Part I

Introduction

1 Orchestration:
global governance through intermediaries

Kenneth W. Abbott, Philipp Genschel, Duncan Snidal and Bernhard Zangl

ABSTRACT

This chapter develops a conceptual framework for analyzing *orchestration*, a mode of governance widely used by international organizations (IGOs) and other governance actors, but rarely identified or analyzed. IGOs engage in orchestration when they enlist intermediary actors on a voluntary basis, by providing them with ideational and material support, to address target actors in pursuit of IGO governance goals. Orchestration is thus both indirect (because the IGO acts through intermediaries) and soft (because the IGO lacks control over intermediaries). These features distinguish orchestration from traditional hierarchical governance, which addresses targets directly through hard instruments; from governance through collaboration with targets, which is direct but soft; and from delegation, which is indirect (because the IGO works through an agent) but hard (because the IGO can control the agent). The chapter elaborates the concept of orchestration, identifies common patterns and techniques, and advances hypotheses regarding the conditions under which governance actors in general and IGOs in particular can be expected to rely on orchestration.

Introduction: orchestration and international organizations

IGOs have ambitious governance goals but moderate governance capacity. IGOs are charged with, among many other tasks, containing the use of violence, facilitating free trade, advancing economic development, fighting organized crime, promoting human rights, improving labor standards, defending biodiversity and providing relief after natural disasters and armed conflicts. Yet IGOs' ability to govern state and non-state behavior in pursuit of these goals is constrained by restrictive treaty mandates, close member state oversight and limited financial and administrative resources. In brief, IGOs often lack the capabilities to perform the roles they have been nominally allocated.

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IGOs still attempt to pursue traditional modes of governance, such as making, monitoring and adjudicating international law (which we refer to as *hierarchy*). In many instances, however, IGOs respond to their goals/capabilities dilemma by experimenting with alternative modes of governance (Abbott and Snidal 2009a, 2009b, 2010; Mathews 1997; Reinicke 1998; Rosenau 1995; Slaughter 2004; Zürn 1998). Some IGOs enhance their governance capacity by delegating specific tasks to outside parties, as when the United Nations High Commissioner for Refugees (UNHCR) contracts out the management of refugee camps to private relief organizations (*delegation*) (Cooley and Ron 2002). Others collaborate directly with target actors to promote voluntary self-regulation (Cutler 1999, 2003; Reinicke 1998; Rosenau 1995), as when the United Nations (UN) persuades private business firms to accept the social and environmental principles of the Global Compact (*collaboration*) (Ruggie 2007).

This volume focuses on a fourth mode of global governance, one that is used with increasing frequency but rarely identified or analyzed in international relations or international law scholarship. We call it *orchestration*.

In IGO orchestration, an *IGO enlists and supports intermediary actors to address target actors in pursuit of IGO governance goals*. The key to orchestration is that the IGO brings third parties into the governance arrangement to act as intermediaries between itself and the targets, rather than trying to govern the targets directly. More generally, one actor (or set of actors), the orchestrator, works through a second actor (or set of actors), the intermediary, to govern a third actor (or set of actors), the target, as shown in Figure 1.1. We refer to this as the O-I-T model.

Because an orchestrator works through intermediaries, orchestration is an *indirect* mode of governance. In addition, because an orchestrator has no hard control over the activities of intermediaries but must mobilize and facilitate their voluntary cooperation in a joint governance effort, orchestration is a *soft* mode of governance. An orchestrator is therefore not a "governor" in the hierarchical sense. Rather, the orchestrator uses ideational and/or material inducements to create, integrate and maintain a multi-actor system of soft and indirect governance, geared toward shared goals that neither orchestrator nor intermediaries could achieve on their own.

Orchestrator ⟶ **Intermediary** ⟶ **Target**

Figure 1.1 Indirect governance through orchestration

Orchestration is a general governance mode, used in a wide range of settings by different types of orchestrators. For instance, states have long engaged in domestic orchestration, alongside hierarchy and other governance modes (Abbott and Snidal 2009b; Genschel and Zangl forthcoming). Indeed, we will use the domestic context as a convenient reference point to elaborate the concept. In this chapter, however, we focus specifically on orchestration by IGOs.

