

It can be difficult to identify patterns in legal scholarship. One way of doing that is to check on the frequency of key words, using Westlaw or Lexis-Nexis to track the numbers. There are some interesting patterns in scholarship on international environmental law:

1. The field came into its own in the decade from 1987 and 1997. Indeed, the phrase “international environmental law” was barely used at the beginning of that decade but commonplace by the end.
2. Key ideas from international environmental law such as sustainable development and the precautionary principle have found footholds in U.S. scholarship. Attention to these concepts grew continuously from 1987 to 2007 but may have stabilized since then.
3. There has been steadily growing attention over the past 15 years to international agreements dealing with climate change and oceans.

These tables provide the numbers:

Table 1

| Year | UNFCCC* | UNCLOS** | “International Environmental Law” | “Trans-boundary Pollution” | Montreal Conv.*** |
|------|---------|----------|-----------------------------------|----------------------------|-------------------|
| 2012 | 132 | 305 | 273 | 30 | 58 |
| 2007 | 82 | 286 | 333 | 52 | 79 |
| 2002 | 28 | 248 | 280 | 40 | 63 |
| 1997 | 7 | 235 | 298 | 41 | 83 |
| 1992 | 0 | 119 | 91 | 31 | 79 |
| 1987 | 0 | 92 | 7 | 5 | 0 |

*The UNFCCC climate change agreement was adopted in 1992. The search was for “UNFCCC”. All searches were in the Westlaw JLR database.

**UNCLOS - the Law of the Sea Convention — was adopted in 1982. The search was for “Law of the Sea.”

***The Montreal Ozone Convention was adopted in 1987. The search was for “Montreal /s Ozone.”

Table 2

| Year | “precautionary principle” | “polluter pays” | “sustainable development” |
|-------------|----------------------------------|------------------------|----------------------------------|
| 2012 | 257 | 95 | 661 |
| 2007 | 233 | 80 | 753 |
| 2002 | 151 | 55 | 455 |
| 1997 | 75 | 84 | 365 |
| 1992 | 17 | 45 | 92 |
| 1987 | 0 | 0 | 2 |