

PART I

Introduction

1

Informality in Global Governance *An Introduction*

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1.1 Overview

Throughout the twentieth century, states were at the center of global governance. International regimes and formal intergovernmental organizations (FIGOs) were the dominant modes of interstate cooperation (Krasner 1983; Keohane 1984; Abbott and Snidal 1998b). Centralization, hierarchy, and formalization through treaties were the hallmarks of FIGOs such as the United Nations (UN), International Monetary Fund (IMF), and World Trade Organization (WTO) (Abbott et al. 2000; Koremenos et al. 2001).

Beginning in the 1980s and accelerating in the 1990s, however, states increasingly turned to informal intergovernmental organizations (IIGOs) (Vabulas and Snidal 2013, 2020), transnational public–private governance initiatives (TGIs) (Abbott and Snidal 2009b; Westerwinter 2021), and other institutional forms to structure interactions and govern cross-border problems. IIGOs are organizations in which states meet regularly to make policy and coordinate behavior, without a formal secretariat or institutional structure. Examples include the G-groups (e.g., G8 or G20) (Gstöhl 2007; Cooper and Pouliot 2015) and the Proliferation Security Initiative (Eilstrup-Sangiovanni 2009). In TGIs, by contrast, states collaborate with business groups and non-governmental organizations (NGOs) to combine their knowledge, resources, and legitimacy. Examples include the World Commission on Dams (Dingwerth 2007) and the International Code of Conduct for Private Security Service Providers' Association (Avant 2016).

In addition to his role in conceiving and shepherding this project, as described in the Preface, we owe a special debt to Oliver Westerwinter for his contributions to this chapter, as lead author of an earlier version (Westerwinter et al. 2021)

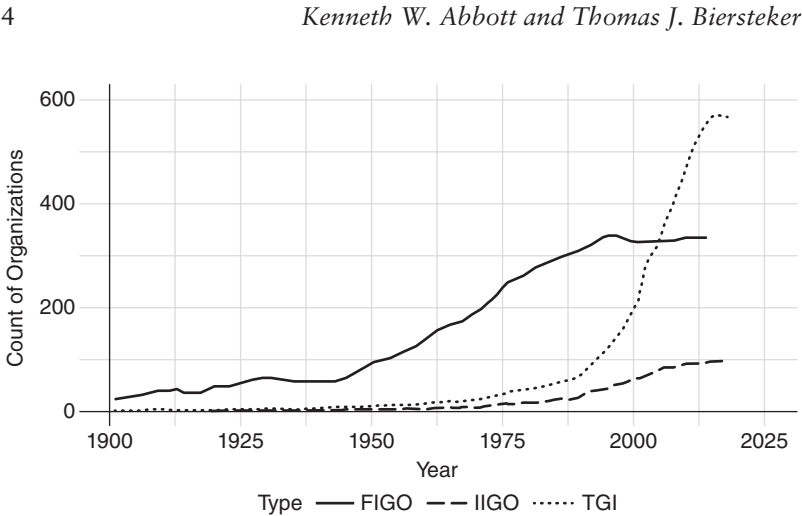


Figure 1.1 FIGO, IIGO, and TGI growth

This turn toward informal cooperation constitutes a broad trend in world politics, beyond individual cases. Based on recent datasets described in greater detail later, we observe that the number of informal institutions, specifically IIGOs and TGIs, has grown rapidly since the 1990s, both absolutely and even more relative to FIGOs (see Figure 1.1).

While research focused on FIGOs and treaties remains important, those institutional forms are now only part of the complex patchwork of global governance (Lake 2010; Kahler 2018; Abbott and Faude 2022). Informality even plays a role within formal institutions. For example, the informal rules of the game in the WTO depart substantially from its formal treaty provisions (Steinberg 2002). Likewise, in the EU, the legislative co-decision procedure between the European Parliament and the Council of Ministers consists of an ensemble of formal and informal procedures that interact in multiple ways (Farrell and Héritier 2003). Thus, while formal rules are important features of global governance, in many situations, informal practices override, substitute, or complement them. Understanding how contemporary global governance actually works requires a focus on informal governance.

Accordingly, recent work in political science, economics, and international law has begun to examine informal modes of international cooperation (Stone 2011, 2013; Christiansen and Neuhold 2012b; Pauwelyn et al. 2012b; Kilby 2013; Kleine 2013b; Hardt 2014), producing a rapidly growing number of studies in the social sciences.

In addition to individual instances of informal governance, research has begun to consider the nature and effects of interactions among informal governance arrangements and between informal and formal institutions (Abbott et al. 2015a; Andonova 2017; Green and Auld 2017; Westerwinter 2021; Abbott and Faude 2022). Yet despite this growing scholarly attention, many questions related to the creation, design, functioning, and effects of informal governance remain underexplored.

