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

*Petros C. Mavroidis* 421

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* 475

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.

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