



Non-Equivalence in the Translation of International Agreements: A Comparative Study of English-Arabic Legal Translation

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Abstract:

There is a complex relationship between translation and international law, which focuses on the fact that law cannot achieve an international character without translation as an important tool of international communication. This paper investigates non-equivalence in the translation of international treaties in English to Arabic and explores language and legal differences, which affect the implementation of the treaties and may lead to disagreements. It provides reasons behind non-equivalence; divergent legal systems, cultural differences, and linguistic differences. The comparative analysis of the study exposes the problems of English-Arabic legal translation in the form of disputed translations such as UN Resolution 242 (1967). Results indicate that equivalence is interrupted by cultural, legal, and linguistic barriers where Arabic translations tend to introduce redundant words or omit critical ideas and change the original meaning. The paper highlights the difficulty in translating international agreements and the importance of being accurate in order to guarantee legal certainty, enforcement, and cross-jurisdictional cooperation. By highlighting practical consequences of non-equivalence, it calls for heightened attention to accuracy in legal translation to mitigate diplomatic and legal conflicts.

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عدم التكافؤ في ترجمة الاتفاقيات الدولية: دراسة مقارنة في الترجمة القانونية من الإنجليزية إلى العربية

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الملخص:

تقوم العلاقة بين الترجمة والقانون الدولي على قدر كبير من التعقيد، إذ يتركز جوهرها في أن القانون لا يمكن أن يكتسب طابعاً دولياً ما لم تعتمد ممارساته على الترجمة بوصفها أداة جوهرية للتواصل الدولي. وتسعى هذه الدراسة إلى بحث مسألة عدم التكافؤ في ترجمة المعاهدات الدولية من اللغة الإنجليزية إلى العربية، واستكشاف الفروق اللغوية والقانونية التي تؤثر في تنفيذ هذه المعاهدات، وقد تقضي إلى خلافات في تفسيرها أو تطبيقها. وتسعى الدراسة إلى الوقوف على الأسباب الكامنة وراء انعدام التكافؤ، والمتمثلة في تباين النظم القانونية، والاختلافات الثقافية، والتباينات اللغوية. ومن خلال التحليل المقارن، تكشف الدراسة عن أبرز التحديات التي تواجه الترجمة القانونية بين الإنجليزية والعربية، مستعرضة بعض النماذج المختلف عليها، مثل ترجمة قرار مجلس الأمن رقم ٢٤٢ (١٩٦٧). وتشير النتائج إلى أن مسألة التكافؤ تتأثر بعوائق ثقافية وقانونية ولغوية تجعل الترجمات العربية للوثائق القانونية الدولية تضيف أحياناً ألفاظاً زائدة أو تغفل عن عناصر جوهرية، مما يؤدي إلى تغيير في المعنى الأصلي للنص. كما تؤكد الدراسة على صعوبة ترجمة الاتفاقيات الدولية وأهمية الدقة لضمان اليقين القانوني، وسلامة التنفيذ، والتعاون بين السلطات القضائية عبر الحدود من خلال تسليط الضوء على الآثار العملية لانعدام التكافؤ، وتدعو الدراسة إلى مزيد من العناية بتحقيق الدقة في الترجمة القانونية للحد من الخلافات الدبلوماسية والقانونية.

الكلمات المفتاحية:

الترجمة القانونية، عدم التكافؤ، الاتفاقيات الدولية، الترجمة من الإنجليزية إلى العربية، تفسير المعاهدات.

المقدمة INTRODUCTION

Legal documents are vital to society and include statutes, court papers, scholarly works, and private legal instruments. Moreover, these documents set behavioral norms necessary for society's health, as law governs all social activities. As a result, translators of legal messaging must be familiar with legal papers. After all, legal literary characteristics and patterns must be understood for good translation.⁽¹⁾ In addition, many types of treaties serve diverse purposes. They can be contracts between two or more parties, international legislation, or international organization constitutions.⁽²⁾

Legal translation is not a simple activity, and only a qualified translator can translate it correctly into the target language. In addition, a person who is not educated sufficiently to understand legal documents should not be taught legal language. A legal translator should understand both legal systems to produce a precise translation of one language into another. Professional translators have agreed that comparative law must also be compulsory in the teaching of legal translation; this is because it forms the foundation of legal translation, which is the most challenging form of translation.⁽³⁾

Additionally, legal translation is considered one of the most intricate forms of translation due to its strong connections to various legislative and cultural frameworks, rendering it especially vulnerable to non-equivalence, particularly when translating between languages with divergent linguistic and cultural systems, such as English and

(1) D. Cao: *Translating law, Multilingual Matters*, 2007, P: 115.

