

IOs as Orchestrators

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In this paper, we introduce the concept of “Orchestration” to explicate the role played by international organizations (IOs) in an emerging form of international governance.¹ Orchestration is an approach to governance that is especially valuable for actors (such as IOs) that are weak, lack direct access to private actors or other targets of regulation (because they do not have either the authority or regulatory capacity), lack adequate decision-making capacity (because they operate under consensus-oriented decision rules in a context of heterogeneous preferences), and/or lack adequate monitoring and enforcement capacity (because they have limited authority, revenue and administrative staff). The key to Orchestration is to bring third parties into the governance arrangement to act as intermediaries between the IO and the targets of regulation, and to facilitate and coordinate the intermediaries’ regulatory activities rather than try to govern the targets directly. The intermediaries are important because they have key capacities – such as information, access to targets or monitoring and sanctioning capacities – that the IO may lack. While there are a few notable examples of IO Orchestration, much of our discussion is prospective, highlighting the possibilities of Orchestration as a governance strategy for IOs. Accordingly, our analysis is theoretical and conceptual with empirical illustrations; it is also normative in advocating Orchestration as an available policy tool for IOs.

¹ We use the term IO (equivalently, intergovernmental organization) to denote a formal institutional arrangement created by international treaty) with states as primary members and having a permanent secretariat, staff and/or headquarters.

To understand the potential for Orchestration at the international level, we begin with a more general overview of the relation between IOs and states. We start from the usual presumption that states are jealous of their sovereignty and are therefore reluctant to delegate authority that would empower IOs to regulate them.² They are also reluctant to allow IOs to usurp state regulatory power vis-à-vis private actors, such as corporations or civil society groups. At the same time, however, an increasing array of issues and interactions – e.g., multinational production and transnational supply chains – transcend the regulatory scope of individual states, so that effective international governance now requires some form of supranational or transnational regulation.

This creates a major tension between IOs and states, one that has been largely resolved in favor of states, with their much greater resources. Indeed, IOs are in the first instance creatures of states, which maintain control over them through formal procedures (e.g., voting), financing and various informal forms of oversight.³ States protect their individual sovereignty by limiting the capacity of IOs. Even though states have delegated some powers to IOs, and even though some IOs have developed limited autonomy from states, states remain the dominant actors in the relationship; IOs cannot deviate too far from states' interests, which undermines their ability to perform the governance tasks for which they were ostensibly created.⁴

² As is necessary for understanding the potential scope of regulation at the international level, we use “regulation” in a very broad sense. Whereas domestic regulation often focuses primarily on mandatory rules, regulation at the international level is generally much softer. We also use the term to cover not just traditional notions in which public actors regulate private actors, but also the possibility of public actors regulating other public actors (e.g., IOs regulating state behavior), where the latter may, in turn, regulate private actors. For a discussion of changing understandings of regulation see Julia Black, “Decentring Regulation: Understanding the Role of Regulation and Self-Regulation in a “Post-Regulatory” World,” 54 *Current Legal Problems*, 103: 128-40 (2001).

³ More recently, IOs themselves have created other IOs (or emanations) which arguably have more autonomy from states. See Tana Johnson, *Rethinking IGO Independence: The Role of Intergovernmental Organizations in Institutional Design*, Ph.D. dissertation, University of Chicago, 2010.

⁴ This is a complicated claim on which we will not go into in depth here. It is complicated first because states' interests themselves need to be differentiated between “preferences” and “preferences over strategies” which are often different (Lake and Powell). Second, states themselves are aggregates, so that the notion of a simple state interest is itself theoretically problematic (Arrow) and politically contentious. Third, because IOs are controlled by many states (“multiple principals”), individual states may not have much control over IOs. Finally, states are highly heterogeneous; powerful states have much more control over IOs than do weak

Despite this, the central model for the role of IOs remains what we call “Old Governance,” which views international governance as if IOs could invoke the (domestic) model of hierarchical authority based on hard law and enforceable agreements. Since IOs have almost never been delegated sufficient authority to use Old Governance techniques effectively, with respect to either states or private actors, the result has been somewhat dysfunctional in terms of international cooperation: IOs lack the capacity to perform the roles that they have been nominally allocated. IO member states are often unable to agree on new hard law, or revise old hard law, even when a majority (often a large majority) of them would favor a change from the status quo. Where they have been able to agree on rules, IOs have not been allowed to develop the monitoring and enforcement capacity necessary to give them effect. Unsurprisingly, this has been especially true when the ultimate targets of IO “regulatory” action have been states themselves. But it has been equally true where the ostensible targets of regulation have been private actors such as multinational firms. In general, states have been reluctant to allow IOs to make and enforce mandatory rules of any sort without specific state consent. The result is that IOs do not have the competence to handle many if not most of the international issues which they have been charged or should be charged.

Globalization makes the shortcomings of IOs ever more apparent and consequential. Long-standing international issues like trade and multinational investment have intensified; new international issues such as environmental sustainability and managing supply chains have emerged; other issues once seen as the exclusive preserve of domestic states, such as human rights and child labor, have become internationalized. All of these at least potentially require some form of international regulation; yet IOs lack the capacity to fill these expanded regulatory gaps – at least in their traditional, Old Governance role.

Alternative approaches to governance hold significant possibilities for closing the governance gap. Consider the following examples of governance arrangements that involve not only states and IOs, but also NGOs and other non-state actors:

states – although the distribution of power may vary across IOs. All this recognized, the basic point is simply that IOs usually have limited leeway; action beyond that realm can usually be blocked by one or a small coalition of states.

- The United Nations Environmental Program (UNEP) helped create the Global Reporting Initiative (GRI), which develops and disseminates globally applicable "Sustainability Reporting Guidelines" for voluntary use by private businesses and other actors. UNEP chaired GRI's planning committee, endorsed its guidelines, and supports it financially, but has decreased its direct role to allow GRI to operate independently as a private multi-stakeholder scheme.
- The Johannesburg World Summit on Sustainable Development, rather than attempting to negotiate new legally binding rules for states or strengthening environmental IOs, encouraged the formation of private-private and public-private partnerships to pursue sustainable development. The UN Commission on Sustainable Development establishes criteria for partnerships to be officially recognized and promotes these "Type II" partnerships.
- The European Union (EU) restricts its technical product standards to the definition of minimum requirements and mandates private standard setting bodies to flesh out the technical conditions under which these minimum requirements can be regarded as fulfilled.

These and other examples presented below suggest an alternative strategy for governance by IOs that depends less on formal delegation from states and more on using IOs' limited authority and resources to forge alliances with other, often nonstate, actors to achieve governance goals.

Orchestration builds on the "soft" practices associated with domestic "New Governance," which focuses on diverse forms of regulatory collaboration between "the state" and both third parties and the targets of regulation. Orchestration does not require strong regulatory capacities, but rather works by mobilizing, enhancing and organizing the capacities of other actors – firms, NGOs and even states or public agencies. Fairly modest material resources, such as the ability to convene international meetings or provide start-up support for NGO activities, coupled with high legitimacy, may be enough to initiate a fruitful regulatory collaboration. Above all, the most important resource for Orchestration is *focality*: the ability to bring together and coordinate actors for a common purpose. Thus Orchestration holds potential as an important tool of governance for addressing problems around which an IO can catalyze an effective regulatory coalition; it will be ineffective when interests are strongly opposed or where

intermediaries have both the capacity and strong incentives to depart from a proposed solution.

