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Regulatory regionalism in the Asia-Pacific: drivers, instruments and actors

Kanishka Jayasuriya*1

This essay introduces the special issue on ‘Risk, Regulation and New Modes of Regional Governance in the Asia-Pacific’ and provides an analytical framework to understand the emergence, consolidation and resistance to these modes of governance. The article proposes the concept of ‘regulatory regionalism’, which points to the creation of new state spaces of regional governance, transforming—rather than transcending—the national space of the state. In particular, the essay explores the creation of these governance spaces through the mobilisation of political projects of risk management. The strength of this framework of regulatory regionalism is that it facilitates an understanding of new modes of regional governance within the context of political projects of market-making and state transformation in individual countries. This approach to the understanding of regional governance takes us beyond the moribund debates on Asian integration which dominate the international relations literature.

Regulatory regionalism and state transformation

The Asia-Pacific is replete with new modes of regional governance such as the Regional Assistance Mission to Solomon Islands (RAMSI), new forms of financial surveillance, functional policy networks such as the Executives’ Meeting of East Asian and Pacific Central Banks (EMEAP), the growing role of the Asian Development Bank (ADB) and the pivotal role of private actors such as security companies. Yet an assiduous student would not learn much about these new modes of governance from a reading of the international relations literature on Asian integration, and would certainly come away with a better grasp of the sustainability, or otherwise, of regional multilateral institutions such as Asia-Pacific Economic Cooperation (APEC) and possibly a better understanding of the irredeemable debates between realism, institutionalism and constructivism in international relations. However, this student is likely to remain largely oblivious to the emergence, dynamics and sustainability of new modes of regional governance; though, no doubt there are exceptions, such as

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the recent work by Thomas (2009), which provides a governance approach to regionalism.\(^2\)

This special issue seeks to redress this imbalance and is dedicated to an exploration of new modes of regional governance in the Asia-Pacific. The articles in this issue seek to chart a new research agenda on regional governance, which leads us beyond the stale and endlessly rehearsed debates on the prospects for Asian regional integration. Our common focus is on the internal transformation of the state through these new modes of governance located within the national/subnational policy-making apparatus, or in functionally specific policy regimes. At the same time, this regulatory governance is not only directed at the usual staple economic and trade integration issues; it also seeks to manage and coordinate the regulation of a broad area of social and economic problems, ranging from infectious diseases to money laundering.

In adopting this regulatory perspective to issues of regional governance, this special issue is concerned, above all, with the way in which new forms of governance space are created within the state. Prevailing approaches to regional integration in Asia give priority to the nation state as the unit of analysis in accounting for the emergence and consolidation of regional institutions. Studies of regional integration are based on a methodological nationalism, premised on an analytical dualism between regional institutions and the nation state. In turn, this results in two contrasting approaches to regional integration: one sees regional institutions supplanting some state functions (sometimes given the generic label of ‘liberal institutionalism’); the other is a veritable realist tradition that sees national political elites and institutions resolute in their resistance to the encroachment of regional institutions into sovereign functions. In either case, the nation state is the starting point for the analysis of regional institutions.

The thrust of the contributions in this volume is that 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’ I refer to the way that state strategies constitute and delimit the boundaries and the representation of the space through which political rule is secured. Indeed, much of the international relations literature takes for granted the national territorial boundaries of state action. Yet, these frontiers and boundaries ‘do not exist prior to the unification of that which they structure’ (Poulantzas 1978: 105). As ‘political geographers’ constantly remind us, the production of space is a political process. Just as in previous centuries national boundaries were entrenched and consolidated, the twenty-first century will see forms and practices of regional governance in which the ‘regional’ becomes incorporated within the political space of the state. It is this transformation of the spatial architecture of the state that I refer to as ‘regulatory regionalism’ (Jayasuriya 2003, 2008).

