

Nana Gogia

GEORGIA ON THE PATH TO EU INTEGRATION: TRANSLATION AND TERMINOLOGY-RELATED CHALLENGES OF THE GEORGIAN LANGUAGE IN THE CONTEXT OF LEGISLATIVE APPROXIMATION

Abstract

This paper reviews the process of legal translation in Georgian governmental organizations and the impact of new terminology adopted as part of legislative approximation. It also highlights the problem associated with the lack of equivalence of legal phrases and inconsistency in the use of terms. The examples of faulty translations show the impact on the quality of legal translation and, accordingly, the need to improve professional skills.

In conclusion, the focus is placed on the lack of publications with instructions, guidelines, and tips for translators of EU legislation and on the need to develop legal translation programmes to prepare graduates of linguistic faculties for dynamic and high-tech jobs when Georgia becomes an EU Member State.

Keywords: *harmonization of legal terms and concepts, legal translation, legislative approximation*

1.

a. INTRODUCTION

Looking back, intensive cooperation between the European Union and Georgia started when Georgia regained its national independence, and the European Union recognized Georgia's independence in 1992. Later, in 1996, representatives of the EU Member States, the President of the European Commission and the President of Georgia signed the Partnership and Cooperation Agreement (PCA) in Luxembourg. That Agreement entered into force in 1999, which regulated the relations between the parties regarding the achievement of political, economic and social goals. Later on, Georgia was included in the European Neighbourhood Policy (ENP) in 2004, aimed at bringing the EU and Georgia closer to their mutual benefit and interest.

In 2009, with the launch of the Eastern Partnership, Georgia adjusted itself to become a partner country from the South Caucasus. Finally, on 27 June 2014, the EU-Georgia Association Agreement was signed in Brussels, along with its vital trade instrument - the Deep and Comprehensive Free Trade Area (DCFTA), offering Georgia a path to economic integration into the EU internal market through the creation of a Deep and Comprehensive Free Trade Area, and representing an overall 'reform agenda' for gradual approximation of Georgian legislation with the EU legislation.

Georgia's relations with the European Community began much earlier than the entry into force of the EU-Georgia Association Agreement. As confirmed by Article 43 of the PCA signed in 1996 stating that, on the one hand, "Georgia shall endeavour to ensure that its legislation will be gradually made compatible with that of the Community" and on the other hand, "the Community shall provide Georgia with technical assistance for the implementation of these measures, which may include inter alia: the exchange of experts; the provision of early information especially on relevant legislation; organization of seminars; training activities; aid for translation of Community legislation in the relevant sectors" (PCA, 1996:19). Since then, Georgia has embarked on the difficult task of significant improvements and capital investments

in the country.

On the way to EU integration, the implementation of AA requirements depends on the successful process of legislative approximation, which can only be achieved with translation activities.

1. THE ROLE OF TRANSLATION IN THE CONTEXT OF EU MULTILINGUALISM

Over the last decade, legal translation has become a topic of linguistic research and discussion among linguists and lawyers. There is an agreed and universally shared opinion that inappropriate and low-quality legal translations may have serious consequences for the political, economic, financial, legal and personal relations of individuals, companies and enterprises, governmental and non-governmental organizations and countries, as well as lead to distrust and doubts regarding the commitments and liabilities of the countries, rights and obligations of the parties and may often result in significant political risks or financial losses. The quality expectations in this field are higher than in other translation fields due to legal certainty and the guarantee of avoiding any adverse consequences in the future.

