International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

Legal Equivalence in International Agreements Case Study: Morocco-European Union Agreement Association

Jamal Eddine MOUKTADIR
Phd. in Communication, Languages & Translation Studies, Member of the World Federation of Arab Intellectuals (WFAI).
FEZ - MOROCCO

ABSTRACT: This study is comparative, qualitative and exploratory in nature. It aims at exploring the types of equivalence and translation procedures used in legal translations. The representative data consists of three authentic versions of the Morocco-European Union Association Agreement. This study has started by providing a brief overview of the translation theories and schools of thought as well as the issue of equivalence in translation, important translation techniques and procedures often employed in the translation of law are presented, discussing each translation procedure and its applicability to legal translation, and then a succinct description of the Morocco-EU FTA Association. This is followed by a comparative analysis of the English, French and Arabic translations in relation to the translation procedures used by translators. Because this study is mainly descriptive, Gideon Toury‘s comparative analysis translation approach will be used. It consists of the identification of the source text, and then the mapping of target text’s segments on their counterparts in order to determine the relationships that link a target text to its source.

KEYWORDS: Equivalence, Legal translation, Morocco-EU FTA, Translation procedures.

1. INTRODUCTION

The idea for this study has aroused from Morocco’s ongoing process of considering a number of its Free Trade Agreements (FTAs), including the Association Agreement with the European Union (EU) and its impact on the Moroccan economy.[1] The importance of the association agreement under study is that it is based on two important considerations: its importance as a political document and its importance as a subject of translation and therefore makes a perfect example of a legal document extremely worthy of analysis from translation studies perspective.

From Translation Studies perspective, the study explores the complex set of processes that has occurred in the translation of FTAs. More specifically, the core of this study is to discover what exactly has happened in the translation of Morocco-EU Association Agreement at various points, issues related to the concept of equivalence and the translation procedures used. Moreover, the other idea behind this study is to study linguistic and cultural challenges facing the legal translator of the Association Agreement, eventually the political disputes that might arise due to misinterpretation of the translations. The focus of this study is the translation equivalence in equally authentic versions, a significant area in legal translation that has remained unresearched in the field of Translation Studies.

In accordance with article 33 (3) of the 1969 Vienna Convention on the law of treaties, which has stated that, ‘the terms of a treaty are presumed to have the same meaning in each authentic text’,[2] translations of International Agreements into official languages become equally authentic like original texts. In that sense, article 95 of the Morocco-EU FTA[3] has stipulated that the language versions of the Agreement are ‘equally authentic’.

According to the ‘equal authenticity principle’, multilingual texts carry the same meaning. An authenticated version of a treaty that the parties to the treaty have officially approved and recognized authentic is ‘deemed to have the same meaning in all the

[1] Source: the Moroccan Ministry of Industry & Trade.

[2] The 1969 Vienna Convention on the law of treaties, article 33 Paragraph (3).

[3] The Agreement establishing an association between the European Union and Morocco is published in the Official Journal of the European Communities on 18-03-2000 n° L 70/2.

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

different authentic language versions - equal authenticity rule, in such laws, words, phrases and the entire texts in the authentic languages are deemed equivalent' (Cao, 2010: 73).

Because of the problem of linguistic and cultural differences, the presumed linguistic equality and authenticity of each single version brings to the forefront the issue of equivalence. The central question then has become that of equivalence: what kind of equivalence can be observed in the translation of the agreement between Morocco and the EU? Are the translations in question target-oriented (i.e. acceptable) or source-oriented (i.e. adequate)? In addition, what translation procedures and strategies are used? Most studies in translation start with a section devoted to the definition of translation. In that respect, this article follows the same methodology. The section below takes as its point of departure succinct definitions of translation including the notion of equivalence. The rest of the study will be devoted to the Morocco- EU FTA and related issues with the hope to come up to a deeper understanding of translation. This study is qualitative and of exploratory nature based on Gideon Toury's descriptive model of translation.

2. TRANSLATION THEORIES AND SCHOOLS OF THOUGHT

As survey of existing literature forms an important aspect of any research work, this section will offer a brief review of literature related to the topic investigated.

Without the existence of translation, the access to the huge number of knowledge around the world would be impossible. The advance of Translation Studies as an academic discipline has greatly influenced translation theories and the practice of translation. Translation Studies Theorists have identified the purpose and function of translation. It has been divided into specialized branches according to the intended functional use.

Before going on to examine legal translation in detail and try to relate it to various translation theories, it would be useful to define the term translation. Translation is the fact of rendering a sequence of words written in a language (Source text) in a different sequence of words written in another language (target text). It links at least two languages and cultures. Peter Newmark has defined translation as 'rendering the meaning of a text into another language in the way that the author intended the text' (Newmark, 1988: 5). The concept of translation has long been based on the binary opposition between 'literal/free' translation, 'spirit/literal rendering' and the 'source-oriented translation/target-oriented translation' etc.

In terms of contemporary theory translations, it is generally found that there are two major mainstreams: approaches of literary theories and approaches based on linguistic theories. Approaches of literary translation have considered that translation is not a linguistic operation. Literary translation 'is the translation of any kind of fictional work, including prose narratives, drama and poetry' (Gouadec, 2007: 29). In literary works in general and poetry in particular, the translator should be careful enough to try to respect the poet's form as best as possible in his version, simply because the translator is constrained by the metrics, the syntax and the poet's ideas. When translating a work of literature in general and poetry in particular, 'it might be impossible to render a text with the same grammatical qualities, rhythms, and rhymes and that it might be miraculous to find identical meanings, connotations, and associations when one substitutes one word for another' (Kristal, 2002: 3). On the other hand, approaches based on linguistic theories such as structuralism, linguistics, functionalism, pragmatics and language text have considered that translation is purely linguistic operation and the translation units are the word, phrase and sentence (see Eugene. A. Nida, J.C. Catford, Vinay and Darbelnet and J.I. Austin).

