Transnational Networks and the International Public Order

By Jenia Iontcheva Turner

A. Introduction

When Harvard Professor Manley O. Hudson delivered his lectures on “Progress in International Organization” in 1932, he recognized that a devastating world war and rapid technological changes had fundamentally transformed international relations. As the means of communication and transportation improved at the end of the nineteenth and early twentieth century, “contacts had grown much more frequent and intimate, commerce had expanded very rapidly, exchanges of all sorts had grown apace. Quite suddenly […] the world had become a smaller place in which to live.” The ruin of World War I shattered some illusions of growing international cooperation, but it also reinforced the belief that a stronger international organization was needed to promote peace and stability.

In the United States, President Woodrow Wilson was a fervent advocate of the view that the international community could be saved from another world war only by cooperating within the framework of a new international institution. It was under his initiative that states participating in the Peace Conference at Versailles signed the Covenant establishing the League of Nations. Hudson himself supported the League’s mission. In his view, the League ushered in a “new era in organized international life” and represented “the triumph of common interest over national and local prejudice.” He became personally involved in the League’s work, advising Wilson at Versailles and later serving in the League’s Secretariat and as a judge at the Permanent Court of International Justice.

1 Sections of this chapter are adapted from Jenia Iontcheva Turner, Transgovernmental Networks in International Criminal Justice, 105 Mich. L. Rev. 985 (2007).
3 Id. at 16.
4 Id.
5 Id. at 23.
While Hudson’s predictions about the League’s triumph over national and local prejudice were proven tragically wrong by World War II, many of his broader insights concerning the value of international organizations remain worthy of attention. One example is his belief in the fundamental importance of the human element in promoting international cooperation. Hudson recognized that “[g]overnmental agencies do not operate themselves, and their character must change as men come and go.” He believed that the engine of international cooperation was not so much the charter or the mandate of the League, but rather the regularized interaction between state officials and civil servants that the League promoted. Even if nothing of substance were to be accomplished at the gatherings of the League’s Assembly, Hudson thought these gatherings “would be amply worthwhile because of the value of such personal contacts and of the increased understanding which results from them.”

Today, interpersonal contacts among national representatives remain a significant factor in international cooperation. Until relatively recently, such contacts developed primarily through meetings, conversations and other personal exchanges among heads of state or their diplomatic representatives. Following World War II, the United Nations also became a venue for regular interactions among delegations of national diplomats.

Over the last few decades, however, a broad range of governmental officials have begun interacting outside the strictures of both the UN and high-level intergovernmental diplomacy. Mid-level government officials, prosecutors, judges, and legislators have been coordinating policy through informal networks. Such coordination has occurred without official or formal legal sanction, and it is often seen as more efficient than cooperation through the UN or through formal diplomatic channels. It is especially prominent in areas of cross-border regulation, including banking, antitrust, environmental protection, and securities law. But it also occurs in more politically charged areas, such as national security and human rights.