

40 YEARS OF FIT AND ITS ACTIVITY IN THE FIELD OF COURT AND LEGAL TRANSLATION

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Past Secretary General of the International Federation of Translators FIT and the present Member of the FIT Council of Seniors, outlines the activities, events and publications related to legal translation and court interpreting, which took place during 40 years of FIT.

The International Federation of Translators (acronym: FIT) has now completed forty years of existence. I shall therefore avail myself of this opportunity to examine what FIT has accomplished during that period for the benefit and development of legal and court translation and translators.

FIT was founded in Paris in 1953 as an international association under French law. Why in 1953? At that time translation was assuming increased prominence. Let me sketch out the situation in 1953. Translation and interpreting had been taught in Geneva (Switzerland) since as far back as 1941, in Vienna (Austria) since 1943, but also in Montreal (Canada), where the Institute of Translation was founded in 1942 by Georges Panneton. The activity of interpreters came to be known worldwide through the Nuremberg trials. Translators, for their part, had already started to form associations: in Montreal, 1940 (the Association of Translators), officially recognized in, 1943; in Paris, 1947 (la Société française des traducteurs), a co-founder being Pierre-François Caillé, a literary translator who had acquired fame with his translation into French of Mitchell's "Gone with the Wind" in 1939.

Translation had abandoned its wholly pragmatic approach, and some of its essential and dynamic aspects were being studied by well-known scholars such as Eugene NIDA, who had already (1947) produced "Bible Translating. An analysis of principles and procedures with special reference to aboriginal languages"

In 1953 A.V.FEDOROV published in Moscow his "Vvedenie v teoriju perevoda" (Introduction to a Theory of Translation), the first step in the development of prodigious Russian scholarship in translation studies.

In France, Georges MOUNIN wrote "Les belles Infidèles", later (1955) published by Gallimard, a work on the practice of literary translation in the 17th and 18th centuries.

In The Netherlands, Prof. A. WEYNEN brought out a book entitled "De Kunst van het vertalen. Beginselleer" (The Art of Translation. Science of Principles). The early fifties were marked by the emergence of translatology as an autonomous discipline with its own methodology.

During the period of recovery from the Second World War, translation performed excellent work in promoting better, peaceful relations and mutual understanding between nations. The climate at that time was propitious to the creation of FIT.

In December 1953, under the chairmanship of Pierre-François Caillé, delegates from six associations or groups of translators had meetings in the premises of UNESCO, which were attended by many observers and by UNESCO representatives. After thorough-going discussion, the charter establishing the foundation of FIT was signed by the following pioneer societies:

- the Société française des traducteurs, the initiator of the meeting;
- the Bund Deutscher Dolmetscherverbände (Federal Republic of Germany), the predecessor of the BDÜ;

- the Associazione Italiana dei Traduttori ed Inierpreti;
- the Norsk Oversetterforening (Norway);
- the Tercüme Bürosü of the Turkish Government;
- and the Translatorforening (Denmark), in this case with certain reservations.

FIT was then authorized to operate as an international association by a ministerial order of 18 March 1954 and registered at the Police Prefecture in Paris on 15 June 1954. The president at the first Council meeting was Pierre-François-Caillé; the senior vice-president was Mr Fehmi Baldas (Turkey); Mr Edmond Cary, interpreter at UNESCO, was the first secretary general and Mr Axel Amlie (Norway) the first treasurer. The other members of the Council were Mr R.W. Jumpelt (Germany), managerial secretary, and Mrs Marcela de Juan (Spain), vice-president. Mr C.W. Frerk (United Kingdom), Mr A. H. Beaubien (Canada), Mr B. Serani (Italy), Mr Y. Tamura (Japan) and Mr Z. Simić (Yugoslavia) joined the Council in December 1954, having been elected at the first Congress, held in Paris, in which as many as 10 member associations participated.

An association of good standing had to have a journal or periodical. With the assistance of UNESCO, BABEL was established in 1955 as the official organ of FIT, its first editor-in-chief being Erwin E. Bothien (Germany). The first volume (1955) comprised 96 pages. It was in our journal that the earliest articles concerning sworn translators appeared. In the fourth issue of 1960, Dr Jaakko AHOKAS published a text on „Le recrutement des traducteurs jurés en Finlande et les réglements concernant les traducteurs officiels (pp. 181-183). As far back as 1922 and 1923, a law and two decrees had been issued containing some rules governing performance by court translators in Finland.