This regulatory regionalism provides the basis for a view of regional governance as a process of internal transformation that creates the appearance of regional frontiers within the state by creating ‘regulatory spaces of the state’. Regional governance is not an agglomeration of national territorial and political
units at a higher regional level; it is a more fundamental regionalisation of economic governance. Hence, the implication of this argument is that 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 organisations for their enforcement (Jayasuriya 2008; Phillips 2001; Zaring 1998). The clearest exemplar of regulatory regionalism is the open method of coordination (OMC) within the European Union, and the term ‘Europeanisation’ of governance neatly encapsulates the internal transformation of the state driven by OMC processes. This essay suggests that similar structural processes—albeit much more informal and embryonic—are evident in the Asia-Pacific.

This 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. One of the intriguing aspects of regulatory regionalism is the way in which it brings into play a multiplicity of scales of governance within the state, creating novel forms of political conflict between contending regulatory regimes. Hameiri (in this issue) argues that the Australian intervention in the Solomon Islands created overlapping jurisdictional regimes that were not easily accommodated within the state, thereby setting the political stage for intractable political conflict between Australian-led RAMSI and the government of the Solomon Islands. Cruz-del Rosario’s contribution in this issue draws attention to contending governance projects over the management of water resources in Central Asia.

The drivers of regulatory regionalism

Regional governance has changed considerably in the last decade in response to structural changes in the patterns of geopolitics and economics. Undoubtedly, the most significant transformation relates to the rise of China and the challenges this poses for the theory and practice of regional governance. To be sure, there is no evidence of a coherent Sino-based regional order to compete with the US-based Pacific regional order, but most analysts detect an underlying change in regional governance structures stemming from deep-seated changes in wealth and power stimulated by the rise of China. In fact, one of the most striking changes is the emergence, albeit weakly, of East Asian institutional structures as reflected in the ASEAN (Association of Southeast Asian Nations) Plus Three process, accompanied by a decidedly more normative construction of regional identity in terms of ‘East Asia’ rather than the ‘Asia-Pacific’.

Nevertheless, a far more substantial restructuring of the economic order is the fundamental shift in the nature of production in East Asia arising from the growing economic weight of China in the regional economy. Here, it is not the dominance of the Chinese economy per se that matters but the fact that the various subregions of China are key locations in production networks that now cross national boundaries. On this view, the rise of China is an artefact of a much
deeper structural transformation in the nature of international production (Breslin 2005).

These production networks have become especially important in the information technology sector, where manufacturing production is relocated in China and other parts of Asia, but control of production standards and research—structural economic power—still remains with foreign companies. The proposition here is that the rise of China, rather than leading to an emerging Sino-centric regional order, represents a new form of production that is not necessarily bound to a national territorial space. Therefore, the regional transformation catalysed by China’s economic and social transformation is more appropriately conceptualised as a symptom of a new system of regionalised economic governance transcending national territorial boundaries.

On this basis, regionalisation is a process of transforming the spaces of state activity as it moves economic governance beyond the traditional national territorial containers of the nation state. Yet, it is not only transnationalised production that operates regionally. Domestic capital also increasingly operates on a regional rather than national scale—consider here the expansive regional reach of the Singapore state’s capitalist companies—and as it does so, it seeks to influence or promote regional forms of political governance (Rodan 2004). Hence, the ASEAN Free Trade Agreement and the developing web of bilateral agreements between regional states can be considered as part of this ongoing regionalisation of activities and functions of domestic capital—private or state-controlled.

This increasing regionalisation of economic and social activity allows political actors to move issues and conflicts to a regional level. From this perspective, regulatory regionalism is one expression of changing class relations within transformed scales of economic activity. In a related vein, Gough (2004): 206) 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’. However, economic and political actors construct new spaces of governance in order to act within these new regional levels. It is, then, these new spaces of governance that lie at the heart of patterns of regulatory regionalism.

