

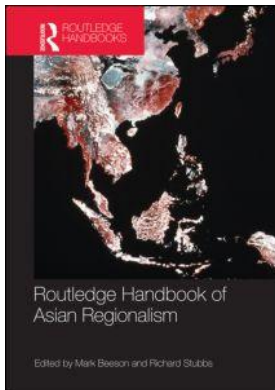
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Regulatory regionalism in Asia

Shahar Hameiri and Kanishka Jayasuriya

In the field of international relations the term ‘regionalism’ typically refers to various forms of institutionalized or more informal association between geographically contiguous states.¹ Because scholars have tended to view states and regions as distinct and mutually exclusive institutional-territorial domains, they have long been obsessed with the question of the relative strength of regionalism *vis-à-vis* the states that make up a particular region: How deep is regional integration? How broad? How binding are regional arrangements on national governments? In contrast, we argue in this chapter that a growing and increasingly important variant of regional governance – that which we call regulatory regionalism – is actually located and contested within the institutional spaces of the state, not between states. Rather than denoting the relocation of political authority to supranational institutions, regulatory regionalism highlights the existence of regional governance projects within the apparently national governance and policy apparatuses. Therefore, regionalization in these cases is not transforming the interstate terrain as much as it changes the institutional, territorial, spatial and ideological representation of the state itself to those subjected to its power.

Indeed, to make sense of the political dynamics of such new forms of regional integration, or even simply to render them visible to analytical scrutiny, we have to step away from the prevalent tendency to treat the state as a coherent, homogenous and impermeable container. Much of the activity we identify in this chapter has been ignored or misunderstood in the scholarly debates that dominate the field because of the underlying ‘methodological nationalism’ of the main theoretical positions. Rather than reifying the ontological and epistemological premises of international relations (see Walker 1993), we apply a governance approach for examining new forms of regionalism. In our framework, the emergence and development of novel modes of regional governance is understood in terms of their incorporation within political/governance projects of state transformation. What do we mean by this?

Regional governance, the principal theme of this volume, refers to the management of the conflicts created through growing interdependencies within a specific – albeit ideologically constructed – geographical region through the creation of institutional fora, policy instruments and networks of private and public actors. As such, regional governance encompasses those institutions, instruments and mechanisms that allocate political power, influence material stakes and shape the ideological representation of the region. Indeed as Thomas (2009) observes,

governance is mainly concerned with policies and politics; or rather, various modes of governance represent a particular form of political rule over the region. The advantage of approaching governance as a technique of political rule is that it enables us to ask these basic questions: Who rules? What is the domain of rule? How is political rule institutionally and spatially organized? Regional governance, viewed through this prism, is a distinctly political exercise and to the extent that particular forms of regional governance become dominant, it is only as a component of a particular political project underpinned by a conjunction of powerful coalitions and favourable political-economic and geostrategic conditions. More specifically, the concrete moves towards regional integration need to be seen as political projects undertaken by domestic actors and coalitions. In other words, regional political projects have roots in domestic structures. Though, as we shall see, the sharp distinction between domestic and external, which was always tenuous (see Agnew 2009), is further problematized by the emergence of various forms of regulatory regionalism.

In earlier work we have used the idea of governance projects to explore the domestic foundations of 'open regionalism' in East Asia in the form of various projects of 'embedded mercantilism' (Jayasuriya 2003). However, these domestic structures and concurrent regional projects have come under increasing pressure in an era of globalization, with the Asian Financial Crisis of the late 1990s proving an important catalyst. One of the outcomes of the decline of East Asia's dominant political project of the 1980s and 1990s has been the emergence of the various forms of regulatory regionalism we identify here. In a nutshell, we argue that the development of regulatory regionalism should be seen not simply as a response to the rise of new problems of economic and security governance, but as part of the process through which political rule is organized and contested.

In what follows we begin by expanding on what it means to study regional governance as a political project. We then go on to examine the drivers of regulatory regionalism in Asia. The third section looks at the instruments and actors of regulatory regionalism, while the conclusion identifies potential future research directions.