The *governance goals* of IGOs include the regulation of target actor behavior and the provision of public goods.[1] Numerous and diverse IGOs utilize orchestration for such purposes. Examples drawn from the empirical chapters in this volume include:

1. The EU used its convening power to create and support the Body of European Regulators for Electronic Communications (BEREC) as an intermediary. BEREC is a transgovernmental network of national regulatory agencies which prepares normative instruments that elaborate on the EU's broad regulatory framework for an internal market in electronic communications networks and services, and implements that framework consistently across member states, its ultimate targets (Blauberger and Rittberger, in this volume).
2. The Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) authorizes and supports TRAFFIC, a network of environmental NGOs, in operating as an intermediary to monitor member state compliance with their CITES commitments (Tallberg, in this volume; also Dai, in this volume).
3. UNEP and the UN Global Compact (UNGC) orchestrated the formation of the Principles for Responsible Investment (PRI) and supported this intermediary as it developed and disseminated global principles that bring environmental and social criteria into investment decision-making. Among other forms of support, UNEP and UNGC endorsed PRI to promote the voluntary use of its principles by private investors (van der Lugt and Dingwerth, in this volume).
4. The World Health Organization (WHO) facilitated the creation and hosted the operation of public–private partnerships – such as Roll Back Malaria and Stop TB – funded inter alia by the Gates

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[1] Many IGO goals, such as maintaining peace, promoting human rights, and improving global health, are widely supported. However, concerned actors disagree as to the normative desirability of certain goals, as suggested by controversies over World Bank support for infrastructure projects and IGO support for family planning. More generally, orchestration (like any other governance technique) can be used for purposes that particular observers view as desirable or undesirable.

Foundation. As intermediaries, these partnerships help the WHO improve health services on the ground and reduce morbidity and mortality from targeted diseases (Hanrieder, in this volume).

In each of these examples, the IGO did not deal directly with targets (through either hierarchy or collaboration), but rather worked through intermediaries. And in each case the IGO lacked hard control over intermediaries (as is characteristic of delegation), but rather enlisted and supported their voluntary participation.

The *intermediaries* in IGO orchestration are often NGOs, but may also include business organizations, public–private partnerships, trans-governmental networks and other IGOs. Intermediaries are crucial to orchestration because they possess governance capabilities – such as local information, technical expertise, enforcement capacity, material resources, legitimacy and direct access to targets – which the IGO lacks. Intermediaries voluntarily collaborate in IGO orchestration because they share the IGO's basic governance goals and value its material and ideational support.

The *targets* of IGO orchestration may be either states or private entities. In examples 1 and 2 above, orchestration serves to create and enforce common rules for the conduct of states. In the other two examples, orchestration substitutes for, or complements, state action by promoting regulation of private conduct (example 3) or supplying public goods to private actors (example 4). We therefore distinguish two general forms of IGO orchestration based on the identity of the targets: "managing states" and "bypassing states," respectively.

Our analysis of orchestration contributes to three strands of international relations scholarship. First, it adds to the large literature assessing whether IGOs such as the UN, WTO or International Monetary Fund (IMF) make independent contributions to global governance. Realist scholars are skeptical. They see IGOs as tightly controlled by states and largely incapable of independent action (Krasner 1983; Mearsheimer 1994/95). Other scholars conceive of IGOs as relatively autonomous, because states as collective principals face difficult coordination and collective action problems in attempting to control them (Zürn et al. 2012; Hooghe and Marks 2012; Barnett and Finnemore 1999; Hawkins et al. 2006; Abbott and Snidal 1998). Both perspectives, however, treat IGOs as stand-alone governance actors, largely disregarding the influence of their organizational environment. Our analysis of orchestration theorizes this environment as a source of IGO autonomy. It explains the conditions under which IGOs enlist the assistance of transnational actors (such as NGOs, public–private partnerships and transgovernmental

networks) or other IGOs, increasing their effectiveness and their auton-
omy from member states.

