REVIEW ESSAY

'LOOSE' REGIONALISM AND GLOBAL GOVERNANCE: THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) FACTOR

The international regulatory structure is heavily skewed in favour of a handful of industrialised countries operating as a 'club'. This undermines its efficiency and legitimacy. An in-depth and sophisticated study, part of a large-scale and multidisciplinary research initiative by the Centre for International Law at the National University of Singapore, convincingly and elegantly demonstrates that insufficiently cohesive groupings such as ASEAN lack the will and capacity to ameliorate the situation. However, because of the narrow theoretical path trodden by the authors, the picture that emerges is incomplete and needs to be augmented with insights derived from complementary paradigmatic sources.

CONTENTS

I   INTRODUCTION

A prominent trend observed in the socio-legal space in recent years has assumed the shape of a shift from the study of government to that of governance. The latter concept has traditionally been identified with the business of government, its pursuits and their ramifications, rather than the institutional facade. Its rapid ascent and widespread appeal has reflected the growing perception that the loss of capacity seen at the core of the public sector has led to a configuration akin to 'governance without government', inevitably featuring an increasing reliance on peripheral entities such as informal networks and self-referential structures.[1] However, this critical assessment has subsequently come to be viewed as overly narrow and negative and thus unable to provide a sufficiently adequate and productive basis for delineating and elaborating the notion of governance:

> We understand that the public sector no longer governs society in what had been the conventional 'command and control' manner, but yet it remains capable of

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[1] See Jon Pierre and B Guy Peters, *Governing Complex Societies: Trajectories and Scenarios* (Palgrave Macmillan, 2005) 2, citing R A W Rhodes, *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability* (Open University Press, 1997).

participating in governance, and there are some components of governance for which government is as essential, or even more essential, than in the past.[2]

A more encompassing and less emphatic attempt has consequently been made to link governance with a set of processes that may be embarked upon both within and without the public sector. They entail articulating a common set of priorities for society (including at the international community level, whether broadly or selectively), seeking coherence (ie ensuring that the goals adopted are consistent and congruent), steering (ie enacting and executing the policy agenda) and exercising accountability.[3] This may involve specific steps such as selection of strategic objectives, decision-making, resource mobilisation, instrument application/implementation and feedback provision.[4] In addition to coherence and accountability, the outcomes ought to be evaluated in terms of inclusiveness and adaptability.[5]

The route followed in engaging in those activities determines the nature of the governance regime. The '*etatist*' category features public sector domination of the system.[6] The 'liberal-democratic' one is characterised by co-participation, at the government's discretion, of interest groups and civil society players.[7] The 'state-centric' constellation is a more progressive variant of the second pattern because it is marked by institutionalisation of public–private relationships, which generally manifests itself in corporatist arrangements and formalised state–society ties.[8] The 'Dutch' model is distinguished by further decentralisation and diversity, with the government truncated to a point whereby it functions as merely one of several actors providing input into the process of societal problem alleviation.[9] Finally, there is the 'governance without government' type referred to earlier.

Equating governance with a range of purposeful activities and furnishing explicit criteria for assessing related outcomes has proved to be a fruitful but not entirely satisfactory endeavour because of a certain lack of precision and undue elasticity. It has thus been considered desirable to delimit the concept via a more specific definition. The following has emerged as the most workable alternative:

> Governance is about the rules of collective decision-making in settings where there are a plurality of actors or organisations and where no formal control system can dictate the terms of the relationship between these actors and organisations.[10]

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[2] Ibid 3.
[3] See ibid 3–5.
[4] See ibid 14–16.
[5] See ibid 16–17.
[6] See ibid 11.
[7] See ibid.
[8] See ibid.
[9] See ibid 12.
[10] Vasudha Chhotray and Gerry Stoker, *Governance Theory and Practise: A Cross-Disciplinary Approach* (Palgrave Macmillan, 2009) 3 (emphasis altered).

This depiction may be deemed adequate, subject to a reservation stemming from the fact that it controversially eliminates altogether the possibility of coercive and equivalent regimes:

> Authority and coercion are resources available to some in governance arrangements but never in sufficient quantity or quality to mean they can control the decision-making process. The characteristic forms of social interaction in governance rely on negotiation, signals, communication and hegemonic influence rather than direct oversight and supervision.[11]

Interestingly and reassuringly, this somewhat metaphysical quest for an effective definition has been driven by a realisation that '[g]overnance theory is interested not just in offering explanation, it also seeks to provide advice'.[12] Stated differently, '[t]he study of governance is focused not just on aiding a better understanding of part of our world, but it also has a concern with how the functioning and operation of that world could be made better'.[13] While there have been constructive efforts to provide a 'wish list' of normatively derived governance principles,[14] perhaps a more fruitful approach has centred on a cluster of empirically validated practices mirroring specific organisational experiences, yet rooted in common perceptions of due process (ie reflecting a rule rather than an outcome orientation). A qualitatively underpinned and eclectic strategy has been favoured over a technically inspired and narrowly targeted one because 'governance is not a science with clear causal pathways to be identified … [g]overnance is a practice'.[15]

The scholarly concern with governance has ineluctably developed into a multi-level enterprise, not exclusively confined to the domestic realm, where institutional and spatial decentralisation and differentiation have become increasingly conspicuous, in tandem with the advent of complex and diffuse forms of regional organisation, but also in the international/global domain. The shift to a higher plane has been attributed to: mushrooming cross-border problems; rising awareness of their magnitude; escalating interdependence; fast-paced and many-sided globalisation; regional integration; the emergence and greater assertiveness of non-state actors without firm territorial attachment; and a longing for welfare promoting global governance (but no longer world government).[16]

The catalysts have had a bearing on how the phenomenon has come to be regarded and grappled with. Notably, there is a heavy emphasis on intergovernmental and transnational mechanisms for consciously managing challenges to humankind and the environment in which it is embedded.

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[11] Ibid 4.

[12] Ibid.

[13] Ibid 5.

[14] See generally Goran Hyden, Julius Court and Kenneth Mease, *Making Sense of Governance: Empirical Evidence from 16 Developing Countries* (Lynne Rienner, 2004); Daniel Kaufmann and Aart Kraay, 'Governance Indicators: Where Are We, Where Should We Be Going?' (2008) 23 *World Bank Research Observer* 1.

[15] Chhotray and Stoker, above n 10, 6. See also Jacques Lenoble, Marc Maesschalck and John Paterson, *Towards a Theory of Governance: The Action of Norms* (Kluwer Law International, 2003).

