (Stychin 2004, pp. 954-955). Underlying this dynamic is the notion of “like-mindedness.” In multilateral negotiations, diplomats are enjoined by capital to work with their like-minded colleagues in order to achieve their objectives. However, in many fora, these alliances constantly shift: for example, Albania might join with European Union counterparts on certain issues and members of the Organization of Islamic Cooperation (OIC) on others.

In my own experience as a practitioner, there is a tendency to empathize with diplomats who hew closely to my own country’s positions – and to eschew those whose positions are at variance with my own. However, until I conducted this research, I never understood the depth of this divide. In my interviews with Western and Western-allied diplomats who did human rights negotiations, I was struck by the extent to which they constructed a wall between “us” – the “like-minded” who embraced LGBT rights – and “them,” referring to diplomats who did not embrace LGBT rights from Africa, Asia and the former Soviet bloc. One CSO representative observed: “It is a challenge to break this ‘West versus the rest’ mentality. We are in an unfortunate conjunction in which LGBTI issues are a litmus test regarding which side of the world you belong to” (Interview C28, 2015).

One Western diplomat framed the differences between “us” and “them” as a question of capacity: the non-like-minded member states had “better organization and more awareness of the tactics on the other side” (Interview D18, April 17, 2017). Another Western diplomat framed this difference in terms of legislation: “There are more countries on our side that are changing their national laws.” The same diplomat posited that the reason some of the “non-like-minded” opposed LGBT rights so vehemently was because of “the association between LGBT rights and Western values. Is this a clash of civilizations? There is growing persecution” (Interview D1, 2015).

Note that, in the two quotations above, Western diplomats referred to “our side” and the “other side” without a hint of irony: in their view, there were only two sides. This inspired me to ask my interview subjects which member states they considered to be on the “other” side of the LGBT debate. One Western diplomat named Egypt, Saudi Arabia, the UAE and Pakistan (Interview D24, 2015). Another Western diplomat observed: “Egypt and Pakistan were the most hostile” towards Western states that promoted LGBT rights (Interview D1, 2015). One advocate said: “Diplomatically, the member states most opposed to LGBT rights are Egypt, Russia, Pakistan, Iran, Uganda and the Holy See” (Interview C19, 2015). One Western diplomat I interviewed was visibly agitated while recalling a meeting about LGBT rights with an African ambassador:

Not only was he not helping, he was shitting all over us.
And the Saudis were a pain in the ass, as were Russia,
Qatar and Pakistan. These people would prefer if we just
dropped dead (Interview D5, 2015).

Again, the term “we” is used to refer to Western and Latin American, LGBT-friendly “like-minded” member states. Also, note the term “these people,” which essentializes a complex agglomeration of humanity – not unlike the “you people” language racists use when speaking to African-Americans. In my view, this phenomenon validates Rahman’s (2014b) argument that LGBT-friendly states see themselves on the cutting edge, deploying these rights discourses strategically “as evidence of their accelerated modernity.” The overall effect is one of Western civilizational superiority. The flipside is that resistant non-Western nations are not only seen to be underdeveloped but morally inferior (Rahman 2014b, pp. 274-278).

Voting blocs as a reflection of shifting regional and cultural dynamics

My interview subjects seemed quite comfortable sharing with me their take on regional non-Western “attitudes.” I presume this is because I presented as part of their camp – a white, Western diplomat. For example, one observed: “The Africans are generally easy-going, but not the Arabs. The Africans will allow the Arabs to take the lead” (Interview D5, 2015). One diplomat commented: “CARICOM is not too outspoken about this” (Interview D24, 2015).³⁸ Another diplomat said:

Egypt was playing insane games.... they took it personally.

The OIC is a very powerful bloc, but Egypt really pushed it too far. They were really out there and aggressive... It was

³⁸ In fact, the diplomat was not referring to an official position taken by the IGO CARICOM, based in Guyana. At the UN, the names of IGOs are often used as a shorthand to refer to a certain regional blocs: what the diplomat was really saying was, “In general, English-speaking Caribbean member states are not too outspoken about this at the UN.”

good that Latin America took over. The OIC couldn't
undermine the Latin Americans (Interview D1, 2015).³⁹

The fact that “Latin America took over” generated much soul-searching on the nature of regional blocs at the HRC and will be explored further in Chapter Seven. An overarching question that emerged during many of the interviews was whether Latin America was turning its back on the Global South and becoming more “Western,” with some interview subjects arguing that Latin America was part of the avant-garde, and others convinced that Latin America had “sold out” to the US. A UN representative explained that there is a lot of peer pressure on members of a certain groups to vote by religion, by region or by language: “This can influence how states position themselves. These blocs will often claim that an entire region is in agreement, even if a country, like South Africa, does not agree with them or has been silent.” The UN representative cautioned that Latin America would have to pay a price for this: “...it costs you: you make enemies on the Council. You are going to become the focus of retaliation or attacked on other issues” (Interview U17, 2015).

In addition to generalizations about “Arabs,” “Africans” and “Latin Americans,” the positions of individual states were criticized. One advocate said that Russia uses LGBT rights as a “wedge issue” which is framed as threatening the vague concept of Russian

³⁹ The “OIC,” short for the Organization of Islamic Cooperation, is an IGO based in Saudi Arabia. However, when the diplomat referred to the OIC, in this context it was shorthand for “Muslim-majority states within the HRC.” The diplomat, who was explaining how sponsorship for the SOGI resolution shifted, was saying, in effect, “The Arab member states couldn't undermine the Latin American member states.” In other words, “Even when many Islamic UN member states banded together to oppose this resolution, they could not prevail.”

“tradition” (Interview C2, 2015). South Africa’s position on LGBT rights was viewed with suspicion by almost everyone: one diplomat viewed the country as being “on the fence” and complained: “The day before the vote, the Ambassador said that they still didn’t know how they were going to vote.” The reason: South Africa had publicly embraced LGBT rights during the first HRC SOGI resolution in 2011 but later appeared ambivalent. However, when the same diplomat described Vietnam, Sierra Leone and Namibia as being “on the fence,” this was framed as being a good thing, since these countries were viewed as making possible shifts in their national policies. Kazakhstan and Morocco received special mention: they “voted against this resolution, but often they are bridge builders.” Thailand was also viewed as a special case. It “decided not to co-sponsor the resolution for reasons of optics, so that they could be on the HRC. Thailand has a unique perspective because although they are not part of the OIC, they are part of the non-aligned group” (Interview D1, 2015).⁴⁰

Cuba, which has strong domestic policy in support of LGBT rights, sometimes finds itself in an awkward position. It is a member of the Group of 77, a coalition of developing countries at the UN, many of which are opposed to LGBT rights. An advocate reflected: “It’s a fascinating chess game. For example, Cuba is very upfront. They say they can’t

⁴⁰ At the HRC, there are generally three ways a member state can signal its support for a resolution. By leading or co-sponsoring it, the member state is providing its greatest support; by “joining consensus,” the member state is saying, “We are not thrilled, but we will go along with it. We are not going to rock the boat.” The third option is to insist on a vote and then either vote “no” or abstain. In Thailand’s case, it wanted to be elected to the HRC at a later date, so it could not afford to alienate the many OIC and non-aligned countries that would potentially support Thailand’s candidacy. Thailand could get away with “joining consensus” on the SOGI resolution; however, co-sponsoring it – a public demonstration of unwavering support – was a bridge too far. It would have been considered an affront to the Islamic and other member states opposed to LGBT rights.

support certain LGBT rights initiatives because of their membership in the Group of 77” (Interview C25, 2015). One diplomat “worked the Francophonie angle” and was expected “to arm-twist the Francophonie countries” into supporting the SOGI resolution. One CSO representative viewed these regional dynamics very differently. Instead of vilifying certain races or nationalities, he reflected: “The reality of politics in Geneva is that the dynamics are changing towards BRICS countries. Saudi Arabia will be president of the Human Rights Council next year: it will be the Global South’s day in the sun, with a push for the right to development” (Interview C22, 2015).

Buss (2004) points out that the Vatican actively opposes LGBT rights around the world, including at the UN. As a UN Permanent Observer, it is more influential than CSOs because it can participate actively in UN meetings and events (Buss 2004, pp. 261-262). She demonstrates how conservative religious groups, including Catholics and the Christian Right, form coalitions in international fora. One technique is to link LGBT rights and feminism, which works to vilify both camps. LGBT rights is constructed as “the enemy of the family” (Buss 2004, pp. 257-259). One advocate confirmed Buss’s research, underlining the extent of the Vatican’s involvement in activities that support conservative organizations such as Family Watch and the Center for Family and Human Rights (C-Fam), which “oppose the aims of the groups supporting SOGI and sexual and reproductive rights” (Interview C29, 2015). One Western diplomat was more blunt about the Holy See’s role in human rights diplomacy:

Our Ambassador to the Holy See has spoken to our Foreign Minister about the Holy See’s opposition to LGBT rights.

There is more going on than we realize. Some Western countries can be more vocal than us on this matter and issue grand statements. But we need to be careful ... we could ruin our relationship with the Holy See if we issued a condemnation. I don't think the Holy See is on a crusade. But the Vatican has teamed up with Muslim leaders to oppose LGBT rights. The Pope even compared transgender people to nuclear weapons, saying that they were going against God's order! We have also had issues with the Nuncio at the OSCE in Vienna. During Anti-Discrimination Day in March, he withdrew the Vatican's support because LGBT rights were mentioned. The Nuncios have a lot of freedom to set their own agendas in the missions (Interview D27, 2015).⁴¹

However, not all religious representation is homophobic. Some UN member states include religious representatives in their UN delegations. One Global South diplomat proudly stated that, even among the "religious-minded" in the delegation, "there was consensus that LGBT persons are discriminated against and that action needs to be taken" (Interview D12, 2015).

⁴¹ This interview piqued my curiosity. While attending an HRC session in Geneva, I approached a Nuncio who headed the Holy See's delegation to the HRC. I explained my research project, gave him a description of my research along with my contact information and told him I would like to interview him. However, he never contacted me.

The relationship between civil society and diplomats

CSOs play an important role in human rights diplomacy; at the HRC, the number of NGOs that actively participate appears to be increasing, not only during the more political meetings when the Council is in session, but during the UPR sessions. Because the diplomats are constantly rotating in and out of New York and Geneva, the CSO and UN representatives based in these cities often have a deeper knowledge of the mechanics of multilateral diplomacy; they know exactly which procedures and tactics should be used to provoke, prolong or shut down a given policy debate. Yet, one advocate had reservations: "... the UN has its limitations. All the power is with the governments" (Interview C19, 2015).

The CSOs have a deep understanding of the workings of the UN human rights system. One advocate recalled the atmosphere at UN human rights meetings in the "old days," before the establishment of the HRC in 2006: "At the time, CSOs had limited accessibility: there was no webcasting or internet. Our role was to disseminate information to human rights networks around the world" (Interview C15, 2015).

Another advocate felt the CSO's "principal duty" is to inform the members about "what is going on at the UN: we make sure their voices are being heard" within the various UN human rights processes (Interview C19, 2015). One CSO representative described the work as "international advocacy. We support people who attend international meetings. We coach them through the processes" (Interview C29, 2015).

Wilkinson and Langlois (2014) note that many conservative NGOs have resisted putting LGBT rights on par with other human rights norms, “actively attempting to repudiate the notion of LGBT rights being human rights” (Wilkinson and Langlois 2014, p. 250). In fact, one UN representative noted that, while there are many NGOs that claim to be human rights advocates, “They don’t always represent the most vulnerable sectors of society. There are certain activist groups that don’t necessarily represent the people they intend to represent. ...We need to move toward more broadly-representative CSOs” (Interview U14, 2015). One advocate reflected on the range of human rights NGOs that attend UN meetings:

You have all of these mainstream NGOs at the UN that have nothing to do with sexuality and don’t really take a position one way or the other. They deal with education, water, food, shelter, the elderly, etc. They are not actively resisting us. There are some right-wing Christian groups that are not interested in reaching out to others. They have prayer breakfasts and serve bacon; what they are essentially saying is, “No Jews or Muslims are welcome.” There are some on the fringe that are fanatical, but our job is to talk to the people that are not idiots about how to integrate sexuality issues into their ongoing work (Interview C25, 2015).

The fact that some CSOs are considered “idiotic” hints at the siloed worlds of international human rights diplomacy: states work with like-minded states; CSOs work with like-minded CSOs; and states work with like-minded CSOs. This message was reiterated by a UN expert who actually said: “We only work with the friendly missions” (Interview U20, 2015). One advocate reasoned that “Diplomats are the ones making decisions, not us. We rely on these governments to support us” (Interview C19, 2015). Another explained how cooperation between like-minded states and CSOs works: “... you can help the diplomats strategize. However, in some cases, the Ambassador is not open” (Interview C15, 2015). The role of one advocate was explained as follows: “At the UN, you have to know what the different actors can do. My job is to convince people to change what they’re doing, so you tend to talk to people who are either convinced or at least convinceable” (Interview C25, 2015).

Sadly, the interactions between diplomats and human rights advocates are not always friendly. Bosia (2014) argues that the UN and affiliated NGOs globalize Western-style LGBT identities and rights discourse. This produces a “boomerang effect” in the Global South, where “emerging claimants... provoke domestic responses” (Bosia 2014, p. 262). While the dangers facing advocates working on their home turf is well-known, I was less aware of the risks that these advocates face when they come to the West to participate in UN human rights meetings. One advocate has seen these activists “intimidated by their countries’ diplomats” in the corridors of various UN buildings. As soon as these advocates arrive, international CSOs brief them on security arrangements “to make sure they will be safe. Generally, they want to go unnoticed while they are attending

international meetings.” In fact, for some of the activists who have been threatened by their own governments, it is too dangerous to even bring them to Geneva or New York (Interview C29, 2015). One advocate knows of instances

... when human rights defenders come to Geneva, their government representatives monitor and follow them, even in this building. The diplomats attend the events that these activists are speaking at, they take photos of them, and they ask them hostile questions. When they go home, they face reprisals. They are subjected to smear campaigns. In some cases, they are disappeared at the airport either before they leave for Geneva or once they get back home (Interview C15, 2015).

Conclusion

In multilateral fora such as the HRC, Symons and Altman (2015) note that the West is facing “a sustained challenge by Orthodox, Christian, Islamic and African values,” which has led to intractable positions. They question why polarization has materialized instead of other possible reactions, such as compromise and accommodation (Symons and Altman 2015, pp. 62-63). There are myriad reasons for this polarization. My research shows how diplomats dehumanize their opponents, categorizing them by their race, religion, and national or regional origin. Ideological and regional blocs at the UN force member states to conform to carved-out positions, eliminating the possibility of more

nuanced approaches. Some CSOs seem polarized, choosing only to associate with other CSOs and member states that support their aims.

In this chapter, the interview subjects expressed strong views on some key aspects of multilateral human rights diplomacy. On the plus side, the UN provides platforms in Geneva and New York where member states perpetrating human rights violations can be called to account. Both diplomats and civil society representatives agree that the UPR is a powerful forum in this regard. One of the strengths of multilateral human rights diplomacy is its emphasis on the rhetorical validation of fundamental and emerging human rights concerns and the public condemnation of grave and mass human rights violations, war crimes, and crimes against humanity. These fora can also bring together people and ideas from around the world in a spirit of change. However, the emphasis on rhetorical battles can give a whole new meaning to the concepts of victory and defeat. These fora create like-minded cliques, thus reinforcing differences between camps. One of the biggest concerns voiced by my interview subjects was the polarization that resulted from bloc voting, resulting in a toxic environment that “creates noise” as one UN representative described it. During my many years working in the area of multilateral diplomacy, I have always been struck by the amount of time that states spend arguing about words, both on the negotiating floor and at headquarters. Another weakness of multilateral diplomacy lies at a very practical level: many interview subjects complained that diplomats were untrained, unprofessional, self-serving and generally disconnected from reality.

To sum up, the portrait of multilateral human rights diplomacy – as depicted by my interview subjects – was not pretty. In fact, despite the splendid work environment in which they circulated, my interview subjects were often angry, bitter, cynical and frustrated. Their observations heighten our understanding of the inner workings of human rights diplomacy. As we will see in the next chapter, the West’s promotion of LGBT rights – part of a broader promotion of liberal values – can trigger a backlash and discourses of cultural relativism.

CHAPTER SIX

NEGOTIATING LGBT HUMAN RIGHTS IN INTERNATIONAL FORA

For Weeks (2007), the loosening of sexual strictures in the late twentieth century laid the groundwork for the current era, one that points up dramatic shifts in sexuality, resulting in the questioning of relationships, gender roles, gender identity, and the proliferation of new authorities, narratives and forms of sexual/intimate citizenship (Weeks 2007, p. xii). This backdrop reflects, as my interdisciplinary framework has made clear, the rise of a rights-based LGBT movement in the West and the promulgation of liberal values which has created the conditions for LGBT human rights diplomacy. While it is true that opposing states react, deploying a counter-discourse of cultural relativism, their posture in international fora needs to be linked to the homophobic laws and policies implemented at the state level, which Bosia (2013) calls “a convenient tool for state rule.”

To answer my research question on how diplomats work with IGOs and CSOs to strengthen and weaken LGBT rights, I asked UN representatives, diplomats and advocates to reflect on how the human rights of LGBT people intersect with the diplomats’ world of multilateralism and diplomacy. Questions that simmered under the surface during these interviews were whether these LGBT organizations are truly international in scope, whether they represent a global LGBT rights movement, and indeed whether a global LGBT rights movement actually exists? There seemed to be

little consensus among the interview subjects as to which constituencies were being represented by various CSOs at international meetings and conferences on LGBT rights.

One advocate reflected:

The LGBT movement has expanded globally and diversified from a movement about HIV and politics to sports, travel, etc. But does a global movement actually exist? There is quite a significant number of LGBTI national groups. But how representative are these groups of the majority of LGBTI persons in the world? ... It's difficult to use the word "movement." But calling it a community is even more far-fetched (Interview C28, 2015).

LGBT rights discourse has proliferated and exploded in multilateral fora such as the HRC. This did not happen randomly or spontaneously: LGBT activists "hammered away," as one activist put it, patiently and persistently, for years and years until doors began to open. In this chapter, the interview subjects convey, in their own words, how LGBT rights are framed, constructed and debated in the multilateral context. Most revealingly, they discuss how they work to influence diplomatic engagement in these fora. The first section demonstrates how LGBT rights are promoted within the context of the UN; the second section considers diplomatic efforts to both promote and obstruct LGBT rights; and the third section provides an analysis of civil society perspectives on LGBT human rights diplomacy.

I went into this research on the assumption that there was a growing global concern about LGBT rights, and so I asked my interview subjects whether they agreed with this assumption. One diplomat believes this concern is related to “globalization and advances in technology. To quote Anthony Giddens, our perception of a private life and what we do with it has changed considerably. I think we have become more tolerant of others” (Interview D12, 2015). One UN representative agreed, linking this growing concern to a “steady increase in LGBT visibility” (Interview U11, 2015). However, another UN representative corrected me: an “increased engagement” does not necessarily translate into a “growing global concern” because cross-regional “acceptance of the legitimacy of homosexuality” is just not there. “Africa is a good example of how slowly countries are moving with regard to LGBT rights” (Interview U13, 2015). One advocate reflected: “SOGI is a very difficult topic. Many states say that it is not a legitimate international human rights issue and is not part of the framework, so there is a gulf” (Interview C15, 2015). In other words, because SOGI is not spelled out in the Core Treaties, it is not a “real” human right, and therefore we should be focusing on the other human rights. The “gulf,” then, is not only between states that support and don’t support LGBT rights; it is also between states that generally take a more inclusive approach to what constitutes a human right within the UN human rights system, and those that do not.

Framing the struggle for global LGBT rights

Many of the interview subjects have attended, organized and participated in international meetings, conferences and consultations on LGBT rights for decades. I

asked them about their objectives and how LGBT rights came to prominence on the world stage. One advocate looked back at how women's rights have evolved:

There was no safe space within either the NGOs or the delegations. Over the past ten years, there has been an informal LBT interest group that met alongside the women's caucus at the annual [UN Commission on the Status of Women] CSW meetings in March. We always used to be a bit outside of the mainstream. We did training on the side; we would have a couple of afternoon training sessions just for the LBT activists (Interview C25, 2015).

As recently as 2005, explained one CSO representative, "You were barely able to mention SOGI without considerable pushback. It was difficult to engage with the UN." There was so little awareness, "we needed to demystify LGBT rights within the UN system" (Interview C16, 2015). In fact, until the watershed HRC resolution of 2011 – that broke new ground when Hillary Clinton declared that gay rights were human rights – even suggesting the insertion of SOGI language into any resolution was an uphill battle. According to one UN representative, on the most basic level, this global activism "legitimizes LGBT rights, which clears the way for smaller countries. We are normalizing the issue; we're making it normal for activists to work in those countries" (Interview U11, 2015). As one UN representative put it, "LGBT rights was something that was

impossible to address openly... Now, it's impossible for certain stakeholders to say that this is irrelevant" (Interview U10, 2015).

Until now, we've been trying to get our foot in the door.

Our line has been, "Don't discriminate against us." We have been lobbying hard to name states that commit human rights violations. It's not a very sophisticated advocacy; you just hammer away at it (Interview C25, 2015).

Framing LGBT rights in certain ways can make the issues more palatable. An advocate said: "It is important how we position ourselves. We're not asking for anything new, just the same rights as everyone else" (Interview C19, 2015). A diplomat explained: "We never talk about LGBT rights; we talk about equal rights for LGBT persons" (Interview D27, 2015). Some organizations take a thematic approach to LGBT rights, focusing on specific concerns, such as forensic anal testing, sexual and reproductive rights, or lesbian rights. However, another diplomat complained that some LGBT rights are given short shrift: "... there is a certain chauvinism within the multilateral world because everyone agrees that sodomy laws should be abolished. We are generally more comfortable advancing the rights of gay men" (Interview D18, 2015).

Ironically, despite the "sensitivity that the US is throwing its weight around," one CSO representative noted, "It's much easier for us to get money to bring in activists from the Global South than to bring in activists from the US" (Interview C25, 2015). The whole

issue of fundraising for global LGBT CSOs is interesting but goes beyond the parameters of this study. However, the advocate was pointing to the contradiction that Americans will pay to bring activists from the Global South to international meetings to discuss human rights, but they won't pay for US activists to discuss human rights at these meetings.

