

# Process-focused analysis in transboundary water governance research

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**Abstract** Previous analysis of transboundary water governance has been focused primarily on state-centred approaches. The articles in this special section move us forward from this focus in three ways. First, they highlight the crucial role played by non-state actors in shaping water governance outcomes. Second, they show us how these actors can increase the ‘room for manoeuvre’ in negotiations. Third, they provide an entry point for developing process-focused approaches in transboundary water governance research. This article argues such an approach might improve our understanding of transboundary water outcomes and suggests new focus on how key actors form networks of alliances and shape decision-making landscapes at multiple governance levels and arenas. From a scholarly perspective, it brings to light the blurred boundary between state and non-state actors, as derived from a better understanding of the elusive links between actors and organisations; it unravels additional layers of complexity in the hydro-hegemony concept and bends the rigid notion of power asymmetry, towards the subtleties of power relations and interplays in transboundary decision-making processes.

**Keywords** Transboundary waters · Hydro-hegemony · Power asymmetry · Room for manoeuvre · Networks

## 1 Introduction

Transboundary water governance has been studied and analysed from a variety of disciplines ranging from international law (Dellapenna 1994; McCaffrey 1997) to economics (Bhaduri and Barbier 2008), geography (Bakker 1999), and institutions (Landovsky 2006; Raadgever et al. 2008). However, one common thread in the majority of these works until

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recently has been the often implicit assumption that the State is the sole or primary actor in international relations.

Earlier analysis of transboundary water governance has tended to focus on inter-state relationships, taking state actors as the key players in international waters affairs (Radgever et al. 2008; Wolf et al. 2003). There is no question of the state's important role in defining formal governance structures and even informal interaction. However, we now know such a focus is insufficient for at least two reasons. First, it ignores a myriad of other (potential) actors, as highlighted, for example, by Sneddon and Fox (2006). Second, it does not explain how state decision-making develops from or influences intra-national power dynamics, as it tends to overlook the scalar relationships and interactions between regional, national, sub-national, and local (Sneddon and Fox 2007; Swyngedouw 2003).

The three articles in this special issue take us further forward on the potential and actual role of non-state actors in transboundary water governance and outcomes. These actors include international financial institutions, international/transnational and domestic NGOs, civil society groups, and the private sector. Together, the articles bring to light the crucial role played by these actors in shaping the overall negotiation processes and highlight the importance of broadening our outlook as we seek to understand how transboundary waters are governed and shared.

In his article on Turkey's Ilisu dam, Warner (this issue) highlights the crucial role of *international* NGOs in shaping basin politics through their influence in the anti-dam discourse. In their article on the Ganges and the Mekong Rivers, Zawahri and Hensengerth (2012) take a similar tack, but focus instead on the crucial role played by *domestic* NGOs in influencing states' decisions in international agreements. As stated in the article: *In the process, environmental activists can achieve what years of international negotiations between riparian states failed to accomplish* (Zawahri and Hensengerth 2012). With her proposition to move beyond hydro-hegemony, Lopes (this issue) implies the potential role of non-state actors within the context of international water regimes and highlights the need to incorporate them as an integral part of transboundary institutional arrangements.

Together, the articles take our knowledge forward in three ways. First, they broaden the current concepts of key actors in international water from those with strong associations with the state to the broader groups who live in a shared basin or are concerned about its conditions. Second, the articles bring to light the options of 'room for manoeuvre' and thus the potential value of non-state actors in coming to international agreements and potentially democratising the processes of transboundary water governance. Third, the articles provide a new entry point for considering process-focused analysis and approaches as an integral part of transboundary water governance research. This article further highlights the contributions of the articles in these three areas and then suggests how process-focused analysis may be taken further forward.

## 2 Transboundary water governance research diagnosis

The ambiguous notion of state representativeness is perfectly illustrated in all articles in this special issue. They implicitly question how states potentially and actually represent the interests and development perspectives of their peoples. They ask the extent to which decisions on international waters are linked to the aspirations of specific groups and/or particular political or bureaucratic segments within the government. In his article, Warner (this issue) puts state representativeness into question by disaggregating the Turkish government's political system and its conflicting positions on the Ilisu dam. Zawahri and

Hensengerth (2012) highlight the issue of ‘contestable representativeness’ from a different angle, focusing on how domestic NGO leaders in China could penetrate into the state’s governing systems through their political connections with the National People’s Congress and the Chinese People’s Political Consultative Conference.<sup>1</sup> Linking the concept of hydro-hegemony (Zeitoun and Warner 2006) with hydro-solidarity (Falkenmark and Folke 2002), Lopes (this issue) implies this ambiguous notion of state representativeness within the context of inter-state relationships, bringing to light the different, sometimes conflicting roles the state can play in transboundary waters, as basin hegemon, mediator, or cooperator in response to various groups’ interests.