In the broadest sense, informal governance refers to rules, norms, and institutional structures, procedures, and practices that are not enshrined in the constitutions or other formally constituted rules of treaty-based FIGOs. Informal governance can involve diverse configurations of public and private actors, ranging from purely intergovernmental institutions to public–private arrangements, to private organizations, and to governance complexes (Eilstrup-Sangiovanni and Westerwinter 2022; Abbott and Faude 2022) or assemblages (Bueger 2018) that include multiple institutional forms. This volume focuses on informal governance arrangements that involve states as one or the only type of participant, especially IIGOs such as the G8 (Gstöhl 2007) and multistakeholder TGIs such as the Kimberley Process (Haufler 2010).

This broad definition provides a useful starting point for studying informality in world politics. It helps us to identify how informality differs from the formal institutional forms that were historically the focus of global governance research. To be sure, our definition mainly states what informality is *not*.¹ Yet it provides a broad conceptual lens that does not close off alternative formulations prematurely, maximizing opportunities for comparisons and conceptual innovations. These opportunities are important both for this volume and for the broader research program on informal governance. The chapters in this volume use our definition or amend it to better suit the specifics of their empirical cases and theoretical foci, producing productive inquiries and new findings.

Existing work largely focuses on informal governance *within* FIGOs such as the WTO and EU (Steinberg 2002; Prantl 2005; McKewon 2009; Stone 2011; Kilby 2013; Kleine 2013b; Hardt 2014, 2018a), but the phenomenon is broader. Informal governance *outside* FIGOs

¹ Other definitions take a similar approach, for example, Vabulas and Snidal 2013, 2020, Roger 2020.

is an important alternative to formal governance structures, and the two influence each other in diverse ways (see, e.g., Keohane and Nye 1974; Kahler and Lake 2009; Biersteker 2014; Abbott et al. 2015a; Andonova 2017).

For example, states may prefer to cooperate using informal agreements because informality increases flexibility and speed and reduces contracting costs (Aust 1986; Downs and Rocke 1987; Lipson 1991; Abbott and Snidal 2000; Prantl 2005; Sauer 2019; Abbott and Faude 2021). Furthermore, informal governance outside FIGOs can be a deliberate strategy of both strong and weak players, which seek to bypass unfavorable formal structures to enhance their bargaining positions (Vabulas and Snidal 2013; Avant and Westerwinter 2016b). Informal cooperation can be a strategy to explore cooperative endeavors in relatively empty institutional spaces or to create new arrangements in densely institutionalized settings (Abbott et al. 2016; Westerwinter 2021). States and other actors may also use informal governance to manage institutional complexity among formal institutions (Abbott and Faude 2022) or to address novel policy challenges for which incumbent institutional forms are not suitable (Bueger 2018).

In sum, while scholarship that focuses on FIGOs often neglects informal cooperation altogether, work on informal governance within FIGOs tends to overlook informal governance outside formal arrangements. Both research programs can benefit from incorporating IIGOs, TGIs, and other informal arrangements into their models. Neglecting the coexistence of formal and informal institutions, moreover, makes it impossible to examine interactions and trade-offs between different forms.

This volume begins to fill these research gaps. Specifically, we focus on three sets of research questions:

- First, what is the nature and extent of the shift toward informal governance seen in Figure 1.1? What forms does it take, and what temporal trajectories can we observe, in different issue areas?
- Second, what forms of informality, inside and outside FIGOs, can we identify? What do these forms look like? Who participates in them? What are their commonalities and differences?
- Third, what are the major drivers of the shift to informal governance? Are there functional demands for governance that treaties and FIGOs cannot address? Are the distribution of power and the interests of powerful players the major driving forces? Do domestic

political processes play a role? Do technological innovations and novel challenges shape informal governance? Are different types of informality shaped by different factors? How do causal factors interact?

This introduction provides theoretical, conceptual, and empirical background and guidance for exploring these questions. The following three sections are structured around the three sets of questions. First, we introduce data on the recent growth of IIGOs and TGIs, as compared to the trajectory of FIGOs. These data enable us to document the rise in governance informality more systematically and in greater detail than in previous case studies.

Second, we develop a typology of informality that distinguishes informality *of*, *within*, and *around* global governance institutions. This typology highlights the differences and commonalities among three forms of informality that have typically been studied in isolation, opens opportunities for productive comparisons, and facilitates comparative empirical research.

