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Status quo in transboundary waters: Unpacking non-decision making and non-action

Sumit Vij [a,*], Jeroen F. Warner [b], Anusha Sanjeev Mehta [c], Anamika Barua [d]

[a] Sociology of Development and Change, Wageningen University & Research, the Netherlands
[b] Sociology of Development and Change Group, Wageningen University & Research, the Netherlands
[c] Economy and Strategy, Consulting Group Environmental Strategy & Energy Transition, Arcadis, the Netherlands
[d] Department of Humanities and Social Sciences, Indian Institute of Technology, Guwahati, India

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ABSTRACT

Transboundary water decision-making takes place in a power-loaded environment. Apart from conflicts or cooperation-based outcomes, partial or complete status quo is also possible outcome in transboundary water interactions. Literature in the last two decades has primarily focused on conflicts and/or cooperation only, with a limited understanding of the status quo and its various forms. Drawing from the work of Bacharach and Baratz and other power scholars from sociology, international relations, and public policy, this article presents tactics for non-decision making and non-action, leading to a status quo. Specifically, we address the question: *how can non-decision making and non-action shape the status quo in transboundary waters?* Conceptually, based on various strands of literature, we develop a typology of status quo comprised of (1) renunciation; (2) abstention; (3) non-participation; and (4) non-action and showing that the status quo is a significant intermediary (at times temporally extended) outcome in transboundary water interaction. Like conflicts and cooperation, we posit that the status quo is often purposefully maintained due to the political, social, cultural, economic, and biophysical aspects of the river basins. We illustrate this by the example of three transboundary river basins: Brahmaputra, Maritsa, and Euphrates-Tigris. Our empirical analysis also identified an additional type of status quo, 'non-significant deliberation' in a multi-track diplomacy setting. This tactic refers to not purposefully allowing informal negotiations to transform or influence the highest level of political deliberation (i.e., track-1 diplomacy).

1. Introduction

Transboundary water interaction between riparian countries is complex and takes place in a power-loaded environment, where actors use their position, resources, and authority to influence each other (Zeitoun and Warner, 2006; Vij et al., 2020). The interactions between the riparian actors result in conflicts or cooperation (Mirumachi, 2015). However, a partial or complete status quo is also possible (Vij et al., 2020). Status quo denotes a (static or dynamic) stalemate situation between riparian countries where decision-making is delayed and, at times, actions are not taken after prolonged agreements on water sharing, flood protection, joint research, infrastructure development and data sharing.

Transboundary literature is apportioned into competing ideas on conflicts and cooperation. Based on a large database (the "Transboundary Freshwater Dispute [Diplomacy] Database"), Wolf (1999) suggests that there is far more cooperation than conflicts between riparian countries in different transboundary basins across the world, negating the ideas of power interplay and politics. There have been no wars solely over water issues for thousands of years and there is little evidence of 'water wars' to happen. Recognising that the invisibility of conflict may not necessarily imply cooperation (Bernauer and Böhmelt, 2014), Zeitoun and Warner (2006) argued that often a powerful riparian (hegemon) uses the power of coercion and consent to achieve their desired outcomes. Further, Mirumachi (2015) using the TWINS framework showed that conflict and cooperation are continua and may coincide. None of the approaches really capture status quo outcomes. Recently Hanasz (2017) and Vij et al. (2020) both note India and Bangladesh's unwillingness to enter new negotiations on shared rivers in South Asia. Vij et al (2020) suggest that purposeful status quo can be a result of power interplay between a hegemon and a non-hegemon, where both parties involved may not want the decision to be made.

* Corresponding author at: Hollandseweg 1, Building 201, Wagenigen 6707 KN, Netherlands.
E-mail address: sumit.vij@wur.nl (S. Vij).

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As an alternative, we take the concept of non-decision making by Bacharach and Baratz (1962) as the starting point to develop different conceptual typologies of status quo. Influenced by Bachrach & Baratz (1963), we define non-decision making as a practice of purposefully limiting the scope of decision-making by manipulating the ideas and rules of interaction, power relations and instruments of force during transboundary negotiations. For the purpose of this article, non-decision making captures nuances prior to any decision and commitments are made between the actors, precisely during the agenda setting. Specifically, we address the question: *how can non-decision making and non-action shape the status quo in transboundary waters?* And argue that the status quo is a significant intermediary outcome in transboundary water negotiations. Some of the major transboundary basins such as the Mekong, Nile, and Euphrates-Tigris, have experienced prolonged situations of status quo before realizing cooperation or experiencing conflicts (Browder, 2000; Salman, 2013; Cascão, 2008; Hussein and Grandi, 2017).

The article uses the Brahmaputra, Maritsa, and Euphrates-Tigris cases to illustrate how different types of status quo or stalemate, or 'limbo' situations exist in different phases of transboundary decision-making. The typology discussed in this article adds value to the transboundary water governance scholarship to understand delayed decision-making, and future studies can design strategies to overcome such policy and political lock-ins. Typologizing the status quo can provide insights into analysing the power interplay[1] between actors for various sensitive issues and conditions.

The remainder of this article is structured as follows. The next section elaborates on the conceptual notions of the status quo and its different types. Section 3 elaborates on the three river basins, describing the political and geographical contexts, followed by section 4 on methodology. Section 5 presents the findings and shows the different types of status quo. Lastly, section 6 reflects on the key findings and application of status quo analysis in transboundary water diplomacy, followed by the conclusion.

2. Conceptual framework: Non-decision making

2.1. Existing conceptual knowledge on non-decision making & non-action

Lukes (2004) discussed three 'faces of power' in a coherent framework. Robert Dahl's (1957) seminal work explained the first face of power as a relation among actors and defined it as the ability of actor A to get actor B to do something that actor B would not otherwise do. Challenging this notion of power, Bachrach and Baratz (1963) conceptualised a second face of power, where actor B can also influence actor A. This interaction can result in non-decision making or agenda-denial, where conflictual topics are avoided (sidestepped), and the issue never makes it to the discussion in political fora (Capella, 2016). Although the concept of non-decision making gained traction in the 1970s and 1980s, theoretical debates on non-decision making are limited, mainly due to the inherently covert nature of the concept (Bachrach & Baratz, 1975, pp. 902–903; Vij et al., 2020). Lukes (1974 and 2004) added the third face of power: the ideological power shaping the actors' perceptions.

In International Relations (IR) literature, non-decision making, and non-action have been embedded in the Realist "balance of power" theory. Taking the example of World War 1 (Gellman, 1989), certain European countries followed non-action, indicating high risk and low rewards if aggressive foreign policies were not formulated and followed. A lack of offensive strategies may induce states to miss out on windows of opportunity to widen their empire and balance the international power system (Kennedy, 1984). Contemporary IR literature discusses the status quo as 'frozen' conflicts. 'Frozen' refers to a situation where full-scale war has already stopped, but the conflict is unresolved (Smetana and Ludvík, 2019). There is a significant possibility of conflict escalating again, with consequences that transcend regional boundaries. Cases such as India and Pakistan and India and China in the subcontinent are examples of 'frozen' conflicts, reflected in the transboundary water literature (Kibaroğlu, 2019). Such regional contexts have also become water conflict zones or 'frozen' water conflict zones (Indus and Brahmaputra River Basins). Gellman, 1989 tentatively concludes that endogenous factors rather than exogenous ones are preponderant in purposefully maintaining frozen conflict situations. Similarly, in a transboundary water context, the politics of non-decision making is influenced by various domestic and regional underlying factors (Menga, 2016). The concept of 'frozen' conflicts relates to non-decision making and non-action, explaining purposefully avoiding escalation of conflicts or reducing military expenditures (Broers, 2015).

