

Dalit cosmopolitans: Institutionally developmental global citizenship in struggles against caste discrimination

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Abstract

Besides stating that global or cosmopolitan citizenship is an incoherent concept in the absence of a global state, some critics assert that it represents a form of Western-centric moral neoimperialism. This article develops some responses to such objections through examining the efforts of Indian activists who have undertaken intensive international engagement in their struggles against caste discrimination. The National Campaign on Dalit Human Rights has sought to close domestic rights-implementation gaps for Dalits (formerly called untouchables) in part through vertical outreach to United Nations human rights bodies. This mode of outreach is shown to represent an important practice of global citizenship, and to challenge a view of South agent as primarily passive recipients of moral goods within a global citizenship frame. Further, the Dalit activists' global citizenship practice is shown to be significantly 'institutionally developmental', in that it highlights implementation gaps in the global human rights regime and can contribute to pressures for suprastate institutional transformation and development to address them. NCDHR actions are, for example, highly salient to the recently renewed dialogue on creating a World Court of Human Rights.

Keywords

Global citizenship; Dalit Rights, B. R. Ambedkar; Human Rights; Cosmopolitanism

Foreigners of course know of the existence of untouchability. But not being next door to it, so to say, they are unable to realise how oppressive it is in its actuality. ... The problem is how best to give an idea of the way the untouchables are treated by the caste Hindus.

B. R. Ambedkar, 'Waiting for a visa'¹

What we have achieved is, the world knows. The Indian government knows the world is watching India. They cannot escape ... caste anymore.

NCDHR senior activist, Karnataka state²

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¹ B. R. Ambedkar, 'Waiting for a visa', in Vasant Moon (ed.), *Dr. Babasaheb Ambedkar: Writings and Speeches, Volume 12* (Bombay: Education Department, Government of Maharashtra, 1993 [orig. pub. 1936]), pp. 661–91.

² Author interview, August 2013. The author conducted in-depth, semi-structured interviews with more than thirty leaders and numerous other supporters of the National Campaign for Dalit Human Rights, at its New Delhi headquarters and at ten cities or villages in seven Indian states, from 2010 to 2016. Also interviewed from 2014–16 were 25 officials of the Bharatiya Janata Party, which headed the governing coalition from 1998–2004. The Party had a sole majority in the lower house Lok Sabha and thus was independently the national ruling party from May 2014.

This is a conspiracy to defame India, nothing else. It is a conspiracy by some NGOs ...
They are trying to malign the country.

Arun Singh, National General Secretary, Bharatiya Janata Party³

For nearly two decades, activists involved in the National Campaign on Dalit Human Rights (NCDHR) have pressured the Indian government to keep its promises to those at the bottom of the country's caste hierarchy. They have highlighted gaps between the constitutional and legislative rights pledged to Dalits⁴ – as well as the universal human rights that India has bound itself to uphold through international law – and the actual rights protections offered to them at police stations, in courtrooms, and on village streets. Their tactics have included domestic mass protest and petitions, the exhaustive documentation of failures and corruption in government programmes for Dalits, and responding directly to reports of caste-motivated attacks, or 'atrocities'.⁵

Most significantly here, NCDHR activists also have undertaken extensive international outreach. Specifically, they have sought to generate support horizontally, from sympathetic non-governmental organisations, states, and institutions such as the European Parliament; and also vertically, from the UN human rights regime. In the latter mode, they have followed a blueprint suggested by B. R. Ambedkar, the early twentieth-century anti-caste campaigner and architect of the Indian Constitution, whose life and work continue to inspire scores of millions in India and beyond.⁶ They have looked, that is, to the United Nations as a possible global-level arbiter, one able to judge the state of caste discrimination within India and pressure the Indian government to close rights-implementation gaps for Dalits.

By such efforts, I argue, NCDHR activists provide important an insight into the theorisation of individual 'global citizen' action, especially where Global South actors are concerned. In reaching across and above state boundaries to try to strengthen rights protections domestically, they highlight ways in which it is possible to enact aspects of cosmopolitan or global citizenship practice, and they reinforce the overall coherence of the concept of global citizenship, against some prominent recent critics. Further, the Dalit activists exemplify a model of *institutionally developmental* global citizenship. They highlight especially the institutional incompleteness of the global human rights regime: the continuing gap between the rights promised under binding UN treaties and the actual implementation of protections globally.

In this, they go somewhat beyond the influential 'boomerang' model, where Transnational Advocacy Networks (TANs) enlist international allies horizontally to pressure their own states for change.⁷

³ Author interview, March 2016.

⁴ India's caste system is comprised of four main groupings or varnas: Brahmins, Kshatriyas, Vaishyas, and Shudras, the latter traditionally found in service occupations. Below these varnas, and formerly marked as 'untouchable', are Dalits. Extensive codes of conduct for members of the various groupings are found in the canonical Laws of Manu (c. 200 BCE). See Wendy Doniger and Brian K. Smith (eds), *The Laws of Manu* (London: Penguin, 1991).

⁵ See A. Irudayam, A. J. P. Mangubhai, and J. G. Lee, *Dalit Women Speak Out: Violence Against Dalit Women in India, Volumes 1–2* (New Delhi: National Campaign on Dalit Human Rights, 2006).

⁶ Numerous Dalit activists interviewed noted their debt to Ambedkar, whose image is a permanent fixture atop the home page of the National Campaign on Dalit Human Rights web site (<http://www.ncdhr.org.in/>) as well as that of the Asia Dalit Rights Forum: (<http://asiadalitrightsforum.org/>). On Ambedkar's work and significance generally, see Christophe Jaffrelot, *Dr. Ambedkar and Untouchability: Analysing and Fighting Caste* (New Delhi: Permanent Black, 2005).

⁷ Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998), pp. 13–14; see also Clifford Bob, 'Dalit rights are human rights: Untouchables,

They also move beyond a straightforward ‘institutional access’ strategy,⁸ where domestic activists seek to secure rules or judgments binding on states from higher-level bodies. Because such bodies in the global human rights regime do not have clear authority to bind states by their judgments or strong mechanisms to obtain compliance, the Dalit activists’ actions are developmental. Ultimately, they make more visible some potential institutional changes beyond the state that could help to promote more just outcomes domestically, and they add to the pressure towards the development of a more concrete and formalised practice of global citizenship within global institutions. Their actions, for example, are particularly salient to the renewed dialogue on the feasibility and desirability of creating a World Court of Human Rights.⁹

The argument is developed as follows. First, I respond to those critics who contend that the concept of global citizenship is incoherent by breaking it down into its core aspects or elements. I discuss how some elements are seen by the critics themselves to be in need of development domestically – making a developmental global citizenship less novel. I then offer details on Ambedkar’s blueprint, and his own outreach to African-American activists in the United States who engaged in vertical outreach in the early days of the United Nations. I make the case for viewing both these earlier international activists and current, internationally oriented NCDHR leaders, within an institutionally developmental cosmopolitan or global citizenship frame. I discuss how their actions reinforce the coherence of such a frame itself. I draw on findings from qualitative interviews with NCDHR activists to bolster the claims, as well as findings from interviews with officials of the ruling Bharatiya Janata Party (BJP), who are sternly critical of the activists’ international outreach.

I then consider some further objections to global citizenship, based in claims that the concept itself is ideologically neoimperialist, or that global citizenship and the global human rights regime are simply allied to projects of empire or domination by powerful states.¹⁰ Drawing again on the NCDHR case, where some critics brand Dalit activists as the dupes or willing agents of Western NGOs intent on ‘breaking India’, I work to show that such claims do not necessarily hold. In the global sphere, in fact, such institutionally development global citizenship actions can serve as important corrective forces working against the domination that most concerns many critics.

Cosmopolitan citizenship practice

Here I will discuss some ways in which the concept of citizenship can extend beyond the state, to the global level, and how a case such as that of NCDHR helps to reinforce the coherence and overall significance of a global citizenship frame for individual actions. A note first on terminology: the terms ‘cosmopolitan’ and ‘global citizenship’ will be regarded as equivalent for the purposes of the present discussion. Many, though certainly not all, authors treat the terms as synonymous, or see the

NGOs and the Indian State’, in Clifford Bob (ed.), *The International Struggle for New Human Rights* (Philadelphia: University of Pennsylvania Press, 2009), pp. 30–51 (p. 31); Jens Lerche, ‘Transnational Advocacy Networks and affirmative action for Dalits in India’, *Development and Change*, 39:2 (2008), pp. 239–61.

⁸ See Sidney Tarrow, *The New Transnational Activism* (Cambridge: Cambridge University Press, 2005), pp. 151–4. Those working through the European Court of Justice to secure equal pay for women within European Union member states are held up as exemplars of the process.