PART A: LGBT RIGHTS AND HUMAN RIGHTS DIPLOMACY THROUGH THE UN LENS

One Western diplomat stressed the importance of UN leadership on LGBT rights. Then-UN Secretary General Ban Ki-moon made a significant impact, “front and centre on an extremely sensitive issue (Interview D18, 2015). A UN representative mirrored this view, stating that Helen Clark (then-head of the UN Development Program), Navi Pillay (former UN High Commissioner for Human Rights) and Zeid Ra’ad Al Hussein (then-High Commissioner) “all unequivocally support LGBT rights” (Interview U11, 2015). These interviews took place in 2015; this “historical moment” coincided with a take-off in engagement on LGBT rights at the UN. A Latin American diplomat felt that “changes in social development at the national level” have “triggered a change in foreign policy regarding SOGI issues in the international human rights system” (Interview D7, 2015). While this diplomat sees domestic policy as influencing international human rights discourse,” a Western CSO representative sees an opposite effect: “...in regional and international bodies.... Debates on the topic lead to adoption of resolutions. This leads to more positive attitudes, compared to 15 years ago, for example, in [my country]. Public attitudes have changed” (Interview U20, 2015). In other words, not only does acceptance of LGBT rights by certain countries affect the international agenda, the

struggle for international LGBT rights has a flow-back effect with the potential to change policies and laws in other countries at the domestic level. One UN representative explained why LGBT rights, of all the human rights issues debated in the international sphere, are so “unique:”

Within the realm of international human rights law, there are certain issues for which there is consensus: states should have zero discretion regarding how to address it. However, LGBT rights is not one of those issues. There is still some discomfort in having across-the-board standards on LGBT rights. There is no a consensual minimum standard that truly addresses these challenges. (Interview U10, 2015)

This UN representative went on to show how some member states rationalize their own homophobic behaviour:

The definition of discrimination is the fact that two groups that are comparable are treated differently based on a specific motive that is not justified in a democratic society. However, what is justified in a democratic society evolves, which is why different levels of discretion enter into play. In other words, some states will continue to say that

discrimination against LGBT persons is justified (Interview U10, 2015).

The UN representative felt that over the past thirty years civil society has made considerable progress in many parts of the world and is enjoying higher degrees of freedom of expression and association. This increased “freedom,” the representative argued, has created space for CSOs to confront emerging issues, such as LGBT rights. Civil society, in turn, is pressuring IGOs to engage on these concerns in multilateral human rights processes. Often, a rationale for strengthening LGBT rights turns on the argument that everyone has the right to engage in consensual private acts: “...in a larger sense, defending LGBT rights in Africa is about defending freedom of expression” (Interview U10, 2015). A CSO representative from the Global North argued that this polarizing issue “is linked to much broader power dynamics.” Global South countries do not reject LGBT rights to be mean-spirited:

Instead, these societies are saying, we want the right to development. The Declaration on the Right to Development makes civil and political rights subject to achieving economic, social and cultural rights. It means you don't have to implement civil and political rights right away. This undermines the human rights framework. It impacts regional bloc positions.

This approach – choosing to focus on economic, social and cultural rights before civil and political rights have been achieved – clashes with the view dominant in liberal theory that civil and political rights must be attained immediately. Some Global South states use the argument that “our societies just can’t handle it.” In other words, pushing too hard on LGBT rights will create a backlash and make LGBT citizens even more vulnerable (Interview C22, 2015). The interview subject’s comment about regional bloc voting also raises geopolitical considerations that certain states take into account when choosing not to support LGBT rights in multilateral fora. This issues will be considered in the next chapter, when a series of SOGI resolutions at the HRC divided regions and pitted one against the other.

LGBT activism within the UN human rights system

At the UN, the UN Office of the High Commissioner for Human Rights (OHCHR) functions as a sort of global clearinghouse for LGBT human rights issues. It is supported by its field and regional offices that work in many member states, “documenting abuses on the ground, advocating and doing training” (Interview U11, 2015). The Office supports expert meetings on issues such as violence against intersex people and produces reports on best practices on cross-cutting issues such as prisons, violence against women, and health (Interview U17, 2015).

The OHCHR’s Free and Equal campaign was launched in 2013. It includes events such as the one I attended in New York for the International Day against Homophobia and Transphobia (IDAHOT). The campaign has featured celebrities, such as Ricky Martin;

Free and Equal's Bollywood video is now one of the UN's most-watched videos (Interview U11, 2015). However, one diplomat characterized Free and Equal as a feel-good campaign, lacking substance and directed from the "centre" in Geneva and New York. The diplomat questioned whether this campaign was actually being implemented by the field offices at the grassroots level: "Will the field offices follow the directives, or will this program be more guided by individuals taking the initiative? ... The OHCHR can only go so far" (Interview D18, 2015).

My interview subjects seemed divided into those who had confidence that the UN human rights system was an excellent place to promote LGBT rights, and those who felt it fell short of expectations. One diplomat noted that certain "Treaty Bodies are more active on LGBT rights than others; one example is the Human Rights Committee, which is responsible for the implementation of the ICCPR"⁴² (Interview D27, 2015). One advocate categorized the CEDAW⁴³ and the CAT⁴⁴ as committees that "tend to be open to these discussions" (Interview C29, 2015). Another advocate said the Committee on the Rights of the Child has received submissions on LGBT adolescents (Interview C25, 2015). Although some felt that the Treaty Bodies need to do more, one UN representative noted:

The Treaty Bodies do a lot of work: the International
Committee of Jurists (ICJ) does a summary of the reports

⁴² The International Covenant on Civil and Political Rights.

⁴³ The Convention on the Elimination of All Forms of Discrimination and Violence against Women and the Convention against Torture.

⁴⁴ The Convention against Torture

and recommendations of the Treaty Bodies. The Treaty Bodies are increasingly taking up LGBT rights in their reports and recommendations. The body of international human rights jurisprudence in this area is exponentially expanding. LGBT rights are embedded and thickening within international human rights law (Interview U11, 2015).

More and more, UN Special Rapporteurs and other Mandate Holders are including sections on LGBT rights in their reports: “They routinely receive flak from states during the Interactive Dialogue that say, ‘This is controversial and is outside your mandate’” (Interview U17, 2015).⁴⁵ Another UN representative said that LGBT rights have received special attention from the Special Rapporteur for Human Rights Defenders, the Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Assembly (Interview U11, 2015). One CSO participates in a campaign that sends letters to the Special Rapporteur for Human Rights Defenders when LGBT activists are in danger (Interview C25, 2015). An advocate, while praising the Special Rapporteur on Torture for denouncing the practice of sterilizing transgender people in health care settings fell under his mandate, stated that the Special Procedures should be more cross-cutting and explore more LGBT issues from the perspective of health, religion, and youth (Interview C21, 2015). One diplomat cited the Special Rapporteur on Violence against Women for work on lesbian and trans issues and the Special Rapporteur on

⁴⁵ When UN human rights experts release a special report, they are often accorded a special session at the HRC to make their presentation, followed by an “Interactive Dialogue” during which all UN member states have the right to present their state’s position on the topic being discussed.

Torture for work on intersex issues (Interview D27, 2015); another mentioned the engagement of the Special Rapporteur on Freedom of Religion and Belief and the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions for their engagement on LGBT issues (Interview D23, 2015).

On the topic of legislation affecting transgender people, one CSO sent letters to: the Special Rapporteur on Physical and Mental Health; the Independent Expert on minority issues; the Special Rapporteur on the Right to Education; the Special Rapporteur on Freedom of Opinion and Expression; and the Chair of the Working Group on Discrimination against Women in Law (Interview C2, 2015). On the other hand, a UN representative complained that the power of the UN Special Procedures is quite limited; they must receive an invitation from the country they wish to visit. Consequently, Special Rapporteurs often end up preaching to the choir by visiting countries that are already leading on human rights:

We tend to forget that diplomacy has all sorts of angles.

Public diplomacy through media, sports and culture is also

effective. For example, the German swim team at the

Sochi Olympics made a big statement on LGBT rights. It

was a global message that brought many people on-side.

Compare that to the effectiveness of an expert working

group doing an in-country visit (Interview U10, 2015).

This comment was made by a person feeling exhausted and discouraged about the lack of progress on LGBT rights within the UN human rights system. However, it is important to note that much of this work is incremental. It is true that a long, dry, detailed, legalistic report on LGBT rights might not be as sexy as Ricky Martin or the German swim team. However, the expert knowledge being produced plays a vital role in informing politicians and practitioners on some aspects of global LGBT rights.

Health, AIDS and human rights

Beyond the human rights system, other UN processes and institutions also address LGBT rights, particularly in the area of health. Altman and Beyrer (2014) point out that people with HIV who were infected through homosexual contact often have less access to resources. However, in much of the world, calls from the West to remedy this situation are viewed as support for sexual rights, “twisted as yet more evidence that the West is promoting alien lifestyles” (Altman and Beyrer 2014, pp. 1-2). One diplomat observed that the World Health Organization (WHO) “is nowhere near the OHCHR on sexual orientation, in terms of dialogue and countries seeing eye to eye” (Interview D1, 2015). CSOs see the health area as an opportunity for engagement to discuss “the international classification of diseases: gender dysphoria and intersex categories are considered abnormalities. Some African countries oppose the WHO’s work in this area” (Interview C19, 2015). For example, one advocate said the only way to reach LGBT people in China is to work with AIDS organizations since LGBT NGOs were considered a threat to the regime” (Interview C28, 2015). A Global South advocate praised the US for funding AIDS policy development workshops over the years that have strengthened LGBT rights in

Africa: “The UN acts as an intermediary between the [my country’s] government and civil society... to lobby governments to be more inclusive” (Interview U4, 2015).

These advocates demonstrate how globalization, sexuality and AIDS are interconnected.

Altman (2008) argues that the reconfiguration of traditional family structures, the restructuring of gender and sexual relations, and changes to the economy have all contributed to trends in migration, prostitution and sexual activity (Altman 2008, p. 149). In fact, one of the effects of the AIDS epidemic in the Global South has been an opening of “space for new discussions of and organization around homosexuality” (Altman 2008, pp. 153-154). LGBT advocacy that criticizes governments reluctant to acknowledge the AIDS epidemic sometimes triggers a backlash, provoking discourses around “the breakdown of traditional cultural and social structures” (Altman 2008, pp. 154-156). Multilateral processes that attempt to address the links between SOGI and HIV/AIDS have been targeted: in 2001, the UN’s Special Session on HIV/AIDS was an example of “the level of antipathy to lesbian and gay rights in the international arena” in which references to gay men were expunged from the final document (Buss 2004, p. 272).

In the multilateral AIDS movement, these issues have cropped up through the years, spawning a well-organized and robust “SOGI activism,” according to one UN representative. For example, UNAIDS, the UN agency that focuses on AIDS, tried for years to convince the Executive Board, the WHO’s supreme governing body, to take on LGBT health as a priority. One UN representative said:

This topic is always being blocked. It's like an organized protest at every level to stop this initiative. It is a deliberate effort to demonize LGBT persons led by Russia and a few other countries...During the Executive Board meetings, a self-censorship takes place which prevents this issue from being addressed (Interview U4, 2017).

When UNAIDS adopted a five-year plan in 2010, one of its areas of focus was a “zero discrimination program to put an end to all punitive laws against LGBT persons and other key populations. Iran and Egypt added a footnote opposing it.” AIDS diplomacy has the potential to engage on human rights issues using health as an entry point for a broader social discussion. However, the “HRC and UNGA debates have had a trickledown effect into other areas of the UN, leading to efforts to block discussion” (Interview U4, 2017).

Rights related to gender and sexuality

The connections at the UN between LGBT rights and sexual and reproductive rights (SRR) overlap to some degree. This is because these rights are inevitably associated with women's rights, and “notions of gender are more contested at the UN than SOGI concepts” (Interview C8, 2015). What both issues have in common is that “in the negotiations, the same groups, led by Russia and Egypt, oppose these rights. It's a pattern” (Interview C29, 2015). At the UN, Buss (2004) points to the opposition by conservative states to the terms “gender” and “sexual and reproductive rights (SRR).”

Using a dystopic discourse, feminists are conflated with lesbians (Buss 2004, p. 265-266). The term *gender* is particularly feared: the shift from biology to social construction opens the possibility that states will embrace “homosexuality, bisexuality and transsexuality” (Buss 2004, p. 270). One diplomat complained that SRR has come to mean many things, including

... marital rape, intimate partner violence and sex education. But many states object to including the term “sexuality” which, in certain contexts, for many countries means “gay.” We can’t get around it. Every year, the same states oppose the term (Interview D24, 2015).

For a UN representative, “It’s a proxy for other struggles against full equality for LGBT persons and the sexual health of women and girls. In this scapegoating process, gays and women who like sex challenge traditional constructs of masculinity” (Interview U4, 2015). This “nexus” between feminism and homosexuality is rooted in the Christian conservative view that gains in women’s rights inevitably leads to radical changes in sexual relations, which “heralds the demise of a social system built upon the ‘natural family’” (Buss 2004, p. 271).

PART B: LGBT RIGHTS AND HUMAN RIGHTS DIPLOMACY THROUGH THE DIPLOMATIC

LENS

In this section, diplomats reflect critically on what they are attempting to achieve in their promotion of LGBT rights and how they go about it. Interspersed with these

interviews are reflections by UN and CSO representatives who critically assess these diplomats' motivations. Bosia (2015) helps us think critically about the motives behind Western states' efforts to promote LGBT rights at the international level. He notes that the universalizing language that the US has used when exporting its concept of LGBT rights dovetails neatly with an "Anglo-American Stonewall model of sexuality, identity and liberation." The main arguments put forward are claims to privacy, equality and dignity (Bosia 2015, 47-48).

Diplomatic positioning of the "like-minded"

All the CSO and UN representatives I interviewed had their own theories about what messages diplomats are trying to convey through their support for LGBT rights. One cynical advocate referred to LGBT rights as "... an issue that all countries agree to manipulate politically" (Interview C22, 2015). The advocate felt that LGBT rights has become a "hobby-horse" – a way for the West to demonstrate "moral superiority" (Interview C22, 2015). For another advocate, this unique Western way of projecting moral superiority breeds mistrust and stokes fears in the Global South that LGBT rights is "a convenient way to divert attention from issues such as Guantanamo and mass surveillance" (Interview C28, 2015). One UN representative observed that the West's insistence on LGBT rights can come across as too much of a good thing:

Some countries like to burnish their human rights credentials by championing these liberties in the international arena. It's great that rich states have high-

level political support and funding for LGBT rights. On the other hand, they are impatient. They want results. Many would like to see this go faster. Politicians will see this argument as an easy political win, portraying a political leader as a monster (Interview U17, 2015).

Western states who promote LGBT rights internationally walk a fine line; if they are too insistent they risk creating a backlash. One advocate recalled how conservative member states targeted the US during the debate over the first SOGI resolution in 2011 at the HRC. Member states that opposed the US attempted to make the US appear hypocritical for promoting LGBT abroad while denying them at home. As a result, the US became the focus of almost the entire debate – rather than spending time discussing human rights violations against LGBT people around the world. One advocate recalled:

... there were 20 hours of debate. And eleven and a half hours of that debate were taken up with calls by member states for the US to repeal its military ban on homosexuality. Meanwhile, there were 25 NGOs lined up to talk about violations in other countries. You have to be able to point your finger at other countries besides your enemies. It made me feel icky (Interview C8, 2015).

To counteract this tendency, it appears that other Western member states take a more low-key approach. One diplomat reflected:

We have to be careful; it requires a lot of tact and strategy... at the UN, we never talk about same-sex unions. We commend countries that legalize same-sex unions. But we don't put that in our recommendations. Our goal is to get down the number of countries with anti-gay laws. Strident statements don't help (Interview D27, 2015).

Another Western diplomat likes to arrange informal bilateral meetings before delivering a negative public recommendation on LGBT rights, describing these informal meetings as "another layer of the UPR" (Interview D1, 2015).⁴⁶ Certain member states try to avoid the debate completely. One Global South diplomat was torn, wanting to take a more aggressive stance in support of LGBT rights at the UN, but needing the support of African and Asian countries on a completely separate, but extremely divisive, domestic issue:

The reality is that sometimes you have to choose your issues. We were trying to get support for our resolution on [issue x]. The states that were against the SOGI resolution were actually supportive of the ... resolution [on issue x].

⁴⁶ In other words, Western country X is preparing for the UPR review of Global South country Y. In addition to delivering the negative recommendation publicly at the HRC, diplomat X arranges a meeting with diplomat Y a week before Y's review to "brace" her for the negative recommendation and to explain the rationale. However, the question worth considering is whether this amplifies or diminishes the perception of "Western superiority." On the one hand, it could be viewed as a "teachable moment." However, diplomat Y probably needs no reminding that her country has a law criminalizing homosexuality.

As a result, we had to be moderate in our negotiation with the homophobic countries (Interview D9, 2015).

Not surprisingly, this polarizing atmosphere encourages Western countries to gravitate towards their like-minded counterparts: for all the talk of the need to move beyond Western countries, a “club” of LGBT-friendly countries at the UN seems to reinforce the separateness of this camp. One mechanism that cements these relationships is the UN Core Group, an informal circle of 18 pro-LGBT member states in New York that meets once a month. One UN representative referred to it as an “early warning system” when LGBT-related issues come up at the UN. For example, in 2014, Russia spearheaded a move “to strip LGBT UN employees of their benefits. Russia démarched many countries in Africa, but the vote was defeated and Russia was humiliated” (Interview U11, 2015). Besides Japan and Israel, the others are all from Europe and Latin America. However, a UN representative remained skeptical about whether countries from different regions would eventually join this group:

For many countries, with few resources and scant capacity, it will take a long time for governments to mainstream LGBT rights. Will they ever become a global priority? Unfortunately, nowadays everything is considered a priority. Nobody will actually say, “This is interesting, but it’s not a priority. Let’s talk again in ten years” (Interview U14, May 7, 2015).

Generally, though, a consensus seems to be emerging that the West's insertion of LGBT rights in multilateral processes will continue. As one CSO representative put it, "I believe that the non-Western diplomats are starting to realize that the issue is not going away. This is slowly sinking in because of the cyclicity of the human rights processes" (Interview C28, 2015). One UN representative is convinced that "The trend is not favorable towards the homophobic countries" (Interview U17, 2015):

Western programming that supports LGBT rights in the Global South

Which states are the strongest supporters of LGBT rights? A Western diplomat explained the hierarchy of Western countries considered to be the leaders on international LGBT rights. In 2015, when these interviews took place, the US was a huge donor and most enthusiastic booster of global LGBT rights. On top: "The US, the Netherlands, Sweden and France," while "Canada and Norway are in the middle." Meanwhile, "South Africa has fallen off the map," but "Argentina, Brazil and Chile are considered to be in the club" (Interview D18, 2015).

Most people are unaware of the extent of LGBT programming supported by Western countries. Mapping this programming goes beyond the scope of this study; generally speaking, however, LGBT programming is supported two ways: through larger-scale and longer-term projects funded by Western development agencies and smaller-scale, shorter-term projects funded at the micro-level by Western embassies and implemented by local NGOs; there are now hundreds of such projects taking place at a bilateral level around the world. One diplomat listed some of the projects delivered by

embassies: local events to celebrate Pride and IDAHOT; anti-homophobia training for police and the media; and supporting jailed victims of homophobic laws (Interview D18, 2015). Other themes and projects supported by Western donors include: business and LGBT rights; anti-violence programs; advocacy; youth; and decriminalization strategies. Permanent missions in New York and Geneva support LGBT human rights defenders to attend meetings at HRC and UNGA. The list goes on.

One advocate reflected that this upsurge in interest has led to the “bandwagon effect... with a lot of funding and attention to LGBTI rights. It’s trendy at the moment.”

Unfortunately, “all the NGOs are chasing after the same donors,” (Interview C19, 2015).

This has led to some resentment. One CSO representative explained:

Generally speaking, Geneva is a collaborative space for CSOs. We all need to maximize and optimize. But what about our funding sources? They are the same for everyone, so there is an element of competition. Some NGOs are of the view that there is a disparity; the attention now being paid to LGBT rights compared to other issues is now skewed. There is ongoing debate in the movement at the moment (Interview C15, 2015).

Then there is the question of optics: everyone wants to receive funding from Sweden, Finland, Norway, or the Netherlands, but there is only so much to go around. One advocate explained: “...to receive funding from the US, the UK, France or Germany is

problematic because they are big players in the international arena. The Nordics are seen as not as intrusive” (Interview C28, 2015). Langlois (2015) notes that EU states increasingly factor support for LGBT rights into their foreign policies and international development programming: recipient states that balk at these conditions are quickly singled out (Langlois 2015, p. 385). At the time of the interviews, there was still a heightened sensitivity after “Prime Minister Cameron screwed over LGBT persons by threatening to cut off aid in some countries that violate LGBT rights” (Interview U17, 2015). In the view of one CSO representative, however, this debate is already a non-issue. “Aid conditionality is not working anymore; with Chinese influence in Africa, the dynamic is shifting” (Interview C22, 2015).

Bilateral diplomacy

It is difficult to separate multilateral LGBT diplomacy from bilateral LGBT diplomacy. One Western diplomat from Country X described how regional relations can turn into one-on-one conversations:

In 2010, the Council of Europe adopted its first-ever binding inter-governmental recommendation on SOGI. Russia and Turkey have signed on to this as a recommendation. Does it make a difference? Yes, it’s important to use as a counter-argument. When [Country X] puts forward a pro-LGBT agenda, Russia can’t say, “This is a [Country X] thing.” We can say, “No, you accepted

this.” As futile and as small as it sounds, this is an important instrument... The same goes for Africa. In 2014, the African Commission came up with a resolution from an expert body. So, when we speak to Africans, we can say, “It’s not just us. The African Commission says this goes against the African Charter” (Interview D27, 2015).

As the previous section demonstrated, Western programming that supports LGBT CSOs in the Global South is significant. The fact that much of this local programming is being delivered by the embassies denotes a form of bilateral development diplomacy that is occurring at the micro-level. Bilateral diplomacy also occurs at the political level. Lennox and Waites (2013b) point out that some postcolonial nationalisms occur “through moral discourses involving the exclusion of certain same-sex sexualities and gender forms which become defined as Western and alien” (Lennox and Waites 2013b, p. 6). As a result, bilateral discussions on LGBT rights can be extremely sensitive. The same Western diplomat talked candidly about strategies employed in bilateral meetings to remind states of their international obligations:

Recently our Foreign Minister was in [Country X, an Asian Muslim-majority country] and had a good talk with the ... Foreign Minister [of Country X] on LGBT issues... But sometimes the balance is tricky. For example, the President of [Country X] has indicated to us that he does not support the proposed anti-LGBT propaganda

legislation and is seriously considering vetoing the bill.