Orchestration also significantly changes the relations between IOs and states. Under the traditional understanding, states act as principals that delegate authority to IOs as their agents; states can thus control and limit IO activities. However, since states are unable to perfectly control IOs and are reluctant to give up sovereignty, they are unwilling to delegate the authority necessary for IOs to address effectively the problems raised by globalization. Orchestration offers a strategy by which IOs, aided by intermediary actors such as NGOs, may gain somewhat greater latitude in influencing state behavior, as well as the behavior of private actors traditionally viewed as subject only to state regulation. In fact, this represents a significant reversal: Instead of being agents controlled by states, IOs become Orchestrators which (through intermediaries) guide and steer the activities of other actors, even including states. Although states will resist any increase in formal IO autonomy, some, at least, may (silently) welcome this new approach insofar as it results in outcomes not achievable through traditional forms of governance. The difference is underscored by the fact that what we call orchestration and regard in a largely positive manner is discussed under somewhat pejorative headings such as “slack” and “drift” in the delegation literature.⁵

Although we are exploring its potential, the significant limitations of Orchestration should be noted. First, Orchestration is an especially important strategy for IOs that lack the material and enforcement capacities necessary for stronger forms of regulation. Thus even if Orchestration is potentially quite effective, it may still represent a second-best solution as compared to the traditional (but in many circumstances unavailable) ideal. Second, insofar as Orchestration enhances the capability of IOs, it raises corresponding questions about their accountability, like those raised in the “democratic deficit” debate. However, any evaluation of this deficit should be conducted in terms not only of a democratic ideal, but also in comparison with the realistic alternatives, including

⁵ Hawkins et. al. (2006); Pollack (2003); from a different perspective, Barnett and Finnemore (1999). We appreciate the important insights offered by these more cynical perspectives on IOs, but believe that additional insight is provided by rebalancing towards a more positive view of the potential role of IOs in global governance.

traditional IO operations, the failure of international cooperation, or of the imposition of rules by powerful states. Third, Orchestration does not change the fundamental fact that states have much greater material capacity than IOs, as well as ultimate authority over IOs. Orchestration provides a way for IOs to pursue collective goals – of states, of nonstate actors and of IOs – at lower sovereignty costs to states; it also allows IOs to engage nonstate and domestic forces in ways that may shift the goals of states or change their domestic political constraints over time. The ultimate glue that holds Orchestrated arrangements together is the common interest created by globalization and the need shared by states, IOs and other actors to cooperate in managing their changing environment. That said, Orchestration is thus far only a modest change in the allocation of authority in the international system.

The paper begins with an elaboration of the concept of Orchestration. We then contrast Orchestration with the Principal-Agent model of delegation, which offers the most rigorous and widely held view of how IOs operate. This comparison also allows us to position Orchestration in comparison to other models of governance, including international Old Governance and domestic New Governance. It also leads us to identify two broad categories of Orchestration, Facilitation and Coordination, which encapsulate the range of Orchestration strategies available to IOs. These categories also provide a basis for discussing the circumstances under which particular IOs will most likely want and be able to employ Orchestration techniques. We crystallize these points in terms of a series of preliminary hypotheses. Finally, the conclusion looks at the research and normative questions which emerge from this discussion.

The Concept of Orchestration

We define *Orchestration* as the *facilitation and coordination of intermediary actors on a voluntary basis by providing them with material and ideational support in order to achieve governance goals with respect to target actors.*⁶ Although the concept

⁶ The term orchestration has been used earlier by Lobel (2004:320) in the context of domestic “new governance” and refined by Abbott and Snidal (2009a,b, 2010) with application to transnational relations and IOs. The current discussion is a conceptual elaboration of the terminology, also incorporating insights from Genschel and Zangl (***) and (Freeman 1997-98).

potentially applies more broadly, here we focus on one specific form of Orchestration: actions by IOs to Orchestrate private actors such as NGOs (as Intermediaries) to improve the regulation of other private actors such as firms (as Targets), to provide public services such as emergency relief, or to enhance the IO governance role in interstate relations. In this form, Orchestration works by engaging private actors and working with them to achieve regulatory goals. It often entails the mobilization and empowerment of civil society groups, and may also involve bringing them together with business firms, industry associations and other private groups. The application of specific regulatory rules to particular targets is not done unilaterally from above by the Orchestrator, but rather is worked out in collaboration with the intermediary actors who themselves bring significant expertise and resources to the issue. In addition to persuading these actors to go along with its policies, the Orchestrator may provide inducements and support to gain their participation. Thus the Orchestrator is not a governor in a traditional sense but rather is a central focal actor in a larger system of governance.

The Orchestration relationship is depicted in Figure 1 by the two solid arrows 1 and 2. The Orchestrator seeks to enlist, empower and influence the actions of an Intermediary (Arrow 1: O-I) with the ultimate objective of influencing the Target (Arrow 2: I-T). On the first link, the Orchestrator does not have authoritative control of the Intermediary, and so must rely on softer approaches to coordinate its activities. In turn, the Intermediary typically has relatively weak mechanisms by which to influence the Target, especially given the Intermediary's private character. Although we focus on the first link, its connection to the second link is vital for understanding Orchestration.

Figure 1 Here

Orchestration Compared to Other Modes of Governance

The dotted arrows around the circumference of Figure 1 indicate some of the alternative governance relationships to which we compare Orchestration below. The top dotted arrow in Figure 1 reflects the ideal of hard law and "Old Governance," whereby

the public authority directly regulates targets by passing enforceable regulations (Abbott and Snidal 2009). The bottom dotted arrow represents the ideal of “New Governance,” whereby the public authority works directly but collaboratively with target actors to achieve its regulatory goals.⁷ We will contrast these modes of governance to Orchestration once we have elaborated the concept.

The Orchestration relationship can most clearly be explicated by considering its similarities and differences with the traditional Principal-Agent (P-A) model, which can also be represented by Arrow 1 in Figure 1. First, in both the Orchestration and P-A models, the Orchestrator (Principal) seeks to influence the actions of the Intermediary (Agent). In the simplest P-A model, however, the Principal is concerned only with the Agent’s performance – for example, performing some bureaucratic task efficiently. By contrast, in Orchestration, the Orchestrator’s ultimate goal is to change the behavior of a third party (Target). To be sure, in many real world settings a Principal also has a third party target in mind; for example, in legal settings a Principal typically enlists an Agent to negotiate a contract with a third party. But with its focus on the Arrow 1 problem of controlling the Agent, the P-A model implicitly assumes that a properly controlled Agent can ensure the Target’s desired behavior. The Orchestration model, in contrast, takes account of the second link (Arrow 2) between the Intermediary and the Target in addition to the direct O-I relation. This is a sometimes subtle difference, but it is a difference that matters.

Second, the P-A model emphasizes conflict of interest between the Principal and Agent, whereas Orchestration is typically used when there is significant commonality of purpose between the Orchestrator and Intermediary.⁸ Thus P-A analysis adopts an implicitly negative view of the Agent as having goals that differ (at least in the sense of being orthogonal) from those of the Principal; the Agent will not perform its assigned duty faithfully, but will either substitute pursuit of its own goals – which may be policy

⁷ Braithwaite (2006) (and other cites) develop the notion of New governance in the domestic setting; (Abbott and Snidal 2009) apply it to the international level.

⁸ We use “purpose” to describe the motivations of the actors in the Orchestration model to stress that their motivations are often broader than the material “interests” which are often implicitly assumed in the P-A model. Although the P-A model can also be applied to such broader considerations, this distinction is particularly important in Orchestration where a broader range of Orchestration techniques (e.g., ideational ones) are used.

or organizational goals – or simply shirk.⁹ Terms such as “drift” and “slack” are often used to describe the gap between the Principal’s intentions and the Agent’s performance. In Orchestration, by contrast, the Intermediary shares the Orchestrator’s basic goals: Both want to influence the behavior of the Target in roughly the same direction, although they may differ in the precise impact they seek and the methods they are willing to use. Thus their goals are closely but not perfectly aligned. In addition to shared policy goals, moreover, the Orchestrator and Intermediary may share common institutional goals, such as gaining autonomy and standing vis-à-vis the State, further increasing their ability to cooperate,¹⁰

Third, the P-A model is highly asymmetric in that the Principal designs the contract that structures their relationship: The Principal both empowers the Agent and has the ability to disempower the Agent. This is especially true if there are multiple Agents, as the Principal can use implicit competition among them to extract the gains from their cooperation. But it is also built into the “take-it-or leave-it” structure of the model, where the Principal need only offer the minimal contract terms necessary to ensure the Agent’s participation. The O-I-T model also involves different actors occupying different positions and so is asymmetric but does not confer such power advantages: the Orchestrator “needs” the Intermediary (and sometimes even the Target) and so the bargaining relationship is more balanced.¹¹ The P-A relationship is one-sided whereas the O-I relationship is mutually empowering.