⁹ Panel on Human Dignity, ‘Protecting Dignity: An Agenda for Human Rights’ (2011), available at: {www.Panel%20on%20Human%20Dignity/GB-ADH%20Brochure%20Agenda%20Human%20Rights-17x17.pdf}; see Philip Alston, ‘Against a World Court for Human Rights’, *Ethics & International Affairs*, 28:2 (2014), pp. 197–212.

¹⁰ Massimo La Torre, ‘Global citizenship? Political rights under imperial conditions’, *Ratio Juris*, 18 (2005), pp. 236–57; cf. Barbara Arneil, ‘Global citizenship and empire’, *Citizenship Studies*, 11:3 (2007), pp. 301–28.

cosmopolitan moral approach as very closely related to global citizenship.¹¹ More essentially here, the analysis builds on an argument I have developed elsewhere that global citizenship appropriately fills the theoretical space of ‘individual cosmopolitanism’.¹² It provides guidance for individual actors in a global framework that would grant no fundamental moral significance to the state or state belonging.¹³ Thus, the ‘Dalit cosmopolitans’ of the title would be those engaged in practices of cosmopolitan citizenship.

In terms of the coherence critique, then, some prominent recent critics of the concept of global citizenship have focused their objections in part on the lack of cohesive and comprehensive global institutions. Thus, they charge, it must be an incoherent concept, a non-starter in theoretical terms. One possible response is again to demonstrate that the concept of global or cosmopolitan citizenship is not so distinct as these critics claim from domestic citizenship. Both, that is, are significantly developmental in nature. Both present definitions of citizenship itself that include institutional or action ideals to be realised, rather than descriptions of typical practices or existing political institutions. This becomes clearer if we break the concept of domestic citizenship into its component parts, or elements, and examine how individual elements can be put into practice or developed beyond state boundaries.

The main elements of citizenship would include at least the following:

- 1) Some understanding of the *agents* acting as citizens, especially in terms of the sorts of duties they can be asked or expected to assume.
- 2) An understanding of what *binds* citizen agents together in political community. Different citizenship approaches would cite common political culture or commitment to shared values, national sentiment, etc.
- 3) The *rights* held by citizens, which in the democratic citizenship context are generally presumed to include civil, political, and economic/social rights.¹⁴
- 4) Citizen *duties*, corresponding to rights.
- 5) The *substance* of citizenship: the overarching good that citizenship is presumed to realise, and to which rights and duties are oriented.
- 6) The *trappings and institutions* of citizenship: formal markers of standing to claim citizen rights. They include birth certificates, passports, and related ‘evidence’ of citizenship explicitly backed by *political institutions* with some significant compliance capacity.

¹¹ Brian Barry, ‘Statism and nationalism: a cosmopolitan critique’, in Ian Shapiro and Lea Brilmayer (eds), *Global Justice*, Nomos XLI (New York: New York University Press, 1999), pp. 12–66; Derek Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents* (London: Continuum, 2002). See also Andrew Linklater, ‘Cosmopolitan citizenship’, *Citizenship Studies*, 2:1 (1998), pp. 23–41; Gerard Delanty, *Citizenship in a Global Age: Society, Culture, Politics* (Buckingham, UK: Open University Press, 2000), esp. ch. 4: ‘Cosmopolitan Citizenship: Beyond the Nation-State’; Martha Nussbaum, ‘Patriotism and cosmopolitanism’, in Joshua Cohen (ed.), *For Love of Country: Debating the Limits of Patriotism* (Boston: Beacon Press, 2002), pp. 2–17.

¹² Luis Cabrera, *The Practice of Global Citizenship* (Cambridge: Cambridge University Press, 2010), ch. 1.

¹³ On distinctions between individual, moral, and institutional cosmopolitanism, see Charles Beitz, ‘International liberalism and distributive justice: a survey of recent thought’, *World Politics*, 51:2 (1999), pp. 269–96 (p. 129). For a treatment of ways in which Ambedkar’s own thought connects to and can inform cosmopolitan theory, see Luis Cabrera, ‘“Gandhiji, I Have No Homeland”: Cosmopolitan insights from B. R. Ambedkar, India’s anti-caste campaigner and constitutional architect’, *Political Studies* (forthcoming).

¹⁴ For a useful elaboration of rights and duties elements, see Russell Dalton, ‘Citizenship norms and the expansion of political participation’, *Political Studies*, 56:1 (2008), pp. 76–98.

Many of these elements of citizenship are again developmental or corrective in the domestic sphere.¹⁵ Domestic citizens may, for example, be ascribed rights in constitutions or legislation that their governments are unable or at times unwilling to provide. Thus, their citizen duties could extend to helping to fill implementation gaps left by political institutions by working to secure the rights of co-citizens. As will be discussed, these are precisely the sorts of duties that activists within the National Campaign on Dalit Human Rights have assumed for themselves and sought to secure by domestic activism and global outreach. Further, in states made fragile by conflict or other severe challenges, individual citizen duties can include ones to support the restoration or development of the basic political institutions through which a more formalised or concrete citizenship may be practiced, or by which the trappings of citizenship can be backed. The Fragile States Index, for example, records more than 100 states in the ‘warning’ or above category for institutional and other forms of instability.¹⁶

Many theorists of domestic citizenship likewise see developmental duties extending to at least the substance of citizenship. In David Miller’s account, which emphasises national sentiment as the appropriate and necessary connective agent that binds co-citizens, the substance of citizenship would be a specific practice of reciprocity between them. Miller argues that such reciprocity does not currently extend to the global sphere, and thus it is incoherent to speak in terms of actual global citizenship.¹⁷ Yet, he has also observed that reciprocity is usually only incompletely realised among domestic co-citizens.¹⁸ Similarly, in Andrew Mason’s treatment of domestic citizenship, the substance of citizenship is understood to be a mutual extension of equal membership. Yet this substance also is said to be in need of development, and citizens are expected to be ‘striving to bring the good of equal membership fully into existence’.¹⁹ Thus, citizenship is conceived even in the domestic sphere as having a partly developmental nature. If this is the case, and if in fragile or less-affluent states political institutions often cannot fully back or regulate the trappings of citizenship, then it is not so novel to speak of a developmental practice of global citizenship, nor of an *institutionally developmental* global citizenship practice such as the one in which the NCDHR activists will be shown to be engaged.

Different approaches to citizenship will again vary across the elements, not only on what is presumed to bind citizen agents, but also on the relative weight to be given to rights vs duties, on the substance of citizenship, etc. The discussion here will presume a rights-protective approach to citizenship and political institutions more broadly. A rights-protective approach sees those enacting aspects of global citizenship as reaching across international boundaries (or internal boundaries of differential citizenship) primarily to help secure fundamental rights. They also may contribute to the development of a global institutional system in which rights would be more reliably and sustainably protected.

Elsewhere I have developed and defended this approach at length.²⁰ Here I will simply note that it is one of a number of conceptions of citizenship that could be used to show how specific elements of citizenship could be developed in the global sphere, and thus to reinforce the coherence of the

¹⁵ See also Zenon Bańkowski and Emiliós Christodoulidis, ‘Citizenship bound and citizenship unbound’, in Kimberly Hutchings and Roland Dannreuther (eds), *Cosmopolitan Citizenship* (Basingstoke: Macmillan, 1999), pp. 83–104 (pp. 88–9).

¹⁶ Fund for Peace, ‘Fragile States Index 2015’, available at: {<http://fsi.fundforpeace.org/>}.

¹⁷ Miller, ‘The idea of global citizenship’, pp. 232–3.

¹⁸ David Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000), p. 89.

¹⁹ Mason, *Living Together*, p. 36; see also Dalton, ‘Citizenship norms’. He defines citizenship as ‘a set of norms of what people think people should do as good citizens’, but which they often fail to do themselves, p. 78.

²⁰ Cabrera, *Practice*.

concept of global citizenship. Such an approach can be usefully contrasted with, for example, the ‘performative rights’ approach to trans-state and global citizenship developed by such theorists as Engin Isin. Isin gives emphasis to ways in which acts of resistance against exclusions from citizenship can change its contours. He discusses how non-citizens can ‘enact’ citizenship in trans-state contexts such as the European Union when they ‘constitute themselves as those with “the right to claim rights”’.²¹

A rights-protective frame also would emphasise the importance of such actors as potential expanders of formal citizenship, for example, through practices of institutionally developmental global citizenship. Where, however, the performative approach would see citizenship rights – the substance of citizenship in this case – emerging from ‘enactments’ of citizenship, a rights-protective approach would begin with a basic understanding of rights held by individual citizens, domestically or globally. Sources for the identification of such rights could include the major UN human rights treaties, the European Convention on Human Rights or domestic democratic constitutions, as well as theorisations of moral rights. The approach focuses on efforts by individuals to reach across borders to strengthen such rights protections for others, or in some cases for themselves and those similarly situated. It also focuses on ways in which a commitment to such rights can help to bind global citizen agents in community, and especially ways in which the formal ‘trappings’ of citizenship might be extended across state and regional boundaries through the development or reform of suprastate political institutions.