However, we can't issue a press release calling on the President to veto the bill because then it will look as though he is giving in to "Western pressure" (Interview D27, 2015).

One advocate provided me with the following concrete example of Western bilateral LGBT diplomacy. To maintain the anonymity of the interview subject, a few details have been changed. I am calling the Global North country "Nordica" and the Global South country "Hypatia."

A CSO from Nordica, Organization A, produced a report on homophobic and transphobic violence in Hypatia in collaboration with Organization B, a well-established and credible Hypatian LGBT rights organization located in the Hypatian capital. The report featured several interviews with victims, witnesses, activists and experts and chronicled many cases of impunity and a poorly functioning justice system. The CSOs wanted to maximize the impact of the report: they wanted Hypatian officials to actually read the report and respond to it. To that end, Organization B contacted the Embassy of Nordica in the Hypatian capital. The Nordican Ambassador called the Hypatian Ministers of Justice, Public Safety and Defence to say that this important report was coming out. She requested high-level meetings; she sent copies of the report in advance to the officials she was going to meet. She arrived at the meeting carrying many copies of the report, accompanied by LGBT representatives of Organizations A and B and the Ambassadors of two other prominent Western countries. Several Hypatian Deputy

Ministers – and even a Minister – came to the meeting prepared, having already read the report. These high-level officials agreed to hold regular meetings with Organization B to discuss ongoing human rights violations.

The example demonstrates: the close and sophisticated working relationship that already exists between Western diplomats and LGBT CSOs; the relative ease with which some Western diplomats can gain access to decision-makers in the Global South on the topic of LGBT rights; the ways that diplomats can assist grassroots CSOs to circumvent local hierarchies and subvert existing power relationships; the high quality of research being produced; and the collaboration between Western-based human rights organizations and those on the ground. The high level of participation in the ministries suggests that many government officials in the Global South may already be supportive of LGBT rights: the reason for inaction may be primarily political intransigence.

Homophobia and diplomacy

To what extent does homophobia permeate the diplomatic environment? The question is difficult to answer for several reasons. One issue prevents a clear understanding of the diplomatic environment for LGBT people. This is the myth that the diplomatic world is a “gay paradise” and a “magnet” for LGBT people, which then begs the question, “How can such an environment be homophobic?” One advocate said: “Let’s face it, the Ministry of Foreign Affairs is a gay Mecca. But these people don’t necessarily represent the temperature of their country” (Interview C8, 2015). In a paramilitary environment,

very few diplomats are willing to answer this question publicly since it can have an immediate impact on their career prospects.

A second issue is the assumption that, since many governments now include support for LGBT rights in their foreign policies, these foreign ministries must, by definition, be free of homophobia. A third issue is the fact that there is an increasing number of openly-gay and openly-lesbian diplomats, including ambassadors. The assumption is that, because a government has openly-gay ambassadors, homophobia has been eradicated from its foreign ministry. A fourth issue is the myth that, since an ambassador or Minister of Foreign Affairs is openly-gay or -lesbian, they must be “progressive” and support of LGBT rights – but that is not always the case. Finally, even when gay or lesbian ambassadors are well-treated by their own foreign ministries, they can be subjected to homophobic abuse in their countries of accreditation.⁴⁷

In diplomacy, the personal and the political are often intermingled. Although I did not set out to interview LGBT UN representatives, diplomats, and advocates, I discovered that approximately two-thirds of my interview subjects identified as gay, lesbian, non-binary, or queer. Although this percentage is hardly representative of the broader population – or even the population of diplomats and representatives of CSOs and IGOs – I believe it is indeed representative of the subset of diplomats, advocates and IGO representatives who work in the area of multilateral LGBT diplomacy. I never asked any of my subjects, “Are you gay?” or “How has homophobia affected you personally?” Yet,

⁴⁷ For the Dominican Republic, see Lavers (2016); for the Vatican, see Bitterman (2015); and for Nigeria, see West (2016).

in the course of the discussions on LGBT rights, examples of homophobia experienced by the interview subjects emerged. For example, a Western gay male diplomat said he took it very personally when an African male ambassador told him privately that “the battle for LGBT rights was a ‘line in the sand’ that was threatening the traditional family” (Interview D5, 2015). He was also bothered by comments made by his Middle Eastern male counterparts, who knew he was gay and would taunt him by reminding him how beautiful the women are in his country. He noted bitterly that a diplomat “once told me that homosexuality does not exist” in his Middle Eastern country. Another Middle Eastern diplomat shunned him by organizing a dinner party and inviting every single diplomatic counterpart on their committee – from dozens of countries – except him.

The diplomats harbouring homophobic attitudes reflect the views, according to Stychin (2004), of “the postcolonial homophobic state” which constructs a “self” whose citizens are “oppressed by the claims of a privileged elite undeserving of ‘special rights.’” The state demands the right to a “traditional” way of life under threat from urban elites, liberals, white people, wealthy gay men, politically-correct Westerners, and neo-colonial powers (Stychin 2004, p. 964). Generally, as one UN representative explained, people behave themselves when speaking in plenary: “Diplomats have been known to make homophobic comments about lifestyle, illness, abnormality and debauchery. However, this language tends to be in individual tweets or during the informal discussions on draft texts of resolutions” (Interview U17, 2015). Other references to homophobia emerged.

For example, a young Asian man wearing a tiara was heckled by diplomats while speaking at a CSO forum at the UN (Interview C25, 2015). One diplomat felt that “the

personality of the ambassadors and officials can play a significant role in opposing LGBT rights” (Interview D27, 2015). This seemed to be confirmed by one UN representative:

One [Global South] ambassador was so disgusted he could not bring himself to talk about homosexuality. He refused to push the issue and the momentum had come completely to a halt. Then suddenly he was replaced by a lesbian ambassador, and the difference was like night and day (Interview U11, 2015).

Only one person discussed homophobia in the workplace. One diplomat’s president was choosing a foreign minister, the country’s top diplomat. The most obvious, qualified candidate was passed over because “...he was gay, and the President was somewhat homophobic.” The diplomat reflected:

I think it’s much harder for gays to get ahead... The gay diplomats have to work twice as hard. [At our mission], we had to recruit a team. We wanted to recruit as many professional members of our foreign service as possible. We selected two that were gay. At first the Ambassador rejected them. He finally decided to take one, but he said that the other was “too gay” (Interview D12, 2015).

Some advocates consider educating diplomats on LGBT rights as central to their role: they sometimes “manage to get meetings with missions whose countries are generally

hostile to LGBT rights. We were happy to have activists get in to see the ambassadors of” [two African countries that criminalize homosexuality] (Interview C25, 2015). When a group of gender non-conforming activists visited an Asian mission, a diplomat asked them, “What do you do about procreation? How do you have children?’ It wasn’t done in a super-insulting way. He wasn’t trying to harass us” (Interview C25, 2015). The examples are a good reminder of the value of educating diplomats: we sometimes assume that people know more than they actually do.

The rise of the gay/lesbian diplomat

The previous examples provide a window into the situation experienced by some LGBT diplomats. Their appearance and mannerisms are under scrutiny; they may have to regulate themselves considerably in the work environment. A UN representative who has worked a lot with diplomats reflected:

A gay or lesbian diplomat will be careful before exposing his or her sexual orientation. There is a conservatism common in the profession; you can’t be too forward and need to build trust. The nature of diplomatic work contains a level of constraint that does not enter into other work environments. This could limit your career and your ability to operate within the system (Interview U10, 2015).

Some diplomats are more open to disclosing their sexual orientation than others. One Latin American diplomat said: “I don’t know how many of my colleagues knew that I was gay, though. There are delegates from other member states who are even more openly gay, but also some that are in the closet. I know an Ambassador from Africa who’s gay.” One advocate has known gay diplomats from Africa who took a more assertive role on LGBT rights at their missions, only to be reprimanded by their capitals (Interview C8, 2015). This does not sound like a gay workers’ paradise. Still, a Western diplomat felt that the assertive role that LGBT people are now taking “at the UN, the World Bank and the WHO... is a factor that has been overlooked and underestimated” (Interview D27, 2015). One Latin American diplomat reflected on the reasons for being so engaged on supporting LGBT rights at the UN:

I wonder if being gay made a difference... personally, I was very linked to the issue. At the very beginning, I said that [my country] was ready to support this, even though I had no instructions from my capital. Being gay helped me because I understand the issue. When I’m talking about discrimination and human rights violations, I have first-hand experience of the situation (Interview D7).

There seems to be something about the injustice inherent in the area of LGBT rights that inspires and motivates many people in this field. One straight diplomat reflected:

I have always worked in the area of human rights. This file has been a natural progression for me: this is a societal advance of human rights and social justice. I am not personally impacted by these issues. I cannot represent LGBTs because I am not part of their communities, but I consult all the time. My close friends are gay... Working in this area is extremely rewarding (Interview D18, 2015).

However, while not all straight diplomats are conservative, not all gay diplomats are necessarily progressive. One Western diplomat told me:

I try to use my own personal situation as a way to pass on the message. I try to assure them that you can be gay without looking like a drag queen. You can look like everyone else. These are seeds that we are planting (Interview D5, 2015).

I found this unapologetic comment to be ungenerous and not a little provocative – especially since, during other parts of the interview, the diplomat’s country was portrayed as a haven for liberal values: diplomats from Asia, Africa and the Middle East were disparaged. Weber (2016) might describe this sort of person as “the gay rights holder and the gay patriot.” This homosexual represents a country where homosexuality is no longer viewed as perversion: “He is homonormative, he has the right the right to have rights, and he is a homonationalist” (Weber 2016, ch. 5 p. 6). This was the most

blatant example of homonationalism to emerge from my interviews; there is no way of knowing how prevalent this attitude is without conducting more research on a larger sample. The example also calls into question the “us and against them” dichotomy: not all homophobia is found in non-Western countries. Sometimes it is found even amongst those from western countries who identify as LGBT.

PART C: HUMAN RIGHTS DIPLOMACY AND LGBT RIGHTS THROUGH THE LENS OF CIVIL SOCIETY

In this section, I consider the ways that civil society uses the levers of diplomacy to promote and protect LGBT rights. I examine both bilateral and multilateral engagement and examine specific issues that challenge work by civil society in this area, such as accreditation, religious differences, and the need for education and outreach. As one CSO representative explained: “I have been in this job for 18 months. LGBT rights began as ten percent of my job, but it has grown to fifty percent of my job” (Interview U20, 2015).

LGBT CSOs and the UPR

I was impressed with how well-organized the LGBT CSOs were in their engagement with the UPR process. Since the UPR reviews occur three times a year, preparatory work, shared between a few international CSOs, can be planned well in advance. The following is a study in multilateral human rights diplomacy which I developed when interviewing an advocate who explained how Global South LGBT advocates participate during UPR sessions in Geneva: international LGBT CSOs, national-level LGBT CSOs and Western

diplomats at the permanent missions work very closely and methodically. Again, using “Hypatia” (a member state from the Global South) and “Nordica” (a Western member state that supports LGBT rights) as hypothetical names, one of the advocates took me through UPR review, step by step.

- The national human rights records of twelve to fourteen UN member states are reviewed during any given UPR session. Three UPR sessions take place throughout a given year. The names of the member states under review are announced by the OHCHR more than a year in advance of the actual review. Approximately six months before Hypatia’s review, the LGBT CSOs from Hypatia produce a “shadow report” which is folded into Hypatia’s CSO shadow report that is submitted to the OHCHR Secretariat in Geneva before the deadline.
- Three months before Hypatia’s review, the OHCHR releases three public reports about Hypatia. The first report, written by the Hypatian government, consists of answers to generic questions about its human rights situation; the second is a report on the human rights situation in Hypatia prepared by the UN Special Procedures; and the third synthesizes the shadow reports of all the Hypatian human rights CSOs and includes material on LGBT rights. The picture portrayed in this report is often at complete variance with the government’s official report.
- Nordica’s permanent mission in Geneva prepares for Hypatia’s review in two ways: by preparing questions and recommendations.

- The Nordican delegation reads the three reports about Hypatia’s human rights situation. If the human rights situation described in these reports raises questions, the Nordican Mission sends their questions to the OHCHR about a week before Hypatia’s review. The OHCHR sends Nordica’s questions to the Hypatian mission so that Hypatia is not blindsided – their delegation has a week to prepare responses in the days before its “grilling.”
- On the day of the review, the hundred-plus delegations each have a minute and fifteen seconds to read out their recommendations for Hypatia.

Here is how CSOs work together to prepare for to Hypatia’s UPR review:

- About six weeks before Hypatia’s review, a few Hypatian LGBT advocates arrive in Geneva, coordinated by an international CSO. The trips are usually paid for by Western donor governments and foundations. The diplomats at Hypatia’s mission will probably not want to meet with these activists, who have criticized the Hypatian government in their shadow report, which has already been circulated to Hypatia’s mission and a hundred other missions. Instead, the international CSO arranges meetings for the Hypatian activists at several Western permanent missions, where they will receive a more sympathetic hearing. The advocate explained: “We bring activists who talk about the situation in their country, and it’s very powerful” (Interview C3, 2015).

- A few weeks before Hypatia’s UPR review, the international CSO circulates a document to all the like-minded missions. It summarizes all the SOGI issues related to the 14 members under review during that UPR session, and it provides SOGI-related recommendations for every country under review, which the missions are free to use. The next step is for the international CSO to follow up with each like-minded mission, “making sure that the wording of the mission’s question or recommendation is appropriate” (Interview C3, 2015).

According to advocates and diplomats I interviewed, this complex, multi-step process to prepare for UPR reviews is effective because it pro-actively frames the SOGI issues being contested, breaks them down into legal and policy issues, and encourages states to take specific steps. CSO representative commented: “I’m astounded: many delegates are cutting and pasting our recommendations and then reading them out at the UPR” (Interview C19, 2015).⁴⁸

For local activists, an advantage of travelling to Geneva to participate in the UPR review is the possibility of meeting senior government representatives from their own countries whom they would not normally have access to at home.⁴⁹ One Global South advocate noted: “During the review, [my country] responded to criticisms about LGBT

⁴⁸ The permanent mission of a small gay-friendly country might only have one diplomat devoted to all UN human rights processes taking place in Geneva and may be responsible for attending the UPR reviews of more than 35 countries per year. On the day of Hypatia’s review, this delegate would like to say something about Hypatia’s treatment of LGBT people. He has not received detailed instructions from capital. He can simply refer to this handy list of recommendations already prepared by the CSO that outlines Hypatia’s homophobic laws and practices.

⁴⁹ Often, when a member state’s UPR review taking place, the member state will send their Minister of Justice or Minister of Human Rights.

rights, saying that they were responsible to protect every citizen... After the review, I met with the Attorney General of [my country]. He said that if anyone was being convicted of homosexuality in [my country], the rule of law would be respected” (Interview C6, 2015). Back home after the review, the benefits of the review are immediate:

...the responses of the country will be scrutinized by civil society. For example, at the Honduras review, the Dutch submitted questions on LGBT rights. Depending on how Honduras responds to those questions, the advocates will say, “But you said at the UN that you were going to do this or that.” On the other hand, if Honduras does not answer the questions, the advocates will say, “At the UN, you were asked this or that, but you refused to answer the question” (Interview C3, 2015).

My interviews demonstrate how CSOs have taken the lead in this area, demonstrating Langlois’ assertion that rights are not just “there;” they only come into existence if they are claimed, seized and contested (Langlois 2015a, pp. 29-30).

CSOs: Obstacles, criticisms and internal conflicts

Although LGBT CSOs now have a much stronger presence at the UN, they still have plenty of detractors. One way to clip their wings is through the accreditation process. CSOs participate in UN meetings in different ways. Getting a building pass to observe

particular UN meetings is relatively straightforward; however, for CSOs to participate at a deeper level in UN processes – for example, to participate in consultations on the SDGs, to make presentations or ask questions in open plenary at UNGA or the HRC – they need to be accredited by the UN Economic and Social Council (ECOSOC), which links a vast array of UN agencies and councils. ECOSOC has a committee that reviews CSOs and provides or refuses accreditation. The committee’s work is, by definition, politicized because it is composed of delegates who represent the UN member states in all regions of the world.

My interviews confirmed D’Amico’s (2015) observation that “...some LGBTIQ NGOs have been repeatedly deferred or outright denied accreditation, deliberately excluding them from venues where human rights issues are discussed, treaties drafted, and points of law decided.” As of 2014, eleven of the twelve LGBT CSOs with consultative status were based in Western countries. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) applied in 2006 and only received its consultative status in 2011 (D’Amico 2015, pp. 67-68). One representative from a CSO based in the West stated that it can take two or three years to receive accreditation: “The Committee routinely blocks LGBT and sexual and reproductive rights groups” (Interview C29, 2015). Each NGO applicant is evaluated in terms of its ability to meet a certain set of criteria. In theory, the committee is supposed to consider each organization on its merits. According to one CSO representative,

Some countries will not block an NGO’s application unless
it is definitely not fulfilling the criteria set out by the

committee. Then there are the countries that don't even look at the criteria: they just don't agree with the NGO's substantive work. [Our organization] applied several times and expended a lot of political capital before getting accreditation (Interview C25, 2015).

Ironically, some NGOs have been accredited but cannot afford to attend the UN meetings. Others have the means to attend the UN meetings but are not accredited. One Western CSO uses its privileged accreditation to provide Global South countries with a voice at UN meetings:

I don't use it to speak about the ... situation [in my country], but for example, we allow groups from [the Global South] to speak: ... I can choose who will speak for our group, and I arrange badges for others to enter the meeting. It's way more powerful when someone can speak about their own situation in their country (Interview C29, 2015).

Another barrier is the CSOs' lack of engagement with the "non-like-minded." One CSO representative said simply, "We have no advocacy with hardline countries such as Russia or Afghanistan" (Interview C19, 2015). A CSO that brings LGBT advocates to meet diplomats at the permanent missions observed, "Most of the missions are willing to meet with them – but with Egypt, we don't even bother to ask" (Interview C3, 2015). An

advocate on Muslim LGBT issues talked about reaching out to Indonesia and Malaysia, “but so far I haven’t gotten any responses” (Interview C26, 2015).

A UN representative had some harsh words for LGBT CSOs: “...you’ve never met a more committed and passionate group of people. On the other hand, you’ve never met such a backstabbing group of people” (Interview U11, 2015)! One advocate discussed the “competition between NGOs” to send out press releases: the voices of smaller organizations on the frontline can sometimes be lost (Interview C2, 2015). The advocate on Muslim LGBT issues said: “It’s much easier to strike up partnerships with LGBT organizations than with Muslim organizations. There are many diehard secular organizations in the Middle East which are very opposed to working with religious NGOs.” These secular Middle Eastern human rights groups criticized the Muslim LGBT advocate for suggesting that better religious critiques were needed to challenge groups such as ISIS that use Islam to justify homophobic “narratives of violent extremism” (Interview C26, 2015).

There is also a pronounced split between what I will call, for the sake of convenience, more “mainstream” CSOs who use an equality lens to advocate for LGBT rights and what I would label more “radical” CSOs: radical in the sense that they use a feminist lens and see the roots of the struggle for LGBT rights to be part of a broader opposition to the suppression of sexual and reproductive rights. One advocate said, “We focus on human rights and gender, including access to abortion and forced marriage” (Interview C22, 2015). However, one LGBT rights activist complained bitterly about how the “radicals” criticize the “mainstream” approach:

They argue that what we are doing is in the SOGI silo; they say this does not help our issues and that we need intersectional approaches to examine sex work, HIV and AIDS. ... They say that we hog the limelight and say, “How dare you speak in my name?” They say that [our organization] is a northern-dominated, neocolonialist organization. That is the tune. But getting the UN to pump up the volume in these areas will backfire. They will see that the lines have been drawn. African states will say that sexual deviancy is being forced on Africa (Interview C19, 2015).

This split is evident in the example set out below.

The special rapporteur controversy

In June 2016, a year after my interviews took place, the third HRC resolution on SOGI was adopted, which mandated the appointment of a UN Independent Expert on SOGI (UNGA 2016). Various candidates applied, the choices were narrowed down by a group of Permanent Representatives in Geneva who interviewed the candidates and made a recommendation to the HRC President, who then appointed Thai expert Vitit Muntarbhorn (ILGA 2017). The appointment generated controversy. A group of African nations attempted to suspend his mandate a few months later at the UN General Assembly (UNGA) in New York in a series of procedural manoeuvres, arguing that there

was no “legal basis” for the position because “there is no international agreement on the definition of the concept of ‘sexual orientation and gender identity.’” Their motion was defeated 77-66 with 16 absentions (Lederer 2016). In 2017, Muntarbhorn resigned and was replaced by Costa Rican human rights expert Victor Madrigal, whose mandate continues until the end of 2021 (OHCHR 2020).

The opposition by conservative member states to this mandate is well-known. Less well-known is the fact that the LGBT community was also divided on establishing this position. My 2015 interviews provide important context about the friction between the “radical” and “mainstream” approaches to SOGI issues at the UN. Although the “radical” group won the first round in 2013, by 2016, the “mainstream” LGBT rights advocates had prevailed, and Muntarbhorn had been appointed.

The first SOGI resolution at the HRC in 2011 is an example of what happens when the profile of a new human rights category is raised within the UN system. Since there are dozens of other human rights issues competing for attention, there are certain strategies for keeping the momentum going: for example, speeches and reports are delivered by the UN Secretary General and the UN High Commissioner for Human Rights. In fact, as described in the next chapter, the first-ever UN report on human rights violations on the basis of SOGI was released a few months after the 2011 resolution (OHCHR 2011). Hillary Clinton used the occasion of the report’s launch in Geneva to declare that “Gay rights are human rights,” which raised this issue’s profile significantly. To continue the momentum, the next logical step was to create a Special Procedure dedicated to SOGI issues. This would have had the effect of enshrining LGBT rights

within the UN human rights system; a Special Rapporteur or an Independent Expert on the topic help to ensure that the issue remains top of mind.⁵⁰ The timing seemed right; according to a UN representative, the Norwegians were pushing for it. To that end, Norway organized a key conference on LGBT rights and invited CSO reps from 66 countries to participate. South Africa co-chaired the conference, which ended on a positive note with the agreement to work towards establishing a Special Procedure on SOGI issues. However, in order for this plan to succeed, three things would need to fall into place: (a) a majority of votes in the HRC would need to pass a resolution that proposed this Special Procedure; (b) a Global South HRC member would need to co-sponsor to this resolution; and (c) there would need to be buy-in from Global South CSOs.

