

# The Proportion of Global South Scholarship in Elite International Law Publications

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## Abstract

This article examines the representation of Global South academics in elite international law publications. It first discusses the increasing pressure for Global South legal scholars to publish in a remarkably narrow range of journals and with renowned ‘international’ book publishers, and the daunting challenges in getting work accepted. Then, the article presents evidence on authorship and, for books, editorship, from international law journals indexed in Clarivate Analytics’ Web of Science and edited international law books published by Cambridge University Press and Oxford University Press. The evidence shows that both authorship and editorship are dominated by scholars from the Global North, especially the UK and the US. This may surprise no one but the difference between Global North and Global South representation is striking and should act as a wake-up call to publishers, editors, authors and institutional leaders.

## Keywords

Global South – Global North – international law – academic publication – publish or perish

## I. Introduction

Researchers aiming to write an academic article or book chapter, for the most part, want two things from academic publications: access to the relevant scholarly literature and to have their work accepted for publication. Though the two are related (a researcher needs access to be able to construct a manuscript good enough to be published), the second is what scholars most desperately crave because it is a crucial factor – perhaps the most crucial factor – in getting grants, financial rewards (in some environments), promotion, respect from peers and a good employment performance review. As universities scramble to rise in global rankings, it is no longer good enough though for researchers to simply publish. Rather, many researchers are pressured and incentivised to publish in a narrow set of hyper-elite publications.<sup>1</sup>

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<sup>1</sup> Imad A. Moosa, *Publish or Perish: Perceived Benefits Versus Unintended Consequences* (Edward Elgar Publishing 2018), 33, 179.

This article suggests that for many legal scholars in the Global South subjected to this ‘publish in the top publications or perish’ mentality, success in publishing remains a Sisyphean task. The article describes this environment by first discussing some of the reasons for this Global South push to publish in what are primarily Global North publications, and then discusses factors that make publishing in them so challenging for Global South academics. The article focuses on how the nature of law and legal publications magnifies these challenges. The article then produces empirical evidence – its main contribution to the literature – showing a remarkable disparity between the amount of Global South and Global North scholarship in these publications. Studies have been done in other fields showing similar results but there do not appear to be any on international law.<sup>2</sup>

The article’s focus on the conditions in which many Global South international law scholars work and on the empirical evidence that reflects the outcomes of these pressures and challenges means that it puts to the side deeper, systemic questions. Should Global South legal scholars even be trying to publish in so-called elite Global North publications? Are there not elite Global South international law publications that should be considered in the study? By using established journal rankings created by Global North companies and institutions, will not Global South legal scholars almost by definition be sidelined? What effect does incentivising Global South legal scholars to publish in Global North publications have on the global and local production of knowledge? Should the underlying structures that support the dominance of Global North academic publications and authors be upended? These crucial questions must be postponed to another day or, hopefully, will continue to be taken up by others.

Finally, a note on sources. Ideally, given the subject matter of this article, the majority, or at least a substantial portion, of footnote citations would be to Global South publications and authors. In preparing this article, literature from Global South publications and authors was used when it supported a particular point but no special efforts were made to either disregard Global North publications and authors or to filter searches to exclude them. Research remains subject to the proclivities and algorithms of search engines and online databases.<sup>3</sup> In determining relevance, for instance, Google Scholar considers how often scholarly material has

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<sup>2</sup> For Global South publishing in development studies, for example, see, Sarah Cummings and Paul Hoebink, ‘Representation of Academics from Developing Countries as Authors and Editorial Board Members in Scientific Journals: Does this Matter to the Field of Development Studies?’, *European Journal of Development Research* 29 (2017), 369-383.

<sup>3</sup> Susan Nevelow Mart, ‘The Algorithm as a Human Artifact: Implications for Legal [Re] Search’, *L. Libr. J.* 109 (2017), 387-422.

been cited.<sup>4</sup> Yet citation analysis has been shown to produce ‘ranking outcomes [that] are skewed in favour of the developed countries’.<sup>5</sup> About 60 % of the scholarly journals in the Hein Online database, as another illustration, are published in the US.<sup>6</sup> The academic journals in JSTOR hail from only 57 countries.<sup>7</sup> These types of limitations, on top of the broader inequalities between Global South and Global North in production of scholarship and publication prestige, magnify citation inequities.

## II. Key Terminology

This article uses several descriptive terms that remain contested. This section explains the meanings attributed to these terms for the purposes of this study.

### 1. ‘Global South’

In this article, ‘Global South’ and ‘Global North’ are used to describe particular sets of countries that in the recent past were often divided into ‘First World’, ‘Second World’ and ‘Third World’ countries, with the ‘Global South’ comprising, for the most part, the ‘Third World’. Sometimes, the terms ‘developing world’, ‘less-developed world’ and ‘non-Western’ have also been used to describe a similar set of countries as the Global South. ‘Global South’ has been described to include ‘Africa, Latin America and the Caribbean, and parts of Asia and Oceania, with contours often remaining blurred’.<sup>8</sup> Use of the term in academic publications has been growing expo-

<sup>4</sup> University of Otago, ‘Google Scholar: Tips & Tricks’, <[https://www.otago.ac.nz/library/pdf/Google\\_Scholar\\_Tips.pdf](https://www.otago.ac.nz/library/pdf/Google_Scholar_Tips.pdf)>, last access 2 May 2024; Universiteit Utrecht, ‘Google Scholar (EN): Find Out More’, <<https://libguides.library.uu.nl/c.php?g=202169&p=1329846#s-lg-box-wrapper-4732448>>, last access 2 May 2024.

<sup>5</sup> Williams Ezinwa Nwagwu, ‘Cybernating the Academe: Centralized Scholarly Ranking and Visibility of Scholars in the Developing World’, *Journal of Information Science* 36 (2010), 228-241 (229).

<sup>6</sup> HeinOnline, ‘Journals and Periodicals’, <<https://home.heinonline.org/content/journals-and-periodicals/>>, last access 2 May 2024.

<sup>7</sup> JSTOR, ‘Journals’, <<https://about.jstor.org/librarians/journals/>>, last access 2 May 2024.

<sup>8</sup> Sebastian Haug, Jacqueline Braveboy-Wagner and Günther Maihold, ‘The “Global South” in the Study of World Politics: Examining a Meta Category’, *TWQ* 42 (2021), 1923-1944. But see, e.g., Marton Demeter, ‘The Global South’s Participation in the International Community of Communication Scholars: From an Eastern European Point of View’, *Publishing Research Quarterly* 34 (2018), 238-255 (arguing that the countries of Eastern Europe are also part of the Global South).

nentially since the 1990s, with a steep increase in the past 15 years.<sup>9</sup> ‘Global North’ comprises the countries that are not in the Global South.

The term refers not to a strictly geographical North-South divide but instead to decolonised nations that largely are located to the south of the historical colonial powers.<sup>10</sup> ‘Global South’ therefore contains a geopolitical aspect and is not merely, though to some extent also reflects, a division based on poverty levels.<sup>11</sup> Other well-known terms that similarly distinguish countries have not been used here because they do not reflect the colonisation aspect of many Global South-Global North relationships and the Global South’s socio-economic marginalisation and counter-hegemonic efforts. These include terms that focus largely on economic development (Organisation for Economic Co-Operation and Development (OECD) and non-OECD), living standards (the United Nations Human Development Index) and impediments to sustainable development (the United Nations Least Developed Countries).

Meta-categories like ‘Global South’ can be useful to classify global space despite their limitations.<sup>12</sup> They are particularly helpful in assessing how, when investigating colonial or imperial impact or socio-economic disparities, empirical patterns (like those presented in this article) may require additional attention.<sup>13</sup> Nevertheless, it is important to keep in mind that, like its predecessor terms, there is no universal understanding of which countries comprise the Global South. Understanding of the term can differ based on the issue, the academic field and even the subfield.<sup>14</sup>

## 2. Countries in the Global South

This article uses a list compiled by the Organisation for Women in Science for the Developing World (OWSDW) to determine which countries comprise the Global South.<sup>15</sup> Other options included, for example, the *Journal of Environmental Law*’s description of the Global South countries as: ‘Countries in the regions of Africa, Latin America and the Caribbean, Asia and

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<sup>9</sup> Haug, Braveboy-Wagner and Maihold (n. 8), 1923.

<sup>10</sup> Haug, Braveboy-Wagner and Maihold (n. 8).