The next section provides detail on some specific, internationally oriented Dalit activist efforts, beginning with Ambedkar’s calls for the international community to fulfil universal duties of justice to India’s Dalits, and moving to current efforts to bring rights promises in UN treaties and domestic constitutions closer to reality. It will lay the groundwork for situating Dalit activists within a rights-protective global citizenship frame, and for showing how their actions help to reinforce the coherence of that framework, as well as the coherence of the concept of global citizenship overall.

The roots of Dalit cosmopolitan citizenship

Ambedkar on global duties and an impartial global judge

Ambedkar (1891–1956) again indicated a blueprint for international outreach by Dalit activists, in addition to serving as an inspiration for India’s 190 million-plus Dalit citizens. He was the first Dalit to hold a PhD (Columbia, 1927), and led major civil society movements and Dalit political parties, besides holding important posts in both the British imperial and post-independence Indian government. As noted, he also led the drafting of the country’s 1950 Constitution, which gave strong emphasis to individual civil and political rights, besides establishing affirmative-action reservations for Dalits and others.²²

²¹ Engin F. Isin, ‘Claiming European citizenship’, in Engin F. Isin and Michael Saward (eds), *Enacting European Citizenship* (Cambridge: Cambridge University Press, 2013), pp. 19–46 (p. 27); Engin F. Isin, *Citizens Without Frontiers* (New York: Bloomsbury, 2012); see also James Tully, ‘On global citizenship’, *On Global Citizenship: James Tully in Dialogue* (London: Bloomsbury, 2014), pp. 3–102. Tully similarly focuses on struggles over the meaning of citizenship and memberships, though with more emphasis on domestic citizenship struggles in the context of a globalised system.

²² See Jaffrelot, *Dr. Ambedkar and Untouchability*, ch. 2.

Following earlier social reformers working on behalf of India's Dalits,²³ Ambedkar argued forcefully for a universalist conception of rights: the recognition of Dalits' 'rights as a human being'.²⁴ He sought numerous times to reach out to, or make demands upon, those outside of India in his struggle against what he characterised as endemic rights violations rooted in caste discrimination.²⁵ For example, in the preface to the published version of a 1942 speech in Quebec, he argues that all persons have duties to aid the oppressed in other states. He first compares the oppression of Dalits in India to that of Jews under Nazis, saying that 'the ills which the Untouchables are suffering, if they are not as much advertised as those of the Jews, are not less real'. He then asserts that: 'The world owes a duty to the Untouchables, as it does to all suppressed people, to break their shackles and set them free.' He expresses hope that the publication will serve as notice to higher caste Hindus that 'they will have to answer for it before the bar of the world'.²⁶

In the last phrase, Ambedkar indicates a cosmopolitan legal framework, where vulnerable minorities facing systemic rights violations would be able to bring their charges to an impartial, global-level judge. This would represent a significant development of element 6 globally, in concrete institutions of global citizenship. He had, in fact, considered as early as 1930 a more fully elaborated such model involving the League of Nations.²⁷ He later expressed intense interest in similar vertical outreach by African-American groups to the newly created United Nations Organisation. The first such effort, by the National Negro Congress in 1946, delivered 'A Petition to the United Nations on Behalf of the 13 Million Oppressed Negro Citizens of the United States of America'. A year later, W. E. B. Du Bois led the National Association for the Advancement of Colored People (NAACP) in delivering to the UN 'An Appeal to the World'. In it, just as Ambedkar had done earlier in his Quebec speech, Du Bois exhorted all persons in the world to view it as their duty to act against oppression anywhere it occurred: 'our treatment in America is not merely an internal question of the United States. It is a basic problem of humanity ... and as such it demands your attention and action'.²⁸

Ambedkar wrote directly to Du Bois in 1946 asking for a copy of the National Negro Congress' petition, saying 'The Untouchables of India are also thinking of following suit'.²⁹ He later revealed, in his 1951 resignation speech from inaugural Prime Minister Jawaharlal Nehru's cabinet, that he had drafted a report on the state of India's Dalits to be presented to the United Nations.

²³ Notably Jotirao Phule (1827–90). See Adi H. Doctor, *Political Thinkers of Modern India* (New Delhi: Mittal, 1997), pp. 115–20; Jaffrelot, *Dr. Ambedkar*, pp. 15–17.

²⁴ B. R. Ambedkar, 'The untouchables and the Pax Britannica', in Valerian Rodrigues (ed.), *The Essential Writings of B. R. Ambedkar* (New Delhi: Oxford University Press, 2002), pp. 351–8 (p. 357).

²⁵ See Cabrera, "'Gandhiji, I Have No Homeland'".

²⁶ B. R. Ambedkar, *Mr. Gandhi and the Emancipation of the Untouchables* (Delhi: Siddharth Books, 2009 [orig. pub. 1943]), Preface.

²⁷ B. R. Ambedkar, *Swaraj and the Depressed Classes: Dr. B. R. Ambedkar's Presidential Address at the All India Depressed Classes Congress, Nagpur, August 8, 1930* (New Delhi: Critical Quest, 2010 [orig. pub. 1930]), p. 10; see also Cabrera, "'Gandhiji, I Have No Homeland'".

²⁸ National Association for the Advancement of Colored People, 'An Appeal to the World: A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress' (1947), available at: {<http://www.blackpast.org/1947-w-e-b-du-bois-appeal-world-statement-denial-human-rights-minorities-case-citizens-n>}.

²⁹ W. E. B. Du Bois Library, University of Massachusetts, Amherst, 'Letter from B. R. Ambedkar to W. E. B. Du Bois', available at: {<https://www.saada.org/item/20140415-3544>}. Du Bois sent the petition in July of the same year, with a letter to Ambedkar stating that 'I have often heard of your name and work and of course have every sympathy with the Untouchables of India.' W. E. B. Du Bois Library, University of Massachusetts, Amherst, 'Letter from W. E. B. Du Bois to B. R. Ambedkar', 31 July 1946, available at: {<https://www.saada.org/item/20140415-3544>}.

He suspended the action, he said, in hopes that the Constitution, whose drafting began in late 1946, would institute effective rights protections for Dalits.³⁰

International Dalit outreach renewed

It was not until the 1990s that Dalit activists began systematically to put into practice such a model of vertical outreach to a global judge viewed as impartial, or as not beholden to the interests they opposed domestically. Specifically, they sought to gain UN affirmation that the binding International Convention to Eliminate All Forms of Racial Discrimination, to which India had become a state party in 1968,³¹ should be interpreted as also barring caste discrimination. Their efforts were given an initial boost by a 1996 statement from the UN Committee on the Elimination of Racial Discrimination, during its review of India's 10th–14th periodic reports, submitted as required under the Convention. The Committee stated that the Convention's provision against discrimination based on 'descent' should be interpreted to include not only racial descent but also caste and tribal identities.³²

The Indian government, in its official response, strongly challenged the finding, maintaining that the descent provision 'clearly refers to "race"'.³³ But the Committee rejected such a narrow interpretation and recommended in part a programme of anti-caste public education and the adoption of domestic legal provisions making it easier for victims of caste discrimination to seek justice.³⁴ Similar recommendations were offered in 1997 by the UN Human Rights Committee, tasked with monitoring state compliance with the International Covenant on Civil and Political Rights.³⁵

The emergence of the National Campaign on Dalit Human Rights

We challenge the State and its justice delivery mechanism, including the Human Rights institutions that are in place, to actually implement and enforce its constitutional and legislative measures to safeguard, protect and promote the basic human rights of Dalits.
National Campaign on Dalit Human Rights³⁶

³⁰ In his resignation speech, Ambedkar expressed bitter disappointment that the Constitution had not brought major improvements for Dalits. B. R. Ambedkar, 'Statement by Dr. B. R. Ambedkar in explanation of his resignation', in Vasant Moon (ed.), *Dr. Babasabeh Ambedkar: Writings and Speeches, Volume 14*, Part 2 (Bombay: Education Department, Government of Maharashtra, 1995 [orig. pub. 1951]), pp. 1317–27, available at: {http://mea.gov.in/Images/attach/amb/Volume_14_02.pdf}.

³¹ Office of the High Commissioner for Human Rights, 'Status of Ratification: Interactive Dashboard' (2015), available at: {<http://indicators.ohchr.org/>}.

³² See Bob, 'Dalit rights', pp. 37–8; Annapurna Waughray, 'Caste discrimination and minority rights: the case of India's Dalits', *International Journal on Minority and Group Rights*, 17:2 (2010), pp. 327–53 (pp. 335–7).