[16] See Thomas G Weiss, *Global Governance: Why? What? Whither?* (Polity Press, 2013) 48–9.

World politics is thus viewed as a 'series of new or expanded issues … that need to be dealt with or managed on a more global scale, and global governance is the set of tools or activities that exist or need to be designed'.[17] Problem alleviation may be pursued through a network of individual international institutions, a structurally interconnected organisational amalgam or strategies geared towards bolstering institutional performance.[18]

Some socio-legal scholars envisage more ambitious blueprints. For them, global governance serves as a means for the advancement of a liberal world order, with its corresponding norms and rules.[19] They belong to the 'Cosmopolitans and World Polity' school,[20] but their values and ideas meet resistance from unfavourably inclined researchers who convey a sense of unease about the thrust of global governance institutions that are fundamentally exploitative and sustain an unjust world order. For them,

> [g]lobal governance is more a site, one of many sites, in which struggles over wealth, power and knowledge are taking place … contemporary global governance remains a predictable institutional response … to the overall logic of industrial capitalism.[21]

International legal scholars have actively participated in the discourse, albeit predominantly from a mainstream and pragmatic perspective, without decisively entering into extensive ideological and theoretical exchanges.[22] Their initial

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17 Matthew J Hoffmann and Alice D Ba, 'Introduction: Coherence and Contestation' in Alice D Ba and Matthew J Hoffmann (eds), *Contending Perspectives on Global Governance: Coherence, Contestation and World Order* (Routledge, 2005) 1, 3–4. See also Michael Zürn, 'From Interdependence to Globalization' in Walter Carlsnaes, Thomas Risse and Beth A Simmons (eds), *Handbook of International Relations* (Sage Publications, 2002) 235; John N Clarke and Geoffrey R Edwards (eds), *Global Governance in the Twenty-First Century* (Palgrave Macmillan, 2004); Michael Zurn, 'Globalization and Global Governance' in Walter Carlsnaes, Thomas Risse and Beth A Simmons (eds), *Handbook of International Relations* (Sage Publications, 2013) 401.

18 See Hoffmann and Ba, above n 17, 4; Zurn, 'From Interdependence to Globalization', above n 17, 235; Clarke and Edwards (eds), above n 17; Zurn, 'Globalization and Global Governance', above n 17, 401.

19 See Hoffmann and Ba, above n 17, 4.

20 See ibid.

21 Craig N Murphy, 'Global Governance: Poorly Done and Poorly Understood' (2000) 76 *International Affairs* 789, 799. See also Hoffmann and Ba, above n 17, 4; David Held et al (eds), *Global Transformations: Politics, Economics and Culture* (Polity Press, 1999); Martin Hewson and Timothy J Sinclair (eds), *Approaches to Global Governance Theory* (State University of New York Press, 1999); David Held et al (eds), *The Global Transformations Reader: An Introduction to the Globalization Debate* (Polity Press, 2nd ed, 2003); Timothy J Sinclair (ed), *Global Governance: Critical Concepts in Political Science* (Routledge, 2004); Timothy J Sinclair, *Global Governance* (Polity Press, 2012); Louis Brennan (ed), *Enacting Globalization: Multidisciplinary Perspectives on International Integration* (Palgrave Macmillan, 2014); David Held and Charles Roger (eds), *Global Governance at Risk* (Polity Press, 2013); Stephen Gill (ed), *Critical Perspectives on the Crisis of Global Governance: Reimagining the Future* (Palgrave Macmillan, 2015).

22 See generally Jeffrey L Dunoff and Joel P Trachtman (eds), *Ruling the World? Constitutionalism, International Law and Global Governance* (Cambridge University Press, 2009); Eyal Benvenisti, *The Law of Global Governance* (Hague Academy of International Law, 2014); Horatia Muir Watt and Diego P Fernández Arroyo (eds), *Private International Law and Global Governance* (Oxford University Press, 2014); Beth Simmons, 'International Law as a Mechanism of Global Governance: Empirical Evidence and Normative Implications' (Paper presented at Normative and Empirical Evaluation of Global Governance Conference, Niehaus Center for Globalization and Governance, Woodrow Wilson School of Public and International Affairs, Princeton University, 18 February 2006).

approach was to acknowledge the reality of global governance, the role played by international institutions in facilitating interstate coordination and cooperation, the regulatory imperatives stemming from that function and the actual and potential benefits accruing to humankind and nature from global governance initiatives. During this phase of the evolution of that emerging area of academic inquiry, attention was principally focused on the law of international organisations, including their internal structures and external capabilities.[23]

This somewhat one-dimensional framing of the issue has subsequently given way to recognition that global governance, if not properly constrained, may constitute a double-edged sword. The more subtle construction of the phenomenon has been the result of coming to grips with its intricacies and the inescapable fact that international organisations may be as fallible as their domestic counterparts, detracting from as well as augmenting global welfare. Put another way, they should not be seen as 'the harbingers of international happiness, embodying a fortuitous combination of our dreams of "legislative reason" and the idea that everything international is wonderful precisely because it is international'.[24]

The analytical realignment has been a many-sided process, but a particular concern has been expressed about the challenges to democracy that global governance poses. Notably, the risks emanating from the transfer of regulatory powers from domestic to international institutions have been highlighted due to the perception that it at times serves as a convenient means for a group of powerful countries to circumvent the structural checks and balances they face at home, such as the separation of powers, judicial independence and limited government — barriers against the arbitrary exercise of authority that have proved instrumental in preserving democratic deliberation and human rights within states.[25]

The partial swing of the pendulum from opportunities to threats has had the salutary effect of triggering a quest for identifying norms of 'global administrative law', a research venture that is in its early stages but which is moving steadily forward.[26] The ultimate goal, even if possibly not a readily attainable one, may be international constitutionalisation, or the fashioning of a constitutional order beyond the state, in response to the pressures unleashed by the conflicting forces of globalisation and international fragmentation.[27] It is expected to reflect the complexities of global governance — the positive repercussions, the negative ones and the gaps — and thus possess at least three pivotal legal components — enabling, constraining and supplemental — whose implementation would be underpinned by elaborate constitutional mechanisms.[28]

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23 See Benvenisti, above n 22, 16.

24 Jan Klabbers, 'The Life and Times of the Law of International Organizations' (2001) 70 *Nordic Journal of International Law* 287, 288 (citations omitted).