In Volume VII, No. 3 of 1961, Dr Alexander Karesay wrote an article on "Das Übersetzungswesen in Ungarn" (pp. 124-126). In Hungary, the legalized translation of official documents had initially to be done by sworn court translators but, as their task came increasingly to be performed orally, most of the legalized translations were executed by OFFI, the National Hungarian Office for Translations and Legalizations. In 1975, this office celebrated its 25th birthday in Budapest with an international conference on translation, under the auspices and with the active participation of the FIT Council, which held its annual meeting there. At the Bad Godesberg Congress, the third FIT International Congress on Translation (27 July to 1 August 1959), only one speaker dealt with a topic in the field of legal translation. The then already well-known author M. Doucet spoke about "Le traducteur devant l'évolution du langage juridique et économique". The text was published in the Bad Godesberg Proceedings (pp. 477-479). One of the organizers of the Bad Godesberg Congress was Dr Alexander Lane (Germany). It was under his impulse that in 1961 the FIT Council set up a "Comité pour les questions de traduction des actes authentiques", with Dr Lane as its first chairman.

At the Dubrovnik Congress, the Fourth FIT International Congress on Translation (1963), where the first international instrument on translation, the Translator's Charter, was adopted, Dr Lane presented an initial report (see Proceedings, pp. 145-149), in which he mentioned a project for a multilateral convention facilitating international recognition of authentic and public documents. I do not know whether any effect was ever given to this project.

The FIT Committee for the problem of translation of authentic original documents was chaired by Dr Lane until 1966. He was succeeded in turn by Mr Joris Van de Castele

(Belgium) until 1970, Mr J. C. S. Warendorf (The Netherlands) until 1975, and finally Dr Sandor Karcsay (Hungary) until 1984.

But we had to admit that the Committee's activity was on a very limited scale. We find only a few articles in *Babel* and in the Congress Proceedings on the subject. *Babel*, Vol. XV (1959), No. 1, contained a contribution by Dr A. Lane on "Quelques aspects de la terminologie juridique et administrative" (pp. 31-36). A supplement to that article was published in *Babel*, Vol. XV (1969), No. 3, by Mrs Hanny Diddens-Wischmeyer entitled "La traduction juridique" (pp. 170-171). In Vol. XXI (1975), No. 1, Hans Schwarz published his first survey on the "Status des Übersetzer" (pp. 5-15). On page 8 he dealt with the "Öffentlichbestellte und vereidigte Fremdsprachensachverständige und Übersetzer sowie allgemein beeidigte oder ermächtigte Übersetzer" (publicly appointed and sworn experts on foreign languages and translators and generally sworn and authorized translators). He stressed the fact that in the Federal Republic of Germany the admission rules and qualification criteria vary widely from one Land (Federal region) to another. Later, in Vol. XIII (1977), No. 1, Hans Schwarz wrote an article on "Legal and Administrative Language" (pp. 19-22). In item 3 he outlined a technique for translating legal and administrative texts.

At the 8th Congress of FIT, Montreal, 1977, only one paper dealt with legal translation. This was by Wallace J. Schwab, with the title "Pourqu'une traduction juridique soit légale" (Proceedings, pp. 117-129).

In the meantime, 1976 had been a decisive year for FIT. Our federation was asked by UNESCO to assist in compiling a „report on the desirability of adopting an international instrument on the protection of translators, on the possible extent and scope of such a regulation and on the method which should be adopted for the purpose". P.-F. Caillé and Pierre Malinverni were FIT's standing experts. All endeavours of many years bore their fruits when the 19th General Conference of UNESCO in Nairobi adopted on 22 November 1976 the international "Recommendation on the legal protection of translators and translations and the practical means to improve the status of translators". This was supported by 143 member states of UNESCO,

This Recommendation, prepared over a long period by FIT in close collaboration with UNESCO, is nothing less than a new translator's charter – a reflection, if not a synthesis, of all FIT's endeavours over the past quarter of a century. Thus it covers the safeguarding of translators' moral and material interests, the maintenance of translating standards by means of adequate training, the adaptation of copyright laws to newly developed media, the formulation of technological standards, new associations throughout the world, and the aid which translation can bring to the culture of developing countries. The Nairobi Recommendation is a crucial document, setting the seal on FIT's past activity and providing it with guidelines for the future.

At all events, the Recommendation is a document which provides the basis for the development of many categories of translators in the performance of translating and interpreting, which include legal and court translators.

As I have said, the Committee on the translation of authentic documents was not very active. It was dissolved by the newly elected FIT Council at the Tenth World Congress of FIT, held in Vienna in 1984, whose theme was "Translators and Their Position in Society", and replaced by a Committee for Legal Translators and Court Interpreters. The chairperson appointed by the Council for this Committee was Mrs Maria José Velasco Ulazia (Spain).