³³ Committee on the Elimination of Racial Discrimination, 'Fourteenth Periodic Reports of State Parties Due in 1996: India', CERD/C/299/Add.3 (State Party Report, 1996a), p. 3.

³⁴ Committee on the Elimination of Racial Discrimination, 'Concluding Observations of the Committee on the Elimination of Racial Discrimination, India', CERD/C/304/Add.13 (1996b), para. 32.

³⁵ Smita Narula, *Broken People: Caste Violence Against India's 'Untouchables'* (New York: Human Rights Watch, 1999), p. 201; for a critical view of the UN bodies' conclusions, see David Keane, 'Descent-based discrimination in international law: a legal history', *International Journal on Minority and Group Rights*, 11 (2005), pp. 93–116. Keane argues that there is actually little evidence in the *travaux préparatoires* of the ICERD, or body of work related to its development and negotiation, supporting the inclusion of caste within descent-based discrimination.

³⁶ 'About NCDHR: Phase III: (Holding State Accountable)', available at: {<http://www.ncdhr.org.in/aboutncdhr>}.

The NCDHR effort was formally launched a year later, when Dalit groups from around the country decided to join forces to try to exert more focused pressure both on their own authorities and at the global level. Domestically, members sought to gain government ministers' attention through delivering a 2.5 million-signature petition calling for a stronger caste-discrimination response. The petition spoke to a global audience horizontally, in a call for 'the member states of the UN to recognize untouchability as a CRIME AGAINST HUMANITY'. It also aimed vertically, in calling for further recognition of caste discrimination under the discrimination Convention (ICERD), and in seeking the appointment of a United Nations special rapporteur on untouchability practices in Asia.³⁷

At the same time, under a strategy of 'Internationalizing Dalit Rights', campaign members allied with non-governmental organisations, notably Human Rights Watch, and began bringing their message to global audiences, including at various World Social Forums in the early 2000s.³⁸ Further, in 2000, the Copenhagen-based International Dalit Solidarity Network (IDSN) was created as a means of connecting European and global Dalit advocates, human rights groups and others, and helping them to lobby UN and European Union bodies.³⁹

Particularly noteworthy here was NCDHR's first and still largest overseas venture, when it brought more than 200 Dalit activists to the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa in 2001.⁴⁰ In interviews, numerous NCDHR leaders cited the Durban conference as a watershed for raising international awareness of caste discrimination in India, and as an important momentum builder. By 2005, the then UN Commission on Human Rights (from 2006 replaced by the UN Human Rights Council) had indeed appointed two special rapporteurs on work- and descent-based discrimination – which again was interpreted explicitly to include caste.⁴¹ NCDHR's efforts, along with those of the International Dalit Solidarity Network, also were central in the European Parliament's decision to hold a public hearing on the plight of India's Dalits in 2006, and the body's highly critical resolutions on the treatment of Dalits in 2007, 2012, and 2013.⁴² A similar resolution was passed in the US House of Representatives in 2007, and a separate one introduced there in 2015.⁴³

The special rapporteurs, in their 2009 final report, conclude firmly that discrimination based on work and descent is not only barred by the ICERD, but is 'inconsistent' with several UN human rights treaties and the 1948 Universal Declaration of Human Rights.⁴⁴ They offer detailed guidance

³⁷ Quoted in Bob, 'Dalit rights', p. 39.

³⁸ Eva-Maria Hardtmann, *The Dalit Movement in India: Local Practices, Global Connections* (Delhi: Oxford University Press, 2009), pp. 233–9; see Peter Jay Smith, 'Going global: the transnational politics of the Dalit movement', *Globalizations*, 5:1 (2008), pp. 13–33.

³⁹ International Dalit Solidarity Network, 'About Us' (2015), available at: {<http://idsn.org/about-us/>} accessed 1 September 2015.

⁴⁰ Corinne Lennox, 'Reviewing Durban: Examining the outputs and review of the 2001 World Conference Against Racism', *Netherlands Quarterly of Human Rights*, 27:2 (2009), pp. 191–235 (pp. 213–16).

⁴¹ Bob, 'Dalit rights', pp. 183–4.

⁴² See European Parliament, 'European Parliament Resolution of 13 December 2012 on Caste Discrimination in India', 2012/2909 (RSP).

⁴³ H.Con.Res.139 – 'Expressing the Sense of the Congress that the United States Should Address the Ongoing Problem of Untouchability in India' (2007), available at: {<https://www.congress.gov/bill/110th-congress/house-concurrent-resolution/139/>}; H.Res.158 – 'Condemning Dalit Untouchability, the Practice of Birth-Descent Discrimination against Dalit People ...' (2015), available at: {<https://www.congress.gov/bill/114th-congress/house-resolution/158/>}.

⁴⁴ United Nations Human Rights Council, 'Final Report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the Topic of Discrimination Based on Work and Descent', A/HRC/11/CRP.3 (18 May 2009).

on steps that caste-affected states should take to address the problem. Their recommendations, however, have not been formally endorsed by the UN Human Rights Council's 47 sitting states, and they remain in draft status.

Finally, critical statements on continuing caste discrimination have been offered not only by the special rapporteurs but by UN independent experts, UN Secretary General Ban Ki-moon,⁴⁵ and the former UN High Commissioner for Human Rights, Navi Pillay, a South African of Indian Tamil descent. In a widely-circulated 2009 opinion piece, Pillay called for all states to endorse and act on the special rapporteurs' Draft Principles, and for much more action by states to educate and act against caste discrimination: 'Other seemingly insurmountable walls, such as slavery and apartheid, have been dismantled in the past. We can and must tear down the barriers of caste too.'⁴⁶

Despite such high-profile criticism generated through and with NCDHR's global outreach, the Indian government's essential position⁴⁷ has not changed. In fact, it has worked vigorously over the years to counter activists' vertical efforts. Besides impeding some international activists' attendance at preparatory meetings for the 2001 racism conference, it was able to block from the conference's final Programme of Action any emphasis on work- and descent-based discrimination, and thus on caste, a word that appeared nowhere in the document. Nor did the official Report of the Durban Review Conference, convened in 2009 to measure progress on the 2001 programme, mention caste or work- and descent-based discrimination.⁴⁸ And, in 2012, the government rejected eight of the ten recommendations relating to caste discrimination offered by a working group of states in the UN Human Rights Council's Universal Periodic Review Process.⁴⁹ It also has used its membership on the UN Economic and Social Council's (ECOSOC) Committee on Non-governmental Organisations to block the application of the International Dalit Solidarity Network for UN consultative status, posing scores of formal questions about the application at regular committee meetings since 2007.⁵⁰

In sum, NCDHR activists' efforts have helped to generate widespread horizontal external support from non-governmental organisations, other states' parliamentary bodies, and the European Parliament. They also have successfully generated vertical support from UN actors and bodies that are mandated under international law to scrutinise domestic government actions, along with firm and continuing resistance from the Indian government. The next section presents activists' and ruling-party officials own views of the global outreach, highlighting some ways in which Dalit activists' efforts exemplify *global citizen* action in a rights-protective frame.

⁴⁵ United Nations, 'Addressing Indian Council of World Affairs, Secretary-General Urges India to Be "Driver" in Transformative Push towards Peace, Human Rights, Clean Development', Press Release (12 January 2015), available at: {<http://www.un.org/press/en/2015/sgsm16459.doc.htm>}.

⁴⁶ Navi Pillay, 'Just another kind of bigotry', *Hindustan Times* (13 October 2009), available at: {<http://www.hindustantimes.com/editorials/just-another-kind-of-bigotry/article1-464927.aspx>}.

⁴⁷ Some individual leaders have indicated less resistance publicly. In 2006, the then Congress Party Prime Minister Manmohan Singh (2004–14) gained attention for comparing discrimination against Dalits to South African apartheid. 'Indian leader likens caste system to apartheid regime', *The Guardian* (28 December 2006).

⁴⁸ United Nations, 'Report of the Durban Review Conference', A/CONF.211/8 (2009).

⁴⁹ United Nations Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: India', A/HRC/21/10 (9 July 2012).

⁵⁰ IDSN noted that none of the 18 other member states on the Committee had posed a question. International Dalit Solidarity Network, 'IDSN Application for General Consultative Status with ECOSOC Overview and Status Quo' (June 2015), available at: {<http://idsn.org/wp-content/uploads/2015/08/Note-on-IDSN-ECOSOC-application.pdf>}.

