Chapter 11
Ethiopian Yearbook of International Law: Towards Diversifying and Democratizing Voices in the Making and Development of International Law

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Abstract The Ethiopian Yearbook of International Law (EtYIL) is a young peer-reviewed academic journal whose inaugural issue—EtYIL 2016—was published only in 2017. At the time of writing, EtYIL 2019, the fourth issue in the annual series, is under publication. The idea of establishing an EtYIL came out of a perceived need for a dedicated platform for high quality debate and scholarship on international law issues of significance to Ethiopia, the Horn of Africa, and Africa more generally. Its future is full of excitement. The editors, with support and guidance from members of the Advisory Board and other scholars, aimed to use EtYIL as a platform for high quality research and scholarship on international law issues of particular interest to our geographical region of interest. The Yearbook has been received positively by

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the community of scholars and practitioners, giving us the confidence and the energy to continue to aim high and progressively establish EtYIL as the preferred outlet for researchers working on international law issues in the context of Ethiopia, the Horn of Africa, and Africa more broadly.

**Keywords** Ethiopia · yearbooks · international law · Africa

### 11.1 Historical Background

#### 11.1.1 Who Founded It and When?

The Ethiopian Yearbook of International Law (EtYIL) was founded in 2015, with its inaugural issue—EtYIL 2016—published only in 2017. Next to the South African Yearbook of International Law that was established in the 1970s, EtYIL is only the second peer-reviewed international law yearbook published in sub-Saharan Africa. The main mission of EtYIL from day one has been to contribute towards filling the gap in international law scholarship from the perspective of African countries in general, and Ethiopian and the Horn in particular.

With this mission in mind, the idea of launching EtYIL was conceived in Dundee, Scotland, as far back as Spring 2013 when its founders, Professors Zeray Yihdego and Melaku Desta, held their first meeting on the subject. Originally from Ethiopia and teaching at two Scottish Universities at the time, Dundee and Aberdeen, these two scholars of international law held a series of discussions on the banks of the River Tay and decided to launch the initiative and started making preparations.

At the same time, the two scholars also appreciated that, for such an initiative to be successful and sustainable, it needs to establish and maintain an organic link with the Addis Ababa University (AAU) Faculty of Law, the premier academic institution that was the only of its kind in the country until barely two decades ago. It was then that the two founders invited Dr. Fikremarkos Merso, Associate Professor of Law and former Dean of the Faculty of Law, to join them as a core member of the editorial team, which he graciously accepted.

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1 See de la Rasilla 2019. After the publication contract was signed with Springer, the editors of EtYIL were pleased to learn of the emergence of the Nigerian Yearbook of International Law.
2 The two scholars were joined by Dr. Fikremarkos Merso of Addis Ababa University in 2015. When Dr. Merso resigned for personal reasons in 2017, Mrs. Martha Belete Hailu of the same University joined almost immediately after the resignation. From the outset, the editorial team was assisted by Student Editors—Julide Bredee, Jasmin Hansohm and Emily Hirst. A year later Julide resigned and Abubakri Yekini joined the team. The members of the Editorial Advisory Board’s role in the development of the Yearbook must also be acknowledged. They come from different universities, countries, and disciplines. All of them are dedicated to the aims and purposes of the Yearbook. Their participation in the development of the Yearbook ranges from providing peer-reviewed reports to the Editors to making contributions to the volumes. For details, see [https://www.springer.com/series/15093?detailsPage=editorialBoard](https://www.springer.com/series/15093?detailsPage=editorialBoard).
The editorial team of three then developed a concept note and shared it with a diverse group of senior scholars and practitioners of international law for their feedback. The editorial team then defined the mission of the Yearbook, which was articulated in the maiden issue of EtYIL 2016 as follows:

EtYIL is dedicated to those issues of international law that are of particular interest to the African continent in general and Ethiopia and the Horn in particular. EtYIL’s point of departure is the fact that these countries do not just lack adequate representation at the table where international law is made and interpreted; their ability to contribute to the evolution of international law is also severely constrained owing, in part, to their absence from the scholarly debate in the field. A key mission of EtYIL is therefore to provide a platform for purpose-oriented scholarly analysis and debate on issues of particular significance for these countries so as to enhance their capacity to contribute to this evolution. More generally, the Yearbook aims to contribute towards the long-term goal of rebalancing the narrative of international law in a manner that better reflects the diversity of its actors and subjects.3

The editorial team then deliberated on the name of the yearbook. Among the proposals that were given serious consideration were the Horn of Africa Journal of International Law and the Eastern Africa Journal of International Law. However, the team finally settled on the Ethiopian Yearbook of International Law partly driven by a desire to anchor the Yearbook to a particular national legal system with which the editors have the closest affinity. As a nation with one of the oldest and most frequent encounters with international law on the African continent, sometimes as a beneficiary but often as a victim,4 the choice of name of the Yearbook is also designed to reflect the founders’ intention to give Ethiopia a central place in the whole project. This, of course, would not in any way detract from the original intention to ensure EtYIL serves a broader, regional, and even continental purpose. From this perspective, EtYIL complements similar endeavours to give international law the prominence