The articles bring to light the role of other actors in shaping negotiation processes in transboundary waters and illustrate their potential value in complimenting states’ (formal) governing roles. Moreover, they highlight the significant role of these actors in promoting more deliberative decision-making and imply their importance as potential counterforce to balance the existing power asymmetry in transboundary water governance. Together, the articles illustrate how transboundary water governance outcomes are negotiated through key actors’ interactions with the state and their strategies and access to resources, and thus highlight the important notion of ‘room for manoeuvre’ in transboundary decision-making processes.

Zawahri and Hensengerth’s (2012) analysis on the role of NGOs provides a good starting point for a broader analysis on how NGOs and other actors (civil society groups, international donors, private sectors) shape and reshape their strategies and access to resources through their alliance/relationship with government actors. As stated in their article: *Environmental NGOs can also draw on their specialized technical knowledge to lobby civil servants to persuade them to select environmentally sustainable policies or alter their behavior during the implementation phase in a manner that is in compliance with existing legislation* (Zawahri and Hensengerth 2012).

Similarly, Warner’s analysis (this issue) of how international environmental groups responded to the state’s water securitisation narratives provides a good conceptual basis for a more thorough analysis of strategy and processes in dam decision-making in general and how the notion of room for manoeuvre is manifested through interactions between groups of actors. Understanding of the differing perspectives of these actors and how these perspectives shape the overall negotiation processes enables us to identify multiple rationales behind the dam development debate, understand how these rationales shape key actors’ positions in dam decision-making, and thus map the overall dynamics.

Lopes’ (this issue) proposition to move beyond hydro-hegemony, on the other hand, provides an entry point to analyse institutional linkages or disconnection in transboundary water governance. Focusing on these linkages and how they emerge as a result of existing power structures and relationships puts the first building blocks in the design of inter-connected transboundary institutional frameworks.

The issue of state fragmentation<sup>2</sup> these analyses bring out also highlights a scalar disconnect in transboundary water governance (Suhardiman et al. 2012). Lacking any connection with national-level decision-making landscapes and processes, inter-state or

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<sup>1</sup> This connection blurs the current classification of state and non-state actors. See discussion on this issue in the following section.

<sup>2</sup> In most cases, state fragmentation is caused by internal struggle within government bureaucracy both vertically (within a ministry) and horizontally (between ministries) as it emerged from the competing interests of different ministries and departments (Goldensohn 1994; Molle and Hoanh 2009).

transboundary decision-making structure and procedures have often been defined in isolation from national decision-making reality (Earle et al. 2010). In the Lower Mekong Basin, for instance, the Mekong River Commission (MRC) formulates its regional programmes independently from national governments' development plans. In most cases, the MRC cannot translate their regional programmes to country level actions as programme implementation does not match with national bureaucratic interests and existing national governing structures (Hirsch and Jensen 2006).<sup>3</sup> As stated in Suhardiman et al.'s (2012: 12) study, *The MRC focuses its regional research components on research, modeling, and impact assessment, regardless of whether the national governments want to incorporate the results of such work into their decision-making framework*. Similarly, Lautze and Giordano (2007) showed that in Africa many recent transboundary agreements seem to be driven by outside interests including donors and INGOs and as a result are not consistent with national government priorities. A World Bank report (Grey and Sadoff 2006) speculates that this is in part because aid policy makers lack the stomach to go against accepted developed world priorities and principles.

### 3 A new generation of transboundary water governance research

Together, the findings and insights from the special issue help inspire three directions for future research on transboundary water governance. These include a shift towards process-based approaches, a move beyond the conflict–cooperation spectrum, and an expansion of the state/non-state binomial.