Institutionally developmental cosmopolitan citizens

Just as Ambedkar did, but on a much larger and highly systematic scale, the Dalit activists have reached across state boundaries to help secure fundamental rights domestically – primarily in their own domestic sphere, but also in some other countries where caste discrimination is widespread, through such organisations as the Asia Dalit Rights Forum and the International Dalit Solidarity Network.⁵¹ They exhort those in other states effectively to assume *global citizen duties* in pressing the Indian government to do more to close domestic rights implementation gaps. And, most significantly here, in lodging their vertical demands to the UN bodies, they highlight historic and continuing such gaps in the global human rights regime, particularly the absence of institutions which could back the trappings of a more concrete cosmopolitan citizenship and help to realise its substance. Thus, they seek to develop the primary elements of citizenship in the global sphere, and they enact some significant aspects of an institutionally developmental global citizenship.

In fact, it was an Indian government representative who most clearly framed NCDHR actions as something like institutionally developmental global citizenship, in accusing them at the 2001 Durban meeting of seeking to use the United Nations as a world human rights court or binding global parliament. The then junior Minister of State for External Affairs Omar Abdullah, after accusing activists of exaggerating the extent of caste discrimination, and stating that ‘India has faced that evil squarely’, warned UN officials against overreaching their global institutional mandate:

India is firmly of the view that the issue of caste is not an appropriate subject for discussion at this Conference. ... We are here to ensure that States do not condone or encourage regressive social attitudes. We are not here to engage in social engineering within Member States. It is neither legitimate nor feasible nor practical for this Conference, or, for that matter, even the United Nations to legislate, let alone police, individual behaviour in our societies. The battle has to be fought within our respective societies to change thoughts, processes and attitudes.⁵²

Global visibility and pressure: Views of NCDHR activists

Both NCDHR activists and current government officials were acutely aware of the potential global import of the international outreach, especially when vertically oriented. Activists saw their efforts as challenging a complacent global view that simply counted India among rights-respecting democracies and failed to consider internal hierarchies and exclusions.⁵³ They also understood how their own outreach and publicity had highlighted weaknesses in the global human rights regime. Ruling-party officials who were interviewed saw the activists as misguided or disloyal citizens, and possibly the dupes of international actors with their own agenda for India.

⁵¹ The Asia Dalit Rights Forum brings together Dalit rights activists from Bangladesh, India, Nepal, Pakistan, and Sri Lanka. Available at: {<http://asiadalitrightsforum.org/>}.

⁵² United Nations, ‘Acknowledgment of Past, Compensation Urged by Many Leaders in Continuing Debate at Racism Conference’ (Remarks by Indian Minister of State for External Affairs Omar Abdullah), RD/492 (4 September 2001), available at: {<http://www.un.org/press/en/2001/rd942.doc.htm>}. See also Hardtmann, *The Dalit Movement*, pp. 6–8.

⁵³ Ambedkar had similarly chastised Left liberals in the UK and United States for offering uncritical support to the independence struggle of Gandhi’s Congress Party, which he saw as perpetuating Dalit exclusion. B. R. Ambedkar, *What Congress and Gandhi Have Done to the Untouchables* (New Delhi: Gautam, 2009 [orig. pub. 1945]), p. 229.

I will first present the views of the activists on their outreach, then the views of party and government officials, before returning to the activists' views in considering neoimperialism and related objections to global citizenship and rights-based outreach more generally. I will note here also that the aim in presenting activists' own views is not to demonstrate that they are explicitly motivated to enact practices of cosmopolitan citizenship. Rather, just as domestic citizens may respect the rights of others, engage in reciprocity, etc., without expressly seeking to enact some form of 'good citizenship', so can salient internationally-oriented actions be understood as significant within a global citizenship frame. They can be significant both for reinforcing the overall coherence of the concept of global citizenship, and for highlighting actions that may promote a broader realisation of the substance of citizenship and the development of institutions to back that substance and ultimately the more formal trappings.⁵⁴

In terms of specific responses then, NCDHR activists – leaders of more than a dozen Dalit advocacy groups interviewed in India from 2013–16 – observed ways in which global outreach had prompted many in other countries to seek to discharge the kinds of duties emphasised above, to help 'break the shackles' of continuing caste discrimination. They also said pressure from UN human rights bodies has given them some additional leverage to compel the government to respond to discrimination allegations. As noted by one longtime South India Dalit activist, who was centrally involved in the founding of both NCDHR and the International Dalit Solidarity Network, 'The pressure comes from outside, from United Nations or European Union. Always they're [government officials] asking "why these guys are always coming and saying that you're not addressing [caste]?" Now you have to do it. So, the pull and push: the push is from above and we're also pulling them.'⁵⁵ Similarly, as stated earlier in the article epigraph by a senior activist from Karnataka state in South India, 'the whole world is watching now what is, you know, what the government of India had done to Indians on the basis of caste'.⁵⁶

Another NCDHR national office holder, who has spoken numerous times to audiences in Europe and the United States, observed that

India has an image. It is the largest Democracy in the world, very progressive, very good Constitution in place. ... Now, suppose with all the image, I will go and speak about manual scavenging. ... suddenly that balloon bursts; that image is shattered.⁵⁷

Likewise, a Dalit activist prominent in an eastern Indian state noted that UN bodies in particular had been important in raising visibility about continuing caste discrimination.

You see, UN is an advocacy group you know ... they will share the information. ... So I do feel the statement by Navi Pillay – you know [she] showed to the world that there is a caste system [that] exists here, and such a huge population in India are suffering ... at least international communities are becoming aware that the issues of such magnitude exist in India, because

⁵⁴ See also Isin, 'Claiming European citizenship', pp. 39–40.

⁵⁵ Author interview, August 2013. Dalit activists are not named in this article, given the specific government criticisms of their actions.

⁵⁶ Author interview, August 2013.

⁵⁷ Author interview, August 2013. Manual scavenging involves the removal by hand of excrement from dry toilets, an occupation typically imposed on lower-caste persons. It is barred by law in India, but the 2011 Census of India recorded more than 700,000 persons still engaged in the practice. See United Nations in India, 'Breaking Free: Rehabilitating Manual Scavengers' (2016), available at: (<http://in.one.un.org/page/breaking-free-rehabilitating-manual-scavengers>).

India claims to be the ... powerful democratic superpower and all these things, but it is failing its responsibility to protect its own citizens.⁵⁸

Others noted government resistance as a sign that horizontal and vertical outreach internationally had had some effect – and a sign of how much work remained in addressing rights-implementation gaps domestically. On such gaps, a veteran Dalit activist in Uttar Pradesh state, east of Delhi, said ‘In India, there are two types of constitutions. One is the written constitution by Babasaheb,⁵⁹ and the other is the unwritten constitution of caste forces – that is the Brahmin constitution, guided by Manusmriti.’⁶⁰ Similarly, on what she saw as ongoing and willful government failures to address the gaps, an NCDHR activist who serves as director of a Dalit-rights organization in western India said:

So they were saying that there are policies, there are plans, there are laws which are there to protect the rights of the Scheduled Caste untouchables, but the government never said, ‘We have failed to do what we had promised.’ It’s like what Ambedkar said also during the freedom movement. He was saying that, ‘Okay, we will be free from the British rule, but there will be a particular community in India who’ll still be not liberated, who’ll still be in bondage’, and I think that’s very clear. So I think the Indian government say that, ‘Why do you want to show the dirty linen?’ They wanted to keep it more hidden under the carpet. And we were saying that if it is dirty somebody has to take the responsibility of cleaning it up. So if you can’t do it, let the international community support and give that push to the entire problem. I think Indian government, for them, they feel ashamed of it, and I think, for them, they’re not able to accept that this problem, which was very much there and hidden in the Indian culture, has now become so visibilized that everybody is questioning, ‘What is Indian government doing?’⁶¹

Another NCDHR leader, working in South India, emphasised ways in which the campaign was continuing Ambedkar’s international outreach work, and taking up his emphasis on generating outside support.

Ambedkar spoke in different roundtable conferences in London and different countries. He said the caste issues will be discussed outside the countries. ... So, that way the solidarity from different countries helps to compact or to annihilate the caste system. Unless we address it at the global level, and if there is effort from the global level, the UN level, it is very difficult to annihilate caste within India or also the other countries.⁶²

A staff member at NCDHR headquarters in New Delhi observed similarly that the United Nations Universal Periodic Review Process (UPR) and engagement with the European Parliament and other bodies gave opportunities to challenge, for example, Indian government figures on the national achievement of Millennium Development Goals that fail to take into account ongoing deep deprivation in Dalit communities.⁶³

Further activist views are presented below. Here, the essential point is that Dalit activists have been reaching across national boundaries expressly to try to help close gaps in domestic rights protections.

⁵⁸ Author interview, September 2013.

⁵⁹ An honorific for Ambedkar.

⁶⁰ Author interview, September 2013. Manusmriti is another name for the Laws of Manu. See fn. 3.