As every translation is the result of particular relations between source language and target language, two opposing schools of thought have been forming according to what is perceived as the source-oriented approach or the target-oriented approach. For the proponents of the 'source-oriented translation', the translator should transfer the structure of the original text. Conversely, for the advocators of the 'target-oriented translation', the translator should communicate the deep content of the work without reference to the formal structure of the original version.

2.1 Legal language and legal translation

2.1.1 Legal language

Legal language has its peculiarities. As expressed by Cao, 'law and legal language are system-bound, that is, they reflect the history, evolution and culture of a specific legal system' (Cao, 2007: 23). Legal language has differed from ordinary writing. It is characterized by its tremendous use of technical vocabulary. In legal language, drafters tend to make great use of verbs in the

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

passive voice because passive constructions allow the writer to omit the author, for instance; (Treaties, Agreements, contracts, bills, statutes…).

Theoretically, it not possible for the words of one language to coincide with a given equivalent of another language, legal terminology is characterized by polysemy. This means that, 'even in the same legal system, the understandings of the same legal term may vary in various jurisdictions' (Cheng, 2009: 185). In other words, the same word may convey several concepts depending on the context in which it is used.

For instance, the term 'rule' in its general meaning refers to enacted rules as opposed to customary rules, whereas in its strict sense refers to parliamentary statute. This term may have a multiplicity of special meaning when used with another noun, 'the rules of grammar, etiquette, or rugby, for example, are not rules of laws' (Brand, 2013: 6). Moreover, each legal system has its specificities because legal cultural norms and conventions can vary from legal system to legal system. The Anglo-American legal system, for instance, has peculiar legal concepts (Common Law, Statute Law and Equity) 'legal terminology taken from a common law system like that of the United States or Great Britain is unlikely to have an appropriate terminological twin in legal language developed within a civil law system such as those of Continental Europe' (Ainsworth, 2014: 44). As a result, even legal translators who are experienced in one legal culture may experience challenges when confronted with a foreign legal culture. Another linguistic feature of legal language is ambiguity, 'the English legal language is not immune from imprecise and ambiguous expressions' (Cao, 2012: 26). The international treaties are often the result of many political compromises where 'negotiators frequently resort to a compromise that glosses over their differences with vague, obscure or ambiguous wording, sacrificing clarity for the sake of obtaining consensus in treaties and conventions' (Cao, 2007: 153). Cao has advised legal translators to 'avoid attempts to clarify vague points, obscurities and ambiguities' (ibid, 153).

As have been mentioned above, legal texts are often subject to different interpretations. Legal texts, which are supposed to have legal effect, make special use of the modal verb 'shall'. It has nothing to do with expressing future time, but rather expresses an obligation. Legal discourse is also characterized by very long and complex sentences. Another special feature of legal texts is that they produce legal effects, affect human behaviour, the relationship between the state and the individual. This particular function of legal texts is of paramount importance to translation. The question raised is which approach to be taken by the translator with such special terms.

2.1.2 Legal translation

Law is distinguished from other disciplines in that it is traditionally rooted in national cultures and values. Legal terms are created for a particular legal system. Their creation is based on customs and values of a given nation, so they are closely related to the culture of the nation. Translation within legal framework should take into consideration the conventions of the legal system involved.

Legal translation is a kind of specialized translation. It 'occurs between legal systems and [...] some of the most challenging exercises in comparative law are translations.' (Šarčević, 1997: Preface). Professor Susan Šarčević further has asserted that, 'each legal system has its own language(s) and its own system of reference' (Šarčević, 1997: 230).

Legal translation has played a significant role in today's globalized world where the mobility of persons and capitals has increased across borders, thus, the need to communicate in multilingual and multicultural settings arises constantly. In this vital process, legal translation is 'seen as an act of communication' (Baaij, 2014: 107) across linguistic and cultural barriers, enabling the law to function in more than one language at an international level. Hence, Legal translator faces challenges that originate from the transfer of cultural and linguistic concepts pertaining to different languages and legal systems.

Legal translation 'covers all legal or legally binding documents such as laws, directives, standing orders, regulations or contracts' (Gouadec, 2007: 31). Moreover, legal translation is classified by its communicative purpose. In this sense, Cao (2007) has presented three categories: normative, informative with descriptive functions and general legal or judicial.

1- Normative 'refers to the production of equally authentic legal texts in bilingual and multilingual jurisdictions' (Cao, 2007: 10). The legal texts of this category 'are first drafted in one language and then translated into another language or languages' (ibid: 10). In terms of international agreements and treaties, the common practice is that in the final clause of a treaty, it is usually specified the language texts versions are equally authentic, that is, having equal legal force. As mentioned above, this practice was codified in article 33 of the 1969 Vienna Convention on the Law of Treaties. This first type is the focus of this article.

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

2- Informative with descriptive functions 'includes the translation of statutes, court decisions, scholarly works and other types of legal documents' (ibid: 11).
3- General legal or judicial 'used in court proceedings as part of documentary evidence' (ibid: 11).