#### 3.1 Process-focused approaches

The recognition of non-state actors in transboundary decision-making as well as state fragmentation has complicated the overall idea of what the state formally, potentially, and actually represents. Similarly, recognition of the scalar disconnect in transboundary decision planning and implementation has blurred the understanding of who (local or national actors, national or regional agencies and institutions) is actually in charge of shaping transboundary water outcomes. As with better understanding of soft power in traditional state-centred approaches (Zeitoun et al. 2011), process-focused approaches (Molle et al. 2010) would help shed light on the overall negotiation and alliance formation process within the existing decision-making domains and networks. This, in turn, would help explain how transboundary planning and agreement actually takes place and why it is, or is not, consistent with later implementation.

In such an approach, transboundary water governance outcome would be perceived as a product of multi-level decision-making processes shaped by key actors' multiple rationales and perspectives, their access to resources, as well as their relationships and interactions as shown in a case study of Rhine pollution agreements by Dieperink (2011). Incorporating key actors' multiple goals as an integral part in decision-making, a process-focused

<sup>3</sup> The formulation of the MRC Basin Development Plan (BDP) was based mainly on international donors' attempts to apply Integrated Water Resources Management (IWRM) without taking into account the absence of a well-functioning inter-ministerial decision-making platforms and how sectoral ministries perceive the idea of integration in the first place. Consequently, the MRC BDP was formulated based mainly on compilation of individual development plans of the different sectoral ministries in each of the four member countries, without any discussion between these ministries on how they could eventually integrate and implement their plans either nationally or regionally.

approach would allow analysis of how various actors strategically shape the overall power interplay and determine the actual transboundary water governance outcomes. In this context, inter-state relationships would be seen as a reflection of interactive processes governed by different and sometimes conflicting rationales, between different yet related power niche and networks, operating at multiple governance levels and arenas.

### 3.2 Moving beyond conflict–cooperation spectrum

At least to some extent, the previous focus on the role of the state may be rooted in the way transboundary water governance analysis has been framed within the conflict–cooperation spectrum (Conca 2006; Delli-Priscoli 1996; Sadoff and Grey 2002). Focusing mainly on state's compliance and non-compliance towards the formulation of an international agreement/treaty (Brochmann and Gleditsch 2006; Mitchell 2003), these analyses tended to focus on states' actions in relation to international agreements, regardless of the actual significance of such agreement and how states actually perceive them. Put differently, focusing on the need to identify factors and indicators that lead to water conflict and cooperation does not allow analysis of the states' viewpoints, how these viewpoints link to internal state politics at (sub) national level, or how they do or do not originate from people's interests. In addition, focus on how states formally create transboundary water governance policy overlooks states' actual (in)capability to govern transboundary waters.<sup>4</sup>

A move away from conflict–cooperation, as also advocated by Zeitoun and Mirumachi (2008), for different reasons, links to process-focused approaches. Focusing on how key actors shape decision-making processes allows examination of how states' positions are determined by internal dynamics within the different states' organs as well as through states' interactions with other key actors at local, national, and international level. As a process-focused approach emphasises the need to understand the overall reasoning behind states' decisions, the approach allows more comprehensive analysis of motives to cooperate and how these determine post-agreement conduct.

### 3.3 Moving beyond current classification of state and non-state actors

With their critical hydrogeopolitics concept, Sneddon and Fox (2006) argue that transboundary water governance should not be monopolised by state actors, but rather include aspirations and opinions of non-state actors living in the basin. Like state actors, non-state actors differ from each other and therefore cannot be classified under a single uniform category. Zawahri and Hensengerth (2012) highlight the different characteristics of domestic Non-Governmental Organisations (NGOs) in China and India in terms of organisational scope, access to information, and political credentials. Similarly, Warner's (this issue) focus on the international NGOs' role in anti-dam movement in Turkey reflects the different modes of operation and organisational boundaries between international and domestic NGOs. Moreover, experience from the Mekong shows how NGOs can operate at multiple governance arenas and levels, from local to global, as a response to state's formal rules and conduct in transboundary water governance (Glassman 2001).

Decision-making processes in transboundary water governance are highly dynamic, shaped by different actors operating at multiple governance levels. In some cases, actors are not associated with any particular organisations or institutions, while in other cases, they formally represent more than one organisation and have representatives at multiple

<sup>4</sup> See also Furlong (2006) on the assumption of complete state control over a fixed territory.

levels. Similarly, key actors can have formal and informal connections with a variety of different organisations. Referring to this rather elusive linkage between actors and organisations, we argue that classifying key actors into state and non-state actors may be too simplistic and can potentially confuse the overall analysis of transboundary decision-making processes.