After the Oslo meeting, global LGBT advocates from a cross-section of organizations and ideologies began to debate the proposal to establish a SOGI Special Procedure. A group of African lesbians advocating for sexual and reproductive rights (SRR) began offering an alternative view, summarized as follows: creating a Special Procedure on SOGI issues “would be a bad idea, because the Special Rapporteur wouldn’t be invited into countries that are totally against it. The mandate is far too narrow. We need a Special Rapporteur on sexuality and gender that covers abortion and sexuality education” (Interview C22, 2015). A UN representative described their argumentation thus:

⁵⁰ The way of establishing a Special Procedure is complex, but essentially involves (a) gathering support among like-minded member states at the HRC; (b) producing a draft HRC resolution that contains a paragraph that directs the Office of the High Commissioner to establish and fund a Special Procedure on a particular topic; and (c) gathering enough votes among the 47 HRC members to ensure the passage of the resolution.

A few groups came up with an intersectional analysis saying that it would be wrong for South Africa to lead this movement. The rationale was that, in the long run, South Africa's stature as an African human rights leader would be weakened by taking on LGBT rights. This issue would dilute the gender-focused work that South Africa was leading on in Africa, including gender inequality and female genital mutilation. A coalition of African lesbians claimed that focusing on SOGI issues was silo-like and not intersectional; the focus of this Special Procedure should be broader and include issues of gender and sexuality (Interview U11, 2015).

The bitter ending to this dispute was described thus:

This led to all the CSOs around the world bickering and before we knew it, South Africa took this cue to wash its hands of establishing an LGBT rapporteurship. I think they were silently relieved to be doing this, so that they could maintain good relationships with other African countries. We were so close, we could touch it, and yet we let it slip through our fingers (Interview U11, 2015).

According to the CSO and UN representatives I interviewed, once South Africa perceived that there were outspoken African CSOs opposed to the idea of a Special Rapporteur on SOGI, maintaining leadership on the file became too risky and caused South Africa to withdraw its support. The decision to shed its role as co-sponsor doomed the project. One UN representative saw even darker motives, suggesting that South Africa knew even at the Oslo conference that it would never support such a project: “As Norway and South Africa walked up the aisle, South Africa was quietly waiting for a chance to stab Norway in the back! Everyone left Oslo with an agreement to have a Special Rapporteur, and then all hell broke loose” (Interview U11, 2015).

This small case study points up some obvious ideological differences within civil society in terms of where LGBT rights fits along the spectrum of sexual and reproductive rights. One CSO representative described the criticisms levelled by the Coalition of African Lesbians (CAL) as

... the “proxy critique.” Western values are being imposed on other countries using Western LGBT identity. These arguments were used to oppose a special mechanism. It rightly pointed to divisions between organizations at the regional and national level. There are divisions between the Geneva-based élite and the regional and national organizations.⁵¹ Some of the controversy centered around

⁵¹ In other words, the CAL’s opposition to the mandate pointed up how LGBT organizations in different regions, such as Africa, and different countries within that region, could have such different views

identity politics. People didn't understand what the Special Procedure could offer (Interview C8, 2015).

The controversy not only points up internal divisions on SOGI but on two other dilemmas. First, diplomats who support LGBT rights must be mindful that the CSO they support may only represent a partial viewpoint of the community. Second, the case demonstrates that there are differences of opinion on how hard to "push" states on SOGI issues for fear of either provoking a backlash or eclipsing other important gender-related human rights issues. Even though Global South leadership on LGBT rights is absolutely crucial for a more comprehensive policy take-off, there are often fears that taking a leadership role on LGBT rights will be a "poisoned chalice," as Davies (2010) described it.

CSOs that attempt to become more "non-Western"

The Special Rapporteur controversy points up a dilemma facing international LGBT organizations. They experience pressure to demonstrate they are not "Western." For example, a Muslim LGBT advocate avoids meeting with the US and UK representatives. The advocate's work involves countering the homophobic discourse produced by anti-LGBT governments and religious organizations. The advocate monitors the statements of Islamic countries in multilateral fora and provided the example of Saudi Arabia, which argues that initiatives that promote gender equality and women's empowerment go "against Sharia law. I argue that the Koran promotes sexual diversity and pluralism."

compared to the views and policies on LGBT rights promoted by the international CSOs, who are referred to as the "Geneva elite."

Concepts such as apostasy and blasphemy are also challenged. This advocate's goal is "... to poke holes in the misogynistic, patriarchal narrative... crafting language and providing policy narratives to counter these arguments of cultural relativism." However, the advocate is anxious to not appear "Western" and only associates with non-Western countries and CSOs: "I don't want to see this as something coming from the West; I want Muslim states to refute these arguments" (Interview C26, 2015).

However, this advocate would be the first to admit that this approach can only go so far. For example, as soon as the advocate speaks to Muslim diplomats, the first thing they say is, "I believe that marriage is between a man and a woman." The advocate's response is: "We're not even talking about marriage, we're talking about security and freedom of expression." The advocate has very low expectations about what can be accomplished when a CSO attempts to change the "hearts and minds" of conservative diplomats on sensitive human rights issues: the task is daunting. Once, when the Ambassador of a conservative Muslim country attended a UN meeting on gender, the CSOs and Western member states were thrilled: "Sometimes we get a hopeful sign" (Interview C26, 2015).

Altman (2008) argues that the 20th century LGBT movement initially emerged because Western liberal capitalist societies created a space that allowed it to thrive. However, where does this leave social movements in non-Western societies in which people have "come out" in very different conditions that are not always conducive to the emergence of a strong civil society? In other cases, they are not able to come out at all. Indeed, to return to Rahman's (2015) point discussed in Chapter 3, in some predominantly-Muslim

countries, the concept of a Western-style LGBT movement appears to be currently out of reach, since LGBT rights are often equated with a type of neo-colonialism. LGBT rights and modernity go hand in hand: defenders of LGBT rights are, in a broader sense, also viewed as defending Western culture. This puts Western-affiliated LGBT advocates in a difficult situation. One advocate said the organization would love to receive support from different parts of the world; however, it exists mainly on donations that originate in the West: “Russia and China say we are pawns of the West” (Interview C28, 2015).

This advocate was clearly doing some soul-searching:

But are we imposing Western values on the rest of the world? That is part of the debate internally. We call ourselves LGBTI. It’s a generic shorthand; but at the same time, there are identities and communities at the local level, especially in the Global South. Is [our organization] a Western agent? We are funded by Western entities. You have to have funding. At the moment only Western donors are supporting [our organization]. We are trying to diversify our funding (Interview C28, 2015).

Going back to the Special Rapporteur controversy involving the Coalition of African Lesbians, one Western-based advocate was dismissive: debates about imposing a Western sexual identity on the Global South was simply “identity politics.” This advocate believes that the solution is to take a “human rights” approach: “... we are not an

identity-based organization. We use a human rights lens. We are very pragmatic about this” (Interview C8, 2015).

However, as I reflect on this position, I find it ironic that this advocate implies that a “human rights” approach is not an identity approach. The advocate is fighting for the human rights of LGBT people – an identity group that was socially-constructed in the West. How is this not another form of identity politics? This is an example of the tensions examined in Chapter 1: the essentialist/social constructionist debate on homosexual identity. Wilkinson (2014) believes that “born this way discourse,” deployed by activists, reveals “the limits of identity-based rights claims.” Wilkinson argues that this brand of activism fails “to launch a sustained defense of sexual and gender diversity” in the face of populism and the movement for “traditional values” (Wilkinson 2014, pp. 373-374). On the other hand, the “radicals” in the Special Rapporteur debate seemed to be saying, “Sexual rights is a pluralistic concept across cultures that has an impact on many other human rights violations. Instead of zeroing in on one way of constructing sexuality, why not broaden this debate and give individual countries the choice to define that sexuality for themselves?” Viewed from this angle, one could argue that the advocate from the sexual rights organization (as opposed to the purely LGBT rights organization) is the one using a broader human rights lens.

Conclusion

The chapter provides many concrete examples of the triadic relationship between IGOs, CSOs and diplomats that both strengthens and weakens LGBT rights – mostly through

multilateral fora, but also through bilateral efforts. Whether these actions take place through the UN or bilaterally through quiet diplomacy and programming, a political struggle is taking place within a highly-polarized environment. Two themes have emerged in this chapter. The first is the portrayal of LGBT rights as a barometer of Western civilizational superiority: Western states criticize non-Western states for committing many types of human rights violations, including violations against LGBT rights, which is held up as a marker of a backward, barbaric society. The second theme is the opposition to LGBT rights-based claims, justified by the argument that the promotion of LGBT rights is a proxy for the broader imposition of Western values on “traditional” societies. Proponents of this argument reject the bilateral attempts of Western states to engage in LGBT diplomacy, whether it is through embassy mini-grants to local Global South LGBT organizations, or even when Western embassies raise the rainbow flag to support the LGBT movement in their host countries. Western development programming – as well as the threat of not receiving it – is another flashpoint. Western donor countries now promote LGBT rights within various development contexts, including health initiatives, strengthening governance and developing stronger human rights safeguards.

At the multilateral level, Western member states show no sign of backing down in their efforts to promote political, programming and policy support for LGBT rights. Global South countries continue to experience this pressure. Because of their solid alliance with Western member states, LGBT CSOs are dismissed by some critics as “pawns of the West.” The conflicts around SOGI that have played out in the UN human rights system

are now repeated in other UN fora and processes. An added complication is the attitude of some diplomats who participate in these negotiations: the personal can sometimes be political. One interview subject raised the example of the Global South ambassador who adamantly opposed UN LGBT policies who was immediately replaced by an ambassador who identified as LGBT and reversed course. In other words, it is difficult to know whether a homophobic statement or action is a matter of state policy or personal prejudice. In the next chapter, I demonstrate how the extremely polarized positions on LGBT rights at the HRC provided certain actors in the Global South with leverage to sway these debates.

My interdisciplinary framework serves as a reminder of the processes being described by the interview subjects in this chapter: LGBT movements strengthen and increasingly assert their rights within the framework of an international human rights system in which their claims are often marginalized: although the West takes up the claim, these moves generate an oppositional discourse which uses cultural relativism to oppose both universal and LGBT rights. However, Bosia (2013) reminds us that the “tradition” that this discourse invokes is suspect: state homophobia is not linked to a particular tradition but should be connected to the modularity of its homophobic practices at the state level. My interviews in this chapter confirm this tendency. This conflict, in turn, motivates diplomats, advocates and IGO representatives to develop strategies and practices to garner support to combat anti-LGBT human rights violations. While many of those interviewed considered these efforts to be a success, others were troubled by the conflict generated and the seeming intractability of the opposing sides. Among the

proponents of LGBT rights on an international level, divisions in ideology and strategy were apparent: these will be explored in more detail in Chapters Seven and Eight.

CHAPTER SEVEN

CASE STUDY: THE 2014 UN RESOLUTION

In the following case, the West’s “regional identity” – and its ability to assert its vision of LGBT rights – is put under the microscope. My interdisciplinary framework asserts that the West’s insistence on the universality of human rights through international diplomacy will generate a counter discourse, particularly in the area of LGBT rights. However, the deployment of homophobic discourse based around traditions in the international sphere must be linked to the persecution of sexual minorities unleashed by states at the domestic level during times of crisis. As Bosia (2013) points out, political homophobia is a malleable tool of state rule.. This chapter examines the debates around the 2014 SOGI resolution at the HRC, using the words of the diplomats, UN representatives and advocates who were behind the scenes. The case study helps answer the research question about how diplomats work in concert with IGOs and CSOs to strengthen and weaken LGBT rights. The interviews demonstrate the complex inner workings of multilateral human rights diplomacy. The chapter also reveals that the West – and in particular, the US – is no longer able to lead on human rights without the assistance of CSOs and LGBT-friendly Global South countries.

Background on the 2014 resolution

The HRC has presented four SOGI resolutions: in 2011, 2014, 2016 and 2019. When I conducted my interviews in the spring of 2015, the September 2014 resolution was

fresh on the minds of delegates. They really wanted to talk about it. Much of the key information in this chapter comes from a three and a half hour interview with a Latin American diplomat involved in the negotiations, whom I refer to as “Samy.”⁵² 2011 was viewed as a turning-point in the world of LGBT human rights diplomacy: in June, the HRC passed the first-ever UN SOGI resolution. As one Western diplomat described it, this first resolution “was a boost for the CSOs and motivated a better coordination both among the like-minded and among the non-like-minded” (Interview D18, 2015). The 2011 resolution was followed six months later by the launch of the UN’s first ever SOGI human rights report, attended by Hillary Clinton who made her now-famous “Gay rights are human rights” speech. Shortly afterwards, during the March 2012 HRC session, a high-profile panel on LGBT rights took place, which precipitated a walk-out by member states that opposed LGBT rights (Symons and Altman 2015, p. 62).

By 2013, the inevitable question among the like-minded was how to keep this momentum going. Samy explained the strategy: “After the first resolution, South Africa developed a ‘roadmap’ which included a series of regional conferences. This was supposed to lead to a global conference which would then lead to a second resolution” (Interview with D7, 2015). Regional UN meetings in Nepal, France and Brazil took place, followed by the key conference in Oslo, co-hosted by Norway and South Africa in April 2013 – discussed in the previous chapter – where the plan to create a Special Procedure on SOGI was discussed. However, after the plan for a Special Rapporteur fell apart,

⁵² Samy is a unisex name in Spanish, so the interview subject could be either male or female.

momentum slowed and anxiety increased: South Africa seemed to be losing interest in taking a leadership role. South Africa kept putting off the African regional seminar. A Western diplomat said, “They kept saying, ‘We need to do a regional seminar in Africa on this topic.’ We used to laugh about this famous seminar. It was strange – they used it as a delaying tactic” (Interview D5, 2015). One advocate was firm: “The South African Ambassador said he had no intention of leading another SOGI resolution... It was time for someone to move it forward” (Interview C16, 2015). However, another advocate had a different view:

They claimed that South Africa was not taking the lead quickly enough. But was South Africa really backsliding? It would have been bad for South Africa to push for a SOGI resolution.... The Northern states needed a proxy... This was the result of impatient northern states, and lots of NGOs having to report back to donors about their progress – instead of taking a long-term strategic approach. NGOs hate us, lots of states hate us for saying this (Interview C22, 2015).

Bubbling below the surface was the concern about the SOGI resolution’s cyclicity. As a way of background, UN bodies usually have meetings and assemblies that occur regularly. A series of resolutions are typically debated at these meetings on a range of topics which provide guidance to the member states on the theme being debated. There are generally two types of resolutions: “one-offs,” which may emerge to address a

particular issue or crisis, and the ones that are re-introduced with a certain frequency, e.g. every session, every year, every two years, etc.⁵³ At the HRC, more specialized resolutions come up every second year. This sends a signal that the resolution theme is top of mind in the UN human rights system. Advocates and Western diplomats were concerned that the 2011 SOGI resolution would be considered a one-off unless it could be presented every two years. The fact that, after two years, South Africa had not initiated another SOGI resolution – and the fact that there was no heir apparent to South Africa – triggered the pressure to push forward. The longer the HRC went without a SOGI resolution, the more difficult it would be to put it back on the agenda.

The role of the West in the 2014 resolution

Richter-Montpetit and Weber (2017) believe that “contestations over LGBT rights have come to constitute a key terrain of state- and nation-building and the construction of supranational identity” (Richter-Montpetit and Weber 2017, p. 11). The supranational identity of the West has become increasingly associated with LGBT rights. In the last chapter, I demonstrated how the Western like-minded have embraced this theme in all manner of international affairs, including bilateral diplomacy, multilateral diplomacy and international development. During my interviews, one camp seemed to suggest the

⁵³ It is important to keep in mind that there are dozens of human rights themes followed by the UN. Having a regularly-scheduled resolution enshrines this topic in the HRC agenda, thus providing the topic with more profile. The resolutions deemed most important are those accorded a regular “time-slot” during one of the three annual HRC sessions, which take place in March, June and September. For example, the HRC’s Violence against Women (VAW) resolution, coordinated and sponsored by Canada, happens every June; it has pride of place because it is considered not only to be an important issue but one that enjoys a lot of consensus. If any member state ever suggested removing the VAW resolution from its annual June timeslot – or presenting the resolution less frequently – there would be a hue and cry and Canada would be forced to react to this perceived slight.

US and its Western allies have lost their influence in the area of international human rights; other interview subjects felt that the West, led by the US, was still calling the shots but using hand-picked representatives from the Global South to further its objectives.

Samy, the Latin American diplomat, reflected on the pressure to conform to Western foreign policy: "... There are limits. We certainly cannot criticize the US or Canada on human rights issues" (Interview D7, 2015). A Global South diplomat working on human rights issues at the UN provided a concrete example of the pressure to conform.

Our mission would submit our analysis and recommendations to the capital. Usually the capital would agree with our recommendations. However, if our recommendation went against the US position, pretty soon our Foreign Minister would get a phone call and then we would have to change our position. Even if it was relatively minor (Interview D12, 2015).

At the UN, Western member states are known as the "WEOG" – the "Western Europe and Others Group," which also includes Canada, Australia, New Zealand, Israel and Turkey. (The US is not officially a member but is strongly allied with the group.) GRULAC is the UN term for the Latin America and Caribbean bloc. The "folk version" of the 2014 SOGI resolution's inception goes like this: GRULAC decided to lead the 2014 SOGI resolution – and went on to victory in light of South Africa's retreat. A contradictory

version is that the WEOG groomed the reluctant Latin Americans to lead a resolution that the West could never lead. One Western diplomat provided a “Western version” of the events that took place over the year leading up to the September 2014 resolution:

WEOG held secret meetings at the Swiss Mission in the second half of 2013. The main players were the US, the UK and France... We began to discuss the possibility of putting together a Group of Friends.⁵⁴ We tried to develop a cross-regional, like-minded group....

The US was quite instrumental in spearheading this group. In November 2013, the Secretary of State came into town, and that changed everything. At the highest levels in Washington, this was now a priority. The directive was top-down.... We took a parallel, bilateral approach. We tried to get GRULAC onside by démarching their capitals: our Ambassadors in Brasilia and Buenos Aires met with their counterparts.⁵⁵ It took us a year to convince Latin

⁵⁴ A Group of Friends is an informal structure that emerges in multilateral fora when like-minded member states meet regularly to strategize on the best ways to ensure the adoption of a resolution.

⁵⁵ A démarche takes place when a diplomat in a bilateral mission, upon instructions from his or her capital, goes into the foreign ministry of the host country to lobby for a particular objective and convey a message. For example, the objective could be to convince the host country's government to vote for a particular candidate in an upcoming UN election, or to send high-level participation to an upcoming summit. A démarche is considered more forceful than sending a diplomatic note or having an informal bilateral discussion with one's counterpart because there are clear instructions coming from capital to persuade the host government to take a particular decision. In this case, Western foreign ministries instructed their bilateral missions in some Latin American countries to lobby their host countries to take a leadership role in pushing through a new SOGI resolution at the HRC.

America to lead this resolution. It was difficult with Brazil; they were a bit scared. It was the first time for them to be taking on a non-consensual resolution.⁵⁶ This was a big thing to ask them to do (Interview D5, 2015).

This version of events would seem to confirm the advocate's comment that the "West needed a proxy" in order to deflect criticism that the US and other Western member states were imposing LGBT rights on non-Western member states. At the same time, it appears to undermine the idea projected by the Latin Americans that they had independently decided to take on the leadership role.

Early 2014

A coalition of dozens of LGBT NGOs from around the world met in Istanbul to develop a strategy on how to move the resolution forward. An advocate reflected: "It had been three years... we realized that we had been reactive; we needed to be more proactive. That is why we needed to reach out to like-minded states" (Interview C16, 2015). Samy added: "The CSOs helped us understand that there was a leadership vacuum at the Council with regard to LGBT rights. They made it clear that South Africa wouldn't be taking the lead for a second resolution" (Interview D7, 2015). Soon, word got out that a new SOGI resolution was in the works. The SOGI opponents came up with a counter-

⁵⁶ The vast majority of resolutions at the HRC are "consensual;" i.e. the member states do not call a vote. They might tinker with it, but in the end the resolution is agreed by consensus. Because the SOGI resolution lacks a broad consensus, it is one of the few HRC resolutions that actually goes to a vote. Sponsoring a non-consensual resolution and forcing a vote can be politically risky, especially for weaker member states. However, the theory that Brazil was "scared" of this possibility seems a bit overblown – perhaps an example of Western chauvinism.

strategy: they developed a resolution in support of “the family” which was presented at the June 2014 HRC session. Here is an excerpt:

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members, and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Reaffirming that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State,

1. Decides to convene, at its twenty-seventh session, a panel discussion on the protection of the family and its members to address the implementation of States’ obligations under relevant provisions of international human rights law and to discuss challenges and best practices in this regard;

Here were the voting results of the family resolution:

[Adopted by a recorded vote of 26 to 14, with 6 abstentions. The voting was as follows:

In favour: Algeria, Benin, Botswana, Burkina Faso, China, Congo, Côte d'Ivoire, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Morocco, Namibia, Pakistan, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against: Austria, Chile, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Argentina, Brazil, Costa Rica, Mexico, Peru, the former Yugoslav Republic of Macedonia] (UNGA 2014a)

Although the text, at first glance, seemed fairly innocuous, one advocate stated, “The same members promoting the family resolution were the ones criticizing the SOGI resolution” (Interview D7, 2015). The family resolution almost seemed to be mocking the LGBT-friendly states by cutting and pasting language from the 2011 SOGI resolution. Instead of calling for a panel discussion to address discrimination on the basis of SOGI, the 2014 family resolution called for a panel to discuss the protection of the family under international law. According to Samy, a decision was made not to create a confrontation: “The Council was completely polarized and a family resolution was coming out. We didn’t want the SOGI resolution coming out during the same session”

(Interview D7, 2015). A Global South diplomat recalled when the family resolution was being negotiated: “We tried to put in more inclusive language. It’s hard to be against a resolution on the family” (Interview D23, 2015).

