

*A New Hope: India, the United Nations and the Making of the Universal Declaration of Human Rights*¹

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Abstract

This paper explores India's role in the development and design of the United Nations (UN), refracted through the Commission that drafted the Universal Declaration of Human Rights. Through an analysis of sovereignty, citizenship, nationality and human rights from the 1940s to 1956, the paper discusses what India hoped the UN to be, and more generally what they intended for the new world order and for themselves. The paper challenges existing interpretations of international affairs in this period. It seeks to reform our understanding of Jawaharlal Nehru's intellectual vision, and in the process attempts to recast the very concept of post-coloniality.

I. Introduction

The birth of the United Nations (UN) in 1945, combined with the end of the Second World War, the defeat of fascism and Nazism, and the terminal decline of overt colonial authority, gave rise to a

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unique instant in the world's history, a 'global moment' unparalleled by any other point in time.² Simultaneously, India was on the cusp of independence and of imagining a post-colonial future. India's position at the forefront of decolonization greatly enhanced its profile on the world stage, already significantly bolstered by the moral authority and credibility lent by the leadership of Mahatma Gandhi. As a result, the UN became an institution closely intertwined with India's hopes for itself and for the future of humanity. Yet surprisingly little has been written about this relationship.

Gandhi's lieutenant and India's soon-to-be first prime minister, Jawaharlal Nehru, had become by this point India's most trusted and powerful visionary, and it was the reality he imagined, more so than almost anyone else, that charted the course of India's post-colonial ship of state. And it was Nehru's sister, Madame Vijaya Laxmi 'Nan' Pandit, who led India's UN delegation in its early years, and who would go on to become the first woman president of the UN General Assembly in 1953. The family connection, if no other, helped assure a symbiotic relationship between the making of the post-colonial by the new Indian state, and the making of the 'universal' by the new world body, a relationship materialized by India's participation in the drafting of the Declaration of Human Rights, considered by many the early UN's most important achievement. India's representative to the UN Commission on Human Rights was Hansa Mehta, a Gujarati Brahmin feminist affiliated with the princely state of Baroda.³ Mehta was also a member of India's Constituent Assembly and member of the Fundamental Rights Subcommittee. Through her work, we can most clearly see the commingling of ideas on what post-colonial India and the post-colonial world order should be. Together, Pandit and Mehta helped alert Nehru to the UN's potential.

For Nehru, the UN represented a world political development of supreme importance and brought out in him an astounding idealism tempered by a steady wariness of falling short of expectations. The new global organization, this paper shall show, opened up possibilities for thinking about, and making manifest, radical social restructuring at the same moment that decolonization marked the end of the old order. What did sovereignty mean? How far were new nation-states

² This moment, however, had its antecedents in post-World War I Wilsonianism, and the birth of the League of Nations, a point to which I shall return later in the paper.

³ For more on the history of princely Baroda, see Bhagavan 2003.

to extend their reach with populations globally dispersed throughout no-longer-existent empires? What constituted a citizen? How were peace and justice to be achieved and maintained, and more precisely, what did these concepts even mean? And what constraints, if any, did immediate political challenges present to more lofty ideals and goals? In all of these questions, the fate of India and the fate of the UN were inextricably linked, and the failure of one inevitably meant the failure of the other.

In this paper, I hope to demonstrate that India made significant efforts to reconfigure the global order through the UN, particularly through the Universal Declaration of Human Rights, and that what they were after was a post-sovereign-nation-state-dominated reality, a world of states governed by the meta-sovereign institution of the UN.⁴ The UN, I hope to show, was the site of some intense policy-making on India's part, the limited success of which points to possibilities made palpable, and the great hope that the UN represented to many at its inception.

II. Prelude: India, Independence and the Foundation of the UN

The 'United Nations' was initially a euphemism for the Allies during the Second World War. It was conceived in the Atlantic Charter, an agreement signed by Franklin Roosevelt and Winston Churchill in July 1941, and coined as such by FDR in January 1942. Twenty-six states signed onto this 'Declaration by United Nations' to uphold the Atlantic Charter and to stand together against the Axis powers. In August 1944, representatives from the United States (US), the United Kingdom (UK), the Soviet Union and China met in Washington, D.C., and laid out plans for a post-war order. There, these four states also decided which countries to invite to a follow-up meeting to be held

⁴ India's efforts, of course, were constricted by immediate concerns related to the Cold War, to refugees, and to Kashmir and to derivative encounters with other arms of the UN such as the Security Council. Because of space constraints, these aspects of India's relationship with the UN are absent from this paper, though I have included them in the larger work from which this piece has been derived. In general, Indian policy towards the UN was on two tracks, one of idealism and the other of realpolitik. India appealed to the former especially when others were called to task, but resorted to the latter when India's own positions or resources were called into question. At the same time, India's realism and idealism were parallel, interdependent policies, one working for short-term goals, the other for the longer term. With this in mind, this paper traces India's 'longer term' plans for the UN – its grand design for the new world body.

some months later in San Francisco where the outlines discussed in D.C. would be formalized. Fifty states were invited to participate, and their effort resulted in the official charter of the UN, signed in June 1945. After being ratified by the original founding states and a majority of the representatives in San Francisco, the UN ‘came into existence’ on 24 October 1945.⁵

One of the most striking aspects of the San Francisco meeting was its exclusion of colonized people. While many argued at the time, and have argued since, that the UN was therefore in its very conception merely an instrument of Western imperial power, others saw in it great possibility.⁶ Their hope stemmed from the Atlantic Charter itself, which stated ‘The President [of the US] . . . and the Prime Minister [of the UK] . . . deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world . . . they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them . . .’⁷ Churchill clarified within weeks that this aspect of the Charter did not apply to the British Empire, but the US disagreed, and argued instead that it held true for ‘all peoples alike’.⁸

This incongruity created lobbying space, and anti-imperial forces coalesced around the idea of using the San Francisco meeting to push their agenda. India had been invited to participate, though its representatives were British-appointed. Marika Sherwood has detailed how various groups and public personae joined together to use the

⁵ <http://www.un.org/aboutun/history.htm>. As Paul Kennedy has recently pointed out, the birth of the UN in 1945 represented an attempt to confront the League of Nations’ legacy of failure, and an effort on the part of ‘Great Powers’ to establish a working security apparatus with greater legitimacy and more power than its predecessor. The League failed, the 1945 architects believed, because the League gave equal status to all its members, ultimately meaning that smaller members could make monetary and military demands that larger powers would eventually have to support, contributing to the Great Powers’ disinterest in shouldering their responsibility and participating. This led to the creation of the UN’s Security Council and the attendant veto powers for its permanent members. See Kennedy 2006, 3–47. Nehru kept these facts in mind as he tried to deal with all sides in implementing his true vision for the UN.

⁶ For a contemporary shade of the argument that the UN, coming out of San Francisco, was a tool of Western, particularly American, imperialism, see Smith 2005, 82–121; cf. Prashad 2007, esp. 28.

⁷ <http://www.yale.edu/lawweb/avalon/wwii/atlantic.htm>

⁸ Sherwood 1996, 408, n. 2.

new world forum to demand India's independence and justice and equality for all colonized people. The India League, the NAACP, the US Communist Party, the Socialist Workers' Party and various individuals all worked towards this goal to varying degrees.⁹

From the outset, Vijaya Laxmi Pandit became the lightning rod for these efforts. Pandit had been in the US since December 1944, ostensibly to visit her daughters, who attended Wellesley College. But she had also been invited to serve as a member of an Indian observer delegation to an Allied-led conference to be held in Virginia on the post-war future of Asia. Though the British were against her travel, and had impounded her passport, Pandit managed to secure the necessary approvals thanks to high-level intervention from General Stratemeyer, the American Chief of the Allied Air Command in the Eastern Theater, and from the Roosevelts themselves.¹⁰ Gandhi had asked Pandit to take advantage of the trip to help educate Americans about the situation in India.¹¹ Upon her arrival, she thus scheduled a year-long lecture tour, during which she used every opportunity to indict the colonial system and to demand freedom for India. In the process, she charmed and was charmed back and aided by Mrs. Roosevelt, Paul Robeson, Henry and Clare Booth Luce, Fiorella La Guardia and Walter White.¹²

During her talk in Virginia, she laid out some broad goals for the new world order, foreshadowing as we shall see over the course of this paper, India's larger aspirations for the UN: 'We cannot think in terms of national issues; that has been disastrous in the past. In the future we need a wider vision, and international rather than national perspectives'.¹³ Her electric presence, widely reported in the American

⁹ Sherwood, esp. 408–412, but see the entire paper. For details on the role played by the NAACP in articulating an anti-colonial and racial justice agenda ('color conscious internationalism') at San Francisco, and in the formation of the UN more generally, see Rosenberg 2006, 156–184. For a broader discussion of African Americans, anti-colonialism and progressive politics, see Von Eschen 1997.

¹⁰ Pandit 1979, 185–190.

¹¹ Pandit, 185. Sherwood, citing historian Gary Hess, claims that Gandhi wanted Pandit to come to the US specifically to attend the San Francisco conference. I do not believe this is correct, and shall return to this point in note 14. Sherwood, 413, n. 21.

¹² Pandit, 188–192, 197–198; see also Sherwood, esp. 414. Von Eschen 1997 (29) points out that Robeson had met Pandit and Nehru in London in the 1930s and decided that "we had much in common". Robeson's Council on African Affairs had organized a Rally for the Cause of Free India in September 1942 (28); White joined the India League around the same time and used his influence to try to persuade FDR and the State Department to intervene on behalf of India's cause (30).