Further, Mouritzen (2020) discuss the process of non-decision making on Islamophobia and non-action on the part of Barack Obama, as the US hesitated to intervene in Syria against the al-Assad regime. It came as a surprise for allies of the US when the President involved Congress as a delaying tactic and declared his decision of limited air strike in Syria with no 'boots on the ground'. This led to the loss of credibility of the US as the promotor of democratic values and peace, especially among its NATO (France and the UK) allies. It is argued that the President's decision was influenced by the desire to take electoral advantage, where an opinion poll showed 48 % of the public opposed the airstrikes and only 29 % were supportive (Pew, 2013). The delayed decision was also seen through the suspicion of political distortion, like in the case of Iraq, where the US dragged itself into a war and exit was extremely difficult. To avoid a similar situation, the US President was deliberately delaying the attack on Syria. The example calls our attention to the two-level nature of international games (Putnam, 1988; Warner & Zawahri, 2012): domestic politics shaping foreign policy and vice versa.

However, the conventional IR literature, conceived in the image of the European state system, has assumed the state to be a bounded container for political decision-making, believing in the efficacy of diplomacy and establishing the discourse of authority and sovereignty of the state, excluding all other non-state actors (McConnell et al., 2012). Diplomacy in political geography scholarship moves its focus beyond the function of the state, where non-state actors play a crucial role in instituting a dialogue between rival parties. Van der Wusten and Mamadouh (2010) and Kearns (2009) examined the role of geopolitical elitesin diplomacy. Others have examined alternative tracks where state relations are in an impasse; track 2[2] and track 3 diplomacy processes range from 'disaster diplomacy' to 'cricket diplomacy' to broader public diplomacy engagements (Moolakattu, 2021; Regan & Aydin, 2006). Further, the lens of liminality, culled from cultural anthropology, advances the critical geopolitics scholarship, proliferating the non-state actors under scrutiny and bringing attention to unofficial diplomacy (McConnell, 2017). Liminality is pushing the spatiality of diplomacy by constructing transformative spaces for quasi-official diplomacy (Hocking, 2004). Taking the example of the Unrepresented Nations and Peoples Organization (UNPO), approximately 50 stateless nations, indigenous communities and national minorities denied international diplomatic fora are attempting to legitimise their concerns and positions through UNPO.

Such unofficial and non-state diplomatic initiatives may mimic the diplomacy of recognised entities that face non-decision making by

[1] **Power interplay** is a dynamic interaction between individual policy actors who may represent groups, offices, governments, nation-states or other human aggregates tied in a certain relationship at a given moment (Vij, 2019).

[2] Diplomatic efforts by the concerned governments are called track 1 diplomacy (Nishat & Faisal, 2000). Track 2 diplomacy refers 'to a broad range of unofficial contacts and interaction aimed at resolving conflicts, both internationally and within states' (Montville, 1991). Track 1.5 is senior bureaucrats of the concerned governments interacting to deliberate on an issue of concern.

exclusion and non-participation tactics. Another example is the Islamic State in Syria and Iraq which developed into a proto-state in 2015–17 even if rejecting the notion of statehood (Brown, 2018), as evidenced in, for example, minting its own currency - but lacking acceptance as a diplomatic entity. Similarly, in transboundary waters, various non-state actors have initiated diplomatic processes that have resulted in trust-building between riparian countries and influenced the state to prioritise the overlooked river basins. For instance, the Abu Dhabi Dialogue[3] and the Brahmaputra Dialogue[4] initiatives have created alternative spaces outside the state diplomacy cosmos to build trust among riparian countries, establishing the value of informal diplomacy processes. It is noted that such informal diplomacy processes are marred by non-decision making, especially with the deployment of power resources by the state actors (see Vij et al., 2020).

Lastly, in policy studies, non-decision making is a result of systematic under-reaction to policy issues by estimating the risk of making decisions (Maor, 2014). Policy studies and public administration claim that governments explicitly or implicitly prioritise issues based on electoral advantage and transaction costs. Many issues are simply not prioritised to avoid risk to political reputation (McConnell and Hart, 2019). Further, actors pursue non-action on conflictual issues to solidify authority by making alliances with the opposition parties gaining from non-action. Further, policy actors use non-decision making and non-action as a strategy to avoid blame and to reinforce 'defensive risk management' where organizations are cautious about providing information that may lead to blaming or liability (Eriksson et al., 2010). Also, as McConnell and Hart (2019) notes in their discussion and taxonomy of policy inaction, perceived non-action may involve considerable action to be taken, but the interested observer may not see any progress and terms it 'doing nothing'.

Non-decision making and non-action can be viewed and analysed in different stages of policy processes. These consecutive stages can be considered different political arenas: agenda-setting, formulation, decision-making, implementation, and evaluation (Capano & Pritoni, 2020). In each stage, actors interact with each other, using both direct and indirect lobbying and resources to meet their interests. For this article, we focus on three stages only: agenda-setting, decision-making and implementation. Non-decision making can be visualized in agenda-setting and decision-making; whilst non-action can be visualized implementation.

2.2. Non-decision-making and non-action in transboundary waters

Traditionally, non-decision making is explained as resulting from the 'mobilization of bias' (Schattschneider, 1975, p. 71), which refers to institutional characteristics and knowledge frameworks that give importance to a particular issue and exclude others. McCalla-Chen (2000) operationalizes non-decision making as hiding information and tabooing a topic, confirming that 'mobilization of bias' is almost omnipresent in all forms of non-decision making. In various transboundary water basins, riparian countries are in a stalemate, following unilateral decision-making and avoiding the high transaction cost of engagement. For instance, along with the contemporary geopolitical challenges, China and India take unilateral decisions on dam construction, as transaction costs of multilateral negotiation and deliberations are very high (Barua, Vij & Rahman, 2018).

In Realist accounts, the global system is characterised by anarchy, impelling unitary states to fight for survival and self-protection. Striving for a balance of power may result in either no or limited cooperation, or the abuse of cooperation to maintain the status quo. In this paradigm, Lowi (1993) identified high-politics stalemate as a problematic brake on technical cooperation. Side payments and linkage have been suggested to break diplomatic impasses. A recent Adelphi study led by Pohl et al. (2017) centres on the "cost of inaction and benefits of water cooperation" in Central Asia. The study indicated various direct, indirect, political, social, and environmental costs of non-action in Central Asia, mostly referring to the difference between existing limited water cooperation and the potential full cooperation.

On the contrary, however, non-action can also be evaluated more positively. Avoiding undue haste, which may lead to pernicious action, may be appreciated (Gyawali & Dixit, 1999). Moreover, it may be evaluated as clever diplomatic statecraft, that is, "influence attempts relying primarily on the representation and other symbolic resources of states" (Hagström, 2005), in the management of power relations, not giving any occasion for a rival to dispute an advantageous status quo of effective control. We should, moreover, not understand non-action as the lack of action, but as a process: "Stability… is a delicate and constant effort… explained by the (Taoist) concept of "doing by non-action" (Delury, 2020).