<sup>11</sup> B. R. Tom Tomlinson, ‘What Was the Third World?’, *J. Contemp. Hist.* 38 (2003), 307-321.

<sup>12</sup> Haug, Braveboy-Wagner and Maihold (n. 8), 1926.

<sup>13</sup> Haug, Braveboy-Wagner and Maihold (n. 8), 1933.

<sup>14</sup> Haug, Braveboy-Wagner and Maihold (n. 8), 1933; Tomlinson (n. 11), 308.

<sup>15</sup> This list is available at <<https://owsd.net/sites/default/files/OWSD%20138%20Countries%20-%20Global%20South.pdf>>, last access 2 May 2024.

Oceania (excluding Australia and New Zealand) as per the UN Conference on Trade and Development'.<sup>16</sup> The UN Conference on Trade and Development, however, appears only to categorise countries into developed, developing and least developed countries.<sup>17</sup> In studying which authors produce transitional justice scholarship, Maja Davidović and Catherine Turner used the term 'Global South' to describe institutional affiliations outside the US, Europe, Australia and Canada.<sup>18</sup> The Finance Center for South-South Cooperation (FCSSC), a non-profit international organisation founded in Hong Kong and an organisation in special consultative status with the United Nations Economic and Social Council, maintains a Global South list of 78 countries.<sup>19</sup>

The OWSDW list was chosen because it is from a credible organisation<sup>20</sup> and is much broader than what is probably its most comparable competitor, the FCSSC list. The OWSDW list contains 138 countries compared to the FCSSC's 78. Using the more restrictive FCSSC list would skew the data towards showing a higher number of Global North editors and authors. This article will show that *even using the more extensive OWSDW Global South list*, the difference between Global South and Global North representation is remarkable. Additionally, one of the main areas of focus for the OWSDW is scientific research, while the FCSSC focuses more on economic and sustainable development.

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<sup>16</sup> Journal of Environmental Law, 'Call for Papers: Writing Workshop for Early Career Scholars from the Global South', <<https://academic.oup.com/jel/pages/cfp-writing-workshop?>>, last access 2 May 2024.

<sup>17</sup> United Nations Conference on Trade and Development, 'UN List of Least Developed Countries', <<https://unctad.org/topic/least-developed-countries/list>>, last access 2 May 2024; United Nations Conference on Trade and Development, 'Classifications', <<https://unctadstat.unctad.org/EN/Classifications.html>>, last access 2 May 2024.

<sup>18</sup> Maja Davidović and Catherine Turner, 'What Counts as Transitional Justice Scholarship? Citational Recognition and Disciplinary Hierarchies in Theory and Practice', *International Studies Quarterly* 67 (2023) 1-13.

<sup>19</sup> Finance Center for South-South Cooperation, 'Global South Countries', <[http://www.fc-ssc.org/en/partnership\\_program/south\\_south\\_countries](http://www.fc-ssc.org/en/partnership_program/south_south_countries)>, last access 2 May 2024. This list is used by the British International Studies Association. British International Studies Association, 'Global South Countries', <<https://www.bisa.ac.uk/become-a-member/global-south-countries>>, last access 2 May 2024.

<sup>20</sup> OWSDW is an international organisation founded in 1987 and located at the offices of The World Academy of Sciences, Trieste, Italy. It is a programme unit of the United Nations Educational, Scientific and Cultural Organisation.

### 3. 'Global South Scholar'

Birthplace, place of education and place of employment are all potentially important factors in determining whether a scholar faces obstacles associated with the Global South, such as a mother tongue other than English, an education in a system with norms of training and writing that are different from those expected by Global North elite publications, a lack of economic resources to obtain grants, training or conferences that can hone one's research and writing skills or facilitate networking with journal and book editors, etc. People's backgrounds, though, are diverse. To illustrate, one may be born in a Global South country, raised and educated in a Global North country and then work in a Global South country. Or any combination of these. For this article, the decision was made to only consider employment affiliation. Location of education was not considered, not because it is not important, but because it is more difficult to determine from publicly-available information on the Internet. Location of primary and secondary education and birthplace are generally not possible to find. Higher education background can often be found but can vary as most academics have multiple degrees. How would one categorise a scholar who has an undergraduate degree from Peru and a PhD from the US? A more finely calibrated analysis than the one used here would be required to incorporate these types of distinctions.

Focusing on institutional affiliations has its limitations. Within a country there is a wide range of higher education institutions. Some are well-funded and prestigious, attracting top research talent from around the world or region. Others are not. Within each institution, similarly, there is a wide range of scholars, some with advanced research skills. Others without. Though the coding of data for this article does not capture these differences, the use of institutional affiliation nonetheless retains significant value because this study seeks to identify broad Global South-Global North patterns of publication rather than more finely-grained distinctions within regions, countries or institutions. Additionally, Global South is not just about economic disadvantages or educational differences; it is also about being part of the periphery in academic publishing. Some gatekeepers may presume that a manuscript associated with a Global South institutional affiliation is of lower quality and less relevance to Global North or international law matters.<sup>21</sup> At

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<sup>21</sup> Linda V. Knight and Theresa A. Steinbach, 'Selecting an Appropriate Publication Outlet: A Comprehensive Model of Journal Selection Criteria for Researchers in a Broad Range of Academic Disciplines', *International Journal of Doctoral Studies* 3 (2008), 59-79 (63) (observing that rejection sometimes results from geographic prejudice).

student-edited US law journals, where there is no blind review and a CV is a required part of the submission, Global South legal scholars face a doubly-difficult time.<sup>22</sup>

#### 4. 'Elite International Law Publications'

For elite journals, this article uses the international law journals in Clarivate Analytics' Web of Science (WoS) Social Science Citation Index (SSCI). Prestige of publications is subjective across cultures, national systems, law schools and individual legal scholars. There is no universally-accepted list of the best law journals and books, nor should there be. Determining what publications are elite is particularly parochial in law because of the need to also write for legal practitioners and judges, the fact that academic work in law (as opposed to many other academic fields) is often of interest to only a limited geographical jurisdiction, the use of different languages, the different writing and citation styles and the development of multiple student-edited non-peer-reviewed law journals at many US universities that absorb most US submissions (which has created bizarre submission games).<sup>23</sup> I have been informed anecdotally that in deciding where to submit, German legal scholars pay almost no attention to international journal indices.

The three most prominent journal rankings / citation indices that include international law journals are WoS, Elsevier's Scopus and the Washington & Lee Law Journal Rankings. Google Scholar also provides a ranking based on proprietary citation calculations though there is little evidence that academia considers it as seriously as the other three.<sup>24</sup> The Washington & Lee rankings, though appealing because they focus solely on law journals, were not used for this article primarily because of their US-bias. To determine which

<sup>22</sup> For the CV requirement, see e. g., the Columbia Journal of Transnational Law, <<https://www.jtl.columbia.edu/submissions>>, last access 2 May 2024 or the Scholastica submission system that is used by most US student-edited law journals, <<https://app.scholasticahq.com/law-review-submission/54093/files>>, last access 2 May 2024 (must log in to view). For the non-blind review, see Jonathan Gingerich, 'A Call for Blind Review: Student Edited Law Reviews and Bias', *J. Legal Educ.* 59 (2009), 269-278.

<sup>23</sup> For a semi-humorous overview of submission games at US student-edited law journals, which allow multiple simultaneous submissions, see Brian Galle, 'The Law Review Submission Process: A Guide for (and by) the Perplexed', *Medium*, 12 August 2016.

<sup>24</sup> Leslie S. Adriaanse and Chris Rensleigh, 'Web of Science, Scopus and Google Scholar: A Content Comprehensiveness Comparison', *The Electronic Library* 31 (2013), 727-744. For Google Scholar's international law journal ranking, see <[https://scholar.google.com/citations?view\\_op=top\\_venues&hl=en&vq=soc\\_internationallaw](https://scholar.google.com/citations?view_op=top_venues&hl=en&vq=soc_internationallaw)>, last access 2 May 2024; for its ranking methodology, see <<https://library.rush.edu/c.php?g=1075750&p=7836549>>, last access 2 May 2024.



journals rank highest, they use citation data from Westlaw's Law Reviews & Journals database (over 1,000 primarily US publications) and Westlaw's Cases database (all US federal and state cases).<sup>25</sup> Washington & Lee and Google Scholar also, unlike WoS and Scopus, use pure automation based on citations to generate their rankings. In contrast, Scopus and WoS both have human subject matter experts that assess journals according to particular criteria. WoS uses 28 criteria and Scopus 14 to decide whether to include a journal.<sup>26</sup> Additionally, that relatively transparent criteria are used to select and rank them makes the WoS list arguably less subjective, for instance, than a rough verbal list of journal names handed down by senior colleagues.

