LexALP – Harmonising Alpine Terminology

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This paper aims at first placing harmonisation within its family of related activities and on describing the issues of legal harmonisation within environmental law. Then the objective of the LexALP project is described, together with the working steps, the methodology and particular challenges. The Harmonising Group and its activities are presented. Finally, the results of the project are summarised in the last section.

1.   What is harmonisation?

The first sections of this article focus on describing what is meant by terminology harmonisation and on outlining the family of related activities.

1. 1. Related fields

There are different forms of controlling or guiding linguistic and terminological development, which can be referred to as 'COMMUNICATION PLANNING', namely language planning and terminology planning (Infoterm 2005:6). Language planning is usually distinguished into corpus planning and status planning (Kloss in Laurén et al. 1998: 274). Specific activities of language and terminology planning are language and terminology standardisation, respectively.

LANGUAGE PLANNING can also be referred to as glottopolitics, language engineering, language regulation or language development. It comprises a wide range of activities, from the creation of neologisms to the introduction of spelling reforms, and may be based on a combination of approaches: lexicography, terminology management, translation, translation management and corpus linguistics. It addresses issues such as the right to native language education, enhancing cultural diversity and ensuring access to information for all layers of society (Infoterm 2005:6-8). This form of linguistic policy may be concerned with the corpus or the status of a language. While CORPUS PLANNING includes activities such as reforming orthography, producing grammars and setting up institutions to take care of language issues, STATUS PLANNING regards decisions such as what languages should

be taught in school, which languages should be used in court or by the public administration, etc. (Infoterm 2005:6, Laurén et al. 1998:274.)

Language standardisation is often an issue for lesser spoken languages and basically belongs to corpus planning. It usually implies choosing, according to a set of well-defined criteria, among different variants or spellings of a language, so as to create a unified standard variety or orthography. This has been done for example for languages such as Ladin and Romansh in the Alps. The development of PinYin may also be considered as a particular example of language stadardisation. PinYin is a systematised and codified transcription norm for expressing Chinese spoken language in Roman letters (ISO 7098:1991). Chinese spoken language can be written with traditional characters, like this: 北京. In PinYin the same word is written Běijīng. There are other ways of transcribing Chinese with other results, e.g. Peiching, Pei-ching, [pɛjtɕiŋ], Peking. These alternatives look different, but they all refer to the same original content and are only alternative ways of expressing it. The traditional characters are one sign system, PinYin is another. In this way, the linguistic signs are standardised, even without the need to compare content.

Terminology planning has a much more focussed goal. It aims at systematically developing or guiding the development of specialised language for the purpose of communication within a particular domain (Infoterm 2005:8). Also, it is often multilingual and involves several disciplines (such as information science and cognitive science), for example, when multilingual specialised dictionaries are produced (Laurén et al. 1998:287).

Terminology standardisation is a mostly institutionalised activity. Terminology standardisation is defined in the German DIN 2342/1992:5 as the "standardisation of concepts and their designations as well as of concept systems and the related systems of designations or nomenclatures"[1]. It generally consists of a first, purely descriptive phase of terminology work. The subsequent phase has a prescriptive character and implies choosing the most adequate or correct one among different variants in use or proposing new terms (Laurén et al. 1998:295-296). Terminology standardisation is done for example in the German-speaking province of Bolzano/Bozen in Italy, where a dedicated Terminology Commission is in charge of determining and regularly updating the legal and administrative terminology used by the public bodies and institutions in the German language (DPR 574/88, art. 6(1)). The aim of the Commission, created with the Decree of the President of the Republic No. 574/1988, is to set and validate full equivalences between the Italian and German terms and thus provide controlled translation relations for the main concepts of the Italian legal system.

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1   In the original language: *"Normung von Begriffen und ihren Benennungen sowie von Begriffssystemen und den dazugehörigen Benennungssysyemen oder Nomenklaturen".*

1. 2. Harmonisation

According to the ISO 860 norm, HARMONISATION is to be subdivided into two main activities, the harmonisation of concepts and the harmonisation of the corresponding linguistic labels. In the first case, minor differences between two or more very similar concepts shall be reduced or eliminated. In the second case, the terms used to designate one and the same concept in more than one language should aim at expressing the same or very similar characteristics of the concept. Furthermore, the form of the terms should be the same or at least very similar.[2] Contrary to terminology standardisation, the results do not necessarily become (legally) binding, but a well-done linguistic harmonisation will impose itself by the mere usefulness of results.

