LINGUISTIC AND LANGUAGE ISSUES IN INTERNATIONAL ARBITRATION—PROBLEMS, PITFALLS AND PARANOIA

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“Come, let us go down, and confuse their language there, so that they will not understand one another’s speech.”

(Genesis 11:7)\(^1\)

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\(^{1}\) This translation follows the New Revised Standard Version Catholic Edition (NRSVCE).
ABSTRACT

This paper deals with challenges in international arbitration that are caused by linguistic and language issues. The author starts on the presumption that English is the lingua franca of international arbitration. The author describes potential problems and pitfalls, and, in particular, warns native English speakers to neither ignore these issues nor exaggerate them. The author also describes some inadequate attitudes for dealing with these issues. He encourages non-native English speakers to not accept being marginalized because of supposed language disadvantages. In reality, only a multi-lingual and multi-cultural approach is successful, as the author tries to demonstrate.

KEYWORDS: ambush of witnesses, authentic versions, BREXIT, bullying of witnesses, credibility, cross-examination, cultural sensitivity, culture, global English, Globish, lingua franca, linguistics, Monoglots, Monolingual, tactical maneuvering, pathological translation, trap of hidden meaning, World English