Within the EU context, some researchers state that the most suitable expression for the ongoing translation procedure in the European Parliament and the European Commission is *drafting legal documents rather than translating of legal documents* (Šarčević, 1997:271). Meanwhile, others advocate the use of the term *co-drafting in all EU languages rather than translating into all 24 EU languages* (Cosmai, 2014:42). Practice shows that primary EU legislation is at first drafted and then translated by the Directorate General for Translation (DGT) within the European Commission into three working languages of the European Union – English, French and German. However, the most recent statistics indicate that about 73% of the documents submitted to the DGT for translation are drafted in English, 12% in French and 3% in German and then translated into all other official EU languages. Co-drafting/translating legal texts in the DGT is based on two primary principles: legal certainty and legal uniformity for all EU language versions. Along with these principles, the third important principle serving as a foundation for the whole drafting and translation procedure is the standardization principle. It regulates terminological and phraseological issues of legal texts in all official EU languages. Considering the significant number of legal documents to be translated and multilingual text production, it is no surprise that faulty translations and terminology-related errors have been revealed in different language versions of EU legislation. Byrne, in one of his articles, illustrates “the real and potential consequences of inappropriate, incorrect, ambiguous or otherwise defective translations with examples of errors in translations of legal, political and commercial texts” (Byrne, 2007:2). He provides a list of EU directives that establish requirements for accurate and precise translations of technical documentation to address the problem of “faulty translations of operating instructions” (Byrne, 2007:14).

As recognized in the document *Empowerment to correct errors, including minor errors, in translations of acts adopted by the Commission* in 2008 (SEC (2008) 2397), immediately after the major EU enlargements of 2004 and 2007, “[t]he increase in the number of language versions of the texts adopted by the Commission (from 10 in 1995 to 20 in 2004 and 23 in 2007) has also led to an increase in the risk of translation errors. Consequently, there has been an increase in the number of corrections of translation errors adopted by the Commission (European Commission 2008: 3) and, therefore, an increase in the number of corrigenda (corrigenda are the most typical and successful approach applicable in the EU to eliminate typos, minor translation discrepancies

and terminological errors and so forth in legal acts without a fully-fledged revision – NG) issued to this end” (Ramos, 2020:100). This method of correction becomes especially important “in the case of meaning-changing corrigenda of legislative texts with retroactive effects” (Ramos, 2020:100).

Legal drafters and authors, in-house and freelance translators, as well as revisers, lawyer linguists and terminologists providing their services to different EU institutions, are highly recommended to use the following publications in their everyday work: the Joint Practical Guide of the European Parliament; the English Style Guide A handbook for authors and translators in the European Commission; the Interinstitutional Style Guide, the Commission Style Guide; the Drafters’ Assistance Package; How to write clearly; the Plain English Guide; Clear English – Tips for Translators; and Misused English words and expressions in EU publications. This non-exhaustive list of available publications makes it possible to write in clear, understandable and easy-to-read English.

Finally, I would like to briefly review the EU’s terminology management system - IATE (Interactive Terminology for Europe). The IATE has been used for the collection, dissemination, and management of EU-specific terminology in EU institutions and agencies since 2004 in the context of two enlargements (2004 and 2007), and the consequent increase in the number of official languages has increased from 11 to 23. The IATE database is a dynamic terminology resource that supports the multilingual drafting and translation of EU texts into all 24 official languages. With 8.6 million terms in the 24 official languages, IATE is the terminology reference for language professionals and national experts, policy advisers, public administrations, academics and private sector companies.

Granting candidate status to Georgia automatically entails granting candidate status to the Georgian language. This ensures more opportunities for further collaboration with respective EU institutions responsible for translation and terminology coordination activities.

2. THE ROLE OF TRANSLATION IN THE CONTEXT OF LEGISLATIVE APPROXIMATION IN GEORGIA

The path to EU membership means political and economic integration, which, in turn, involves a large-scale process of legislative approximation, including, inter alia, the provision of Georgian translations of EU legislation. To achieve this goal, the role of legal translation and the need for competent and qualified translators have significantly increased.

3. DATA AND METHODOLOGY

The study's primary purpose is to show some grammatical and terminological errors made while translating EU legislation and official documents from English into Georgian. The relevant terms and phrases were identified and extracted from the websites of Georgian governmental institutions, then compared and analyzed according to reliable vocabularies.

Fulfilling the obligations of the Association Agreement means transposing and implementing the standards approved in the EU legislation into the national legislation of Georgia. This process is called legislative approximation in the Association Agreement¹, this process is called legislative

¹ ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part.

