

**CJI/RES. 265 (XCVIII-O/21)**

**HAGUE PRINCIPLES ON THE CHOICE OF LAW  
IN INTERNATIONAL COMMERCIAL CONTRACTS**

THE INTER-AMERICAN JURIDICAL COMMITTEE,

FULLY AWARE that international commerce is adversely affected by uncertainty, particularly as a result of unequal treatment by different jurisdictions of the choice of law agreement in international contracts;

EMPHASIZING that legal certainty and predictability in international commercial transactions can be strengthened by ensuring that the law chosen by the parties to apply to their international commercial contracts has the widest scope of application, subject to clearly defined limits; and that promotion of a consistent approach to choice of law in international contracts aids in the modernization and harmonization of international commercial law, all of which are conducive to a favorable climate for international business and commerce;

TAKING NOTE that the *Hague Principles on the Choice of Law in International Commercial Contracts* (“Hague Principles”) set forth general principles concerning choice of law and affirm the principle of party autonomy, with limited exceptions;

BEARING IN MIND that the Hague Principles were extensively consulted in the development of, and are heavily referenced throughout, the *Guide on the Law Applicable to International Commercial Contracts in the Americas* (“Contracts Guide”) approved by this Committee during its 94<sup>th</sup> Regular Session in March, 2019;

ACKNOWLEDGING the alignment of purpose between the Hague Principles and that of the Contracts Guide to encourage clear adherence to the principle of party autonomy (Recommendation 7) and recognition and clarification of choice of non-State law (Recommendation 6) and to affirm international standards recognized in the *Inter-American Convention on the Law Applicable to International Contracts* and other international instruments;

CONSIDERING that the General Assembly of the OAS has noted the Contracts Guide and urged that it be disseminated as widely as possible and to promote among Member states further dissemination of private international law, in collaboration with organizations and associations engaged in this area, including *inter alia* the Hague Conference on Private International Law (*International Law*, AG/RES. 2930 (XLIX/19), June 27, 2019);

ALSO NOTING that the first state to have implemented the Hague Principles, Paraguay, is a state from within the Americas and that other OAS Member states have also been inspired by the Hague Principles to embark upon modernization of their own domestic laws on private international law;

RESOLVES:

1. To endorse the [Hague Principles on the Choice of Law in International Commercial Contracts](#).
2. To commend the use of the Hague Principles together with the Contracts Guide, as appropriate, by adjudicators, as models for domestic, regional or international instruments and to interpret, supplement and develop rules of private international law.

3. To send this resolution together with the annexed Hague Principles to the Permanent Council of the OAS for its due knowledge and consideration and to the Hague Conference on Private International Law.

This resolution was unanimously approved at the regular session on the 9 April 2021, in the presence of the following members: Drs. Mariana Salazar Albornoz, George Rodrigo Bandeira Galindo, Ramiro Gastón Orias Arredondo, José Antonio Moreno Rodríguez, Cecília Fresnedo de Aguirre, Ruth Stella Correa Palacio, Stephen G. Larson, Eric P. Rudge, Luis García-Corrochano Moyano, Miguel Angel Espeche Gil and Milenko Bertrand-Galindo Arriagada.