¹³ *Security in the Pacific* 1945, 11; see also Sherwood, 413.

and Indian press, and worried about by British intelligence services, excited members of those organizations preparing for San Francisco, notably the India League and a counterpart, the Committee for India's Freedom, both of which jointly asked Pandit to 'spearhead the attack against the British-chosen delegation' to the Charter discussions.¹⁴

Pandit did just that, addressing the official delegates, as well as participating in a number of public meetings, all to broadcast an anti-imperialist message.¹⁵ Gandhi also released a statement to the press just prior to the San Francisco meeting in which he spelled out his personal hopes for the future of the world. This statement reflected a broad outline, not specific to the UN organization *per se*, firstly since the UN did not officially yet exist and secondly because Gandhi was not at all sure what the intent of the powers behind the California gathering was.¹⁶ He reiterated his conviction that war, and the fear and mistrust that lay behind it, could not and would not breed peace. As such, he called on the delegates to implement a 4-point plan that would guarantee a better future for the world: (1) independence for India, to reward its 'true and non-violent struggle', thereby making such methods the underpinning of the new world; (2) this independence would then signal to all exploited peoples that their oppression was at an end and that peace, justice and equality were to mark the new era; (3) the end of the war must make friends of Germany and Japan, and not seek retribution; and (4) all people must disarm, though an international police force should remain, not as an instrument of peace, but as reminder of and safeguard against human weakness. Again, Gandhi equates the independence of India with the

¹⁴ Pandit, 195. Pandit telegraphed Gandhi on February 26, 1945 to request his advice as to whether she should participate in San Francisco. He responded briefly that he would not interfere with her decision, and it was thus very much as result of her own successful efforts in the US that she was invited to participate in India's counter-delegation to the Charter discussions. See CWMG Volume 85, 422, online at <http://www.gandhiserve.org/cwmg/VOLo85.PDF>. Last accessed 20 June 2006. Gary Hess (see n. 11) does not provide a source for his claim that Gandhi instructed Pandit to attend the San Francisco meeting, and the evidence I have seen suggests otherwise. See Hess, 151-152.

¹⁵ For additional details, see 'Papers relating to the delegation to the San Francisco Conference of the United Nations of which V.L. Pandit was the leader', Pandit Papers, (II Inst.), Subject File, S. No. 1. See also Von Eschen 1997, 79-85.

¹⁶ 'The San Francisco Conference is announced to meet shortly. I do not know its agenda. Probably no outsider knows it. Whatever it may be, the Conference will have much to do with the world-to-be after the so-called end of the war'. CWMG, Volume 86, 188, online at <http://www.gandhiserve.org/cwmg/VOLo86.PDF>. Last accessed 21 June 2006.

foundation of a future just world, and the absolutely necessary basis on which any organization with that as an aim must be built. Additionally, Gandhi here reiterated his long-standing principles, that no ‘people’ could generically be blamed for the sins of a few, and that adversarial positions should not be mistaken for permanent enmity. In this sense, there is nothing particularly unique in Gandhi’s statement, only the worldwide application of his personal philosophy which he had till that point brought to bear on Indian national matters. But his speech was remarkable for another reason, one inflected by Nehru, a point to which we shall return in the next section.

While on the face of it the efforts of Pandit and her allies to challenge the insiders’ course pre-set for San Francisco were unsuccessful, and the charter that emerged did not end up backing independence for colonized people in writing, Pandit had nevertheless made an impressive list of allies, and had managed, with them, to link the independence of India, the principles of equality and justice and the idea of the UN together. Her efforts also awoke both Gandhi and Nehru, but more pertinently the latter, to the *possibilities* of the UN, and what it could mean for a future India.

III. The South Africa Question and the New Hope

By 1946, only a few short months after San Francisco, it became clear that there simply was no longer either will or way to maintain British imperial control over India. An interim government was formed by September, with Nehru at its head. Within days, Pandit was summoned from her home in Lucknow to Delhi, where she was informed that she was the unanimous choice of her brother, Gandhi, and the British Viceroy, Lord Wavell, to head India’s delegation to the UN. Sir Girja Bajpai, a career civil servant who had been Britain’s Agent General for India in Washington during her visit, made clear that her previous tour in the US was responsible for this turn of events. She recalls him telling her, over her protestations that she was unfit to lead such an international delegation, ‘You managed pretty well on your unofficial tour – I personally witnessed that!’

According to Pandit’s memoirs, Nehru wanted her to head a strong delegation to best represent what he termed an ‘about-to-be-independent-India’.¹⁷ Gandhi and Wavell had something more specific

¹⁷ Pandit, 205.

in mind. They wanted her to raise the issue of the treatment of people of Indian origin in South Africa. She quotes Gandhi telling her that the UN was not going to be a 'debating society', but rather a place to forge international amity. Typical of Gandhi, this was anchored in a rather mundane concern, rather than being an abstract project of wishful philosophy. Gandhi's old sparring partner in South Africa, Jan Smuts, was by that point Prime Minister. Though the Mahatma disagreed with Smuts then as he had many years earlier, he still considered the man his friend, and wished anyone who confronted him to maintain decorum and dignity in all dealings.¹⁸

Nehru briefed the entire delegation, once they had been assembled. His comments, though, followed from the earlier statement by Gandhi. In his statement to the press just before the San Francisco meeting, Gandhi made a startling reference to a famous Congress Resolution from 8 August 1942, worth quoting here at length:

The Committee is of the opinion that the future peace, security and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved. Such a world federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation by one nation over another, the protection of national minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources for the common good of all. On the establishment of such a world federation, disarmament would be practicable in all countries, national armies, navies, and air forces would no longer be necessary, and a world defence force would keep the world peace and prevent aggression. An independent India would gladly join such a world federation and co-operate on an equal basis with other countries in the solution of international problems.¹⁹

He then concluded that 'the demand for Indian independence is in no way selfish. Its nationalism spells internationalism'.²⁰

The 8 August Resolution was, of course, the Bombay 'Quit India' declaration. This is significant, because while Gandhi had introduced the draft of the resolution, it had been rejected in favour of a version submitted by Nehru. The resolution is as much a part of the Nehruvian vision as it is the Gandhian, therefore, and is worth parsing here. Militaries represented one of the cornerstones of national sovereignty based as they were on rights to national self-defence. To argue for

¹⁸ Previous two paragraphs as recalled by *Ibid.*, 204–207.

¹⁹ AICC Resolution from 8 August 1942, quoted by Gandhi in CWMG, Volume 86, 190.

²⁰ Gandhi, *Ibid.*

their dismantlement in favour of a 'world federation' in which such power would subsequently be invested, therefore, must be read as an effort to reject this fundamental plank of the liberal state.²¹ Gandhi's reference to 'internationalism' in this context is more radical than the contemporary context of that word would suggest, embodying not a communion of fully sovereign, self-interested nation-states, but rather a sibblinghood of equal states answerable both to their people and to the larger world community. That the resolution also calls for the pooling of the world's resources for 'the common good of all' takes this notion one step further, locating capital not in the hands of nation-states, but in the hands of all the world's people.

Of course, many things were said in the early forties, and the general influence of leftist philosophy on Indian thought in this period is well known. I believe, however, that the Quit India Resolution best reflected Nehru's true dream, and which, thanks to Pandit's initiatives regarding San Francisco, he sought to see manifested in the formation of the UN. This reading is supported by Nehru's *Discovery of India*, a work compiled from 1942 to 1945, and published in 1946. Here, Nehru states bluntly, 'We shall have to put an end to the national state and devise a collectivism which neither degrades nor enslaves'.²² The UN represented this new collectivism.

As proof of this assertion, we can look back to the one point in history that offers similar, if different, circumstances, the so-called 'Wilsonian moment' of 1919. Erez Manela has argued that this moment at the end of the First World War served as a radical break with the old imperial order and marked the starting of the post-colonial *possibility*, the point at which it was now possible to imagine a real future without

²¹ A new book suggests that this was more than mere airy talk. At the birth of India, Nehru is reported to have rejected a defence policy drawn up by his commander-in-chief, stating 'We don't need a defence plan . . . Scrap the Army! The police are good enough to meet our security needs'. See Palit 2006, 321. The book is actually an autobiography of sorts, with Palit representing Rudra's personal narration of his life in Palit's own words. Rudra, a colourful and long-standing military officer, recalls being told of Nehru's views by his commander-in-chief moments after the original conversation took place, and when the commander was particularly shocked and perturbed by Nehru's orders. Nehru changed his mind because of the Kashmir conflict, which erupted shortly thereafter.

²² Nehru 1946, 543. Notably, Nehru devotes an entire section (477–488) of one late chapter that is devoted to World War II (422–488) to the Quit India Resolution; the chapter starts off with a section on the development of Congress foreign policy (422–428). In the Quit India section, Nehru makes repeated references to the UN, slyly intermingling commentary on the Allies with thoughts on the new international body. See especially 486–488.

empire. That future, many thought, was to be structured around the League of Nations and a new internationalism. But this vision was soon blurred by the failures to get an effective new order off the ground. Nehru was explicit in his disappointment: ‘President Wilson’s brave words have remained but words, and the “fourteen points,” where are they . . . ? The great moment has passed and for ourselves it is again the distant hope that must inspire us, not the immediate breathless looking for deliverance’.²³ Nehru’s thoughts at this point, written when he was only twenty-nine, are incomplete and vague. But to us they are nevertheless meaningful. For one thing, we can now trace over three decades the Nehruvian faith in ‘world organization’ to bring about peace and justice. In an earlier chapter of *Discovery of India*, Nehru plots the Indian nationalist movement on this decades-long developmental course towards what he terms *real* internationalism:

Sometimes we are told that our nationalism is a sign of our backwardness Those who tell us so seem to imagine that true internationalism would triumph if we agreed to remain as junior partners in the British Empire or Commonwealth They do not appear to realize that this particular type of so-called internationalism is only an extension of a narrow British nationalism Nevertheless India, for all her intense nationalistic fervor, has gone further than many nations in her acceptance of real internationalism and the co-ordination, and even to some extent the subordination, of the independent nation state in and to a world organization.²⁴

Nehru was saddened by the failure of the first post-war moment to ‘[revolutionize] the fabric of human affairs’,²⁵ and this, I argue, made him ever more sensitive to the second chance that the end of World

²³ Jawaharlal Nehru, incomplete and unpublished review of Bertrand Russell’s *Road to Freedom*, written sometime after 1919, Nehru Papers, Writings and Speeches, NMML, Serial No. 21, cited in Manela 2005. Full quotation on 283; citation information taken from n. 41, on 287. Wilsonianism, Manela argues, sought to produce a world of equal, sovereign nation-states. Nehru does not openly express his support for this aspect of the 14 points and by the forties it is apparent that he in any event had rejected it. Also, it is important to note that while 1919 inspired colonized people everywhere, gave them hope, the structural edifice of the League that emerged did not address their concerns or incorporate their voices in any meaningful way. See for instance Smith 2005, esp. 53–81; and Prashad 2007, 16–30, esp. 21, 27 and 28. This is why I believe, as I stated at the outset of this paper, that the mid-40s represented the world’s first, true ‘global moment’, when people everywhere actually participated with heretofore unseen parity. The League’s failure at equal accommodation additionally signalled that colonialism was far from over. Nehru’s angst at this stage is also a lament over this fact, that is a worry that the old mal-order has not been ended as much as an eulogy for the world that might have been.