25 See Benvenisti, above n 22, 17.

26 See ibid 16–17.

27 See Jeffrey L Dunoff and Joel P Trachtman, 'A Functional Approach to International Constitutionalisation' in Jeffrey L Dunoff and Joel P Trachtman (eds), *Ruling the World? Constitutionalism, International Law, and Global Governance* (Cambridge University Press, 2009) 3, 5–9.

28 See ibid 9–24.

A salient and rather disconcerting feature of the academic work on global governance virtually across the entire socio-legal space — with the exception of economics, where the exploration of international integration is not a geographically concentrated affair — is the absence of Asia from the picture or its relative marginalisation. Chinese participation in global governance may be something of an outlier in this respect,[29] but otherwise there is a glaring void. The publication of a book that addresses this subject in the Association of Southeast Asian Nations ('ASEAN') context, broadly and rigorously, consequently qualifies as a significant event — one entailing a substantial broadening of the investigative agenda to encompass an institutional entity that may be second only to the European Union in terms of its regional breadth and depth. The content of the study and its contribution are outlined and evaluated in Parts III and IV of this review. The unique nature of Southeast Asian integration, which is relevant here, is brought into focus first.

II   LOOSE VARIANT OF REGIONALISM

Despite its current travails and plethora of future challenges, the EU experience — particularly its apparently comparatively high degree of organisational coherence and cohesion, usually translating into a relatively satisfactory level of policy adaptation and effectiveness — is often invoked in accounts of ASEAN's progress towards an integrated community. The juxtaposition of the two forms of regionalism — both of which are at the middle-age stage of their development, although one may be portrayed as suffering from symptoms of fatigue and the other of delayed adolescence — typically casts Europe in a favourable light and conjures up images of Southeast Asia as an underachiever. The former may be facing serious headwinds of its own, but it is still assumed to set a standard that the latter — or, for that matter, any other similar international regime — persistently struggles to meet.[30]

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[29] See generally, Ann Kent, *China, the United Nations, and Human Rights: The Limits of Compliance* (University of Pennsylvania Press, 1999); Nicholas R Lardy, *Integrating China into the Global Economy* (Brookings Institution, 2002); Gerald Chan, *China's Compliance in Global Affairs: Trade, Arms Control, Environmental Protection, Human Rights* (World Scientific, 2006); Ann Kent, *Beyond Compliance: China, International Organizations, and Global Security* (Stanford University Press, 2007); Wang Gungwu and Zheng Yongnian (eds), *China and the New International Order* (Routledge, 2008); Guoguang Wu and Helen Lansdowne (eds), *China Turns to Multilateralism: Foreign Policy and Regional Security* (Routledge, 2008); Gerald Chan, Pak K Lee and Lai-Ha Chan, *China Engages Global Governance: A New World Order in the Making?* (Routledge, 2012); Mingjiang Li (ed), *China Joins Global Governance: Cooperation and Contentions* (Lexington Books, 2012); Hongying Wang and Erik French, 'China's Participation in Global Governance from a Comparative Perspective' (2013) 15 *Asia Policy* 89.

[30] See generally Heribert Dieter (ed), *The Evolution of Regionalism in Asia: Economic and Security Issues* (Routledge, 2007); Asian Development Bank, *Emerging Asian Regionalism: A Partnership for Shared Prosperity* (2008); Daisuke Hiratsuka and Fukunari Kimura (eds), *East Asia's Economic Integration: Progress and Benefit* (Palgrave Macmillan, 2008); Philomena Murray (ed), *Europe and Asia: Regions in Flux* (Palgrave Macmillan, 2008); Lay Hwee Yeo, 'Institutional Regionalism versus Networked Regionalism: Europe and Asia Compared' (2010) 47 *International Politics* 324; Louis Brennan and Philomena Murray (eds), *Drivers of Integration and Regionalism in Europe and Asia: Comparative Perspectives* (Routledge, 2015); Richard Weixing Hu, 'Building Asia Pacific Regional Architecture: The Challenge of Hybrid Regionalism' (CEAP Visiting Fellow Working Paper No 49, Brookings Institution, July 2009).

ASEAN's perceived shortcomings, as viewed from an EU perspective, largely reflect persistent reluctance, evident throughout the entire Asian continent, to embrace Europe's community method, which involves a selective but meaningful pooling of sovereignty within supranational, rule-based regional structures. For the EU, building a united Europe has long been a high-priority objective, but in the Eastern hemisphere no desire has ever manifested itself for creating a united Asia. Rather, countries in the region have generally been unwilling to cede national prerogatives and have favoured open coordination, relying on an intergovernmental approach to regulation, guidelines, benchmarking and peer pressure in their pursuit of policy convergence.[31]

In terms of European yardsticks, the regional cooperation observed in Asia may consequently be portrayed as 'institution light', with the de facto element more pronounced than the de jure one. Cross-border relationships are progressively deepening, but the process is predominantly driven in a bottom-up fashion by markets and is merely marginally shaped by top-down joint political initiatives. Concerted unilateral action is playing a constructive role, and so are intergovernmental consultations, yet the overall landscape is characterised by the scarcity of formal regional institutions and their elastic architecture.[32]

Indeed, even intergovernmental coordination tends to be imbued with a sense of flexibility and pragmatism, eschewing rigid adherence to predetermined paths and strictly delineated collective agendas. It typically proceeds in accordance with the principle of 'variable geometry', whereby members exhibit readiness, individually and as a group, to adapt the structure of cooperation to the interests and needs of different parties. The inevitable upshot is that Asian regionalism is both multi-speed and multi-track, considerably diverging in this respect from the EU model which is marked by a greater degree of consistency and uniformity.[33]

Strategic flexibility and pragmatism are not without merit because they enable a modicum of progress towards collective goals and sustain harmonious relationships in a highly heterogeneous and traditionally conflict-riven area. However, in such a disconnected and fluid environment, governments may have little incentive to firmly commit to regional projects that do not generate tangible results within a reasonable time period. The difficulties posed by regional cooperation, coupled with the modest benefits it is expected to yield, may also prompt them to opt for bilateral over multilateral modes of action, impeding the formation and functioning of regional institutions.[34]

Historical influences and unique developmental dynamics account for this pattern. Whereas in Europe the deleterious consequences of unbridled nationalism have provided the impetus for regional integration, the Asian encounter with imperialism has had the opposite effect, unleashing powerful nationalist sentiments. In addition, Asia has globalised before turning inward, the corollary being that its external relationships are as crucial as the internal ones; countries in the region are at different stages of economic evolution; Asian financial collaboration has not advanced beyond a rudimentary level; regional leadership in Asia is conspicuous by its absence; and the region's collective