Fourth, the Principal has recourse to “harder” means to motivate and control the Agent than the Orchestrator has to motivate and steer the Intermediary. To overcome the Agent’s conflict of interest, the Principal typically proposes an enforceable agreement

⁹ Whether these deviations are normatively good or bad depends, of course, on an evaluation of P’s and A’s respective motivations. From the perspective of P, however, A’s deviations are undesirable.

¹⁰ The Target may in some cases also share more commonality of interest with the Orchestrator than one might expect. For example, firms that are otherwise subject to actions by NGO activists may prefer an orchestrated scheme that both regulates their activities and restrains NGO actions. Firms may also share an institutional interest in Orchestration because they prefer uniform regulation at a global level rather than face a multitude of varying individual state regulations. Similarly, when the Targets are states, at least some states may share an interest in an Orchestrated outcome over an alternative outcome where powerful states have more control. Thus the full Orchestration model is then about taking advantage the commonality of interests among all three actors to overcome their conflicts of interest..

¹¹ See Abbott and Snidal (2009) for an analysis of the bargaining relationship among states, NGOs and Firms.

that creates incentives for the Agent to (partially) implement the Principal's goals, although problems of incomplete contracting and monitoring make this an imperfect remedy. The Orchestrator, in contrast, does not normally rely on enforceable contracts and high-powered material incentives (especially in international contexts); rather, because of its commonality of purpose with the Intermediary, it is able to use softer inducements and persuasion to motivate desired behavior vis-à-vis the Target. More generally, whereas the P-A model focuses on relatively antagonistic relations between Principal and Agent, the logic of Orchestration emphasizes collaboration between Orchestrator and Intermediary. Moreover, (although neither model is dynamic), the collaborative logic of Orchestration suggests that the actors may increase their commonality of interests through experience and learning.¹²

Fifth, the P-A model is premised on the Agent's competency to perform the required tasks; in Orchestration, in contrast, the Intermediary often requires assistance from the Orchestrator (and sometimes from the Target) to perform its role. In the P-A model, the Principal is unable to deal directly with potential Targets because of insufficient time, access or expertise. But the Agent is fully capable and is assumed to be able to perform the task perfectly if they only had the right incentives. In the O-I-T model, *all actors* individually lack one or more of the capacities necessary to perform the regulatory task alone. For Orchestration to be successful, however, the Orchestrator must have the ability to enlist an Intermediary and to enhance its capacity, to the degree necessary, by providing material and/or ideational support. The Orchestrator may also be able to induce or persuade the Target – which often possesses capacities vital to effective regulation – to cooperate with the Intermediary in the regulatory scheme (sometimes by limiting the actions of the Intermediary),¹³ and may even be able to enhance the Target's ability to do so. Provision of support to the Intermediary and Target also creates leverage

¹² The P-A and O-I-T approaches intersect in important ways. The same actor may have the capacity to operate as Principal or Orchestrator according to the particulars circumstances of a problem and thus be a Principal in one setting and an Orchestrator in another. The models themselves may also blend together, as when the use of inducements over time by an Orchestrator provide an alternative means of enforcement similar to that available to the Principal. Our purpose here, however, is to draw the models starkly in order to demonstrate the differences overarching logic of Orchestration.

¹³ Indeed, the Orchestrator and Intermediary together may lack the necessary capacities without participation of the Target. Abbott and Snidal (2009) discuss the respective properties of the key actors (IOs, NGOs and firms) in terms of the ANIME sequence of regulatory standard-setting.

for the Orchestrator to steer the outcome towards its own preferred policies. Like the Principal, however, the Orchestrator cannot necessarily attain its preferred policies even under the best-designed regulatory scheme.

Finally, an informational asymmetry between Principal and Agent lies at the heart of the P-A model, but is not a necessary feature of the O-I-T model. The Principal cannot monitor the Agent's effort perfectly; otherwise the Principal could enforce an optimal contract to incentivize the Agent.¹⁴ In contrast, informational asymmetry is not a necessary feature of the O-I-T model – and any informational advantages may even run in different directions. In particular, the Orchestrator and Intermediary often share an information problem regarding the Target's behavior that they can resolve only by working together.

In summary, despite their ostensible similarities, the P-A and O-I-T models are substantially different. The P-A model emphasizes the need for the Principal to design enforceable agreements that optimally shape the incentives of an Agent, which possesses the capabilities to perform the desired tasks but also has incentives to deviate. By contrast, the Orchestrator's primary task is to bring together the various actors, including even the Target, to perform tasks that none of them can or will perform alone. Orchestration focuses on the use of persuasion and softer forms of inducement and support to enlist and enhance the capability of an Intermediary. The Intermediary is generally inclined to implement the Orchestrator's goals -- although it may have some differences that make it want to deviate a little -- but it needs assistance from the Orchestrator to perform the required tasks. Just as the Principal can imperfectly shape the Agent's incentives to more faithfully implement the Principal's objectives, so the Orchestrator can use its softer tools to imperfectly steer the Intermediary in the Orchestrator's preferred direction.

¹⁴ Typically the principal can observe the final outcome but not the Agent's contribution to the intermediate process. The Principal therefore cannot distinguish the extent to which the observed outcome is due to the Agent's effort or to other unobserved factors that affect the outcome. With enforceable contracts, the P-A problem could be resolved by contracting over the observable outcome plus the (known) probability distribution of the unobserved factors. P-A models generally assume that the Agent is less able to bear the implied contractual risk than the Principal to explain why the problem is not fully resolvable by contract. No such assumptions about risk preference are needed in the Orchestration model.

Orchestration Compared to Traditional Regulation and Regulatory Collaboration

Orchestration is of particular interest when juxtaposed against the traditional conception of the State and other public actors as relying on hard modes of governance (typical of modern domestic regulation), which involve the issuance of compulsory rules (backed by a binding legal arrangement with some form of enforcement) that directly address the targets of regulation. The simplest form of Old Governance regulation is depicted by the top dotted arrow in Figure 1; in Table 1 it is shown as the top-left combination of “hard” and “direct” regulation. Regulation is hard (legally mandatory) because it assumes the regulator can promulgate enforceable rules; Regulation is direct because these rules apply directly to the Targets. Of course, Old Governance often operates indirectly through Principal-Agent forms of delegation – as when a legislature delegates to an independent regulatory agency the tasks of interpreting and applying hard law rules – creating the hard-indirect combination shown in the top-right cell of Table 1.

By contrast, the domestic “New Governance” literature emphasizes the alternative use of a wide range of “soft” regulatory practices that involve collaboration with the targets of regulation instead of mandatory regulation from above. For example, both the US Environmental Protection Agency’s National Environmental Performance Track and the EU Environmental Management and Audit System allow firms to substitute adherence to a voluntary regulatory regimen for some features of traditional mandatory regulation. This sort of soft-direct approach is depicted as “regulatory collaboration” in the bottom-left cell of Table 1. A few IOs also use direct New Governance techniques in direct interactions with firms. For example, the International Finance Corporation, an affiliate of the World Bank, offers firms economic and political incentives, through its private sector lending and investment activities, to voluntarily adhere to its Performance Standards – which prescribe norms on a range of issues including working conditions and environmental conservation.¹⁵

¹⁵ Abbott and Snidal (2010) provide other examples of what they label “directive orchestration” which is direct between the IO as Principal and the Target firms without any Intermediary. That is different from our focus here.