The blurred boundary between state and non-state actors highlights the notion of 'hybrid' actors and their ability to change positions and organisational linkages to fit their changing interests and strategies.<sup>5</sup> The hybridisation processes reflect not only the increasingly complex challenges in transboundary water governance, but it also brings to light the ongoing multi-party governance process to cope with these challenges. Crucial in this process is the way state and non-state actors create a nested institutional structure, devising strategies, and coordinate management efforts at multiple governance level (from local to basin wide) as in the case of Chesapeake Bay, Great Lakes, and Baltic Sea programmes (Karkkainen 2002). The way the Strategic Environment Assessment (SEA) for the planned 11 hydropower dams on the Mekong mainstream is set up and later unfolds transnational civil society movement led by state actors resembles this hybridisation process (*Bangkok Post* 2011). In the run up to possible renegotiation of the Columbia River Treaty between the United States and Canada in 2014, a similar process is underway. Earlier protests in Canada over lack of consultation when the original treaty was signed led to later calls for compensation. Local governments, First Nations, and citizens groups formed first the Columbia River Treaty Committee and later the Columbia River Trust, a Crown corporation. The Trust receives compensation from the Government of British Columbia but also is designed to play a role in the renegotiate process.<sup>6</sup> Further entangling partners, the Trust is also part of a joint venture with the Columbia Power Corporation, also a Crown corporation, managing treaty-related hydropower and related investment in Canada.

The notion of hybrid actors reveals an additional layer of complexity in the hydro-hegemony concept (Zeitoun and Warner 2006) and contributes to our current understanding of power relations and interplays in two ways. First, it unravels the dialectic relationship between key actors' changing interests and the actual shaping of the rules of the game in transboundary decision-making processes. Second, it implies the temporary nature of transboundary decision-making outcomes and consequently bends the rigid notion of power asymmetry.

Zawahri and Hensengerth (2012) illustrate this blurred boundary between state and non-state actors, highlighting the relationship of domestic NGOs leaders and government officials in China. As stated in the article: *Chinese domestic NGOs have managed to enter the sanctioned discourse of water management mostly when the government is responsive to their agendas. This is the case when NGOs possess links to the government* (Zawahri and Hensengerth 2012). Similarly, Warner (this issue) illustrates the overall dynamics in alliance formation processes over the Ilisu dam in Turkey, highlighting not only how key actors can move from state and non-state power domain, but also the fact that the movement itself (or the decision that comes with the movement) is much more important than the domain where such movement occurred.

<sup>5</sup> See also Wise (2010) for discussion on hybrid organizations and their potential value in the overall shaping of adaptive management systems.

<sup>6</sup> <http://virtualmuseum.ca/Exhibitions/Hydro/en/stories/treaties.php> (last accessed April 10, 2012).

## 4 Discussions

By highlighting the role of other key actors, outside the existing state domain, in the overall shaping of transboundary decision-making processes, the articles in this special issue have contributed to and enriched the current discourse on transboundary water research in several ways.

First, the articles illustrated that the state as monolith is more of a myth or desirable rather than a reality. The articles bring to light the complex structure and mechanisms that govern different state organs, their relations/interactions, and how these undermine the current formal representation of the state as an integrated governing entity with unified voice, general interest, and common development perspectives. In response to the way the state has been treated as a black box in the much past transboundary water governance analysis<sup>7</sup> (Hirsch and Jensen 2006; Sneddon and Fox 2006), these articles highlight the need for disaggregation and decomposition.

Second, these articles implicitly advocate democratisation processes in transboundary water governance emphasising actors' ability to make their voices heard. Highlighting the ambiguous notion of state representativeness, the articles not only question states' capability to govern transboundary waters, but also bring to light the opportunities to create entry points to initiate policy discussion and promote public participation towards a more transparent and deliberative decision-making processes.

Third, the articles highlight the need to better understand transboundary decision-making processes, and how these processes are shaped by different actors' interests, strategies, and access to resources within multiple governance levels and domains. Focusing on the presence of room for manoeuvre, they suggest the importance of negotiation and alliance/network formation processes in shaping the overall outcome of transboundary water governance.

