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**Choice of Law in
International Commercial Contracts**

Global Perspectives on the Hague Principles

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SERIES EDITORS' PREFACE

The Hague Principles on Choice of Law in International Commercial Contracts 2015 are a landmark development. Rather than taking the traditional form of an international convention, they instead set out a series of general principles of choice of law for international commercial contracts. The Principles place party autonomy at the fore. At the same time, they seek to strike an appropriate balance between predictability and flexibility (as, for instance, in the treatment of mandatory rules and public policy).

The Principles are likely to provide invaluable assistance and guidance to courts around the world in resolving thorny questions of private international law. This includes issues not explicitly addressed in other choice of law instruments (such as the Rome I Regulation on the Law Applicable to Contractual Obligations), for instance, those arising from a barrier of forms. The Principles also include (as the introductory text states) 'novel solutions,' such as the ability to choose directly non-State law within certain parameters. The Principles may also prove highly valuable to arbitral tribunals, particularly given the dearth of harmonised choice of law rules directly applicable to such bodies.

More generally, the Principles provide a template for the development of choice of law rules at the national and international levels. The Principles can (again, in the words of the introduction to the text), 'guide the reform of domestic law on choice of law and operate alongside existing instruments on the subject'.

In order for the full potential of the Principles to be realised as a catalyst for reform and development, however, a detailed understanding of the similarities and differences between existing private international law rules and approaches across the globe is required. This facilitates a considered assessment of the opportunities and barriers to further integration. Against this background, the editors of this work (all members of the working group that drafted the Principles) have assembled an outstanding team of authors from around the world to explain and analyse, by reference to the Articles of the Principles, the relevant choice of law rules in this field, drawing comparisons and contrasts between the Principles and existing national law and considering the prospects for the adoption or adaptation of the Principles. The result is a comprehensive work embracing more than sixty countries and regions, along with a number of special reports (including, for instance, analysis from a Hague Conference, UNCITRAL and UNIDROT perspective). The editors have skilfully analysed the resulting material in a General Comparative Report.

This is a magisterial work, which will provide an indispensable resource for practitioners and scholars; and one which paves the way for further development and harmonisation of the choice of law rules for international commercial contracts.

Professor Jonathan Harris QC
London
Professor Andrew Dickinson
Oxford

24 December 2020

Cross references

Internal *cross* references in Chapter 1, the 'General Comparative Report', are circled in square brackets, eg Brazil [56.01], for the sake of simplicity. The special, national and regional reports (Chapters 2 ff) might be read as stand-alone pieces and refer to internal cross references as follows: Lauro Gama, Carmen Tiburcio, and Felipe Albuquerque, 'Brazil', Chapter 56 in this volume.

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