Regionalism as a governance project

One of the major drawbacks in dominant approaches to regional integration is that they are premised on an, often implicit, methodological nationalism (see Wimmer and Glick Schiller 2002), which reifies an analytical dualism between regional institutions and the nation state. The problem of creating 'hard' levels of analysis is not unique to the study of regions, but to the international relations discipline as a whole (Cerny 2010). In the study of regions, this analytical dualism produces three seemingly contending approaches to regional integration, which despite their apparent divergence nevertheless share similar theoretical limitations, particularly in relation to new modes of regional governance. The first approach, which could be broadly termed liberal institutionalism, is the descendant of earlier functionalist and neofunctionalist theories of regional integration (Haas 1964; Balassa 1965; Mitrany 1975). It sees regional institutions eventually supplanting some or all state functions. The second is premised on a realist tradition that views national political elites and institutions resolute in their resistance to the encroachment of regional institutions into sovereign functions (Milward 2000; Lake 2009). Finally, constructivists, who have become increasingly important in the study of regionalism since the 1990s (Acharya and Stubbs 2006; Acharya 2009), tend to focus on the interrelations between the development of regional institutions and linkages, and the emergence of regional identities. In all three cases, the nation state is the starting point for the analysis of regional institutions.

In contrast, the governance approach suggested in this chapter focuses on the transformation of the internal political spaces of the state rather than on the spaces between them, though the two processes are of course closely related. This is a crucial dimension of our argument because it implies that adopting a governance lens from which to view regional order allows us to locate the latter within the context of political projects of market-making and state transformation in individual countries. From this perspective, the process of state transformation is the key to the analysis of regulatory regionalism (Hameiri 2009; Jayasuriya 2009). We see regional governance projects as part and parcel of the process of state transformation.

By state transformation we are ultimately referring to an institutionalized and/or routinized transformation of the manner in which political power is produced, reproduced and distributed within states (Hameiri 2010). This is based on a materialist view of the state which, influenced by theorists such as Poulantzas (1978) and Jessop (1990, 2007), conceives of it as a social relation and an expression of power (Painter 2006). State transformation in our analysis has three interrelated dimensions involving shifts in the *location* of state power, meaning the actual governance structures and spaces where state power is exercised; in the kinds of *actors* exercising state power; and in the kinds of *ideologies* used to legitimize the exercise of state power. The emergence of regulatory regionalism manifests a particular kind of state transformation – that which involves the opening up of ‘regional’ – ideologically projected as such – governance spaces within the state.

The distinctive dimension of emerging forms of regional regulatory governance lies in the transformation of the internal spatial architecture of the state. By ‘state space’ we refer to the way that state strategies constitute and delimit the boundaries and the representation of the space through which political rule is secured. As already mentioned, much of the international relations literature takes for granted the national territorial boundaries of state action. Yet as Poulantzas reminded us, these frontiers and boundaries ‘do not exist prior to the unification of that which they structure’ (Poulantzas 1978: 105). Political geographers have long argued that the production of space, and hence of territorial space, is a political process (see Brenner and Elden 2009). Just as in previous centuries national boundaries were entrenched and consolidated, the twenty-first century sees forms and practices of regional governance in which the ‘regional’ becomes incorporated within the spaces of the state. Regulatory regionalism refers to one possible trajectory of transformation of the state’s spatial and territorial boundaries (Jayasuriya 2009; Hameiri and Jayasuriya 2011).

More specifically, regulatory regionalism could be described as a process of internal transformation that creates the appearance of regional *frontiers* within the state’s policy and governance apparatuses. Regional governance, from this perspective, is not an agglomeration of national territorial and political units at a higher regional level. It is a more fundamental regionalization of economic and security issues. Emerging forms of regional regulation rely more on the active participation of national agencies in the practices of regulation, than on formal international treaties or international organizations for their enforcement (Zaring 1998; Phillips 2001; Jayasuriya 2008). Worldwide, the clearest example of regulatory regionalism is the Open Method of Coordination (OMC) within the European Union. The term ‘Europeanization’ essentially refers to the internal transformation of EU member-states driven by OMC processes. Similar structural processes – albeit much more informal and embryonic – are evident in Asia.