Of the three major indices, WoS is the most exclusive. The Washington & Lee Law Journal Rankings include 1,565 law journals, Scopus 1,124 law journals and WoS SSCI 154 law journals. WoS includes many journals with which international legal scholars will be familiar, with the top ten (for 2023, SSCI, ranked by Journal Impact Factor) including US journals like the *Yale Law Journal*, *Stanford Law Review*, *American Journal of International Law* and *Harvard Law Review*, and Cambridge University Press's (CUP) *Transnational Environmental Law* and Oxford University Press's (OUP) *Journal of International Economic Law* and *Journal of Law and the Biosciences*. A glaring omission from WoS is the well-regarded *Law Quarterly Review*. British legal scholars also might raise an eyebrow to find the *Cambridge Law Journal* and the *Oxford Journal of Legal Studies* ranked quite low at 62 and 83 respectively. The *European Journal of International Law* ranks 85<sup>th</sup>, likely a surprisingly low position in the eyes of many international law scholars though this result has been addressed by one of the journal's co-editors-in-chief.<sup>27</sup> But these placements help to highlight how citation rankings differ from what scholars may generally believe about prestige. Rankings should be taken with a grain of salt.

WoS exclusivity means that many well-regarded international law journals that are ranked highly in other indices are not on the list. These include, for instance, the *German Law Journal*, the *Yale Journal of International Law*, the *Asian Journal of International Law*, the *Chicago Journal of International*

<sup>25</sup> Washington & Lee University School of Law, 'Ranking Methodology', <<https://managementtools4.wlu.edu/LawJournals/Default3.aspx>>, last access 2 May 2024.

<sup>26</sup> Clarivate Analytics, 'Web of Science Journal Evaluation Process and Selection Criteria', <<https://clarivate.com/products/scientific-and-academic-research/research-discovery-and-workflow-solutions/webofscience-platform/web-of-science-core-collection/editorial-selection-process/editorial-selection-process/>>, last access 2 May 2024; Elsevier, 'Content Policy and Selection', <<https://www.elsevier.com/products/scopus/content/content-policy-and-selection>>, last access 2 May 2024.

<sup>27</sup> Joseph Weiler, 'Impact Factor – The Food is Bad and What's More There is Not Enough of It', EJIL:Talk!, 19 October 2012.

*Law*, the *Virginia Journal of International Law*, the *Cambridge International Law Journal*, the *Heidelberg Journal of International Law*, the *London Review of International Law* and the *Netherlands International Law Review*, among others. The *Heidelberg Journal of International Law* is indexed in Scopus but not WoS. This study though is focused on the journals that Global South legal scholars aim for, and there is compelling evidence that the quality of WoS, more than other rankings, is valued globally.<sup>28</sup> It is important to recall, however, that Global South law schools are diverse, and the universities that they are attached to are also diverse. Some that focus primarily on teaching rather than research may not aim for publication in top journals at all. There is no question that at Universiti Malaya, a research university, an article placed in the *Chinese Journal of International Law*, which is indexed in WoS, is allocated much more value than an article in, for instance, the *Yale Journal of International Law*, which is not in WoS or Scopus. This might be difficult for US legal scholars to believe.

The value of metrics like WoS's Journal Impact Factor (JIF) and Scopus's CiteScore to rank journals has been much-criticised. In the context of comparing journals in the field of international law, where much work continues to be published in books and in languages other than English, these metrics make even less sense.<sup>29</sup> This article avoids some of these pitfalls by collecting data on all international law journals indexed in WoS SSCI, regardless of JIF.

The process for determining the elite edited books in international law was less systematic. CUP and OUP are generally considered top global publishers of international law scholarship.<sup>30</sup> There is anecdotal evidence that they are the most prestigious publishers of international law monographs.<sup>31</sup> In 2015, OUP and CUP published the most international law books.<sup>32</sup> Given the exceptional quality of the work published more broadly by OUP and CUP, this selection is arguably less controversial than for the journals. Additionally, though there are other very prestigious presses, few would argue that OUP and CUP are not elite places for academic work.

<sup>28</sup> Diego Chavarro, Ismael Ràfols and Puay Tang, 'To What Extent Is Inclusion in the Web of Science an Indicator of Journal "Quality"?', *Research Evaluation* 27 (2018), 106–118.

<sup>29</sup> Marko Milanovic, 'Horrible Metrics', *EJIL:Talk!*, 24 August 2016.

<sup>30</sup> Prabhakar Singh, 'Indian International Law: From a Colonized Apologist to a Subaltern Protagonist', *LJIL* 23 (2010), 79–103.

<sup>31</sup> See comment by Kevin Jon Heller in: Brian Leiter, 'The Best (i. e., Most Prestigious/High Profile) Academic Publishers in Law?', *Brian Leiter's Law School Reports*, 1 October 2007.

<sup>32</sup> John Louth, 'Guest Post: How Many International Law Books are Published in a Year?', *OpinioJuris*, 8 April 2015.

### III. Publication Pressures and Challenges in the Global South

#### 1. The Rise of Quantification and Global Rankings

As part of a broad movement to quantify academic production and quality, scholars around the world are under immense pressure to increase their publishing in elite venues. One of the primary ways universities incentivise publishing in indexed journals and prestigious books is to offer extra points during employment performance reviews and on promotion applications. To illustrate, at Universiti Malaya, an academic's performance is divided into research, teaching and services. Each of these three categories is allocated a certain percentage of the whole, with some discretion given to the researcher to designate the percentage within a particular range that depends on the researcher's position (full professors, for instance, may have more points allocated to research than to teaching). The research component – let's say it is allocated 40 % of the total – is then achieved primarily by way of publications and grants. Each publication and each grant receives a certain number of points depending on the prestige of the publication or the amount of the grant, and whether the field is in the natural sciences (fewer points for each publication due to the differences in field norms) or social sciences or arts and humanities (more points for each publication). These points are then put through a formula with certain weightages, again depending on position. At Universiti Malaya, academic books published by prestigious international presses and articles in top WoS journals receive the most points. Scopus-indexed publications are a tier below. Articles in non-indexed journals follow. Baetens and Prislán sum up this type of system: 'publishing one's work as such is no longer sufficient; one has to aim for "the amount of the highest ranking international journals"'.<sup>33</sup>

An important contributing factor to this pressure is the equally intense pressure on many university leaders to rise in global rankings.<sup>34</sup> Banners around the campus where I work proudly flap in the wind to display any increase in Quacquarelli Symonds (commonly known as 'QS') ranking (but

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<sup>33</sup> Freya Baetens and Vid Prislán, 'The Dissemination of International Scholarship: The Future of Books and Book Reviews', *LJIL* 27 (2014), 559-569.

<sup>34</sup> Agnieszka Lekka-Kowalik, 'Academia in the Grip of the Wolf and Its Utopia', *Minerva* 60 (2022), 139-158; Carolina Guzmán-Valenzuela, 'Values and the International Collaborative Research in Higher Education: Negotiating Epistemic Power Between the Global South and the Global North' in: Paul Gibbs, Jill Jameson and Alex Elwick (eds), *Values of the University in a Time of Uncertainty* (Springer International Publishing 2019), 137-153 (140).

are conspicuously absent when there is a drop and never include the lower rankings issued by other ranking companies). The connection between rankings and publication pressure is created by the ranking methodologies: most well-known global rankings use bibliometric publication data in their calculations. US News & World Report, the Academic Ranking of World Universities and the Leiden Ranking, for example, use data from WoS, while Times Higher Education and QS use data from Scopus.<sup>35</sup> Universities have increasingly been incentivising their academic staff to publish in journals included in these indices.<sup>36</sup> After all, more indexed journal articles per year leads to a better score in any particular ranking's research component which in turn leads to a better overall university ranking. I receive a WoS incentive payment into my research fund when I publish in a WoS journal. The amount of the payment depends on where the journal's JIF falls within the subject area's index. Universiti Malaya suggests that its high impact research strategy fuelled its increase in QS ranking from 207<sup>th</sup> in 2010 to 70<sup>th</sup> in 2020.<sup>37</sup> It is 65<sup>th</sup> in the world in the 2024 QS ranking. That is an eye-opening rise that may prompt some to wonder about the credibility of QS's methodology. Universities are unlikely to suggest that publication incentives are aimed at rankings; instead, they would say, incentives aim to increase the quality of scholarship. But it is hard to imagine that universities would not change course if the rankings altered their methodologies.<sup>38</sup>

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<sup>35</sup> Clarivate Analytics also entered into a contract to provide citation information to the UK's Research Excellence Framework. Research Excellence Framework, 'Clarivate Analytics Will Provide Citation Data During REF 2021', <<https://2021.ref.ac.uk/guidance-and-criteria-on-submissions/index.html>>, last access 3 May 2024.