2.3. Types of non-decision making and non-action in transboundary waters

Indeed, non-decision making can be of use in preventing certain choices materializing that are not aligned with the current interests of the hegemons non-hegemons. The concept of non-decision making helps in explaining the status quo or purposeful delay of the negotiations between the riparian states and we consider three types of status quo: (1) Appropriate issues are not even discussed or not brought to the agenda; (2) Issues are not discussed at the appropriate (highest) level of decision-makers; and (3) There are prolonged negotiations or delays before any decisions are made. These three types of status quo can be explained by strategies of renunciation, abstention, and non-participation (Wolfinger, 1971). We will discuss each of them below (see Table 1). To explain non-action in transboundary waters, we separate it from non-decision making, as the following types are discussed.

Renunciation: Outright rejection of an alternative or an idea that an actor feels will be unacceptable to some of the other actors (Wolfinger, 1971). This form of non-decision making explains that power cannot be adequately studied by observing policy formulation processes and noting who proposes which ideas, who opposes ideas, and who wins or who loses, simply because some of the ideas are never proposed or put on the table for discussion. Some powerful actors decide the agenda, and based on such an agenda; deliberation takes place. We can argue that in certain situations, powerful actors unknowingly and sub-consciously make a decision not to let important issues be discussed, simply because they are averse to conflicts or are incapable of resolving conflicts. Moreover, to keep the alliances strong and gain consensus, actors do not bring issues of conflict to the agenda (Lindblom, 1959). Negotiations are often structured to avoid conflicts during a meeting. In transboundary water talks, controversial topics such as hydropower or water sharing are not even discussed during riparian meetings, especially when river basins are securitized or are flowing through conflict-prone areas.

Abstention: Where riparian states may abjure a sensitive issue, abstention is a conscious/deliberate effort of not making (or taking responsibility for/self-exclusion) a decision during political negotiation. Abstention can be conscious decision, where the actor(s) decides to not participate or allow a topic to be deliberated to resolve any grievance or to meet a collective goal (Wolfinger, 1971). Bachrach and Baratz (1970) refer to abstention as 'covert grievance', where actors do not pursue their concerns or preferences in political fora. They further distinguish

[3] Abu Dhabi Dialogue initiative brought seven countries together around the hook of 'common problems' in the Greater Himalayas to forge a knowledge-based partnership. Its aim is to bring an increased willingness to share the benefits of a cooperative approach to river basin management and development, leading over time to potential regional cooperative investment.

[4] BD is the only continuous Track 1.5 dialogue initiative sharing various insights on the complexities of the Brahmaputra River and is currently coordinated by the Indian Institute of Technology Guwahati (India).

Table 1
Typology of non-decision making and non-action.

Types of non-decision making & non-action				
Typology	Non-decision making			Non-action
	Renunciation	Abstention	Non-participation	Non-action
Explanation	Formal rejection by a hegemon on an issue of importance to others	Not taking a stand on an issue of importance to others, especially by a hegemon	Use of rules, norms, beliefs to not allow others to participate – 'Mobilization of bias'	Insufficient action taken after deliberation. Delay in actions or not keeping promises
Power interaction	Actor A knowingly or unknowingly sets an agenda which might not meet the interest of actor B. A has the power to do so	Actor A indefinitely drags feet or deviates on letting the conflictual topic to be discussed with actor B in a political forum	Actor A uses ideational and material power to influence actor B	Actor A delays the action(s) promised to actor B using the ideational and diplomatic statecraft

abstention from apathy, laziness, and lack of interest in politics. In IR, this is reflected in strategies of 'issue delinkage' from issues that may encumber a deal (e.g., Katz and Fischhendler, 2011). In transboundary waters, for example, certain riparian states avoid discussion on certain conflictual topics which might have high transaction costs. For instance, India has been purposefully avoiding discussing the disputed Teesta River treaty with Bangladesh, whereas the two countries continue to negotiate various trade and commerce deals at the track 1[2] level.

Non-participation: The third form of non-decision making refers to influence of an actor over the interests of other actors due to values and procedures that set the limit on the agenda of issues. Bacharach and Baratz, 1962 discuss this as a way where power is exercised by actor A to create social and political values and institutional practices that limit the scope of the political process to public consideration of only those issues which are comparatively harmless to A. In such a scenario, actor B is prevented from bringing to the fore any issue that might be seriously detrimental to A's interests. To explain this scenario of non-participation, Bachrach and Baratz (1970) use 'mobilization of bias', defined as a set of predominant values, beliefs, rituals, and institutional procedures ('rules of the game') that operate systematically and consistently to the benefit of certain persons and groups at the expense of others. In transboundary water negotiations, riparian countries use rules within the bureaucracy to delay participation or avoid riparian level meetings, procedures to delay negotiations and to delay fulfilling promises made in past negotiations. Certain riparian states also use non-participation to avoid participation in negotiations in a multilateral situation (see Table 1).

Non-action: In legal terms, non-action is understood as the failure of the actor to provide an effective resolution to improve or rectify an interference with the civil rights of an individual (Peters, 1959), referring to the state as an actor. Non-action is used as a strategy to avoid conflicts between different parties, particularly when both parties are in disagreement over a long period. In foreign policy terms, (deliberate) non-action is also referred to as 'shelving', where ideational power is used to linger a conflictual issue due to strong disagreement between the two parties (Hagström, 2005). For instance, Japan disagreed with China on the territorial issue of the Senkaku islands and used its ideational and non-action statecraft to delay the decision-making, particularly when Chinese Premier Deng Xiaoping was in power (Hagström, 2005). The actors involved consider non-action as a strategy to reduce transaction costs involved in resolving conflicts.

Historical disputes justify non-action by key actors as a suitable strategy to maintain the status quo (Ferdin et al., 2010). In the context of transboundary waters, riparian states purposefully delay the actions already promised during earlier negotiations (see Table 1). The presence of a (hydro-)hegemon may bring the 'powering' to get things done. However, a hegemon may also judge it in its best interest not to make something happen. Hegemons may use institutional rules, bureaucratic challenges or historical disputes on riparian rivers to purposefully delay making good on their promises/expectations, legitimising their non-actions.

3. Methodology

For this study, we have used a case study methodology and an interpretive approach to analyse the covert transboundary interactions in the three river basins. The interpretive analysis informs how we make sense of actors' covert (hidden) ways of powering or influencing each other involved in a relationship within a transboundary interaction (Yanow, 2003). It helps us capture the nuances of agenda setting, how and who decides participation during the interaction between actors, why specific issues are neglected, and others considered. We can make sense of the process of non-decision making and non-action, by explaining the power interplay between the actors (states in this case). Considering there are different river basins (Brahmaputra, Maritza, and Euphrates-Tigris) with multiple researchers involved in data collection, we used different data sources and followed the principle of methodological pragmatism in order to explain non-decision making typologies (Johnson & Onwuegbuzie, 2004). The cases were selected to represent different geo-politically sensitive regions – the Asian subcontinent, Middle East and Europe. Moreover, the cases were also selected based on the author's experience in the three river basins and the possibility of collecting primary data. It was challenging to be consistent in data collection; however, sufficient data was collected, which was analysed to make robust qualitative arguments.

To note, these river basins are flowing in a conflict-prone and politically sensitive regions of the world. The data collection was marred by challenges such as availability of respondents; but it is also critical to present the work conducted in these politically charged river basins. For the Brahmaputra Basin, we collected the data via the Brahmaputra Dialogue (BD)[3]. We used reports of the meetings that were organized between 2014 and 2020 (n = 19) between riparian countries, supported by closed-door conversations (n = 18) with the key transboundary actors working on the Brahmaputra Basin. We collected the data for two types of meetings – national and regional. National-level meetings were focused on discussing the country's internal issues related to flooding, erosion, hydropower development and institutional mechanisms for conflict resolution. The regional meetings emphasized issues such as hydrological data sharing, joint research at the basin level, technical discussions on inland navigation, basin-level erosion, and flood control. The closed-door interviews also helped triangulate the data in the meeting reports. The respondents included influential academicians, retired foreign service officials, and retired water bureaucrats, serving bureaucrats in the water ministries of Bangladesh, India, and China, serving bureaucrats of the Joint Rivers Commission in Bangladesh and India, and representatives of think tanks working on transboundary issues in India, China, and Bangladesh.