A distinctive aspect of this regulatory regionalism is the way ideas and representations of risk are mobilised to give shape and form to new spaces of governance. Beck’s (1999) work highlights the way in which issues such as terrorism, migration or even infectious diseases create a new ‘risk society’. For example, Cruz-del Rosario (in this issue) draws on Beck to highlight the crucial importance of the representation of risk in confronting the difficult challenges of water governance in Central Asia. She builds on Beck’s insight that the process of economic modernisation and industrialisation leads to the emergence of new, catastrophic and incalculable risks. But unlike the risks of industrial
society, these cannot be socialised; they need to be managed and regulated through collective reflexive and self-governance.

It is, however, the crucial role of risk as a particular form of political governance that distinguishes this special issue from Beck’s work and other sociological perspectives. Governing through risks involves a set of boundary crossings over the traditional Weberian public and private boundaries, as well as the familiar Westphalian national and international boundaries. Therefore, to the extent that this new risk society leads to the spatial and temporal transformation of risk (Clapton 2009), it requires a global as well as a regional response to issues hitherto firmly within the national jurisdiction. In this context, several of the articles in this issue draw attention to the way in which risk management becomes the primary rationale for new modes of regional governance instituted within nation states. In her essay on financial governance, Nesadurai points out that recent financial governance programs have turned to surveillance in order to manage the growing risks of financial turmoil. It is these kinds of risks that have been at the forefront of the current global financial crisis. Hameiri examines how recent Australian interventions in the Southwest Pacific have been driven by a desire to manage the myriad of security risks posed by what is represented as state failure in Australia’s immediate neighbourhood (see also Hameiri 2008). These conclusions on the relationship between risk and ‘good governance’ resonate with the contributions of Clapton and Rosser. In a related vein, Cruz-del Rosario argues that powerful transnational actors in Central Asia seek to frame water management as an issue of risk management, as part of a broader regional governance project. Indeed, many of the new risks of international order, such as those in finance, health or international crime, are often regional in scope, creating opportunities for the mobilisation of governance projects of risk management, which in turn depend on an ideological representation of new regional spaces of risk. It is these governance projects of risk management that Clapton argues are driven by liberal imperatives but which often involve illiberal and coercive means.

The broader point here is that globalisation as an economic and risk management process needs to be conceptualised not so much as an externally driven process through the increasing flows of trade and capital, but rather as an internal process that fundamentally transforms the national spaces over which economic governance is conducted. Indeed, both articles by Hameiri and Rosser in this issue point to the way in which ‘state building’ in East Timor and the Solomon Islands has become a regulatory project of state transformation. This is a crucial dimension of the argument because it implies that adopting a regulatory lens from which to view regional governance allows us to locate it within the context of political projects of market making and state transformation in individual countries. From this regulatory perspective, the process of state transformation is the key to the analysis of regulatory regionalism (Jayasuriya 2008).
New modes of regional governance

One of the characteristics of the new regional governance in areas as diverse as terrorism and finance is the recognition that region-wide regulatory frameworks such as monetary coordination and macroeconomic policies can be implemented and policed at a local level. Regulatory regionalism requires the development of new forms of multilevel governance. In this context, Anthony (2009) draws pointed attention to the central role of ASEAN in the emerging project of regional governance. ASEAN is at the hub of a developing form of multilevel governance that has shaped the dialogue and cooperation not only between the ASEAN Plus Three countries, but also between these East Asian countries and others outside the region. No doubt, this multilevel governance is vastly different from the more formalised system within the European Union. Nevertheless, Anthony’s analysis indicates the fuzzy outlines of a new form of multilevel governance based around new policy networks operating at the regional, national and subnational levels.

These emerging policy networks reinforce our argument that regionalisation of governance reflects a more fundamental transformation of the ‘space of the state’. Breslin (2002), in an analysis of China and the new global political economy, notes the emergence of a group of globalised bureaucrats within the Chinese state apparatus committed to a project of economic liberalisation. Governance of the emerging system of regulatory networks becomes one of the hallmarks of the new functions of the regulatory state. As the state becomes fragmented, domestic regulatory agencies develop connections with their foreign counterparts as well as with transnational regulatory bodies, thereby taking on a ‘global’ function. These regulatory webs often do not depend on ‘hard’ international law, but on softer forms of governance that rely on—and, in fact, require—the active participation of networks and agencies within the state.