²⁴ Nehru 1946, 41–42.

²⁵ Manela, 283.

War II represented. The UN was the new hope, the great salvation for humankind, and Nehru wished to tread carefully to see that old mistakes did not hamper the new body's chances.

As far as I have been able to uncover, Pandit's recollections of her brother's briefing of her delegation represent Nehru's first specific thoughts on his vision for the new global organization. Grounding his instructions in the Gandhian legacy, Nehru first exhorted the delegates to hold true to high ethics and morality, even as they faced the difficult challenge of using them to solve the demands and corruption of 'practical problems'. Pandit then recounts that Nehru 'reminded us of India's total acceptance of the UN Charter and her determination to work with other member nations to make it a reality. The preamble of the Charter was almost [India's] . . . personal pledge to the world: "to promote social progress and better standards of life in larger freedom." He told us that in order to function effectively we had to keep ourselves acquainted with what was going on in the world, to stay clear of rival power blocs, and try to ease the tensions that such blocs generated'.²⁶

The most eyebrow-raising point in Nehru's charge is, of course, the claim that India 'totally accepted' the UN Charter, a surprising concession given what had occurred in San Francisco and the Charter's failure to adopt the straightforward anti-colonial language of its Atlantic predecessor. A speech that Pandit gave at a January 1948 UN plenary meeting clarifies this issue. There she pointed out that the

Indian delegation, believing in the freedom of all peoples, wished to see the early termination of colonial system, and the speedy attainment of self-government by all peoples inhabiting colonial or Trust Territories. It insisted on the strict observance of Chapters XI and XII [of the UN Charter], both in spirit and letter. In particular, it urged the colonial Powers to realize that the two hundred million people inhabiting the Non-Self-Governing Territories read into the provisions of the Charter relating to such territories far more than the colonial Powers were inclined to do so.²⁷

Chapters XI and XII, of course, were dedicated to the colonies and trustee lands and were the areas of the Charter under dispute at San Francisco. In lieu of the Atlantic Charter's language, the

²⁶ Pandit, 208–209.

²⁷ Summary of Pandit's remarks before the 143rd UN Plenary Meeting, 25 January 1948, in Madhavan 1999, 22. This volume is part of a collection of speeches by the Indian delegation to the UN.

new Charter instead said in Chapter XI, ‘Members of the United Nations...recognize the principle that the interests [of non-self-governing people]...are paramount, and accept a sacred trust...to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement’.²⁸ During the San Francisco meeting, this idea of a ‘sacred trust’ had come under blistering criticism from the anti-imperial alliance, but nevertheless was made part of the Charter. Pandit makes clear that the colonized throughout the world acquiesced to the power of the UN simply by reading the terms of the Charter differently, at face value while denying the intent of the framers. India’s full-fledged participation in the UN was crucial to this understanding of the Charter, for Indians and for all colonized people, since, as mentioned earlier, India’s delegation now represented a post-colonial country.²⁹ In other words, India was the physical manifestation of the true intent behind Chapter XI (and XII), and its very presence imbued the UN Charter with the anti-imperial ambitions of the original Atlantic Charter.

The rest of Nehru’s charge seems an incipient form of what would become his famous foreign policy: non-alignment. Non-alignment eventually resulted in a ‘tilt’ towards the Soviet Union, and for Nehru, as much as anyone else, proved to be a failure following the Sino-Indian War of 1962. But here at the dawn of the UN is where I think we can see Nehru’s hopes for this policy most clearly laid out. We’ll return to this point in the final section of this paper.

For now, the most significant element of Nehru’s remarks was his call to abide by the Preamble, ‘to promote social progress and better standards of life in larger freedom’. If Indians could read the very lines of the Charter meant to shield colonialism as being anti-imperial in nature, was it possible that they were here investing this line from the Charter’s preamble with a different connotation as well? Based on Gandhi’s reminder of the Quit India Resolution, what precisely did ‘larger freedom’ mean? We shall return to this point later in the paper, but Pandit’s comments during her subsequent UN debate over the South Africa question are telling.

²⁸ UN Charter, <http://www.un.org/aboutun/charter/>.

²⁹ When the delegates set out in 1946, India, as mentioned earlier, was ‘about-to-be-independent’.

The South African Parliament, under the leadership of Prime Minister Smuts, had earlier that year passed the Asiatic Land Tenure and Indian Representation Act, also known as the Ghetto Act. The law in effect segregated the Indian community in South Africa and denied them a variety of basic rights and privileges. The community there was outraged and rose up against it.³⁰ India supported their cause and used the first session of the UN to raise the issue. According to Pandit, the debate that followed, lasting several days, was also widely considered ‘the most important item of that session’.³¹ In the course of her public remarks, Pandit declared, ‘For us this is not the mere assertion of certain rights and privileges. We look upon it primarily as a challenge to our dignity and self-respect. India has resisted every attempt to divert the debate to a consideration of the legal aspects of the issue *What the world needs is not more charters, not more committees to define and courts of justice to interpret, but a more willing implementation of the Charter by all governments* [italics added]’.³² This was an odd statement, certainly, since any written document necessarily was vague in many ways, and was open to interpretation and application. But we have here an open admission that India is not interested in fine, legal nuances – recalling Gandhi’s wish for this not to be a ‘debating society’, they were not interested in scoring points through rebuttals. Rather, India appeared to appeal to the higher, moral ground. Naming the Charter only made this tactic more clear, since as we saw there was considerable disagreement over what the Charter called for. For Pandit, there was something *larger* at play, a movement towards a more just, equal world. To create such a space, to bring it into being, that aim, that goal, was the sole purpose of the UN.

Nehru himself ultimately came forward to make this point somewhat explicit when he addressed the UN General Assembly at its third session, on 3 November 1948. ‘The Charter of the United Nations has laid down . . . the principles and the purposes of this great

³⁰ June 1946 letter and pamphlet by Dr. Y.M. Dadoo, Passive Resistance Council, Transvaal Indian Congress; and Chair, Johannesburg District of the Communist Party. Available online at: <http://www.liberation.org.za/collections/sacp/dadoo/dadoo03.php>. For additional information on the reaction to the Ghetto Act, and on Dadoo, see Cablegram sent by the Natal Indian Congress on 2 July 1946, UNA, S-0544-4-28.

³¹ Pandit, 209.

³² *Ibid.*, 209. There is considerable irony in Smuts being on the receiving end of this lecture, as he was one of the founding forces of the League of Nations. See Kennedy, 8.

organization The objectives are clear; our aim is clear; and yet, in looking at that aim, we lose ourselves often We have got into a cycle of hatred and violence, and not the most brilliant debate will get you out of it, unless you look some other way and find some other means'.³³ Thus, Nehru again warned against the seductive power of debating victories and pleaded for the world organization to strive for the creation of the objective he saw embodied in the Charter, which involved not just 'other means' but another way altogether. Nehru gives no further indication in this speech as to what those other ways and means were, but he spoke on the eve of the General Assembly's vote on the Universal Declaration of Human Rights, as drafted by a commission headed by Eleanor Roosevelt with input from India. It is in the issues related to that commission that I believe we see the Nehruvian Indian vision most clearly laid out.

IV. The Making of the 'Universal'

Pandit led the Indian delegation to a resounding victory on the South African question, winning a two-thirds majority in the Assembly. She had ended her pitch by claiming that 'Mine is an appeal to a conscience, the conscience of the world, which this Assembly is'.³⁴ The event was immediately read as an 'Asian' victory, the triumph of the world's dispossessed and aggrieved, and it was significant for setting the tone of what the new UN could and should be. It was, evidently, something above the reach of individual governments, something to which they were answerable, 'the conscience of the world'.

Pandit then recounts how she met with Smuts after his loss: 'He took my hands in both of his. "My child . . . you have won a hollow victory. This vote will put me out of power in our next elections, but you will have gained nothing". He was proved correct. The Asiatic Land Tenure and Indian Representation Act became apartheid'.³⁵ This fact revealed, ultimately, the complexities and potential limitations of the new world organization, or at least the hazards of seeking recourse

³³ Nehru, speech before the 3rd Session of the UN, 3 November 1948, in Madhavan, 53-55.

³⁴ Pandit, 210. For further details on the overall UN debate, see 'Discussion in the U.N. relating to the Treatment of Indians in the Union of South Africa', Pandit papers, NMML, II Installment, Subject File, S. No. 2. See also Von Eschen 1997, 83-95.

³⁵ Pandit, 211.

through it. But those shortcomings, and any counter-measures that were subsequently taken, were not the concern of any involved at this point, and the defeat of the Ghetto Act, the restriction of a nation's sovereignty through the meta-institution of the UN, was seen at that time, and should be seen historically, as a great *moment of possibility*, when older paradigms could be rejected and the world could be fashioned anew.

The formation of the Human Rights Commission (hereafter HRC) by the UN, led by Eleanor Roosevelt, then served India as a specific engine through which to drive such hope. The extensive details of the committee work that went into the declaration will not concern us here.³⁶ Our focus instead will be on the Indian delegation's agenda, the dream it sought to make a reality and its feelings on the outcome of the declaration.

The first full session of the HRC met at Lake Success, New York, on 27 January 1947.³⁷ In remarks made to open the session, Henri Laugier, Assistant Secretary-General for Social Affairs, 'stated that no one part of the action undertaken by the United Nations to make peace more secure had more power or a wider scope than this.... The action taken in the case of South Africa established a precedent of fundamental significance in the field of international action.... It should be remembered... that out of these debates the general impression had arisen that no violation of human rights should be covered up by the principle of national sovereignty...'.³⁸ Thus, it was India's actions regarding South Africa, in conjunction with several other debates, that gave the HRC a mandate to think beyond the limits of national sovereignty, a real possibility given that the commission had 'more power and wider scope' than any other arm of the UN at that time.

India's representative on the Commission was Hansa Mehta, who had the year before served on the UN Sub-Commission on the Status

³⁶ For such details, see Glendon 2002/2001 and Morsink 1999.

³⁷ A core, or 'nuclear', version of the Commission had actually met the previous year for the first time, on 29 April 1946 on the Bronx campus of Hunter College, New York, which was the first home of the just-formed UN. UN Press Release, Meeting of HRC, 26 April 1946, UNA, S-0991-5-15.