For the Maritsa basin, in-depth semi-structured interviews were conducted with actors (n = 25) in a two-month span (2019). The actors were selected based on their role in flood risk management in the Maritsa Basin and their availability/willingness to discuss the issue with the help of "snowball sampling". The actors ranged from academicians, government officials from various administrative levels, and employees of a think tank. Due to difficulty finding contacts in Bulgaria willing to

be interviewed, only one key Bulgarian expert was successfully consulted, which does not provide a balanced overview of the Bulgarian perspective. This limitation biases the study as it only provides a downstream view of transboundary floods and related interactions in the Maritsa Basin. The actor's behaviour, particularly during discussions on sensitive topics, was also captured during the interviews. Field visits to parts of the river were made which provided some insight into the layout of the river; the water infrastructure management (river discharge and water quality measuring instruments, and embankments). However, during the migration crisis, the Maritsa River's securitised nature as a migration-prone border led to considerable limitations during field visits.

Lastly, for the Euphrates-Tigris case, the analysis is not based on a time-bound research project but instead on the accumulation of relevant primary and secondary sources of data for the last 30 years. To start with, the data on Tigris-Euphrates is built on the master's and PhD thesis work of one of the co-authors, providing both primary and secondary data. The primary data through interviews was collected between 1992 and 20056. Further, the contemporary and secondary knowledge of the basin is supplemented by two data collection strategies. First, continuous participation in online and in-person international conferences (n = 25) focused specifically on the Euphrates-Tigris basin. The participation helped in marking the critical events in the interaction between the actors involved in the basin. Second, structured and, at times, incidental peer discussion with Turkish, Syrian, and international water professionals and academics working in the basin. These interactions with the key actors helped triangulate the nuances linked to the key events. However, we acknowledge the shortcomings of these data collection strategies, particularly the relative underrepresentation of Iraqi voices.

3.1. Biophysical and political context of river basins

3.1.1. Brahmaputra

The Brahmaputra River (referred as Yarlung Tsangpo in Tibet and Jamuna in Bangladesh) originates from the Tibet Autonomous Region and flows through China, India, Bangladesh before it empties into the Bay of Bengal covering approximately 2900 km (Fig. 1). Studies have predicted that there could be an increase in intensity and frequency of seasonal water scarcity on the Brahmaputra River, due to the hydrological impact of climate change along with the pressure from growing population and development activities, emphasizing the need to improve cooperation between riparian states (Gain and Wada, 2014).

There is territorial contention between India and China for their 2100-mile border, especially in the northeast India. India and China fought a war in 1962, which the Chinese won easily, and the two countries have continued to get involved in recent military stand-offs (2017, 2020, 2022). The Brahmaputra River flows in the northeast region of India (see Fig. 1) and part of the territory is also claimed by China, escalating political mistrust, suspicion, and lack of open communication (Ho, 2016). The contestation is mostly related to border disputes and security issues between India and China, making the river securitized. Securitization is a process in which a riparian declares a particular issue to be an 'existential threat' to a state (Biba, 2014). Due to the securitization of the Brahmaputra River in India and China, hydrological data sharing is limited between the countries. China charges India for the hydrological data it shares with India but provides data free of charge to Bangladesh. Both India and China share data in limited domains with each other, with no discharge and sediment size data shared, important for hydropower development. Inadequate data sharing mechanisms in the Brahmaputra River do not promote basin level research to understand the geomorphology and other relevant insights on flooding and erosion issues. The absence of reliable, and comprehensive information about the basin further complicates decision-making, particularly related to water infrastructure development in the region. This has led to questionable outcomes creating suspicion and mistrust between riparian communities (Barua, Vij & Rahman, 2018).

3.1.2. Maritsa

The Maritsa River (Bulgarian name), known as Evros in Greece and Meriç in Turkey, is the second longest river in the Balkans with its source in the Rila Mountains in Bulgaria (Fig. 2). It flows downstream to form the border between Bulgaria and Greece for 15 km and Greece and Turkey for 187 km before entering the Aegean Sea. The geographical and climatic characteristics of the Maritsa Basin make it highly vulnerable to floods, particularly the downstream regions. The slope of the catchment area has significant variation, with high mountains in the upper course and largely plains in the middle and lower course (Fig. 2) (Tuncok, 2015; UNECE, 2011). This upstream topographical advantage allows Bulgaria to build dams and reservoirs within its territory (UNECE, 2011). The dams are largely used for hydropower generation and some for irrigation (Tuncok, 2015). Upstream, the basin has several cities and industrial development with some agriculture, while the downstream area is largely agricultural with some built-up areas (Tuncok, 2015).

Over the past decade, an increase in flood frequency[5] and related socio-economic damage has been observed on the Maritsa River (Yıldız, 2015), requiring several million Euros annually for flood remediation. Several studies have attributed the increase in flood frequency and related damage that has been observed over the past decade to dam management within Bulgarian territory. The dams' operation and management, used for hydropower generation and irrigation, is said [by downstreamers] to conflict with flood protection and management as the flood retention capacity of the reservoir is used to store more water for increased electricity generation and/or irrigation and therefore, greater profits (Kibaroğlu et al., 2005; UNECE, 2011; Yildiz, 2015). Downstream flood protection as well as early warning systems are present and necessary, but not sufficient (Yıldız et al., 2019). Another issue with flood protection in the river basin is that measures have been taken unilaterally or bilaterally rather than with all three riparian countries working together (Fig. 3).

Forming part of the border between the EU and Turkey has put the river in the spotlight over the last 5 years due to its role in the refugee crisis. Additionally, historical geopolitical issues such as the Cyprus conflict and the Aegean Sea border conflict between Greece and Turkey complicate the already difficult issue of transboundary flood risk management. The Maritsa Basin does not have a transboundary flood risk management (or river basin management) institution. However, joint working groups and committees such as the Joint Bulgarian-Greek Working Group and the ad-hoc Joint Committee between Greece and Turkey are present (Skoulikaris & Zafirakou, 2019).

3.1.3. Euphrates-Tigris

Turkey is upstream on the Euphrates and Tigris, shared with Syria and Iraq. Given weather extremes (and the added effect of salinisation in times of drought) coordinated management of the rivers is of the essence. Most analyses leave out Iran from the analysis, noting the rivers only really meet at the Shatt-al-Arab, before draining into the Persian Gulf.

Pre-1922, under Ottoman rule, the Euphrates and Tigris were managed in a coordinated way. This changed when Turkey became a republic. A colonial treaty under the British mandate in 1930 required mutual consent between neighbouring nation-states that were previously part of the same empire. Further, a postcolonial friendship treaty between Turkey and Iraq signed in 1946 required Turkey to report to Iraq on any hydraulic changes it made on the Tigris–Euphrates River

[5] Flash floods were caused by heavy rains and at least 15 people lost their lives and caused destruction in the industrial towns. https://www.bbc.com/news/world-europe-41998374.