2.2 Equivalence in legal translation

Throughout the history of translation, the concept of equivalence has been closely related to the concept and definition of translation. Various translation scholars have defined equivalence as 'the relationships which exist between SL and TL texts or smaller linguistic units.' (Shuttleworth, Mark and Moira Cowie, 1997: 49). The complex linguistic and cultural diversity has made perfect equivalence hardly attainable. Translation theorists, though constantly suggesting new definitions, have agreed at least on one point, the notion of equivalence is problematic. In this respect, Nida has stated that, 'no two languages are identical either in meaning given to corresponding symbols or in the ways in which such symbols are arranged in phrases and sentences' (Nida, 1964: 156). This has complicated the translator's task to achieve complete equivalence, ends up with a version as close as possible but not identical to the original. In Hermans's words equivalence is a 'troubled notion' (Hermans, 1995: 217). Put differently, it has been a source of headache for many Translation Studies scholars. However, some techniques may be applied to overcome the problem of equivalence. In this sense, translation theorists have advanced various types of equivalence. These types of equivalence have seemed to be a kind of safe ground for theorists to investigate the issue of equivalence from different points of view. It was common practice in translation theory to refer to types of equivalence in order to establish a relationship of equivalence between the source and target texts. Koller (2011) as cited in Juliane House (2015) has distinguished five frames of reference to define translation equivalence: 'denotative equivalence, connotative equivalence, text-normative equivalence, pragmatic equivalence and formal-aesthetic equivalence' (House, 2015: 7).

2.3 Types of equivalence in translation

Different translation scholars have proposed various approaches as solutions for the problem of equivalence. Thus, various adjectives have been assigned to the notion of equivalence: textual, functional, pragmatic and several others. Nida, Catford, Newmark, Koller, Šarčević and Baker, among others; have exhaustively discussed the issue of equivalence in translation. As based on a generally accepted classification offered by different theorists, the following types of equivalent relationships may be identified:

2.3.1 Formal equivalence

Formal equivalence 'aims at matching the message in the receptor language as closely as possible to the different elements in the source language, including the form and content.' (Nida, 1964: 159)

2.3.2 Functional (dynamic) equivalence

Dynamic equivalence (also known as functional) 'aims at complete naturalness of expression, and tries to relate the receptor to modes of behavior relevant within the context of his own culture' (Ibid: 159). According to Nida, the purpose of the translator is to determine whether the translator should aim at formal equivalence or functional equivalence.

2.3.3 Pragmatic equivalence

For House, pragmatic meaning is of great importance for translation, 'in certain types of translation, it is both possible and necessary to aim at equivalence of pragmatic meaning at the expense of semantic meaning' (House, 1977: 31). Pragmatics and semantics are subfield of linguistics, 'while semantics is concerned with the meaning encoded in the formal components of a language (its words and syntax), pragmatics focuses on the way those forms with those meanings are used in particular contexts to express or communicate a range of different concepts or thoughts' (Carston, 2013: 9).

Pragmatic reflections have really emerged on the philosophical notion with what is called 'Speech acts theory', developed by J.L. Austin in 1962. Austin's main concern was language in use; that is, 'utterances' which he has distinguished from 'sentences'. More specifically, the effect that utterances have on the behavior of the speaker and the hearer. Indeed Austin has not only forged the concept of 'performative utterances', he has also shown that all utterances are speech acts in that they perform specific actions. By issuing an utterance, the speaker is performing three acts simultaneously: a 'locutionary act', an 'illocutionary act' and a 'perlocutionary act'. The perlocutionary act is the particular effect the utterance has on the listener.

Pragmatic equivalence or (perlocutionary equivalence) aims 'to provide a text capable of offering its readers the opportunity of experiencing an analogous effect to that which the ST offered its own readers' (Hickey, 1998: 220). That is, in perlocutionary

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

translation, the translator needs to work out implied meaning in order to get the source text message across. The role of the translator is to recreate the author's intention in another culture in such a way that enables the target culture reader to understand the message clearly.

One of the important aspects of legal translation is the desire for 'legal equivalent effect'. Multilingual legal texts whose versions are assumed equally authentic are 'recognized as equivalent sources for the interpretation of the treaty' (Hermans, 2007: 58). Hence, the language texts versions should have an equivalence relationship in terms of content as well as legal effects. In this thinking, the legal translator strives to achieve a functional equivalence between original and translation. His role is 'to find an equivalent in the target language legal system for the term of the source language legal system' (de Groot, 2006: 424).

2.4 Approaches to legal translation

Over the years, translation scholars have approached the discipline of Translation Studies from various perspectives in the hope of setting up best approaches and methods of translating a text.

2.4.1 Functional Approaches

Functionalism in Translation Studies is a 'methodological approach where the translator's decisions are governed by the intended function of the target text or any of its parts.' (Nord, 1997, 138). The most important theories on which functionalism is based are adopted by German scholars in the 1970s and 1980s: Katharina Reiss's 'text types theory' (Reiss, 1971: 160-171), Hans J. Vermeer's 'skopos's theory' (Vermeer, 1989: 221-232) and Christiane Nord's 'documentary translation and instrumental translation' (Nord, 1997: 138-139). Functionalist approaches proponents generally have believe that the function of a text in the target culture determines the method of translation.

Moreover, another major problem facing legal translators is that a term in one particular legal system may not have a corresponding terminological equivalent in another, especially 'those working with remote cultural legal systems' (Masiola and Renato, 2015: 31). However, legal text may be translated for different purposes, and this will be reflected in the choice of solutions selected by the translator. According to the functionalist approaches, translation methods and procedures will depend on the function of the translation, i.e. its audience.

Šarčević has defined functional equivalent as 'a term designating a concept or institution of the target legal system having the same function as a particular concept of the source legal system' (Šarčević, 1997: 236). Thus, functional approach is the most suited one to the translation of legal texts. According to the functionalist approaches advocators, translators must find terms in the target language that has an equivalent legal function. Based on the functional concept, translators can 'choose the translation strategies suitable for the intended purpose of the particular translation they are working on' (Nord, 2005: 1).