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[31] See above n 30.
[32] See above n 30.
[33] See above n 30.
[34] See above n 30.

agenda, if any, is mostly economically inspired, with political and social issues largely relegated to the periphery.[35]

ASEAN is assumed to be an exception to this form of hybrid[36] or networked[37] (as distinct from institutional) regionalism. Its structural attributes — potentially ensuring a degree of coherence, cohesion and continuity not seen elsewhere in Asia — and ambitious goals apparently render it a hub for closer cooperation within the region and beyond.[38] ASEAN's population, gross domestic product and volume of foreign trade possess the necessary scale for the fulfilment of this function.[39] It has proved to be a dependable and equal partner for many leading economies and groups, capable of serving as a pivot in the launch of regional vehicles such as the Asia-Pacific Economic Cooperation ('APEC') forum, the Asia–Europe Meeting, ASEAN+3 and the East Asian Summit.[40] Collaboration within ASEAN is believed to be fairly deep, stemming from the organisation's long experience in addressing common concerns through established consultative channels.[41]

Yet, structural competencies, even if yielding selective accomplishments, do not necessarily translate into a broad-based and time-tested sound institutional performance, which also hinges on the availability of adequate conversion mechanisms to transform organisational inputs into valuable outputs. And ASEAN's conversion mechanisms are arguably rather weak because, in the final analysis, it is a microcosm of the historically constrained and highly heterogeneous Asian economy, polity and society rather than a regional outlier. Its institutional strengths stand out in this context, but that is a relative statement, not an absolute one.

The barriers to smooth transformation emanate from the nature of ASEAN's meta-governance regime, the norms and principle that guide the system, which are conceptually distinguished from the governance regime itself, consisting of the rules and procedures that instantiate it.[42] The overarching meta component derives its essence from the organisation's approach towards conflict management ('the ASEAN way'),[43] which crystallised during the initial phase of its evolution, featuring a shift from a grouping of anti-communist states to a

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[35] See above n 30.

[36] See generally Hu, above n 30.

[37] See generally Yeo, above n 30.

[38] See Asian Development Bank, above n 30, 244.

[39] See ibid.

[40] See ibid.

[41] See ibid.

[42] See generally Vinod K Aggarwal and Jonathan T Chow, 'The Perils of Consensus: How ASEAN's Meta-Regime Undermines Economic and Environmental Cooperation' (2010) 17 *Review of International Political Economy* 262.

[43] See generally Michael Antolik, *ASEAN and the Diplomacy of Accommodation* (M E Sharpe, 1990); Mely Caballero-Anthony, *Regional Security in Southeast Asia: Beyond the ASEAN Way* (ISEAS Publications, 2005); Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* (Routledge, 2nd ed, 2009); Alan Collins, *Building a People-Oriented Security Community the ASEAN Way* (Routledge, 2013); Mikio Oishi (ed), *Contemporary Conflicts in Southeast Asia: Towards a New ASEAN Way of Conflict Management* (Springer, 2016).

wider post-1967 *Bangkok Declaration*[44] regional entity, incorporating aspirations not confined to peace and stability but encompassing economic growth, social progress and cultural development.[45]

Carefully grounded in the Malay cultural practices of *mushawarah* and *mufukat*, the ASEAN Way lays stress on consultation and consensus in group decision-making.[46] Captivating symbols are invoked and gentle, indirect tactics are employed in an effort to promote a friction-free intramural setting.[47] Challenging issues are confronted later rather than sooner, in order to minimise institutional disharmony.[48] Close interaction among members of national elites is sought with a view to cultivating a sense of comfort, joint identity, mutual obligation and shared vision.[49] The ineluctable implication is that the crucial objective of system maintenance overrides or precedes that of collective problem alleviation.

The most glaring example of the fallout from this priority structure is the failure to decisively address the thorny issue of haze pollution, manifesting itself both within and across borders in Southeast Asia.[50] That of course is not a universal pattern observed in every policy domain. A more reassuring picture may be seen in the economic and security realms, where considerable headway has been made towards the goal of building an economic[51] and a security[52] community. However, even this meaningful leap forward may be subjected to critical scrutiny, if criteria other than backward-looking ones are employed and movement is evaluated not in terms of the distance travelled from the point of origin but on the basis of what could have been achieved or whether the pace of adaptation is commensurate with emerging needs.

Specifically, in the economic sphere, it has been demonstrated, using a variant of counterfactual ('what if') form of reasoning that, had a less elastic meta-governance regime been embraced, regional integration would have

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[44] *Declaration Constituting an Agreement Establishing the Association of South-East Asian Nations*, opened for signature 8 August 1967, 1331 UNTS 235 (entered into force 8 August 1967).

[45] See generally Norman D Palmer, *The New Regionalism in Asia and the Pacific* (Lexington Books, 1991).

[46] See Antolik, above n 43, 99.

[47] See ibid 100–2.

[48] See ibid 100.

[49] See ibid 90.

[50] See generally Paruedee Nguitragool, *Environmental Cooperation in Southeast Asia: ASEAN's Regime for Transboundary Haze Pollution* (Routledge, 2011); Roda Mushkat, 'Creating Regional Environmental Governance Regimes: Implications of Southeast Asian Responses to Transboundary Haze Pollution' (2013) 4 *Washington and Lee Journal of Energy, Climate, and Environment* 103; Roda Mushkat, 'Constructivist Constructions of International Environmental Governance Regimes — The Southeast Asian Context' (2014) 15 *Melbourne Journal of International Law* 252; Helena Varkkey, *The Haze Problem in Southeast Asia: Palm Oil and Patronage* (Springer, 2016).

[51] See generally Michael G Plummer, *ASEAN Economic Integration: Trade, Foreign Direct Investment, and Finance* (World Scientific, 2009); Siow Yue Chia and Michael G Plummer, *ASEAN Economic Cooperation: Progress, Challenges and Future Directions* (Cambridge University Press, 2015).