³⁸ Summary Record of the First Meeting of the First Session of the HRC, 27 January 1947, E/CN.4/SR.1, 1-2, Folder: January-June 1947, ILFDRL. Hereafter referred to as SRot#Mot#SotHRC. The 'E' number on this document is not clearly legible due to document damage.

of Women.³⁹ Five days before the Commission held its first meeting, Nehru sent an official letter to Mehta through the Indian Embassy in D.C.:

It seems to me that the Human Rights Commission should deal with the subject in its broadest aspects and not consider particular cases. We must take our stand on the equality of opportunity for all peoples and races . . . The rights of Nationals must necessarily differ from those of Non-nationals. In either event there should be no discrimination i.e. Non-Nationals should be treated alike . . . The question of nationality is a difficult one, more especially in countries which have so far belonged to the British Empire or Commonwealth Nations. I do not suppose that we need to go into this question at the Human Rights Commission. Normally speaking, a person will not have a dual nationality and he will have to choose. The International Bill of Rights should lay down broad principles which can be applied. Too much detail should be avoided. There is some reference in the brief to everyone having a right to own property. What is meant I suppose is that no group should be deprived of any right which others possess. We cannot object to any kind of legislation, applying to all, which may convert private property to socially owned property.⁴⁰

The Embassy added, 'The Government of India . . . [says] that you have discretion to deal with questions as they arise but important matters should be referred to the Government of India for advice'.⁴¹

This letter is significant in many ways. First, it makes clear that we can safely associate Mehta's major actions in the Commission with the will of the Government of India, and particularly that of Nehru. Indeed, in the second meeting of the first session of the HRC, the first in which any substantial business was discussed, Mehta openly stated that 'she hoped that all members would have sufficient opportunity to refer to their respective Government on the highly important and

³⁹ Hansa Mehta's (hereafter HM) selection as Representative to the HRC may have had something to do with her success on the Sub-Commission on Women, where she succeeded in having the committee adopt three paragraphs verbatim from a charter she co-drafted for the All-India Women's Conference in mid-1946. For details, see *Equal Rights* Volume 32, No. 3, May-June 1946, esp. 27, UNA S-0544-4-28; and Mehta 1946. Nehru had originally asked K.C. Neogy to serve on the HRC, but Neogy withdrew a few days before the first meeting in New York, ostensibly because he wanted to be with his family in East Bengal, which was under a forecast for violence. See SWJL, Volume 1, 197. While there is no reason to doubt this very plausible explanation, it is also possible that Nehru wanted someone with a proven ability to get committees to agree to what they wanted. HM clearly had that ability.

⁴⁰ Letter from E.S. Bajpai, Embassy of India, Washington DC, to HM, containing a sub-letter from Nehru, 22 January 1947, Mehta Papers, F/No 12.

⁴¹ *Ibid.*

intricate questions involved. This was a vital point of procedure . . .'.⁴² The seriousness with which Mehta took the Indian Embassy's letter to heart is not, therefore, in any doubt. What is unclear is what, precisely, Nehru was asking her to do. He, for instance, on the one hand says that the rights of Nationals and non-Nationals must necessarily be different, then states that they should be treated alike. Nehru also explicitly states that all persons should have one nationality.

But I believe that a careful reading of the letter produces a clear subtext. Right after saying that people should have 'one nationality', he goes on to mention that too much detail should be avoided and that broad principles should be applied. He then ends by stating that no group should be denied rights granted others. And he concludes that India could not be opposed to transformative legislation, even if it might overturn those very rights, provided that it was applied to all in the pursuit of greater justice. We should not ignore that he was specifically calling for the possibility of communal property, an element of the national-sovereignty-defying world federation called for in the Quit India Resolution of 1942. In the case of his letter to Mehta, I believe that Nehru was again hinting at the idea of going beyond national frames, to borrow a contemporary phrase from Sumit Sarkar, at the notion that the HRC might make this meta-national framework manifest.

That this is not an over-reading of the letter in question, which in any event we shall return to at the end of this paper, is made apparent by a speech that Nehru delivered before India's Constituent Assembly on the very same day: 'The only possible real objective that we, in common with other nations, can have is the objective of co-operating in building up some kind of world structure, call it "One World", call it what you like. The beginnings of this world structure have been laid down in the United Nations Organization. It is feeble yet; it has many defects; nevertheless, it is the beginning of the world structure. And India has pledged herself to cooperate in that work'.⁴³ Thus Nehru

⁴² The second meeting was held on 27 January 1947 at 3 pm, while the first was held earlier the same day, at 11 am. HM's is the first lengthy and substantial speech of the Commission. She comes out of the gate strong, in what appears to me to be an effort to set the agenda. See (the source of the quotation): SRot2ndMot1stSotHRC, E/CN.4/SR.2, 3-4. See also the whole file, as well as SRot1stMot1stSotHRC, E/CN.4/SR.1. Folder: January-June 1947, ILFDRL.

⁴³ Constituent Assembly Debates, Volume II, 22 January 1947, <http://parliamentofindia.nic.in/lis/debates/vol2p3.htm>. Last accessed 28 November 2007. The concept of 'One World' originated with Wendell Willkie's book of that title.

in the confines of the Constituent Assembly reveals his true hope for 'a world structure'. Taken together with his letter to Mehta, and the original contents of the Quit India Resolution that Gandhi cited in the context of the San Francisco meeting, I argue that Nehru saw in the UN, and specifically the HRC, the possibility of a progressive global body whose reach would supersede that of sovereign nation-states.

Yet Nehru clearly did call for 'sovereign nation states' in many places.⁴⁴ I think Nehru's letter to Mehta, however, is illustrative of his true intent. Nehru wanted independence from colonialism and wanted free, autonomous, national states in that context, just as he was willing to argue for everyone to have the right to private property. That is, he believed no one should be denied the right to a modern nation-state, as was the case in all colonized territories. Yet he also understood, as with private property, that such rights were themselves limiting, even as they might liberate people being treated unequally. The only solution, then, was the ultimate pursuit of change, once equality had been achieved. In other words, for Nehru, modern, sovereign nation-states were merely stepping stones to the larger end, the larger freedom discussed in the previous section. This larger freedom was from the totalitarian power of the unlimited state, which would be countered by a world body – the UN – the sole purpose of which was to uphold and defend the fundamental rights and the common good of all humanity. We need only look to the actions of the Indian delegation to the HRC to see the validity of this conclusion.

The HRC met for three sessions during early 1947, late 1947 and mid 1948, each session lasting for a lengthy number of daily meetings. Mehta was active in all three sessions, and indeed tried from the outset to shepherd the Indian agenda to reality. By the seventh meeting of the first session, she casually dropped the first indication of the true power she hoped the ultimate product of the Commission's deliberations would wield: she 'considered . . . that this bill should eventually become an integral part of the Charter and a fundamental law of the United Nations'.⁴⁵ She then submitted her own draft resolution on human

One World subsequently became popular with leftists of various agendas, including Marxist internationalists. For Nehru's brief allusions to Willkie, see Nehru 1946, 502, 549, and SWJN Volume II, 433.

⁴⁴ In his highly regarded essay, Chatterjee 2004/1986 analyses Nehru's *Autobiography* and his *Discovery of India* to argue that the modern, sovereign nation state was the ultimate goal of all of Nehru's campaigns.

⁴⁵ SRot7thMot1stSotHRC, 31 January 1947, E/CN.4/SR.7, 2, Folder: January–June 1947, ILFDRL.

rights for discussion by the committee, and gently but forcefully pushed for its consideration. The last line of her draft was the most striking: ‘The Security Council of the United Nations shall be seized of all alleged violations of human rights, investigate them and enforce redress within the framework of the United Nations’.⁴⁶ This, of course, was a radical redefinition of ‘security’, and of the role of the Council meant to defend it. Mehta wanted to empower the UN to have broad-based powers to enforce human rights everywhere, in effect granting the organization the power of a government designed around a constitutional bill of rights. But Mehta’s scheme did not get much traction, and Nehru, half a world away, worried that she may have revealed her hand too soon and impolitically: ‘Our delegation to the Human Rights Commission last week sent in a long Declaration of Human Rights for discussion and, if I may just mention it, I was not anxious that it should be presented. In fact, I cabled them to delay its presentation but they had already presented it’.⁴⁷

Mehta recovered quickly and recalibrated, and it was in the Second Session that she played her most significant role. She chaired the Working Group on Implementation. This sub-committee was empowered to give the product of the HRC teeth – the power to implement and defend as necessary human rights. This was a tall order, most especially because it was not at all clear at that point what exactly the product of the commission would be, though several draft proposals, including Mehta’s, had been discussed. This problem

⁴⁶ HRC: Draft of a Resolution for the General Assembly Submitted by the Representative of India, 31 January 1947, E/CN.4/11, 2, Folder: January–June 1947, ILFDRL. See also SRot8thMot1stSotHRC, 31 January 1947, E/CN.4/SR.8, 3, Folder: January–June 1947, ILFDRL.

⁴⁷ SWJN, *Volume 2*, 218. Nehru’s comments are made to the Nawab of Bhopal in the Second Joint Meeting of the States Committee and the States Negotiating Committee, 9 February 1947. Nehru’s actual telegram to HM provides further evidence that Nehru had big plans for the HRC and was concerned about the best strategic course of action: ‘It was not our intention that any formal resolution be submitted on behalf of India to Human Rights Commission at this stage Having regard to all circumstances *and our position in Indo-African dispute* thorough examination of any resolution necessary. Reference to Security Council in draft resolution might involve amendment to Charter. Also, we prefer to rely on General Assembly rather than on Security Council which was dominated by a few Powers. Suggest, therefore, that matter be postponed till Sub-Commissions report [*italics added*]’. *Ibid.*, 485. The mention of the importance of the ‘Indo-African dispute’ is significant because it establishes a link between Nehru’s plans for the HRC outcome and the result of the South Africa question. The translation, I believe, is that Nehru wanted to make sure that any HRC Resolution adequately empowered the UN and properly eroded the sovereign nation state status quo ante.

was actually raised not illogically in the first few meetings of the Working Group by Klekovkin, the Ukrainian representative to the commission, who thought that the task of implementing human rights must necessarily come after the commission had defined what the concept of 'human rights' meant.⁴⁸ The committee nevertheless pressed on with its work. The central question before the committee was how human rights might best be enforced throughout the world. The framework proposed and championed by Mehta and eventually adopted by the committee was to grant a special UN committee on human rights, in conjunction with an International Court, the power to hear cases by individuals, associations and (potentially against) states.⁴⁹ This power would then be applied by the General Assembly, and possibly by a special attorney general.⁵⁰

⁴⁸ Summary Records of the First–Third Meetings of the Second Session of the Working Group on Implementation, HRC, 5–6 December 1947, E/CN.4/AC.4/SR/1–3, Folder: January–June 1947, ILFDRL.

