LANGUAGE IN ARBITRATION PROCEDURE: A PRACTICAL APPROACH FOR INTERNATIONAL COMMERCIAL ARBITRATION

Sally A. Harpole *

ABSTRACT

The high volume of international arbitration involving parties with distinct nationality brings special significance to the issue of language in international arbitration. This article provides an overview of the rules and practices relating to language in international commercial arbitration, with commentary and data based on practical experience in Asia.

KEYWORDS: arbitral language, arbitration, bilingual, choice of language, contract language, international commercial arbitration, interpretation, interpreter, language, lingua franca, party autonomy, procedural flexibility, procedural order, procedural rule, Terms of Reference, translation, translator, tribunal's discretion, UNCITRAL Arbitration Rules

* Independent Arbitrator, Mediator and Attorney admitted in the State of California (1978) and the Hong Kong Special Administrative Region (2001). This paper was presented at the Taipei International Conference on Arbitration and Mediation in 2016. The author can be reached at: http://www.sallyharpole.com.