Second, orchestration theory contributes to the rapidly growing literature
on transnational governance, which focuses on standard-setting bodies
such as the International Organization for Standardization (ISO) and
International Accounting Standards Board (IASB) (Porter 2005; Mattli
and Büthe 2012), private certification schemes such as the Forest and
Marine Stewardship councils (FSC and MSC respectively) (Dingwerth
and Pattberg 2009), transgovernmental networks such as the Basel Com-
mittee on Banking Supervision (BCBS) (Slaughter 2004; Eberlein and
Newman 2008), private military contractors (Cutler et al. 1999) and other
non-state organizations. Again, however, the literature treats these organ-
izations largely as stand-alone governance actors and pays little attention to
their institutional context. Orchestration theory, in contrast, puts relation-
ships among governance actors center stage. In this volume, in particular,
we highlight how IGO relationships shape the capabilities, the governance
goals and even the very existence of transnational organizations.

Finally, orchestration theory adds to the literature on international
regime complexes (Aggarwal 1998; Raustiala and Victor 2004; Helfer
2004; Alter and Meunier 2009; Keohane and Victor 2011; Orsini et al.
2013) and transnational governance complexes (Abbott and Snidal
2010; Green and Auld 2012; Abbott 2012). This literature highlights
what the other two ignore: IGOs and transnational organizations operate
in an institutional context. Typically, regime complex theory treats the
co-existence of multiple governance actors with overlapping mandates as
a pathology ("overlap" or "fragmentation") that threatens governance
effectiveness through redundancy, inconsistency and conflict.

Orchestration theory, in contrast, emphasizes how organizational com-
plexes can empower member organizations, creating gains from special-
ization, pooling of resources and mutual learning. In addition, while
regime complex theory often downplays status differences between
organizations, focusing primarily on the horizontal patterns of their
interactions, orchestration theory highlights both horizontal and vertical
differentiation, emphasizing that some IGOs are more focal and conse-
quential than others, and that IGOs help create, enlist and support other
organizations as intermediaries. Lastly, while regime complex theory
emphasizes the structural properties of regime complexes, orchestration
theory analyzes how the agency of IGOs contributes to the emergence
and diffusion of regime complexes.

This introductory chapter is structured as follows. We begin by elaborat-
ing the concept of orchestration in relation to other modes of governance,
first in general and then with reference to IGOs. We next develop the

orchestrator–intermediary–target (O-I-T) model of orchestration, clarifying the relationships among the three actors. To highlight the distinctive character of orchestration, we contrast the O-I-T model with the principal–agent (P-A) model, widely used to analyze IGOs.

We then develop a set of hypotheses, based on the assumptions of our model, that address the conditions under which IGOs and other governance actors are likely to engage in orchestration. We present both general hypotheses applicable to any governance actor – focusing on the attributes of the orchestrator and the availability of suitable intermediaries – and specific hypotheses applicable to IGOs – focusing on the relations between the IGO and its member states. These hypotheses guide and organize the empirical chapters in this volume. We conclude this chapter with an introduction to the subsequent empirical chapters and a brief discussion of significant findings from the empirical evidence in the volume, which we present in detail in the concluding chapter.

Orchestration as a mode of governance

To develop the concept of orchestration, we first introduce it as a general mode of governance, juxtaposed against other common modes, and then elaborate on the specific features of IGO orchestration.

Orchestration and other governance modes

A useful starting point for conceptualizing modes of governance is the ideal typical image of the nation state as hierarchical governor of domestic society: the state defines the rules of the game of the society and enforces them through the state bureaucracy. The rules are mandatory, backed by the state's "monopoly of legitimate physical violence" (Weber [1919] 2004: 33), and directly address the ultimate targets of governance (i.e., individual and corporate citizens). Familiar instances of this top-down, hierarchical approach include taxation, military conscription, compulsory schooling and social transfers. Regulatory examples include environmental command and control regulation, food safety standards and no-smoking legislation. In Table 1.1, hierarchical governance is represented by the top-left combination of "hard" and "direct" governance. It is hard because the state promulgates mandatory, enforceable rules; it is direct because the rules apply directly to target actors. Alternative governance modes can be understood in terms of variation along these two dimensions.