From https://www.eeas.europa.eu/sites/default/files/association_agreement.pdf

approximation. Within the Association Agreement, the term "approximation" is used 154 times, which means that this term is preferred for use concerning countries seeking EU membership. The term "harmonization", which some scholars and linguists mistakenly consider synonymous with "approximation", is used in the same text only nine times. For better understanding, the term "harmonization" is used in the entire text of the AA only in the context of the obligation of Georgia to develop different areas further "employing harmonization with generally accepted international standards and methodologies and EU good practices" (AA, 2014: art. 279), or "harmonization of issues dealt within the framework of international organizations of which both Parties are members" (AA, 2014: art. 333) or when referring to Directives applicable in the EU Member States such as "on the harmonization of the laws of Member States relating to electrical equipment designed for use within certain voltage limits" (AA, 2014: ANNEX III-A) or "on the harmonization of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market" (AA, 2014: ANNEX XV-A). The exact frequency of use is observed in Association Agreements with Ukraine² and Moldova³.

Sadly, not all lawyers and linguists clearly understand the significant difference between these two terms and concepts in the context of EU integration and EU law. Accordingly, based on the context, there are many examples of misuse of these terms even in legislative texts (e.g., Resolution of the Parliament of Georgia on the Harmonisation of the Legislation of Georgia with the Legislation of the European Union, dated 2 September 1997; and Decree № 37 of the Government of Georgia on the Approval of the Technical Regulations "Frequency of Testing Various Categories of Vehicles" of 3 January 2014, referring to the "Harmonisation of Georgian legislation with the legislation of the European Union in the field of road transport safety"). First of all, there is no single bilingual database with EU-specific terminology available on the Internet for all governmental and non-governmental organizations involved in the process of legislative approximation to understand the definitions of new terms and then achieve consistency in legal drafting and translation activities without violating the rules of consistent use of terminology.

An exceptional explanation by a Georgian legal scholar may back up this argument. She describes the difference between the two concepts of "harmonization" and "approximation" in her PhD thesis: "From the very beginning, that is, since the 50s of the XX century, both terms were used simultaneously and in parallel in the law of the European Union and were considered synonymous. This trend continues to some extent up to the present. However, there is a significant difference between "harmonization" and "approximation" from the point of view of EU law, and therefore they are considered as different concepts, taking into account their goals, methods and procedures. In particular, "harmonization" is the convergence of two or more systems, phenomena, and legislations of different countries, while "approximation" means the convergence of one country's national legislation with the legislation of the European Union. Accordingly, "harmonization" is a bilateral process, while "approximation" is a unilateral process" (Kardava, 2018; 161-167).

To find out the similarities and differences between the meanings of these two terms, let's look into the most reliable and suitable multilingual vocabulary, "IATE", where we will definitely find

² ASSOCIATION AGREEMENT between the European Union and its Member States, of the one part, and Ukraine, of the other part.

From <https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3123/download>

³ ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part.

From <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A22014A0830%2801%29>

both terms with their definitions, definition references, contexts, context references and so forth:

Term: harmonisation

Domain: EU law [EUROPEAN UNION, European Union law]

Definition: The process by which EU Member States make changes in their national laws, in accordance with Community legislation, to produce uniformity, particularly relating to commercial matters of common interest.

Definition reference: Oxford Dictionary of Law, ISBN 0-19-860756-3

Term: regulatory approximation

Legislative approximation

Domain: international cooperation [INTERNATIONAL RELATIONS, cooperation policy]

Community acquis [EUROPEAN UNION, European Union law, EU law]

Definition: contractual commitment of a non-EU country to gradually ensure conformity of its national legislation with relevant parts of the EU acquis

Definition reference: Council-CENTERM, based on: Petrov. R., 'Approximation of Laws in the EU-Ukraine Association Agreement' (2.12.2021), National University of Kyiv-Mohyla Academy.