[52] See generally Caballero-Anthony, above n 43; Acharya, above n 43; Collins, above n 43; Oishi (ed), above n 43; David B Dewitt and Carolina G Hernandez (eds), *Development and Security in Southeast Asia: Volume II — The People* (Ashgate, 2003).

been deeper.[53] On the security front, it has been acknowledged that the meta-framework has not been entirely static and has undergone a modicum of transformation in a dynamic environment.[54] Yet, at the same time, it has been shown that the speed of adjustment has not been sufficiently fast, engendering imbalances between external stimuli and strategic responses thereto, which have rendered the governance regime increasingly dysfunctional.[55]

In so far as haze pollution is concerned, the proverbial glass is, to all intents and purposes, empty. When it comes to economic integration, it qualifies as half-full, although the degree to which ASEAN's policy engineering is directly responsible for this outcome is shrouded in uncertainty. The level of security cooperation appears to be consistent with the half-full standard, but the impression conveyed is that the situation could easily deteriorate, should the organisation be exposed to greater stress, because several cracks in the façade have merely been papered over.[56] The overall assessment must be that this remains a loose type of regionalism, even if tighter than its other Asian counterparts (such as APEC and the South Asian Association for Regional Cooperation).

The modalities of and function performed by such structural configurations in global governance have not been adequately highlighted. There have been some technically sophisticated relevant studies, but distinctly narrow in scope,[57] and wide-ranging ones, lacking a solid analytical foundation.[58] The book under review possesses macroscopic dimensions and still manages to approach its subject in a deliberately systematic fashion. By virtue of these attributes, as well as the broad intellectual and practical significance of the questions explored, it merits close attention on the part of the academic and policy communities in Southeast Asia and beyond.

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[53] See generally Aggarwal and Chow, above n 42.

[54] See generally Caballero-Anthony, above n 43.

[55] See generally Oishi (ed), above n 43.

[56] See generally Alan Collins, *Security and Southeast Asia: Domestic, Regional and Global Issues* (Lynne Rienner, 2003); Andrew T H Tan, *Southeast Asia: Threats in the Security Environment* (Marshall Cavendish Academic, 2006); Sanu Kainikara, 'Security Challenges to South-East Asia and the Prospects of Conflict' (Paper presented at the 4th Annual National Security and Strategy Workshop, Perth, 9 November 2012).

[57] See, eg, Zhi Wang and Bill Coyle, 'APEC Open Regionalism and Its Impact on the World Economy: A Computable General Equilibrium Analysis' (2002) 25 *World Economy* 563; Matthew Koh, 'Indicators in the ASEANstats Statistical Regime: A Case-Study on the Need for Accountability, Participation, and Transparency in International Governance by Indicators' (2016) 6 *Asian Journal of International Law* 159.

[58] See, eg, Sorpong Peou, 'The Subsidiarity Model of Global Governance in the UN–ASEAN Context' (1998) 4 *Global Governance* 439; Richard Stubbs, 'The ASEAN Alternative? Ideas, Institutions and the Challenge to "Global" Governance' (2008) 21 *Pacific Review* 451; Miles Kahler, 'Asia and the Reform of Global Governance' (2010) 5 *Asian Economic Policy Review* 178; Anna Cornelia Beyer, *Counterterrorism and International Power Relations: The EU, ASEAN and Hegemonic Global Governance* (Tauris Academic Studies, 2010); David P Fidler, 'Eastphalia Emerging?: Asia, International Law and Global Governance' (2010) 17 *Indiana Journal of Global Legal Studies* 1; Jens-Uwe Wunderlich, 'Comparing Regional Organisations in Global Multilateral Institutions: ASEAN, the EU and the UN' (2012) 10 *Asia Europe Journal* 127; Kishore Mahbubani, *The Great Convergence: Asia, the West, and the Logic of One World* (Public Affairs, 2013).

III   AIM, CONTENT, METHOD, PERSPECTIVE AND RESULTS

The work examined here is not a standalone project. It is part of an ambitious scholarly programme labelled 'Integration through Law: The Role of Law in ASEAN Integration (ITL)', undertaken by the Centre for International Law at the National University of Singapore. The intention is to establish teams of researchers from Asia and elsewhere and provide them with an effective platform to pursue in-depth inquiries, culminating in the publication of a monograph, conducive to the realisation, via institutional and legal channels, of the ASEAN Charter goal of creating three interlocking Communities: Economic, Security and Socio-Cultural.

While the emphasis is on law, it is not in the 'black letter', doctrinal sense of the term. Rather, the focus is on legal mechanisms in the context in which they operate. Contributors are encouraged to cross disciplinary boundaries and are free to follow their own substantive and procedural agenda. This purpose has fully been internalised in the book under review, which ventures well beyond the traditional confines of law, firmly into socio-legal territory. The authors employ tools, conceptual and technical, relied upon in empirically oriented neighbouring academic fields to shed light on ASEAN as a participant in global governance.

The rationale for embarking on a large-scale study designed to enhance the understanding of the organisation's external linkages is compelling:

> In a globalized world, in which the lives of Southeast Asians are increasingly affected by decisions made far beyond their region in arcane bodies of international organizations, regional cohesion is not only direly needed to settle complex regional cross-border problems but also to develop the 'voice opportunity' essential for negotiating successfully in global forums. In other words, cohesion has not only an intra-regional dimension but also an extra- regional one.[59]

The book under review seeks to fruitfully grapple with the latter. This objective is carried out through an elaborate and finely structured survey of the unity — or, where appropriate, lack thereof — exhibited by ASEAN in international negotiations. The substantive chapters endeavour to establish to what extent, why, how and when the organisation's member governments coordinate their actions in global forums. A careful assessment is provided in that context of the format, intensity and strategic underpinnings of steps collectively taken by ASEAN at different stages of negotiation, in relation to different policy issues and in different institutional settings. The aim is to cover a sufficiently diverse space in order to furnish a sound foundation for offering valid generalisations.

The method employed to arrive at such generalisations is the case study technique. It is principally relied upon to draw inferences with respect to ASEAN's behaviour as a collective entity in global forums. However, it is tentatively assumed that the experience of this Southeast Asian organisation of states may be representative of a pattern of international cooperation known as 'new regionalism' and that, considered in its entirety, the case material may have wider ramifications. The properties shared by groups of states that fall into this

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[59] Paruedee Nguitragool and Jürgen Rüland, *ASEAN as an Actor in International Fora: Reality, Potential and Constraints* (Cambridge University Press, 2015) 1–2.

broad category (with 'loose' arguably capturing its essence more faithfully than 'new') include:

> the intergovernmental structure, the comparatively low level of legalization and institutionalization, and the great heterogeneity of member countries with regard to political system, economic development, size, population, resources and culture.[60]

The ASEAN-specific empirical exploration consists of within-case comparisons of a diachronic (over time) and synchronic (across different international institutional environments) nature. The former is expected to allow determination of whether ideational path dependencies manifest themselves or whether the organisation's stance has evolved and, if so, to what degree. Particularly relevant, if looked at from this angle, is the impact of ASEAN's size on its capacity to display cohesion, because organisational enlargement in the 1990s has effectively doubled membership and this may have impinged on performance, both internally and externally.

