

## Foreword

Law may become a science, but it is above all a technique: one which states the rules and applies them to govern social and commercial relations. Jurists have for a long time claimed to have a monopoly of it; particularly in the field of contracts. This monopoly is today largely contested by those who are its main recipients: businessmen, entrepreneurs, private individuals. The knowledge of contractual principles has developed and with it the autonomy of business law. The Law obviously remains important, but it is increasingly supplanted by the one which the parties set themselves, in accordance with the recognised freedom that is theirs.

Professor Bortolotti's work is an excellent illustration of this. Its title sets the scene. It is neither an abstract nor a theoretical presentation of the principles of international contract law but a practical approach to putting law into motion. The reader is, intelligently and patiently, taken charge of by the author and steered through the entire course, obstacle by obstacle as it sprouts up: from the negotiation, and the drafting of a contract to the resolution of disputes, arbitration in particular. No big, grand and abstract essays here; just the concrete and the practical, full of examples to follow and to avoid, of wise and sensible advice. That is the reason why it has been made clear in its introduction, that Professor Bortolotti's work addresses itself specifically to traders and to non-specialised lawyers, which by no means excludes specialised jurists happy to find a sound and intelligent guide.

The first distinctive feature is coupled with another: its presentation lies largely, as its subtitle indicates, on the model contracts proposed by the International Chamber of Commerce (ICC). We know that this organisation, one of the oldest and most important in the world of international business life has as one of its objectives, for over 80 years now, to propose models for some of the principal business contracts, notably in the fields of sales, agency and distribution. These models have been prepared by teams of professionals and jurists. They offer the very best of international business world experience. We have often neglected to highlight the very important role that the ICC has played and continues to play in the development of international rules. The presentation that follows, (another of its merits) includes precisely all of these models in the legal and practical framework of international law.

The evolution of international business law depends neither solely nor as much on the adoption of laws and international conventions. It is made up of the conjugated efforts of all of those concerned by the subject: judges, professionals and those, like the author, who know how to extract the essential facts from it.

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