The LGBT-supportive group of states complained that the family group was unethical by resorting to “dirty tricks” to get their resolution through. The LGBT-friendly group argued that instead of letting states vote on the substance of the resolution – in effect letting the facts speak for themselves – the opposing states manipulated procedures in order to guarantee the desired outcome.⁵⁷ According to a UN representative, the family resolution proponents used “Procedural motions ... to get the resolution adopted” (Interview U17, 2015). One Western diplomat noted that the proponents of the family resolution were “experts in procedure... they knew all the tricks to trip us up” (Interview D1, 2015). The bad blood was palpable: “... there was cheering at the HRC when the family resolution was passed... They did it in a very undemocratic way because there was no way to debate the changes” (Interview D7, 2015). A UN representative had to admire the strategy though:

The resolution on the protection of the family is a good example of a counter-narrative. It was very clever and got people on their back foot. The implied message was that

⁵⁷ In the multilateral realm, a lengthy and complex set of procedures govern the introduction of resolutions, the length of debates, which states can speak first, for how long, etc. The Chair, although technically a neutral position, also has the power to influence certain outcomes. There are many ways that procedures can be deployed to pass, defeat or disqualify a resolution in multilateral fora. Tactics often feature an element of surprise: for example, cutting debate and forcing a vote at an unexpected juncture, even when certain member states are absent.

you can't oppose protecting the family. This is an example of something that creates noise and takes up time and resources at the HRC (Interview U17, 2015).

The tension generated by the family resolution seemed to strengthen the resolve of the like-minded to push forward on a new SOGI resolution. At the same June session, the Latin Americans decided to issue a joint statement. Samy explained: "After all this work, I felt that the Latin American countries should do something..." (Interview D7, 2015). At the same session, a strong statement, signed by 500 NGOs, was issued calling for, among other things, a new SOGI resolution at the HRC (ARC International, 2014). Momentum was building.

Summer 2014

The race was now on for the Latin Americans to put together a SOGI resolution over the summer to be presented at the HRC session in September 2014. Not surprisingly, Samy said the Western countries were more than ready to pitch in:

We had a meeting with the ambassadors of [two Western countries], and the big countries were saying, "What do you need? What can we do to help?" Usually they want you to help them. So there was a real coordinating effort. We received a lot of trust and support from our friends... We needed the help of Canada, the US and the EU to

démarche the capitals, especially in Africa and Asia, to get the votes (Interview D7, 2015).

In addition to the first theory that the West was the driving force behind the resolution, and the second theory that the Latin Americans were behind it, a third theory emerged. One Western diplomat said: “Civil society drove the whole process. We met with CSOs. It was all positive interaction (Interview D1, 2015). Samy explained that an NGO convened regular breakfast meetings in July and August, where the Core Group⁵⁸ would meet with CSOs and other like-minded member states. As the session got closer, the Core Group began meeting every day:

We actually had diagrams and scenarios for all the possible outcomes. It’s like before a soccer match: you don’t know if you’re going to win. We also met with the Group of Friends. From a professional point of view, I learned a lot about political processes, démarches, rules of procedure and how to crunch the numbers (Interview D7, 2015).

The draft resolution was circulated at the HRC and negotiations between several member states began in earnest. Samy explained the process:

We had meetings every day to negotiate the resolution...
Pakistan, Egypt, and Saudi Arabia were the worst. Then

⁵⁸ The “Core Group” is a subset of the Group of Friends and refers to the few countries who are the most ardent co-sponsors of a given resolution. They draft and re-draft the resolution, meeting regularly to ensure its passage.

there were the bad things people were saying informally; for example, there was a rumour that the resolution was trying to promote gay marriage. The amendments Pakistan wanted to put in were very unfriendly. However, we always tried to answer in a professional way. We had a constructive approach. We tried to take their suggestions onboard. We tried to be accommodating. There were a few rules of procedure, like a “non-action motion,” that we could have used to kill the amendments. We decided we weren’t going to use the same dirty tricks that they had used to kill our amendments in June during the negotiations for the family resolution. (Interview D7, 2015).

In the negotiations, Samy justified some of the trade-offs: “When we looked at the numbers, it was 50/50. So, we compromised and gave up the proposal for a panel discussion”⁵⁹ (Interview D7, 2015). A Western diplomat saw this as a capitulation: “When the resolution was being drafted, we pushed the [Core Group] for a stronger text. The more concrete the draft became, the more scared some of the members got” (Interview D5, 2015). In other words, the WEOG members were pressuring the Latin Americans to strengthen the text; however, the Latin Americans were being cautious,

⁵⁹ Giving up the possibility of a panel discussion might seem innocuous, but these events provide a high level of profile to human rights themes.

not wanting to alienate member states whose support was not certain. The same diplomat revealed the backstory: “Ten days before the vote, the paragraph which proposed a panel discussion on LGBT rights disappeared; otherwise, China said they would vote against it. But at least China is honest: they give you their word about what they are planning to do” (Interview D5, 2015). An advocate complained about a further weakening of the text: “There was a proposal for regular reporting⁶⁰ that was dropped at the last minute (Interview C16, 2015).” The vote was adopted by a vote of 25 to 14, with seven abstentions.

In favour: Argentina, Austria, Brazil, Chile, Costa Rica,
Cuba, Czech Republic, Estonia, France, Germany, Ireland,
Italy, Japan, Mexico, Montenegro, Peru, Philippines,
Republic of Korea, Romania, South Africa, the former
Yugoslav Republic of Macedonia, United Kingdom of Great
Britain and Northern Ireland, United States of America,
Venezuela (Bolivarian Republic of), Viet Nam

Against: Algeria, Botswana, Côte d’Ivoire, Ethiopia, Gabon,
Indonesia, Kenya, Kuwait, Maldives, Morocco, Pakistan,
Russian Federation, Saudi Arabia, United Arab Emirates

⁶⁰ The request for “regular reporting” on a specific issue is embedded in strong resolutions; this forces the issue to be raised at the HRC on over and over again, which keeps the human rights theme front and centre.

Abstaining: Burkina Faso, China, Congo, India, Kazakhstan,
Namibia, Sierra Leone] (UNGA 2014b)

Samy reflected:

The vote was pretty emotional... When we learned that we had won, the CSOs in the audience were all crying and hugging each other. At first, I thought, “Why are they crying? It’s just a text.” But the feeling was priceless. It was the first time in my professional life I felt like what I was doing was making an impact. It was worth it (Interview with D7, 2015).

An advocate, while more sanguine, underlined its significance:

I was sitting at my desk watching the HRC vote via webcam while trying to get out the press release. I wasn’t crying, but the fact that people were weeping in the corridors after the vote is more than just an anecdote; it’s an important symbolic confirmation that we should not underestimate (Interview C2, 2015).

After the vote, a UN representative told me that Muslim diplomats from Asia met privately “to congratulate us on the success of the resolution, even though they can’t publicly say anything” (Interview U11, 2015). Although the interview subject was not explicit, the implication here is that the diplomats were either in the closet or at least

LGBT-friendly – opposed to the positions of their own governments but unable to express this view publicly. Samy was approached by a Middle Eastern delegate who wanted to offer congratulations after a very difficult negotiation: “That felt very good.”

There was much celebration at the end-of-the session party. Some CSO representatives were invited to the celebration and were dancing. Afterwards, the CSOs took the Core Group members out for lunch to thank them for their work on the resolution (Interview D7, 2015). During my interviews – eight months after this resolution had been adopted – the performance of the Latin American bloc still divided the UN representatives, the advocates and the diplomats. As seen in the comments below, it seemed that, while most of the interview subjects were relieved that Latin Americans had “taken over,” as one diplomat put it, some thought the Latin Americans hadn’t gone far enough. Others felt the Latin Americans had gone as far as they could go, given the political polarization within the Council.

“Glass half-empty”

- **Western diplomat:** “The first HRC resolution and the first report were seminal, but the second resolution was super weak” (Interview D18, 2015).
- **UN representative:** “The [second] HRC resolution ... was watered down... Latin America accommodated Africa’s demands for further compromises” (Interview U11, 2015).
- **Advocate:** “The like-minded all wanted a SOGI resolution; we wanted a strong one. We wanted gender expression to be added to the text... The language was

weakened. The resolution wasn't worth a bag of crap. Look at the platitudes in the text, with states being invited to take action... but then what" (Interview C22, 2015)?

"Glass half-full"

- **CSO representative:** "I don't agree that the resolution was weaker. It builds upon the first one. It's a strong resolution. The number of votes sends a powerful message" (Interview C16, 2015).
- **Global South diplomat:** "I don't believe the second resolution is a weaker resolution. It's very similar to the first; it's a follow-up. We don't ask for a panel every time. That is not the way the Council works. We have to move on" (Interview D23, 2015).
- **Samy:** "If you lose the resolution, you won't see it again for several years. So, after all this work, it is very frustrating to be criticized and hear that the resolution is weaker than the last one. We were four countries, and we did the best that we can. What do you want? To have a resolution, or no resolution at all? And I disagree that the resolution isn't substantive. How do you measure substance? Substance doesn't necessarily mean that there is a follow-up mechanism attached to it" (Interview D7, 2015).

Analysis

To return to the question posed at the beginning of the chapter, was the resolution the “West’s” doing? When I asked the question, Samy’s body language changed and he became more animated: “I know what people have said: that we were doing the heavy lifting and WEOG’s dirty work. I disagree that they manipulated us” (Interview D7, 2015). Samy was particularly sensitive because criticism was coming on both sides: Global South diplomats criticized the Latin Americans for “selling out” and siding with the US, and radical advocates complained the Latin Americans had not gone far enough. One UN representative blended the radical “proxy” theory with the idea that future leadership on these issues must come from the Global South:

Some relatively small countries in South America decided that they would champion the SOGI resolution. But the WEOG argument is a half-truth. No, it’s an untruth, because the WEOG is poisoned. If the Latins hadn’t put their name on it, it wouldn’t have happened. It’s true that the US was key to getting the vote result. There’s no question about it. But GRULAC wasn’t groomed. That is a misreading (Interview U17, 2015).

In other words, the truth may lie somewhere in between. After South Africa relinquished its leadership role, the WEOG needed Latin American member states to achieve the desired outcome. By the same token, however, it seems highly unlikely that

the Latin American member states could have pulled it off without the WEOG's support. One advocate reflected on how the resolution had evolved from the first one: "The voting record on the second HRC resolution indicated that there has been an increase in support. Some states have changed their thinking. But to do that, the resolution had to be made more palatable to the most number of states; in other words, a lowest common denominator approach" (Interview C15, 2015). The advocate felt the resolution proved that progress was within reach: "The states that show the most potential for change at the moment are Vietnam, which voted in favour of the resolution, and China, which abstained" (Interview C15, 2015).

Similarly, another advocate looked at the resolution by taking into account shifting attitudes in Africa: "In the end, out of 13 African countries to vote, only 7 opposed it" (Interview C16, 2015). The message here is that labelling an entire continent as homophobic is neither accurate nor useful; there is incremental change, even if we do not always see it. A UN representative was optimistic:

Remember, there were many abstentions, including Burkina Faso, the DRC, Namibia, Sierra Leone and Botswana. And Benin stayed out of the room. On the one hand, it could be a reflection of the pressure on these states to abstain. On the other hand, for several of these countries, it could mean that there is scope for dialogue. Mozambique has already changed its legal code. These are

positive changes. You do see negative positions, but you have to take the medium view (Interview U17, 2015).

All this talk about how member states voted produced speculation about which ones could “flip” in time for the next HRC resolution. In other words, many of my interview subjects held out hope that member states that had traditionally opposed SOGI issues at the UN would eventually shift their stance. One UN representative said: “It appears that there are possible shifts of policy on LGBT issues emerging in the Philippines, Thailand, Botswana, Mozambique, Malawi, Rwanda, and Senegal” (Interview U11, 2015). An advocate commented: “Our focus at the moment are pockets of the Asia Pacific and Caribbean regions that are quite ‘turnable’ in terms of a legal and policy framework. In the Pacific region, for example, most countries with laws don’t enforce them (Interview C8, 2015).” A Global South diplomat was keen to point out that South Africa did come around in the end: “I don’t see it as GRULAC taking over. But South Africa didn’t want to take leadership. The important thing was that they did support it in the end. They actually voted and included their rationale” (Interview D23, 2015). The broader implication here is that human rights champions in the Global South are out there, but they are constantly shifting, depending on changes to a member state’s domestic foreign policy priorities. Taking the reins requires an enormous reserve of political capital that some Global South countries may possess at one point, but which may evaporate by the time the next resolution comes around.

Conclusion

The chapter's research confirms key elements of my interdisciplinary theoretical framework, which asserts that when the West insists on the need to protect LGBT rights universally, a counter-discourse arises: the "family resolution" is a good example of this process. Constructivists see "the international" as a "transnational process of norms diffusion," generating discourse in which "liberal norms of governing take on increasing importance" related to elements such as democracy, human rights, the rule of law and the market economy (Neumann and Sending 2007, pp. 678-689). However, Symons and Altman (2015) note that constructivist scholarship on international norms as a homogenizing force is now undergoing revision, taking into account the role of norms in creating "international hierarchy and regional identity" (Symons and Altman 2015, p. 86).

While the West's and Latin America's increased domestic support for LGBT rights has led to increased international support for LGBT rights, imposing norms around sexuality can lead to a deepening of international resistance. The opposition frames this conflict as a defence of sovereignty resisting imposition of Western cultural values and identity categories (Symons and Altman 2015, p. 65). Yet, these putative traditional values must be questioned: Bosia (2013) argues that the targeting of sexual minorities by the state is less about "traditions" and more about the relations of ruling: state homophobia at the domestic level reinforces a sense of belonging and cannot be linked to a particular culture or tradition. As a counterpoint to this alliance, Russia and other states support international anti-LGBT initiatives (Symons and Altman 2015, p. 62). On one level, this

case study answers my primary research question and demonstrates clearly how LGBT diplomacy is driven by a dynamic, triadic relationship between IGOs, CSOs and states.

Recalling the analysis of Sending, Neumann and Pouliot (2011), the institution of diplomacy “is changing over time as new actors are included in global governance and new forms of governing are being developed and put to use.” For example, the traditional state-to-state diplomatic relationship has been reshaped by multilateralism (Sending, Neumann and Pouliot 2011, pp. 534-536). The interview subjects in this chapter provide a guidebook of diplomatic techniques and strategies that can be deployed to “win” a vote on a resolution: this is a battle that takes an immense amount of diplomatic resources and political capital. It requires *démarches* in capitals and plenty of “arm-twisting,” not to mention months of planning. The results of a vote – yes or no – are very tangible and can be pointed to as a “win.” For many of those interviewed, winning the vote not only had great symbolic value, it had tremendous emotional resonance, sending a signal to states that oppose LGBT rights that an important core group of member states would not back down. Moreover, this win was seen as strengthening the hand of LGBT advocates and providing them with more leverage when dealing with their own governments.

Although the tide appears to be turning, LGBT advocates acknowledge that much effort has been expended over the past several years on multilateral processes. There is now a shift in thinking that resources might be expended in ways that achieve more concrete results. In the final chapter, LGBT diplomats and advocates reflect on new pathways beyond the “win/lose” debates at the UN Human Rights Council.

CHAPTER EIGHT

LGBT HUMAN RIGHTS DIPLOMACY: AN ANALYSIS

As my 29 interview subjects made clear, human rights diplomacy is not a straightforward process: it requires *démarches* on capitals, the hosting of receptions and side-events, the manipulation of procedures, the arm-twisting of weaker players, and the cultivation of strategic relationships between diplomats, advocates and IGOs. While all of my interviews were thought-provoking, about a dozen stood out: these were discussions with people looking beyond their “operational requirements” to see how their work connected to broader global efforts in this area. An even smaller subset of interview subjects were able to articulate how the global struggle to promote LGBT human rights fits within the sphere of international relations. These are the areas I wish to explore in this chapter.

At the end of my literature review in Chapter 3, I described my theoretical framework as a tool that can unlock “a deeper understanding of the policy implications that have emerged from the internationalization of LGBT human rights.” In this final chapter, I apply my theoretical framework to the data presented in the three previous chapters which describe how diplomats and advocates both strengthen and undermine LGBT rights within a range of international contexts. My goal is to use the data gleaned in this study to produce an analysis that: demonstrates successful examples of LGBT human rights diplomacy; points to gaps, inconsistencies and contradictions; describes potential

areas for research and policy development; and suggests new areas of engagement for diplomats, CSOs and IGOs. In the first section, I consider the ways that diplomats, IGOs and advocates have succeeded in protecting the human rights of LGBT people. In the second part, I examine some of the challenges that face Western diplomats and CSO representatives who advocate for LGBT rights, particularly within the multilateral environment. I also look more broadly at challenges currently facing the global LGBT movement.

PART 1 - LGBT HUMAN RIGHTS DIPLOMACY: BEST PRACTICES

While the international human rights regime has provided a certain space for LGBT human rights discourse to take root, it has also been a space of exclusion. Although international human rights treaties feature “aspirational, lofty language” (Mittelstaedt 2008, p. 353), explicit references to SOGI are absent. Given the current divisions over human rights internationally, it seems unlikely that these treaties will be amended in the near future to include SOGI issues. Still, in recent years LGBT rights have reached a new level of visibility at the multilateral level, especially within the UN, European and Inter-American human rights systems. This section highlights certain aspects of this engagement that have worked particularly well, and suggests areas of continued engagement.

The search for a middle path

Many multilateral mechanisms generate large-scale processes and activities. However, if SOGI issues appear on the formal agendas of these meetings, controversy and

polarization can often result. Still, there are never simply two camps: there is usually a middle group of states open to learning more about LGBT rights. These states may be uncomfortable taking a public stance that could generate criticism from their constituents at home. Diplomats and advocates need to get creative and find ways to engage members of this middle group on certain aspects of LGBT rights in a lower-profile environment. For example, while in Geneva, I learned about the work of the Association for the Prevention of Torture (APT), an NGO that monitors the Optional Protocol on the Convention against Torture (OPCAT), which has been signed by 77 countries and ratified by sixty countries.⁶¹ The OPCAT encourages each member state to develop National Preventive Mechanisms (NPMs) – a set of guidelines that member states can use to strengthen implementation of the Convention. In 2015, APT hosted a symposium on torture and LGBT prisoners, funded by the Swiss government. Fifteen UN member states from the Americas, Africa, Asia and Europe participated. Some of those member states had laws that criminalized same-sex conduct, but they were still willing to participate in this meeting. The final report (APT 2015) produced an impressive roster

⁶¹ The Core Treaties have nine Optional Protocols. Optional Protocols are side-agreements attached to existing treaties that focus on particular aspects of international human rights law. Out of all the member states that sign a particular Core Treaty, a subset chooses to engage on certain sub-themes, which could cover anything from disabilities to women's rights. Some of these Optional Protocols could potentially provide an entry point for engagement on LGBT rights. Optional Protocol to the Covenant on Economic, Social and Cultural Rights, Optional Protocol to the International Covenant on Civil and Political Rights, Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Optional Protocol to the Convention on the Elimination of Discrimination against Women, Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Optional Protocol to the Convention on the Rights of Persons with Disabilities.

of best practices. This example demonstrates that by focusing on technical areas, diplomats and line ministry experts, even from more conservative countries, can learn more about how to protect the human rights of LGBT people.

Recommendation: Existing multilateral mechanisms and processes should be leveraged in new and different ways to break patterns of polarization and allow officials from more conservative countries to learn more about LGBT rights.

Bigger does not always mean better

The UN may have the most extensive and well-funded human rights system in the world, but smaller, more specialized IGOs can also provide excellent opportunities for bilateral, multilateral and state-CSO dialogue – potentially in less confrontational and more collaborative environments. Consider the Inter-American Commission on Human Rights (IACHR), which holds dozens of hearings each year, including some on LGBT rights. Although they are called “hearings,” the proceedings roll out more like expert panels. From across the Americas, a mix of human rights advocates and experts, along with diplomats and line ministry experts responsible for human rights, meet to discuss various topics. These events are conducive to dialogue in ways that the UN’s UPR process is not: in Geneva, hundreds of delegates gather in one large room and delegations are given one minute and fifteen seconds to quickly read out a long list of recommendations before the microphone is cut and passed on to the next delegation. By contrast, at the IACHR, even governments that are not LGBT-friendly are encouraged

to sit down face-to-face with their adversaries to engage on substance. The public can also attend. The whole session is webcast, and the video is posted on-line.

The Commonwealth, La Francophonie, the Organization for Security Cooperation in Europe (OSCE) and the African Commission for Human and People's Rights are examples of IGOs that have potential for increased engagement on SOGI issues. These IGOs usually have general assemblies every year or two which shift from one country to the next, attended by hundreds or even thousands of politicians, policymakers, business leaders, and diplomats. The meetings often attract considerable media coverage and sometimes take place in member states that criminalize or discriminate against the LGBT community.⁶² Large international gatherings in these locations become rich diplomatic opportunities both to engage government officials and to hear the concerns of local activists first-hand: side-events can bring together parliamentarians, CEOs, artists and advocates.

Recommendation: CSOs, member states and the private sector should develop strategies to raise awareness of LGBT rights on the margins of large-scale meetings of smaller IGOs, especially when these meetings take place in countries whose LGBT communities are criminalized or discriminated against.

⁶² For example, in 2013, the Commonwealth Heads of Government Meeting took place in Sri Lanka. The Summits of La Francophonie have taken place in Senegal (2014), Togo (2017) and was scheduled to take place in Tunisia in 2020.

Regional litigation works

As my literature review discussed, legal challenges mounted by LGBT people in many Western countries – and more recently in the Global South – have led to impressive gains. At the multilateral level, certain regions, such as Europe and the Americas, have developed jurisprudence that has undeniably strengthened LGBT rights. Advocates lucky enough to live in an area with a functioning and relatively effective regional human rights system should be encouraged to continue on the path of litigation. However, this strategy requires very specialized and often costly legal expertise: litigants undergoing these lengthy processes often require substantial financial, security and emotional support. Regardless of the costs, these types of investments can have significant ripple effects across an entire region.