⁴⁹ See Summary Records of the Second, Third, Fifth, Sixth and Seventh Meetings of the Second Session of the Working Group on Implementation, HRC, 5–9 December 1947, E/CN.4/AC.4/SR/2 (esp. p. 3), E/CN.4/AC.4/SR/3 (esp. p. 6), E/CN.4/AC.4/SR.5 (esp. p. 3–4), E/CN.4/AC.4/SR/6 (esp. pp. 2–3), E/CN.4/AC.4/SR.7, Folder: June–December 1947, ILFDRL. See also UN Economic and Social Council, E/CN.4/Sub.2/27, 1 December 1947, Courtesy of the DHL; and Briggs 1948. Mehta had originally proposed that the International Court of Justice be the central body charged with power. The Committee agreed in principle but, out of concern for issues of jurisdiction and authority, backed a modification by Col. W.R. Hodgson, the representative from Australia, to create a new International Court of Human Rights with 'binding and enforceable decisions'. Seventh Meeting, 4. Mehta actually opposed this new Court on the grounds that 'political considerations might make it difficult to enforce . . . [its] judgments'. Sixth Meeting, 10. The International Court was accepted unanimously. The creation of a new International Court of Human Rights passed 3 for to 1 against (with India appearing the no vote). But the Group then voted unanimously for 'the principle that the proposed court should have the power to make binding and enforceable decisions'. Summary Record of the Seventh Meeting of the Second Session of the Working Group on Implementation, HRC, 9 December 1947, E/CN.4/AC.4/SR.7, 6, Folder: June–December 1947, ILFDRL. The Working Group included the observation in their final report that the "domestic jurisdiction" of states referred to in Article 2 (7) of the UN Charter, if "rightly" interpreted . . . "only covered questions which had not become international in one way or another. Once states had agreed that such questions should form the subject of a Declaration or Convention, they clearly placed them outside their "domestic jurisdiction" and Article 2, paragraph 7 became inapplicable". E/CN.4/53 as reproduced in E/600, 17 December 1947, cited in Briggs 1948, 392.

⁵⁰ Summary Record of the Seventh Meeting of the Second Session of the Working Group on Implementation, HRC, 9 December 1947, E/CN.4/AC.4/SR.7, 5, 7, Folder: June–December 1947, ILFDRL. Cf. UN Economic and Social Council, E/CN.4/Sub.2/27, 1 December 1947, Courtesy of the DHL. This turn to the General Assembly also synchronizes with Nehru's earlier charge. See n. 47.

The true significance of the Indian-proposed implementation framework adopted by the Working Group was exposed when the full Commission reconvened to discuss it. Bogomolov, the delegate from the Soviet Union, vociferously opposed the implementation plan, in a lengthy speech explaining that '[t]his was yet another attempt to interfere in the domestic affairs of a State. Under the terms of these recommendations, the Working Group required States to accept a number of organs which would play the role of referee between nationals and their respective governments, elected in accordance with democratic principles The Soviet delegation could not accept these recommendations . . . since they violated the sovereignty of the various States'.⁵¹

V. Ribnikar, the delegate from Yugoslavia, and an ally of Bogomolov,⁵² was even more explicit, calling the implementation framework 'a new attempt to transform the United Nations into a kind of world government, placed above national sovereignty'.⁵³

That the Working Group's plan for implementation – that is, basically, the Indian plan – was not outside the realm of possibility is made clear by the fact that the representatives from the UK and France both supported the proposal. Additionally, Toni Sender, a visiting observer from the American Federation of Labor, declared that the Working Group had 'brought a ray of hope to the working masses If in the important issue of implementation, national sovereignty were to become the [fundamental] principle, as some delegations seemed to wish, it would then follow that the Security

⁵¹ SRot38thMot2ndSotHRC, 15 December 1947, E/CN.4/SR.38, 8–9, Folder: December 1947, ILFDRL. This was not the first case of Soviet intransigence. Nehru noted as early as 7 September 1946 that '*Prima facie*, Russia is more non-cooperative and often rather aggressively rude . . .'. SWJN, Volume 1, 443. Nevertheless, abiding by his own charge to India's delegation to the UN to 'ease tensions' between blocs, Nehru said: 'The point is that our attitude must be one of bringing together different Powers and not one of adding ill-feeling for each other In the critical situation of today we should not encourage, or be parties to, a kind of mass attack on Russia in the United Nations General Assembly'. *Ibid.* HM's non-confrontational approach in the HRC I think stems from Nehru's instructions.

⁵² Glendon, 95.

⁵³ SRot38thMot2ndSotHRC, 15 December 1947, E/CN.4/SR.38, 10, Folder: December 1947, ILFDRL. According to popular accounts, Nehru once said: 'I have long believed that the only way peace can be achieved is through world government'. See, for instance, <http://www.betterworld.net/quotes/law-quotes.htm>. I thank Joseph Schwatzberg for bringing this quotation to my attention. Unfortunately, I was unable to find the source of this statement, with accompanying date and context, and cannot verify its authenticity.

Council and even the International Court of Justice should be abolished, since all their work might be construed as interference in the domestic affairs of States. However, the International Court of Justice and the Security Council had been accepted by all the Members of the United Nations'.⁵⁴

Putting all of the pieces of the puzzle together, it seems unequivocal that the Indian agenda in the working committee would have extended supra-sovereign authority to the UN, empowering the initially 'feeble' organization as Nehru termed it himself to defend 'larger freedoms'. Keeping in mind the Indian Embassy's injunction that Mehta had to act on matters of importance in accord with the will of the Government of India, I think we can then safely conclude that the working committee's plans were part of an overall strategic Nehruvian vision to refashion the world at this moment when such grandiose ambition seemed possible. Nehru provides evidence to reinforce this conclusion:

[T]he Human Rights Commission is meeting Our representatives are there. The conception today is that there are common individual rights which should be guaranteed all the world over What is the U.N.O.? It is developing into a *world republic* in which all States, independent States, are represented and to which they may be answerable on occasions, for instance South Africa over the South Africa Indians' question, even though this was a domestic question because Indians are South African citizens. [italics added]⁵⁵

The HRC is thus specifically mentioned in the context of developing the UN into a republican world government, and of the South Africa question and its sovereignty-busting resolution.

The entire issue became moot, however. In order for the Working Group's framework to have purpose, the HRC would have had to adopt 'justiceable' rights – rights that would have the status of international law, in the form of a Covenant of Human Rights. Though this was an option championed by the UK, the Commission ultimately chose for the short term to first produce a 'declaration' of rights, principles that would set a bar for human action everywhere, but which would not be actionable by law.

⁵⁴ SRot38thMot2ndSotHRC, 15 December 1947, E/CN.4/SR.38, 14–15, Folder: December 1947, ILFDRL.

⁵⁵ SWJN, 217. Nehru's comments are made to the Nawab of Bhopal in the Second Joint Meeting of the States Committee and the States Negotiating Committee, 9 February 1947.

V. Localizing the Universal

That the HRC did not adopt the implementation framework proposed by Mehta does not at all imply either the irrelevance or the failure of the Indian vision. Instead, the implementation framework pressed the Nehruvian idea of supra-sovereignty and won some new converts to its cause. It is important to remember here that Mehta was successful in getting unanimous votes in favour of the principles of her plan in her sub-committee, and had picked up strong allies, generally, even in the larger Commission. The reason the implementation plan went no further, as stated earlier, was that the Commission decided, for strategic reasons, to move forward with the non-justiceable 'declaration'. But many at the time, and most important for our argument, India as well, saw the declaration as only the first part of the making of universal human rights, with a justiceable covenant to follow. Mehta made this explicit in 1949, just a few short months after the passage of the declaration: 'the General Assembly of the United Nations at their Session in Paris, passed the first part of the International Bill of Human Rights viz. the Declaration of Human Rights prepared by the Human Rights Commission The Human Rights Commission have still to prepare the Covenant of Human Rights which will be a legal document'.⁵⁶

India thus remained committed to making universal human rights actionable by law, in turn keeping their framework for implementation a possible reality. Mehta continued to work doggedly on the International Bill of Human Rights, though it quickly became apparent that the geo-political environment had changed considerably, and that the hostilities of the Cold War had made the air significantly more acrimonious. The Bill, as a result, bogged down, and it would be several more decades before any further meaningful progress on this front could be made.

But the International Bill was only part of a multi-pronged effort, I argue, a fact which is seen most clearly in Mehta's role in the Constituent Assembly of India, the body charged with framing a constitution for the newly independent, post-colonial Indian state. Here, Mehta served on the Fundamental Rights Subcommittee, the powerful organ empowered to delineate the rights and duties of individuals and of society. Writing in 1949, Mehta made

⁵⁶ 'Human Rights in the New Constitution of India'. Speeches by H.M. Mehta Papers, Sub-file No. 4, 1949.

clear that the Universal Declaration was the benchmark against which rights provisions of the Constitution had to be measured. While the Constitution as a whole was still under discussion, the ‘fundamental rights’ chapter had already been approved by the entire assembly.⁵⁷ Importantly, in comparing the Indian provisions with ‘the International Standard as laid down in the Declaration . . .’, Mehta noted that ‘The Declaration of Human Rights is not a legal document so that no legal action can be taken on the violation of any of its provisions. It certainly has a moral sanction behind it The chapter on the Fundamental Rights in the new Constitution on the other hand, is a legal document. The rights as defined in that chapter are justiciable rights’.⁵⁸ In other words, while the international efforts to create a legally binding covenant were still ongoing, India took the immediate step of embedding the declaration into its national synthesis, creating actionable rights along the international standard. I think this should be read as an attempt to streamline the notion of the post-colonial state with the idea of supra-sovereign, international authority.