<sup>36</sup> Jonathan P. Tennant, 'Web of Science and Scopus Are Not Global Databases of Knowledge', *European Science Editing* 46 (2020), e51987; Françoise Salager-Meyer, 'Writing and Publishing in Peripheral Scholarly Journals: How to Enhance the Global Influence of Multilingual Scholars?', *Journal of English for Academic Purposes* 13 (2014), 78-82 (79).

<sup>37</sup> Clarivate Analytics, 'Unveiling Universiti Malaya Strategy from Uncelebrated to Amongst the World's Leading Universities', <<https://clarivate.com/webofsciencegroup/webinars/unveiling-universiti-malaya-strategy-from-uncelebrated-to-amongst-the-worlds-leading-universities/>>, last access 2 May 2024.

<sup>38</sup> The Leiden Manifesto for Research Ethics, which contains ten principles to guide research evaluation (such as 'Quantitative evaluation should support qualitative, expert assessment'), and the Declaration on Research Assessment (DORA), whose mission is to 'advance practical and robust approaches to research assessment globally and across all scholarly disciplines', are attempts to counter the push towards over-quantification. Leiden Manifesto for Research Ethics, <<http://www.leidenmanifesto.org/>>, last access 2 May 2024; DORA, 'What Is DORA?', <<https://sfedora.org/>>, last access 2 May 2024.

## 2. Impact on the Global South

Tennant argues that WoS and Scopus are biased against Global South publications and ‘reinforce a western hegemony in global scientific endeavours’.<sup>39</sup> Collyer points more broadly to seven factors that perpetuate the inequalities in knowledge production between North and South: market concentration (of major academic publishers), commodification (replacement of academic publishers by commercial ones and dominant use of commercial indices to perform research), monopolisation (by commercial publishers), extraversion (Global South authors orient their research to Northern standards), introversion (the suspicion with which Global North scholars view Global South research), internationalisation (dominance of English-language publications) and standardisation (of Global North publication practices).<sup>40</sup> Guzmán-Valenzuela suggests that in pushing to produce research, gain prestige, collaborate internationally and obtain grants, all in the hopes of becoming a world-class university, ‘universities in the Global South give up their identities and continuously look toward the Global North while, at the same time, universities in the Global North perpetrate and reinforce their supremacy over the rest’.<sup>41</sup>

The publication incentives and policies in many Global South countries – among them Vietnam,<sup>42</sup> Malaysia,<sup>43</sup> China,<sup>44</sup> Qatar,<sup>45</sup> Nigeria,<sup>46</sup> and Uruguay<sup>47</sup> – reflect this focus on publishing in only the most ‘elite venues’, often to the detriment of Global South academics and the knowledge they produce. Owan and Asuquo write about the Nigerian experience:

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<sup>39</sup> Tennant (n. 36).

<sup>40</sup> Fran M. Collyer, ‘Global Patterns in the Publishing of Academic Knowledge: Global North, Global South’, *Current Sociology* 66 (2018), 56-73.

<sup>41</sup> Guzmán-Valenzuela (n. 34), 143.

<sup>42</sup> Quan-Hoang Vuong, ‘The Harsh World of Publishing in Emerging Regions and Implications for Editors and Publishers: The Case of Vietnam’, *Learned Publishing* 32 (2019), 314-324.

<sup>43</sup> Sabarinah Sh Ahmad, ‘Performance Indicators for the Advancement of Malaysian Research with Focus on Social Science and Humanities’, *Procedia – Social and Behavioral Sciences* 68 (2012), 16-28 (16-17).

<sup>44</sup> Moosa (n. 1), 14. China has recently shifted away from pushing so forcefully for publications in prestigious Global North journals.

<sup>45</sup> Alison Abrisit and Alison McCook, ‘Cash Bonuses for Peer-Reviewed Papers Go Global’, *Science*, 10 August 2017.

<sup>46</sup> Valentine Joseph Owan and Michael Ekpenyong Asuquo, “Publish or Perish”, “Publish and Perish”: the Nigerian Experience’ in: John Atelwhoble Undie, Joel Babatunde Babalola, Bello A. Bello and Iheanyi N. Nwankwo (eds), *Management of Higher Education Systems* (University of Calabar Press 2022), 986-994.

<sup>47</sup> Ana Heredia and Eloisa Viggiani, ‘Guest Post – New Winds from the Latin American Scientific Publishing Community’, *The Scholarly Kitchen*, 8 March 2022.

‘Today emphasis is placed on African scholars to publish in Web of Science, and Scopus indexed journals that the West considers the mainstream producers of scientific knowledge. Due to this drive, Nigerian authors hoping to publish with reputable Western research publishers have had their attempts thwarted by Africa’s longstanding and persistent Western academic denigration. Many international publishers are more likely to hold African authors to the same intellectual and literary standards as those in the West, which are seen as the pinnacle of culture and intellectualism [...] As a result, getting published or read is no more a consequence of how vital a researcher or scholarly work is to comprehending the African condition but how well it conforms to western standards and expectations. What follows is a high rate of rejection for articles submitted by African scholars because our needs and priorities are misaligned with those of industrialised nations.’<sup>48</sup>

### 3. Challenges for Global South Scholars of International Law

For *legal* scholars of the Global South working in these environments, these pressures mean that the best place to publish is in law journals included in WoS’s SSCI. In 2021, the time when data collection on journals was completed for this article, there were 154 journals included in the SSCI law category.<sup>49</sup> Combined, these journals published 6,317 items that year. That may seem like a lot but consider the amounts in other fields. In civil engineering, 38,677 items indexed in the Science Citation Index Expanded were published in 2021. And civil engineering is only one of 41 engineering categories; combined, they include 3,529 titles that in 2021 published 810,655 citable items. This makes the available slots in law publications less than 1 % of those available to engineers. A WoS-indexed journal entitled *Energies* published a whopping 19,838 items in 2021. That is a single journal that published over three times the number of pieces that all law journals combined published. The point is that the competition for legal scholars to publish in a WoS-indexed law journal is, by sheer numbers alone, almost certainly more intense than for scholars of many other fields. An international law scholar, of course, has a much narrower window because international law scholarship fits into a small minority of the 154 law journals. University administrators unfamiliar with these differences, the editorial quirks of US student-edited law journals (which dominate the top tier of the SSCI-indexed law journals and are often biased towards authors from prestigious institutions) or the unique jurisdictional qualities of legal scholarship (as opposed to, say, biology or engineering) likely cock an eyebrow or try to

<sup>48</sup> Owan and Asuquo (n. 46), 990-991.

<sup>49</sup> Data were collected from Clarivate Analytics, Journal Citation Reports.

suppress a frown when they see a law department's difficulty in placing publications in these elite journals.

The limited spots in the list of top journals as determined by WoS, however, is merely one of many obstacles. As Emtseva explains, 'if you want to be recognized [in international law], you have to master English, adapt a particular European or North American style of writing, and publish constantly'.<sup>50</sup> She suggests that the work of graduates of Western universities dominates academic publications because they are more likely to have mastered English and to have the type of legal education needed to produce the right type of scholarship. In this vein, Peters suggests that the invisible college of international lawyers is better characterised as 'an elite college of scholars of the developed world' in which 'academics from the so-called global South are relegated to the role of eternal students'.<sup>51</sup> Gurmendi and Miranda da Cruz, as Latin American scholars, relay how in addition to language challenges, cultural training that results in structural and presentation issues is a further obstacle to publishing in prestigious international law journals.<sup>52</sup> They explain, for instance, that although the *American Journal of International Law (AJIL)* recommends stating one's claims in the introduction, some cultures train scholars to leave this out because it may be rude to spoil the reader's experience. Some writing cultures also do not encourage road maps, as the *AJIL* does, because they are seen as redundant. Sometimes a conclusion is deemed unnecessary because the reader is expected to have read the entire article and arrived at his or her own conclusions. Global South authors, even prominent ones, sometimes have their work labelled 'cryptic' or 'elitist' because of their different writing style.<sup>53</sup> More practical considerations, such as poor internet connectivity, scarce research materials and electricity outages, also pose challenges.<sup>54</sup> Given these challenges, we should find it remarkable when Global South authors are actually able to secure a spot in a top international law journal.