In contrast to the traditional diplomatic networks in the Asia-Pacific, these new regulatory webs are characterised by the dominance of technical and policy expertise. Hence, the pivotal role of the East Asian network of central bankers, the Executives’ Meeting of East Asia-Pacific Central Banks (EMEAP), is the oversight and management of the Asian Bond Initiative (Nesadurai 2007). Similarly, the SARS (Severe Acute Respiratory Syndrome) crisis presented new challenges in national governance for the countries of the Asia-Pacific region. These new issues not only extend the regional governance agenda beyond the traditional issues of trade integration but, more significantly, require harmonisation of national policy and the cooperation of national regulators and policy makers.

In this context, there have been a range of important initiatives to coordinate financial governance within the region. The Chiang Mai Initiative (CMI) provides for emergency funds for currency stabilisation in the event of a financial tsunami sweeping through the region; such as that during the 2008 credit crisis or the 1997–8 Asian crisis. The initiative is limited in scope as well as
in terms of the volume of funds available for emergency funding. However, the very fact that a currency stabilisation scheme such as the CMI is on the policy agenda is itself a major step away from the Asia-Pacific region’s traditional emphasis on trade liberalisation. Similarly, the EMEAP manages the Asian Bond Fund, which invests in a basket of US-dollar-denominated bonds issued by Asian sovereign and quasi-sovereign monetary bodies. A system of transnational policy networks which includes the EMEAP has contributed to the development of the Asian Bond Market Initiative (ABMI). The ABMI has led to the reform of domestic tax and regulatory regimes in a market-consistent form. In effect, the ABMI is also a system of multilevel governance (Dent 2008; Nesadurai 2007).

Transnational policy networks will continue to expand in influence as emerging modes of regional financial governance are consolidated. It may well be that the regulation of finance and risk becomes the core project of regional governance. Indeed, Dieter (2000) argues that regional integration projects driven by trade liberalisation have only a limited viability for the newly industrialising countries of East Asia and Latin America. For that reason, he detects a shift towards what he terms ‘monetary regionalism’, which will, in terms of our framework, offer risk management to increasingly vulnerable national economies. In fact, in recent proposals and initiatives on financial governance, we can plausibly identify the development of a putative East Asian monetary governance that contrasts with the trade-oriented regionalism of the 1990s. Policy networks have also emerged in other areas. For example, the regional response to terrorism has seen a growing and evolving role for networks of specialist policy makers such as police and security officers—quite different from the usual governmental and ‘official’ non-governmental streams of Asia-Pacific policy networks.

Especially pivotal to the operation of policy networks is the contribution made by key regional states like Japan, China and India in linking regional policy networks with global policy networks and agencies. It is clear that ‘middle power’ regional states such as Korea or Australia may perform similar functions within the emergent systems of regional multilevel governance. Core regional states, or rather specific societal actors and agencies within these states, provide a pathway through which regional governance is linked to a global order dominated by the USA (Katzenstein 2005). Hameiri (in this issue), for example, draws attention to the way in which the Australian intervention in the Southwest Pacific has created new spaces of governance within Australian state institutions. For example, the Australian Federal Police, through the creation of innovative governance mechanisms, has played a significant role in Nauru and the Solomon Islands that far transcends its original domestic law enforcement mandate, as well as transforms its relations with other Australian state agencies. Clapton (in this issue) analyses how the Australian government has instituted complex ‘good governance’ and security programs to shape the internal governance of Pacific Island states in a more liberal direction.
Another new mode of governance within the Asia-Pacific is the emerging system of peer review and monitoring, which is analysed by Nesadurai in this issue. A nascent example of this system of regional multilevel regulation is the ASEAN Regional Surveillance Process (ARSP), which was endorsed by ASEAN financial ministers in December 1998 (Manupipatpong 2002). The peer review process serves to link national and international regulatory governance through the internationalisation of various state agencies and actors. The latter become part of a regional system of surveillance and regulation, which transmits the disciplines of a globalised economy. Again, the role of specialised policy networks—public and private—is likely to prove crucial in these forms of peer review. Nesadurai suggests an intriguing link between surveillance technologies of governmentality and the notions of deliberative communication integral to the operation of policy networks in the region.