3See Yihdego et al. 2017, at 3.
4An early example here would be Italy’s attempt to use its 1889 Treaty of Wuchale with Ethiopia as an instrument of international law to gain “legitimacy” in the eyes of fellow European colonial powers for its colonial plans over Ethiopia, which was put to rest only after the advancing Italian colonial army was defeated at the Battle of Adwa in 1896. Forty years later, when Italy relaunched its colonial plans and invaded Ethiopia in 1935, the League of Nations, of which both were members, famously betrayed Ethiopia, turning a deaf ear to the personal appeal of Ethiopian Emperor Haile Selassie who challenged the League saying what was at stake was “collective security: it is the very existence of the League of Nations. It is the confidence that each State is to place in international treaties. It is the value of promises made to small States that their integrity and their independence shall be respected and ensured. It is the principle of the equality of States on the one hand, or otherwise the obligation laid upon small Powers to accept the bonds of vassalship. In a word, it is international morality that is at stake. Have the signatures appended to a Treaty value only in so far as the signatory Powers have a personal, direct and immediate interest involved?” The Emperor was prophetic in his diagnosis when he said: “I ask the fifty-two nations, who have given the Ethiopian people a promise to help them in their resistance to the aggressor, what are they willing to do for Ethiopia? And the great Powers who have promised the guarantee of collective security to small States on whom weighs the threat that they may one day suffer the fate of Ethiopia, I ask what measures do you intend to take?” See Haile Selassie, Appeal to the League of Nations (Geneva, June 1936, emphasis added), available at https://www.mtholyoke.edu/acad/intrel/selassie.htm (accessed 15 June 2020). See also Hunt 1957; Stern 1936.
it deserves in academic and policy discourse on the African continent\(^5\) and in the
developing world more broadly.

Once the name of the Yearbook was decided, its mission articulated, its Advi-
sory Board members appointed, the next question was to choose a publisher. Fortu-
nately, this part of our task was made that much easier because of the speed and
professionalism with which Springer responded to our approach.

### 11.1.2 Functions of EtYIL

As indicated already, unlike most journals, EtYIL is dedicated to those issues of
international law that are of significant interest to Ethiopia and the Horn of Africa
in particular and to Africa and developing countries in general. EtYIL’s point of
departure is the fact that these countries do not just lack adequate representation at
the table where international law is made and interpreted; their ability to contribute
to the evolution of international law is also severely constrained owing, in part, to
their absence from the scholarly debate in the field. That is why the very idea of
launching EtYIL was motivated by the goal of providing a platform for purpose-
oriented scholarly analysis and debate on issues of particular significance for these
countries to enhance their capacity to contribute to this evolution. It is in this way
that the Yearbook aims to contribute towards the long-term goal of rebalancing the
narrative of international law in a manner that better reflects the diversity of its actors
and subjects. Finally, by compiling and commenting on international materials that
largely concern developing countries ranging from national case law, parliamentary
debates and relevant regional and UN instruments, the editors aim to broaden the
sources and materials scholars and experts of international law refer to when studying,
interpreting and developing international law norms and institutions.

### 11.2 Development, Function and Impact of the Yearbook

#### 11.2.1 Development

Since the publication of its maiden volume—EtYIL 2016—in 2017, the editors had
clarity of vision as to where to take the Yearbook. EtYIL 2016 came out with contrib-
utions from invited authors, with a focus on providing a historical context to some
fundamental international issues of particular relevance to Ethiopia, Africa and the
wider community of developing nations. Using an editorial titled *Towards Rebal-
ancing the Narrative of International Law*, the editors laid out an ambitious vision

\(^5\)To our knowledge there are only three additional yearbooks of a similar nature in Africa—The
South Africa, African and Nigerian Yearbooks of International Law. There is of course the African
Journal of International and Comparative Law.
to establish a Yearbook that will serve as a credible platform for alternative voices in international law and increasingly become the preferred outlet for cutting edge scholarship on issues of particular relevance for Ethiopia, the Horn of Africa and beyond. The issues covered in that volume include a discussion on: the famous *South West Africa Cases* before the ICJ,⁶ the place of international law in Ethiopian Legal System of today,⁷ Ethiopia’s WTO Accession process,⁸ decolonisation in the context of *Jus Cogens* and *Erga Omnes* obligations,⁹ natural resources and international investment law,¹⁰ the Sustainable Development Goals¹¹ and climate change.¹² These major articles were also supplemented with two “current development” pieces relating to the 2015 Declaration of Principles signed between Egypt, Ethiopia, and Sudan relating to the Grand Ethiopian Renaissance Dam¹³ and on the South Sudan Crisis.¹⁴ As can be seen from the historical and current relevance of the issues covered, EtYIL 2016 thus set the bar high for the Yearbook. According to data received from the publisher, EtYIL 2016 has so far been downloaded over 3739 times.