Other factors, on the other hand, may work in favour of Global South international law scholars. Regional differences in perceptions of which journals are elite, for instance, means less competition for Global South scholars who want to publish in SSCI journals. Most notably, US legal scholars generally consider the ranking of a US student-edited law journal to

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<sup>50</sup> Julia Emtseva, 'Practicing Reflexivity in International Law: Running a Never-Ending Race to Catch Up with the Western International Lawyers', *GLJ* 23 (2022), 756-768.

<sup>51</sup> Anne Peters, 'The American Law Institute's Restatement of the Law: Bastion, Bridge and Behemoth', *EJIL* 32 (2022), 1377-1397 (1387).

<sup>52</sup> Alonso Gurmendi and Paula Baldini Miranda da Cruz, 'Writing in International Law and Cultural Barriers (Part I)', *OpinioJuris*, 7 August 2020.

<sup>53</sup> Gurmendi and Miranda da Cruz (n. 52).

<sup>54</sup> Salager-Meyer (n. 36).



roughly match the law school's ranking in the US News & World Report.<sup>55</sup> Hence, the *Columbia Law Review* is a better placement than, for instance, the *Georgia Law Review* because Columbia Law School is ranked higher (8<sup>th</sup>) than the University of Georgia School of Law (20<sup>th</sup>). To determine the ranking of specialty journals, such as international law journals, environmental law journals and so on, a scholar might add 20, 30, 40 or even 50 spots.<sup>56</sup> The *Columbia Journal of Transnational Law*, according to these rough calculations, is somewhere between 30-60 or so. What this means – and this is the important point – is that US legal scholars are likely aiming for the *Georgia Law Review* (20<sup>th</sup>) before the *Columbia Journal of Transnational Law* (30<sup>th</sup>-60<sup>th</sup>), even though the *Columbia Journal of Transnational Law* is indexed in WoS but the *Georgia Law Review* is not. For Global South scholars facing pressure to publish in WoS journals, these calculations, though they should not be taken too literally, theoretically help in lessening the competition for acceptance by US specialist journals by diverting some US legal scholars from indexed to non-indexed publications. At least until US universities start to worry more about QS rankings.

#### IV. Who Publishes in Elite International Law Journals and Edited Books? A Global South Perspective

Are the challenges faced by Global South international law scholars to publish in elite publications actually reflected in the authorship and editorship of content in these journals and books? If so, how bad is it?

##### 1. Global South Representation in Journals

The representation of Global South authors in reputable internationally published scientific literature remains low.<sup>57</sup> Demeter found, for example, that

<sup>55</sup> Michael D. Cicchini, 'Law Review Publishing: Thoughts on Mass Submission, Expedited Review, and Potential Reform', *University of New Hampshire Law Review* 16 (2017), 147-177 (150-151).

<sup>56</sup> Cicchini (n. 55), 150.

<sup>57</sup> Kilian Buehling, Matthias Geissler and Dorothea Strecker, 'Free Access to Scientific Literature and Its Influence on the Publishing Activity in Developing Countries: The Effect of Sci-Hub in the Field of Mathematics', *Journal of the Association for Information Science and Technology* 73 (2022), 1336-1355. For many, the quality of a journal has developed, whether rightly or wrongly, into a proxy for the quality of the articles in it. Charles K. Addo, 'Assessing the Assessor: Using Journal Source as Proxy for Quality of Article Damaging Scholars' Career', *International Journal of Education and Evaluation* 3 (2017) 1-6; Somnath Saha, Sanjay Saint and Dimitri A. Christakis, 'Impact Factor: A Valid Measure of Journal Quality?', *Journal of the Medical Library Association* 91 (2003), 42-46.



over 70 % of authors of articles in Scopus-indexed humanities and social science journals were affiliated with institutions from Europe or North America.<sup>58</sup> In an ironic twist, the skewed representation extends even to journals addressing developing world issues.<sup>59</sup> Studies on the publishing of international law scholarship are uncommon but similarly indicate that Global South authors continue to struggle to publish in the most elite venues. In 2021, Dias found the following contributions based on nationality to OUP's prestigious Oxford Monographs in International Law series: 80 % from Europe, North America and Australia; 6.10 % from Africa; 6.10 % from Asia; and 0 % from Latin America (with the remainder coming from Eastern Europe, the Caribbean and Israel).<sup>60</sup> For CUP's similarly well-regarded book series Cambridge Studies in International and Comparative Law, the figures were: 89 % from Europe, North America, Australia and New Zealand; 7 % from Asia; 4 % from Latin America; 0 % from Africa; and 3 % from Israel.<sup>61</sup> Monographs published by these presses can often have a significant impact on a scholar's career trajectory.<sup>62</sup> Yet Dias' data indicate that Global South scholars are for the most part left out. In 2020, Gurmendi and Miranda da Cruz similarly observed that only one of 14 authors who published in the then-current issues of the top three international law journals (as ranked by Washington & Lee law journal rankings) was based outside the US and Europe.<sup>63</sup>

## 2. Global South Representation in Edited Books

Though generally considered less prestigious than peer-reviewed journal articles and monographs, chapters in edited books are another important space for law authors to publish.<sup>64</sup> The ease, or lack thereof, with which

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<sup>58</sup> Márton Demeter, *Academic Knowledge Production and the Global South: Questioning Inequality and Under-representation* (Palgrave Macmillan 2020).

<sup>59</sup> Buehling, Geissler and Strecker (n. 57).

<sup>60</sup> Oxford Monographs in International Law – Gender and Representation Breakdown <[https://docs.google.com/spreadsheets/d/1UKRP\\_3uNaxfEfalPDlaXetdJXWKliH4P05IRKhZOYA/edit#gid=1024356229](https://docs.google.com/spreadsheets/d/1UKRP_3uNaxfEfalPDlaXetdJXWKliH4P05IRKhZOYA/edit#gid=1024356229)>; <https://twitter.com/tdesouzadias/status/1372189404798783499>>, last access 2 May 2024.

<sup>61</sup> Cambridge Studies in International and Comparative Law (International Law Titles) <<https://docs.google.com/spreadsheets/d/1JPM3X5K6CFiCHgyuV4svh9XXT3GXV8r736-1WRQXVBE/edit#gid=1100251025>>, last access 2 May 2024; <<https://twitter.com/tdesouzadias/status/1372511034167164932>>, last access 2 May 2024.

<sup>62</sup> Baetens and Prislán (n. 33), 562.

<sup>63</sup> Alonso Gurmendi and Paula Baldini Miranda da Cruz, 'Writing in International Law and Cultural Barriers (Part II)', *OpinioJuris*, 7 August 2020.

<sup>64</sup> Ntina Tzouvala, 'Symposium on Early Career International Law Academia: Between Expectations and Reality – What (Not) to Worry About When Entering the International Law Academic Job Market', *OpinioJuris*, 23 March 2022.

international scholars from the periphery can publish in these books was raised in a 2020 two-part blog post on *EJIL:Talk!* by well-known international law scholar Jean d'Aspremont. D'Aspremont suggested that edited collections, rather than journal articles, encourage more imaginative and innovative work and are more accessible to 'young colleagues and colleagues who are not affiliated with First World's mainstream institutions', in part because the review process for chapters is more collegial due to the personal relationship entered into with the book editor (in contrast to the anonymised reviewers of journal manuscripts).<sup>65</sup>

In the posts' comments, Helmut Aust suggested that the more imaginative quality of book chapters may be due to the preselection of authors and that this favours already established academics. Silvia Steininger's response was the most pointed, asking:

'I would be interested in understanding how you get to the conclusion that edited collections are MORE accessible to young scholars and scholars from non-mainstream First World institutions? For me, this sounds contrary to everything I observe in academia. It requires an immense amount of economic, social, and cultural capital to even get invited to the workshops which result in those edited collections. Even more, to get into the excellent and well-read handbooks you and others have compiled during the last years. Is there any empirical proof this is actually the case?'