Crucially, the regionalization of governance is far from a simple functional process. The creation of regional spaces is at its root a political project underpinned by social and political coalitions and distinctive ways of framing these spaces. Regulatory regionalism brings into play a multiplicity of scales of governance within the state, creating novel forms of political conflict between contending regulatory regimes. Actors will attempt to shift the scale at which particular

issues are governed as a way of tipping the balance on these issues in their favour. For example, Lillie (2010) argues that increasingly the distinction between ‘offshore’ and ‘onshore’ production does not involve any physical relocation of production sites. It is rather a way for capital to escape from national class compromises and undermine the associational power of the working class by altering the regulatory regime through which capitalist social relations are facilitated. In this respect, Gough has argued that shifting scales of governance strategies ‘can be understood as mediations of fundamental contradictions of spatial accumulation. Shifts in the scale of governance then appear as means for shifting the balance within these tensions by using scaled institutions and economic processes’ (Gough 2004: 206). From this perspective, regulatory regionalism is one expression of changing class relations within transformed scales of economic activity. The important point is that a rescaling of the kind associated with regulatory regionalism is not simply a strategic choice of actors. Rather, as we shall see in this chapter, it is only possible because of the historically specific conjuncture of favourable political-economic and geopolitical conditions generated by globalization and the end of the Cold War.²

The drivers of regulatory regionalism in Asia

Regulatory regionalism, as we have argued above, could be seen as a process through which the spaces of the state are transformed as it moves governance beyond its traditional national territorial framing, though not necessarily beyond the national policy and governance apparatus as such. Rather than being about trade liberalization or defence cooperation between states, as regionalism has traditionally been perceived, regulatory regionalism refers to the regionalization of the state’s domestic policy and governance apparatuses, mainly through the involvement of national agencies and actors in regional governance. Such a process could be facilitated by intergovernmental agreements that open up regional regulatory spaces within the state across a wide range of issues, with the OMC the most obvious example here. Regulatory regionalism could also emerge in a more tentative and ad hoc manner due to the real or perceived regionalization of particular economic activities and/or security problems. The latter pattern appears more pertinent to the Asian experience.

To make sense of this process we have to locate it in the context of shifts in the global political economy in recent decades and specifically in the increasing transnationalization of production and financial flows. These developments have changed the nature of state–market relations in Asia (see Jayasuriya 2003; Underhill and Zhang 2005), as well as promoted the emergence and strengthening of transnational interests and coalitions. In particular, the Asian Financial Crisis has catalysed the (incomplete) decline of East Asia’s ‘embedded mercantilism’ – the political project primarily associated with the Asian developmental state – as well as the associated ‘open regionalism’ regional project, which focused on promoting trade liberalization between national units (Jayasuriya 2003, 2005). In turn, the challenges and conflicts associated with Asia’s changing political-economic realities have played a crucial part in making the management of transnational risks an important governmental and regional activity, thereby driving the growth of regulatory regionalism even further (Jayasuriya 2009).

Perhaps the most important driver of regulatory regionalism in Asia has been the emergence of regional-transnational production networks, initially associated with Japanese investment after the 1985 Plaza Accord and later with the rise of China. While China’s economic development is itself an outcome of structural transformation in international production, its various subregions are now important locations in regional or global production networks that traverse national borders and that in some cases link East Asia with other parts of the globe (Breslin 2005). Though the Chinese national government has not shown particular interest to date in leading wide-ranging

regional regulatory projects such as the OMC, in part due to its proclaimed commitment to state sovereignty, its economic rise manifests a new form of production that is not necessarily encompassed within the national territorial space. This has been associated with concomitant growth in regional modes of regulation aimed, for example, at fostering financial stability.

Yet, it is not only transnationalized production that operates regionally. Domestic capital also increasingly operates on a regional rather than national scale. For example, Singapore's state capitalist companies now have expansive regional reach. Their regionalization has been accompanied by efforts to promote regional forms of economic governance, as well as affecting the political governance arrangements of other states in the region (Rodan 2004). The ASEAN Free Trade Area (AFTA) agreement and the developing web of bilateral trade agreements between regional states can be considered as part of this ongoing regionalization of activities and functions of domestic capital – private or state controlled. Indeed, as Christopher Dent (2010) demonstrates, free trade agreements (FTAs) in Asia (and elsewhere) have in recent years taken on a more regulatory scope than their 1990s predecessors. Rather than simply being about the elimination of trade barriers between states, FTAs now include clauses that require domestic regulatory transformation in areas such as intellectual property, investment, government procurement, and competition policy, as a condition of trade liberalization.