The synchronic analysis primarily centres on two international bodies that ASEAN apparently values highly, relatively speaking, the United Nations and the World Trade Organization. With a view to gaining additional insights into the subject examined and marginally widening its ambit beyond Southeast Asia, this is supplemented with occasional references to roughly similar regional entities in the Global South such as Mercado Comun del Sur (Mercosur), the Andean Community, the South Asian Association for Regional Cooperation, the South African Development Community and the Economic Community of West African States.

Modalities of collective action in the UN and WTO context provide an indication of whether organisational cohesion may be attained and leveraged. However, the evidence garnered is somewhat thin because of the diffuse character and wide remit of these two institutions. For that reason, two additional case studies, intensive rather than extensive in nature, are conducted, allowing a microscopic scrutiny of complex behavioural phenomena not readily amenable to broad-brush evaluations. One focuses on *General Agreement on Tariffs and Trade*/WTO negotiations on agricultural and tropical products and the other on the multifaceted negotiation agenda involving the use of forced labour in Myanmar.

The case material generated is considerable and quite varied. Nevertheless, it lends itself to a structured exploration. The authors thus consistently and systematically address a cluster of interrelated themes such as ASEAN's 'cognitive prior' (ie past influences that have shaped its worldview), negotiating capacity, phases of negotiations (problem identification; issue specification; agenda setting; formulating principles, norms, rules and procedures of negotiation; voting; and compliance) through which participants progress when engaged in multilateral bargaining and negotiation strategies (with special emphasis on competition for executive and leadership positions; framing, which entails the attribution of meaning and signalling through communication channels; coalition building; forum shopping; and image projection and the creation of soft power).

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[60] Ibid 30–1.

From a theoretical perspective, the point of departure in the book is the externalisation hypothesis, which has neofunctional origins and is the product of attempts to answer the question why and under what circumstances regional organisations act cohesively in global forums. The underlying assumption is that deepening regional integration tends to spur member states to adopt a united front vis-à-vis third parties. The motivation is predominantly defensive in nature: to preserve the economic benefits accruing from regional cooperation, to minimise external dependence and to maximise foreign policy autonomy. This is posited to be a two-way relationship because externalisation is also likely to further regional integration, given that joint action requires closer internal communication, consultation, coordination, harmonisation and thus, institutionalisation.

In neofunctional accounts, the prevalence and intensity of externalisation is principally attributed to material organisational traits such as functional specificity, homogeneity and central authority, which may affect regional grouping cohesiveness in global forums. The greater the functional specificity, homogeneity and centralisation of internal structure, the more pronounced the propensity to exhibit unity in external institutional environments, and vice versa. The authors deem neofunctional explanations of this type inadequate, arguing that material organisational traits are merely epiphenomena influencing the behaviour of regional groupings in global forums. They also do not ascribe substantial weight to game-theoretical approaches — for example, the two-level game model and nested games formulation — and neoliberal paradigms inspired by a utilitarian view of intergovernmental cooperation. According to them, such perspectives underestimate the significance of ideational and cognitive factors.

The alternative opted for is a constructivist interpretation of the neofunctionalist externalisation hypothesis. The presumed attraction of this conceptual scheme emanates from its

> emphasis on ideas, norms, beliefs, knowledge and discursive practices [which impart] meaning to material facts and [pave the way] for an analysis that properly takes into account region-specific or country-specific historical legacies as well as collective memory fed by representations of the past.[61]

Seen from this angle, the externalisation of regional organisations may be regarded as a path-dependent process.[62] The corollary is that decisions taken at crucial junctures in the course of historical evolution may impinge on subsequent decisions, even when circumstances are fundamentally altered. However, since actor preferences are believed to be endogenously constituted, path dependencies do not preclude a meaningful adjustment of identities, interests and behaviour as a result of discursive exchanges coupled with an array of contextual forces.

It follows that ASEAN's actions in global forums are essentially a function of the member states' cognitive prior — a concept equated with 'an existing set of ideas, belief systems and norms, which determine and condition current world views and behaviour of individuals, groups, states and even regional organisations'.[63] It is thought that this cognitive prior has turned into Southeast

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[61] Ibid 12.
[62] Ibid (citations omitted).
[63] Ibid 12–13 (citations omitted).

Asians' 'cultural memory' — providing direction as to what is appropriate, legitimate and, thus, feasible. In terms of the analogy furnished earlier, that is a conversion mechanism facilitating the transformation of decisional inputs into outputs and, as outlined, one whose roots firmly lie in home territory rather than elsewhere. Nevertheless, internal drivers of collective action are supposed to heavily influence behaviour in global forums as well:

> Central to this book is the assumption that ASEAN member governments externalise their regionally constructed and socialised internal norms and practices of cooperation. These regionally established practices also markedly shape the way and the degree to which the grouping interacts in global institutional settings. We thus expect … that the association's world views and causal beliefs determining the degree, intensity, scope and depth of its internal cooperation also shape its behaviour towards non-members and in global forums. A turbulent history, experiences of vulnerability, insecurity and victimization have markedly shaped the region's and its foreign policy elites' world views, which are not conducive to a deeply institutionalised regional cooperation. As a result, even after the formation of ASEAN, distrust towards partners lingers, resulting in a regional cooperation in which national interests come first. We thus expect that in global forums ASEAN's cohesion will be limited, giving rise to a pragmatic policy with a proclivity to defect when national interest seems to dictate.[64]

The authors' empirical findings are largely consistent with their theoretically underpinned premises. This is particularly true of the diachronic within-case comparisons, which appear to indicate that the attitudinal makeup of the ASEAN foreign policy elites has remained mostly intact over time. It may have undergone mild temporary adjustments in the face of shifting contextual conditions, but its core has displayed a reversion to the status quo ante. The case material dissected evinces that '[p]ower sensitivity, lingering distrust of partners and fear of Great Powers inside and outside the wider East Asian perimeter continue to fuel a proclivity for sovereignty-based cooperation norms'.[65]

The inevitable consequence seems to be the observed paramountcy of national interest in the strategic value hierarchy and its decisive role in influencing action within and without the organisation. The defensive, inward-looking mindset ineluctably impedes progress towards deep regional integration — the enactment of the ASEAN Charter and the vision it embodies notwithstanding — and detracts from group cohesion and effectiveness in global forums. The argument is that the firmly