As far as its acceptability in the translation of legal texts, it has been argued that 'the applicability of functional approaches to the translation of pragmatic texts is widely agreed upon and accepted' (Nord, 2010: 124).

2.4.2 Descriptive target-oriented approaches

As has been mentioned in the introduction, this study is descriptive and comparative, not evaluative, and therefore the translation theory that will be used is Gideon Toury's Descriptive Translation Studies (DST). DTS is defined as 'a descriptive, target-oriented, functional and systemic' (Hermans, 1985: 10). DST 'is the complement to the functionalist and linguistic schools' (Tymoczko, 2010: 40).

Toury has developed DTS from Itamar Even-Zohar's Polysystem Theory. According to Toury (2012), DST is a target-oriented approach because it is in the target text that the analysis begins. The process includes the options available to the translator during the translation process, the choices the translator made, the constraints which affected the decision-making, the translation strategies used to get from the ST to the TT, and consequently the relationship between the ST and TT (Toury, 2012:7). In DTS, translations are accepted without judging them as correct or incorrect; DTS aims at explaining 'why a particular equivalence has been reached' (Diaz Cintas, 2004: 26). That is, to discover the type of relation that has been established between the original and the translations. DST aims 'to show if the translated product tends more to the pole of adequacy or acceptability.' (ibid. 2004: 28).

Further, in the descriptive model translation should also be seen as a 'norm-oriented activity' that has involved at least two languages and thus two sets of different norms. The act of translating is a decision-making process, in which the translator selects option among several alternatives. In other words, norms 'imply the need to select from among a series of alternatives' (Toury, 2012: 64). According to Toury 'norms' are the means, which determine what type of translational relation there will be between a source and a target text. Norms govern the choices which translators make, they determine the receptor text and hence the relation

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

between the translation and its source. Toury has called this relation equivalence, 'it can serve as a stepping stone to uncovering the overall CONCEPT OF TRANSLATION underlying the corpus it has been found' (Toury, 2012: 113). Within this framework, the notion of norm has replaced the notion of equivalence. According to Toury, norms play a major role in the whole process of translation, starting with the commission of the text to translate, and ending with problem solving and decision-making processes. In Toury's model, there are three main kinds of translation norms: preliminary norms, operational norms and the initial norm that affect the entire process of translating: Preliminary norms affect translation policy, e.g., which texts are translated and whether translations are done from the original ST or via another language. The initial norm reflects whether the translated text is primarily oriented towards the norms of the ST and SL, which in Toury's terminology is an adequate translation. If, on the other hand, the translated text is oriented primarily towards the norms of the TL, this is termed an acceptable translation (Toury 2012: 82). Operational norms concern the decisions made during the act of translating. One category of operational norms are the matricial norms, which govern the fullness of the translation for example: whether the whole ST is translated, or only parts of it, as well as its segmentation. The other category is textual-linguistic norms, which govern the selection of the TL material to replace the original SL material with (Toury 2012: 82-85). Toury has further argued that the relational character of translation equivalence is conceived within the TT-ST established relationships. Translation equivalence is functional in the sense that it is governed by norms. Translation norms define the choice of the translator in choosing the most appropriate translation strategy that guarantees the same legal effect in the TL. Norms are invisible in translations, it is the patterns in translators' behavior, which indicate that they exist, and whether translators are conforming to them or not. The researcher may identify whether translators have adhered to a particular set of norms or not during the analysis of translations. To round off the section on translation norms, Snell-Hornby has pointed out that, 'the notion of norm is basic to the functional approach to translation as a special form of communication and social action.' (Snell-Hornby, 2006: 55).

2.5 Translation procedures and strategies

Many definitions of translation procedures and strategies have been offered by various translation scholars range from the broadest definitions possible to the most specific ones. Translation procedures are sometimes used interchangeably with translation strategies. Krings has defined translation strategy as 'potentially conscious plans for solving a translation problem' (Krings, 1986:268), Gambier has defined it as 'a tool to tackle the possible problems that emerge during the translation process and a concept to describe the translation as a decision process' (Gambier, 2010: 414). Newmark has differentiated between translation techniques and translation procedures and has stated that, 'while translation methods relate to whole texts, translation procedures are used for sentences and the smaller units of language' (Newmark, 1988: 81). In his turn, Lawrence Venuti has stated that 'strategies of translation involve the basic tasks of choosing the foreign text to be translated and developing a method to translate it' (Venuti 2001:240). He has made a distinction between two strategies of translation: 'domestication' and 'foreignizing'. '…Domestication involves an adherence to domestic literary canons both in choosing a foreign text and in developing a translation method' (Venuti 2001:241). In its turn 'foreignizing entails choosing a foreign text and developing a translation method along lines which are excluded by dominant cultural values in the target language' (Venuti 2001:242). One of the most quoted procedures is that proposed by Vinay and Darbelnet. They have pointed out that, 'translators can choose from two methods of translating, namely direct, or literal translation and oblique translation' (Vinay. J.P. and Jean Darbelnet, 1995: 31). Under Direct Translation, they have listed borrowing, calque, and literal translation, while under Oblique Translation; they have put transposition, modulation, equivalence and adaptation:

Borrowing: The SL word is transferred directly to the TL (ibid: 31-32);

Calque: This is 'a special kind of borrowing'. The SL expression or structure is literally transferred in a translation (ibid: 32-33);

Literal translation: 'word-for-word' translation, most common between languages of the same family and culture. (ibid: 33-35);

Transposition: a change of one part of speech for another without changing the sense (ibid: 36).

Modulation: changes the semantics and point of view of the SL (ibid: 36-37).