Our focus here is on Orchestration, which occupies the bottom-right cell of Table 1. Orchestration combines the soft approach of New Governance¹⁶ with the indirectness of delegation – although Orchestration is doubly indirect because there is slippage not just between the Orchestrator and the Intermediary but also between the Intermediary and the Target. Because it combines softness with indirectness, Orchestration is the “opposite” of traditional regulation.

Finally, we have deliberately cast these models as extreme or ideal types – in practice, actors involved in governance will mix and blend them as appropriate to meet their needs. We have already noted that, while the P-A model emphasizes the relations between the two protagonists in Arrow 1, in real settings Principals often take the Agent-Target link (Arrow 2) into consideration as well. (Indeed, because Targets often try to influence or “capture” Agents, a good P-A design will try to insulate Agents in some fashion.) Similarly, while the Orchestration model emphasizes the two relationships O-I and I-T, it exaggerates the real-world separation between the actors’ governance roles. In many cases, for example, the Orchestrator actually participates in the collaborative scheme along with the Intermediary, and even the Target. Thus, both models are caricatures (in the good sense) that emphasize distinctive features of the two governance approaches; the pure forms are usually modified in actual applications.

¹⁶ Although we focus in particular on the softness of the first link (Arrow 1), the second link (Arrow 2) is almost always soft as well – which is again quite different from the P-A model. Of course domestic agencies also have slippage with respect to their targets, but that is not generally the focus of P-A models (or is a different P-A problem).

	Direct	Indirect
Old Governance (Hard)	Regulation	Delegation
New Governance (Soft)	Regulatory Collaboration	Orchestration

Table 1: Four Types of Governance

Orchestration as Coordination and Facilitation

While Orchestration can be used by domestic states and other actors, it is of particular value to IOs because of their relative disadvantage in pursuing either hard or direct regulation. In general, IOs lack the capacity to adopt and enforce mandatory rules for targets, which underlies both Regulation and Delegation, the two forms of Old Governance. The reason is that states (which have ultimate control over IOs) are reluctant to allow them to make and enforce mandatory rules without specific state consent, or to directly regulate private actors whose activities are central to many of the regulatory issues that arise in contemporary globalization. IOs are also limited in their ability to use Regulatory Collaboration because they often lack both direct access to their Targets and the ability to offer incentives (positive or negative) to induce Targets to participate. Orchestration enables IOs to (partially) overcome these various limitations on their regulatory capacity.

We can refine the right-hand column of Table 1 by elaborating the forms of indirect governance, as shown in Table 2. Under P-A Delegation, in the top right cell of Tables 1 and 2, the indirect character of governance is the result of the Principal operating through an Agent (or Agency), as in Arrow 1 of Figure 1; the Agent itself operates directly, without slippage, with respect to the ultimate Targets of regulation. The essence of the

Principal-Agent problem, however, is that even hard inducements give the Principal only imperfect control over the Agent. Moreover, international Old Governance delegation from States to IOs generally entails greater slippage than delegation to domestic agencies: member states have less control over IOs due to multiple principal problems, which augments the potentially greater autonomy of IOs.¹⁷ For these reasons we place Delegation to IOs to the right and below Delegation to (domestic) Agencies in Table 2.

	Direct	Indirect
Old Governance	Regulation	Delegation to Dom. Agencies Delegation To IOs
New Governance	Regulatory Collaboration	Coordination Orchestration Facilitation Orchestration

Table 2: Types of Governance

Orchestration, in the lower-right cell of Tables 1 and 2, can also be subdivided, based on the way in which the Orchestrator interacts with Intermediaries. We group these interactions into two categories. Coordination Orchestration emphasizes techniques through which the Orchestrator is able to shape or steer the regulatory approaches and outcomes pursued by Intermediaries; Facilitation Orchestration emphasizes techniques by which the Orchestrator supports Intermediaries and helps them to pursue their objectives. Coordination Orchestration is both somewhat harder and more direct than Facilitation Orchestration, as shown by their respective placements in Table 2.

¹⁷ This autonomy is a key reason that states are reluctant to delegate to IOs, Of course, creating some limited independence is the very goal in certain cases of delegation (Abbott and Snidal 1998). Some domestic delegations are also designed to create substantial Agency autonomy (central banks, judiciary) but autonomy for administrative agencies is more typically viewed as a necessary evil.

IOs act as Coordination Orchestrators by offering focused support to Intermediaries with respect to specific governance activities. An important though largely unintended historical example is the creation of public international law rules for states (e.g., for human rights or for working conditions) that become focal points for Intermediaries seeking to play a role in governance with respect to both states and firms. Even though they are unintended, they have fairly clear implications for how they can be used in such governance. Another example would be the provision by UNEP of financial support to the Global Reporting Initiative (GRI) for the development of specific reporting standards. While such support remains soft compared to the binding and enforceable contracts of P-A relations, its focused character nevertheless provides the Orchestrator a significant opportunity to influence the detailed content of the Intermediary's efforts.

By contrast, IOs act as Facilitation Orchestrators by providing general support to Intermediaries for their governance tasks. Examples would include endorsing private schemes; providing general financial support for operations; and even convening private actors to negotiate creation of an organization to serve as an intermediary. These actions provide only fairly diffuse control but may be vital in helping NGOs to achieve IOs' governance goals. Even here, however, support may give the Orchestrator a significant steering role when it is able to choose among competing Intermediaries (e.g., by endorsing only those Intermediaries who pursue policies close to the IO's preferred goals or adopt structures and procedures the IO desires).

An IO's potential for both Coordination and Facilitation Orchestration ultimately rests on its focality – the extent to which it is recognized as a capable and appropriate actor to steer international governance. Other actors may also be seen as focal, but IOs have unique advantages. Unlike states or NGOs, for example, IOs may have a special legitimacy as independent of special interests or values (including those of particular states). IOs often have expertise or other capacities which makes their guidance persuasive. Finally, IOs as international fora typically allow for broad representation of states, and increasingly of civil society, making them representative of the international community as a whole. Of course, to the extent IOs suffer various pathologies (Barnett and Finnemore, 1999), or are dominated by powerful states or interests, that will detract from their legitimacy and leadership.

In summary, Facilitation Orchestration is very soft and very indirect; the Orchestrator simply helps the Intermediary pursue its goals (which correlate highly with those of the Orchestrator). Coordination Orchestration is slightly harder, but still essentially soft, and is more direct; the Orchestrator steers the Intermediary towards the Orchestrator's goals and preferred approaches (which correlate highly with those of the Intermediary). In both cases, Orchestration works through the Intermediary, but is attentive to the Intermediary's connections with the Target, and the types of support that would enhance its influence.

Both Facilitation and Coordination operate through a range of mechanisms which can be roughly grouped under the headings Material and Ideational. The Material category includes orchestration techniques that strengthen the material capacity of the Intermediary to pursue shared objectives, as well as (positive) inducements that shift the Intermediary's incentives to pursue objectives even closer to those of the Orchestrator. Because Orchestration of all types is soft, it does not encompass stronger material mechanisms, such as sanctions or punishment. The Ideational category includes orchestration techniques that enhance the social authority of the Intermediary – perhaps by endorsing it and thereby increasing the legitimacy of its operations – as well as the use of IO legitimacy and expertise to persuade the Intermediary to modify its goals and actions. Material and ideational mechanisms often work together: for example, when UNEP and the UN Global Compact convened major investment groups to create what became the Principles for Responsible Investment, their actions entailed logistical support and a form of endorsement, as well as use of the convenors' legitimacy and expertise to promote desired negotiating outcomes.