In any case, regulatory regionalism—be it through multilevel governance or peer review—requires the increasing harmonisation of standards and codes such as corporate governance, transparency standards, and broad macro- and microeconomic policies. The new regulatory regionalism is distinguished by the fact that it attempts to incorporate standards and mechanisms of policy coordination across all levels of governance. However, these new frameworks of governance operate within the already existing frameworks, legitimated in the shadow of international or national governmental authority; that is through ‘metagovernance’ or the governance of governance. Of course, regional governance of this kind is at best rudimentary, but it is clear that, at least in an embryonic form, a new type of regulatory governance is taking shape within the Asia-Pacific region.

New regulatory actors

The new ‘networked’ forms of production and regulation demand a more systematic examination of the nature and location of power. In short, to answer the question ‘Who rules?’, we need to be more cognisant of how regional integration, particularly in the Asia-Pacific, leads to the reorganisation of production across national boundaries, thereby making simple calculations of national economic power much more complex. These new production networks facilitate the development of various forms of privatised governance, such as private legal arbitration, new standard-setting organisations like international accountancy boards, and even the monitoring of labour standards through private non-governmental organisations. For example, various forms of corporate conduct have evolved in the aftermath of several well-publicised scandals over working conditions (Locke et al. 2006). The growing importance of standard-setting organisations, or indeed the role of transnational actors such as Transparency International, suggests that private governance
systems seek to incorporate principles and practices of public governance within transnational production chains or networks.

Within these networks, private or non-state actors have played a growing role in public or regulatory functions in the region. Liss’s contribution to this special issue examines the way in which a range of private and other non-state actors has emerged as elements of new forms of security governance. Drawing on the work of Avant (2005), Liss considers the way in which private security companies in Southeast Asia shape the ‘control of force’ so central to both Weberian and Westphalian notions of statehood. Her article illustrates the way ideas of statehood have been transformed by the growth of private actors, such as private security companies (PSCs), in Southeast Asia.

More significantly, the analysis of PSCs demonstrates that systems of private governance often intersect with national state and subnational institutions and organisations so that distinctive arrangements of regional governance are created at the intersection of these private and public bodies. For example, the Cambodia–US bilateral textile trade agreement, which included labour standards, is especially revealing on this score (Polaski 2004), in that it required substantial compliance with international core labour standards. As a result of this agreement between the Cambodian government and the International Labour Organization (ILO), the Cambodian Ministry of Commerce requires registration with the inspection regime of the ILO’s Better Factories Program in order to export. Hameiri’s article in this issue illustrates the growing role of private actors, such as consultants, acting in concert with national and supranational actors in innovative governance settings created by RAMSI. In a similar manner, Rosser’s article on the ADB draws attention to various forms of metagovernance through ‘country ownership’, which require the enrolment of private actors in public governance, but within institutions sanctioned by the ADB.

It is not that actors are private or public per se which is important, but the relationship between private and public actors in new governance settings that challenge the ‘public’ and ‘private’, and ‘national’ and ‘global’ binaries of the Weberian and Westphalian notions of statehood. Simply put, it is new formations of public and private that are now increasingly central to emerging forms of governance. Consequently, the focus of much of the mainstream international relations literature on forms of methodological nationalism obscures the more important dimension of regional governance in the movement of political authority from public institutions to various forms of privatised regional governance working in the shadow of tangled hierarchies of state and supranational institutions. It is the social logic of risk management circulating within these sites of governance that, as Clapton argues (in this issue), weaves a pattern of hierarchical regional governance.