Third, we outline a range of factors that are potential drivers of the growing importance of informal governance, drawing on major streams of theory in International Relations (IR) and the chapters of this volume. We treat these as candidate explanatory variables.

We then introduce the other contributions to this volume, which present innovative analyses of informal governance of, within, and around formal institutions, yielding new theoretical and empirical insights.

1.2 From Formal to Informal Global Governance?

As Figure 1.1 suggests, the institutional architecture of global governance has undergone dramatic changes in recent decades, with a rapidly growing number of informal institutions, specifically IIGOs and TGIs. We analyze these changes based on data that allow for comparative analysis of FIGOs, IIGOs, and TGIs over time and across issue areas (Westerwinter 2021).²

² Westerwinter (2021) describes in detail how the data were collected and presents additional descriptive statistics.

1.2.1 Numbers

Starting with IIGOs, while only 28 existed in 1990, their number increased to 82 by 2014,³ corresponding to growth of 193 percent. TGIs experienced even more rapid growth. From 74 in 1990, by 2014 their number increased by about 655 percent, to a total of 559 (see Figure 1.1). These growth rates are consistent with the proliferation of informal institutions without states as participants. Abbott et al. (2018: 10), for example, report that some 116 TGIs have been created since 1990, while only 15 existed before 1990. Likewise, Abbott et al. (2016: 248) find that “private transnational regulatory organizations” formed by different combinations of civil society and business actors have proliferated in these decades.

Although the absolute number of FIGOs (313) was still higher than that of TGIs (74) in 1990, by 2005 TGIs had become the most frequent form of cooperation in the data. In addition, between 1990 and 2014, the growth of FIGOs slowed dramatically, to a rate of about 7 percent (see Figure 1.1). Importantly, this flattening out in the growth of FIGOs co-occurred with the beginning of the sharp increase in the number of IIGOs, and even more of TGIs, in the late 1990s.

1.2.2 Issue Areas

While the recent growth of IIGOs and TGIs is striking, it is not universal: Some issue areas witnessed greater expansion than others. Among TGIs, about 55 percent of all initiatives address environmental issues, including climate change and energy; 46 percent deal with development.⁴ About 47 percent address social problems, and 26 percent deal with health. Smaller numbers of TGIs operate in other issue areas, including trade and commerce, human rights, technical issues, finance, and security.

The picture looks different for IIGOs. Here 60 percent of the organizations address security issues, 54 percent social problems, 52 percent environment issues, and 37 percent trade and commerce; 37 percent deal with development problems, 29 percent with technical issues, 20

³ The identification of IIGOs is based on Vabulas and Snidal (2013, 2020).

⁴ The percentages across issue areas do not sum to 100 because issue areas are not coded as mutually exclusive. One FIGO, IIGO, or TGI can operate in more than one issue area.

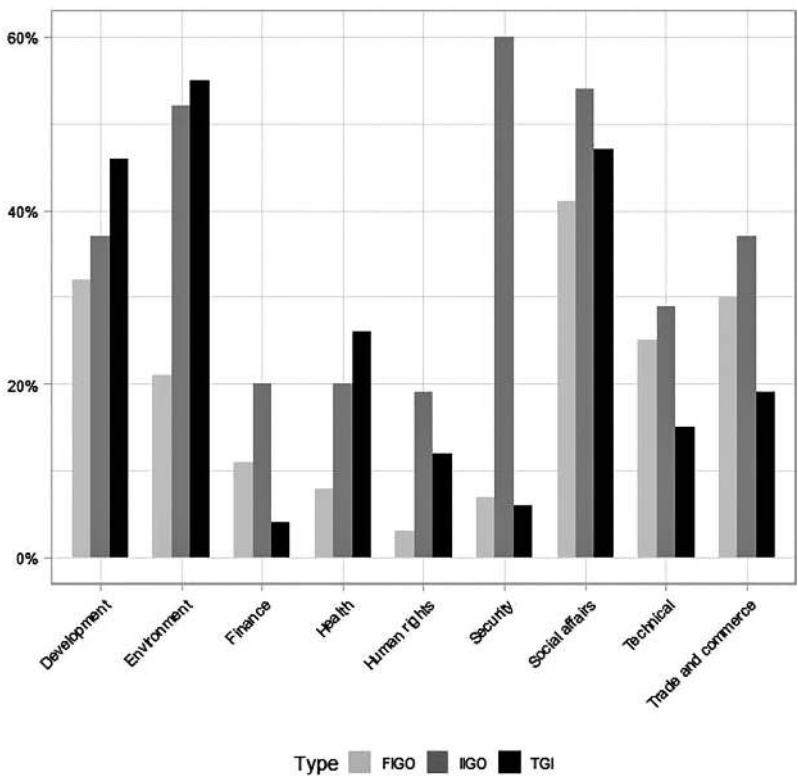


Figure 1.2 FIGO, IIGO, and TGI issue areas

percent with financial problems, and about 20 percent with health. FIGOs, by contrast, are most prominent in the areas of social affairs, development, trade and commerce, and technical issues (see Figure 1.2).