While the transnationalization of production and regionalization of domestic capital played a particularly important role in driving the emergence of regulatory regionalism in Asia, it is also important not to overlook the contribution of the region's increased financialization in the wake of the Asian crisis. Rethel (2010) argues that the earlier disagreements in the 1990s between supporters of financial liberalization ('liberalizers') on the one hand and the developmental state ('interventionists') on the other, have come to be largely replaced by a consensus in the region that a degree of financial development is essential and that emphasis has to be placed on improving financial governance, both within and between states. She documents a staggering growth in the size of bond markets in Asia, as the earlier bank-led developmental state model is increasingly being surpassed. The growth of bond markets has been accompanied by the establishment of the Asian Bond Market Initiative (ABMI), a platform for developing and regulating domestic currency bond markets, as well as the Chiang Mai Initiative (CMI), a scheme designed to prevent the collapse of the national currencies of participating states by facilitating currency exchange agreements. Crucial to the two initiatives is a regional surveillance mechanism, under the ASEAN Plus Three (APT) umbrella, whose primary objective is to assess the quality and health of domestic governance arrangements. Responsibility for surveillance has been placed mainly with the Executives' Meeting of East Asia-Pacific Central Banks (EMEAP) and the APT finance ministers (Nesadurai 2009), though in the case of ABMI for example, the task of developing bond markets is in the hands of technocrats and not political actors (Rethel 2010: 13).

The example above of the twin processes of increasing financialization and financial regulatory innovation also highlights the rising significance attached to ideas of risk and risk management in the emergence of regulatory regionalism in Asia. Arguably, risk management in various guises has become the most important driver of regionalization of the kind discussed in this chapter. German sociologist Ulrich Beck (1999, 2009) has identified the emergence of new kinds of risk in recent decades, which he calls 'de-bounded' – not limited by national borders or calculable time frames. These risks, which are mainly the unintended by-products of industrialization and globalization, are low probability but high consequence, and therefore escape existing forms of social and private insurance, which rely on statistical analysis and financial compensation. For Beck, de-bounded risks differ from those of industrial society in that they can only be managed through reflexive collective and self-governance. Increasing awareness of their existence, he argues, creates a new

'risk society', in which modernity and progress are problematized, and risk management shifts to the core of politics. In time, Beck sees the development of a 'world risk society', in which people understand that effective management of de-bounded risks is beyond the capacity of individual governments and that thicker forms of regional and global cooperation are required.

In Asia, too, governmental, intergovernmental and nongovernmental actors have called for new regional approaches to the regulation of problems such as climate change, environmental degradation, the spread of infectious diseases, human trafficking and transnational terrorism (Dupont 2001). Though such efforts have often fallen short of driving substantive change in governance (see Caballero-Anthony 2008b), there is no doubt that the rationale of risk management has become pervasive across the region, as evident by the ASEAN charter for example.

Yet, in line with the general argument in this chapter, risk management should be seen as a particular form of political governance. Governing *through* risk involves a set of boundary crossings over the traditional Weberian public and private spheres and the Westphalian internal-external divide. The important aspect of the so-called 'world risk society' is that it requires a global and/or regional response to issues previously firmly within the jurisdiction of states. In the same manner as the economic governance processes described above, risk management has to be seen not as an externally driven process, shaped by empirically observed transformation to the security environment, but as an internal process that fundamentally transforms the national spaces in which the governance of these issues is conducted. Risk management should thus also be seen as a political project concerned with the rescaling of state activities, instruments and discourses, beyond the national political arena. This means that other actors and coalitions may resist the characterization of particular issues as risks, when rescaling is detrimental to their interests (Hameiri 2011).

The near-annual haze problem in Southeast Asia – the result of illegal and unscrupulous forest-clearing practices in Indonesia – is a case in point. Despite considerable evidence of the fires' adverse effects on the health of individuals across several states and the efforts of the Singaporean government in particular to set up a regional agreement for standardizing forestry practices, powerful interests well-connected within the Indonesian state who benefit from land-clearing have managed to prevent such rescaling from taking place. To date, the Indonesian government has declined to sign the regional agreement (Tay 2009).