As one example of such new private–public formations within new modes of regional governance, take the Mekong Project of the ADB, which envisages the creation of a new, functionally specific jurisdiction that links local-level
organisations with transnational agencies and authorities (Hirsch 2006). 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 which serves as a conduit between transboundary water management and internal national management structures. In some countries, such as Thailand, these governance arrangements also incorporate local non-state actors into the system of water management.

Organisations taking on metagovernance functions have become prominent in the emerging regulatory governance of the Asia-Pacific. Of particular importance in this context is the role of the ADB in providing the framework for financial and economic policy at the national and subnational level. The ADB has also played an important role in regional financial initiatives, and Dent (2008: 781), in an illuminating article on the new financial governance, points out that the ADB has relied on ‘proactive integration of policy cooperation, co-ordination and harmonisation rather than the passive integration of economic liberalisation and deregulation’. In his article, Rosser (in this issue) contends that the ADB’s approach to fragile states is a political project underpinned by particular social and political interests, and ideologically organised by a concern with managing the security risks supposedly posed to developed countries by such states. The thrust of the argument in the articles by Rosser, Hameiri and Clapton (in this issue) is that risk management in failed states involves shaping internal arrangements within these countries.

Towards a new research agenda on regulatory regionalism

It is clear that new modes of regional governance are emerging within the Asia-Pacific. Admittedly, there is nothing comparable to the complex and sophisticated governance mechanisms in the European Union, such as the OMC. Yet, similar pressures of a complex and intensified interdependent global economy are driving a move towards a more regionalised system of governance in the Asia-Pacific. This regulatory regionalism will be crucial to the regulation of the regional political economy. It is only by analysing the nature of policy networks, the forms of multilevel governance, and the patterns of monetary and financial governance that we can observe the emergence—albeit in fuzzy outline—of new modes of regulatory regionalism.

The strength of the regulatory regionalism framework introduced in this special issue lies in situating the process of state transformation—or rather the political topography of the state—at the centre of the study of regionalism. Regulatory regionalism is sustained by creating new spaces within the state, the development of mechanisms for the imposition of regional economic disciplines within national policy and political institutions, and the emergence of jurisdictional politics driven by the tensions, conflicts and accommodation
between ‘regional’ and ‘national’ regimes within the state. This conceptual framework provides an innovative research agenda for the study of regionalism that moves beyond the methodological nationalism which constrains much of the international relations literature on this issue.

Notes
1. This special issue on risk management and regulatory regionalism forms part of the Asia Research Centre’s (Murdoch University) flagship project on ‘New Modes of Governance in the Asia-Pacific’. The articles in this issue are substantially revised papers that were presented at a conference on ‘New Modes of Governance and Security Challenges in the Asia-Pacific’, jointly organised by the Asia Research Centre and the Innovative Universities European Union Centre (IUEU). The editors are grateful to these institutions for their support, as well as to Ms Tamara Dent from the Asia Research Centre for her efficient administrative assistance. The editors wish to thank the contributors for their cooperation and assistance in preparing their respective papers for publication in this special issue.
2. These problems are not just confined to the study of regionalism in the Asia-Pacific. For example, a recent review article on regionalism (Fawn 2009) is distinguished by the absence of any analysis of the regulatory dimension of regionalism. For an interesting and original take on the production of regional space, see especially Beeson (2009) and also Ba (2009). The notion of state space has been developed illuminatingly by Brenner (2004) to examine the recent spatial governance of cities and subnational regions. In our view, the concept can be fruitfully extended to focus on issues of regional governance beyond national boundaries.
3. For a discussion of public–private partnerships in relation to the governance of energy, see Carroll and Sovacool (2008).
4. The program is built around a series of random inspections and uses both ILO standards and Cambodian labour law to provide a checklist of more than 500 items. For an overview of the Better Factories program, see the ‘Better Factories Cambodia’ website: <www.betterfactories.org/ILO/default.aspx?z=1&c=1> (accessed 26 May 2007). An astute analysis of this is in Hughes (2007).

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