Why and When Do IOs Choose Orchestration?

This paper is exploratory; it asks whether the concept of Orchestration can help us better understand emerging trends in the role of IOs in the international system. Our ultimate goal is to describe different modes of IO governance and Orchestration, to identify the conditions under which international organizations use Orchestration as a tool of governance as an alternative to traditional regulation or delegation, and to single out the conditions under which IOs use different types of Orchestration.

Orchestration is just beginning to be used by IOs, so in addition to tracing out actual instances of Orchestration, a further goal is to explore situations where Orchestration might prove a better tool for exerting influence. The impetus to use Orchestration is still in the making – through diffusion from the relatively few current examples, and from New Governance analogues at the domestic level. Here the EU provides an especially important example, as it has been a pioneer of many New Governance techniques and occupies a space somewhere between a (domestic) state and an IO. Our effort thus has both positive and normative elements: it is positive in that it seeks to understand when IOs can be expected to adopt Orchestration; it is normative in identifying when IOs *should* adopt such techniques.

Because the phenomenon of orchestration and our analysis are both in early stages, we do not offer hypotheses in the classic sense of testable predictions. Instead, our conceptual-theoretical work generates insights as to when particular IOs should be more likely to use Orchestration as a technique, and when Orchestration is more likely to be effective. Nevertheless, it is useful for reasons of clarity to present the implications of Orchestration in the form of hypotheses.

I. Demand conditions

Demand condition focus on the features of particular IOs that make them more or less likely to engage in Orchestration:

DI: IOs with limited access to alternative policy tools – especially to harder and more direct ones – will be more likely to use Orchestration.

Orchestration will be especially attractive to IOs that lack significant Old Governance capacity. Orchestration provides a strategy for them to achieve objectives that are otherwise beyond them – although this possibility is subject to the “supply” conditions discussed below. However, Orchestration requires some minimal level of autonomy, so very weak or informal IOs will have little capacity to orchestrate. Arrangements such as the G-8 and the G-20, for example, even though they are

composed of the most powerful states, are too weakly institutionalized to serve as Orchestrators.¹⁸

Orchestration has advantages even for IOs with relatively high Old Governance capacity. We can see these advantages in terms of the two key differences between the approaches. First, Orchestration can be less costly and sometimes more effective than Old Governance because it engages the capacities of other actors and is less adversarial. This is why even actors with very strong Old Governance capacities (e.g., domestic states or the EU as a hybrid IO-state) sometimes embrace New Governance. Second, Orchestration will be attractive to IOs that do not have direct access to private Targets (e.g., firms), because it allows the IO to work indirectly through Intermediaries that do have access. Even IOs with direct access may prefer Orchestration, because they will incur less opposition for imposing sovereignty costs on states.¹⁹ Orchestration also decreases state opposition insofar as participating Intermediaries and even Targets help increase support for policies inside domestic states.

Thus UNEP, which has relatively limited Old Governance capacity, has been a leader in Orchestration (Abbott and Snidal 2010). By contrast, international financial institutions such as the World Bank have greater Old Governance capacities and can sometimes impose policies directly on targets. The IFC uses Regulatory Collaboration because it has direct access to firms and leverage over them through its financing activities.

In summary, while Orchestration offers potential advantages to all IOs, IOs with limited alternative policy tools should be expected to be early and frequent adopters. IOs with other policy alternatives may not need to use Orchestration but may still choose to use it because of the benefits of engaging other actors in the regulatory process. Nonetheless, even if Orchestration is a superior approach, IOs with policy alternative are

¹⁸ Arguably, their revolving chairmanship allows the host country to orchestrate member states in setting the agenda for the meeting, but the fleeting nature of its chairmanship undermines this possibility. Regardless, there is no IO involved to orchestrate such informal arrangements

¹⁹ Note that sovereignty costs may still be imposed on states via the Intermediary, but the IO is no longer the direct and proximate source. An alternative way to achieve for IOs to achieve this is through delegation to a separate body that handles more controversial issues; the creation of emanations may serve a similar purpose in insulating IOs from states (Johnson 2010).

likely to be slower and less frequent adopters, because the relative benefits and costs are less compelling, and for other reasons noted below.

D2: IOs that lack key governance competencies will be more likely to use

Orchestration as a way to acquire those competencies through Intermediaries.

Many governance tasks require a range of competencies, not all of which an IO may possess on its own. Orchestration provides a way for the IO to fill such gaps in its governance capabilities

For example, the UN Office of the High Commissioner for Human Rights (OHCHR) interacts with Amnesty International (AI) in ways that incorporate elements of orchestration. On the one hand, AI depends heavily on UN human rights instruments as the source of the standards it uses to investigate human rights abuses and as a basis for action (Martens 2004). On the other hand, OHCHR depends on AI and other human rights NGOs for monitoring and enforcement. AI has also been the principal supplier of information for the Geneva-based complaint procedures, and its public campaigns are vital points of pressure against violating regimes. It is worth noting that AI appears highly receptive to IO Orchestration – it strengthens its role and helps it achieve what are the common purposes of both organizations – which suggests that there is unexploited potential in this area.²⁰

The OHCHR has begun to engage more actively in Facilitative Orchestration. It has recently established a Civil Society Section to serve as the main entry point for NGOs wishing to contact OHCHR and as a platform of advice and assistance to NGOs working in the field. Its “Handbook for Civil Society” provides information on how to use the OHCHR to raise complaints, including ‘model complaint forms’ that local NGOs can use to file a complaint through one of the Treaty bodies.²¹ The OHCHR has also expanded its manual on Human Rights Monitoring, and provides related materials and training courses, as well as financial and material support, to NGOs through OHCHR field

²⁰ An important issue is when NGOs will be receptive to Orchestration since that might impair their legitimacy as independent actors. AI would seem to be a tough case and so its apparent willingness in this case is significant. However, our emphasis on IOs as Orchestrators should not obscure the importance of understanding the reactions of both Intermediaries and Targets in making Orchestration effective..

²¹ Working with the United Nations Human Rights Programme: A Handbook for Civil Society (2008). This is a revision of the 2006 version, although the subtitle has been broadened from the earlier “A Handbook for NGOs.”

offices. The field offices also provide important meeting points for local activists and the OHCHR also provides more general support through various internet resources such as a Universal Human Rights Index and organizing educational workshops with local NGOs. In summary, this appears to be a case where the goals of the Orchestrator and Intermediaries are closely aligned and where there is a strong symbiosis between the respective actors. In such a setting, an IO should be well-positioned to orchestrate a relatively receptive Intermediary.

A quite different example of using orchestration to fill gaps in an IO's competencies is seen with the Basel Committee on Bank Supervision (BCBS), which is made up of national bank supervisory agencies from major economies and based at the Bank for International Settlements. BCBS is best known for its Basel and Basel II Frameworks, which establish a "comprehensive measure and minimum standard for capital adequacy that national supervisory authorities" can implement through their own rule-making processes.²² The Basel II revision sought to "improve on the existing rules by aligning regulatory capital requirements more closely to the underlying risks that banks face. In addition, the Basel II Framework is intended to promote a more forward-looking approach to capital supervision, one that encourages banks to identify the risks they may face, today and in the future, and to develop or improve their ability to manage those risks." Of course, Basel II failed at that, and since the recent financial crisis the BCBS has been developing new rules, with the latest partial agreement announced in July 2010.²³

Basel II requires banks to calculate their capital reserve needs based on the credit risk of their investment portfolio. "The Committee permits banks a choice between two broad methodologies for calculating their capital requirements for credit risk. One alternative, the Standardised Approach, will be to measure credit risk in a standardised manner, supported by external credit assessments. The other alternative, the Internal Ratings-based Approach, which is subject to the explicit approval of the bank's supervisor, would allow banks to use their internal rating systems for credit risk."²⁴ The

²² <http://www.bis.org/publ/bcbsca.htm>

²³ <http://www.bis.org/press/p100726.htm>

²⁴ Basel II, Part II, Section II, paras. 50-51.