For example, the situation of LGBT prisoners was taken up by the European Court of Human Rights (ECHR). A 2012 case, *X v. Turkey*, involved a gay prisoner who protested his placement in solitary confinement, supposedly for his own protection, because of his sexual orientation. The court ruled in his favour. In the view of one scholar, “it is the first time in its history that the court has upheld a complaint related to sexual orientation under Article III of the ECHR... a critical evolution of the court’s jurisprudence on sexual orientation” (P. Johnson 2012). The Inter-American Court of Human Rights has heard three cases related to LGBT rights. In 2012, the Court ruled against Chile in a case involving a lesbian mother who lost custody of her children. The case was a turning point because the Court ruled that sexual orientation was protected under the American Convention on Human Rights (Inter-American Court of Human Rights, 2012). In 2016,

the Court ruled against Ecuador in a case involving discrimination in the military on the basis of sexual orientation (Inter-American Court of Human Rights, 2016a) and against Colombia in a case regarding survivor benefits for a same-sex couple (Inter-American Court of Human Rights, 2016b). In 2018, the Court issued an advisory opinion on same-sex relationships at the request Costa Rica, which led to the legalization of same-sex marriage there in 2020. Many observers believe it will open the door to rulings in other countries in the region (Inter-American Court of Human Rights, 2017).

Regional human rights litigation is also an area where the private sector can engage: for example, private law firms looking for opportunities to challenge oppressive local laws that criminalize same-sex conduct could provide pro bono services and training. At the same time, however – and while litigation can produce positive results – these types of strategies have the potential to divide the LGBT community: if the wrong test case is brought forward and then thrown out of court, it can potentially delay a court victory by many years. Targeting the right legislation in the appropriate jurisdiction, avoiding duplicative efforts, and thoroughly consulting the community are all crucial elements of a successful litigation strategy.

Donor states can also make an immediate, tangible difference in this area. For example, the Inter-American human rights system is chronically underfunded and inundated with a backlog of human rights cases from across the Americas. Increased funding would allow bodies such as the Inter-American Commission and the Inter-American Court to process more cases – including SOGI cases from across the Americas.

Recommendation: Donor states, CSOs, and human rights legal experts should partner with the private sector to develop litigation strategies within regional human rights courts that challenge discriminatory laws and practices – as long as these strategies are broadly consulted and supported by the local LGBT community.

Including LGBT voices in national delegations

One of the most exciting aspects of representing my country at an international meeting is being part of the national delegation. At the opening plenary, the Head of Delegation (HoD) is in the chair behind the sign that says “Canada,” around a vast oval-shaped table. Directly behind the HoD sits the next highest-ranking government official, usually the Ambassador. Then the Minister-Counsellor. Then me. In this scenario, all the members of the delegation are government representatives. However, there is nothing stopping member states from inviting CSO representatives to be on their national delegations. During my interviews, I had the opportunity to speak to an LGBT advocate who had been part of a national delegation to a UN meeting with a key human rights component:

[The Ministry of Foreign Affairs] was very interested in having CSOs participate in [a UN process]. They wanted our feedback and opinions They invited NGOs to meet, they integrated SOGI input, and they invited NGO representatives to be part of their official delegation. I thought it was a very unique approach... officials were

excited... we provided input into gender-based violence, trans identity issues, intersex children, and LGBT violence... they were open and asked lots of questions... Our delegation has a good dynamic (Interview C21, 2015).

The above example demonstrates that some states approach national delegations in a more holistic fashion when issues are being debated on the global stage. These civil society delegates are more than a “shadow” voice: they have a deep understanding of the human rights issues affecting their communities. In this case, the advocate was recognized by the government as a national expert.

Recommendation: LGBT advocates should not only be consulted but integrated into their national delegations at multilateral meetings where LGBT rights are debated and discussed.

Multilateral mainstreaming of LGBT rights

Most of my interview subjects were extremely proud of the UN human rights system’s advancement of SOGI issues, especially at the HRC. For years, it was the logical entry point for LGBT activists wishing to make their presence felt internationally. However, there is now a sense that the playing field is quite full. One diplomat I interviewed warned: “We shouldn’t put all of our eggs in the HRC basket; we should also support LGBT rights in other parts of the UN system” (Interview D18). SOGI issues are now being mainstreamed into many other UN processes and agencies. However, it has been a long, uphill struggle to make SOGI issues “part of the UN’s routine work,” as one advocate put

it, “instead of being a dramatic issue that emerges every couple of years” (Interview C2, 2015). One advocate felt it was time for everyone to roll up their sleeves:

The work with the UN agencies is very hands-on, moving from raising visibility to creating technical expertise... now it’s not enough to say, ‘Lesbian rights are human rights’... We are at this historical moment: we’re moving beyond the visibilizing process and entering a new phase where we have to be more technical. Now we need to integrate LGBT rights into multiple processes; for example, health and justice (Interview C25, 2015).

In fact, so much new work on LGBT issues is taking place that the UN set up an inter-agency network in 2016, chaired by the OHCHR (OHCHR 2018). One of those agencies is UN Women. Although it was established to address issues affecting all women, some CSOs find the agency difficult to work with. One advocate stated: “They don’t have a lot of internal guidance on LBT rights.” However, this issue may also be related to funding: “UNDP and UNICEF have oodles of money compared to UN Women” (Interview C25, 2015). Another UN entity, the UN Refugee Agency, developed training materials for their staff on SOGI issues in Iraq and other areas where ISIS had a presence. Staff are trained to recognize asylum cases based on SOGI issues since this could improve applicants’ chances of being accepted as a refugee (UNHCR 2018). Although another agency, UNICEF, initiated an LGBT youth campaign, there was opposition by

conservative member states and the initiative was blocked (Interview U4, 2015). The agency is now “using an LGBT lens for its in-country programming, but so far it’s unclear how this will be operationalized on the ground” (Interview C25, 2015).

The UN Development Program (UNDP) has been touted by advocates as the “next” LGBT friendly agency (Interview C21, 2015). One of UNDP’s programs, for example, “Being LGBT in Asia” (UNDP 2018), raises awareness of SOGI issues and strengthens the capacity of LGBT organizations in Asia. In fact, the paradigm of development may offer a way out of the polarization that LGBT rights has triggered within the human rights regime. There is now a shift to processes that feed into the Sustainable Development Goals (SDGs), which grew out of the Millennium Development Goals. In the months leading up to the September 2015 launch of the SDGs – a period when I was conducting these interviews – CSOs were working hard to “visibilize” LGBT rights, just as the final touches on the SDGs were being negotiated. One advocate observed: “It’s framing the next fifteen years, and LGBT rights should be part of this process... I didn’t see a lot of the usual suspects paying attention to this” (Interview C21, 2015). The fuzzy language of the SDGs – inclusivity, diversity, governance and social justice – might allow SOGI issues to be inserted into the international agenda in a less confrontational fashion. One advocate considered the prospects for LGBT rights within this framework:

A lot of work is already being done with the HRC, the Treaty Bodies and the Special Procedures. I feel that we should not duplicate or put too many resources into one place... The post-2015 process is so new that there is built-

in flexibility. With the UPR, there is a specific process, and the amount of input you can provide is limited... I see this as an opportunity to create some new pathways. We need some new ideas and some new blood (Interview C21, 2015).

Although advocates were unsuccessful at getting explicit SOGI references inserted into the SDGs, some member states, CSOs and IGOs are not waiting – they are forging ahead with strategies that integrate SOGI issues into a new generation of inclusive development initiatives. For example, the Canadian Commission for UNESCO, a coalition of CSOs, has developed a toolkit that proposes practical ways that SDGs can inspire Canada’s municipalities to be more inclusive of SOGI issues (CCUNESCO 2019). An international LGBT NGO, OutRight International, has produced a study that focuses on the impact of SDG #11, “Make cities and human settlements inclusive, safe, resilient and sustainable.” The report recommends non-discrimination policies for housing and employment, increased accessibility to public services, and improved data collection and reporting (OutRight Action International 2018). The private sector has also been working in this area. Lead 2030 is a business coalition that encourages youth to develop solutions for each SDG. Bristol-Myers Squibb is supporting a project to create a more inclusive workplace environment for LGBT workers by addressing SDG #10, “Reduce inequality within and among countries” (Lead 2030, 2019).

Recommendation: UN member states, CSOs and the private sector should work together to develop long-term strategies on ways to insert technical expertise on SOGI issues into

a wide range of UN business lines. The SDGs provide multiple points of entry to raise awareness of LGBT rights and to improve the lives of LGBT people.

IGOs, CSOs and embassies can produce local results

When I think about multilateral engagement on LGBT rights, I picture diplomats and CSO representatives meeting in Geneva, New York, Washington and other cities in the Global North. However, IGOs have many resources available to them in the Global South, including field offices, paid staff, and access to local embassies, CSOs, experts and the media. UNAIDS is a good example of an IGO that has successfully brought together Western donors, embassies and CSOs to address LGBT human rights concerns at the local level in communities of the Global South.

In Geneva, when I first learned of one of their programs, Kinsman and Gentile's (2010) methodology came to mind, which they explain emerges "through the social practices of people, developing a reflexive, dialogical, bottom-up analysis" (Kinsman and Gentile 2010, p. 26). The UNAIDS project is called "Indonesia, Kenya and Ukraine – UNAIDS tripartite cooperation on HIV and key populations (with support by Netherlands)" (UNAIDS 2015). The project's report provides the following overview:

The collaboration started by bringing different stakeholders together, bridging the gaps between the different key populations, including sex workers, men who have sex with men (MSM) and injecting drug users (IDUs), and between diplomatic missions, UNAIDS and community

organisations. ... The overall objective of the collaboration was jointly decided – key populations, including people living with HIV, are empowered to access (health and legal) services, demand their human rights, and enact change. ... For all three countries roadmaps are being developed in an inclusive and participative process, taking into account the lessons learned, the specific needs and the country context ... At country level the programme involves UNAIDS country offices, Dutch embassies, Dutch funded NGOs and their local partners. ...The country consultations have raised awareness that key populations share common concerns like violence, discrimination, and lack of access to (health and legal) services and human rights and have resulted in more exchange and joint working at country level (UNAIDS 2015, p.87).

Although an evaluation of this program goes beyond the scope of this dissertation, this project demonstrates how an IGO, a foreign ministry, a development agency, international NGOs and local embassies can work with local human rights activists to strengthen LGBT rights in several countries at different stages of development and facing different challenges. Since local NGOs often lack the ability to do extensive outreach, this approach has the advantage of leveraging the resources of embassies and

IGO field offices. More projects along these lines could be developed – a model for future collaboration between IGOs, diplomats and advocates.

Recommendation: Diplomats, experts, CSOs and states should study this UNAIDS project to see what objectives this triadic approach to LGBT rights was able to achieve and whether this model for local engagement can be utilized in various configurations across IGOs, CSOs and regions.

In this section, technical expertise emerges as an underlying area of multilateral engagement on SOGI issues in the future. In the absence of inclusive UN human rights instruments, new creative approaches have taken hold. I have highlighted specific areas where progress has been made, with good prospects for future cooperation. Smaller IGOs have the potential to raise awareness in a variety of settings; regional human rights mechanisms can sometimes be deployed to protect certain LGBT rights; LGBT advocates have opportunities to provide delegations with a deeper level of representation at international meetings; and IGOs can participate in projects to protect LGBT rights both at the international and the local levels. In many of these areas, there is a role for donor states, the private sector, IGOs, diplomats and NGOs to promote positive change at multiple levels.

PART 2 - LGBT HUMAN RIGHTS DIPLOMACY: CHALLENGES AND IMPLICATIONS FOR THE MOVEMENT

Throughout the course of my interviews, diplomats, advocates and UN representatives provided rich details about the difficulties they face while engaging in the day-to-day

practice of human rights diplomacy. These issues are structural and speak to the limitations of both the multilateral environment and diplomatic practice generally and raise broader questions about implementation and the effort spent to agree upon language – all within the context of a polarized and sometimes toxic diplomatic environment. The interviews also provided many insights into where global LGBT politics might be heading, particularly beyond the multilateral human rights framework that has propelled it to prominence over the past fifteen years. Using my interdisciplinary theoretical framework as a tool of analysis, my aim is to pinpoint the shortcomings of current engagement and suggest new pathways of engagement.

Proactive inclusion of LGBT issues in international spaces

According to my theoretical framework, attempts to include LGBT issues in international processes are consistently resisted by a core group of states that frame these efforts as a homocolonialist endeavour. Although it is important to “name” this exclusion and openly confront these strategies, another important approach is to prepare for these exclusionary tactics in advance. For example, whenever the UN decides to focus on a new theme, civil society is usually consulted. However, not all CSOs are LGBT-inclusive. As Hagen (2016) demonstrates, if new multilateral consultative processes exclude SOGI indicators – as was the case with the Women, Peace and Security thematic – LGBT lives are not visible because they are not reflected in the data. One option is to demand an inclusive methodology from the outset. The benefits may not be immediately evident in the short term, but in the longer term, producing this sort of knowledge will pay dividends. Using the example of sex- and

gender-based violence (SGBV), Hagen suggests “expanding indicators to be more inclusive of gender non-conforming individuals and thereby to capture other forms of SGBV currently undocumented within the WPS monitoring mechanisms” (Hagen 2016, p. 322). In Hagen’s example, efforts to include SOGI indicators paid off: in 2015, for the first time, the UN Secretary General’s report on sexual and gender-based violence (SGBV) in conflict zones included references to violence against LGBT people by “moral cleansing” squads in Iraq (UNSG 2015). Hagen points to this as an example of how advocates and diplomats from LGBT-friendly states lobbied to make SOGI issues more visible within the multilateral context. This approach also has a multiplier effect: once a precedent is set, and SOGI data is included in reports and processes, it becomes more difficult to return to previous exclusionary practices.

Recommendation: Diplomats who support LGBT rights in multilateral fora can play a constructive role by monitoring emerging policy initiatives, determining whether SOGI issues are being excluded, and flagging these concerns to civil society organizations at an early stage – instead of fighting to insert them after the fact.

The problem of implementation

My theoretical framework describes a world in which Western liberal democracies have elected themselves human rights champions and view a state’s commitment to human rights as a pathway to legitimacy. Yet, there is much criticism of the efficacy of the international human rights regime, particularly with regards to implementation. Currently there are an enormous number of human rights reviews and processes

producing prodigious amounts of information on human rights violations occurring around the world: however, the extent to which these violations are acknowledged and rectified by member states is the subject of much criticism and frustration. For example, although the UPR generates hundreds of SOGI recommendations annually during its state reviews, there is no mechanism to ensure that UN member states follow up and implement these recommendations. Kelly (2013) points out that, since many recommendations are not legally binding, the language is bland and obtuse. One diplomat I interviewed complained that member states are often “invited” to “consider” doing something, a move that inevitably dilutes the impact of a recommendation. Moreover, the member state has the choice of either “accepting” or “not accepting” a recommendation. Even when the member state “accepts” a recommendation, there is no requirement to implement it – nor does a mechanism keep track of which recommendations have been implemented by member states, and which have not. Obviously, these are shortcomings that relate not only to SOGI issues, but to all UPR recommendations. After, say, five years, should a recommendation that has not been implemented by a member state be publicly labelled as such? The ease with which the international human rights system produces recommendations – and the challenges associated with implementing these recommendations – raise difficult questions about the system itself. My theoretical framework makes the point that even an imperfect international system is vital because it strives to hold states that violate the rights of their own citizens to account. However, perhaps the real human rights “champion” is not necessarily the state that presents hundreds of recommendations at the UN Human

Rights Council, but the one working behind the scenes to increase the possibility that these recommendations will actually be implemented.

Recommendation: Member states and CSOs that focus significant resources producing recommendations that are unlikely to be implemented should be encouraged to balance this work with efforts to reform the system and to pursue implementation strategies.

This is an important avenue for future research.

Process versus substance

In the 2010s, CSOs and diplomats succeeded in having SOGI resolutions adopted at the HRC, which inspired similar campaigns to include SOGI language in resolutions led by other parts of the UN system. As noted in Chapter 2, Merry (2003) was impressed with the enormous efforts expended on the negotiation of the language of UN resolutions. However, according to my research, in various multilateral processes LGBT people are often rendered invisible, subsumed under the term “vulnerable groups,” instead of being expressly named. One example of these efforts that emerged from my interviews was “a push to name LGBT people as a group affected by crime at the UN Doha Crime Congress” – a campaign that generated considerable pushback (Interview D18, 2015). Since the high levels of violent crime experienced by LGBT people have been well-documented, outside observers might imagine that the inclusion of LGBT people in a UN resolution on crime would be a bit of a non-issue. Instead, hundreds of hours are spent by diplomats from conservative member states to oppose the inclusion of SOGI references. In another example, an advocate recalled bitterly how conservative states

succeeded in excluding all SOGI references in a UNESCO resolution on bullying (Interview C25, 2015). These are the very real battles that diplomats and UN bureaucrats must wage against conservative member states, pushed through the UN machinery with incredible resistance. On the other hand, some advocates I interviewed felt these multilateral debates resulted in abstract discussions on LGBT rights that are not always grounded in the lived experiences of LGBT people.⁶³ Because of the enormous amount of energy expended to negotiate these very fine points, some advocates feel they should spend less time on semantics. One advocate reflected: “We don’t just focus on Geneva now... we feel we need to concentrate more on implementation” (Interview C22, 2015). By “Geneva,” the advocate is referring to the fact that the UN Office of the High Commissioner for Human Rights is headquartered in Geneva, where CSOs expend considerable effort to promote LGBT rights through the UPR, the UN Special Procedures, the Treaty Body reviews and SOGI resolutions that are presented and debated at the HRC approximately every two years. In other words, the civil society representative is saying, “Advocating for the inclusion of SOGI issues in

⁶³ The comments brought back memories of living in Washington and negotiating human rights resolutions at the OAS. In one instance, the annual SOGI resolution was introduced with new language. For the first time ever, it was proposed that “gender expression” be included as an area deserving of protection. Diplomats from small Caribbean states that criminalized homosexuality immediately denounced the proposed change, while states that traditionally supported LGBT rights embraced it. As a way to address the polarization, I thought it might be helpful to engage on the substance of the proposed change. I asked the diplomats supporting the changes to the resolution to explain why the new term had been added. When they did not answer, I realized that they probably did not understand the difference between gender expression and gender identity. I asked if a transgender rights advocate could come before the OAS committee to explain this type of discrimination, but there was no interest. However, there was no shortage of fiery speeches by diplomats either condemning or supporting the proposal. Given the opportunity to meet representatives from the LGBT community in order to learn more about the challenges they faced, the diplomats declined, but they were quite happy to use the resolution to score political points.

various aspects of the UN human rights system language is important but insufficient. We need to focus on how the language in these documents is being translated into action.”

Obviously, the perseverance of CSOs to insert SOGI language into resolutions has dramatically increased LGBT visibility within the multilateral context. A survey of the websites of leading global LGBT advocacy organizations, including OutRight International, ILGA International and ARC International, shows that many of their key activities involve participation in multilateral fora and processes, providing input from an LGBT perspective. These advocates also provide training for LGBT activists from around the world to engage with these processes, which they use as opportunities to discuss SOGI issues with diplomats, legislators and IGO officials. However, should more effort be redirected to other areas of international advocacy, such as tracking human rights violations, providing legal and social support to victims in danger, and raising funds to carry on this type of work? It is worth pondering whether reduced civil society participation in formal multilateral processes would significantly decrease the visibility of LGBT people internationally.

Finally, it is important to note that there is more to the international promotion and protection of LGBT rights than multilateral human rights diplomacy: it should be combined with other approaches. This could include developing initiatives in partnership with the media, the private sector, faith-based institutions, the security and defence sector, the professional sports sector and the cultural sector.

Recommendation: CSOs should evaluate what percentage of their time and resources is spent on SOGI issues in multilateral fora and processes, as opposed to other areas of engagement that promote and protect LGBT rights internationally, including initiatives outside the multilateral frameworks. There is also a need for academic research that quantifies these efforts and attempts to determine the extent to which these resolutions have had concretely engendered policies and practices that promote and protect LGBT rights.

The wounded diplomat

According to Donnelly (2013a), human rights diplomacy has emerged as a key feature of Western liberal foreign policy. However, for First World diplomats flying in and out of world capitals for multilateral meetings and negotiations, “human rights” can be an abstract concept. My data suggests that practitioners of human rights diplomacy can be disconnected from the issues being debated and negotiated. This work is complicated by the fact that, during my interviews, many missions were described as highly-politicized work environments plagued by intolerance, harassment, nepotism and homophobia. Diplomats are like the rest of the citizenry – and can be guilty of stereotyping races, nationalities, religions and regions. They gravitate towards like-minded cliques, reinforcing common political, social, cultural and religious values. Although many people assume that diplomats are the *crème de la crème*, chosen through rigorous selection processes, in many countries even low-level diplomatic positions are a form of currency: diplomats are often appointed because of their families’ political connections with the government in power. A sad reality is that

diplomats working in Geneva or New York to promote respect for human rights may return home and discover that their own human rights –and those of their fellow citizens – may not be protected. Even diplomats from the “like-minded” countries with relatively high levels of human rights protection can experience discrimination and intolerance in their own diplomatic missions and foreign ministries.

According to Donnelly (2013a), human rights diplomacy focuses on three areas: violations against individuals, laws and policies that perpetuate human rights abuses, and the state’s involvement in broader patterns of abuse. At the bilateral level, human rights diplomacy is less abstract and more hands-on. However, as a result, practitioners of human rights diplomacy risk being traumatized and desensitized.⁶⁴ Despite growing awareness of the importance of treating PTSD in returning soldiers, traumatized diplomats are often overlooked and seen as a privileged, spoiled lot, insulated from the world’s brutal everyday realities.

Recommendation: Even if the trauma human rights diplomats experience is secondary, it can be debilitating in the long term. Foreign ministries should make counselling accessible to their staff at home and abroad and provide effective treatment for psychological conditions that can emerge or worsen during their careers, including post-traumatic stress disorder.

⁶⁴ For example, at one international meeting I attended, 200 diplomats were ushered into a theatre. Once we were seated, and without any warning, a graphic film flashed on the screen, depicting security forces massacring peasants. (Afterwards, we were told that the reason for the screening was to educate diplomats on the exploitative practices of North American corporations in the Global South.)

The homophobic side of diplomacy

My theoretical framework describes a process in which LGBT human rights diplomacy is framed as a Western “deployment of homonormative nationalism” towards cultures viewed as traditional and homophobic. Three out of the nine diplomats I interviewed identified as gay men. They represented states that expected them to advocate for LGBT rights internationally, even when their own governments continued to discriminate against LGBT citizens at home. On a personal level, these men were simultaneously struggling with their own experiences of homophobic discrimination in the workplace. This aspect of my research was most fascinating, and the experiences they shared were quite similar to my own work experiences.

