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No Outsourcing of Law? WTO Law as Practiced by WTO Courts

Petros C. Mavroidis

The framers of the WTO defined the legal and policy space committed to the WTO, but the organization's adjudicating bodies decide on interpretation. Adjudicating bodies often refer to various extra-WTO elements as supplementary means of interpretation typically used only to support a conclusion already reached. A continuing neglect of non-WTO sources is likely to have an increasingly great impact as the character of trade disputes evolves and as WTO members assess whether WTO adjudication provides an effective forum for their disputes.

Regulatory Takings in Institutional Context: Beyond the Fear of Fragmented International Law

Steven R. Ratner

Claims of regulatory expropriation have been raised in diverse venues adjudicating international investment disputes. Although a basic consensus position has emerged on a state's power to affect private property rights without compensation to investors, the legality of such actions will and should depend on the specific regime and institutional context in which they are appraised. A uniform doctrinal answer is thus impossible and undesirable, and many worries about fragmentation of international law are misplaced.

Agora: Medellin

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UK House of Lords opinions on whether the European Convention on Human Rights, as implemented through the 1998 Human Rights Act, has extraterritorial effect

Contemporary Practice of the United States Relating to International Law
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Supreme Court Overturns Presidential Directive Seeking to Implement ICJ Decision
United States Recognizes Kosovo as an Independent State
U.S. Responses to Protestors' Attack on Embassy
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D.C. Circuit Dismisses Suit Against Retired IDF General for Shelling UN Compound
United States Destroys Falling Satellite to Prevent Risk of Injury on Earth
President Submits Colombia Trade Agreement for Fast-Track Approval; Congress Changes the Rules; Prospects Uncertain
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State Department Legal Adviser Discusses Human Rights Litigation in U.S. Courts
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United States Opposes Additional Arms Control Measures on Space Activities
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Recent Books on International Law
Edited by Richard B. Bilder

Review Essay
Terror Lawyers
Goldsmith, Jack. The Terror Presidency: Law and Judgment Inside the Bush Administration (Peter Raven-Hansen)

Book Reviews
Amerasinghe, Chiritharanjan F. Evidence in International Litigation (Lucy Reed and Ruth Teitelbaum)
Boas, Gideon. The Milošević Trial: Lessons for the Conduct of Complex International Criminal Proceedings (Daryl A. Mundis)
Schabas, William A. The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone (Jens Meierhenrich)
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