(2) D.W. Greig: *International Law*, (London: Butterworths, 1970), P: 7-15.

(3) M. Larson: *Meaning-based translation: A guide to cross-language equivalence*, (Lanham: University Press of America, Inc, 1998), P: 101; Zhang, Y. "Communicative purposes in translational activities: The scientific functional study on target prefaces and postscripts, *Intercultural Communication Studies*", 22, no. 2 (2013): P: 81. (Online, available at: <http://www.hi138.com/e/?i162509>, consulted on 29/07/25).

Arabic.⁽¹⁾ This issue gains special importance in the international treaty texts, where a legal mistake in translating international treaties can result in misunderstandings of the legal requirements, given that they can result in a conflict among states or can hinder the implementation of the international treaties.⁽²⁾

Non-equivalence of translation between English and Arabic is a major challenge that troubles legal translators. Arabic legal literature, which has a long-standing tradition of combining Islamic Sharia and civil law, is fundamentally different compared to English literature that is based on common law traditions.⁽³⁾ This mismatch goes beyond language further to encompass syntactic and semantic structures, which prevents the proper expression of legal concepts.⁽⁴⁾

According to Smith, a legal translator must be proficient in three areas: (i) foundational knowledge of the legal systems relevant to both the source language (SL) and target language (TL); (ii) relevant terminology; and (iii) legal writing style specific to the TL. Since legal translation has serious legal ramifications, these competencies are necessary to avoid misinterpretation of TT legal terminology.⁽⁵⁾

Furthermore, in a 2015 study, Karjo investigated the problems of translating legal texts. The study explored Indonesian students' legal English interpretation difficulties. As a translation assessment, a 200-word legal paper was translated into Indonesian by 30 students from Binus University with the caveat that they could only use a printed

(1) D. Cao, Ibid, P: 23-26.

(2) S. Šarčević: *New approach to legal translation*, (Kluwer Law International, 1997), P: 28.

(3) R. Alwazna: "Islamic law: Its sources, Interpretation and the translation of it into laws written in English". *Int. J. Semiot. Law*, 29(2), (2016): P: 251-260.

(4) M. Al-Humaid: "Legal translation between Arabic and English: A study of challenges and solutions". *J. Lang. Transl*, 12(3), (2020); P: 51.

(5) S. A. Smith: *Culture clash: Anglo-American case law and German civil law in translation*. (Philadelphia/ Amsterdam: John Benjamins Publishing Company, 1995), P: 60.

English-Indonesian dictionary to help them translate the document. The translations of ten legal English phrases were examined. In the end, the students failed to convey the original text's message and could not use appropriate Indonesian phrases in the translation.⁽¹⁾

Salih, on the other hand, presented a study that primarily examined critical concerns in the translation of legal materials between English and Arabic. To illustrate the challenges faced by translators in rendering legal texts, some examples were presented. The primary objective of this study was to demonstrate that certain legal notions are not easily translatable into the target language. Thus, the legal translator must identify the convergence between the two legal systems in question. One primary objective is to examine the attributes of legal texts, enabling translators to circumvent potential challenges and deliver a superior translation.⁽²⁾

A study by Sofyan and Rosa likewise investigated translation issues using descriptive document analysis research and proposed the best methods for translating Bahasa Indonesian legal materials into English. Semi-professional translators translated 15 legal texts from Bahasa Indonesia to English. In data analysis, translated legal materials were skimmed, read, and interpreted. The data study showed three main issues with semi-professional translators' legal translations: locating the correct equivalent, poor knowledge of English law, and source text decoding. Four methods were then suggested to solve such issues: using web resources, identifying the legal sentence's proposition, using a description methodology, and applying a functional translation strategy. They concluded that translating legal

(1) C. H. Karjo: "Problems in Translating Legal English Text into Indonesian". *Arab World Engl. J.*, 8 (1), (2015): <https://dx.doi.org/10.24093/awej/vol6no2.27>