⁶¹ Author interview, August 2013.

⁶² Author interview, August 2013.

⁶³ Author interview, September 2013.

They have viewed horizontal outreach to those in other countries and the European Union as one means of generating allies and tangible support for their mission. And, they have viewed vertical outreach to UN bodies as a significant additional means of raising visibility for caste discrimination, and as an avenue of appeal to a formally constituted impartial arbiter charged with interpreting and obtaining compliance with international instruments to which India has formally bound itself. They have seen themselves, explicitly or implicitly, as elaborating and putting into practice the global outreach model that Ambedkar had outlined. In enacting that model, they also have enacted significant elements of global citizenship, on which more below.

Disloyal national citizens: Views of Bharatiya Janata Party officials

The Bharatiya Janata Party (BJP), which is situated on the right and espouses an explicitly nationalist ideology, led the ruling coalition at the time of the 2001 Durban discrimination conference. It won an outright majority in the Lok Sabha national lower house in May 2014, giving the party sole control of the government and putting former Gujarat Chief Minister Narendra Modi (2001–14) in the prime minister's office. In interviews conducted from 2014–16, BJP officials characterised the Dalit activists not as pathbreaking cosmopolitan citizens, but primarily as poor or disloyal domestic citizens who had no business bringing India's internal challenges to a global audience, much less a would-be global judge.

R. Balashankar, national convenor of the BJP 'intellectual cell', a think tank tasked with shaping the party's ideology said: 'That has been our way always, that these are issues which have to be solved at the national level by the national government. It is not for the UN to solve it. And in response, a government can always listen to the problems of the people who have their problems and they can always go to the government.'⁶⁴ 'We will solve our own problems', said Prabhat Jha, one of nine BJP National Vice Presidents. 'We are not looking here and there. Why they go to the US and there (UN) I don't know.'⁶⁵ Yashwant Sinha, who served as foreign minister from 2002–4 and is a member of the BJP National Executive, was more blunt: 'Anyone who does not believe in the sovereignty of India doesn't deserve to live here. ... It's a completely open society, and the legal constitutional system of the country provides for justice. You don't have to go anywhere else to seek justice – whether it's a question of Dalit rights, human rights, or any other right for that matter.'⁶⁶

Numerous others cited the fact that the Dalit activists were permitted to speak at United Nations and other international fora as proof that India was a tolerant, democratic country that upholds the rule of law. 'This is India that everybody has got that liberty ... no other country of the world has allowed all these things', said Manoj Sinha, a longtime member of the BJP National Council and national Railways Minister from 2014. 'We are democratic. We are really democratic.' Sambit Patra, a BJP spokesman and founder of the non-governmental organisation Swaraj, which provides health services to primarily Dalit clients, said: 'Dalit activists going to the UN and saying they are not able to get justice in India – to them I would very humbly and very respectfully say, it only means that India has done enough justice. Had India not allowed them to move to that platform they would not be speaking there in the United Nations.'⁶⁷

⁶⁴ Author interview, R. Balashankar, New Delhi, India, February 2014.

⁶⁵ Author interview, Prabhat Jha, New Delhi, March 2016.

⁶⁶ Author interview, Yashwant Sinha, Noida, National Capital Region, India, March 2014.

⁶⁷ Author interview, Sambit Patra, New Delhi, India, March 2016.

Other BJP officials saw the international outreach as more alarming, even a threat to the country, and possibly the work of outsiders with ill intent. Nalin Kohli, a national BJP spokesman who is a frequent media presence, said

I'm still not able to comprehend what is it that drives such groups to seek international [support], and that I think another thing which leads to reactions back home is, very often, strangely, one finds many of such groups to actually be running on foreign funding. And I think it raises challenges for those who are doing genuine work based on foreign funding.⁶⁸

Likewise, Chandan Mitra, editor and managing director of the national daily newspaper *Pioneer*, and two-term BJP member of the Rajya Sabha, India's national upper house, cast doubt on the activists' motives, while suggesting that their actions did not challenge so much as reinforce caste divisions:

To deepen caste divisions and caste prejudices or suggest the special privileges must be accorded on to this sub-caste ... to try and deepen this division is, I don't think, in the best interest of the country, and I personally believe that many of these are subversive organizations. Some of them are ultra-left; some are funded by Christian Missionaries and some Western governments.⁶⁹

Similarly, Vijender Gupta, a member of the BJP National Executive body and leader of the opposition in the Delhi Legislative Assembly, asserted that

This is all a conspiracy against India ... This is not the issue of human rights in the United Nations. It's our own issue ... the BJP Party, our government in India – we are there to protect them [and] not only to protect them, but for their betterment.⁷⁰

Such conspiracy claims are echoed in influential recent works such as *Breaking India*, a bestselling book in India, which in part equates human-rights based, horizontal, and vertical international outreach by Dalits with 'advocacy against India'. It is, the authors argue, a disguised form of Western neoimperialism, which could ultimately lead to secessionism by Dalits and other groups.⁷¹

The significance of the NCDHR case for claims of Western centrism and neoimperialism

Many of the claims made by BJP officials resonate with civilising mission critiques, where cosmopolitan citizenship is said to be simply another instance of those from rich, powerful Western states intervening domestically, seeking to spread their own parochial values as universals, and in the process reinforcing negative hierarchies.⁷² Related critiques would view the global promotion of human rights as inevitably falling into a 'savages, victims and saviours' narrative,⁷³ or cosmopolitan

⁶⁸ Author interview, Nalin Kohli, New Delhi, India, February 2014.

⁶⁹ Author interview, Chandan Mitra, New Delhi, India, March 2014.

⁷⁰ Author interview, Vijendra Gupta, New Delhi, India, March 2016.

⁷¹ Rajiv Malhotra and Aravindan Neelakandan, *Breaking India: Western Interventions in Dravidian and Dalit Faultlines* (New Delhi: Amaryllis, 2011). Malhotra is a prominent Indian expatriate in the United States who founded the Infinity Foundation, which funds research and community advocacy work on Hinduism and Buddhism. Available at: {<http://infinityfoundation.com/index.shtml>}.

⁷² Brett Bowden, 'The perils of global citizenship', *Citizenship Studies*, 7 (2003), pp. 349–62; David Jefferess, 'Global citizenship and the cultural politics of benevolence', *Critical Literacy: Theories and Practices*, 2:1 (2008), pp. 27–36.

⁷³ See Makau W. Mutua, 'Savages, victims, and saviors: the metaphor of human rights', *Harvard International Law Journal*, 42:1 (2001), pp. 201–45, for salient claims in the context of rights universalism.

citizenship and justice as centrally focused on the global “haves” reaching out to aid the “have nots”, with the latter understood again as merely victims, or as passive recipients of charity.⁷⁴

Two things can be said here. First, in general terms, the framework of cosmopolitan citizenship presented here can incorporate South actors, not solely those from affluent North countries, as global citizen agents, and it can do so in a systematic way that should be useful for highlighting the potential moral significance of their actions. Recent accounts have focused on numerous instances of those from South countries acting as agents of global citizenship or global justice. These would include, for example, Mexican citizens providing shelter and food to Central American migrants seeking entrance to the United States, often in the face of local resistance.⁷⁵ Unauthorised migrants also can be viewed as enacting aspects of global citizenship, in acting as though they possessed global versions of the citizen mobility rights common in liberal-democratic states.⁷⁶

Second, and more essentially, the discussion to this point has provided evidence of Dalit activists exercising considerable agency in their international outreach. They have actively sought external allies, in fact reaching out to numerous prominent international NGOs through the 1990s before the Human Rights Watch agreed to partner late in the decade, and also reaching out to other states and the European Union.⁷⁷ They also have long-sought to put into practice Ambedkar’s vertical model, looking to the UN as a potential neutral arbiter able to prompt their own state to implement core rights standards.

In fact, at times they have been criticised for being too vigorous in their outreach. As noted by a prominent NCDHR activist, from Tamil Nadu in South India, at the Durban anti-racism conference, ‘we all went there with our drums and all that, and we went with more documents, more materials, and we were equipped with how to address this issue, but we don’t know much about United Nations status and all that. So even our own friends, the South African friends, they said, “You’re overplaying. It’s our conference, and you’re playing like this.”’⁷⁸ A female NCDHR leader noted

⁷⁴ For an account challenging such suppositions about South actors, see Monique Deveaux, ‘The global poor as agents of justice’, *Journal of Moral Philosophy*, 12:2 (2013), pp. 125–50; Gottfried Schweiger, ‘Recognition theory and global poverty’, *Journal of Global Ethics*, 10:3 (2014), pp. 267–73; see also Robin Dunford, ‘Human rights and collective emancipation: the politics of food sovereignty’, *Review of International Studies*, 41:2 (2015), pp. 239–61. Dunford critically engages some recent ‘interventionist’ accounts in critical security studies, which he sees as implying that emancipation of vulnerable persons in South countries must depend on aid from transnational associations of lawyers and humanitarian agencies. He focuses instead on domestic activist agents ‘who pursue emancipation *on their own behalf*’, within a human rights frame, p. 241.