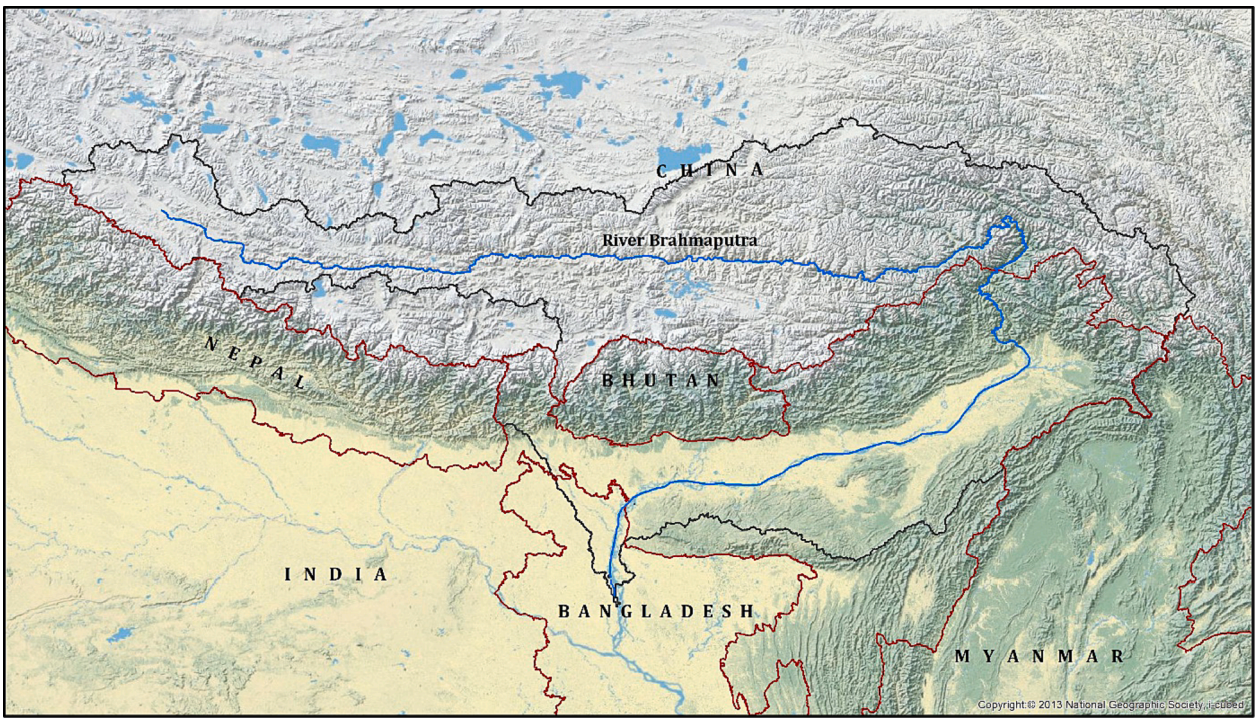

Fig. 1. Brahmaputra Basin. **Source:** GRID-Arendal, 2018.

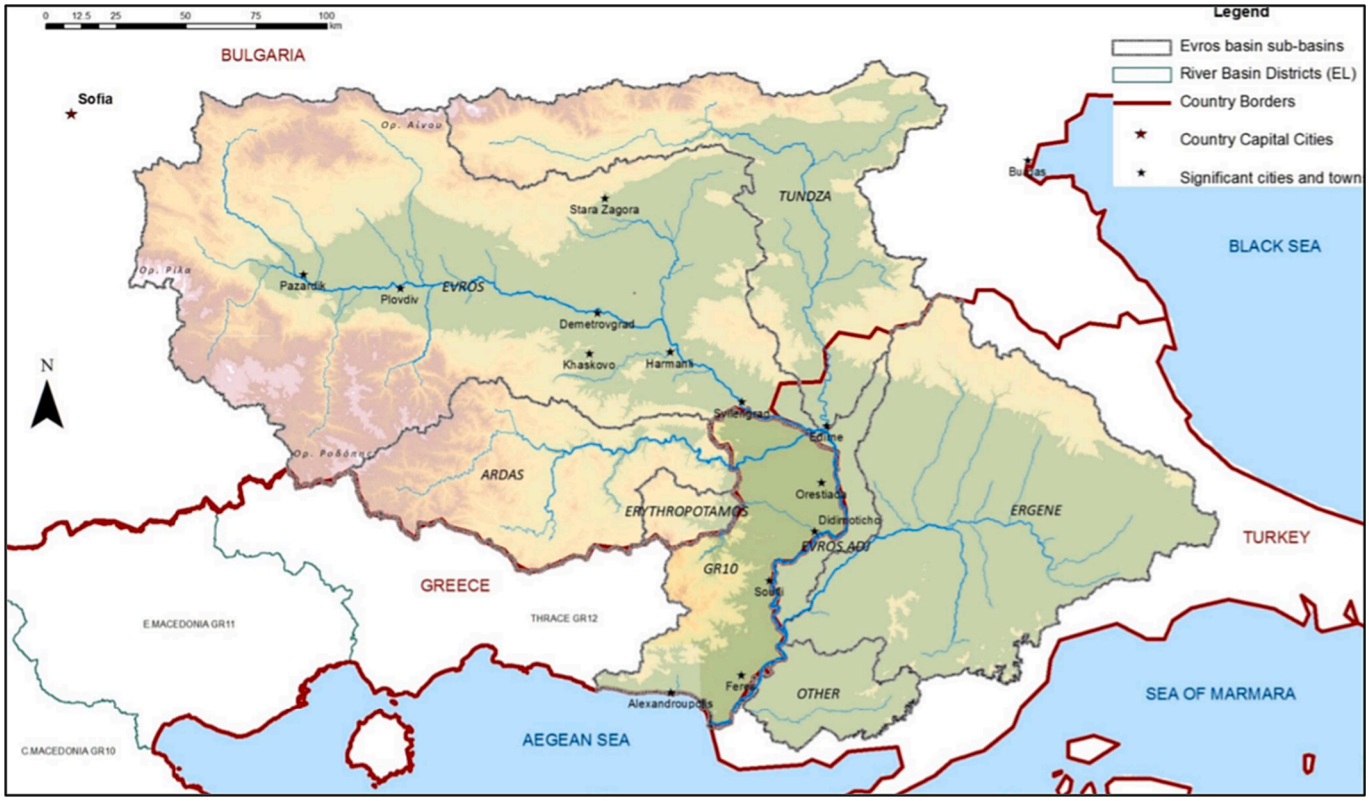

Fig. 2. Map of Maritsa River. **Source:** Ministry of Environment & Energy, Greece.

system, allowing Iraq to establish observation posts on Turkish territory. Turkish accepted Iraq's right to receive its established use of about 13 BCM (Adamo et al., 2020). At the same time, the treaties were ended in 1965, and Turkey did promise to let through 350 m^3/sec.

Turkey is where most of the rainfall occurs that contributes to the flow of the Euphrates and Tigris.