Standardised Approach, in other words, allows banks (and bank supervisors) to rely on the ratings that external ratings agencies such as Standard & Poors give to their portfolio holdings. This is a form of Coordination Orchestration, in which BCBS sets criteria for the types of “external credit assessment institutions” that banks and supervisors may rely on: they must be independent, have an objective methodology and sound bases for credibility, must disclose certain information and make their ratings available, etc.²⁵ In effect, BCBS “endorses” ratings agencies that meet those criteria, while setting some additional restrictions.²⁶ An important advantage for BCBS is that reliance on ratings agencies avoids direct IO entanglement in the actual rating process – that would require expertise and resources that BCBS does not have, and, even more importantly, would make it politically vulnerable to criticism by member states whose banks were being scrutinized.

D3: Willingness to engage in Orchestration will depend on the internal culture of the IO and its adaptability to new approaches. [Corollary: Newer and less institutionalized organizations should be more open to trying Orchestration.]

As organizations, IOs are subject to the vagaries and pathologies of all collective arrangements. For this reason, even when Orchestration is a superior governance tool, its adoption by a particular IO depends on the willingness and ability of that IO’s internal organizational culture to sustain such an innovation. Vested interests and established organizational routines will often militate against innovation. A poster example for bureaucratic inertia is the ILO. The ILO has been every effective in creating universally accepted international standards, many of which have been adopted by other actors engaged in governance activities. Although many of its standards are incorporated in binding international conventions, however, the ILO has not been very effective at Old Governance because it lacks strong monitoring or enforcement capacities. Orchestration would be natural complement to its existing strengths, and a wide range of worker rights and human rights NGOs could act as Intermediaries. But the ILO has been reluctant to adopt new techniques (Baccaro 2009). Here the relevant internal culture includes not

²⁵ Id. paras. 90-91.

²⁶ For example, it forbids banks from “cherry-picking” the best ratings from different ratings agencies. Id. para. 92.

only the bureaucrats in the ILO secretariat, but also the private actors (worker and employer representatives) who, along with states, have constituted the ILO's tripartite structure since 1919. These actors already have preferred relationships within the ILO, and strongly resist any governance approach that would create links with other private actors and weaken their own influence.

By contrast, UNEP is a relatively new IO with relatively few regular Old Governance capacities, and it has been a leader in Orchestration (Abbott and Snidal 2010) – which suggests the corollary listed above. UNEP has engaged in a broad effort to promote environmentally responsible activity by business, using both Regulatory Collaboration and Orchestration. As an Orchestrator, UNEP joined with the environmental NGO CERES to found the Global Reporting Initiative (GRI), which sets standards for environmental reporting widely used by private and public organizations. UNEP and CERES jointly selected and co-chaired GRI's initial multi-stakeholder Steering Committee.²⁷ GRI's NGO and business members later assumed primary responsibility for the scheme, but UNEP has supported it in multiple ways and is still represented on its board. UNEP helped build support for the new organization among member states and recognizes it as an official Collaborating Center. UNEP has also made financial contributions to GRI, more recently designating them for specific projects.²⁸ Other IOs have joined UNEP in orchestrating GRI. The UN as a whole gave its imprimatur by hosting GRI's launch ceremony; the 2007 G-8 Summit endorsed it for use by firms engaged in mining in developing countries.²⁹ The World Bank, International Finance Corporation and European Commission have also made financial contributions.

However, low levels of institutionalization do not guarantee that an IO will pursue Orchestration. The UNGC is another relatively new organization with limited Old Governance resources that might have real potential for Orchestration. Given the special

²⁷ <http://www.unep.fr/scp/gri/> ; <http://www.globalreporting.org/AboutGRI/WhatWeDo/OurHistory>

²⁸ <http://www.globalreporting.org/AboutGRI/Funding/> ; GRI Sustainability Report 2007-08 at 32, http://www.globalreporting.org/NR/rdonlyres/E8B6ED9E-1A29-4154-A6DA-F14E6F71A2C9/2877/SR_FINAL_09_06_with_links.pdf

²⁹ Summit Declaration: Growth and Responsibility in the World Economy, Para. 84, 7 June 2007, http://www.g-8.de/Content/EN/Artikel/_g8-summit/anlagen/2007-06-07-gipfeldokument-wirtschaft-eng.templateId=raw,property=publicationFile.pdf/2007-06-07-gipfeldokument-wirtschaft-eng.pdf

legitimacy derived from operating out of the UN Secretary-General's office, we might expect it to be a leader in Orchestration. Instead, while it has actively engaged in relatively soft Regulatory Collaboration with firms, it has only weakly incorporated NGOs, the most likely potential Intermediaries.

D4: IOs will use Orchestration to mobilize Intermediaries that are influential in domestic politics to increase State support for IO policies. (The same may apply when domestic Targets support IO Orchestration.)

Orchestration is a valuable strategy for IOs that wish to build political support by mobilizing NGOs to influence states. Climate change is an important and long-standing example. The World Meteorological Organization began collaborating with the nongovernmental International Council of Scientific Unions (ICSU) in 1967 to investigate the relevant scientific issues. After the 1972 Stockholm Conference on the Human Environment led to the creation of UNEP, the three organizations sponsored a series of World Conferences on Climate beginning in 1979. Despite strong opposition from business and from many governments, in 1986 UNEP created the Advisory Group on Greenhouse Gases (AGGG), funded by IOs, NGOs and private foundations. The AGGG was largely independent of states; it served as a vehicle to mobilize scientific evidence and give advice on the measures governments should take to reduce greenhouse gas emissions. It also enhanced public support for action, initiating a process that led to the creation of the Intergovernmental Panel on Climate Change (IPCC). Ironically, although the Reagan administration, which vehemently opposed action on climate change, proposed creation of the IPCC to increase state control over the issue. Nevertheless, with nongovernmental actors at the core of its processes, the IPCC has steadily presses states to take further action on climate change.³⁰

A similar case is the UN Millennium Campaign, part of a broad strategy to achieve the Millennium Development Goals.³¹ A core element of the strategy was an “information campaign” organized “to foster a self-sustaining movement, extending well beyond the UN system, which mobilises the commitments and capabilities of broad

³⁰ Johnson (2010) provides a detailed discussion of the case focusing on the role of international bureaucrats in the creation and design of international institutions that are insulated from state control.

³¹ <http://www.undg.org/index.cfm?P=218>

segments of society to build awareness and galvanise public opinion in support of action on priorities, policies and resource allocations.” While the resulting movement would target a variety of actors, a central goal of the campaign was to increase pressure on governments to further the MDGs. The working group that developed this strategy noted that it would be difficult to engage NGOs and other key actors if the UN were perceived to be controlling the campaign. As a result, the Secretariat created a small Millennium Campaign Unit that is identified as a UN body and works closely with the UN Development Program, yet operates at arm’s-length from other regular UN agencies. The Unit supports the campaign by providing substantive information, forging connections with existing campaigns in which UN agencies are involved, facilitating networking and partnership-building among civil society groups and engaging them in MDG monitoring and analysis, and helping to coordinate campaign strategies and messages among partner groups and campaigns under the “End Poverty 2015” slogan.³²

Supply conditions:

Other actors also play a key role in determining whether it is feasible for an IO to pursue Orchestration; we categorize these under supply conditions (S1-S#)..

S1: Orchestration requires the availability of Intermediaries. [Corollary: IOs may seek to foster Intermediaries to enable Orchestration.]