Process-focused approach in transboundary water governance research can help us identify and understand key issues and perspectives as part of the overall mechanisms and structure that shape the logic of transboundary water governance within a particular basin. Warner's work on Turkey's Ilisu dam (this issue) shows the overall logic behind the apparent anarchy and the continuing absence of a basin treaty. A basin treaty would unnecessarily fix each country's positions (either strengthen Turkey's position as an upstream country and weaken other downstream countries; or weaken Turkey's position and strengthen downstream positions), a move perceived by key actors as undermining their room for manoeuvre. Dynamic power interplay as well as the way the United States has repositioned itself in the region's geopolitics shows that anarchy seems to be everyone's best options.

Similarly, in the Lower Mekong Basin, for instance, our institutional analysis of the Mekong River Commission shows that the overall logic in Mekong transboundary governance is rooted in the missing linkages between national- and regional-level

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<sup>7</sup> Current discourse on transboundary water governance continues to treat state as a homogenous unit of analysis and does not address the issue of state/country's representativeness beyond its formal/legal context or agreement. Similarly, the issue of bureaucratic fragmentation and sectoral disintegration in national-level water politics remains pretty much absent in transboundary water governance research. See also the way Hirsch and Jensen (2006) distinct national interest in transboundary water governance, as if such interest is derived from integration of state bureaucratic agencies at the national level. Though current analysis touch the problem of formal representation in river basin institution in general, these analysis seem to assume that centralised decision-making in river basin institution stemmed from the integration of state ministries and agencies at the national level (Miller and Hirsch 2003).

decision-making landscapes and processes (Suhardiman et al. 2012). Here, the missing linkages should not be perceived as an impediment in transboundary decision-making processes, but rather has become part of the structural requirements that shape the overall logic of Mekong water governance. As international donors often have development agenda which conflict with country's development perspective, one would expect that the formulation of this agenda by the MRC would be contested by its member countries. In practice, however, the Commission could formulate 'controversial' programmes (from the perspective of its member countries) without any open conflict because both donors and country member representatives know that these programmes could not be translated into national level due to the missing national–regional decision-making linkages.<sup>8</sup>

Furthermore, we believe that this process-focused approach could compliment earlier works in transboundary water governance research. Within the context of international relations, for instance, this approach compliments earlier work on water treaties. Linking current analysis on formal agreements with process-focused analysis will enable us to highlight and discuss the actual meanings of treaties from the respective (state) actors, the reasons for entering into international agreements, and thus the actual significance of the agreements beyond the current conflict–cooperation spectrum. In this context, treaties can be perceived as a product of negotiation and alliance formation processes between the actors at local, national, and regional level, rather than as a stand-alone legal document or policy outcome.

The process-focused approach can complement to the overall conceptualisation and better understanding of 'struggle' in transboundary water governance as highlighted in the critical hydropolitics concept. As stated by Sneddon and Fox (2006): *A critical hydro-politics sets the stage for alternative imaginings of river basins, ones that derive from non-state actors (and from the river itself) as they struggle for livelihood security along trajectories that see river basins in quite different terms* (Sneddon and Fox 2006: 184). With the incorporation of process-focused approaches within the critical hydropolitics, the analysis of struggle does not need to use a distinction of state from non-state actors, but can focus primarily on their relationships and interactions. Focusing on how key actors shape and reshape actual decision-making processes, the approach can potentially map the overall dynamics in these processes.

Last but not least, the notion of hybrid actors unravels additional layers of complexity in the hydro-hegemony concept and bends the rigid notion of power asymmetry towards greater understanding of power relations and interplays in transboundary decision-making processes. Viewing key actors, organisations as dynamic elements, the process-focused approach can link the overall shaping of discursive content in transboundary water governance, and how this may change over time with the evolution of key actors' interests and strategies, and vice versa. In line with Lopes' (this issue) proposition to move beyond hydro-hegemony, our understanding of these evolutionary processes would allow us to contribute to the overall transitional process of river basin organisational trajectories from hydro-hegemony to hydro-solidarity.

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<sup>8</sup> See also Hirsch and Cheong (1996) on how MRC member countries tolerate donor's development agenda due to their interests to acquire donors' funds.

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