At least these men lived in countries that did not criminalize homosexuality and provided them to a large extent with equal benefits. However, many LGBT diplomats from countries that stigmatize and/or criminalize homosexuality are denied protection from workplace discrimination and harassment and prevented from bringing their same-sex partners on posting. Not only are they forced to remain in the closet, they may need to publicly oppose LGBT rights or remain silent while their colleagues or superiors engage in homophobic behaviour or oppose LGBT rights.

These multiple layers of homophobia must be combatted on multiple fronts. Foreign ministries should strive to protect LGBT diplomats from discrimination and harassment and provide training and counselling that affirms their needs. For example, some foreign ministries provide diversity training on many topics, including SOGI issues. A few years

ago, all the staff in my division were summoned to a closed-door meeting and informed that a transgender employee was transitioning. We were briefed on anatomy, terminology, workplace policies, and how best to support our colleague. However, diplomats from conservative countries do not necessarily have access to this type of training, even if they wanted it. When diplomats arrive to work at permanent missions, IGOs should offer anti-homophobia training to diplomats who did not receive this at home.

Recommendation: Qualitative research to better understand how diplomats experience homophobia is needed, as is comparative research on anti-homophobia training for diplomats. When diplomats arrive in large multilateral missions in centres such as New York, Geneva and Brussels, to represent their countries at permanent missions, IGOs have a unique opportunity to offer anti-homophobia training for diplomats who do not have access to this training at home.

Multilateralism – making a difference?

After World War II, human rights became an international focus within multilateral institutions. According to my theoretical framework, LGBT human rights diplomacy is part of a broader effort by Western countries to promote human rights. Although I believe I succeeded in enumerating and tracking multilateral LGBT initiatives and processes, analyzing their effectiveness was another thing entirely. Although a complete consideration of this question was beyond the scope of my study, two questions kept percolating through my interviews: “To what extent are international LGBT CSOs able to

influence national/local LGBT NGOs?” and “Does this work effect fundamental change at the local level?”

Many of my interview subjects were convinced of the positive effect of multilateral advocacy on local activists. One advocate reflected: “More and more grassroots activists are aware of the importance of being engaged [at the UN]” (Interview C28, 2015). The advantage, explained another advocate, is that “having the CSOs attend international meetings has also led to more dialogue between the activists and their governments” (Interview C29, 2015). Most of my interview subjects agreed that, in an ideal scenario, activists should “use UN recommendations at a local level to effect change” (Interview C19, 2015). However, my question also inspired some soul-searching, generating doubts that were reflected back to me in the form of questions:

- Advocate: “There is an elite group of LGBT activists that go to these meetings. How do we translate this information to members and make it more accessible” (Interview C21, 2015)?
- UN representative: “How much are we able to translate these issues into actual protection” (Interview U13, 2015)?
- Advocate: “How can we use this type of report as an advocacy tool” (Interview U13, 2015)?
- Advocate: “... Once the report comes out, where will this lead? If the focus is not on the grassroots level, then how is there going to be lasting change” (Interview C22, 2015)?

One advocate who participated in UN processes and negotiations on LGBT rights did not know how to explain their relevance to grassroots members:

In the long run, I believe that these processes will benefit the grassroots. The problem is, how do we take this from a high level down to the real people? People actually don't understand what I'm doing here... because it's so abstract. It has a huge potential to make an impact, but it's difficult because people are not aware of these mechanisms (Interview C21, 2015).

Another advocate lamented:

... personally, I don't think what I'm doing now will affect change on the ground. I wake up every morning thinking about that. How does all this pertain to what will come out in the [UN] document...? Very little. In fact, SOGI is not even going to appear in any of these documents. Hopefully, attitudes will evolve. I don't feel that I'm personally effecting change now, but who knows? Maybe in fifteen years (Interview C26, 2015).

Since I have worked for years in this area, I could relate to my interview subjects' lack of clarity and ambivalence around the ability of multilateral processes to deliver results. I

have no definitive answer, but from a practitioner's perspective and my own personal experience, I find that bilateral diplomacy can provide some opportunities to experience a tangible "win." Defeating a resolution 35 votes to 12 has a different feel than organizing a meeting between a human rights advocate and a group of influential people from her country that could fund her organization. On the other hand, I have colleagues who absolutely believe that multilateral diplomacy is the most fundamental and transformative approach to international politics.

Recommendation: Academic research on the efficacy of LGBT human rights multilateral processes is needed to pinpoint valid shortcomings and generate alternative approaches. However, developing an objective sample group of interview subjects will be a challenge. My research revealed that many diplomats, advocates and IGO representatives have worked in this area for years and are very invested in this approach to LGBT politics. Some became defensive when asked about the general efficacy of multilateral LGBT human rights diplomacy. The challenge will be to find ways to cultivate critical thinking among practitioners in this area.

Is it possible for an LGBT CSO to be "non-Western"?

My theoretical framework notes that since the 1990s, LGBT CSOs have been engaging in human rights diplomacy with IGOs and LGBT-friendly states, which can lead to accusations of homocolonialism and the imposition of a Western sexuality identity on non-Western cultures that are constructed as traditional and/or religious. These consistent reactions raise questions about whether CSOs are able to defend sexual

minority rights without generating such reactions. In cities such as Geneva, Washington and New York, there are a handful of international LGBT human rights organizations who attend multilateral human rights meetings regularly, arguing that LGBT people around the world are discriminated against, require protection and must be treated equally. These CSOs have succeeded in abolishing laws, developing anti-discrimination protections, providing access to life-saving medications, and assisting people subjected to violence and imprisonment.

Unfortunately, it seems that no matter how much important work these CSOs do, non-Western critics dismiss them as “pawns” who do the bidding of Western states by imposing a Western vision of LGBT identity on the rest of the world. In theory, civil society is separate from the state. However, my research has demonstrated that the lines have become increasingly blurred between these LGBT CSOs and Western governments. In the data chapters, I showed how LGBT-friendly diplomats worked closely with these advocates to promote LGBT rights: three times a year, CSOs prepare for the UPR reviews by developing lists of country-specific SOGI recommendations and circulating them to Western states. According to my interviews, in some cases, Western diplomats cut and pasted these recommendations from the CSOs’ emails and presented them at their as their countries’ recommendations during UPR reviews at the HRC.

Another question, beyond the scope of this study, arises. If their intention is to represent a global constituency, to what extent do these CSOs represent and reflect the broadest range of sexual minorities around the world? If these CSOs are funded by Western governments and foundations – even if their offices are in Bangkok or Bogotá –

can they be considered “non-Western”? When LGBT CSOs co-write UN resolutions and co-host weekly breakfast meetings with their Western diplomatic counterparts, can they be considered autonomous policy-making organizations?

Recommendation: LGBT CSOs should work with communications experts to develop storylines that increase social acceptance and highlight their vital work to alleviate suffering and save lives. The private sector can also contribute, helping Global South CSOs develop new funding models that enhance self-sufficiency and autonomy.

Academic research can play a constructive role by analyzing where CSOs converge with Western LGBT human rights diplomacy, and where these CSOs can and should diverge.

LGBT rights does not equal sexual and reproductive rights

Although my theoretical framework refers to how Western liberal democracies project their human rights foreign policies, the reality on the ground is more complex. For example, in some cases, Global South/non-Western states join with Western states in international fora to support certain human rights positions but not others. For example, El Salvador has supported the OAS SOGI resolution since 2009. In 2016, it supported the SOGI resolution at the HRC that created the position of a UN Independent Expert on SOGI issues. This is reflective of a trend in Latin America, where acceptance of LGBT rights has increased dramatically in recent decades. (See Diez 2015.) At the same time, however, support for women’s sexual and reproductive rights has not evolved in the same fashion. According to the Guttmacher Institute, the Dominican Republic, El Salvador, Honduras and Nicaragua prohibit all abortions, no matter the reason

(Guttmacher Institute 2018). In El Salvador, women who abort can be sentenced up to fifty years in jail (Welsh 2018). This raises a question: What does it mean for a state to support LGBT rights while criminalizing women's sexual rights? This lines up with an interview I had with an advocate who, while discussing the sensitivities when talking to diplomats from conservative member states, reflected on the irony that "it is much easier to ask about SOGI than to ask about abortion" (Interview C22, 2015). This contradiction fascinated me while working as a practitioner of human rights diplomacy at the OAS: I learned early on never to say the word "abortion" in front of my diplomatic counterparts from Latin America. Yet, many of them were quite happy to attend a session on LGBT rights.

The contradiction also speaks volumes about the ways, described in Chapter 1, that LGBT rights has evolved from a liberation movement to an identity-based movement that focuses on equality rights. The narrative embraced by many human rights advocates I interviewed was that LGBT people are oppressed because of their sexual orientation or gender identity: they are born this way. As the literature review in Chapter 1 indicated, mainstream advocates use this identity-based approach to frame LGBT people as "regular" folks who love each other and are discriminated against. However, the mini-case study on the Special Rapporteur controversy in Chapter 7 illuminated a competing vision, one that considers LGBT rights as part of a broader struggle for sexual and reproductive rights that advocates for control over both men's and women's bodies and includes issues related to privacy, pleasure, reproduction, sexual assault and mutilation.

The lesson here is that even when acceptance of LGBT rights increases, racism, sexism and intolerance of other marginalized groups do not automatically disappear. Although the increased social acceptance of LGBT rights should be celebrated, advocates should actively question why – within the framework of a patriarchal ideology – their governments support the sexual rights of LGBT people, but not the sexual and reproductive rights of women.

Recommendation: Research is needed to better understand areas in the world where human rights defenders are torn between advocating for LGBT rights and advocating more broadly for sexual and reproductive rights. By examining success stories from countries that have addressed these challenges, intersectional research could provide CSOs strategies when faced with similar situations.

Defining the problems and producing the evidence

I describe my theoretical framework as an analytical tool that uses a methodology that combines empirical social science research with critical reflection in order to generate both social analysis and proposals on how practices could be improved. In that spirit, I turn my attention over the final two sections to ways that LGBT human rights diplomacy attempts to define and prioritize human rights violations against LGBT people – a term that is quite amorphous: UN representatives, advocates and diplomats that I interviewed could not actually define it. This lack of clarity makes it difficult to measure the extent and prevalence of human rights violations against LGBT persons. There are many other reasons that a dearth of data exists, such as the unwillingness of LGBT

victims to be identified and the tendency of these crimes to be overlooked in regions that experience war, internal conflict and high rates of violent crime. As a result, it becomes difficult to develop policies and programming tailored for specific themes, countries and regions.

At the heart of this challenge is an overall lack of data. The invisibility of human rights violations against LGBT people does not mean the crimes do not exist; it means that more effort is needed to enumerate them. One advocate commented: “We are always trying to provide evidence. Even in high-level meetings, you need to show that these things are actually happening. You can’t let the opposition wipe it off the table” (Interview C29, 2015). One UN representative admitted: “Reporting is rudimentary. Whatever figure is out there on LGBT human rights violations is only the tip of the iceberg” (Interview U13, 2015). This problem is exacerbated when victims are unwilling to frame their own cases as anti-LGBT violence or discrimination. One UN expert explained that although the torture of LGBT people occurs in prisons around the world, “they are afraid to talk about it.” Even after they are brought to treatment centres,

... It’s hard for them to disclose their homosexuality. It depends on the victim’s visibility with regard to their sexual orientation and gender identity. In Africa, some LGBT persons don’t want to go to torture rehabilitation centres for treatment because they are afraid of being identified. In Latin America, we see more visibility, especially in the trans communities. In other regions of the

world, torture victims are not so forthcoming (Interview U13, 2015).

The problem of lack of evidence is made worse when officials refuse to acknowledge the issue:

In Africa, when you speak to prison officials, they say that there are zero gays in prison in Africa. Nobody is having sex in prisons in Africa. There are no condoms distributed in these prisons. Because of the stigma around homosexuality, governments refuse to facilitate these kinds of discussions (Interview U13, 2015).

Gathering empirical evidence should be a major priority. However, since there are no agreed-upon definitions, how can such evidence be collected? A methodology agreed upon by advocates in many regions is a prerequisite for credible reporting: more and better reporting, in turn, will inform the policies of IGOs, governments and CSOs. At present, there seems to be no global repository that keeps track of human rights violations against LGBT people country by country, raising questions about how this data could be brought together systematically through the creation of databases that collect and analyze data across borders from multiple sources.

Another data issue relates to the difficulty of separating generalized violence from violence targeting LGBT people, particularly in conflict zones. One UN representative pinpointed the problem: “As an expert, out of the hundreds of cases I’ve worked on, the

LGBT content has been negligible: less than five percent. However, in some cases, the issue is less visible because of the cross-cutting nature of human rights violations” (Interview U10, 2015). For example, during my research, there was much discussion about the situation in Africa, Russia and the Middle East; Central America was not a place where efforts were focused globally. However, one report I read stated that, on a per capital basis, the most dangerous country for transgender people was Honduras. Between 2009 and 2017, 215 transgender people were killed (Banning-Lover 2017). I raised this with a UN representative, who said: “The violence in Central American prisons is extreme compared to other parts of the world. I call it ‘Hell on Earth.’ There is violence by fellow inmates and sometimes violence by the staff” (Interview U20, 2015). Yet, when I asked an advocate why CSOs tend not to mention Central America when discussing the “worst” countries or regions in the world, the response was: “We have difficulty sifting through the violence; we need corroborating evidence in order to confirm hate crimes” (Interview C2, 2015). Another advocate explained this paradox neatly in an anecdote:

I once attended a meeting with a donor. They were trying to decide which country to focus on. We presented several scenarios. They said they wouldn’t give any money to LGBT groups in Latin America because violence was endemic to Latin America, so anti-LGBT violence was part of that broader issue. So they decided to spend all their money in

Uganda. But when was the last time you heard about a murder in Uganda (Interview C8)?

The absence of a universally-understood definition, the lack of tracking mechanisms, the lack of empirical evidence, confusion surrounding these crimes in conflict zones: with the combination of these factors, the prevalence of anti-LGBT violations remains opaque, especially in countries whose crime statistics are more difficult to decipher. As I discuss in the next section, this leads to policy-making by default: instead of developing a global strategy, governments, IGOs and CSOs use a piecemeal approach to address human rights violations against LGBT people.

Recommendation: CSOs and academic researchers should consult broadly with LGBT communities in several countries to develop agreed-upon definitions of what constitute human rights violations against LGBT people. This will help overcome many of the barriers that currently prevent the systematic collection of this type of data – including, for example, the conflation of violence against LGBT people with other forms of societal violence, especially in conflict zones.

Pinpointing and prioritizing

According to my theoretical framework, LGBT human rights diplomacy occurs when advocates engage diplomats and IGOs to address persistent situations of homophobic discrimination and criminalization, often in non-Western countries. A steady stream of media reports from around the world chronicles a litany of injustices. There is no shortage of countries whose governments violate the human rights of their LGBT

citizens. However, my research indicated a lack of clarity around which countries are framed as problematic and why. In my interviews, neither diplomats nor advocates were able to clearly articulate why certain countries had been prioritized over others. In fact, diplomats and LGBT CSOs often react to one crisis and then another, as opposed to strategically prioritizing the challenges. My interviews revealed a surprising lack of consensus about which countries should be intensely focused on. In very unusual, extreme situations, such as the Chechnya crisis, a country's or region's homophobic policies are publicly shamed by foreign governments. However, the list of "bad countries" generally seems to vary like the weather. In my view, this results from the fact that there is no agreed-upon "shortlist" of "problem" countries where egregious violations of LGBT rights occur most frequently.

I propose that this unwillingness to "shortlist" is linked to two issues. First, sophisticated analyses of where more acute and systematic patterns of anti-LGBT violence are taking place are lacking. (This dilemma is linked to issues described in the above section on the dearth of universally agreed-upon definitions and empirical evidence.) When it comes to the prioritization of efforts, though, a second problem arises: my interview subjects were generally uncomfortable when asked which countries were the "worst." An advocate acknowledged this: "The question, 'Where are the problem areas?' can create problems itself. That is why CSOs avoid naming and shaming problem countries. It's an agreed-upon principle" (Interview C8, 2015). However, when member states, CSOs and UN refuse to name countries in which the worst anti-LGBT violations take place, how can governments and CSOs, with their shrinking resources, know where to redouble

efforts? One advocate explained: “Why is there a reluctance to name countries? There is a fear that this will make it worse in the field for activists. I would call it caution rather than reluctance” (Interview U20, 2015). Another noted: “We name and shame people based on their legislation. We would like to go further in a few years and prepare maps that would show the layers of discrimination taking place” (Interview C28, 2015).

Some interview subjects offered suggestions about which countries were “the worst” – but these suggestions sometimes raised more questions. One advocate ventured: “The most obvious offenders are those with the death penalty, including Pakistan, Qatar, Afghanistan and Brunei” (Interview C28, 2015). However, ILGA reports that the death penalty against homosexuals is not applied in those countries (ILGA 2017). One advocate took a different tack:

In terms of the worst countries, I would say Egypt in terms of the number of arrests and the statements by government officials. I would say Gambia in terms of the randomness of arrests and Cameroon for prosecutions. In terms of levels of violence, there was a flash in Russia, a flash in Nigeria, and a flash of targeted rapes of lesbians in South Africa (Interview C2, 2015).

Another advocate noted that “Nigeria, Uganda and Liberia are being inflamed by evangelical activity, if you look carefully,” then added: “But the worst ones are the ones that we know the least about. We have no idea what is going on in Saudi Arabia. We

don't know how many have been executed there" (Interview C28, 2015). Another advocate "wouldn't want to pick and choose" but suggested Iran, which "has more transgender surgeries than any country in the world. These are compulsory operations. Otherwise, you will be charged with homosexuality" (Interview C22, 2015). Sadly, Latin American countries where hundreds of LGBT people are murdered did not even seem to be on the radar for many advocates and diplomats. The more my interview subjects tried to answer these questions, the more doubts they seemed to raise, looping back to the problem I discussed in the previous section: the problem of definitions. As noted above, my interviews yielded several criteria that CSOs and diplomats used to label a country as the "worst."

Hate speech, executions and laws prohibiting same-sex marriage are all described as "human rights violations," prompting one advocate to ask:

Does it mean having fewer persons prosecuted for crimes?

How do we measure progress? For example, in Brazil, homosexuality is legal. In Iran, there is the death penalty.

And yet, we know that more people are killed in Brazil than in Iran. Just because a country has horrible laws doesn't mean it's the worst place for LGBT persons to live (Interview C8, 2015).

Perhaps this conundrum can be best understood as a puzzle within a puzzle: definitions and prioritization. On the surface, coming up with common definitions seems next

impossible. However, if nobody agrees upon any definitions – and if CSOs, IGOs and governments go off in all directions at once – it will be difficult to determine in which countries this phenomenon is most prevalent. Unless both puzzles are solved, it is unclear how a global movement to combat anti-LGBT human rights violations could rally around key themes and campaigns. However, a failure to do so could possibly lead to a fragmentation into smaller, issue-specific movements. There seems to be a growing realization that homophobia and transphobia cannot simply be reversed by overturning certain laws or creating new laws: there are multiple layers of homophobic behaviours, laws and policies to be unpacked.

Recommendation: Building on the previous recommendation around definitions, if academics and CSOs are able to build more consensus around what constitutes human rights violations against LGBT people, it will be easier to compare and contrast the prevalence of these violations across borders. This could help researchers and advocates pinpoint trouble areas where egregious violations occur most frequently. This exercise could then help to prioritize issues, develop long-term strategies, pool resources and create effective global campaigns and partnerships.

In this section I have reflected on some ongoing concerns that emerged in my research that could have an impact on the work on the LGBT movement going forward.

Questions were raised about: the effectiveness of LGBT advocacy efforts in the multilateral sphere; the prospects for decoupling LGBT activism in the Global South from Western governments and organizations; the need for LGBT advocates to unite more broadly with fellow advocates of sexual and reproductive rights; and the challenges

faced by advocates when gauging the prevalence of human rights violations against LGBT people and when deciding which areas to focus on. These shortcomings can have secondary effects, impacting the very diplomats who are fighting these battles.

Conclusion

In this chapter, I have developed a list of recommendations that sprang from my research. I describe areas of multilateralism and LGBT diplomacy that many would agree are ground-breaking efforts that have succeeded in incorporating the profile of LGBT rights into mainstream human rights discourse. At the same time, my research uncovered areas that are cumbersome and less effective. Then there are areas that fail to hit the mark: the “elephants in the room” that my interview subjects were less than willing to acknowledge – riddles and contradictions with no clear-cut solution but which a global movement will need to consider in order to maintain momentum.

The multilateral environment offers many opportunities to engage on SOGI issues – through national delegations, regional instruments and innovative programming. One of the great advantages of working within the UN framework is its access to representatives from every nation. However, one question raised during my research was whether diplomats and advocates reach out on SOGI issues to all 197 UN members. Do they preach to the converted? Or do they find ways to move closer to the middle? Another problem is that multilateral “promises” are not always kept: the processes can be arduous, time-consuming and may ultimately result in minimal impact. Human rights diplomacy can also be a domain of exclusion. In 2015, I interviewed activists struggling

to have SOGI references included in the SDGs. They never succeeded, which continues to slow progress in the area of international development.

As an activist who landed on the doorstep of the UN 36 years ago, I cannot deny that multilateral LGBT advocacy and diplomacy have made spectacular gains since then. One question that remains is to what extent these gains will translate into rights enjoyed by LGBT people representing a plurality of regions, religions, races, cultures, social classes and gender identity categories. How human rights violations against LGBT people are defined, highlighted, and prioritized will have a major impact on what a global LGBT rights movement could look like in the coming years. Is the movement moving into a vast tent or separating into silos? Will it coalesce and thrive or fragment and shrink? All this will depend on whether this movement is nimble enough to create a common front against multiple emerging threats.