The success of EtYIL 2016 meant that the second volume, EtYIL 2017,¹⁵ had to match, and preferably exceed, the standards and expectations already set for the Yearbook. To start with, the editorial team was expanded to four with the addition of Ms. Martha Hailu, also of the AAU Faculty of Law, with a view to further strengthening the link between EtYIL and Ethiopia. Secondly, just as the editors used EtYIL 2016 to articulate the mission and vision of the Yearbook, in EtYIL 2017 they chose to focus on one major theme relevant for Ethiopia, the Horn and Africa at large—that of regional integration. The *editorial* thus introduced the volume by highlighting the need for resolving development, integration and security challenges of developing countries through international law.¹⁶ The articles in the volume covered such issues as the law and policy of foreign direct investment in Ethiopia,¹⁷ Ethiopian natural resources law in the context of international law,¹⁸ the Grand Ethiopian Renaissance Dam and its international law implications for the riparian countries,¹⁹ and

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⁶See Mbengue and Messihi 2017.
⁷See Weldemariam 2017.
⁸See Bienen 2017.
⁹See Allain 2017.
¹⁰See Desta 2017.
¹¹See French 2017.
¹²See Woolley 2017.
¹³See Salman 2017.
¹⁴See Hansohm and Yihdego 2017.
¹⁵See 2017 Ethiopian Yearbook of International Law 2.
¹⁶See Yihdego et al. 2018.
¹⁷See Hailu and Yihdego 2018.
¹⁸See Hunter 2018.
¹⁹See Salman 2018.
the emerging African Continental Free Trade Area, \(^{20}\) and UN peacekeeping operations. \(^{21}\) The current developments section then adds contributions on the Kenya-Somalia Maritime boundary dispute, \(^{22}\) and on Africa and the International Criminal Court. \(^{23}\) This is followed by a case note on Petro Trans Company ltd. v Ministry of Mines of Ethiopia (by Snider et al.). Two short book reviews along with a reprint of a UN Security Council Resolution on peacekeeping complete the volume. It is clear that EtYIL 2017 was also received favourably by our target readership. To use the same metric we used to measure the success of EtYIL 2016 earlier, according to data received from the publisher, EtYIL 2017 has so far been downloaded over 3600 times.

EtYIL 2018, the last published volume in the series by the time we submitted this contribution, also saw a change in the composition of the editorial team as we had to accept the resignation of Dr. Fikremarkos Merso from his role due to other commitments, thus reducing the number of the editors back to three once again. It was also with EtYIL 2018 that the editors decided to supplement the title of each volume of the Yearbook from hereon with a sub-title, thus EtYIL 2018 being titled as Ethiopian Yearbook of International Law 2018: In Pursuit of Peace and Prosperity. Needless to say, many of the contributions contained in EtYIL 2018 broadly revolved around the role of international law in the pursuit of peace and prosperity, a choice motivated by the fact that it was from around 2018 that multilateralism and its institutions came under siege—Brexit and trade wars between powerful nations dominating the news headlines, the US withdrawal from the Paris Climate Agreement, etc. But, in 2018, Africa stood out as a region that upheld the principle of rules-based multilateralism, which it demonstrated by the adoption of the AfCFTA Agreement in March of that year. At the regional level, too, 2018 went down as a turning point with the conclusion of a peace agreement between Ethiopia and Eritrea that ended two decades of hostilities between the two countries. Accordingly, the major articles in EtYIL 2018 addressed such issues as the decisions of the Eritrea-Ethiopia Claims Commission, \(^{24}\) the use and misuse of European patent law on Ethiopia’s staple and indigenous grain called Teff, \(^{25}\) the sharing of transboundary water resources in Europe and the lessons that could be learnt by African countries, \(^{26}\) evolving rules governing economic relations between Africa and the European Union in the context of Brexit, \(^{27}\) contract-farming in the African cocoa and chocolate industry, \(^{28}\) cyber-attacks and the role of

\(^{20}\) See Desta and Gerout 2018.
\(^{21}\) See Roberts 2018.
\(^{22}\) See Olorundami 2018.
\(^{23}\) See Mbengue et al. 2018.
\(^{24}\) Snider and Nair 2019; Yiallourides and Yihdego 2019.
\(^{25}\) Melkamu 2019.
\(^{26}\) Reichert 2019.
\(^{27}\) McMahon 2019.
\(^{28}\) Callahan 2019.
international law,\textsuperscript{29} and the law of production sharing agreements on extractives.\textsuperscript{30} EtYIL 2018 concludes with two current development pieces—on the lifting of UN sanctions against Eritrea, the peace agreements signed between Eritrea and Ethiopia; two book reviews, and a reprint of the relevant UN Security Council Resolution and the peace agreements. Applying once again the same metric we used to measure the success of the first two volumes mentioned above, according to data received from the publisher, EtYIL 2018 has so far been downloaded over 1335 times.