⁷⁵ Deveaux, ‘The global poor’, p. 9; Cabrera, *Practice*, pp. 157–64; see also Hans Schattle, *The Practices of Global Citizenship* (Lanham, MD: Rowman & Littlefield, 2008). Schattle sought out for interviews dozens of people in North and South countries who had declared themselves to be global citizens; and see Lea Ypi, *Global Justice and Avant-Garde Political Agency* (Oxford: Oxford University Press, 2012).

⁷⁶ Cabrera, *Practice*, ch. 5; William Smith and Luis Cabrera, ‘Critical exchange: the morality of border crossing’, *Contemporary Political Theory*, 14:1 (2015), pp. 90–9; see also Michael Allen, ‘Civil disobedience, transnational’, in Deen K. Chatterjee (ed.), *Encyclopedia of Global Justice* (Dordrecht: Springer, 2011), pp. 133–5; Temi Ogunye, ‘Global justice and transnational civil disobedience’, *Ethics & Global Politics*, 8 (2015), available at: {<http://dx.doi.org/10.3402/egp.v8.27217>}; and see Isin, *Citizens Without Frontiers*, pp. 20–1, for an instructive discussion of how disobedience such as domestic conscientious objection in Turkey, where laws do not permit such action, ‘traverse frontiers’, or have implications for trans-state citizenship practices.

⁷⁷ See Bob, ‘Dalit rights’, p. 176; author interviews.

⁷⁸ Author interview August 2013; on Dalit activists’ sometimes-assertive tactics at the WCAR Durban meeting, see Davinder Kumar, ‘Grumble of distant drums’, *Outlook* (17 September, 2001), available at: {<http://www.outlookindia.com/magazine/story/grumble-of-distant-drums/213165>}.

that she took advantage of her invitation to a meeting commemorating the fiftieth anniversary of the Universal Declaration of Human Rights to deliver a caste-discrimination petition and documents to then-UN Secretary General Kofi Annan.

There was no, what you call, no appointment or anything. Yet he had just come for one hour, and I really sneaked in, and you know, gave the – crossing security – and I went and gave it. ... He told me, ‘I am carrying only one file – of yours. I will read it, and I will understand that issue.’ This was Kofi Annan. But it was no appointment, nothing, I just sneaked in.⁷⁹

Dalit activists have been intensely aware of the sort of ‘breaking India’ civilising mission critiques that present them as dupes of Western NGOs, in particular Christian organisations. This has especially been the case under the BJP government, whose officials have increasingly decried ‘anti-national’ behaviour or attitudes.⁸⁰ One longtime, Delhi-based NCDHR leader, when interviewed at an event bringing together Dalit rights activists from around South Asia, was insistent that activists be presented in a holistic framework that emphasised their deep-rootedness in India and their intentions to help it develop democratically and morally, not subvert it or facilitate some form of outsider control.

You [must] ground us in the country as people who are from the soil ... and you must also introduce us as nation builders, building the democracy. Because without democracy, caste cannot be abolished. ... Then what you have done is, you have exposed our real emergence from the soil, from the community, from the toil that we do. They [critics] want to portray us as people who are being propped up by Westerners. *Breaking India* is a very – we should take it more seriously. ... They want to create us as ghosts, when we are asking for democracy, when we are asking for access to justice, when we are asking for equality. They are the ones who are saying we are dividing the people. And so, I think this is the point. The point is the privileged they want to say all sorts of lies, all sorts of disinformation, just to continue their privilege, because they have so much to gain from the system.⁸¹

Added a female activist attending the same event, ‘We are continuously monitored, both internationally as well as – so every move that we make ... we should be thinking 100 times before we make that move.’⁸²

Others took issue with implications that NCDHR and the domestic organisations in its network were not authentic, that ‘this NCDHR is mostly manned by Christian organizations and funded by the Christian international level, and they are not the true representative of Dalits’, as put by an activist in Rajasthan, southwest of Delhi. He and others also emphasised the long local struggles, dating to Ambedkar’s time and before, for more equal religious rights, land rights, and societal inclusion.

Many also defended the adoption of a universalistic, human rights framework as consistent with local belongings – while also noting that ‘human rights talk’ often was not welcomed in police

⁷⁹ Author interview, August 2013.

⁸⁰ See Amrita Dutta, ‘A is for anti-national: In two years of the Modi government, a vocabulary reconfigured and routinised, that threatens to pit Indian against Indian – till the last election is won’, *The Indian Express* (15 June 2016), available at: <http://indianexpress.com/article/opinion/columns/narendra-modi-nda-government-two-years-bharatiya-janata-party-bpp-muzaffarnagar-dadri-2853149/>.

⁸¹ Author interview, March 2016.

⁸² Author interview, March 2016.

stations or by domestic political leaders. A Dalit activist leader in Gujarat likened government opposition to international scrutiny to a situation of family violence:

Our stand is very clear that government of India should accept and Government of India should follow UN policies and guidelines too, you know [against] any kind of discrimination. They should follow and they can't say it is an internal issue; it's a human right issue. So, any human rights issue ... like a domestic violence – if somebody says 'It is my family issue.' It's not like that. It's a human rights issue.⁸³

In an earlier interview, the Delhi-area NCDHR leader noted above had described a process of give and take between universal rights standards and local norms, where rights standards are not simply plucked from UN instruments and administered, but are used to highlight challenges to some discriminatory norms, and as a dialogic point of reference in engaging in local struggles for recognition and inclusion.

So, yes the [Dalit] communities' concerns, their entitlements, which have not been sufficiently either benchmarked as rights, or where there are rights, but they are not being implemented – so therefore increasing the standards and mechanisms are the concern. So, you articulate them and then either you compare them with the existing standards or you ask for new standards ... So, we'll have to have a schema, where the domestic standards begin to be synchronized with these international principles and guidelines or other standards that we have fought for and got achieved. It's not something that is just really given at the UN. So, these need to be brought back, and in this taking the voice concerns up, and bringing these back again to the community. This is where I think is the real traction of human rights. So, you're enriching the domestic standards [and] you're looking at the implementation of these domestic standards.

In sum, an analysis of the Dalit human rights case offers some substantial responses to claims that cosmopolitan citizenship, or international outreach based in a conception of global rights more generally, should be viewed straightforwardly as some version of moral neoimperialism. The Dalit activists are one among many South actors who have engaged meaningfully as global citizens, agents of global justice, etc. Their actions exemplify in many aspects a rights-protective global citizenship frame, as they have reached across borders in order to promote rights protections, and in so doing they have called on those outside their own domestic sphere – those in an envisioned global community, who would be bound in that community by a commitment to promote rights protections – to assume significant global citizen duties. More narrowly, they have actively sought international allies horizontally, and they have sought to obtain authoritative judgments vertically from rights-oriented global bodies. Thus, their actions would challenge a view that simply sees global citizenship as part of some new human rights or cosmopolitan 'civilizing mission'.

A second objection would speak in part to the character of the vertical bodies. What if they themselves are instruments or embodiments of ongoing neoimperialism, more a means to the ends of powerful states than institutions working in service of the rights of the vulnerable?⁸⁴ Then vertical outreach could be just a means of activists allowing themselves to be co-opted by flawed institutions. Indeed, virtually all of the activists expressed a clear awareness of the limitations and imperfections

⁸³ Author interview, August 2013.

⁸⁴ For a wide-ranging critique of that kind, which also offers versions of the 'civilizing mission' charges against contemporary human rights promotion efforts, see Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Abingdon: Routledge, 2007); see also B. S. Chimni, 'International institutions today: an imperial global state in the making', *European Journal of International Law*, 15:1 (2004), pp. 1–37.

of the United Nations system as currently configured. Few expected to be able to directly bind the Indian government to programmes of implementation through the UN bodies. Yet, I will suggest here, their actions do not fit easily into a co-optation narrative, because they continue to challenge not only their own relatively powerful state in UN bodies, but also outcomes that they see as flawed as a result of powerful states' influence. Thus, they are not co-opted so much as acting as institutional gadflies and indicating important developmental directions for the bodies.

Consider the assessment of a prominent Dalit activist in Gujarat state and the NCDHR network who had become frustrated with states' abilities to block change in the UN system, but who also emphasised the importance of such outreach for heightening awareness of caste discrimination, in addition to indicating necessary institutional changes.