(2) K. M. Salih: "Difficulties and Challenges of Translating Legal Texts from English into Arabic". *Sci. J. Cihan Univ.* 2(2), (2018): P: 13. <https://doi.org/10.25098/2.2.26>.

materials needs knowledge of applicable legislation and language proficiency in both source and destination languages.⁽¹⁾

Researchers have examined legal translation and its associated challenges; however, they have not proposed alternative solutions or recommendations that could improve legal translation by offering equivalent expressions that accurately convey the intended meaning in both English and Arabic. The study addresses a crucial gap in the domain of legal translation, specifically concerning Arabic-English international treaties. Although prior studies have recognized the difficulties associated with legal translation, they frequently lack practical solutions or alternative equivalence. This study tries to identify instances of non-equivalence in chosen legal writings and provide precise and culturally relevant alternatives that accurately convey the intended meaning in both languages. Thus, it enhances the quality and trustworthiness of legal translations, facilitating clearer communication and mutual understanding in international legal environments. Therefore, this study aims to:

- i. Examine the accuracy and effectiveness of Arabic translations of international legal texts, particularly treaties, in conveying the intended meaning of the original English versions.
- ii. Identify instances of non-equivalence causes and propose improved translations that enhance clarity and legal precision.

To achieve these aims, the study will conduct the following:

- i. Perform a comparative examination of chosen international treaties in English and Arabic to detect instances of non-equivalence.
- ii. Analyzing the case studies of translated treaty materials to evaluate the ramifications of inaccuracy.

(1) R. Sofyan & R. N. "Rosa: Problems and Strategies in Translating Legal Texts", *J. Ilm. Ilmu-Ilmu Humaniora*, 20 (2), (2021): P: 230.

I. LEGAL TRANSLATION

I. A. Definition and Characteristics of Legal Translation

Legal translation is the process of transferring legal texts from the source language to the target language while maintaining their legal accuracy and clarity.⁽¹⁾ These texts are legally binding, which necessitates a high level of precision in conveying legal terms and concepts without altering their meaning.⁽²⁾ The key characteristics of legal translation include:

- i. **Accuracy:** The translation must be identical to the original text in legal meaning.
- ii. **Clarity:** The translated texts should be comprehensible to the legal reader.
- iii. **Specificity:** The use of precise legal terminology that reflects the legal system of the target language.⁽³⁾

Legal translation is the most difficult, causing translators many issues. This is also encountered in Indonesian-to-English legal translations. Each country's legal terminology and system present issues in translating legal writings, such as finding the correct counterpart, translator inexperience with English legal language, and source text decoding.⁽⁴⁾

Accordingly, it is worth noting that legal translation is not merely the transfer of texts from one language to another; rather, it is a complex process that requires a deep understanding of the legal and cultural systems of the contracting states.

(1) D. Cao, Ibid, P: 149.

(2) S. Šarčević, Ibid, P: 28.

(3) R. Alwazna, Ibid, P: 253.

(4) R. Sofyan & R. N. Rosa, Ibid, P: 221.

According to Dörr and Schmalenbach, legal translation plays a pivotal role in the interpretation of international treaties, particularly when multiple language versions exist.⁽¹⁾ This makes legal translation an essential tool in the process of international law-making.⁽²⁾

I. B. THE DIFFERENCE BETWEEN GENERAL TRANSLATION AND LEGAL TRANSLATION

Legal translation differs from general translation in several aspects:

- i. **Purpose:** Legal translation aims to transfer legally binding texts, whereas general translation deals with non-specialized texts.⁽³⁾
- ii. **Terminology:** Legal translation relies on precise and technical terms, while general translation is more flexible.
- iii. **Responsibility:** The language of law contains numerous professional formulas and is marked by a particular syntactical framework, and all that should be retained in the target text. The existence of synonyms is one of the most significant issues that complicate the translation of legal texts to a certain extent.⁽⁴⁾

Any error in legal translation may lead to serious legal consequences, whereas the repercussions in general translation are less severe.