The instruments and actors of regulatory regionalism in Asia

Instruments

Regulatory regionalism is a phenomenon that cuts across a very diverse range of issues from finance to energy governance. What all new modes of regulatory governance have in common, however, is the recognition that regional regulation can be implemented and policed at the local level – either the national or sub-national. In practice this has taken the form of multilevel governance, usually in conjunction with the development of specialist international/transnational policy networks around particular issues that incorporate parts of the state.

Multilevel governance is a term popularized in the EU studies literature³ and, according to Hooghe and Marks (2003), it could assume one of two meanings. Type I multilevel governance in their conception essentially refers to a kind of federalism, in which exclusive, generalized and territorially defined political units of various sizes are contained within each other like a Russian doll. This is the traditional view of regionalism as a territorial unit above its component-states. Type II multilevel governance, on the other hand, refers to function-specific, flexible and

problem-solving jurisdictions. These jurisdictions may come and go according to perceived need and may even compete with one another over the authority to govern particular issues. Regulatory regionalism arrangements tend to approximate the second ideal-type of multilevel governance, as functional-specialization is one of the primary mechanisms by which issues are rescaled beyond the national level (Hameiri and Jayasuriya 2011).

In Asia, Caballero-Anthony (2009a), for example, has identified the emergence of a rudimentary form of multilevel governance, with ASEAN at the centre of several new policy networks operating at the regional, national and sub-national levels. These networks have particularly been concerned with the management of new non-traditional security issues, which are typically seen to traverse national borders, thereby requiring a regional response. Another important example for multilevel governance in Asia is the Asian Development Bank's (ADB) Mekong Project. The Mekong Project is managed by a complex system of governance that includes ministerial councils of the relevant countries, a secretariat to manage its affairs, and a parallel system of national-level committees that serves as a conduit between trans-boundary water management and internal national management structures. Hirsch (2006) describes an intricate terrain of multilevel conflicts between the various actors over who governs what, and at what level. This example demonstrates that within Type II regionalizations there are no clear hierarchies of scale, as we have come to expect in Type I arrangements, and therefore the establishing of boundaries, as well as their hierarchical ordering, tends to be a dynamic process of conflict and accommodation, which shapes the actual form of regional governance.

An important mechanism of regulatory regionalism that relates to both policy networks and multilevel governance is metagovernance, which refers to the 'governance of governance'. This includes a range of regulatory activities, but mainly those concerned with establishing procedures and rules for the regulation and development of governance arrangements that incorporate a range of governmental and non-governmental actors, whether these be network, multilevel governance or both (see Jessop 1998; Jayasuriya 2004). Metagovernance is particularly important for regulatory regionalism, since regional governance of this kind generally does not involve direct forms of rule but, as we have said, tends to rely on the participation of a wide range of actors across the public-private divide in regulation.

The increasing importance of metagovernance in contemporary governance processes is associated with a realignment of power within bureaucracies. Metagovernance functions tend to be located in the core executive of states and international organizations, while actual governance is increasingly dispersed to a great variety of governmental and non-governmental actors, so that as governance is becoming increasingly diffuse metagovernance is increasingly concentrated (Jayasuriya 2004).

In Asia, the ADB has played a metagovernance role in the development of the aforementioned Mekong Project. It has also, however, been instrumental to the particular form assumed by the region's two financial governance platforms – the CMI and the ABMI. In the case of the ABMI, the ADB provides important technical and research assistance, while also hosting AsianBonds Online – the ABMI's information database. While the ADB to some extent acts as a conduit for introducing international financial governance to Asia, and to that extent the schemes are a manifestation of the emergence of 'market states' in Asia (Robison 2006), Rethel (2010: 14) notes that there are important differences that pertain to the particular political-economic and ideological context in Asia in which bond market development has occurred. For example, while bond market development is generally seen, by standard-setting organizations such as the Bank for International Settlements, as crucial for national and international financial stability, ADB research emphasizes the utility of bond finance as a way of supporting infrastructure development in the region.