Harmonisation is particularly challenging in the domain of law. Since legal terms are intimately linked to their legal system of origin, equivalents are rarely to be found when comparing different legal realities (Arntz 1993:6, Sandrini 1996:138, Šarčević 1997:232). This is especially true because the concept that legal terms refer to is not a real world object, but an abstract categorisation. Given that each State has chosen a different set of rules for its internal organisation, the same abstract categorisation is unlikely to be encountered when comparing the legal systems of two States.

The following extract shows why legal harmonisation in the field of environmental protection is particularly challenging:

> One feature of ecological-network programmes that can lead to some confusion is the variation in terminology. The term 'ecological network' gained favour in Europe in the early 1990s and has been used in the most important international mechanisms in recent years, including IUCN's World Conservation Congresses, the World Summit on Sustainable Development's Plan of Implementation and the CBD Conferences of the Parties, including the programme of work on protected areas. In regional and national settings, however, different terms are used to describe the model. These include 'territorial system of ecological stability', 'reserve network', 'bioregional planning', 'ecoregion-based conservation', 'connectivity conservation areas' and various language-specific variants, but also 'corridor'. As a result, it is not always obvious from the title of a programme or project whether the approach reflects the ecological-network model. (Bennett & Mulongoy 2006:82)[3]

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2   The definitions from the French language version of the ISO 860 norm are a) for harmonisation of concepts: *"réduction ou élimination des différences mineures entre deux notions très semblables ou plus"*; and b) for harmonisation of terms: *"activité devant aboutir à la désignation, dans plusieurs langues, d'une même notion par des termes qui reflètent les mêmes caractères ou des caractères similaires dont la forme est la même ou légèrement différente"* (sec. 3.1-3.2).

3   The examples discussed in this review carry the English or equivalent names of 'ecological network', 'green network', 'reserve network', 'wildlands network', 'interwoven biotope system', 'territorial system of ecological stability', 'corridor', 'biological corridor', 'ecological corridor', 'biodiversity corridor', 'conservation corridor', 'biogeographical corridor', 'sustainable-development corridor', 'green corridor', 'ecoregion plan', 'transboundary natural-resources

This quotation shows that:

- terminology evolves with the subject field (in this case, ecology);
- international terminology does not follow national terminology;
- supranational and international communication require terminological awareness or, better, harmonisation;
- the scientific terminology of 'ecological-network programmes' is enshrined in legal texts, e.g. international treaties or national laws.

Those few points suffice to illustrate that harmonisation is a daunting task which can only be done provided that certain conditions are fulfilled. The ideal conditions for harmonisation to be successful are stated in ISO 860:

- the domain is well established and relatively stable;
- the domain concerns concrete objects, such as machinery, tools, materials or industrial products;
- there is a tradition of harmonisation within the domain.

Regarding a), the field of conservation of nature and sustainable development is not especially stable, but rather rapidly evolving, and even evolving at a different pace in the different countries.

As to b), as explained above, legal terms do not refer to concrete objects. As Cortelazzo puts it, the law does not just use the language; it is *made of language*[4] (1997:36). Hence, a univocal reference to a real-world object is rare, contrary to the situation in other subject fields like botany or zoology.

In relation to c), even though an official effort to harmonise the four language versions of the texts of the Protocols had been made in 2000 (see 2.1), the results of the LexALP project show that still many synonyms and variants of a term, sometimes even incorrect translations survive in the Frame Convention and its Protocols. This suggests an insufficient comparative analysis before harmonisation or political motivations behind term choice.

The following sections discuss how such a challenging goal was faced within the LexALP project, which aimed at harmonising the terminology of the Alpine Convention in the four languages French, German, Italian and Slovene.

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management area' and 'transfrontier conservation area'. Still other names are undoubtedly used for programmes that have not been reviewed (Bennett & Mulongoy 2006:82).

4   "*Il diritto non si serve della lingua, ma è fatto di lingua.*" (No italics in the original text.)

2.   Harmonisation in LexALP

2. 1. Project goal

The goal of the INTERREG IIIB project LexALP[5] is to harmonise the legal and scientific terminology used within the Alpine Convention and its nine Implementation Protocols (hereinafter called AC). The Alpine Convention is a framework agreement between eight countries of the Alpine region (Austria, France, Germany, Italy, Liechtenstein, Monaco, Slovenia and Switzerland)[6], signed also by the European Union, that aims at the long-term environmental protection and sustainable development of the Alps.