Iraq built the Hindiya, and Ramadi–Habbaniyah barrages on the Euphrates River, were completed in 1914 and in 1951, and on the Tigris River the Kut Barrage completed in 1937. In the 1970 s Turkey (Keban Dam) and Syria (Tabqa Dam) started to construct large dams on the

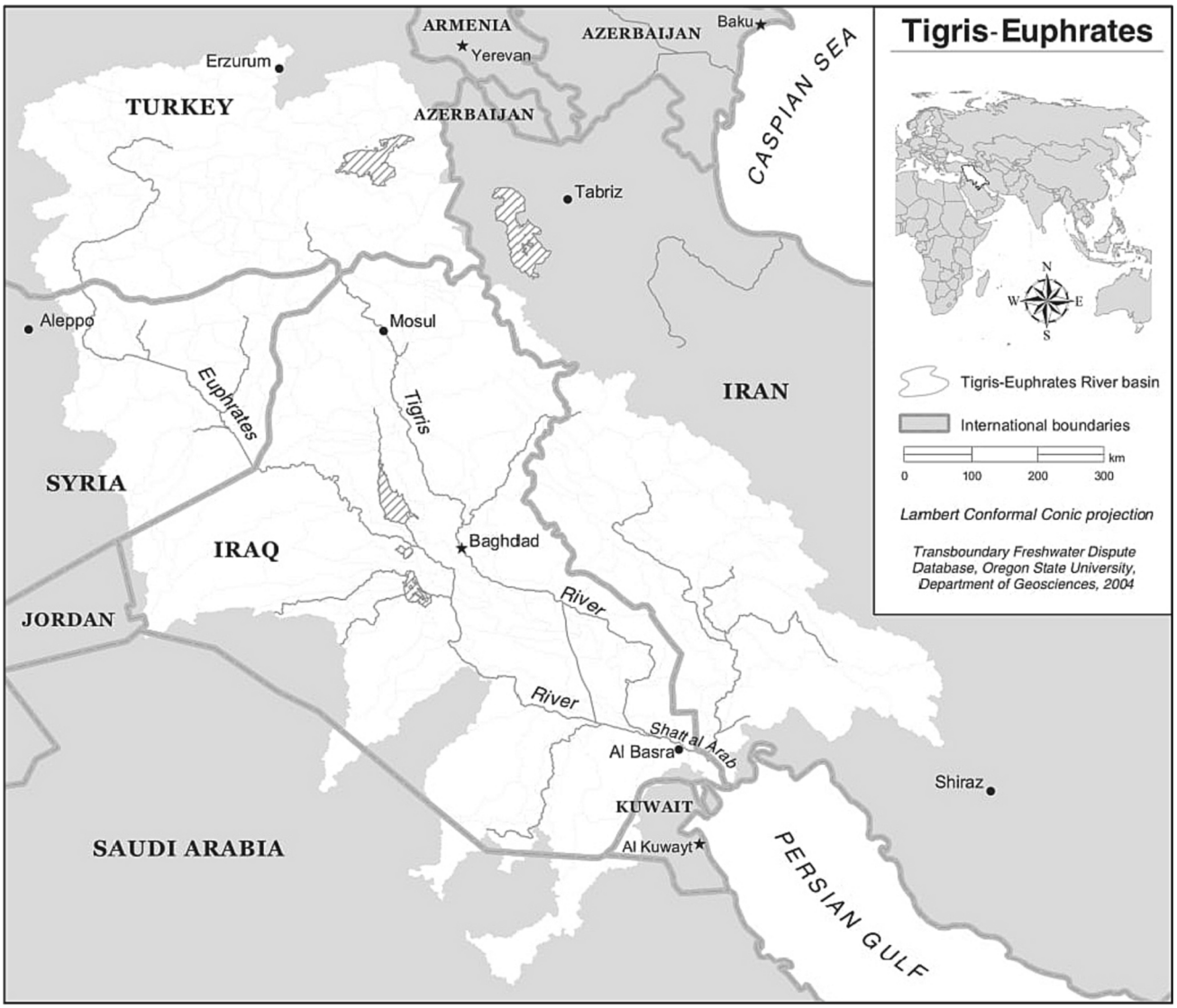

Fig. 3. Map of Euphrates-Tigris River. **Source:** Transboundary Freshwater Dispute Database, 2004.

Euphrates. Military mobilisation at the border between Syria and Iraq led to 1975 unofficial protocol between Syria and Iraq about dividing the water. This deal was updated in an official bilateral protocol in the late 1990, Syria guaranteeing the release of 58 percent of the Euphrates water received from Turkey to Iraq.

However, relations had been in deep waters since the construction of the Ataturk Dam in 1984, which escalated when Syria protested the speed of the filling up period of the Atatürk dam reservoir in the early 1990s. The deadlock over the reservoir happened at a time of multiple incidents and crises all through the 1990s. Syria leveraged its support to Kurdish resistance seeking to negotiate a better water deal by playing the 'Kurdish card', sheltering Kurdistan Workers' Party (PKK) camps in Syrian-controlled Lebanon. Only when Syria expelled PKK leader Ocalan in 1998 the tension was released. The ensuing Turkish-Syrian Adana Accords and change of leadership in both states heralded a cooperative period (2004–2011) in which Turkey and Syria declared a 'common destiny, history and future'. The situation returned to largely cooperative relations after that. Trilateral government talks resumed in 2007, in the context of Turkey's "zero problems foreign policy" of the day, until the outbreak of the Syrian civil war in 2012, meaning a seven-year period of non-participation for all practical purposes (Yildiz & Güunes, 2018). As Iraq and Syria have continued to find themselves in civil political turmoil and battling with Islamic State, there has been little downstream pressure on Turkey of late in the water domain, but such developments led to Turkey's military interference across the Syrian border, giving Syria cause to taunt Turkey as "neo-Ottoman" (Daoudy, 2016).

4. Results

4.1. Brahmaputra

The Brahmaputra basin lacks a formal institutional arrangement at the basin level. Although there have been intermittent discussions for cooperation, very little progress has been made till date (Barua, Vij & Rahman, 2018). The intermittent discussion largely focused on hydrological data exchange and a memorandum of understanding between China and India. Since 2003 onwards, China has shared annual data with India; however, there have been disruptions in sharing the hydrological data. In 2017, due to the Doklam military standoff, the data was not shared between China and India, resulting in flood incidents in the flood plains of India and Bangladesh. Since 2006 an Expert Level Mechanism has been established between India and China to discuss transboundary river issues, and there is a memorandum of understanding between India and China on the Provision of Hydrological Information on the Yarlung Zangbo/Brahmaputra River in flood season.

The new 2013 agreement was signed after the expiry of the 2007 agreement. Track-2 and track-3 cooperation initiatives have been taken up on the Brahmaputra Basin, mostly led by non-state actors. These initiatives are in the form of interactive dialogue workshops designed to give opportunities to the participants to ask questions, seek clarifications, discuss assumptions, and examine arguments particularly related the contested claims of hydrological data sharing, flood measures and dam construction. It is observed that in these informal dialogues, there is a reluctance to participate by the transboundary actors (bureaucracy), particularly from India and China. Both countries are not in favour of multilateral engagements (involving all the four riparians) even in an informal setting, leading to ***non-participation*** from these countries. Bureaucratic rules are used to avoid engagements during the Brahmaputra Dialogue regional meetings. On the contrary, India and China favour to participate in the bilateral meetings.

Due to non-participation from the political sphere, the informal dialogues around Brahmaputra have not been able to make much contribution to developing a framework for cooperation and common strategic understanding. In some of the dialogue meetings, India and China did participate but the quality of participation was a concern. The nominated participants either did not have the authority to make any commitment or were constrained by the position the country takes on the issue. Such participation does not allow any significant progress on an issue such as information sharing on water infrastructure development by riparians. Moreover, the state shies away from participating in these dialogue processes to avoid making commitments that are not politically in favour of the current overall politics in the country or region. Hence, these deliberations, although rich in content and process are diluted by the state's lack of interest. Such ***non-significant deliberations***[6] are unable to impel the track-1 level policy actors to make any incremental strategies, ruling out any possibility of transformative changes. Several track-2 and track-3 level dialogues have been discontinued in South Asia (such as the Abu Dhabi Dialogue and the Brahmaputra Dialogue) as donors are often hesitant to finance processes with high politics, lack of clear state support and intangible outcomes (trust and relationship building).