States and other governors are not limited to hierarchy, but also use additional modes. They engage in governance that is hard but indirect

Table 1.1 *Four modes of governance*

	Direct	Indirect
Hard	Hierarchy	Delegation
Soft	Collaboration	Orchestration

through principal–agent forms of delegation (e.g. Majone 1997). Examples include a legislature delegating to an independent regulatory agency the authority to interpret and apply legal rules, or delegating to an independent central bank the responsibility for managing monetary policy; or a national government authorizing an IGO to deal with a defined transboundary issue. Governance by delegation is indirect in that the governor addresses target actors via a third party, the agent; it is hard because the governor has formal legal control over the agent, invests it with authority vis-à-vis target actors, supervises its activities and can ultimately rescind its authority. The top-right cell of Table 1.1 represents hard-indirect governance through delegation.

States and other governors also utilize softer means, substituting ideational and material inducements for legal obligation and coercive threat. Thus, in policy fields requiring high levels of technical expertise, governments often collaborate with target actors to promote self-regulation, rather than imposing top-down state regulations (Streeck and Schmitter 1985). Classic examples include state support for regulation of medical practices by medical associations and for the traditional (until the 1980s) self-regulation of the British financial sector by "club government" (Moran 2006). A more recent example is the US Environmental Protection Agency's National Environmental Performance Track, which allowed firms to substitute adherence to a voluntary self-regulatory regime for certain features of mandatory state regulation. Such governance is soft because it relies on the voluntary collaboration of target actors; it is direct because the governor addresses targets without third party intermediation. The bottom-left cell of Table 1.1 represents soft-direct governance by "collaboration."

Finally, states engage in governance that is both soft and indirect. The poster example is neocorporatist concertation as practiced by many Western European states in the decades following World War II: governments enlisted the cooperation of national peak industry and labor associations to pursue economic and social policy goals with respect to their members; in return, governments offered ideational and material support to the associations and their leaders (Streeck and Kenworthy 2005).

Another example is technical standard setting. Rather than promulgating and enforcing standards through state institutions, most governments support and coordinate the activities of private national standard-setting institutions, such as the American National Standards Institute (ANSI), the French Association for Standardization (AFNOR) and the German Institute for Standardization (DIN), as by endorsing their standards in national law. This approach corresponds to orchestration: it is indirect because the governor addresses the ultimate targets via intermediaries; it is soft because the governor lacks firm control over the intermediaries. Orchestration is the opposite of hierarchical governance, and so is located in the lower-right cell of Table 1.1.

For conceptual clarity, we have introduced the four modes of governance – hierarchy, delegation, collaboration and orchestration – as stark ideal types. In practice, however, they are mixed and blended into hybrid forms. Rather than treating the direct-indirect and hard-soft distinctions of Table 1.1 as categorical, then, they should be regarded as the extreme points of continua. Thus, there are degrees of "(in)directness" in governance. For instance, direct collaboration in professional self-regulation may blend into indirect orchestration when governments promote the creation of professional associations that serve as independent middlemen between government and targets.

Likewise, there are degrees of "hardness." Orchestration blends into delegation as orchestrators gain stronger control over intermediaries. For example, when peak associations owe their power and sometimes their very existence to the government under neocorporatism (Streeck and Kenworthy 2005), the government has greater control over them than the associations' formally private status would suggest. Conversely, delegation blends into orchestration as principals exercise looser control over agents. For instance, when independent central banks enjoy wide freedom from government oversight, governments must rely on moral suasion rather than formal controls. Finally, modes of governance can be linked in chains, between and across cells in Table 1.1. For example, an intermediary in one O-I-T relationship may enlist (sub-)intermediaries of its own, becoming an orchestrator. Importantly, as discussed further below, states delegate authority to IGOs as agents, but IGOs may then become orchestrators.

Orchestration by IGOs

While states and other governors use orchestration, it is of particular value to IGOs, because of their relative disadvantage in pursuing hard and direct modes of governance. In general, IGOs have far less capacity