Mehta points us towards this conclusion by ending her point-by-point comparison of the Fundamental Rights provisions of the Indian Constitution with the Universal Declaration by declaring that ‘Article 40 in the constitution is very important. It deals with the promotion of International peace and security *and covers part of the preamble of the Declaration*. It says “The State shall endeavor to – (a) promote international peace and security; (b) maintain just and honourable relations between nations; (c) foster respect for international law and treaty obligations in the dealings of organised people with one another; and (d) encourage settlement of international disputes by arbitration” [*italics added*]’.⁵⁹ Article 40 (what would become Article 51) was part of a chapter in the constitution on ‘directive principles’, non-justiciable rights separate from but relational to the fundamental rights chapter. Mehta points out that the provisions of the ‘directive principles’, according to Article 29 (what would become Article 37), ‘shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.* The ‘Article 40’, Mehta mentions would go on to become Article 51 in the Constitution.

making laws'.⁶⁰ According to Granville Austin, in what is considered the classic and most authoritative work on the Indian Constitution to date, the only real criticisms of the directive principles were from members of the assembly who felt that they should be justiceable; in the end, however, there was general consensus that the principles carried significant weight and that politicians and parties would be held accountable if they failed to implement them.⁶¹ Thus, in the context of what we have uncovered regarding Mehta's push for the implementation framework, and the overall Nehruvian vision of One World, I think that this move to weave the Universal Declaration into the fabric of the new country, to make the declaration actionable by law and *to hold the state accountable to international authority* by directive should be seen as part of the overall push to obligate the post-colonial state to the larger world community.⁶²

VI. Globalizing the Local

That this remained the ultimate goal is made surprisingly clear in a speech Nehru delivered to the UN in December 1956, titled rather straightforwardly 'Towards a World Community'. In this particular talk, Nehru spells out in quite specific language his great hope for the world, and is therefore worth parsing in some detail. Nehru began:

The United Nations has grown in the eleven years of its existence In spite of the difficulties and the apparent conflicts, gradually the sense of a world community conferring together through its elected representatives is not only developing but seizing the minds of people all over the world. That is a great event. I hope that, gradually, each representative here, while

⁶⁰ *Ibid.* The Constitution of India, <http://indiacode.nic.in/coiweb/welcome.html>.

⁶¹ Austin 2000/1966, 75–83.

⁶² Mehta was forthright about this intention at the outset of the Working Group on Implementation. There she declared, in the context of initial discussion on the relationship between domestic and international jurisdictions that 'it was clear that the provisions of the [human rights] Conventions would have to become part of the national law of signatory states'. Summary Record of the First Meeting of the Second Session of the Working Group on Implementation, HRC, 5 December 1947, E/CN.4/AC.4/SR.1, 3, Folder: June–December 1947, ILFDRL. See also, Briggs 1948, 391–392. None of this should be taken to imply that HM single-handedly drafted the Fundamental Rights and the Directive Principles along the lines of the Universal Declaration. Indeed, there was significant debate and disagreement within the Fundamental Rights Sub-committee, and in the Advisory Committee of which it was a part, as Austin points out over 50–115. For a complete list of the members of the Fundamental Rights Sub-Committee, see Austin, 334.

obviously not forgetting the interests of his Country will begin to think that he is something more than the representative of his country, and that he represents, in a small measure perhaps, the world community. . . . We cannot afford to take a short-term view. We must look ahead. The only way to look ahead assuredly is for some kind of a world order[,] One World, to emerge. If that is so, nothing should be done, even in the excitement of the moment, which comes in the way of the evolution of that order.⁶³

Here, at last, Nehru lays his ambitions bare. One World is revived, previously discussed in the Constituent Assembly on the day Nehru had instructed Mehta on how to proceed in the HRC. The UN is seen as the means to achieve this One World. And most significantly, Nehru's hoped-for 'world community' is something that has been and must continue to evolve. In other words, as this paper has argued, Nehru saw the achievement of his sought-after goal, One World, as dependent upon small, progressive steps. One World is also seen as the paramount goal, in the way of which nothing should be allowed to stand.

Nehru went on: 'The one big thing that has emerged is that world opinion represented in the United Nations Assembly, and elsewhere, is today a strong enough factor not to tolerate what it considers wrong. . . . Every country, weak or strong, will have to think twice before it does something which enrages world opinion. That itself shows the development of some kind of a conscience for the world'.⁶⁴ The 'conscience of the world' was the higher authority to which Pandit had appealed, successfully, in the South Africa intervention, which subsequently went on to become the milestone precedent for the exercise of supra-sovereign power welded solely to the global consensus on rights and justice. Nehru's use of that vivid phrase in the context of the UN's ability to deter 'wrong' recalled his sister's famous victory and bound it to his call for an activist world body.

After tying the successful elements of the UN's past to its future, Nehru stated, 'It is of the greatest importance that the United [N]ations, all of us, should keep in mind the Charter, which is its basis. It may be that we cannot give effect to the Charter quickly because the world is imperfect. Nevertheless, we should move in that direction step by step'.⁶⁵ With the ultimate goal, One World, already made explicit, Nehru rationalizes that such a utopian ideal could not be brought

⁶³ Nehru, 'Towards a World Community'. Speech before the 11th Session of UN, 20 December 1956, in Madhavan, 61–64.

⁶⁴ *Ibid.*, 64.

⁶⁵ *Ibid.*, 65.

to fruition instantaneously given the flawed nature of political reality. Humanity must hence march in successive steps to achieve One World. What were these steps?

The first step, reviving a core element of the Quit India Resolution discussed earlier, was disarmament. ‘No manner of disarmament can make a weak country strong or a non-industrial country the equal of an industrial country. Nor can it make a country which is not scientifically advanced the equal of a country which is. We can, however, lessen the chances of war and the fear of war through disarmament. Ultimately, the entire question is a question of confidence and of lessening the fear of one another[.] Disarmament helps that purpose, although it does not equalize conditions’.⁶⁶ This call for disarmament is key because, according to the 1942 Resolution, it was possible only with the establishment of a world federation, whose ultimate goal would be pooled assets and a global defense force.

But even disarmament did not bring about equality, which was clearly something Nehru was after. He explained:

What possible steps can we take to create a climate of peace in the world . . . ? One is that according to the Charter, countries should be independent. The countries that are dominated by another country should cease to be so dominated. No country, or at any rate very few countries in the world, can be said to be independent in the sense that they can do anything that they like. *There are restraining factors, and quite rightly.* In the final analysis, *the United Nations itself is a restraining factor . . .* Every country’s independence should be limited in this sense. *The first thing, however, is to have this process of independence of countries extended until it covers the whole world* [italics added].⁶⁷

And thus we have it. Independence was necessary for all, as a means of equalizing all people and spaces. But independence did *not* equal unmitigated state power. This was restrained by various factors, most notably the UN. All of this is of enormous significance. In the context of the full details of this paper, from 1942 up to the mid-1950s, Nehru stuck remarkably consistently to a single playbook. His hope, from the outset, was to create One World, united by basic tenets of fairness, justice and equality (as defined by world consensus), and to advance pragmatically to this end in small, measured steps, from the visionary Quit India Resolution to the idea of the UN Charter, from the making of universal human rights to the drafting of the Indian Constitution and the creation of the post-colonial state. The formation of India, he

⁶⁶ *Ibid.*, 67–68.

⁶⁷ *Ibid.*, 68.

makes clear, *was not the end in itself*, but merely part of the means to achieving a greater, more just (in his view) goal.

But, keenly aware that the radical possibilities of 1919 were not realized, Nehru felt an abundance of caution was necessary. If he moved forward too fast, he feared, he would not be able to build a consensus and his entire dream would die on the vine. While the initial climate of the HRC in 1947 was quite positive, by the latter stages the Cold War had made the environment quite acrimonious, as we saw in the last section. Nehru thus held off for a time, until this speech in 1956, when he believed the situation in the world had deteriorated to the point where the Great Powers, fearing a return to horrific World War, might be willing to listen to his alternative. 'I submit to you that this idea of cold war is essentially and fundamentally wrong. It Is [*sic*] immoral. It is opposed to all ideas of peace and cooperation. Therefore, let us be clear in our minds as to what the right way is'.⁶⁸ The right way was One World.

All of this tantalizingly points towards a major new understanding of Nehru's policy of non-alignment, launched the year before at the Bandung Conference. Rather than simply being a 'third way' to the Cold War as is commonly understood, non-alignment in its early stages at least, might (should?) be seen as Nehru's effort to keep everyone talking, to build harmony and consensus, *in order to make One World real*. Non-alignment, in the protean form practiced in the early UN, simply meant dealing with everyone, despite differences. Ironically, India's delegation to the UN often received the warmest support from the US and the UK, but India nevertheless remained wary of ulterior motives and a continuing fear of Western imperialism. It was often opposed, as we saw by way of example in the HRC discussions, by the Soviet delegations, despite what India perceived as natural and ideological affinity with their worldview.⁶⁹ Nehru's speech in 1956, in my view, is in many ways a plea for all players to trust him. The Soviets opposed many of the ideas of the Indian delegation for fear that an international authority would ultimately serve as a capitalist Trojan Horse and undermine the Soviet system (and, we can now say, out of fear that a human rights regime might have some issues with what Stalin had been doing). Nehru's speech, it seems to me, sought to acknowledge and assuage such concerns: 'I am quite sure that at

⁶⁸ *Ibid.*, 66.

⁶⁹ One World, after all, was a concept that had been by that point a rallying cry for Marxist internationalists.

the moment, as we stand today, all these pacts and military alliances are completely out of place Why should we be led away by fears apprehensions hatreds and violence [*sic*] . . . ? How are we to face this problem . . . ? [I]f we are clear in our aims, we can surely work towards that end'. The 'alliances' referred to Cold War blocs, while the 'clear aim', again, was One World.⁷⁰

Support for this claim may be found in looking at the Bandung Conference and its predecessor, the Asian Relations Conference (ARC). Both the ARC, held in Delhi in 1947, and the successor Bandung, held in Indonesia in 1955, sought to bring together representatives in the first instance from free Asia and in the second from Africa as well to help plot out the future of their region and their relationships.

