

# Marcus Teo on “NARROWING FOREIGN AFFAIRS NON-JUSTICIABILITY”

Marcus Teo also recently published an article with *International and Comparative Law Quarterly* titled: “Narrowing Foreign Affairs Non-Justiciability.”

The abstract reads as follows:

“The UK Supreme Court’s decision in *Belhaj v Straw* defined foreign affairs non-justiciability and unearthed its constitutional foundations. However, two decisions since *Belhaj*—*High Commissioner for Pakistan v Prince Muffakham Jah* and *The Law Debenture Trust Corpn plc v Ukraine*—have called *Belhaj* into doubt, narrowing non-justiciability to give effect to ordinary private law rights. This article analyses these decisions and argues that their general approach of subjecting issues involving transactions between sovereign States to private international law’s framework is desirable, because the constitutional foundations of non-justiciability identified in *Belhaj* are shaky. Yet, it is suggested that private international law itself may require courts to exercise judicial restraint on these issues, given its goal of upholding the efficient resolution of international disputes in appropriate fora.”