Steininger's remarks contribute to the observations noted throughout this article that there are serious equity concerns in the publication of international law scholarship. As a Global South academic by location but not (at least primarily) by training, I have no idea how to get published in the prestigious edited international law OUP and CUP books in which d'Aspremont and Steininger have multiple chapters. I have written two book chapters so far, one published by Springer and the other by the University of Malaya Press. Both were by private invitation from colleagues. Another important issue that Steininger raises is whether there is any empirical data showing details about authorship in these edited books. This article attempts to start providing that data.

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<sup>65</sup> Jean d'Aspremont, 'Destination: The Wasteland of Academic Overproduction (Part 1)', *EJIL:Talk!*, 3 February 2020; Jean d'Aspremont, 'Destination: the Wasteland of Academic Overproduction (Part 2)', *EJIL:Talk!*, 3 February 2020.

### 3. Empirical Data on Edited Books

Data on editor and author country affiliation was collected in 2022 from edited books published by CUP, going back one year from the date on which collection began, 19 July 2022; and from edited OUP books it was collected in 2023 for the same time period (19 July 2021 – 19 July 2022). The search terms used on CUP's Cambridge Core website (<https://www.cambridge.org/core/>) to locate edited books in international law were: 'type: books'; 'subject: law'; 'date: last 12 months'. From the results, books that did not have an international aspect were excluded to better reflect international law scholarship and the chances of detecting Global South authors. For instance, a book on Ruth Bader Ginsburg was excluded while a book on business and human rights law was included. Books that were authored by one or several authors but were not edited compilations were also eliminated. Though these books could also provide interesting information about Global South representation in elite books, for this study only edited books were selected to reflect the extra layer of selection represented by the book editors and how it might exclude Global South scholars. This resulted in 64 books. Introductions and conclusions written by the editors were also excluded from the data as these arguably do not reflect chapter authorship. Separate chapters written by editors, however, were included.

Data from edited international law books published by Oxford University Press for the same time period were collected based on the same criteria. These were located at <https://global.oup.com/academic>. 'International Law' was selected from the dropdown menu 'Law'. Twenty-eight edited books were identified.

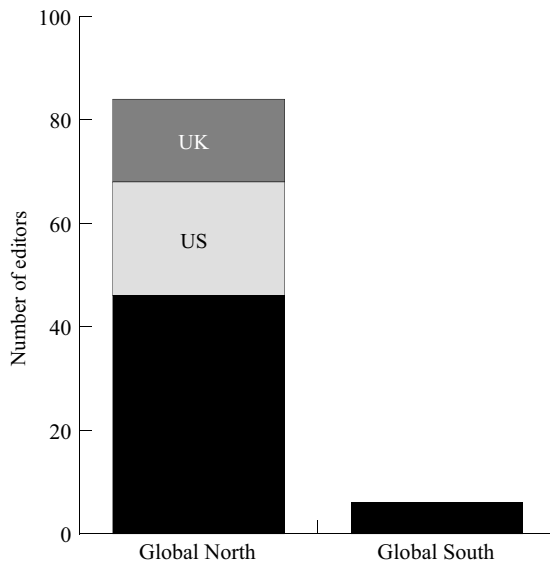
As discussed in Section II of the article, institutional affiliation (rather than nationality or country of origin or education) was used to classify whether authors were from the Global North or Global South. Many editor affiliations were provided on the CUP and OUP book websites. Author affiliations were usually more difficult to determine. For those books that were not open access, Google searches were conducted to identify the country of an author's most recent affiliated institution. Institutional websites and LinkedIn were frequently-used sources of information. When multiple affiliations were listed, the first was used; if unclear, the primary affiliation was chosen (for instance, where an academic had a permanent position, it was used instead of a visiting position). Twelve CUP and six OUP authors' affiliations remained unknown and thus have been excluded from the calculations. Author affiliations can change quickly and sometimes are outdated. Efforts were made to accurately categorise each author's

affiliation, particularly at the time of each book's publication, but without having contacted each author individually for confirmation, inaccuracies are possible.

### a) Cambridge University Press Editors

There were 90 editors of the 64 edited books published by CUP. Six (6.7 %) were from the Global South. US- and UK-affiliated editors dominated: 22 editors were from the US and 16 from the UK. The Global South was represented by editors from South Africa (3), Qatar (2) and China (1).

[Figure 1 – CUP Editors]



### b) Analysis

The disparity between Global North and Global South displayed by Figure 1 is representative of the graphs throughout this study. Over 90 % of the editors of these CUP books were from the Global North. Steininger's observation that the workshops from which at least some of these books arise

out of is beyond the reach of most Global South authors appears to ring just as true for editors.

A closer look at some of the very few Global South editors adds to these suspicions, or at least complicates the picture. The two editors from Qatar, for instance, both from Hamid bin Khalifa University, were Georgios Dimitropoulos and Ilias Bantekas. Dimitropoulos also holds a research position at University College London and received his degrees from University of Athens, Yale Law School and Heidelberg University and is a member of the Athens Bar Association. Bantekas is a senior fellow at the University of London and was a senior member of the Greek Parliament's Committee on the Truth of the Greek Debt.<sup>66</sup> Though Qatar is categorised as a Global South country, it has what is labelled a 'high income economy' and in 2021 had the fourth highest gross domestic product purchasing power parity in the world.<sup>67</sup> One would expect resources to be quite available to the country's academics. This is not to say that these editors are not truly Global South or that they do not face Global South challenges but rather to remind readers that there is a wide range of situations within Global South institutions.

Also worth mentioning is that for some books there was a discernible pattern of author country affiliations matching editor country affiliations. Few will find this surprising. The statistics on this matching were not collected for this piece but the pattern reinforces, nonetheless, the idea that authorship of edited book chapters is sometimes noticeably impacted by the connections between editors and authors. Echoes of d'Aspremont's blog post can be heard. It was unclear from the books examined whether the authors were personally selected and approached by the editors, or were chosen from a workshop, through an open call for papers or some other method. Open calls for contributions, in contrast to calls made within closed networks of contacts, are more time-consuming but increase the possibility of diverse authors.<sup>68</sup>

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<sup>66</sup> Hamid bin Khalifa University, 'Faculty Biographies: Georgios Dimitropoulos (PhD)', <<https://www.hbku.edu.qa/en/cl/staff/georgios-dimitropoulos>>, last access 2 May 2024; Hamid bin Khalifa University, 'Faculty Biographies: Dr. Ilias Bantekas', <<https://www.hbku.edu.qa/en/cl/staff/ilias-banteka>>, last access 2 May 2024.

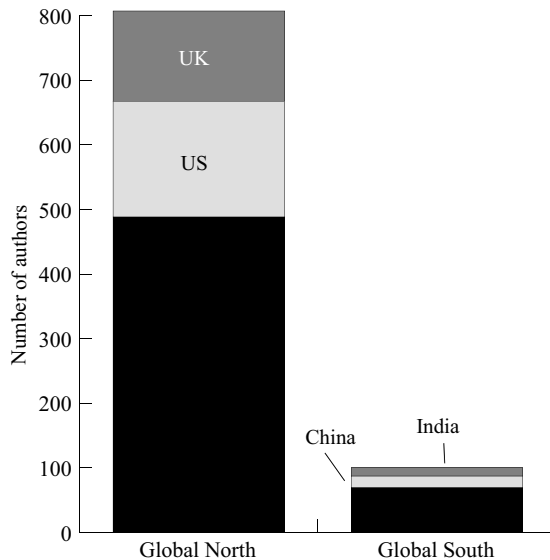
<sup>67</sup> The World Bank, 'GDP Per Capita, PPP (Current International \$)', <[https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD?most\\_recent\\_value\\_desc=true](https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD?most_recent_value_desc=true)>, last access 2 May 2024; The World Bank, 'Qatar', <<https://data.worldbank.org/country/qatar>>, last access 2 May 2024.

<sup>68</sup> Max Steuer and Rafael Plancarte-Escobar, 'Towards Improved Understanding of Students and Junior Scholars as Authors, Reviewers, Editors and Leaders in Scholarly Publishing', *Learned Publishing* 35 (2022), 306-307.