Inaugurating the ARC, Nehru said, 'We have arrived at a stage in human affairs when the ideal of that "One World" and some kind of a world federation seems to be essential though there are many dangers and obstacles in the way. *We should work for that ideal and not for any grouping which comes in the way of this larger world group. We therefore support the United Nations. . . . But in order to have "One World", we must also in Asia think of the countries in Asia co-operating together for that larger ideal*'.⁷¹

⁷⁰ The fact that Stalin had died in 1953 and was succeeded by Nikita Khrushchev may have played a role in persuading Nehru that the time was now ripe for such an appeal. Khrushchev had earlier that year (1956) denounced Stalin, and Nehru may have perceived this as an opening for dramatic change. Prashad 2007 (45–47) argues that Khrushchev's Moscow was strongly influenced by 'the spirit of Bandung' (see following paragraphs in the main text of this paper) and had warmed to India and Nehru considerably since, though the motivations for this new attitude remain unclear. Ramachandra Guha points out that Nehru travelled to the Soviet Union in June 1955 immediately after Bandung (which had taken place in April), and Khrushchev reciprocated by visiting India a few months later. Each leader was treated like a rock star by their hosts. Guha 2007, 170–172. At the same time, October 1956 had seen both the British-led invasion of Egypt (in response to Nasser's nationalization of the Suez Canal), and the Soviet invasion of Hungary (in response to a local revolt). India, elsewhere in the UN, seemed to offer harsher condemnation of Western actions than the Soviet ones. See Guha, 172–175. But in this December 1956 speech, Nehru said: 'In regard to the events in Egypt and Hungary which are being dealt with by the Assembly, I can offer no suggestion except what I have said by way of an approach to these problems: that is, the way of tolerance. Tolerance does not mean passivity. It means something active. It does not mean forgetting any principle that we stand for, and, is laid down in the Charter. It is of the greatest importance that the United nations [*sic*], all of us, should keep in mind the Charter which is the basis'. Madhavan, 65. Nehru thus equates Egypt and Hungary in this speech, pins them together in his critique of the Cold War made elsewhere in the speech, and urges people on towards his better way.

⁷¹ *Asian Relations*, 25. Italics added.

India made progress on pushing that ideal through the ARC, as the delegates' positive reactions at the conference illustrated.⁷²

Recent work by Itty Abraham extensively analyzing Bandung and the ARC help us to fill in the remaining blanks of the puzzle. The central question that both conferences sought to address was that of migratory peoples and their relationship to territory and sovereignty in the new, emerging post-colonial order. Colonialism had helped scatter populations across the globe, raising particularly thorny issues for ideas of nations and nation-states. To which country did such populations owe their allegiance? From which were they due citizenship? To which could they appeal for protection and justice? Did each question have to be answered only in the singular, or was it possible for there to be multiple options for such populations? 'External' Indians and Chinese, especially, gave many of the participants pause, since it raised concerns of smaller states of accidentally running afoul of their larger neighbors, who might act to protect 'their' people.

Focus on India was one of the key differences between the ARC and Bandung. In the former, policies on 'external' Indians received a great deal of attention. But the Bandung attendees did not return to such discussion. Abraham suggests a reason for this change: India simply decided that, provided certain basic rights were guaranteed, 'external' populations had to fight their own battles in their 'adopted' countries; that is, India gave up all claims on its 'externals', and likewise that externals were not automatically owed anything by the Indian state. This position assuaged participants during the ARC. The silence in Bandung simply reflected the fact that the attendees had accepted India's word, and that nothing had taken place in the interim to dissuade them of their belief.⁷³

This information provides some crucial context to our analysis of Nehru's interventions in, and hopes for, the UN. We saw that the first issue the Indian delegation raised in the UN, and that became the basis of the principle that a world body could interfere in the affairs of sovereign states, had to do with the 'external' Indian population in South Africa. We also noted that Nehru began his directive to

⁷² See, for instance, *Ibid.*, 241.

⁷³ Preceding two paragraphs from Abraham forthcoming, especially 17–25. I am grateful to Itty Abraham for sharing this paper with me in its early stages, and for allowing me to cite it here. For a broader discussion of Bandung in the context of 'Third Worldism', see Prasad 2007, 31–50.

Mehta at the opening of the HRC with some scattered thoughts on 'nationals' and 'non-nationals'. And we saw that Nehru in 1956, one year after Bandung, was still pushing for One World, even if achievement meant a series of incremental steps. Adding this all up, I think, suggests that India let the question of external populations go in the ARC and Bandung precisely because they believed their fundamental rights would be protected by the meta-institution of the UN. To Mehta, Nehru had pointed out that '[t]he rights of Nationals must necessarily differ from those of Non-nationals. In either event there should be no discrimination i.e. Non-Nationals should be treated alike The question of nationality is a difficult one, more especially in countries which have so far belonged to the British Empire or Commonwealth Nations Normally speaking, a person will not have a dual nationality and he will have to choose'.⁷⁴ The events of the ARC, held a few weeks after this letter was written, allows us to re-read this troubling line. For Nehru, 'nationals' and 'non-nationals' were not a reference to the liberal conception of citizenship and modern states. Rather, this was actually admission that the post-colonial future would have to think outside the box defined by the colonial worldview; it could not and would not be defined by the confines and limits of the old nation-state-based apparatus. 'Non-nationals', then, is not a reference to 'second-class citizens' within a state of 'nationals'. Rather, 'non-nationals' is a reference to the dispersed diaspora. Their different rights, vis-à-vis 'nationals', simply meant that there was no immutable link to the land of their ancestors. That is, Nehru got around the problem of global populations, a reality in the post-colonial world, by seeking to overturn the hegemony of a nation-state-driven world order. One World and justiceable, universal human rights would protect people everywhere. Mehta's opening remarks to the second meeting of the first session of the HRC, the first major speech by any of the representatives and part of her effort I think to set the agenda, bear witness to this conclusion. She

pointed out that . . . during the past one hundred years, four million Indians had been transplanted to various parts of the world under the aegis of the colonial governments concerned, and were now residing abroad in special communities, created at the request and for the benefit of those governments. As a result of this transplantation, numerous cases of denials of rights in law and equality and complicated questions of nationality and citizenship had arisen, due to certain administrative practices on the part of the governments

⁷⁴ Letter from E.S. Bajpai to HM, Mehta Papers, F/No 12.

concerned. *Such problems had to be solved within the meaning of the terms of reference of the Commission on Human Rights and the principles of the [UN] Charter* In fact, the proposed bill of human right [*sic*] would be meaningless unless an unequivocal definition were given of the relationship which ought to exist between the individual, the community, the state, and the international organization [*italics added*].⁷⁵

The list in the last sentence is key. It unmistakably implies that each unit was bound up with the next, that each, perhaps, owed something to and was in turn owed something back by another unit. The individual existed within the community that existed within the state that existed within the international organization. The Commission, Mehta charged, had to define how each was answerable to, limited by, or greater than any of the others. Her eventual push for the implementation framework, then, illustrates that her view, *viz.* India's/Nehru's view, was that the state most especially had to be deferential in certain critical ways to international – meta-national – authority.

A speech delivered by K.M. Munshi, one of the framers of the Indian Constitution and a member with Mehta of the Fundamental Rights Subcommittee, should dispel any remaining doubts about these claims. Speaking in Bombay in 1951 to commemorate the anniversary of the Declaration of Human Rights, Munshi clearly and precisely linked the human rights declaration and the UN with nation-state-busting world government. Titled 'World Consciousness Before One World', the speech is worth quoting at length:

The conquerors founded the League of Nations, but the prospects of a world government were destroyed by internecine rivalries and the isolationist tendencies of the U.S.A. After the fall of the League of Nations, the world again clamored for a world organ, and the United Nations Organization was founded. Though divided under the influence of the two great power blocs, it is a forum where words replace weapons and the world's conscience . . . becomes an arbiter Thus the whole world has shown its readiness to support the moral force of UNO. This is where India comes in, as a protagonist of the power of moral force. We have only the weapons of a man of peace; a sense of fairness, a burning desire for peace and a faith in One World. We have been friendly with both Russia and China. We are associated with the U.S.A. and the Commonwealth countries in democratic faith and economic collaboration. We can, therefore, mobilize the incalculable moral opinion . . . and form the conventions of world self-rule. But without one

⁷⁵ SRot2ndMot1stSotHRC, 27 January 1947, E/CN.4/SR.2, 3-4, Folder: January-June 1947, ILFDRL.

world consciousness, one world government by willing co-operation is an impossibility. . . . Our minds . . . have remained behind the times still divided by the barriers of caste and religion, linguistic difference and national exclusiveness. The area of the mind must, therefore, be cleared of its out-of-date fences. . . . In the meantime, the world is moving fast. We see world consciousness forcing its way through outworn institutions. Mighty forces in search of security are breaking down national exclusiveness. We are being rudely awakened to a sense of unity in matters political, economic, scientific, and even cultural. Both UNESCO and FAO [arms of the UN] . . . are moving swiftly. . . . If world government, plenary in character, even though informally so, does not come soon, humanity is doomed. Man's destiny, however, points towards a world government, and it shall be fulfilled.⁷⁶

This startlingly candid speech thus reinforces the conclusions reached throughout this paper. The founding of the League of Nations was seen as a moment of hope for a new world order, but its failure dashed those dreams. The creation of the UN served as a second chance to achieve the desired outcome, explicitly stated as One World. This one world mentality meant overcoming the blocs of the Cold War, clearly a reference to India's policy of non-alignment. Indeed, it is India that must lead the way to One World through its moral power, obliquely alluding to the successful methods employed to lead India to victory on the South Africa question. And One World itself is definitively defined as world government that will end national exclusiveness; Munshi elsewhere in his speech calls the desired goal 'super-national government'. The UN is the protean form of world government, and is moving incrementally towards the larger goal. One of these steps is the Universal Declaration of Human Rights, a point made simply by talking about the UN-as-One World in a speech marking the anniversary of the rights declaration.

A letter from Dr. Lanka Sundaram, one of Mehta's two aides-de-camp, I think, provides one final piece of proof. Writing a few days after the First Session was over, Sundaram provided an insider's account of what had gone on in the HRC to R.N. Banerjee, the Secretary to the Government of India, saying that he had not recorded such detail 'at New York, for the reason that there might be a leakage of vital information through our secretaries, who are not Indian'. Sundaram's letter, while not marked as such, therefore comes across as secret and confidential. He states:

⁷⁶ Munshi 1958, 214–216. There is considerable irony in Munshi making these claims as he was, I have argued elsewhere, a strong advocate of Hindu nationalism. See Bhagavan forthcoming a and b.

