Preface of the editors

Prescribing language use has been an important ingredient of the nation building era, and language policies have profoundly shaped the linguistic reality in European nation states. The current European unification and regionalisation does not rely on language for political legitimisation, it rather re-introduces linguistic complexity at the level of legislation and norm-giving in general. Prescribing language use often meant prescribing *one* language rather than the other, or prescribing *one* regional variant of a language rather than accepting diversity.

Today, multilingualism has become officially part of norm-giving processes through the distribution of sovereignty to supra- and sub-national levels. This entails that the languages used may not necessarily be the national languages of all Member States or Parties. With different legal languages the question of equivalence arises, either during co-drafting or during translation.

Against this background, the issue of language standardisation is not anymore assimilating, but rather facilitating diversity. The goal of language standardisation in this context is not "one nation – one language", but allowing the use of several different languages without impairing communication. Hence, prescribing language becomes prescribing translation relations.

Prescribing translation relations through harmonisation simplifies a complex and dynamic situation. The scientific and creative competence of translators is somehow limited by setting up a simple substitution rule, at least for certain terms. Translation theory teaches that the interpretation of a source text or source meaning is never finished, never perfect, but for practical reasons the search for a better translation may have to be restricted. The decision for one translation rather than another should be well informed, but even under ideal conditions harmonisation would never be infallible or undisputed. There are of course reasons for preferring one translation to another, but an arbitrary element will always remain. In this respect linguistic standardisation resembles norm-giving in general.

Harmonised terminology has to live with this original sin, but it has the advantage of being ready to use. The shortcomings of any standardisation or harmonisation effort have to be judged against the background of their achievements.

To be able to fully judge the work of the harmonisers – just as it happens for any criticism of legislation – it would be necessary to look at the arguments and discussions taking place during the harmonising or legislative procedure. Parliaments usually keep a record of the discussions and preparatory work that have lead to a law. As regards the LexALP project, which aimed at the harmonisation of the terminology used within the Alpine Convention and its Protocols, there are harmonisation notes in the term-bank, there are

minutes of the Harmonising Group meetings, but there are no word protocols. Therefore, this publication shall also account for the decisions and the painstaking procedure applied. One lesson learnt from this project is, for example, that the ideal composition of a group of harmonisers consists of one lawyer per legal system, one terminologist per language and possibly one jurilinguist (lawyer and linguist at the same time) per participating institution.

There is another aspect common to all norms which strongly affects harmonised terminology: time. The legislator intends to regulate a typical situation at one moment in time, then reality evolves and the norm becomes outdated. Fortunately, norms are open to interpretation and the abstract feature of language allows, at least to a certain extent, to adapt the meaning without having to change the letter of the norm. Contrary to this, there is no space for interpretation in the case of fixed translation relations. Determining a precise translation relation has exactly the intention of limiting interpretation. Harmonised terminology is therefore like glass: transparent and extremely inflexible, breaking at the first strike. It would need constant updating.

Multilingual realities and supranational legislation necessarily lead to legal translation. With a view to this, harmonising translation relations between legal terms can only be of help. The future will surely see more harmonisation in this sense, and we hope that the experiences contained in this publication may guide future activities.

The structure of this publication is from general to specific. It starts with a chapter by G. Peruginelli on the relation between law and computer technology, which played an instrumental, yet paramount role in the LexALP project. Then there is an introduction by P. Angelini and J.M. Church to the implications of multilingualism at supranational level, focussing on the Alpine Convention. The third chapter by the editors presents the general context and goals of the harmonisation within the LexALP project. Chapter 4, written by E. Zamuner, provides the necessary background over international agreements authenticated in several languages. In her article L. Lanzoni illustrates the importance of transnational cooperation for implementing community policy. Chapter 6 by L. Voltmer describes the process of harmonisation in LexALP on the background of legal theory. The following chapter by C. Randier illustrates some specific harmonisation cases in the Protocol on the Conservation of Nature and the Countryside.

This legal publication has a trilingual sister publication by the same editors on the linguistic aspects of harmonisation: *Normazione, armonizzazione e pianificazione linguistica/ Normierung, Harmonisierung und Sprachplanung/ Normalisation, harmonisation et planification linguistique.*

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