

## English Language Contracts Governed by Foreign Law: Selected Legal Issues

Ateliers de droit comparé

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(1) The governing law of the contract

(a) Legal framework

(b) Practice

(2) The language of the contract

(a) Legal framework

(b) Practice

(3) Divergences between governing law and language

(a) Legal framework

(b) Practice

- Sources of potential mistakes
  - limited linguistic and legal competence of 'NNES'
  - inherent vagueness of language
  - impossibility of precise translation in general
  - impossibility of legal 'translation'
- Strategies to minimise mistakes in
  - negotiating,
  - drafting and
  - adjudicating

contracts where there is a divergence between governing  
law and language