I am not easily given to dramatizing impressions, but I would say with all the conviction at my command, and for the record, that in the coming sessions of the Human Rights Commission... and... in the second Session of the General Assembly, we will find a tremendous amount of opposition to the policy we are likely to pursue as a logical expansion of the one which started with the South Africa issue in October last year.... It occurs to me... the conclusion that apparently quite a good number of Governments represented in the United Nations are more or less repenting at leisure the action they had taken on the South African issue. Obviously the smaller Powers were told by the Anglo-Americans that the skeletons in the closets of nations are bound to fall in the long run, and in their own self-interest it is necessary for them to walk with caution.... [T]he most shocking thing is that the delegate from Iran Dr. Ghassame Ghani... made an opening speech to the Commission asking for caution, and suggesting that the sovereignty and internal tranquility of the States must be protected by the United Nations even when there is a pursuit of first principles as those entrusted to the care of the Commission!⁷⁷

India wanted to 'logically expand' on the policy which had started with South Africa, which, you will recall, Assistant UN Secretary-General Henri Laugier had claimed made 'national sovereignty' fall before principles such as human rights. India's hopes of weakening the idea of national sovereignty in favour of global power is seen in Sundaram's reaction to Iran's speech, which can only be seen as 'shocking' if one believed that national sovereignty was a ridiculous, anachronistic notion that could not possibly still be taken seriously. Sundaram's conspiracy theories, facilitated he claims elsewhere in the letter by the US State Department's concerns over the fallout from South Africa, ultimately fail to see the equally vociferous challenge coming from the Soviet bloc, and the general resistance from many angles to breaking down the belief in sovereign states. But it is this fear of resistance that keeps India's larger goal under wraps for so long, until 1956 when Nehru believed, perhaps as a result of the ARC and Bandung, and the horrible conflict the world was again seeing, that people might be more ready to consider his idealistic alternative.⁷⁸

⁷⁷ Letter from Dr. Lanka Sundaram to R.N. Banerjee, 20 February 1947. Mehta Papers, F/No 15. J. Natarajan was HM's other adviser. See hand-written note of S. Sen, the Indian Liaison Officer, UNA, S-0991-5-17.

⁷⁸ Nehru, 'Towards a World Community', Madhavan, 61-70. The speech is filled with references to the grim realities of war caused by contemporary realities, and the peace that might be produced by a better way.

VII. Conclusions

Beginning with the Quit India Resolution, but with antecedents emerging as early as 1919, Nehru set his sights on the distant horizon and allowed himself to dream big. Working with his sister and with Hansa Mehta, Nehru sought to make his hopes a reality through the UN. What he was after was not a modern world of competing sovereign nation-states. Instead, he sought to fashion a new world based on a post-liberal order. In his view, nationality was not pre-determined, and states, correlatively, were not beholden to singularized, essentialized notions of nation. Globalized people had freedom to move and to choose their homes, with their rights protected by their host countries, but guaranteed by the larger world community. The ultimate goal was to erase boundaries and create One World. But as idealist as this sounds, Nehru was no idyllic utopian. He knew that One World was a just but distant goal. In the meantime, he was satisfied with making measured movement in this direction, by helping to shape the overall UN, as with the South Africa question, and by building smaller pieces of infrastructure, such as the human rights declaration, as well. Non-alignment, this paper has argued, was part of this overall strategy.

Since Nehru's death, covenants on political and economic and social rights have subsequently been ratified by the UN, though they have yet to be adopted by all member states. The European Court of Human Rights in Strasbourg and the Inter-American Court of Human Rights in Costa Rica are two supra-national enforcing agencies that bear the imprint, indirectly, of the Nehruvian agenda.⁷⁹ Nehru's, in sum, is a dream unfulfilled, but alive and in progress. He had a larger view of a world governed by social justice and equality, well beyond that which has thus far been ascribed to him, and was willing to work patiently and slowly towards this end. This brings to mind, and perhaps inflects with new meaning, the words of Faiz Ahmad Faiz, the famed South Asian progressive poet and one of Nehru's favourite authors, worth turning to by way of conclusion. In his well-known and often-cited poem *Dawn*, written in 1947 at subcontinental independence, Faiz wrote, *Chale chalo ke woh manzil abhi nahin ai / Let us keep moving, for we have not yet reached our destination.*

⁷⁹ Glendon lists the European and Inter-American human rights systems as successors, with varying degrees of legitimacy, power and jurisdiction, to the Universal Declaration. See Glendon, 237.

References

Primary Sources

- Asian Relations: Being Report of the Proceedings and Documentation of the First Asian Relations Conference*. New Delhi: Asian Relations Organizations, 1948.
- Briggs, Herbert W. 'Implementation of the Proposed International Covenant on Human Rights'. *The American Journal of International Law* 42(2), 1948, 389–397.
- Cordier, Andrew and Foote, Wilder, eds. *Public Papers of the Secretaries-General of the United Nations, Volume I: Trygve Lie, 1946–1953*. New York: Columbia University Press, 1969.
- _____. *Public Papers of the Secretaries-General of the United Nations, Volume II: Dag Hammarskjöld, 1953–1956*. New York: Columbia University Press, 1972.
- Gandhi, Mohandas K. *The Collected Works of Mahatma Gandhi (CWMG)*. Online at <http://www.gandhiserve.org/cwmg/cwmg.html>. Last accessed 29 April 2008.
- India and the United Nations: Report of a Study Group set up by the Indian Council of World Affairs*. New York: Manhattan Publishing Company, 1957.
- Institute of Pacific Relations. *Security in the Pacific*. New York, 1945.
- Madhavan, S.K., ed. *India at the United Nations, Volume I*. New Delhi: APH Publishing Corp., 1999.
- Mehta, Hansa, Kaur, Rajkumari Amrit, and Menon, Lakshmi. *The Indian Woman's Charter of Rights and Duties*, July 1946.
- Munshi, K.M. *Our Greatest Need and Other Addresses*. Bombay: Bharatiya Vidya Bhavan, 1958.
- Nehru, Jawaharlal. *The Discovery of India*. New York: The John Day Company, 1946.
- _____. *The Selected Works of Jawaharlal Nehru (SWJN), Second Series*, S. Gopal, ed. New Delhi: Jawaharlal Nehru Memorial Fund, distributed by Oxford University Press, 1984.
- Official United Nations Documents, Dag Hammarskjöld Library (DHL), United Nations Headquarters, New York.
- Pandit, Vijaya Lakshmi. *The Scope of Happiness*. New York: Crown Publishers, 1979.
- Papers of Isador Lubin, Franklin D. Roosevelt Library (ILFDRL). Hyde Park, NY.
- Papers of the United Nations. UN Archives, New York (UNA).
- Private Papers of Hansa Mehta, Nehru Memorial Museum and Library (NMML), New Delhi.
- Private Papers of Vijaya Lakshmi Pandit. NMML.

Secondary Sources

- Abraham, Itty. 'Migration and Citizenship in Asian International Relations and State Formation'. In See Seng Tan and Amitav Acharya, eds. *Bandung Revisited: A Conference's Legacy and Relevance for International Order*. Singapore: NUS Press, forthcoming.
- Austin, Granville. *The Indian Constitution*. Delhi: Oxford University Press, 2000. 1st pub. 1966.
- Berkes, Ross and Bedi, Mohinder. *The Diplomacy of India: Indian Foreign Policy and the United Nations*. Stanford: Stanford University Press, 1958.
- Bhagavan, Manu. *Sovereign Spheres: Princes, Education and Empire in Colonial India*. New Delhi: Oxford University Press, 2003.
- _____. 'Princely States and the Hindu Imaginary: Exploring the Cartography of Hindu Nationalism in Colonial India'. *The Journal of Asian Studies*, August 2008, forthcoming a.

- _____. 'The Hindutva Underground: Hindu Nationalism and the Indian National Congress in Late Colonial and Early Postcolonial India'. In Steven Lindquist, ed. *Religion and Identity in South Asia: Essays in Honor of Patrick Olivelle*. Firenze, Italy: Firenze University Press, forthcoming b.
- Brown, Judith. *Nehru: A Political Life*. New Haven: Yale University Press, 2003.
- Chatterjee, Partha. 'The Moment of Arrival: Nehru and the Passive Revolution'. In *Nationalist Thought and the Colonial World*. Minneapolis: University of Minnesota Press, 2004, 1st pub. 1986, pp. 131–166.
- _____. 'The Nehru Era'. In *A Possible India: Essays in Political Criticism*. Delhi: Oxford University Press, 1997.
- Glendon, Mary Ann. *A World Made New*. New York: Random House, 2002, 1st pub. 2001.
- Gopal, Sarvepalli. *Jawaharlal Nehru: A Biography* (3 volumes). Cambridge: Harvard University Press, 1976.
- Guha, Ramachandra. *India After Gandhi*. New York: Ecco/HarperCollins, 2007.
- Hess, Gary. *America Encounters India*. Baltimore: The Johns Hopkins University Press, 1971.
- Kennedy, Paul. *The Parliament of Man*. New York: Random House, 2006.
- Khilnani, Sunil. "Nehru's Faith." In Anuradha Dingwaney Needham and Rajeswari Sunder Rajan, eds. *The Crisis of Secularism in India*. Durham, NC: Duke University Press, 2007.
- Manela, Erez. 'The "Wilsonian Moment" in India and the Crisis of Empire in 1919'. In Wm. Roger Louis, ed. *Yet More Adventures with Britannia*. New York: I.B. Tauris, 2005.
- Morsink, Johannes. *The Universal Declaration of Human Rights*. Philadelphia: University of Pennsylvania Press, 1999.
- Palit, D.K. *Major General A.A. Rudra: His Service in Three Armies and Two World Wars*. New Delhi: Reliance, 2006.
- Prashad, Vijay. *The Darker Nations: A People's History of the Third World*. New York: The New Press, 2007.
- Rosenberg, Jonathan. *How Far the Promised Land? World Affairs and the American Civil Rights Movement from the First World War to Vietnam*. Princeton: Princeton University Press, 2006.
- Sherwood, Marika. "India at the Founding of the United Nations." *International Studies* 33(4), 1996, 407–428.
- Smith, Neil. *The Endgame of Globalization*. New York: Routledge, 2005.
- Tharoor, Shashi. *Nehru: The Invention of India*. New York: Arcade Publishing, 2003.
- Von Eschen, Penny. *Race Against Empire: Black Americans and Anticolonialism, 1937–1957*. Ithaca, NY: Cornell University Press, 1997.

Websites

- <http://parliamentofindia.nic.in/ls/debates/debates.htm>. Last accessed 28 November 2007.
- <http://www.betterworld.net/quotes/law-quotes.htm>. Last accessed 5 October 2006.
- <http://indiacode.nic.in/coiweb/welcome.html>. Last accessed 14 July 2006.
- <http://www.liberation.org.za/collections/sacp/dadoo/dadoo03.php>. Last accessed 22 June 2006.
- <http://www.un.org/aboutun/charter/>. Last accessed 21 June 2006.
- <http://www.un.org/aboutun/history.htm>. Last accessed 19 June 2006
- <http://www.yale.edu/lawweb/avalon/wwii/atlantic.htm>. Last accessed 29 April 2008.