> internalized historical legacies of conquest, threats, violence and power politics [encapsulated in the cognitive prior] have been persistently reproduced even after the formation of ASEAN and during much of the period under investigation in this study.[66]

On the face of it, that assertion may not be readily reconciled with the absence of fully-fledged armed conflict between members of the organisation following accession, ASEAN's apparently increasing ability to perform the function of a

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64 Ibid 13–14.
65 Ibid 250.
66 Ibid.

regional security manager and steadily rising levels of prosperity throughout Southeast Asia. However, the authors claim that this is merely one side of the picture. Their balancing act entails invoking the lingering exigencies of the Cold War, intensifying global socioeconomic inequalities and power asymmetries in international organisations in the region itself, the Indochina wars, the Asian financial crisis and serious border disputes involving muscle flexing before and after accession to ASEAN (eg between Thailand and Laos in 1984 and 1987; Thailand and Myanmar during much of the 1980s and 1990s; and the military clashes between Thailand and Cambodia over territory surrounding the Preah Vihear temple), the genocide under the Khmer Rouge in Cambodia, disagreements between Malaysia and Indonesia over resource-rich maritime territories, the conflict over exclusive economic zones in the South China Sea, the unresolved Philippine claim on Sabah and the tense relations between Malaysia and Singapore.

Also reinforcing the mutual distrust, reducing regional cohesion and undermining internal and external policy efficacy seem to be the increasing leadership ambitions of individual member states stemming from a domestically fuelled surge of neo-nationalist populism. Indonesia provides the most conspicuous manifestation of this phenomenon, because, in the wake of its orderly transition to democracy and solid recovery following the Asian financial crisis, Indonesia has assertively pursued a broader role on the regional and global stage. This has included repeated demands for a permanent seat in the UN Security Council and greater visibility in the G20 context. The leadership aspirations have increasingly been couched in normative terms, rather than with reference to physical attributes such as size of the population, and the desire to elevate the country to a high moral ground by promoting a self-image based on exceptionalism, reflecting adherence to democratic values and human rights, has provoked a backlash from neighbours anxious about the strategic ramifications of these hegemonic manoeuvres.

Interestingly, possibly at variance with neofunctionalist propositions, if the test is deemed sufficiently robust, no clear evidence has been unearthed to infer that organisational heterogeneity is an impediment to achieving regional cohesion. The membership expansion experienced by ASEAN in the 1990s does not appear to have tangibly impacted its capacity for collective action, leading to further deterioration in its organisational performance on the internal and external fronts. Both the extensive and intensive case studies may lend some support to this observation. The authors consequently opine that organisational heterogeneity 'only becomes an obstacle for regional cohesion if prior relationships with the accession countries are burdened with negative historical legacies and reminiscences of past hostilities'.[67]

The book does not constitute a pure quest for theoretical enlightenment. Commendably, the authors offer a number of concrete ideas for bolstering group unity. Some are consistent with the constructivist spirit permeating the book, the notion of upgrading the process of knowledge generation being a salient example. However, most are grounded in the logic of organisational engineering — for instance, better coordination of multi-level governance and

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[67] Ibid 253.

strengthening of ASEAN Secretariat — and evoke rationalist images that the authors are endeavouring to eschew. There are also modest but valuable recommendations for how to build on the findings produced by the authors.

IV   ASSESSMENT AND CONCLUSION

The book under review constitutes a significant contribution to the literature on international law and international relations in four crucial respects. First, it sheds additional light on ASEAN's internal dynamics. Second, it enhances the understanding of the organisation's — as well as that of other regional entities exhibiting similar properties — propensity to act and capacity for action in global forums. Third, it raises the methodological bar by largely surpassing the technical standards seen in case studies of this nature undertaken by international legal scholars and their international relations counterparts, particularly the former. Fourth, it stands out in terms of its level of theoretical coherence and subtlety, again relatively speaking.

Nevertheless, this rigorous and wide-ranging exploration is not without analytical limitations. The case studies are exclusively of the top-down, theory-testing, as distinct from the bottom-up, theory-building variety. This renders it easy, perhaps too easy, to substantiate conceptual propositions. One may readily choose an inherently compelling idea and find sufficient support for it by subjecting rich case material to a qualitative examination that is potentially open to conflicting interpretations. The authors' constructivist reformulation of the externalisation hypothesis and its empirical evaluation is vulnerable to a certain extent to criticisms on such grounds. Bottom-up, theory-building endeavours — while by no means foolproof in terms of validity and reliability — inspire somewhat greater confidence in this regard because they are less prone to 'selection bias', by virtue of being less likely to rely on preconceptions.

There are investigative tools for partly circumventing the interpretative fuzziness arising when qualitative case material is processed. Analytical induction and pattern matching are notable examples.[68] What may also prove useful in such circumstances are: a recourse to multiple sources of evidence, establishing a chain of evidence, review by key informants of draft case study reports (for construct validity), structured explanation building, considering rival explanations, employing logic models (for internal validity), incorporating diverse theoretical elements in single case studies, resorting to replication logic in multiple case studies (for external validity), creating a case study protocol, developing a case study database (for reliability)[69] and, ultimately, the sense of relentless discipline brought by exposing one's presuppositions to the sceptical rigours of counterfactual reasoning.[70]

Several of these methodological devices are labour-intensive and, given the scope and scale of the project, probably require more resources than available to

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[68] See David A de Vaus, *Research Design in Social Research* (Sage Publications, 2001) 253–66.

[69] See Robert K Yin, *Case Study Research: Design and Methods* (Sage Publications, 5th ed, 2014) 45–9.

[70] See John Gerring, *Case Study Research: Principles and Practices* (Cambridge University Press, 2007) 165–8.

the authors. At the same time, the underlying message across virtually the entire spectrum is that intellectual heterogeneity is a highly desirable feature of qualitative inquiry. The positive international legal theory space is populated with numerous paradigms, rationalist and non-rationalist, each of which has merely modest explanatory power.[71] The literature on international governance regimes is more compact, divided into three streams: interest-based, power-centred and cognitivist (encompassing constructivism). However, each is amply subdivided into additional categories.[72]

Mono-causal accounts of ASEAN's evolution and functioning have often been illuminating without being entirely successful. The latest example is a cognitivist-style exploration of the organisation's faltering anti-haze governance regime.[73] This is a problematic issue area where constructivist-type influences are not altogether absent, but which is principally dominated by interest-driven domestic power politics in Indonesia and, to a lesser extent, Malaysia.[74] A multifaceted conceptual framework, incorporating (primarily) rationalist and (secondarily) cognitivist elements, would have arguably provided a more effective analytical vehicle for seeking a full understanding of this institutional phenomenon.