Thus, the issue concerns of IIGOs and TGIs are not equally distributed and are not limited to the areas of environment, health, and human rights. They are also increasingly important for states that seek to address economic and security problems. In other words, informal institutional arrangements are an important instrument of governing in many issue areas of world politics.

1.2.3 Growth Trajectories

The growth trajectories of informal modes of global governance have also varied across issue areas. The creation of TGIs addressing the

environment, development, and social affairs began in the 1970s. Their growth rate increased slowly in the 1970s and 1980s, then exponentially in the 1990s. We observe a similar pattern for TGIs addressing health, technical issues, trade and commerce, and human rights, although here growth started later and its rate has remained lower. In finance, security, and human rights, the TGI growth rate has remained low.

The growth trajectories of IIGOs are different. Here, organizations addressing development, finance, and security issues emerged as early as the 1960s, and their numbers have increased considerably since then. IIGOs addressing environmental, social, trade, and technical problems have also increased rapidly, but this growth only took off in the 1980s. IIGOs addressing health and human rights appeared later, and their growth rates have remained lower than in other areas.

The growth of FIGOs was most pronounced in the fields of development, environment, social affairs, technical, and trade and commerce but has flattened out or even decreased slightly since the 1990s. FIGO growth has remained slower and lower in the finance, health, human rights, and security areas.

1.2.4 State Participation

Another variation in informal governance institutions is the pattern of state participation. Starting with TGIs, a small number of states, including the United States, the United Kingdom, Germany, and the Netherlands, participate in a large number of TGIs. Other states, including Russia, China, Brazil, and India, as well as many African and Latin American countries, are much less involved. However, Kenya and South Africa were among the top twenty TGI participant states in 2014.

In IIGOs, countries such as China, Russia, India, and Brazil are among the most frequent participants. The twenty nations that most frequently participate include China, Indonesia, South Africa, and Poland. Compared to both TGIs and IIGOs, the pattern of state participation in FIGOs is more balanced and universal, with a larger number of states being members of a larger number of organizations.

1.3 Three Types of Informal Governance

Informality in contemporary global governance appears in diverse forms. Based on recent literature and the chapters in this volume, we

can identify three broad forms: Informality of institutions, *within* institutions, and *around* institutions. Each form reflects a different aspect of the phenomenon of informality, and they are interrelated in important ways.

First is the emergence of governance institutions that are themselves informal in structure and operations. Informal institutional forms including IIGOs and TGIs, transgovernmental networks of domestic regulators (TGNs) such as the Basel Committee on Banking Supervision (Raustiala 2002; Slaughter 2004), ad hoc coalitions (Reykers et al. 2023), and others (Abbott and Faude 2021) have grown rapidly since the 1990s and are today an established element of the global governance architecture (Lake 2010; Abbott et al. 2016; Avant and Westerwinter 2016b).

These diverse institutions have in common that they are not established by interstate treaties. Rather, they are based on informal agreements, memoranda of understanding, or other founding documents (Vabulas and Snidal 2013; Westerwinter 2021); they sometimes lack any founding document. Yet even informal institutions typically involve an organizational structure and regular meetings; some even include small secretariats. Additional formality often emerges over time, producing some TGNs nearly as formally structured as FIGOs (Abbott et al. 2018). In this volume, Vabulas and Snidal also show how informal institutions may adopt relatively formal structures. Indeed, many formal institutions were once informal (Tieku 2019), although this does not imply that eventual formalization is inevitable.

In this volume, Snidal and Vabulas analyze the growth and salience of IIGOs. They demonstrate considerable variation in terms of institutional design and develop theoretical arguments that explain how states use informal organizations to enhance cooperation. Carlson and Koremenos show that absolute monarchies, a specific type of autocratic regime, cooperate with one another using informal arrangements rather than formal treaties, so as to maximize the private benefits state leaders can reap.

Second is the use of informal modes of governing *within* both formal and informal institutions. Most research on this type has focused on informal arrangements, understandings, practices, or norms operating within FIGOs (Steinberg 2002; McKeown 2009; Stone 2011, 2013; Kleine 2013b; Hardt 2014, 2018a). These include internal routines, procedures, and structures that range from informal communication networks to methods of reaching consensus to habitual ways