Apart from bureaucratic challenges, mistrust has been growing between the governments (states and federal) and civil society organizations in India, over the hydropower development in the Brahmaputra River. The situation reflects the neo-institutionalist consideration of the state failing to uphold hegemonic control. Hence, most political actors (track 1) are currently waiting for the right alignment of actors and conditions to restart the discussion and implement halted hydropower projects. During one of the national Brahmaputra Dialogue meetings, the Indian bureaucracy even suggested sustaining transboundary negotiations and working towards improving interstate (between Assam and Arunachal Pradesh) relations within India. Two powerful narratives were used to keep the focus on resolving domestic conflicts, instead of transboundary. First, the hydropower projects in Siang and Subansiri could reduce the annual devastation from the floods in the two states. Second, India must build these dams to claim rights over the water before China starts building more dams in the upper reaches of the Brahmaputra basin. The use of the two narratives supports India's strategy to purposefully pursue ***renunciation*** (status quo) on transboundary negotiations and focus on domestic concerns.

Informal dialogues at track-2 and track-3 level in the Brahmaputra Basin has been successful in involving active participation from the civil society and academic community. While government of all the four countries recognises the importance of such dialogues but also believes that track-2 deliberations cannot have any political bearings (see Table 2).

Table 2
Empirical explanation of the typologies of non-decision making & non-action.

Types of non-decision making & non-action				
	Non-decision making			Non-action
Typology / *River Basins*	Renunciation	Abstention	Non-participation	Non-action
Euphrates-Tigris	Turkey rejects territorial integrity principle, 'Turkish river'; rejection of UN Decl. Non-Nav Mutual securitisation			
Brahmaputra	Prioritizing domestic issues instead and rejecting the importance of floods in downstream riparian	Securitization of the Brahmaputra River Basin in India	India and China use their bureaucratic challenges, rules to avoid participation	
Maritsa	Bulgaria considers flooding a non-issue	Bulgaria disengages; Greek and Turkish central governments choose to deprioritize		Lack of flood measures in the basin

4.2. Maritsa

Flood management in the Maritsa Basin has been addressed through varying levels of interaction between the riparian countries and attempts at unilateral, bilateral, and trilateral cooperation. The Joint Bulgarian-Greek Working Group and the ad-hoc Joint Committee between Greece and Turkey have been established to address the water challenges in the basin. However, interviewed experts based within the downstream areas of the river basin (Evros region in Greece and Edirne in Turkey), mentioned that the meetings are not regular and there is an increase in urgency only when flood events occur. Additionally, Turkey has attempted to set up two meetings with all three riparian countries at the table as well as the EU Commission as an advisor/mediator between 2015 and 2018. Both Greek and Turkish experts stated that Bulgaria, however, either did not attend meetings at all (bilateral or trilateral) or sent one person "*like a postman to Sofia*". Bulgaria as the upper riparian wants to maintain bilateral interactions in the basin and does not wish for the downstream countries to team up against it, employing ***non-participation*** successfully to maintain its hegemony.

Additionally, two Greek experts mentioned that while there is an early warning system set-up between Bulgaria and Greece, Bulgarians "*send us a fax, they don't talk*". This includes when Bulgaria opens its dam gates to release the water. It was frequently mentioned that Bulgaria dictates the interactions in the Maritsa Basin: "*If Bulgaria doesn't want, we cannot do nothing*", stated a Greek expert. The Greek experts suggests that Bulgaria only wants to cooperate through joint research. According to the Greek and Turkish respondents, these interactions are bilateral and most of them are dictated by Bulgaria (Mehta & Warner, 2022).

Renunciation and ***non-action*** were used between the riparian countries within the Maritsa Basin but also within countries. In the bilateral interactions between Bulgaria and Turkey, an often-mentioned topic by the Turkish experts was regarding the Tunca (Suakacağı) Dam. Following the changing relations between Turkey and Bulgaria in 1967 and agreement on prevention and settlement of border issues, Turkey

[6] Non-significant deliberation is another type of non-decision making, see section 5 for more details. These deliberations remain significant for track 2 and track 3 level changes.

has repeatedly requested the construction of a joint dam since 1968. This request was formally arranged during the 2002 Energy and Environment agreement. However, following the investigation and planning of the dam, the Bulgarians continued to delay the construction of the dam due to funding and land rights issues (Kibaroğlu et al., 2005). ***Non-action*** after formal agreement has been the key tactic to delay actions.

Three experts in the Evros Region of Greece mentioned that the floods that occur in and around Athens (e.g., the Mandra floods[5] of 2017) are taken more seriously, with better and more immediate response and a sense of urgency compared to the Evros Region since "*Athens is the head and the Evros region is the tail. No one cares about the tail, and everyone lives in the head. Here there are only sheep*". This is also why there is a difference in the views between Athens and the Evros region and how domestic politics plays out within Greece. The experts based in the Evros Region mentioned that water and non-water issues such as border security aspects between Greeks and the Turkish should, be addressed as one topic, they are two sides of the same coin. While experts in Athens agreed with the link between water and border security, but still want to discuss the two topics independently. This is believed to take away from the urgency of the issue (border security) and allows them to cooperate at least on flood management. Bulgaria could afford to ignore the downstreamers primarily as the latter doesn't put pressure on them, and the European Union concentrates on migration rather than floods.

4.3. Euphrates-Tigris

While there are bilateral agreements between all the riparian countries, there is still no existing trilateral agreement on the Euphrates and Tigris. Between 1983 and 1993, a trilateral technical committee, Tigris-Euphrates Joint Technical Committees met about 16 times but failed to arrive at a consensus both over its remit and the substance in hand (Altinbilek, 2004). The two downstreamers wanted the commission to work towards a water sharing agreement, Turkey preferred it to be merely a consultative body. Another key reason for the ongoing deadlock was that the riparian countries could not agree on whether the Euphrates and Tigris rivers are a single river system, as Turkey insisted that the entire flow of both the Euphrates and Tigris should be part of the discharge calculations. A single system would legitimise Turkey's hegemonic control, exporting water from the Euphrates all through the region through a projected Peace Pipeline (cf. Harris & Alatout, 2010).

Turkey has presented itself as a 'benevolent hegemon' maintaining its responsible management of the waters benefits the downstreamers, cushioning against drought and flood extremes. In practice, Turkey mostly abided with minimum guarantees made to downstreamers, making up for shortfalls incurred in dry years in more plentiful years (Zawahri, 2006), and did not give in to American requests to block the flow to Baghdad in the first Gulf War (17 January 1991–28 February 1991). However, downstreamers feared upstream dam building (66 dams) gives Turkey the power to 'turn the tap' at will (Daoudy, 2009). In 1986: Syria declared the Euphrates "vital" and threatened Turkey to retaliate if Turkey withheld a large amount of water to build the Southeastern Anatolia Project. In 1990 Iraq threatened to blow up the Euphrates as the Ataturk Dam was filled up. As around 90 % of the flow of the Euphrates and Tigris accrues in Turkey, past Turkish leaders, notably Suleyman Demirel (President between 1993 and 2000), have claimed absolute sovereignty over these streams, rejecting the territorial integrity principle downstreamers invoked. Turkey also opposed the 1997 UN Convention on the Law on Non-Navigational Watercourses as it believed it did not sufficiently protect upstream rights. This insistence on water sovereignty have effectively ***renunciate*** a meaningful trilateral agreement. Due to fundamental differences over scale: whether the Euphrates-Tigris is a single river basin or two shared international rivers.