Equivalence: refers to cases where languages describe the same situation by different stylistic or structural means, particularly useful in translating idioms and proverbs (ibid: 38-39).

Adaptation: involves changing the cultural reference when a situation in the source culture does not exist in the target culture. (1995: 39-40).

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

The first four translation procedures mostly deal with linguistic aspects of translation, whereas, the last three translation procedures mostly focus on transferring the cultural aspect of a given language. They try to respond to the very problem of how to translate correctly from one language to another, from one culture to another.
Due to the great amount of translation strategies and procedures proposed by scholars, the translation of culture and law become, to a certain degree of acceptability, possible.

3. MOROCCO-EU AGREEMENT ASSOCIATION

Multilateral and bilateral free trade agreements have become an important alternative. These agreements have proliferated in recent years, and now all of the major trading countries are engaging in serious bilateral trade negotiations with multiple trading partners.
According to the United Nations Treaty Reference Guide[4], the term 'agreement' deals 'with matters of economic, cultural, scientific and technical co-operation'. It is applied to bilateral or multilateral treaties. In international law, the term 'agreement' is also used for broad multilateral agreements.
Relations between Morocco and the EU have a long history. After gaining independence in 1956 from French protectorate, Morocco has set up formal relations with the European Economic Community (EEC). In 1969, Morocco has signed a preferential trade agreement with the EEC. In 1976, Morocco has signed a Global Mediterranean Policy agreement with the EEC, specifying commercial, financial, economic and social cooperation in the form of bilateral protocols. In 1996, Morocco and the European Union (EU) have concluded an Agreement establishing an association between the European Communities and Morocco. This Association Agreement has entered into force on 1 March 2000; it is the legal basis for political and economic relations between Morocco and the EU. It is a multilingual treaty that has constitutes a single legal instrument. 'The current EU-Morocco Association Agreement replaced the previous bilateral agreement signed in 1976 and it thus constitutes the legal basis for cooperation between morocco and the EU. It is a performartive agreement and its articles bind the contracting parties.
The Association Agreement has consisted of a Preamble and a series of articles grouped into titles. The main aims of the Association Agreement are:
'- provide an appropriate framework for political dialogue between the Parties,
- allowing the development of close relations in all areas they consider relevant to such dialogue,
- establish the conditions for the gradual liberalisation of trade in goods, services and capital, promote trade and the expansion of harmonious economic and social relations between the Parties, notably through dialogue and cooperation, so as to foster the development and prosperity of Morocco and its people,
- encourage integration of the Maghreb countries by promoting trade and cooperation between Morocco and other countries of the region,
- promote economic, social, cultural and financial cooperation' (Art.1).
The EU is Morocco's first trading partner with 'total trade amounting to approximately €29.25 billion in 2014'[5]. EU imports from Morocco are machinery and transport equipment, textiles-clothing and agricultural products. EU exports to Morocco are machinery and transport equipment, fuels and metals. The English, French and Arabic texts versions of the 2000 Association Agreement are the focus of this comparative study.
The establishment of international bilateral and multilateral agreement sheds a new light on legal translation. Morocco and the EU member states have different legal traditions (Common law, civil law). Further, their Legal systems have different sources of law and legal terminology, as well as differing conceptual, social and cultural bases. As commonly agreed, the legal systems of each state with their peculiar institutions as well as the linguistic and cultural differences provide difficulties for translators. Simply because 'any form of translation runs the risk of overlooking the conceptual differences between languages' (de Cruz, 1999: 214). This complicates the task legal translators because a term in one particular legal system may not have a corresponding terminological equivalent in another, 'the absence of an exact correspondence between legal concepts and categories in different legal systems is one of the greatest difficulties encountered in comparative legal analysis' (Sarcevic, 1997: 14).

[4] Online article available at: http://www.gc.noaa.gov/documents/gcil_treaty_guide.pdf.
[5] Online article available at: http://ec.europa.eu/trade/policy/countries-and-regions/countries/morocco/.

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

This is particularly critical when the contracting parties are governed by 'the principle of equal authenticity'. The principles of the authenticity of the language versions of Morocco-EU Association Agreement have aroused the question of what kind of equivalence has been sought and what are the translation procedures and strategies that have been applied by the translators.

4. METHOD OF ANALYSIS, CORPUS AND DATA COLLECTION PROCESSING

4.1.1 Method

This study has been carried out using the descriptive method proposed by Gideon Toury (2012), which is also referred to as 'Descriptive Translation Studies' (DTS). In DTS, Toury has proposed coupled segments of the target language, which are 'mapped onto parallel segments of the assumed source text' (Toury, 2012, p: 32). Based on this methodology, a number of source text (ST) and target text (TT) coupled pairs was employed in order to conduct this study, taking English as a source text.

The present study has envisaged a twofold analysis: one has sought to analyze coupled pairs that the translators have adopted in the process of translating the Morocco-EU Association Agreement from English into French and into Arabic. This study is carried out by establishing a relationship of equivalence between the coupled pairs of ST and TT segments, that is to say, to ascertain whether the translated texts are formally or functionally equivalent. Second to identify the translation procedures and strategies that have been applied by the translators. And then, from the patterns identified in these procedures, the strategies of the translation were deduced.

In fact, DTS is divided into three sub areas: 'product-oriented', 'function-oriented' and process-oriented'. As far as this study is concerned, 'product-oriented' has been used during the analysis of translations, involving ST /TT comparative analysis of two versions of the same source text.

The study design is a descriptive content analysis; it goes under the heading of qualitative study. The aim of qualitative research 'is to describe the quality of something in some in some enlightening way. More strictly, qualitative research can lead to conclusions about what is possible' (Jenny Williams and Andrew Chesterman, 2014: 64). Moreover, this study is exploratory in nature; the aim is not to test hypotheses but rather to explore what has happened during the translation process, and to propose new research avenues and directions.