The contents of the AC have already been declared equivalent for its four official languages, French, German, Italian and Slovene in 2000. The minutes of the meeting of the sixth Alpine Conference held in Lucerne, Switzerland, state that the Alpine Conference takes note of the final report on the linguistic harmonisation of all Implementation Protocols already agreed-on and approves it. The Alpine Conference assessed that the Protocols on Spatial Planning and Sustainable Development, Mountain Farming, Conservation of Nature and the Countryside, Mountain Forests, Tourism, Soil Conservation and Energy[7] have been fully harmonised from the point of view of both language and style, without any modification of the content (2000:5.6).[8] Nevertheless, it became clear during the following years that this formal process had left several gaps and inconsistencies between the four language versions. For example, in the Protocol on the Conservation of Nature and the Countryside the Slovene expression used to refer to 'genetically modified organism' is *genetsko spremenjeni organizem.* The Mountain Farming Protocol even uses the paraphrase *z genetskimi tehnikami spremenjeni organizem,* instead of the correct technical term *gensko spremenjeni organizem.* Also, the German term used to express the concept of *economia agricola* in art. 12 of the Protocol on Mountain Farming is *Bewirtschaftung* (which corresponds to Italian *coltivazione*), instead of *Landwirtschaft.*

In order to better achieve a full formal and conceptual equivalence (harmonisation) in the future texts produced, the LexALP project identifies the concepts used within the AC texts and retrieves their (four or more) designations in all AC languages. Then, the

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5   Acronym for *Legal Language Harmonisation System for Environment and Spatial Planning within the Multilingual Alps.*

6   Even though Liechtenstein and Monaco are parties to the Convention, their legal systems were not analysed within the LexALP project due to temporal and financial limitations.

7   The titles of the Protocols used here are the official English translations given by the EU when providing the ratified texts into all the languages of the Union.

8   The exact wording in French is: "*La Conférence alpine prend acte du rapport final sur l'harmonisation linguistique de tous les protocoles d'application convenus à ce jour et l'approuve. Elle constate que les protocoles Aménagement du territoire et développement durable, Agriculture de montagne, Protection de la nature et entretien des paysages, Forêts de montagne, Tourisme, Protection des sols et Energie ont été entièrement harmonisés sur les plans linguistique et stylistique, et ce sans qu'aucune modification de fond n'ait été apportée.*"

equivalent concepts in the national and other reference legal systems (EU and international law) are looked for. Each designation is described through a definition, whenever possible, a context of use and other linguistic information. This facilitates comparative work between the languages and legal systems of reference, as inconsistencies in the use and meaning of the different designations across languages and legal systems can often be highlighted during this preliminary description and explained in specific comparative notes. For example, the notes to the terms *Verbandsklage* and *comunità montana* explain that the corresponding concepts are intimately linked to their legal system of origin, namely the German and the Italian system respectively, and have no equivalents in the other legal realities. In such cases, translation proposals are validated and a controlled translation relation is established. In the case of *Verbandsklage* the harmonised translation proposals for the other three languages are *azione legale intentata da un'associazione*, *action en justice d'une association* and *tožba združenj*. For *comunità montana* the harmonised equivalents are *communauté de communes de montagne*, *Berggemeinschaft* and *gorska skupnost*.

The main aim of the comparative terminology work described above is to facilitate the activity of a group of experts, the Harmonising Group, who are to find an agreement on the most correct and least ambiguous linguistic labels for each AC concept and thus harmonise them in form of term quartets (one per each language and one-to-one correspondence between each of the four terms).[9] For example, when there are just too many synonyms or near-synonyms in the AC texts to indicate one concept, the preferred term is established. Such was the case with *deterioramento della natura*, *compromissione della natura* and *compromissione a danno della natura* in Italian, which all indicate a measurable negative change in the natural resources. Only *deterioramento della natura* was harmonised with its equivalents in the other three languages, namely *Beeinträchtigung der Natur*, *détérioration de la nature* and *okrnitev narave*. The other two Italian terms remain in the term bank, as they can be found within AC texts, but are clearly marked as 'rejected', while the preferred term is marked as 'harmonised'. Only these terms should be used to indicate the concept described above, so as to ensure that all four language versions express the same meaning.