### c) Cambridge University Press Authors

There were 907 authors of CUP book chapters whose affiliations were identified (authors who wrote multiple chapters are counted multiple times). Of these, 100 (11 %) were from the Global South. The most represented Global South countries were China (18), India (13), South Africa (10), Argentina (10) and Qatar (9). Less numerous were authors with affiliations from Cameroon (1), the Democratic Republic of Congo (1), Egypt (1), Guatemala (1), Kazakhstan (1), Kenya (4), Lebanon (1), Malawi (1), Mexico (2), Myanmar (1), Nepal (1), Nigeria (1), Pakistan (1), Sri Lanka (2), Thailand (2) and Vietnam (3).

[Figure 2 – CUP Authors]



### d) Analysis

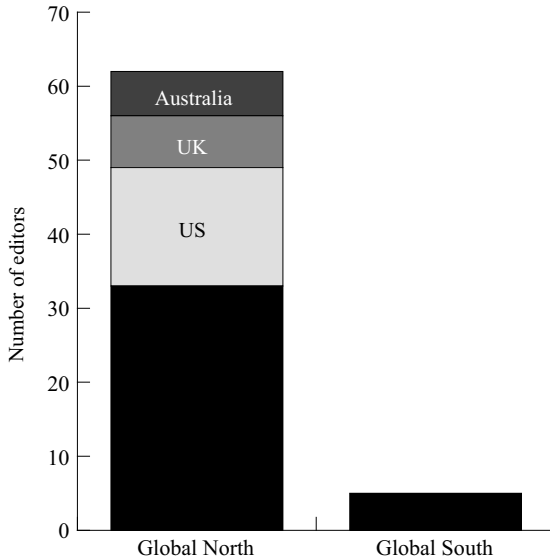
The data that make up Figure 2 demonstrate that while the overall percentage of Global South authors remains relatively low, their diversity is broad. UK (140) and US (179) authors, like with editors, again dominated, comprising 35 % of all authors. Perhaps unsurprisingly given their location in relation to key international law institutions, there were 61 authors affiliated

with institutions from the Netherlands and 53 from Switzerland. In sum, based on this relatively small sample size, there were slightly more Global South authors (11 %) than editors (6.7 %). One would expect fewer academics from the Global South to have the experience and connections to become editors than the subject matter expertise needed to be authors.

### e) Oxford University Press Editors

From the 28 OUP books, there were 67 editors. Five (7.4 %) were from the Global South. Editors from the US (16), UK (7) and Australia (6) represented the top three countries. The Global South was represented by editors from Argentina, Brazil, Colombia, South Africa and Saudi Arabia.

[Figure 3 – OUP Editors]



### f) Analysis

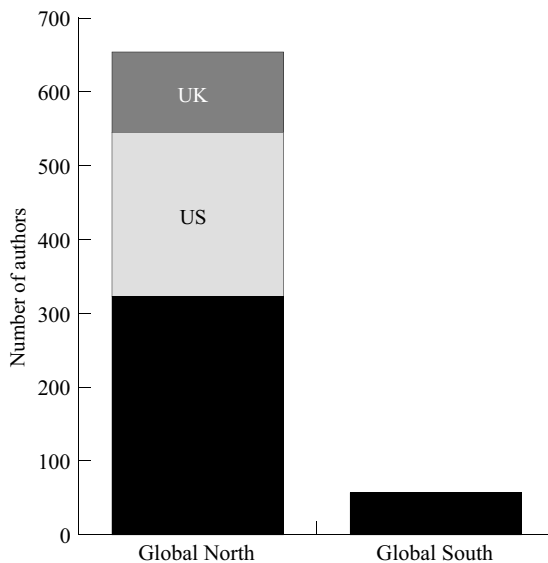
As with the Global South editors in the CUP books, examining the backgrounds of the editors of the OUP books reveals that the Global South-Global North dichotomy fails to always capture the diversity and complexity

of researchers' backgrounds. Gabriel Pereira, for instance, the editor of *Economic Actors and the Limits of Transitional Justice*, is a professor at the National University of Tucuman, Argentina. Argentina is a Global South country. He is also, however, affiliated with the Latin American Centre of the University of Oxford and has academic degrees from the National University of Tucuman, University College London and Oxford. This combination of Global South and Global North experiences is not unusual among Global-South affiliated editors and raises the question of how much the Global North affiliations impact their ability to become editors at this elite level.

### g) Oxford University Press Authors

There were 711 authors of book chapters whose affiliations were identified. Of these, 57 (8 %) were from the Global South. The most represented Global South countries were South Africa (9), Brazil (8), China (8), Colombia (7) and India (5). Less numerous were authors with affiliations from Argentina (3), Chile (2), Ethiopia (2), Ghana (1), Mexico (1), Nigeria (2), Pakistan (1), Saudi Arabia (1), Thailand (2), Turkey (2), UAE (2) and Zambia (1).

[Figure 4 – OUP Authors]





## h) Analysis

Like the CUP books, the overall percentage of Global South authors in OUP books was low, though their diversity was similarly broad. UK (109) and US (222) authors again dominated, comprising an even higher percentage than in the CUP books: 46 % (compared to CUP's 35 %) of all authors. In sum, based on this relatively small sample size and consistent with the data from the CUP books, there were slightly more OUP Global South authors (8 %) than editors (7.4 %).

## 4. Empirical Data on Journals Indexed in the Web of Science Social Science Citation Index

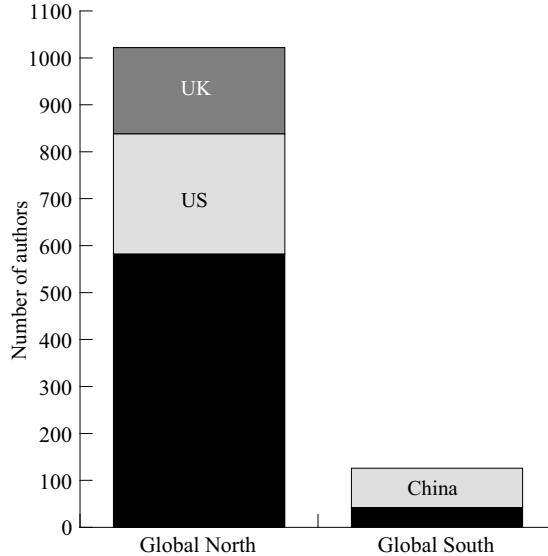
For journals, authorship data were collected on international law journals from Clarivate Analytics' WoS Social Science Citation Index database for three years, 2019, 2020 and 2021. The following nine journals that cover public and private international law broadly were selected and examined (with 2021 JIF quartiles in parentheses): *American Journal of International Law* (Q1), *Leiden Journal of International Law* (Q2), *European Journal of International Law* (Q2), *International & Comparative Law Quarterly* (Q2), *Chinese Journal of International Law* (Q3), *Columbia Journal of Transnational Law* (Q3), *University of Pennsylvania Journal of International Law* (Q4), *Northwestern Journal of International Law and Business* (Q4) and *Stanford Journal of International Law* (Q4). The well-regarded US international law journals *Harvard International Law Journal* and *Cornell Journal of International Law* were indexed by WoS only until 2019 and 2020 respectively, and thus were not included. Specialty journals that cover international legal issues but not international law broadly such as the *Journal of International Criminal Justice*, the *International Journal of Transitional Justice* and *Ocean Development and International Law* are indexed in WoS but were excluded for this article.

### a) Web of Science Authors

There were 1,148 article authors in the nine journals over the three-year period. 126 (11 %) were from Global South countries. China led by far, with 84 authors. 52 of them published in the *Chinese Journal of International*

*Law*. India (8) and Malaysia (5) (all also published in the *Chinese Journal of International Law*) followed, with four from Brazil.

[Figure 5 – WoS Authors]



## b) Analysis

Like with the CUP and OUP edited books, US and UK scholars dominated the authorship of journal articles, with 256 (22 %) US and 184 (16 %) English authors (WoS breaks out the UK into its constituent country nations) respectively. Each of these amounts individually outnumbers the total number of Global South authors combined. England was the country with the highest number of authors published in the *International and Comparative Law Quarterly* (58 of 164) and the *Leiden Journal of International Law* (44 of 211). The data from the US student-edited international law journals – *Stanford, Penn, Columbia* and *Northwestern* – indicate a clear bias towards US authors, though the *Stanford Journal of International Law* was noticeably less so, with nine of its fifteen authors from outside the US. Five were from the Global South – two from China, one from Egypt, one from South Africa and one from India. The *University of Pennsylvania Journal of International Law* also featured 35 of its 74 authors from outside the US. Perhaps the

student editors are not as biased towards US scholars as the literature portrays them.