I. C. NON-EQUIVALENCE IN TRANSLATION

1. Definition of Linguistic and Legal Non-Equivalence

Non-equivalence in translation refers to the difficulty in transferring concepts and terms from one language to another due to

(1) O. Dörr & K. Schmalenbach: Vienna convention on the law of treaties: A commentary. Springer, 2012, P: 17.

(2) M. Tabory: Multilingualism in international law and institutions. New York: Sijthoff & Noordhoff, 1980, P: 215.

(3) P. Newmark: A textbook of translation. Prentice Hall, 1964, P: 12.

(4) N. Chomsky: Aspects of the theory of syntax, Cambridge, MIT Press, 1964, P: 53.

linguistic and cultural differences between countries.⁽¹⁾ Non-equivalence in a legal sense occurs when the target language lacks any similar term or concept, thereby resulting in loss of accuracy during translation.⁽²⁾

Moreover, non-equivalence in the process of translation may lead to the interpretation of the same legal text differently, which may impact the conclusion of agreements. One case is where the word **shall** is translated as **may**, which can completely alter the interpretation of the law.⁽³⁾ This highlights why one must be careful when interpreting the language of the law to avoid misunderstandings and debates.

2. Causes of Non-Equivalence

- i. **Linguistic Differences:** Languages differ in their grammatical structure and terms, and it is difficult to transfer the ideas accurately.⁽⁴⁾
- ii. **Cultural Differences:** Multiculturalism affects the interpretation of the law texts because legal principles may be different in different cultures.⁽⁵⁾
- iii. **Differences in Legal Systems:** Some countries have different legal systems, like Islamic law and common law, which use concepts and terms that may not be found in other systems.⁽⁶⁾

(1) M. Baker: In other words: A coursebook on translation, Routledge, 1992, P: 22.

(2) R. Alwazna, Ibid, P: 255.

(3) A. Al Owaisi: Role of Translation in Concluding International Agreements and Preserving International Law: A Case Study of Translating International Law into Arabic, English Literature and Language Review, Vol. 8, Issue. 1, 2022, P: 4; O. Dörr and K. Schmalenbach, Ibid, P: 590.

(4) D. Cao, Ibid, P: 157.

(5) S. Šarčević, Ibid, P: 26.

(6) M. Al-Humaid, Ibid, P: 62.

II. TEXTS OF INTERNATIONAL AGREEMENTS

II. A. The Nature and Importance of International Agreement Texts

International agreement texts are documents that legally bind the relationships between states in different areas, including trade, human rights, and the environment. The features of these texts are that they are legally precise and clear in nature, making it easy to understand and enforce in all the member states.⁽¹⁾ The process of international agreements is dependent on translation in the negotiation, signing, and interpretation processes. Orts states that translation is not a simple linguistic act, but it belongs to the larger social and legal process of the creation and delivery of international law.⁽²⁾ Moreover, translation helps to communicate between states that have various legal and cultural systems.

II. B. Challenges in Translating International Agreement Texts

The differences between legal systems have a strong effect on the translatability of terminology in different legal languages since there is no objective equivalence between legal concepts.⁽³⁾ Based on this, the translation of international agreement documents is associated with several challenges, such as:

- i. **Linguistic Non-Equivalence:** The difficulty of accurately transferring legal terms between languages.
- ii. **Cultural Differences:** Variations in legal concepts across cultures may lead to misunderstandings of the texts.⁽⁴⁾

(1) D. Cao, Ibid, P: 80.

(2) M. Orts Llopis: Legal English as the lingua franca for international law: Traits and pitfalls for ESP practitioners and legal translators. VAKKI Publications, Vol. 8, 2017, P: 24-27.

(3) A. Kocbek: Language and Culture in International Legal Communication, Int. Res. J., 4(3), 2006, P: 231-236.

(4) M. Baker, Ibid, P: 23.

- iii. **Differences in Legal Systems:** The absence of equivalent concepts in the legal system of the target language.