The resulting collection of term quartets form a specialised glossary, which is obviously a great help for translators, interpreters and, in general, anybody working with the AC texts. But harmonised terminology is even more: the interpretation of legal texts becomes easier, because the meaning of a term is indicated through its equivalents in the other languages and the definition given by the Harmonising Group. In the example illustrated above the interpreter of an AC text is not lead to believe that *deterioramento della natura* is supposed to mean something else than *compromissione della natura*. In fact, as legislators usually

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9   For the benefit of translators also quartets of phraseological units are harmonised, even though they do not always constitute 'terms' in the strict sense in all four reference languages.

stick to a precise terminology and use other terms only to refer to other concepts, without harmonisation one might think that *deterioramento* indicates a more serious damage than *compromissione*. The interpreter might 'invent' a difference between the two terms implying authorship and intention, for instance. Those considerations were discussed during the Harmonising Group meetings and settled by giving the preferable term, its precise meaning and translations. Hence, harmonised terminology is a great help also for interpreters of the text: it should support national public officials responsible for the application of the AC principles next to translators and interpreters in the field of mountain issues. Harmonised and clearly defined concepts may be of use also for lawyers and politicians when interpreting or drafting new AC texts or working documents. More in general, it aims at facilitating communication and enhancing international collaboration.

Given the amount of different legal systems and languages as well as the different competences (legal, linguistic, computational) and types of partners (public, private, academic)[10] involved in the project and the relatively short time available between the beginning of 2005 to the beginning of 2008, this task proved extremely challenging as far as organisation, coordination and workflow are concerned. In this paper we will try to highlight the main difficulties encountered and outline the solutions that were or could have been adopted.

2. 2. Status of harmonised legal terminology within the AC

Unlike the Province of Bolzano/Bozen in Italy with its Terminology Commission, the Alpine Convention has no official body charged with standardising its (legal) terminology. Even a more practical approach, as adopted by multilingual Switzerland (where the terms contained in the TERMDAT database are considered an authoritative reference for all public administrations) is difficult, since the Alpine Convention does not have a dedicated terminology service.

To avoid incurring into the same mistakes of the past and multiplying mistakes and (near-)synonyms also in the future text production, the creation of an online system to provide all users with clear and consistent terminology was strongly supported by the Permanent Secretariat of the Alpine Convention. To achieve this goal, a group of Alpine legal experts and terminologists representing institutional levels and public or private instances (see 3.1) gathered during six meetings to discuss the harmonisation of most AC terms. The results of these meetings (see section 4) are not binding in any way, but constitute a useful and accurate reference work for all translators, interpreters, technical drafters and public officials dealing with the Alpine Convention and its implementation.

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10   See Lanzoni in this collection, p. 65-66 for a list of project partners and observers.

3.   Composition of the Harmonising Group

3. 1. The members of the Harmonising Group

The institutions represented within the Harmonising Group cover all languages and legal systems of the Alps. The Group is composed of legal experts and terminologists from public services or the academic world. Thanks to this composition it was possible to ensure a high-quality work, which is the result of a detailed comparative work between the AC concepts and the national concepts and an accurate linguistic and terminological analysis.

The following institutions took part in the harmonisation meetings:
- Permanent Secretariat of the Alpine Convention (Innsbruck),
- Direzione per la Ricerca Ambientale e lo Sviluppo del Ministero dell'Ambiente e della Tutela del Territorio e del Mare (Rome),
- Abteilung Internationale Zusammenarbeit – Umweltbundesamt Österreich (Vienna),
- Délégation Générale à la Langue Française et aux Langues de France – Ministère de la Culture et de la Communication (Paris),
- Direktorat za okolje – Ministrstvo za Okolje in Prostor (Ljubljana),
- Sektion Terminologie der Schweizerischen Bundeskanzlei (Bern),
- Dipartimento Affari Regionali e Autonomie Locali della Presidenza del Consiglio dei Ministri (Rome),
- Servizio Legislativo della Regione Autonoma Friuli Venezia Giulia (Trieste),
- Amt für Sprachangelegenheiten der Autonomen Provinz Bozen-Südtirol (Bolzano/Bozen),
- Sprachen und Dolmetscher Institut München (Munich),
- Research groups GREMUTS (ILCEA, UFR de Langues) and LIDILEM (UFR de Sciences du langage) – Université Stendhal, Grenoble 3 (Grenoble),
- Institute for Specialised Communication and Multilingualism of the European Academy (EURAC), Bolzano/Bozen.