The above definitions leave no doubt that there is a big difference between these two terms and concepts. Accordingly, the term “harmonisation” is inserted in the domain of EUROPEAN UNION and the term “approximation” in the domain of INTERNATIONAL RELATIONS. Based on the above definitions, at this stage, Georgia, Ukraine and Moldova as non-EU countries are in the process of regulatory/legislative approximation. Only after joining the EU they, as EU Member States, will embark on harmonisation of their legislations. It is worth mentioning that there is no necessity to borrow or use a transliterated form of the term “approximation” (აპროქსიმაცია [aprosimatsia]) in Georgian because there is an exact equivalent in the Georgian language “დაახლოება” [daakhloeba]:

Source: A comprehensive English-Georgian Online Dictionary

“**approximation** *noun*

1.

მიახლოება, მიახლოებითი სიზუსტე; მიახლოებითი შესაბამისობა / შესატყვისობა: a very close approximation to the truth ქეშმარიტებასთან მიახლოება;

2.

იშვ. მიახლოება, დაახლოება (რაიმესი).

In conclusion, while speaking and writing about Georgia’s integration into the EU, it is recommended to differentiate the above two terms and use in English “regulatory / legislative approximation” (in Georgian “რეგულაციური / საკანონმდებლო დაახლოება” [regulatsiuri / sakanonmdeblo daakhloeba]), “approximation of laws” (in Georgian “კანონების დაახლოება” [kanonebis daakhloeba]) but refrain from using the term “*harmonisation of laws*” (in Georgian “კანონების ჰარმონიზაცია” [kanonebis harmonizatsia]) before accession of Georgia and other candidate countries to the EU.

4. HOW DIFFICULT IS IT FOR TRANSLATORS TO TRANSLATE TERMINOLOGY AND PHRASEOLOGY

Legal terminology and phraseology are always included in the sphere of interest of legal translation studies (LTS), paying special attention to the levels of complexity of their translation. This is the most problematic obstacle for legal translators working with legal documents, including legislative texts and court decisions.

Due to the fact that legislation regulates all spheres of human activity, the language of Law is extremely complex and difficult for lay persons to understand. Here, the translators serve as the mediators between the legal texts and people who need these laws.

So, what are the main translation problems within the context of legislative approximation in Georgia? An analysis of some translated legislative and other institutional documents has revealed that the terminological inequivalence and inconsistent use of terminology are leading to misunderstandings caused by the ambiguity of legal terms, as well as the misuse of legal phrases and collocations.

5. FINDINGS OF THE RESEARCH

Here are some terms and phrases with different errors found in official documents translated from English into Georgian:

1. “**Association Agreement**” is translated as “ასოციორების შეთანხმება” [asotsirebis shetankhmeba] instead of “ასოცი-ი-რების შეთანხმება” [asotsi-i-rebis shetankhmeba] (an example of phonetic error)

Compare to “**initiation**” ”ინიცი-ი-რება“ [initsi-i-reba] and not “ინიციორება“ [initsireba]

Source: Orthographic Dictionary of the Georgian Language

2. “**World Trade Organization**” is translated as “მსოფლიო სავაჭრო ორგანიზაცია (მსო)” [msoplio savachro organizatsia] instead of “ვაჭრობის მსოფლიო ორგანიზაცია (ვმო)” [vachrobis msoplio organizatsia].

Compare to “**World Health Organization**” “ჯანმრთელობის მსოფლიო ორგანიზაცია (ჯანმო)” [janmrtelobis msoplio organizatsia].

The correction is officially made based on the Decree №172 of the President of Georgia of 16 March 2002, replacing the incorrect name “მსოფლიო სავაჭრო ორგანიზაცია - მსო“ by the corrected one ”ვაჭრობის მსოფლიო ორგანიზაცია - ვმო [vachrobis msoplio organizatsia]“.

Despite this fact that some governmental and non-governmental organisations continue to use the abbreviation of the incorrect Georgian form (მსო) [mso] which accounts for “მიგრაციის საერთაშორისო ორგანიზაცია (მსო)” [migratsiis saertashoriso organizatsia] (in English “**International Organization of Migration – IOM**“).