CONCLUSION

In the spring of 1984, I hitch-hiked from Montreal to New York to attend a planning session for the International March for Lesbian and Gay Freedom, which was taking place in September of that year. One of the co-organizers, David France,⁶⁵ hosted me and several other activists: a sea of sleeping bags covered the living room floor of his Lower East Side apartment. The planning meeting was as memorable as the march itself: it was held on the campus of New York University and seemed to go on for days, as dozens of activists, from many regions and backgrounds, attempted to build a consensus on the overall objectives of the event we were organizing. There were consciousness-raising activities, debates about the name of the march and heated discussions around whether the North American Man-Boy Love Association should be allowed to participate. The march from Christopher Street to UN Headquarters on that beautiful September day is captured in several minutes of silent footage posted on the website of the political blog, *The Cahokian* (The Cahokian 2019). A youthful, banner-carrying crowd, flanked by dozens of mustachioed New York cops, calmly marches up Sixth Avenue. We were making history – not that I realized it at the time. As I stood in front of UN Headquarters, listening to speaker after speaker demand global justice, I

⁶⁵ David France went on to be a best-selling author and the director of several important documentaries: *How to Survive a Plague* (2012), about the early years of AIDS activism; *The Death and Life of Marsha P. Johnson* (2017), the trans activist from the Stonewall era; and *Welcome to Chechnya* (2020), which recounts his journey to Chechnya to interview victims of the anti-LGBT purge.

had no way of knowing how far the global struggle for LGBT rights would eventually progress.

At that time, LGBT organizations were literally outside the UN. But by the late 1990s, they were slowly working their way in. One key strategy was to integrate SOGI issues into mainstream human rights discourse. In the 2000s, the UN Human Rights Council (HRC) provided a global platform for this objective, and by 2011, Hillary Clinton had travelled to Geneva to declare, “Gay rights are human rights.” By placing LGBT rights within the pantheon of universal human rights, Clinton forced member states to take a stand. Blasius (2013) describes the Clinton speech as an event marking an “arc” of official advocacy that began at the Beijing Conference on Women in 1995. Although he does not give Clinton’s speech a ringing endorsement (“imperialist or liberatory or a combination of both”), he acknowledges its historic significance (Blasius 2013, p. 219).

This charged environment – multilateral human rights diplomacy – was the area I decided to explore for my dissertation. I embarked upon the literature review and quickly discovered how widely I would need to cast my net: I concluded there was no one scholarly approach with which to theorize so broad a topic. I reviewed critical literature from a range of disciplines, searching for tools that would help me analyze the phenomenon of multilateral human rights diplomacy and transnational resistance to LGBT rights. My review included scholarship on: the regulation and social construction of homosexual identity; the rise of an LGBT rights movement; the evolution and politics of queer identity formation; the decolonization and globalization of sexual and gender identities; the rise of the “equal” and homonormative LGBT citizen; international

relations; human rights; diplomacy; multilateralism; and civil society movements.

Finally, I explored scholarship that focused on the clash between proponents and opponents of LGBT rights, including literature on state-sponsored homophobia, Muslim and non-Muslim constructions of homosexuality, and the links between national and sexual identities.

This review allowed me to develop an overarching theoretical framework that lies at the interdisciplinary juncture of queer studies, politics and international relations, and policy studies, using a methodology characteristic in politics and policy studies whereby empirical social science research on current social practices is combined with critical reflection to generate both social analysis and proposals on how practices could be improved. This framework was an invaluable tool as I sought to analyze the immense amount of data gathered during my research phase which included participant observation at UN-related human rights meetings and events in Geneva and New York, as well as 29 in-depth interviews in diplomats, UN experts and representatives, and human rights advocates.

Much of the data analysis in Chapter 8 responds to my primary research question, pointing out key themes, points of contention, success stories, issues of concern, and areas ripe for policy development and further research: “How do diplomats work in concert with IGOs and CSOs to strengthen or weaken LGBT rights within the multilateral context?” However, the data also had much to say about my secondary research question, “What challenges face Western diplomats and CSO representatives who advocate for LGBT rights, particularly within the multilateral context?” as well as my

tertiary research question: “What do recent victories within the multilateral context indicate more broadly about challenges facing the global LGBT movement?”

Question 1: Multilateral LGBT human rights diplomacy

The post-War creation of multilateral institutions, and the UN human rights system created a space that eventually allowed LGBT rights to achieve an unprecedented level of international prominence. For decades, LGBT advocates fought to “get inside” the UN. A turning point was reached in 2011, when Hilary Clinton declared “Gay rights are human rights,” Although there is still much work to be done, there is a steadily-increasing amount of LGBT-inclusive multilateral programming and activities. When I analyzed my data on multilateral human rights diplomacy, a few key issues emerged.

Certain UN processes, such as debates over resolutions that support LGBT rights, seem to result in situations of polarization and confrontation. Activities with a lower profile, such as technical meetings and programming, may afford new possibilities to find some middle ground. There are UN member states that cannot publicly declare their support for LGBT rights but that appear to be interested in learning more: instead of only working with the like-minded, diplomats, advocates and researchers need to think creatively about how to reach out to this potentially influential group. Another key finding is that although smaller IGOs often have fewer resources, diplomats, advocates and researchers need to think strategically about how multilateral institutions beyond the UN can be leveraged to raise awareness of LGBT human rights issues, particularly in countries that are traditionally harder to reach. Many effective practices are already in

place. Regional litigation has made tangible gains in some areas; some programming has already brought together IGOs, diplomats and LGBT advocates to address grassroots human rights concerns. These successes represent a unique opportunity for academic researchers is to examine initiatives that are producing positive results and to see how governments, IGOs and civil society can work together to keep this momentum going.

Question 2: Challenges facing diplomats and advocates

My research pointed up some areas of LGBT human rights diplomacy that require more coordinated efforts between diplomats and advocates. For example, since some multilateral initiatives continue to exclude SOGI issues, diplomats can play a key role in advocating for meaningful consultation processes that pave the way for participation of LGBT advocates. Perennial issues – for example, the failure of many UN human rights recommendations to be implemented and the non-binding nature of many processes and resolutions – must be faced squarely by diplomats and advocates, who have finite resources to advocate for LGBT rights in international fora: are the efforts expended for these initiatives worth it? Perhaps academic researchers can assist CSOs in developing this calculus.

From a personal perspective, the most enriching aspect of my research was interviewing diplomats. Since I work directly in this area, the intimate discussions resonated deeply. I was struck by how passionate my interview subjects were when discussing how they felt their efforts were contributing to a strengthening of LGBT rights internationally. While they were enthusiastic, I believe these efforts need to be critically examined: there

appears to be a lack of research on the lived experience of diplomatic practitioners, on their ability/inability to effect change, as well as difficulties they face on a daily basis. My preliminary research demonstrated many examples of enthusiasm, commitment and a genuine desire to promote LGBT rights, but it also indicated attitudes of intolerance and a general combative stance towards the “non-like-minded.” My interviews also revealed a picture of frontline workers exposed to trauma and stressful, unsupportive work environments. LGBT diplomats appeared to be even more exposed and vulnerable, often with very few resources to access.

Question 3: Implications for global LGBT movements

My theoretical framework notes that when LGBT human rights claims are asserted in an international space, they have the effect of triggering accusations that foreign constructs of sexual identity are being forced on unwilling, traditional non-Western societies. LGBT CSOs working alongside Western states to promote and protect LGBT rights risk being tarred with the same brush. More work is needed to see how these CSOs can distance themselves from Western governments and culture while remaining financially viable so that they can continue to provide much-needed support to LGBT communities and individuals under threat. More research is needed to study CSOs that have created this distance and have succeeded in supporting LGBT communities even in hostile or inhospitable environments. The degree to which these organizations are able to ally themselves with other movements, including the struggle for sexual and reproductive rights, is also an important and promising area of research.

Finally, more research is needed on new ways that concerned governments, human rights organizations and academic researchers can work together outside of the more familiar human rights framework. The achievement of global LGBT equality requires much more than resolutions, speeches, and unimplemented recommendations: it requires determining the scope of the issues at play, developing consensus around common definitions, and methodically tracking human rights violations against LGBT people. Governments might even consider spending fewer resources on multilateral processes and more time contributing directly to LGBT organizations. This sort of direct diplomatic engagement could lead to increased media coverage, public awareness campaigns, increased monitoring of the justice system, lobbying against repressive legislation, visits to prisons where LGBT people are currently being held, and support for the many LGBT people fleeing violence and persecution who are trapped in refugee camps for years at a time. These are just a few examples of the many other ways that diplomats can work directly with CSOs to protect the human rights of LGBT people.

This “wish-list” can only be fulfilled if LGBT human rights diplomacy is practised in new ways. It requires moving out of the comfort zone: no more preaching to the converted. The priority should be developing strategies to engage governments that are less supportive – but that might eventually be swayed. In some cases, it could involve alliances with broader movements that protect sexual and reproductive rights. Smaller but significant IGOs could be increasingly engaged, litigation strategies could be developed, while at the same time finding ways to strengthen and protect activists who put their lives on the line every day.

Learning from Chechnya

One aspect of queering international relations, according to Richter-Montpetit and Weber (2018), involves reflecting on how “gender and sexuality shape foreign policy and military operations (Richter-Montpetit and Weber 2018, p. 225). The situation in Chechnya has been a constant reminder to me that situations in which the human rights of LGBT people are egregiously violated is a cyclical phenomenon that keeps cropping up and does not appear to be subsiding. In 2017, while working at Global Affairs Canada’s headquarters, I was able observe first-hand the diplomatic response to the unfolding crisis. What shocked many people – activists, politicians, diplomats – was the fact that Chechnyan officials participated in the attacks and then denied that the violence had occurred. The Foreign Ministers of Germany, France, Sweden, the UK and the Netherlands wrote a joint letter to the Russian Foreign Minister which referred to “the horrendous accusations” in Chechnya and urged Moscow to stop the repression and bring the perpetrators to justice (UAWire 2017).

After the 2017 crisis was addressed – with many gay Chechnyans resettled in Canada and other countries⁶⁶ – a new diplomatic initiative began. In 2018, sixteen OSCE members invoked the Moscow Mechanism, which allows member states to investigate each other for alleged human rights violations. An Austrian academic, Wolfgang Benedek, was asked to conduct the investigation, but Russia refused to allow him to visit Chechnya (Gessen 2018). In a letter to Benedek, Russia’s Deputy Permanent

⁶⁶ *The Globe and Mail* reported that Canada had resettled 57 LGBTQ refugees from Chechnya. See Ibbitson (2018).

Representative to the OSCE said “the concerns and accusations with regard to the mentioned situation are biased and groundless;” an investigation would lead to the “degradation of the OSCE.” Benedek nonetheless produced an informative and sobering report on the Chechnya situation (Benedek 2018).

As I watched so many governments leap into action on this file, I couldn’t help but think about how my life had gone full-circle. In 1984, I had been outside Dag Hammarskjold Plaza, imploring the UN to make LGBT rights an international affair. By 2018, through diplomatic cooperation with IGOs and CSOs, diplomats were part of a global campaign to publicly condemn state-sponsored violence and to assist some of the victims fleeing this violence.

Before long, however, my elation turned into despair: I heard about a new cycle of persecution in Chechnya. In 2019, forty more people were accused of being LGBT and detained. At least two had been tortured to death in detention – at the same facility where gay men had been detained, tortured and killed in 2017. This time women, accused of being lesbians, had been arrested (Associated Press 2019). This time there were fewer headlines and fewer high-profile diplomatic interventions. The grim situation made me wonder whether anything more could have been done to prevent this from happening again. This may seem like a very bleak way to end the dissertation. I do not want to leave the impression that, after all my research and reflection, I am devoid of hope. Fortunately, my age insulates me from cynicism – a result of the marvellous progress I have witnessed during my lifetime. If I have learned one thing, though, it is to never be complacent: today’s gains could be tomorrow’s losses, and vice

versa. The truth is, universal human rights are not fixed: they are an ideal to strive towards. My diplomatic self, my analytical self, and my activist self would agree with Weeks (2007) that these rights are never pre-ordained. They must be contested: “In a divided, often violently polarized world, that is not an easy task. If we did not question these injustices, our very humanness would be questioned” (Weeks 2007, p. 222).

APPENDIX A

Consent Form

Title: Homophobia, Human Rights and Diplomacy

Date of ethics clearance: Jan. 30, 2015

Ethics clearance for the collection of data expires: May 31, 2015

I _____, choose to participate in a study on multilateral human rights diplomacy. The objective of the study is to better understand how lesbian, gay, bisexual and transgender (LGBT) rights have emerged within the UN human rights system and the challenges associated with this issue through interviews with diplomats.

The researcher for this study is Douglas Janoff in the the School of Canadian Studies at Carleton University in Ottawa, Ontario, Canada. He is working under the supervision of Dr. Pauline Rankin in the School of Canadian Studies.

The topic of global LGBT rights has been an issue of considerable concern recently. Diplomats, as well as representatives of international organizations and civil society

organizations, could potentially benefit from this project by increasing their understanding of the broad range of perspectives currently being debated.

This study involves one 90-minute interview related to LGBT rights in the human rights system. The interviews will not be recorded and I will remain anonymous. There will be no mention of my name anywhere. The handwritten notes for this interview will be sent by courier to the office of Dr. Rankin at Carleton University, where they will be kept in a locked cabinet, accessible to only the researcher and the supervisor. The electronic notes of this interview will not be saved on a server, but on a password-protected computer.

During the interview, I will have the opportunity to reflect on my own professional experience with regard to the research topic. In the event that I make any critical statements (e.g. related to employment, individuals, or specific organizations or states), the researcher will take precautions to protect my identity. This will be done by keeping all responses anonymous and by allowing me to request that certain responses not be included in the final project.

If there are any interview questions that I am not comfortable with, I am not required to answer them. I have the right to end my participation in this study at any time, for any reason, up until 30 days from today by phoning or emailing the researcher or the research supervisor. If I withdraw from the study, all information I have provided will be

immediately destroyed.

Once the project is completed, all research data will be kept for five years and could potentially be used for other research projects on this same topic. At the end of five years, all research data will be securely destroyed. (Electronic data will be erased and hard copies will be shredded.)

If I would like a copy of the finished research project, I may contact the researcher to request an electronic copy, which will be provided to me.

The ethics protocol for this project was reviewed by the Carleton University Research Ethics Board, which provided clearance to carry out the research. Should I have any questions or concerns related to my involvement in this research, I may contact:

REB contact information:

Professor Louise Heslop, Chair

Professor Andy Adler, Vice-Chair

Research Ethics Board

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Department: Canadian Studies

Carleton University

Tel: (613) 520-2600, ext. 8056

Email: [REDACTED]

Signature of participant

Date

Signature of researcher

Date

APPENDIX B

Bonjour M. [REDACTED]

[REDACTED] [REDACTED] suggested that I get in touch with you concerning my research project on LGBT rights. I worked with [REDACTED] at our Canadian Mission to the OAS in Washington for a few years and am now working on my Ph.D. My research examines the evolution of LGBT rights within the UN human rights system, and I am currently in Geneva interviewing NGOs, diplomats and human rights experts. I am attaching one-page summary of my project. I will also be attending the UPR reviews that will be coming up in a couple of weeks.

I was wondering if you would be willing to meet to better understand how LGBT issues have emerged in your work. Also, if you know of other experts, committee members, officials, diplomats and NGOs that could enrich my work, I would be interested in your thoughts.

I look forward to hearing from you and hearing your perspective. My cell # is [REDACTED]

[REDACTED].

Regards,

Douglas Janoff

APPENDIX C

Dear Mr. [REDACTED],

Your name came up recently in conversations with my colleague [REDACTED]. I was working with [REDACTED] at Canada's mission to the OAS in Washington, and now I have taken a year's sabbatical to do my Ph.D. on the emergence of LGBT rights within the UN human rights system. [REDACTED] explained that your Minister has been a strong advocate in terms of pushing the agenda forward on the global stage.

I am in Geneva and will be based here for the next few weeks. I have come to Europe to interview NGOs, diplomats and experts that participate in various UN committees to get as many perspectives as possible on the UN's engagement on LGBT rights. However, as a diplomat, I am particularly interested in the way different foreign ministries are prioritizing this issue and trying to get a sense of the challenges and obstacles facing those UN member states that are providing leadership on this issue. I am attaching a one-page summary of my project.

I was wondering if you know of any [REDACTED] representatives or diplomats in Geneva who would be willing to speak with me? I would also be willing to travel to [REDACTED] if required to speak to your experts.

My Geneva number is [REDACTED].

Looking forward to hearing from you,

Douglas Janoff

APPENDIX D

Homophobia, Human Rights, International Affairs

*Douglas Janoff, Ph. D. candidate, School of Canadian Studies, Carleton University,
Ottawa*

My dissertation will illuminate the emergence of LGBT rights on the world stage. We are living through a threshold moment during which these rights are moving from the margins into the mainstream, not only in Western countries, but around the world. Although this shift has already occurred to varying degrees in academia, high culture and popular culture, my goal is to capture the political shift. This new global political discourse on LGBT rights is the product of multilateral human rights diplomacy, a unique process that results from the triadic relationship between diplomats, international organizations and civil society.

My aim is to examine this convergence of discourses, with a particular focus on diplomatic engagement. Although multilateral human rights diplomacy is practised in various regions of the world, these global discourses are channelled through the UN human rights system. Geneva is not only headquarters to the Office of the High Commissioner for Human Rights and the Human Rights Council, but to many human rights NGOs and LGBT rights organizations. Moreover, more than a hundred diplomatic missions are located in Geneva; many of these diplomats work on human rights issues.

Put together, Geneva provides an excellent laboratory in which to observe these complex processes and the emergence of a new language on global LGBT rights.

From April 21 to May 21, while drawing upon insider perspectives as a Canadian foreign service officer, I will employ a reflexive, multidimensional standpoint epistemology to develop a semi-ethnographic pastiche of springtime in Geneva; the state of play in the world of global LGBT rights. The research will take place in late April/early May to coincide with the 22nd session of the Universal Periodic Review. The following 14 UN member states will be reviewed: Andorra, Belarus, Bulgaria, Croatia, Honduras, Jamaica, Liberia, Libya, Maldives, Marshall Islands, Mongolia, Panama, and the United States. Particular attention will be paid to issues of sexual and gender identity as they emerge during these reviews.

The principal question that will animate the dissertation is:

How do diplomats engage with IOs and CSOs to strengthen and/or weaken LGBT rights within the UN human rights framework?

To answer this question, I will be doing confidential interviews with diplomats, UN officials, as well as civil society and subject-matter experts who work closely with the UN system. I am aiming for about 30 of these in-depth interviews, which will be semi-structured. An important subsidiary question is:

How does the UN human rights system engage on the issue of LGBT rights?

To answer this question, I will rely mainly on the analysis of UN documents: resolutions, reports, and the transcripts of speeches, meetings and events. However, some background information on the UN's institutional responses to LGBT rights will come from short informational interviews with a few key officials at the UN. Another subsidiary question that will arise is:

What impact does multilateral human rights diplomacy have on grassroots LGBT populations?

Much of this data will be gleaned from the interviews, as well as participant observation in semi-formal and informal settings with LGBT rights advocates.

APPENDIX E

Dear Dr. [REDACTED]:

[REDACTED] [REDACTED] suggested that I contact you to explore the possibility of arranging an interview or a meeting. I am on sabbatical from the Canadian Foreign Ministry. I am in Geneva to do doctoral research for my Ph.D. on the UN human rights system's engagement in the area of LGBT rights. I am attaching a one-page summary of my research project.

Between now and May 13, I will be conducting brief, confidential interviews with fellow diplomats, UN officials, experts and NGOs in Geneva, and afterwards I will be going back to Canada and the U.S. Here are some of the themes I would like to explore:

Has LGBT rights emerged as a growing area of concern in the area of [REDACTED] [REDACTED]?

Have you received reports about how the [REDACTED] of LGBT persons has been suppressed?

What kind of documentation has emerged on this topic?

What obstacles are preventing progress in this area?

In addition to the interviews, I would be interested in observing any meetings in which the human rights situation of LGBT persons will be discussed. (I will be attending several UPR reviews.)

My schedule is flexible and I could easily meet at the Palais for a coffee before or after your meetings. I also have a Geneva phone number: [REDACTED]. My email address is [REDACTED]. I look forward to hearing from you.

Sincerely,

Douglas Janoff

APPENDIX F

Dear Ambassador [REDACTED],

I am on sabbatical from the Canadian Foreign Ministry and am currently in Geneva doing doctoral research on the UN human rights system. I will be attending all 13 UPR sessions in early May; I noticed that the Republic of the Marshall Islands was undergoing review. For my project, I would like to interview the representatives from all 13 UN member states undergoing review, including the Republic of the Marshall Islands.

Over the past five years, there has been an increased emphasis on sexual orientation and gender identity in multilateral human rights fora. My research focuses on the growing debate around LGBT rights. (In addition to working in the Foreign Service, I am an expert in this area and author of the book, "Pink Blood: Homophobic Violence in Canada.")

I will be interviewing NGOs, UN committee members and experts; however, I would also like to speak to diplomatic representatives who negotiate these issues within the UN human rights system to understand the challenges that they face. The interview will be confidential and informal and includes the following questions:

- Increased attention has been paid to the issue of global LGBT rights – in your view, why is this happening now?
- What is your perception regarding the role that the UN has played with regard to LGBT rights?
- What are the challenges associated with interacting with NGOs on this topic?
- What are the challenges associated with working with other delegations in this area?
- What are the best ways to improve the human rights situation of LGBT persons?

I hope you will be interested in discussing this; please feel free to contact me until May 13 on my Geneva phone number [REDACTED] or by e-mail at [REDACTED].

My schedule is flexible and I could easily go to your office or meet at the Palais before or after your meetings.

Sincerely,

Douglas Janoff

APPENDIX G

Interview questions for IGOs

1. How does your organization both promote and protect LGBT rights?
2. What role do diplomats play in this area, and what are the challenges associated in working with them?
3. What is it like working with CSOs in this area?
4. What specific countries are the most problematic with regard to LGBT rights?
5. How much do LGBT citizens – at the grassroots level – benefit from these multilateral processes?

Interview Questions for Diplomats

1. There appears to be growing global concern with regard to LGBT rights. To what do you attribute this?
2. What UN human rights processes and mechanisms does your country participate in where LGBT rights are discussed, and how effective are they?
3. What are the challenges working with CSOs in this area?
4. What are the challenges working with other states in this area?

5. Do you think individual diplomats can make a difference?

Interview questions for CSOs

1. What has been the experience of your organization with regard to multilateral human rights processes?
2. Overall, how effective is multilateral human rights diplomacy with regard to LGBT rights?
3. What are the challenges of working with other CSOs in this area?
4. What are the positive and negative experiences you have observed regarding diplomats in the area of LGBT rights?
5. What specific countries are the most problematic with regard to LGBT rights?
6. How much do LGBT citizens – at the grassroots level – benefit from these multilateral processes?

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