The book under review nevertheless does not heed that lesson and pursues the mono-causal path by relying, for all intents and purposes, on a single factor, cognitive prior, to shed light on ASEAN's intricate relationships with pivotal international bodies. The shortcomings of rationalist perspectives are given prominence, they are selectively misrepresented (as static) — without taking into account the latest developments in this domain[75] — and, in the end,

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[71] See generally Eyal Benvenisti and Moshe Hirsch (eds), *The Impact of International Law on International Cooperation: Theoretical Perspectives* (Cambridge University Press, 2004); Başak Çali (ed), *International Law for International Relations* (Oxford University Press, 2010); David Armstrong, Theo Farrell and Hélène Lambert, *International Law and International Relations* (Cambridge University Press, 2nd ed, 2012); Jeffrey L Dunoff and Mark A Pollack (eds), *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Cambridge University Press, 2013); Roda Mushkat, 'The Intricacies of Implementing International Law: A Juxtaposition of Theories with the Actualities of the Sino–British Joint Declaration Regarding the Future of Hong Kong' (2013) 31 *Chinese (Taiwan) Yearbook of International Law and Affairs* 1.

[72] See generally Andreas Hasenclever, Peter Mayer and Volker Rittberger, *Theories of International Regimes* (Cambridge University Press, 1997).

[73] See generally Nguitragool, above n 50.

[74] See generally Mushkat, 'Creating Regional Environmental Governance Regimes', above n 50; Mushkat, 'Constructivist Constructions of International Environmental Governance Regimes', above n 50; Varkkey, above n 50; Nicholas Khoo, 'Constructing Southeast Asia Security: The Pitfalls of Imagining a Security Community and the Temptations of Orthodoxy' (2004) 17 *Cambridge Review of International Affairs* 137; Helen E S Nesadurai, 'ASEAN and Regional Governance after the Cold War: From Regional Order to Regional Community?' (2009) 22 *Pacific Review* 91; See Seng Tan, 'Rescuing Constructivism from the Constructivists: A Critical Reading of Constructivist Interventions in Southeast Asian Security' in Amitav Acharya and Richard Stubbs (eds), *Theorizing Southeast Asian Relations: Emerging Debates* (Routledge, 2009) 109; Lee Jones, *ASEAN, Sovereignty and Intervention in Southeast Asia* (Palgrave Macmillan, 2012).

[75] See generally Roda Mushkat, 'International Legal Compliance as a Rational Act: Theoretical Extensions and Chinese Realities' (2012) 20 *Transnational Law and Contemporary Problems* 633.

marginalised. Relevant insights from decision and organisation theory[76] are also accorded scant attention. The limitations of constructivist models, which are equally notable,[77] are on the other hand barely touched upon, with the whole edifice being effectively placed on one pillar, the ubiquitous cognitive prior.

Turning a cognitive prior from a socio-psychological impediment, however serious, into a binding constraint is fraught with empirical and practical difficulties. From an empirical standpoint, the question arises whether enmity cannot evolve into friendship. The dynamics of French–German relations indicates that this prospect should not be ruled out. Agents cannot be assumed to be forever trapped in the past and should also be viewed as being propelled by forces operating in the present and those they expect to emerge in the future. Nor should they be regarded as machine-like entities programmed to respond to exogenous stimuli in a predetermined fashion with scarcely any room for manoeuvre. This notion is vividly captured in a critique of unwaveringly socio-historical portrayals of individual and collective choice by a 'reformed' rationalist. According to Michael Jensen, in such depictions

> [h]umans are not evaluators any more than ants, bees, or termites are evaluators. They are conventional and conformist, and their behaviour is determined by the taboos, customs, mores, and traditions of the society in which they were born and raised.[78]

From a practical angle, embracing a cognitive prior as a binding constraint inevitably implies that any departures from the status quo are likely to be marginal. The meta-governance regime must be immutable. This is essentially the approach followed by the authors whose study is examined here. They offer some specific recommendations for institutional re-engineering that merit close consideration. However, they all pertain to regime level processes and structures. Elsewhere, realistic suggestions have been made to fine-tune the seemingly immovable meta element in a manner conducive to enhancing ASEAN's cohesion and effectiveness.[79] The sensible ideas furnished do not draw heavily on cognitivist sources but emanate from a wider theoretical repository. Their non-implementation is probably the product of prevalent organisational pathologies rather than socio-historical barriers to change.

In summary, the book under review constitutes an important contribution to knowledge by virtue of its contextual originality, factual richness, methodological consciousness and systematic execution of a finely articulated conceptual blueprint. Notably, its significance extends well beyond its remit.

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76 See generally David L Weimer and Aidan R Vining, *Policy Analysis: Concepts and Practice* (Prentice Hall, 4th ed, 2004); Tom Christensen et al, *Organization Theory and the Public Sector: Instrument, Culture and Myth* (Routledge, 2007); Michael Howlett, M Ramesh and Anthony Perl, *Studying Public Policy: Policy Cycles and Policy Subsystems* (Oxford University Press, 3rd ed, 2009); Paul Cairney, *Understanding Public Policy: Theories and Issues* (Palgrave Macmillan, 2012); Richard L Daft, *Organization Theory & Design* (South-Western, 11th ed, 2012).

77 See generally Roda Mushkat, 'Conceptions of Sovereignty and Identity Economics: A Chinese-Based Exploration' (2014) 4 *International Journal of Public Law and Policy* 245.

78 Michael C Jensen, *Foundations of Organizational Strategy* (Harvard University Press, 2001) 22.

79 See generally Aggarwal and Chow, above n 42.

The authors indirectly demonstrate that loose regionalism, rather than merely the ASEAN tip of the proverbial iceberg, exerts virtually no impact in global forums, believed to be dominated by a small 'club' of industrialised countries.[80] This, in turn, undermines efforts to formulate and promote high quality international regulatory standards.[81] That said, because the authors are rigidly wedded to a single explanatory paradigm, the picture painted may be characterised as basically unidimensional. It is thus best to consider the ample and fruitful insights provided in conjunction with complementary ones obtained from parallel sources, now and hopefully in the months ahead.

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[80] See generally Nicolas Lamp, 'The Club Approach to Multilateral Trade Lawmaking' (2016) 49 *Vanderbilt Journal of Transnational Law* 107.

[81] See generally Daniel W Drezner, *All Politics Is Global: Explaining International Regulatory Regimes* (Princeton University Press, 2007).

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