The real breakthrough came at the Eleventh World Congress of FIT, held in Maastricht (The Netherlands) in 1987. At the Statutory Congress a report by the Committee was presented (and later published in FIT Newsletter VI (1987), No. 34, (pp. 265-266).

From the report we learned that a survey had been carried out to ascertain the various situations of sworn translators in Europe and in the Americas. A first step by the Committee consisted in a request for a "directive for the unification of the professional and academic status of sworn translators and interpreters in the countries of the EEC" (now the European Union). The request was submitted to the Legal Service of the EEC in May 1987.

For the first time at a FIT Congress, a special workshop was held at the general open congress with the theme "Trends in Legal Translation". There was an overwhelming response and in the Proceedings the texts of the various contributions were published (pp. 407-474). The titles themselves provide a good idea of a number of aspects of the theme:

G. V.R. de Groot: Problems of Legal Translation From the Point of View of a Comparative Lawyer.

Jean Ciaude Gémard: Le traducteur juridique ou l'interprète du langage du droit.

Leena Lehto: The Need for Standardisation of Concept Equivalents in the Field of Law.

Roda P. Roberts: New Jersey Department of Higher Education: A Project on Legal Translation.

Pablo de Torres Carballal: Trends in Legal Translation. The Focusing of Legal Translation Through Comparative Law.

L. Rayar: Problems of Legal Translation From the Point of View of a Translator.

Susan Sarcevic: Translation of Legislation, With Special Emphasis on Languages of Limited Diffusion.

Jerzy Pieńkos: La jurilinguistique et la traduction; quelques réflexions d'un linguiste et d'un juriste.

Bernard Mills: Some Aspects of Legal Translation in the European Communities.

and, last but not least:

Danuta Kierzkowska: International Unification of Court Translators' Principles of Work – Needs and Possibilities.

This constitutes the core of Mrs Kierzkowska's subsequent efforts to mobilize legal and court translators in Poland by forming a special society, TEPIS, the organizer of the 2nd International Forum of Legal Translation.

During the high-level and profitable discussion with the panel that followed each session's presentation, a proposal was put forward, viz.:

"To invite the FIT Committee for Court Interpreters and Sworn Translators to undertake the task of standardizing both the linguistic terminology of translation and the legal terminology at an international level, possibly by setting up a working party within the Committee".

The next step was at the Belgrade Congress in 1990, where Workshop 11 was again devoted to court interpreting and sworn translation. The report (published in FIT Newsletter X (1991), Nos. 1 and 2, (pp. 142-144) offers a clear insight into the work performed. It reads as follows:

The Workshop of Court Interpreters and Sworn Translators heard seven papers during its meeting on August 8, 1990. There was a consensus of opinion, both in the contents of the papers read and during the lively and extensive question-and-answer periods that followed.

The keynote speaker, Ms C. Driesen, gave an extensive account of the situation of Court Interpreters and Sworn Translators in a country where they are held in relatively high

regard. Her presentation served as an excellent point of departure for the reports and discussions which followed. Among the points raised by the speakers, E. Arjona-Tseng, R. Conrique, C. Kathan, R. Morris, M. Schlesinger and J. Woodsworth, were:

- the high specialization required for adequate professional performance;
- the widespread lack of proper training and accreditation of Court Interpreters and Sworn Translators at an official academic level; it was encouraging to note the fledging academic efforts made in certain countries (Holland, USA), as well as the training and continuing education activities undertaken by some associations in this regard;
- monitoring as part of the court interpretation procedure, and
- the status of Court Interpreters and Sworn Translators.

Following the presentation, the listeners in the workshop drew attention to the often deplorable conditions of Court Interpreters and Sworn Translators in their respective countries, and expressed a desire for concrete measures to remedy the current situation, and for specific action by FIT.

At the end of the session, the Chairwoman, Maria José Velasco, read the conclusions arrived at and requested collaboration from those professionals present in order to obtain adequate status and to develop suitable training programs for Court Interpreters and Sworn Translators.