The findings were then analyzed with the aim of uncovering the type of equivalence employed in this particular translation from English into French and Arabic.

4.1.2 Corpus

This study is a multilingual comparative study (English, French and Arabic). The corpus is made up of an English version and its French and Arabic translations. The number and the date of the Official Journal in which the full texts can be read:

Internet versions:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22000A0318(01).

http://eur-lex.europa.eu/legal content/FR/TXT/?uri=uriserv:OJ.L_.2000.070.01.0002.01.FRA.

http://www.sgg.gov.ma/arabe/L%C3%A9gislations/BulletinsOfficiels.aspx.

Title of the Agreement	Number and date of publication in the Official Journal
EURO-MEDITERRANEANAGREEMENT establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part.	L 70/2 - 18/03/2000.
ACCORD EURO-MEDITERRANEEN établissant une association entre les communautés européennes et leurs Etats membres, d'une part, et le Royaume du Maroc, d'autres part.	L 70/2 - 18/03/2000.
اتفاق أوروبي متوسطي مؤسس لشراكة بين المملكة المغربية من جهة، و المجموعات الأوروبية و الدول الأعضاء بها، من جهة أخرى	N° 4936 - 20/09/2001.

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

It is important to stress that this study is qualitative and exploratory in nature. Its aim is not to detect flaws of translations, but to describe, explain and predict translational phenomena. The type of descriptive study that has been carried out is the study of a corpus of translations and their source text. In this perspective, the relationship between source texts and translations is described, and new directions of research for the findings are proposed.

The struggle between source-oriented approach and target-oriented approach occurs usually in legal translation. Translators are often not sure where to orient their translation whether to adhere to the SL culture (adequacy) or to produce a text in the TL culture (acceptability).

The relationship between the source language text and the target language text has been defined as equivalence. In this way, the core of any translation is finding the most suitable kind of equivalence, regardless its type or its degree. To find a suitable type of equivalence is being able to find a consensus between the semantic and functional equivalence.

There are methodological aspects that are unique to translation activity. Translators usually solve problem by using translation procedures, techniques and sometimes strategies as translation solutions. The level of equivalence that can be attained in legal translation depends on the translation procedure chosen. According to Malone, translation procedures 'are designed to serve either as tools for the study of completed translations (the ANALYTIC mode), or as helpmates in the act of translation (the OPERATIVE mode)' (Malone, 1988: 2). In this respect, translation procedures have been used as a tool to determine the type of equivalence obtained by both translators of the French and Arabic versions. Vinay and Darbelnet's taxonomy of translation procedures has been used for the analysis in this study.

5. FINDINGS AND DISCUSSION

Before embarking on the details of this research finding, some methodological components should be considered. It goes without saying that the concept of equivalence has provided the basic theoretical and conceptual framework of this study and has given direction to answer the two major research questions. Toury's descriptive model was followed to determine how the type of equivalence has been actually obtained.

The current study has used one hundred fourteen coupled segments that seem create difficulties for translators when they were translating the English text into French and into Arabic.

In terms of first stage of the analysis, the coupled segments (English/French and English/Arabic) were selected, they were copied and pasted. The coupled segments were then checked to make sure they were correctly copied. The examined texts are broken down into one hundred fourteen coupled segments. Then coupled segments selected are displayed in a table: the first column has shown the coupled segments analyzed. The second contains the selected article number. The third and fourth columns have contained the source segment and its counterpart segment. The fifth column has included the name of the identified translation strategy. The sixth has included comments on the translation procedures provided. The seventh column has included the types of ST/TT relationships.

Here, a point to mention is that the English source segments were repeated both with the French target segments, as well as with the Arabic target ones.

The data have been analyzed focusing on the findings for the questions asked in the introduction:

Question 1: What kind of equivalence can be observed in the translation of the agreement between Morocco and the EU, that is to say, functional or formal?

The analytical results are provided in table 1:

Table 1

Types of ST/TT relationships	Formal equivalence	Functional equivalence
English /French coupled segments	48	66
English /Arabic coupled segments	80	34

The figures presented in the table above have shown that the translators of the French text have used functional equivalence 66 times and have recourse to formal equivalence 48 times which shows that the translators of the French text were in favour of the application of functional equivalence, as a more effective translation procedure. Whereas translators of the Arabic text have used

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

80 times formal equivalence and only 34 times functional equivalence which shows that they were more faithful to the original text.

In terms of comparative analysis as a second stage of analysis, this study has provided a summary of translation procedures identified in both English/French translations and English/Arabic translations, to which the question below relates.

Question 2: What translation procedures and strategies are used?

The analytical results are provided in table 2:

Table 2

Translation procedures	**Number of translation strategies applied from English into French**	**Number of translation strategies applied from English into Arabic**
Literal translation	45	69
Borrowing	6	17
Calque	2	15
transposition	62	35
Modulation	67	42
Equivalence	41	32
Adaptation	14	26

The findings obtained in this study have revealed marked differences in the use of the translation procedures and strategies. On the one hand, the comparative analysis of translations from English into French has shown a stronger overall influence of oblique translation, particularly modulation and transposition. On the other hand, the analysis has shown that the use of direct translation methods is more predominant when compared with the use of oblique translation methods. A translation so issued reflects that translators of Arabic version are not proficient in English language skills as well as in language for special purposes (LSP). They have used direct translation procedures, that is to say, the literal (formal) equivalence that is found in the dictionary.