3. 2. The role of the members of the Harmonising Group

Collaboration between academic project partners and public institutions can represent a challenge for both categories. Political and institutional interests not always match the academic and scientific interests. Procedures, schedules and work methodologies may be so different that misunderstandings are often unavoidable. For example, the idea of testing and adapting a research product during project lifetime is difficult to accept for public institutions, which tend to prefer using ready-made conventional/ commercial

products. Also, publications are seen as a way of disseminating and celebrating project activities by the public bodies. This makes scientific accurateness become less important to them than conveying simple and direct messages to the citizenship. In such cases, issues of quantity and quality should always be resolved with a good compromise between the two groups.

Particular attention should be put in trying to avoid that previous relations between the public institutions participating in a project do not influence the dynamics of the project. When two or more public institutions belonging to different levels (e.g. ministries, regions, local bodies) are involved in a discussion, there is the risk that the national and more important institutions are given pre-eminence during the decisional processes, even though each partner's importance inside the project is absolutely equal. Separate meetings of all public institutions are sometimes called for, but it should be made clear that these preliminary discussions should help to minimise discord between the various institutional levels but that no 'secret plotting' can take place. No decisions should be taken separately and outside the common meetings.

3. 3. The multilingualism of all participants as a great resource

In the case of the LexALP project, English was chosen as the official project language, because it was the language of all official contracts and almost all project participants could understand it and speak it. Unfortunately, this choice created additional difficulties to the terminologists, who were already supposed to work in their native language, be able to refer to the entries of at least one or more other languages *and* also speak English. Finding someone sufficiently competent in the five languages English, French, German, Italian and Slovene was basically impossible. Still, most collaborators had a sound knowledge of two project languages plus English. Many even had a passive understanding of an additional Alpine language.

It was even more challenging to find legal experts who could revise entries of more than one legal system and in more than one language. The two working languages of the Harmonising Group had to be French and Italian, given that most members were either native speakers of one of the two languages or sufficiently competent in either of the two to participate in the meetings. English was considered acceptable for general communication, but not desirable for explaining specific legal differences between the legal systems, since all participants wished to avoid misunderstandings based on the possible incorrect use of English legal terms often connected with common law. Most of the legal experts corrected the entries in their native language, with a particular eye to the legal systems they know best, and referred to the corresponding entries in one of the two romance languages.

Obviously in a terminology project starting with four different working languages and one additional language for general communication it is not easy to ensure a coherent and clear flow of communication. Nevertheless, choosing to add English as a fifth language ensured that none of the project partners could be favoured by the possibility of communicating in their native language.

4. Results

Some 500 concepts were harmonised. This number has to be multiplied by four to get the number of harmonised terms (i.e. 2000 terms, 500 per language). Besides the validated terms, the terminology data base documents also many other terms found in the AC, but labelled 'rejected'. This is indeed an important piece of information, because it directs the user towards those terms that are considered preferable. Of course, some more terms were worked on, but not harmonised for one reason or another. Those terms are ready for the user and just as useful for a translator. Finally, next to the AC terms, many more terms were elaborated at international and EU level as well as at the national levels during the comparative work.

All project results are freely available to the public via the LexALP Information System at http://www.eurac.edu/lexalp. This portal gives access also to a connected corpus of legal documents and to a bibliographic database connected with the information sources cited in the term bank.

The corpus contains about 3000 documents of national and supranational legal systems, selected in 2005 by legal experts according to the relevance to the subject fields treated within Alpine Convention Protocols. The documents comprise over 18 Million words and are freely available for consultation. Multilingual documents are aligned, which means that the user can immediately access, starting from a text in one language, the equivalent text segment in another language.

The bibliographic data base contains the full reference to all sources (of the definitions, contexts of use and notes) quoted in the terminological entries. Almost 5000 references are stored. Next to the 3000 corpus documents, reference to further legislation and handbooks are available. The bibliographic data base can be used for finding relevant legislation or handbooks in one of the sub-domains defined (e.g. protected areas, transport, agriculture, etc.) for each legal system.

Much more work is still to be done on environmental terminology and on its usage within AC texts. Nevertheless, we hope we provided useful material for all stakeholders and have contributed to foster clear and consistent communication within the Alpine arc.

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