I believe that globally there should be a mechanism which can, if the ... local and national mechanisms don't work – then there should be an appeal to a global mechanism. But that requires an international order which respects the United Nations. Or, the United Nations should be really a product of a more equitable international order, which it's not. So as long as it's going to be controlled by five countries which have veto power and then people aspiring to be in the Security Council ... The basic agenda is not to protect human rights but to protect those who are violating human rights. And you have international loopholes that people can use ... I should not be taken as saying that it's meaningless. We should have international activism, but I wish that there was more national activism which can in fact help the Dalits in the short run also.⁸⁵

He noted the way India has been able to use its influence in UN bodies, and he saw little hope for realising the full gains sought in the vertical outreach – an acceptance by the government that it was bound to accept the Draft Principles and other UN-level guidance on addressing caste discrimination noted above.

You can't try the prime minister of India or the chief minister or any minister for crime against humanity even though it is a crime against humanity if you look at the scale of atrocities happening against dalits. So while I feel the NCDHR and similar organizations are spending a lot of time, energy, money, resources on international advocacy, and they have succeeded, and hats off to their commitment ... I still believe that even more resources and more time and energy have to be spent by the very same activists in India because nothing can be forced upon India at least for the next twenty years. ... till now it's never been forced and I don't think for the next twenty to thirty years United Nations can ever force India to do anything except bringing some clauses here and there.⁸⁶

Others were careful again to emphasise that the aim of the vertical outreach was not to target individual leaders or the Indian state. Yet, the comments expressing both hope and frustration in the vertical outreach reinforce direct attention to a different sort of model – just as Ambedkar's comments and the efforts of the African-American groups had done in the mid-twentieth century. They highlight some of the likely sources of continuing implementation gaps in the global human rights regime, and in fact reinforce the case for viewing the Dalit activists as institutionally developmental cosmopolitan citizens: agents whose actions serve to highlight the institutional gaps which contribute to implementation gaps. The last section will seek to elaborate such a claim by examining ways in which the Dalit activists' claims could inform and enrich current dialogue on appropriate institutional development beyond the state.

⁸⁵ Author interview, August 2013.

⁸⁶ Author interview, August 2013.

Developing global institutions: a World Court of Human Rights

An exemplar is the recently renewed discourse around creating a World Court of Human Rights within the UN system. The idea dates at least to the UN founding period in the mid-1940s, in particular to a detailed 1948 proposal presented by the Australian government, which would have given the court sweeping jurisdictional powers.⁸⁷ The proposal did not attract broad support, and it was seen by most as infeasible through the Cold War period. In recent years, however, amid the continued development of regional human rights courts in Europe, but also the Americas and Africa, as well as the creation of the International Criminal Court, the idea has been revived. Besides proposals from individual scholars,⁸⁸ some significant bodies or meetings have formally expressed support for it, including the 2013 follow-up meeting for the 1993 Vienna World Conference on Human Rights,⁸⁹ and the Advisory Committee to the UN Human Rights Council.⁹⁰

The most fully elaborated proposal was presented in 2011 by the Panel on Human Dignity, an initiative funded by the government of Switzerland and supported by Norway and Austria. The panel, which was headed by former UN High Commissioner for Human Rights Mary Robinson and others prominent in human rights and international law fields, made a number of proposals for advancing global rights fulfilment, including a World Court as one measure aimed at addressing what the panel named as the global human rights implementation gap.⁹¹ The panel's report includes a draft statute in 54 articles,⁹² meant to serve as a foundation on which a new treaty for a human rights court with global jurisdiction could be built.

Critics have focused on practical challenges to developing such a World Court. For example, Philip Alston, a law professor who has held a range of senior positions in UN human rights monitoring and compliance, argues that such proposals are premature at best. For such a court to succeed, if that will ever be possible, he argues, 'Public opinion needs to be prepared, forms of mobilization need to occur, pressures on elites need to crystallize, and proposals need to be relatively manageable, at least in their initial form.'⁹³

⁸⁷ Annemarie Devereux, *Australia and the Birth of the International Bill of Human Rights, 1946–1966* (Leichhardt, NSW: Federation Press, 2005), pp. 180–8.

⁸⁸ Geir Ulfstein, 'Do we need a World Court of Human Rights?', in Ola Engdahl Pål Wrange (eds), *Law at War: The Law as it Was and the Law as it Should Be* (Leiden: Brill, 2008), pp. 262–72. Ulfstein here responds positively to a WCHR proposal from Manfred Nowak, 'The need for a World Court of Human Rights', *Human Rights Law Review*, 7 (2007), pp. 251–9. Nowak was a co-author of the Panel on Human Dignity report discussed below; and see Jesse Kirkpatrick, 'A modest proposal: a Global Court of Human Rights', *Journal of Human Rights*, 13:2 (2014), pp. 230–48.

⁸⁹ 'Vienna + 20: Advancing the Protection of Human Rights: Achievements, Challenges and Perspectives 20 Years after the World Conference' (27–8 June 2013), available at: <http://www.ohchr.org/Documents/Events/OHCHR20/ConferenceReport.pdf>.

⁹⁰ Office of the High Commissioner for Human Rights, 'Human Rights Council Advisory Committee Discusses New Priorities and Research Initiatives' (15 August 2013), available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13633&LangID=E>.

⁹¹ Panel on Human Dignity, 'Protecting Dignity'.

⁹² Julia Kozma, Manfred Nowak, and Martin Scheinin, *A World Court of Human Rights – Consolidated Statute and Commentary* (Vienna/Graz: Neuer Wissenschaftlicher Verlag, 2010).

⁹³ Alston, 'Against a World Court for Human Rights', p. 210; for earlier and influential criticisms of a World Court idea, see Kenneth Waltz, *Man the State and War: A Theoretical Analysis* (New York: Columbia University Press, 1959); and see Stefan Trechsel, 'A World Court for Human Rights?', *Northwestern Journal of International Human Rights*, 1:1 (2004).

The essential point here would be that groups such as the National Campaign on Dalit Human Rights indeed *are* mobilising. They are bringing pressure on elites, and overall they have brought significant normative weight to bear globally on domestic practices of systematic rights rejections. While they do not champion any specific World Court proposal, they are among the most important recent actors to have sought not only horizontal allies, but authoritative, ‘court-like’ interpretations of binding rights standards vertically. They bring attention to the implementation gaps that have prompted calls for a World Court of Human Rights, among other proposals for giving vulnerable minorities within states some clear means of challenging rights violations and underfulfillment beyond the state – as Ambedkar, Du Bois, and others had sought. In so doing, they are enacting important elements of an *institutionally developmental* practice of global citizenship. In particular, they are calling attention to citizenship element 6 above, the lack of formal standing for individuals to claim the rights ascribed to them globally, and the lack of political institutions capable of backing rights protections.

Conclusion

This article has worked to answer coherence and neoimperialism claims often lodged against the concept of global or cosmopolitan citizenship through giving detailed analysis to one set of global citizen actors. Coherence claims were addressed through a discussion of how several elements of domestic citizenship are clearly developmental, concerned with citizenship practices and institutions understood to be in need of development in order to adequately realise the presumed substance of citizenship. The more thoroughgoing developmental character of global citizenship is not so novel then, and it is useful to explore which elements and approaches to citizenship might be extended beyond state boundaries.

Attention was then focused on one exemplar set of global citizen actors. These actors, primarily operating with the network structure of the National Campaign on Dalit Human Rights, as well as through the International Dalit Solidarity Network, exemplify a rights-protective approach to global citizenship. They do so in their efforts to reach across international boundaries to help protect individual rights – in this case the rights of their own similarly situated co-citizens. Following Ambedkar, they also call on those outside their home state to assume what are effectively global citizen duties to help ‘break the shackles’ of caste oppression. And, they reach vertically to global human rights institutions, seeking to bind their own state to global rights standards.

The actors do so in the face of strenuous opposition from their own government, which has been explicit in its belief that global institutions have no place adjudicating domestic rights claims. The actors have also faced claims of disloyalty, of being the dupes of a Western neoimperialism disguised in the language of human rights. Their struggle is thus an important case for similar objections against global citizenship, and their responses raise difficult questions for those who would equate rights claims with outsider manipulation or undue influence under some new global ‘civilizing mission’.

Finally, their struggle is centrally concerned with the ‘implementation gap’ in the global human rights regime, and it has important implications for global institutional development. It can inform dialogue around such proposals as recent ones for a World Court of Human Rights. In particular, activists’ efforts draw attention to the urgency of moving towards more robust compliance mechanisms that might ultimately include such a court, alongside stronger protocols to treaties enabling direct challenges by individuals, and other means of enabling challenges to rights rejections from below. The Dalit activists are thus among the leading groups globally working to enact aspects

of an institutionally developmental global citizenship practice. They reinforce the coherence of such a practice. And, through their long, reflective and systematic struggle, they help to define it.

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