The figures presented in table 2 have shown that oblique translation methods have been used predominantly. Equivalence, transposition and adaptation have often been applied whereas six borrowings and only two calques have been used. For instance, in the French version, 6 terms have been translated through borrowing, whereas in the Arabic one 17 terms have been translated through borrowing. In the French version there are 2 terms translated through calque. In the Arabic one 15 terms have been translated through calque.

In the French version, 45 terms have been translated through literal translation, whereas in the Arabic one 69 terms have been translated through literal translation. In the French version there are 62 terms translated through transposition. In the Arabic one 35 terms have been translated through transposition.

It could be concluded that translators of the French text were in favour of functionalist approaches to translation and have favoured oblique translation procedures. Translators of the Arabic text, however, have employed literal translation methods. Accordingly, translators of the French text have favoured a target-text oriented approach (i.e. adequacy) and the translators of the Arabic version have opted for a source-text oriented approach (i.e. acceptability).

As regards acceptability of the translations, that is French and Arabic translations, they have been accepted and published in the respective official journals and are equally authentic[6]. Furthermore,

[6] O.J. n° L 70/2 - 18/03/2000.
O.J. n° 4936 - 20/09/2001.

International Journal of Current Science Research and Review
ISSN: 2581-8341
Volume 07 Issue 02 February 2024
DOI: 10.47191/ijcsrr/V7-i2-47, Impact Factor: 7.943
IJCSRR @ 2024
www.ijcsrr.org

6. CONCLUSION

In legal translation, the stress on functional equivalence of multilingual legal documents and the establishment of their equal authenticity push translators to strive for accuracy, often at the expense of acceptability. The importance of functional approach to translation lies in its flexibility as a general frame work to justify the use of all types of translation procedures to achieve the communicative purpose in the target audience. This approach overcomes the problematic nature of equivalence as a broad notion.

Hence, this study aims at providing suggestions to Moroccan sworn translators who should be more informant and careful in their acceptance of the use of appropriate legal terminology usage in the translation of future bilateral or multilateral agreements prior to their signature and publication in the official journal as these agreements are legally binding. They should be aware that there are risks in playing on double meanings in translating legal terms, quiet simply because 'mistakes occur when the translator is unaware of the legislative intent' (Sarcevic, 2008: 295).

It is hoped that this study will pave the way for future avenues of researches in the field of legal translation in Morocco for those who are academically and professionally involved in this activity.

REFERENCES

1. Ainsworth, Janet. (2014) 'Lost in Translation? Linguistic Diversity and the Elusive Quest for Plain Meaning in the Law'. In Le Cheng, King Kui Sin and Anne Wagner (Eds.) 'The Ashgate Handbook of Legal Translation'. Ashgate Publishing.
2. Austin, J. L. (1962). 'How to Do Things with Words'. London: Clarendon Press.
3. Baaij. C.J.W. (2014) 'Translation and the 'Contamination' of Comparative Legal Research'. In Glanert, Simone (Ed.). 'Comparative Law- Engaging Translation'. Oxon: Routledge.
4. Baker, Mona. (2011). 'In Other Words A Course Book on Translation'. Second Edition. Oxon: Routledge.
5. Berns, Margie and Kees De Bot (Eds.) (2007). 'In the presence of English: Media and European Youth'. Springer.
6. Brand, Jeffrey. (2013). 'Philosophy of Law: Introducing Jurisprudence'. Bloomsbury: London and New York.
7. Cao, Deborah. (2010). 'Judicial Interpretation of Bilingual and Multilingual Laws: A European and Hong Kong Comparison.' In 'Interpretation of Law in the Global World: From Particularism to a Universal Approach.' Joanna Jemielniak and Przemysław Mikłaszewicz (Eds.). Berlin: Springer.
8. Cao, Deborah. (2012). 'Linguistic Uncertainty and Legal Transparency: Statutory Interpretation in China and Australia'. In Vijay K. Bhatia, Christoph A. Hafner, Lindsay Miller and Anne Wagner (Eds.) 'Transparency, Power and Control Perspectives on Legal Communication'. Farnham and Burlington: Ashgate.
9. Carston, Robyn. (2013) 'Legal Texts and Canons of Construction: A View from Current Pragmatic Theory' In Michael Freeman and Fiona Smith (Eds.). 'Law and Language: Current Legal Issues 2011' Vol. 15. Oxford: Oxford University Press.
10. Cheng, Le and King Kui Sin (2009) 'Legal terms across Communities: Divergence behind Convergence in Law' In Anne Wagner and Vijay K. Bhatia (Eds.) 'Diversity and Tolerance in Socio-Legal Contexts: Explorations in the Semiotics of Law'. Farnham/Burlington: Ashgate.
11. Cruz, Peter. De (1999). 'Comparative Law in a Changing World' (Second edition). London and Sydney: Cavendish.
12. De Groot, Gerard-René. (2006). 'Legal translation' In Jan M. Smits (Ed.) 'Elgar Encyclopedia of Comparative Law'. Cheltenham: Edward Elgar.
13. Diaz Cintas, Jorge. (2004). 'In search of a theoretical framework for the study of audiovisual translation'. In Pilar Orero (Ed.) 'Topics in Audiovisual Translation'. Amsterdam/Philadelphia: John Benjamins B.V.
14. Gambier, Yves. (2010) 'Translation strategies and tactics'. In Yves Gambier and Luc van Doorslaer (Eds.) 'Handbook of Translation Studies'. Amsterdam/Philadelphia: John Benjamins B.V.
15. Gouadec, Daniel. (2007). 'Translation as a Profession'. Amsterdam/Philadelphia: John Benjamins B.V.
16. Hermans, Theo. (Ed.) (1985) 'The manipulation of literature: Studies in literary translation'. New York: St. Martin's Press.
17. Hermans, Theo. (1995) 'Toury's Empiricism Version One'. The Translator Vol.1 n° 2. Avaialable at: http://www.tandfonline.com/doi/pdf/10.1080/13556509.1995.10798958 (accessed on 2 November 2015).