Actors

Along with the emergence of new instruments of governance, regulatory regionalism is also associated with the integration of new kinds of actors into the governance process, as well as with changes in the roles of existing governmental and intergovernmental agencies. We have already mentioned above the way in which the core executive of states and organizations has been taking on metagovernance capacities within an increasingly diffuse governance landscape that includes public, private and third-sector actors.

Much has been written about the growing significance of private actors in governance. Particular attention has been afforded to private security companies (PSCs) – or private military companies (PMCs) (Singer 2003; Liss 2009) – while scholars have also examined the increasing importance of private sector consultants and experts in guiding policy decisions and in designing, implementing and auditing regulatory governance within and beyond the state (Stubbs 2003; Hamilton-Hart 2006). The important aspect of this phenomenon is that these are private actors exercising various forms of public power. For example, Krahmman (2008) has argued that the increasing privatization of security-provision poses potential challenges to the idea of security as a public good. In a study of maritime PSCs in Southeast Asia, Carolin Liss (2009) has shown that while national governments were quite hostile to the involvement of PSCs in the region, operators tend to make informal arrangements with local officials to ensure contractors are not harassed.

But it is not only private actors that have been taking on specialized governance functions. In fact, there has also been a substantial growth in the number and scope of public, unelected regulators and policy-making bodies (Vibert 2007). These agencies tend to engage in relevant policy networks that include peers from other states and multilateral and private sector organizations (Slaughter 2004). One example from Asia would be the Asia/Pacific Group on Money Laundering (APGML), which connects national regulators with the Financial Action Task Force, the World Bank, the International Monetary Fund, the International Organization of Securities Commissions and several others (Shanman 2008: 648).

Therefore, it does not matter so much whether the regulatory actor involved is public or private, since the divide between Weberian–Westphalian notions of public and private, domestic and international are challenged through the development of regulatory regionalism. Rather, there is an observed tendency towards increasing specialization of governance and a growing gap between established ideas of sovereignty and political representation and new forms of political agency advanced through the new modes of regulatory governance discussed in this chapter.

Conclusion and future research

In this chapter, we have attempted to correct the bias of much of the literature on regionalism in Asia, which focuses primarily on formal institutions and agreements between states. There is a growing diversity of regional governance arrangements, which we call regulatory regionalism, not picked up by mainstream international relations research. This is because regulatory regionalism is not located in the terrain between states but involves the transformation of the internal architecture of the state, and rather than denoting the emergence of supranational entities this transformation occurs through the active participation of national and sub-national agencies in regional regulation.

The significance of this chapter's findings, as well as earlier research into regulatory regionalism, is not descriptive. Rather, we are seeing the emergence of new and important forms of political rule. Making sense of basic questions such as who rules and how, which in traditional international

relations perspectives are answered a priori, therefore requires stepping beyond the limits of methodological nationalism towards a new framework that places state transformation at the core of the study of regionalism. In essence, we identify here a new research agenda for scholars of regionalism. But, as with all new research agendas, considerable more work has to be done to flesh out our argument further.

We have argued that regulatory regionalism is one of the possible trajectories of state transformation, which itself is a process associated with shifts in the global political economy. To make sense of the potential dimensions and future trajectories of this process, then, we must closely interrogate the various aspects of state transformation – the shifting location of political authority, the emergence of new regulatory actors exercising state power, and the changing ideological rationalization for the use of state power (Hameiri 2009). Future research also has to take account of the challenges to regulatory regionalism, including specifying the kinds of coalitions that emerge to contest the transformation of the state and the circumstances in which these have been successful in preventing the rescaling of governance. It is apparent, for example, that despite the increasing diffusion of public authority, ideas of national sovereignty and national political community remain very powerful and retain a strong popular appeal in Asia, as elsewhere. Indeed, we need look no further than the government-sponsored march of Chinese nationalism in recent decades and the officially sanctioned revival of Confucianism – trends that seem to be in some tension with Mao's agrarian socialism of the past. Whether such contradictions can be resolved is difficult to predict, but only partial explanations to future developments will emerge out of persisting with current international-relations frameworks. Like it or not, state transformation and the associated emergence of a multitude of new modes of regulatory governance – regional or other – is now an inescapable part of the political landscape in Asia.

Notes

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- 2 On the role of geopolitics in the construction of regions see Beeson (2009).
- 3 For an overview see Bache and Flinders (2004).