The resolution which was drafted on the basis of the views expressed during the workshop reads as follows:

"At its meeting in Belgrade, on August 8, 1990, the Committee of Court Interpreters and Sworn Translators adopted the following resolution:

- Whereas Articles 7 and 10 of the Universal Declaration of Human Rights guarantee equality before the law, regardless of the language of the individual; and
- Whereas the present circumstances of increasing movements of citizens among different countries, and of growing awareness of the diversity of languages in individual nations is resulting in a worldwide surge of plurilingual court actions; and
- Whereas, in multilingual court actions, the Court Interpreter and Sworn Translator is an instrument of the law, much as judges and lawyers are; and
- Whereas the work of Court Interpreters and Sworn Translators is one demanding the utmost professional ability; and
- Whereas, in most countries, the attention given to the training and certification of Court Interpreters and Sworn Translators is inadequate; and
- Whereas, in most countries, the insufficient consideration given to the status of Court Translators and Sworn Translators often results in resorting to unqualified personnel and may lead to violations of human rights;

THEREFORE, be it resolved:

That FIT member organizations shall strive for the adoption of measures designed to remedy this situation, in the interest of the profession, and, above all, in order to guarantee full human rights to the language handicapped participants in legal proceedings"

In the Belgrade Proceedings (pp. 71 1-747), five papers were published:

Christiane J. Driesen: Le premier moto habilite-t-il à piloter un hélicoptère?

Ruth Morris: Court Interpreter: Record or Participant?

Judith Woodsworth: Court Interpreting in Canada. New Developments in Training and Accreditation

Miriam Schlesinger: The Next Step: Quality Control for Courtroom Interpreting

Ruth Conrique: The Status of the Legal (Court) Interpreter in the United States: A Need for Training.

In the period between 1990 and 1993, Babel published two articles on legal translation, viz.:

– in Vol. 36 (1990), No. 3, a text by Susan Šarčević: *Strategiebedingter Übersetzen aus der kleineren Sprachen im Fachbereich Jura* (pp. 155-166: Legal Translation From Languages of Limited Diffusion: Translation- Strategy);

– in Vol. 38 (1992), No. 2, by Virginia Benmaman: „On the Spanish Translation of Arraignment” (pp. 65-71).

At the most recent FIT Congress, the XIIIth in a row, Brighton (1993), in Workshop 3 on Interpreting, a special module was devoted to Courts and Tribunals. In the Proceedings, the following articles were published (pp. 343-380 and Vol. 2, pp. 189-212):

Angela McEwan: *Improving their Level of Court Interpreting on a Statewide Basis: the California Experience*

Ann Corselles: *A Professional Framework for Linguists Working in the UK Legal System*

Ruth Morris, Ellen Moerman: *Nobs and Yobs – the Provision of Interpreters for Legal Proceedings Involving High-status Foreigners and Others*

In addition, three discussion papers were published, those by Helene de Mink, Vladimira Hudakova and Katerina Martonova

Christiane J. Driesen: *Commission juridique et judiciaire de l’AIIIC*

Christiane J. Driesen: *Interprétation en RFA, atouts et écueils.*

There were also two discussion papers, by Joan Colin and Neven Marovich on Australian indigenous people.

A report was presented on the activity of the Committee for legal Translators and Court Interpreters. The conclusion set out the final objective: the introduction of a directive regulating the training and the practice of the profession of translator and interpreter in the service of justice. The FIT Council thanked Mrs M. J. Valasco for her endeavours in the field. As she expressed the wish not to continue to chair this Committee, the council appointed a new chairperson, namely Mrs Liese Katschinka, an eminent conference interpreter keenly interested in community interpreting. Mrs Christiane Driesen (FRG) was appointed vice-chair. We are firmly convinced that this new team will further develop activities within FIT to the benefit of legal and court translation and interpreting. At the Brighton congress, two new translators` societies became full members of FIT, namely:

– UNETICA, the Union Nationale des Experts Traducteurs-Interprètes prés les Cours d’Appel, in France, and

– the Polish Society of Economic, Legal and Court Translators TEPIS, chaired with such distinction by our hostess in Warsaw.

The procedure for the admission of the Latvian Association on Legal Translation (Riga, Latvia) to FIT has been initiated. I also have knowledge of the existence of a Catalan Association of Sworn Interpreters in Barcelona.

All this clearly demonstrates the trend among translators and interpreters to group together in special categories, along with their specific problems. Their place is still in FIT, for which their input will be extremely fruitful.

FIT has thus grown in stature as an international non-profit and strictly apolitical organization. Its ordinary membership now consists of 73 associations and 21 associate members, which are spread throughout the world. FIT has affiliates in all continents, although Europe still accounts for a slight majority of them. Proud of the results already achieved in the

defence of our profession, FIT is aware that there is still a great deal to be done to meet the growing needs in the field of international cooperation. It will continue to assume its vital and distinctive role in the spreading of knowledge and in the improvement of understanding among the inhabitants of the globe, despite the challenge presented by language barrier.