18. Hermans, Theo. (1999) 'Translation in Systems: Descriptive and System-oriented Approaches Explained'. Manchester: St Jerome Publishing.
19. Hermans, Theo. (2007). 'Translation, irritation and resonance' In 'Constructing a Sociology of Translation' Michaela Wolf and Alexandra Fukari (Eds.). Amsterdam / Philadelphia: John Benjamins B.V.
20. Hickey, Leo. (Ed.) (1998). 'Perlocutionary Equivalence: Marking, Exegesis and Recontextualisation' In 'The Pragmatics of Translation'. Clevedon: Multilingual Matters.
21. House, Juliane (1997). 'Translation Quality Assessment: A Model Revisited'. Tubingen: Gunter Narr.
22. House, Juliane (2015). 'Translation Quality Assessment: Past and Present'. London and NewYork: Routledge.
23. Krings, H.P. (1986). 'Translation Problems and Translation Strategies of Advanced German Learners of French (L2)'. In Juliane House and Shoshana Blum-Kulka (Eds.) 'Interlingual and intercultural communication: Discourse and cognition in Translation and Second Language Acquisition Studies'. Tubingen: Gunter Narr.
24. Kristal, Efraín. (2002) 'Invisible Work: Borges and Translation'. Nashville: Vanderbilt University Press.
25. Malone, Joseph L. (1988) 'The Science of Linguistics in the Art of Translation: Some tools from linguistics for the analysis and practice of translation'. Albany: State University of New York Press.
26. Munday. Jeremy. (2008) 'Introducing Translation Studies: Theories and applications'. London and New York: Routledge.
27. Newmark, Peter. (1988). 'A textbook of Translation'. New York and London: Prentice Hall.
28. Nida, A. Eugene. (1964) 'Toward a Science of Translating: With Special Reference to Principles and Procedures Involved in Bible Translating'. Netherlands: Leiden.
29. Nord, Christiane. (1997). 'Translating as a Purposeful Activity. Functionalist Approaches Explained'. Manchester UK: St. Jerome Publishing.
30. Nord, Christiane. (2005). 'Text Analysis in Translation: Theory, Methodology, and Didactic Application of a Model for Translation-oriented Text Analysis'. Second Edition. Amsterdam New York: Rodopi.
31. Nord, Christiane. (2010). 'Functionalist approaches' In Yves Gambier and Luc van Doorslaer (Eds.) 'Handbook of Translation Studies'. Vol. 1. Amsterdam / Philadelphia: John Benjamins.
32. Olave Schram Stokke and Oystein B. Thommsen (Eds.) (2001). 'Yearbook of International Cooperation on Environment and Development 2001-02'. London: Eartscan.
33. Pym, Anthony. (2004). 'Localization from the Perspective of Translation Studies: Overlaps in the Digital Divide?' Article online available at http://www.researchgate.net/publicayion/250363090_Localization_from_the_Perspective_of_Translation_Studies_Overlaps_in_the_Digital_Divide. (Accessed 9 November 2015).
34. Reiss, Katharina. (2000). 'Type, Kind and Individuality of text'. In Venuti (ed.), 'The Translation Studies Reader'. London & NY: Routledge.
35. Sarcevic, Susan. (1997). 'New Approaches to Legal Translation'. London: Kluwer Law International.
36. Sarcevic, Susan. (2008). 'Translation in International Arbitration'. In Vijay K. Bhatia (Ed.) 'Legal Discourse across Cultures and Systems' Hong Kong University Press.
37. Schilling, Theodor. (2010). 'Beyond Multilingualism: On Different Approaches to the Handling of Diverging Language Versions of a Community Law.' European Law Journal, Vol.16, Issue 1, pp. 47- 66.
38. Shuttleworth, Mark and Moira Cowie (1997). 'Dictionary of Translation Studies'. London and New York: Routledge.
39. Snell-Hornby, Mary. (2006). 'The Turns of Translation Studies: New paradigms or shifting viewpoints'. Amsterdam/Philadelphia: John Benjamins B.V.
40. Toury, Gideon. (2012). 'Descriptive translation studies and beyond'. Second Edition. Amsterdam: John Benjamins.
41. Tymoczko, Maria. (2007). 'Enlarging translation, empowering translators'. London and New York: Routledge.
42. Venuti, Lawrence. (2001). 'Translation strategies'. In Mona Baker (Ed.) 'Routledge Encyclopedia of Translation Studies'. London and New York: Routledge.
43. Venuti, Lawrence. (2005). 'Strategies of Translation' In Mona Baker (Ed.) 'Routledge Encyclopedia of Translation Studies'. London – New York,), 240-244.

44. Vermeer, Hans. J. (2000). 'Skopos and Commission in Translational Action'. In: Venuti (ed.), 'The Translation Studies Reader', London & NY: Routledge
45. Vinay. J.P. and Jean Darbelnet. (1958/1995) 'Comparative Stylistics of French and English: A methodology for translation'. Translated and edited by Juan C. Sager and M.J. Hamel. Amsterdam/Philadelphia: John Benjamins B.V.
46. Williams, Jenny and Andrew Chesterman (2014). 'The Map: A Beginner's Guide to Doing Research in Translation Studies'. London and NewYork: Routledge.

Cite this Article: Jamal Eddine MOUKTADIR (2024). Legal Equivalence in International Agreements Case Study: Morocco-European Union Agreement Association. International Journal of Current Science Research and Review, 7(2), 1285-1297