Orchestration is not possible without appropriate Intermediaries – whose availability varies widely across issues. Intermediaries are most likely to be available on visible issues around which civil society can mobilize. In addition, the counterpart to D2 (that IOs will seek Intermediaries to fill gaps in their own governance competencies) is that Orchestration is only worthwhile where there exist Intermediaries that have the necessary abilities, such as for sanctioning, monitoring or moral suasion.³³

³² <http://www.endpoverty2015.org/>

³³ Here we take the availability of Intermediaries to be an exogenous characteristic of the issue area. In principle, it would be nice to elaborate the specific properties of an issue that are likely to engender the right sort of Intermediaries. For example, where monitoring by IOs would involve intrusive inspections inside states, domestic NGOs may be better suited to fill this role. The effectiveness of the 1985 Long-Range Transboundary Air Pollution Convention (LRTAP) has depended centrally on the role played by NGOs in monitoring state reports (Dai 2007). Here the scientific nature of the problem and the existence of relevant epistemic communities is important.

If appropriate Intermediaries do not exist, IOs can play a role in creating them. An early example is the World Business Council on Sustainable Development (WBCSD), which emerged from business participation in the 1992 United Nations Conference on Environment and Development (Rio Earth Summit). While the idea for such an organization came from Swiss industrialist Stephan Schmidheiny, it was Maurice Strong, Secretary-General of the conference, who invited Schmidheiny to organize the business participants in the meeting. Similarly, in preparation for the 2002 Johannesburg World Summit on Sustainable Development (WSSD), the UN General Assembly, Secretary-General and Commission for Sustainable Development (CSD) all endorsed the creation of public-private partnerships to implement Agenda 21 and the Summit outcome, rather than pressing for new legally binding rules for states. Over 200 so-called “Type II” partnerships were announced at the WSSD, and others have been created since. The WSSD Plan of Implementation designated the CSD as the UN agency responsible for relations with these partnerships. The WSSD preparatory committee and CSD have adopted criteria for granting an official imprimatur to partnerships, in order to ensure that their structures and activities were aligned with sustainable development principles. The CSD also provides relatively weak forms of support for Type II partnerships.

S2: States will allow IOs to exert limited autonomy through Orchestration when it is not contrary to their national policy and does not put Targets from their state at a disadvantage.

States prefer IO Orchestration to IO efforts at Old Governance because the latter entails much greater sovereignty costs. Even where they themselves are the targets, states may be willing to accept IO Orchestration because it does not involve any formal loss of sovereignty – after all, it is state actions that are being orchestrated. This will be especially true if Orchestration leads to superior collective results because of increased coordination with other actors, including avoiding races to the bottom or promoting races to the top among states. Where domestic actors are the targets, states will likewise be concerned that “their” domestic actors not be disadvantaged. However, in some cases, domestic targets will themselves support orchestration if it levels the playing field with foreign competitors.

Interdepartmental conflicts within national governments may also have a bearing on IO orchestration. IOs are often connected to particular government departments within member states (health, environment, labor, development, etc.), and those agencies are often engaged in interdepartmental struggles. Other departments (finance, defense, Foreign affairs) may block allowing an IO to engage in Old Governance. But individual substantive departments may have more leeway to authorize informal orchestration by the IOs to which they are linked. Orchestration may then help to undercut the position of the ‘opposition departments’ at home.

Missed Opportunities and Alternative Uses

Orchestration is a potentially useful governance tool for IOs, but it has been adopted only to a limited extent, and very unevenly. Thus we close with some examples in which IOs have taken steps towards Orchestration, but have not pursued its full potential. In addition, we identify other cases in which IOs are using Orchestration-like approaches in ways that do not correspond to our model, suggesting possible modifications.

1. Standard Setting

Although IOs’ traditional Old Governance approach has entailed the adoption and implementation of treaties and other international norms addressed to states, these norms have also played an important secondary role in shaping the voluntary regulatory standards issued by private schemes (Abbott and Snidal 2009a,b). For example, Social Accountability International’s “auditable certification standard” for private production facilities is based on standards created through “International Labour Organisation (ILO) conventions, the Universal Declaration of Human Rights and the UN Convention on the Rights of the Child.”³⁴ Similarly, GRI’s reporting guidelines are based on “international human rights, environmental and labor treaties, standards and conventions.”³⁵ In addition to the multi-stakeholder schemes, many NGO (e.g., Clean Clothes Campaign) and business schemes (e.g., Business Social Compliance Initiative) also base their voluntary

³⁴ <http://www.sa-intl.org/index.cfm?fuseaction=Page.viewPage&pageId=473>

³⁵ <http://www.globalreporting.org/AboutGRI/WhoWeAre/> ; Dingwerth 2007, 111

standards on IO-based norms.³⁶ Any “orchestration” in this relationship is largely accidental – most IOs did not anticipate this increasingly important use of their norms, and for the most part have done little to promote their use. However, this observation suggests a broader and more active form of Orchestration that IOs could pursue: they could create and draft public norms with a view to their use by private standards schemes – tailoring them for use in the private governance context – encourage private schemes to use IO norms to an even greater extent, and provide support for them to do so.

2. *UN Global Compact*

The UN Global Compact (UNGC) has expanded rapidly in its efforts to encourage global firms (and other actors) to endorse and follow ten key UN principles regarding human rights, labor, corruption and the environment. The Global Compact Office manages the scheme with support from the participating IOs, but in its operation the UNGC is structured as a public-private initiative mainly using a (weak) Regulatory Collaboration approach. Firms and other stakeholders participate in UNGC governance, through the Board and Leaders’ Summit, and collaborate on implementation and related projects through local networks. The UNGC encourages firms to develop and implement sustainable practices, business models and management tools through engagement with other firms, external stakeholders and UN officials. The UNGC could do these things directly (although that might be beyond its limited resources), but has also tried to engage nonbusiness actors (such as NGOs, CSR organizations, universities and local government agencies) through their “Local Networks.” That at least suggests that the UNGC is contemplating some of the advantages of orchestration, but it’s not a clear case.

The UNGC raises important questions about the choice and identity of the Intermediary. Not all Intermediaries are the same in terms of either capacity or aims, and the level of Intermediary involvement is crucial. The UNGC has been criticized from its inception (often unfairly under the pejorative label “bluewashing”) for being too close to business and for not requiring much of firms that participate in the Compact. Moreover, critics argue that the UNGC networks rely too heavily on other business participants and have neither effective monitoring nor proper enforcement provisions. While a large

³⁶ <http://www.cleanclothes.org/faq/485> ; <http://www.bsci-eu.org/index.php?id=2020>

number of civil society organizations now participate in the UNGC, they do not have strong voice and the UNGC does not facilitate their bringing pressure on participating firms.

Could the UNGC be more effective by engaging NGO Intermediaries in a stronger capacity to provide closer monitoring and even enforcement of UNGC provisions? Arguably, the UNGC is unable to do these things itself because of political considerations (i.e., pressure from member states whose firms might be targeted) that could be alleviated by using independent Intermediaries. It raises the question as to whether the UNGC could achieve more substantive results through Orchestration than through its relatively weak regulatory collaboration efforts. The implication for the Orchestration model is that Intermediaries themselves may have different properties – both in their capacities but especially in their preferences and values – that may be crucial to the success of Orchestration. Thus the choice of Intermediary is an important practical and theoretical issue.

3. International Operational Activities: Aid and Health

The UN Office for Coordination of Humanitarian Affairs (OCHA) mobilizes and coordinates humanitarian action, both to respond to disasters and to promote preparedness and prevention. Since the UN lacks sufficient resources to carry out these projects directly, it works through partnership with other actors. Much of its engagement with relief NGOs therefore entails significant elements of Orchestration, including both Facilitation and Coordination.³⁷ The OCHA provides important support for NGO field operations, including access to disaster zones, arranging customs clearances, logistical support for relief delivery and security for NGO humanitarian workers. OCHA has also played a role in channeling donor support to local NGOs to implement community assistance and capacity-building projects. Conversely, OCHA relies on NGOs to cover temporary gaps in the capacity of its own field offices, and involves NGOs in advocacy work at all stages of disaster relief.