3. “**Regulatory Impact Assessment (RIA)**” – this phrase has two translations in Georgian: “რეგულირების ზეგავლენის შეფასება” [regulirebis zegavlenis shepaseba] used in the Ministry of Justice of Georgia and “რეგულირების გავლენის შეფასება” [regulirebis gavlenis

shefaseba] used in the Administration of the Government of Georgia.

This is an example of parallel use of two versions.

Compare to **Legislative Impact Assessment (LIA) საკანონმდებლო გავლენის შეფასება [sakanonmdeblo gavlenis shefaseba].**

A recommended version is “**რეგულირების გავლენის შეფასება**” [regulirebis gavlenis shefaseba].

7. DISCUSSION AND CONCLUSION

In this paper, two key terms—“harmonization” and “approximation”—have been defined in the context of the EU and differentiated to improve understanding and proper use.

Due to the world's intensive political and economic cooperation, the importance of legal translation has increased exponentially. Other examples illustrate some grammatical and terminological difficulties in translating EU legislation and other institutional documents from English into Georgian. The need for Georgian publications with instructions, guidelines and tips for legislators and translators presents difficulties for inexperienced Georgian translators. Unfortunately, they are not offered any solutions to overcome various translation errors.

In general, the work of a translator in EU institutions is considered one of the fundamental activities of an intermediary between different nations, cultures, and languages. Introducing new terms and using old ones with new meanings in translations requires officially recognized professional qualifications in the field of translation and terminology. The translation process of the Directorate General of the European Commission, based on the principles of alignment, harmonization and standardization, involves only highly educated and trained translators.

We need to share good European practices in this area based on the results of surveys. As stated in the European Master's in Translation, Competence Framework 2022, “Technology has an ever-increasing impact on the way translation services are performed, but over time its limits have also become more apparent. Consequently, human intelligence, knowledge, and skills are still the key factors in delivering quality translations and the growing range of language services which translators and translation companies can provide. This updated framework reflects the need for these human skills by reiterating the importance of linguistic, sociolinguistic, cultural, and transcultural skills. This does not mean a narrower focus, but rather an awareness of human skills as a differentiator in a technologized employment market, where linguistic, critical, and ethical competencies can combine to produce a transversal skill set to equip graduates for the future” (EMT, 2022:2).

Considering the above, as well as the unwavering commitment of the Georgian people to full integration into the European Union, it is advisable to focus on the development of legal translation programmes to prepare linguistic faculty graduates for dynamic and high-tech jobs by the time Georgia becomes an EU Member State.

Successful implementation can only be achieved with the guidance of the European Qualification Framework (EQF), which the EU developed as a translation tool to make national qualifications more understandable and comparable. It is an 8-level system based on learning outcomes for all qualifications. Member States have committed themselves to further developing the EQF and improving its effectiveness in promoting the understanding of national, international and third-country qualifications by employers, employees and learners. In addition to the EU Member States, 11 other countries are working on the implementation of EQF, namely Iceland, Liechtenstein and Norway, Albania, North Macedonia, Montenegro, Serbia and Türkiye, Bosnia &

Herzegovina, Kosovo and Switzerland. Georgia can also, as a candidate country, join them and work on implementing EQF.

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Author’s email

nanagogia22@gmail.com

Authors’ biographical data

Nana Gogia is doing her PhD in English Lexicography at Tbilisi State University, Faculty of Humanities. Her research focuses on the role of translation in the context of legislative approximation, in the conceptual understanding of legal texts with specialised terminology and phraseology, as well as the problems associated with the translation of EU legislation into Georgian and transfer of new EU terms and concepts into Georgian legislation. She has a sufficient experience in legal translation in both the private and public sectors. She currently works as a Coordinator of Local and International Cooperation on Terminology Issues in the Bureau of Translation of International Agreements (BTIA) of the Ministry of Foreign Affairs of Georgia.