All nine journals had at least one Global South author. The Global South countries least expected based on the research conducted for this article were Afghanistan (*European Journal of International Law*), Botswana (*Leiden Journal of International Law*), Cambodia (*International & Comparative Law Quarterly*), Peru (*AJIL*), Ecuador (*Leiden Journal of International Law*), Indonesia (*Chinese Journal of International Law*), Kenya, Thailand and Mexico (*University of Pennsylvania Journal of International Law*) and Zambia (*Northwestern Journal of International Law and Business*). Like the book chapter authors, the numbers of Global South authors are relatively low but again, their diversity is wide.

Overall, the disparity in Figure 5 mirrors the graphs for the edited books. These elite publications are clearly dominated by Global North authors. Without the *Chinese Journal of International Law* (a Global North publication published by Oxford University Press with a Global South editor-in-chief, Sienho Yee, a professor at China Foreign Affairs University in Beijing), the figure would have been much more lopsided. The editorial board of the *Chinese Journal of International Law* more broadly is populated with a majority of Chinese scholars. The impact of the *Chinese Journal of International Law* on the statistics points to a possible model of success. More research into how this journal partnered with Oxford University Press and got included in the SSCI may prove helpful to this end.

## 5. Summary

In sum, the Global South represented 9.7% of authorship of elite edited book chapters and 11% of authorship of elite international law journal articles. For Global South international law scholars, getting published in edited books and journals appears to be equally challenging. Without the *Chinese Journal of International Law*, the percentage of authorship in journals would have been much lower. These figures, taken from an admittedly limited sample, provide empirical evidence to support to-date largely anecdotal suspicions of an overwhelming disparity between Global South and Global North publishing in international law publications. This evidence, I suggest, should prompt those of us working in international law to reflect on the reasons for this disparity, how we can address it and its impact on the development and understanding of international law.

The graphs above highlight the dominance of UK and US authors and editors. Even taken separately, each group outnumbers all Global South scholars combined in all the observed categories, sometimes by a significant margin. Combined, UK and US scholars often comprise nearly half of all Global North scholars, and they slightly exceed the halfway mark for Global North authors of OUP edited books. These numbers likely reflect, at least to a certain extent, the advantage that comes with native English. It is also likely not a coincidence that UK and US legal scholars come from the two countries where most of the WoS international law journals are published or, for UK scholars, where CUP and OUP are headquartered. It helps to come from the same universities, academic programmes and networks as those making the publication decisions.

## V. Conclusion

I have been unable to find any reliable recent statistics on the number of international law scholars in the US, the UK, China, the Global North, the Global South or otherwise. Therefore, it is not possible to say with certainty that the Global South is underrepresented statistically in elite international law publications by that metric, though it would be hard to argue otherwise. The empirical evidence collected for this article shows clearly that the disparity between Global North and Global South is striking. The graphs leave little doubt that if equity is an objective, there is little equity to be found. A common refrain from editors is that they simply do not receive enough submissions from Global South authors.<sup>69</sup> This is almost certainly true but instead of providing an excuse for the disparity, it should prompt editors and publishers to consider what they can do to increase those submissions. That many Global South international law scholars face intense pressure to publish in elite journals and books suggests that, at the very least, an absence of their work there does not reflect a lack of desire.

It is my hope that the empirical evidence provided in this article will contribute to efforts to create a more equitable publishing ecosystem for international law work. Many deserve credit for already making such efforts. The *European Journal of International Law* provides regular editorials providing statistics about the journal's submissions and advice from the journal's co-editors-in-chief, Joseph Weiler and Sarah Nouwen.<sup>70</sup> The *AJIL* provides

<sup>69</sup> Ian Richards and Herman Wasserman, 'The Heart of the Matter: Journal Editors and Journals', *Journalism* 14 (2013), 823-836 (830).

<sup>70</sup> Joseph Weiler and Sarah Nouwen, 'On My Way Out – Advice to Young Scholars VII: Taking Exams Seriously (Part 1); Vital Statistics; In This Issue; In This Issue – Reviews', *EJIL* 33 (2022), 3-10.

useful tips about how to prepare manuscripts for submission.<sup>71</sup> The *Modern Law Review* has two videos posted on its website that feature editors giving their advice about submitting to the journal. The *Modern Law Review* is not an international law journal but the videos are useful for anyone submitting to highly selective law journals. *OpinioJuris*' posts on 'Writing in International Law and Cultural Barriers' and its Symposium on 'Early Career International Law Academia' (co-hosted with *Afromomicslaw*) add valuable information for Global South scholars aiming to publish in elite journals and books. *Afromomicslaw* also offered a webinar in 2021 entitled 'Teaching and Researching International Economic Law in Africa, Strategies for Overcoming Publishing Challenges'.

Because key obstacles holding back scholars from the periphery include a lack of training in producing the type of work that is publishable in elite international law journals<sup>72</sup> and a writing style different from the accepted Western style,<sup>73</sup> Gurmendi and Miranda da Cruz propose that journals diversify their editorial boards so that editors are more familiar with different writing styles.<sup>74</sup> The *International Urogynecology Journal* even has a decision option called 'accept pending English revision' for manuscripts with scientific merit but that are not yet ready to be sent to the copy editor.<sup>75</sup> There is no reason why this type of flexibility would not also be useful for legal publications. On *Verfassungsblog*, Emtseva, Golia and Sparks report receiving suggestions from readers that included diversifying peer reviewers, requesting submissions from underrepresented populations and holding webinars to explain how the publication system works.<sup>76</sup> There are many others who are contributing to improving the publication system.

Journal editors could also help match authors with peers. For instance, an editor could ask its peer reviewers whether they are interested in assisting Global South authors in preparing their manuscripts and ask Global South authors whether they are interested in receiving such assistance. The editor could then identify submissions from Global South authors that need significant work, particularly those that have been desk-rejected, and match them

<sup>71</sup> Curtis A. Bradley and Laurence R. Helfer, 'Tips for Publishing in the American Journal of International Law (AJIL)', AJIL, <<https://www.cambridge.org/core/services/aop-file-manager/file/5dcc2e17843bea9f0a610946>>, last access 2 May 2024.

<sup>72</sup> Emtseva (n. 50), 763.

<sup>73</sup> Gurmendi and da Cruz, 'Writing in International Law (Part I)' (n. 52).

<sup>74</sup> Gurmendi and da Cruz, 'Writing in International Law (Part II)' (n. 63).

<sup>75</sup> Paul Riss, 'The Peer Review Process III: When the Decision is Made', *International Urogynecology Journal* 23 (2012), 811-812.

<sup>76</sup> Julia Emtseva, Angelo Jr. Golia and Tom Sparks, 'Open Access ... and Then?', *Verfassungsblog* (2021), <<https://verfassungsblog.de/open-access-and-then/>>, last access 3 May 2024.

with these peers. Or to make their jobs easier and with the consent of the reviewers, editors could publish a list of reviewers willing to assist. One might ask why an experienced author would take on such a task given how busy everyone is writing their own pieces, peer reviewing manuscripts and helping colleagues. Not everyone will be interested. But this would be a unique opportunity to help those on the periphery of academia in a way that, at least based on my own experience, they truly would appreciate.

In 2015, Clarivate Analytics created a new index called the Emerging Sources Citation Index (ESCI) that includes a significant number of journals from the Global South. In 2022, ESCI journals began for the first time to receive Journal Impact Factors. These two steps have raised the profile of some Global South journals. Yet even when Global South journals begin to gain credibility and prestige, Global South universities still need to catch up. For employment performance evaluations, publications in ESCI-indexed journals, at least at Universiti Malaya, continue to receive a small fraction of the points of those in SSCI-indexed journals. Until academics, including Global South academics, are adequately incentivised to publish in Global South journals, it is difficult to argue that they should. In this sense, therefore, the power to move Global South scholarship into Global South publications and to bring prestige to Global South publications may, in the end, rest primarily in the hands of Global South leaders.