In addition, OCHA plays the more general role of organizing humanitarian action at a global scale. It promotes information sharing, and has created databases and websites

³⁷ http://www.un-ngls.org/spip.php?page=article_s&id_article=849

to monitor relief activities, security concerns and other aspects of humanitarian catastrophes. OCHA also provides a forum for bringing together various agencies involved in humanitarian relief and plays the central role in the Inter-Agency Standing Committee (IASC), which includes the major humanitarian actors. In addition to coordinating current efforts, the International Search and Rescue Advisory Group (INSARAG) organizes advance planning for emergency response. The Consolidated Appeals Process (CAP) coordinates collaboration between host governments, donors, aid agencies, NGOs, the Red Cross and UN agencies produces the Common Humanitarian Action Plan (CHAP), which is a strategic plan for humanitarian response and the basis of a Consolidated Appeal.

We include these latter activities under “alternative uses” of Orchestration, because here the Target is not a specific actor, but rather the problem of delivering humanitarian aid. We see two ways in which this case relates to the Orchestration model. One is implicitly critical of IOs for not getting maximum impact from their efforts. Simply put, while applauding the valuable Coordination and Facilitation roles that OCHA plays vis-à-vis aid providers, one may ask whether the organization is engaging in true and effective Orchestration, by guiding and steering aid delivery in the most effective way. For example, does OCHA pay enough attention to pressuring recipient countries (as Targets) to change their behavior in terms of preparations for disasters or conduct during disasters? The second is critical of the Orchestration model for putting so much emphasis on the Target. Orchestration clearly involves techniques that are quite different from those in the P-A model, even when one focuses on the O-I link. These deserve to be highlighted even when activities are largely operational, as in humanitarian aid.

Another example of Orchestration in operational activities occurs in the provision of health services.³⁸ In the virtual absence of a functioning health system in failing states such as Somalia, most health services are provided by international NGOs. As in the case of humanitarian aid, the Target here is an issue or problem, rather than an actor. Coordination of International Support to Somalia (CISS) was established in 1993 (as the

³⁸ Details for this example are drawn from Schäferhoff (2001). See also http://www.unicef.org/somalia/SOM_SupportandHealthcareforSomaliPeopleReport_7-WEB.pdf; http://www.theglobalfund.org/grantdocuments/7SOMT_1576_702_gsc.pdf; http://www.theglobalfund.org/documents/terg/TERG_SA1_FullReport_Annex2-5.pdf

Somalia Aid Coordination Body until 2006) as a voluntary mechanism to provide a common framework for the allocation of international aid. Members include major donors, UN agencies (WHO, UNAIDS, World Bank) and international/local NGOs. The CISS operates through five sectoral committees, with the Health Sector Committee (HSC) in charge of coordinating international support. HSC's role is to ensure transparent and accountable fund allocation, to avoid duplication, and to maximize synergies with other sources of funding. For instance, HSC, with the leadership of WHO, developed a comprehensive matrix of all HSC-related activities funded by other donor agencies, to promote better value for money and efficiency (Global Fund: 19). In 2006, HSC created the Global Humanitarian Platform as a forum for consideration of urgent humanitarian issues among NGOs and IOs. Humanitarian Partnership Teams have also been developed to improve collaboration at the field level.

This is a very complicated case in which to apply the Orchestration concept. The World Bank and World Health Organization were instrumental in mobilizing a host of relevant public and private actors to create CISS/HSC (i.e., Facilitative Orchestration), and still play a prominent role in those bodies. But HSC itself is a public-private arrangement which coordinates and steers various health programs (i.e., Coordination Orchestration). The Global Fund for HIV/AIDS, TB and Malaria – itself a public-private partnership including states, IOs, NGOs and the Gates Foundation – and other donor agencies also engage in Coordination Orchestration, using their resources to influence HSC policy. Actual operations in Somalia are run through World Vision Somalia, a branch of the largest private relief and development organization in the world.³⁹ In short, in this case there is no single Orchestrator, but rather a network of interrelated actors who collectively Orchestrate. This raises important questions about the impact of multiple Orchestrators, both for the theory and for their influence on the effectiveness of Orchestration.

Conclusion

This preliminary paper seeks to develop and investigate the concept of Orchestration as an indirect form of governance. While it can be used by many different

³⁹ For the underlying contract with the Global Fund laying out these extremely complicated arrangements see http://www.theglobalfund.org/grantdocuments/7SOMT_1576_702_ga.pdf.

actors, Orchestration is especially appropriate for actors who are deficient in traditional “regulatory” powers, with IOs providing a leading example. Indeed, our identification of the concept was inspired by our earlier separate work on IOs, and our elaboration of the concept is an effort to distill what we believe we have observed in those settings.

Although we have presented hypotheses regarding what types of IOs will use orchestration in what sorts of circumstances, our evidence at this point only takes the form of plausible illustrations. We welcome suggestion of other cases where IOs do or do not use Orchestration, as well as reactions as to whether the concept of Orchestration seems useful for thinking about IO strategies.

If Orchestration matters, it is potentially a valuable addition on both the research and policy side. On the research side, it helps expand our understanding of how “weak” institutions like IOs can have an impact on international outcomes, and of the interrelations among actors in multi-stakeholder arrangements. On the policy side, Orchestration opens up new strategies for improving the performance of IOs, and potentially of other Orchestrators.

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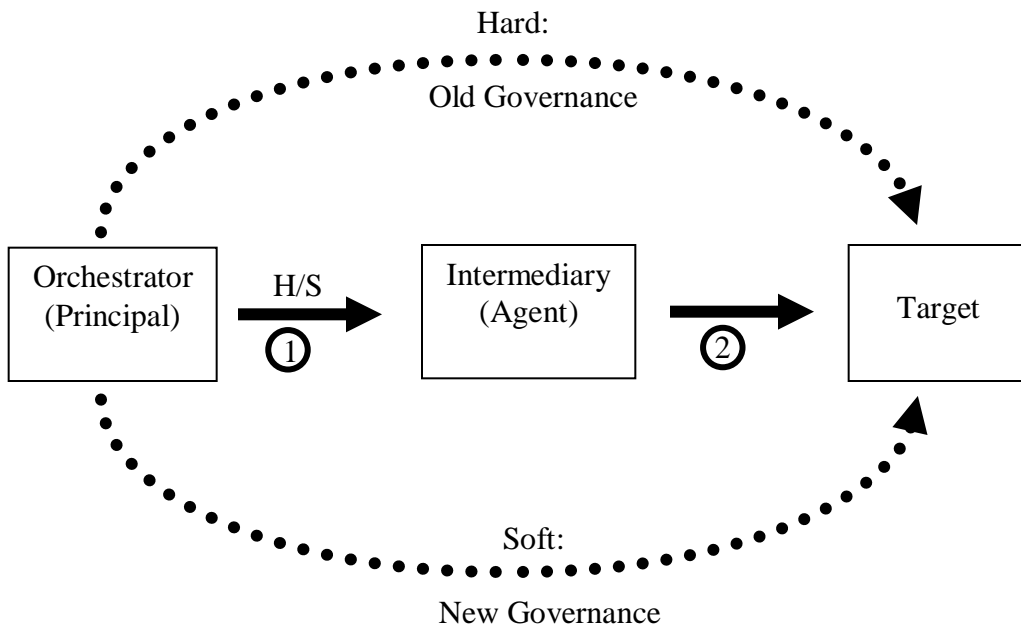


Figure 1: Orchestration and other forms of Governance