It took another major standoff in 1998 to broker a truce leading a detente in the early 21st century, leading to Memorandums of Understanding (MoU) on water management signed between Iraq and Turkey and Syria and Turkey in 2009. But just when Turkey turned to the Middle East, moving towards brokering a trilateral deal under its hegemonic 'zero problems' auspices the Syrian civil war and subsequent rapid emergence of Islamic State in Syria and Iraq threw a spanner in the works, leading to a rapid collapse of relations (Williams, 2012).In a cooperative spirit, a Track-2 process has been in place since 2005 involving academics from all three riparian countries, ETIC (Euphrates Tigris Initiative for Cooperation), led by Southeast Anatolia Project director Olcay Ünver and supported by Stockholm International Water Institute (Kibaroğlu, 2019). While successfully networking with international organisations and spreading goodwill and knowledge, a spillover to track 1 never happened, especially after the Syrian civil war broke out, so far ending up in ***non-significant deliberation***.

5. Discussion

In this article, we brought together conceptual arguments and empirical instances from political science (multidimensional concept of power – non-decision making), international relations (geopolitical strategies for delays), and public policy (inaction and agenda setting), expounding non-decision making. We drew on three transboundary cases to illustrate the empirical value of these typologies and how they are different from the usual conflict-cooperation continuum. Now, we will reflect on two conceptual and empirical aspects of the typologies emerging from this study.

First, we identified that there is another, previously unidentified category of non-decision making (see Table 3), particularly where track-3 or track-2 (unofficial or informal) negotiations are ongoing and there is a push back from the highest level of political leadership. This form of non-decision making is not established in the literature, whilst there are some useful connections with participation scholarship and deliberative democracy literature. Relating to Arnstein's ladder of participation is useful to classify degrees of non-decision making (Vij et al., 2020), elucidating who has the power to make important decisions. In the last two decades, both official and informal tracks of water diplomacy, or multi-track diplomacy have been engaging a wider range of stakeholders for deliberative decision-making.

Negotiations at track 2 and track-3 levels aim to build trust between riparian actors but may not lead to decisions or positive outcomes, negotiations not escalating to track-1 level. Track-1 actors simply reject or avoid taking inputs from track-2 and track-3 consultations, giving them little significance. We provisionally categorise such status quo as ***non-significant deliberations***, where track 1 does not forcefully stop track-2 and track-3 negotiations but also does not let it (visibly) influence the political leadership (track 1). Deliberations at the track-2 and track-3 (informal) level may not translate into decisions and risk fizzling out due to lack of financial support and failing interest of the facilitating organizations or individuals (see Table 3). In terms of Arnstein's ladder of participation, such *non-significant deliberations* may fall in the second category of Tokenism, where powerful track-1 actors use tactics such as placation, manipulation, biased consultation, and one-way flow of information to damage and belittle the informal diplomacy processes.

For instance, in the Brahmaputra case, the actors involved in the Brahmaputra Dialogue were devoid of state diplomacy space, making it the diplomacy of the margins (McConnell, 2016). Even though the Brahmaputra Dialogue could build trust among riparian countries at the track 3 and track 2 level, the official diplomacy framework (track 1) strangled the informal diplomacy processes, corroding the transboundary water negotiation between the Brahmaputra riparian countries. On the Euphrates and Tigris, likewise, a voluntary Track 2 process, ETIC has been in place since 2005, led by renowned epistemic community actors from Turkey, Syria and Iraq, but has not managed to facilitate progress towards a trilateral agreement. The Euphrates-Tigris case was subsequently complicated by the rise and fall of Islamic State (Daesh) as a non-state actor mimicking state functions of public

Table 3
Typology including non-significant deliberation.

Typology	Types of non-decision making & non-action				
	Non-decision making				Non-action
	Renunciation	Abstention	Non-participation	Non-significant deliberation	Non-action
Explanation	Formal rejection by a hegemon on an issue of importance to others	Not taking a stand on an issue of importance, especially by a hegemon	Use of rules, norms, beliefs to not allow others to participate – 'Mobilization of bias'	Deliberation does not reach the highest level of political authority or decision-making.	Insufficient action taken after deliberation. Delay in actions or not keeping promises
Power interaction	Actor A knowingly or unknowingly sets an agenda which might not meet the interest of actor B. A has the power to do so.	Actor A indefinitely drags feet or deviates on letting the conflictual topic to be discussed with actor B in a political forum	Actor A uses ideational and material power to influence actor B	Actor A (hegemon) does not find useful the deliberation/ ideas presented by actor B at lower level of governance.	Actor A delays the action(s) promised to actor B using the ideational and diplomatic statecraft

diplomacy as a corollary to their terrorist actions seizing, among others, key hydraulic infrastructure targeting four Iraqi dams at Falluja, Mosul, Samarra and Ramad (Von Lossow, 2017).

Second, the article makes a conceptual advancement to non-decision making in transboundary waters, based on Vij et al. (2020), Zeitoun & Warner (2006), Mirumachi (2015) and Menga (2016). The article elaborates various tactics of non-decision making prior to any action or implementation; giving empirical nuances to what happens when commitments are made and not implemented (see Maritsa case). Moreover, in the Brahmaputra Basin there are no basin-wide institutional commitments between the riparian states, hence, the concept of non-decision making is useful to explain the underlying tactics and reasons for not having such commitments, leading to purposeful delays – a logical extension to the work of Vij et al. (2020). But it also successfully explained what happens when there are institutional agreements and commitments between the riparian countries? Moreover, due to covert stalling, counter-hegemonic strategies and tactics are yet not being used by non-hegemons in the three cases, in contrast to Ethiopia's use of infrastructure construction to counter Egypt's hegemony in the Nile River Basin (Cascão, 2008).

6. Conclusion

In this article, the conceptual typologies of non-decision making have been presented and empirically explained, suggesting various tactics used by the riparian countries in the transboundary river basins to maintain the status quo. Based on the empirical analysis, we added another category of non-decision making: *non-significant deliberation*, where informal negotiations are diluted due to state influence and the illegitimisation of the informal diplomacy processes. The article makes a case that non-decision making presents an alternative power analysis to the conflict-cooperation continuum. Analysis of non-decision making is more nuanced and keeps power interplay between the riparian countries at different levels as the central idea. It can capture nuanced (including covert) situations, conditions and tactics actors use when visible peace and invisible conflicts are dominant between the riparian states.

The typology presented in this article is a contribution to the scholarship of status quo in transboundary waters and decision-making, calling for power-sensitive decision analysis. The analysis further appeals for research on the focusing on the analysis that can add value to the water policy literature to understand delayed decision-making, where future studies can be designed develop strategies to overcome political lock-ins and transform the water interactions from a 'limbo' to positive cooperation.

CrediT authorship contribution statement

Sumit Vij: Conceptualization, Data curation, Formal analysis, Investigation, Methodology, Visualization, Writing – original draft, Writing – review & editing. **Jeroen F. Warner:** Conceptualization, Formal analysis, Writing – review & editing. **Anusha Sanjeev Mehta:** Data curation, Methodology, Writing – review & editing. **Anamika Barua:** Data curation, Formal analysis, Methodology, Validation, Writing – review & editing.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

The data that has been used is confidential.

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