In sum, the three volumes in all their aspects—nature of topics, diversity and quality of contributions and contributors have shaped the development of the Yearbook. At the time of writing this contribution, the editors have submitted the fourth volume, EtYIL 2019, and expect its publication by the end of summer 2020. Following the approach adopted in EtYIL 2018, the fourth volume will also have its own subtitle reflecting the pressing challenges faced due to the Covid-19 crisis, thus coming out as \textit{Ethiopian Yearbook of International Law 2019: Towards a Global Order Based on Principles of Fairness, Solidarity and Humanity}.

### 11.2.2 Challenges

Developing a Yearbook from scratch, maintaining a quality and diversity of content that meets the high standards and aspirations set by the editors in the very first volume, and sustaining it over an extended period of time is no easy task. Among the challenges that have been encountered so far are: (i) overly busy schedules of the editors; (ii) while rising, a still limited number of high quality manuscripts submitted for consideration by prospective contributors; (iii) time constraints faced by our peer-reviewers; and (iv) competition with established and highly reputable international law yearbooks and journals. At the same time, the fact that such a young Yearbook as EtYIL has managed to publish a good number of consistently high quality articles every year on a diversity of issues of practical relevance to the target countries provides evidence of the ingenuity with which the editors have addressed these challenges so successfully.

### 11.2.3 Impact

EtYIL’s vision is to foster a culture of ethical and critical scholarship among scholars with an interest in international law issues of relevance to Ethiopia, the Horn of Africa, Africa and beyond so as to help entrench rule of law in inter-state relations. Whether or to what extent EtYIL has achieved any of its purposes is difficult to say at this stage, for two reasons. Firstly, neither the editors nor the publisher have

\textsuperscript{29}Okwori 2019.

\textsuperscript{30}Paterson 2019.
conducted a systematic impact assessment of the Yearbook; the only grounds on which we can claim success is so far limited to the number of downloads and the general hard copy circulation of the Yearbook. Secondly, considering the relative youth of EtYIL, as editors we believe that its distribution is still limited to university libraries and research institutions. Even then, the number of university libraries in our target countries, starting with Ethiopia itself, that can afford to subscribe to the Yearbook remains questionable. At the same time, the fact that EtYIL was recently reviewed favourably by the Scopus International Board, which decided to include it in its index of periodicals, provides independent evidence of EtYIL’s recognition by the scholarly community. EtYIL has also been entered in W&L Law Journal Rankings, thus further suggesting that EtYIL is increasingly being recognized as a credible outlet for serious scholarship in international law.31

11.3 The Future of EtYIL

The future of EtYIL is promising. The fact that this is only one of three Yearbooks of international law in sub-Saharan Africa already indicates the yawning gap between the demand for targeted and purposeful scholarship and the supply of it. While there are a large number of international law journals around the world, none of them would easily consider the place of international law in the Ethiopian legal system or report on the decisions of Ethiopian courts relating to international law. EtYIL was launched with Ethiopia as its core but its ambition is greater, covering the Horn of Africa, Africa and even beyond. To ensure EtYIL’s regional and continental ambitions are realized, the editors are consciously seeking to involve scholars from the sub-region and the continent in their editorial work.

11.4 Conclusion

Looking back, EtYIL has been a success by all measures. Since the publication of EtYIL 2016, the number of copies sold, both in soft and hard copy, and the reaction from the community of international law scholars and practitioners has been encouraging. At the same time, our decision to launch EtYIL is also our statement of faith in international law. With all its constraints and problems, international law remains an indispensable tool for peaceful co-existence and cooperation among sovereign nations, large and small. With its unequivocal stance on the sanctity of human rights and human dignity,32 coupled with the principles of the rule of law and the peaceful

31de la Rasilla 2019. See also the entry regarding the Yearbook with W&L Law Journal Rankings at https://managementtools4.wlu.edu/LawJournals/ (accessed 22 January 2020).
32See e.g. UN 2004, https://www.un.org/en/peacebuilding/pdf/historical/hlp_more_secure_world.pdf.
settlement of disputes, today’s international law represents a significant achievement in human history. Yet, to exploit the enormous potential and promise of international law to the fullest and rectify its shortcomings, Ethiopia and its fellow African states cannot afford to continue to stay on the periphery of the scholarly debate that shapes existing international law and its future. All volumes of the Yearbook published thus far attempted to tackle these and related issues from historical, doctrinal, theoretical and practical perspectives.

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