II. C. DIFFERENCES BETWEEN ARABIC AND ENGLISH

1. Linguistic Differences

Arabic and English are two languages that are also different in grammar and legal terms thus translating them into English is a major challenge. Alwazna claims that legal terms used in the English language cannot be translated into Arabic without a profound knowledge of the legal systems of both languages. Without the precision of translation of legal texts, linguistic differences may cause confusion of the texts.⁽¹⁾

2. Grammatical Structure and Legal Terminology

The grammar structures and legal terminology are also different in English and Arabic and this presents a significant difficulty in the translation of law. The Arabic language possesses a complicated grammatical system of case marking and word root derivations, and English is dependent on tenses and word order.⁽²⁾

An example is that Arabic words (legal terminology) tend to be based on a certain linguistic root, like; “عقد” (contract) ;’ Aqd’ and “إيجار” (lease/rent);’ijar’, but English legal terminology tends to consist of single words. The other case is the term International Humanitarian Law in English, where adjectives come before the noun. The arrangement, however, is different in Arabic: the described noun comes before the adjective: “القانون الدولي الإنساني” ; al-qānūn al-duwalī al-insanaani, so to be able to transfer the meaning of the cases in legal translations, a great sense of both systems is required.

(1) R. Alwazna, Ibid, P: 259.

(2) M. Al-Humaid, Ibid, P: 49.

3. Differences in Semantics and Expressions

Variations in semantics and expressions between English and Arabic create challenges in translation.⁽¹⁾ For instance, the Arabic legal term “حق الشفعة”; ‘Haqq al-shuf‘ah‘ has no exact equivalent in English and is often translated as “pre-emption right,” though this does not fully convey its precise legal meaning.

Additionally, Arabic legal idioms, such as “باطل وبطلان”; ‘Bāṭil wa butlān‘ (null and void), may not have a direct equivalent in English, requiring interpretation or additional explanation. Another example is the term “natural law,” which in English refers to moral or inherent principles derived from human nature or reason. In literal translation into Arabic, however, it can be understood as a physical law of nature, like the laws of physics.

Such disparities show the importance of interpreting and understanding the context to translate the law correctly.

III. CULTURAL AND LEGAL SYSTEM DIFFERENCES

III. A. The Impact of Culture on Understanding Legal Texts

Culture plays a significant role in shaping legal concepts, which affects the understanding of translated legal texts. Legal concepts in Arabic are often tied to Islamic culture and social values, such as “العدل” al-a’dil (justice) and “الحق” al-haqq (right), whereas in English, legal concepts are more associated with Western culture and modern legal philosophy.⁽²⁾ This cultural difference can undoubtedly lead to misunderstandings of legal texts if not translated accurately.

(1) D. Cao, Ibid, P: 17.

(2) M. Al-Humaid, Ibid, P: 58.

Cultural differences between Arab countries and English-speaking countries also influence the interpretation of legal texts. For example, the concept of “الردة” al-raddah (apostasy) in Islamic countries is considered a crime punishable by law, while in Western culture, it is viewed as a fundamental right related to an individual's freedom to change their religion or not believe at all.

These differences illustrate why legal translation must consider the cultural and legal context of both the source and target languages.

III. B. Differences Between English and Arabic Legal Systems

The English legal system, based on British common law, relies on judicial precedents, while the Arabic legal system combines Islamic law with civil law. Islamic law is based on sources such as the Qur'an and the Sunnah. For instance, the concept of “الوقف” al-waqf in Islamic law has no exact equivalent in the English legal system, where it is sometimes translated as “endowment,” but it does not carry the same legal provisions.

Also, the two systems differ in their understanding of legal concepts like “crime and punishment”. The other example is the term “jus cogens”, which in the English legal system means international norms that cannot be contravened, like the ban on torture and genocide. The term can also be taken to mean mandatory rules in the Arabic legal system, and this could be wrongly construed to mean rules that are binding, but without an appreciation of their distinguishing global status.

These, as well, underscore the fact that to make sure that translators can translate effectively, they must have an in-depth knowledge of the two legal systems.

III. C. LEGAL AND PRACTICAL IMPLICATIONS OF NON-EQUIVALENCE IN TRANSLATING INTERNATIONAL TEXTS

1. Legal Implications

Translation errors usually give rise to legal conflicts among states. As an example, the mistranslation of the United Nations Security Council Resolution 242 led to the conflicting interpretation between Israel and the Arab states.⁽¹⁾ This shows that proper translation is very important to prevent legal disputes.

2. The Impact of Non-Equivalence on the Interpretation of International Texts

The non-equivalence in legal translation means that the translation of the legal texts can result in the misinterpretation of the legal documents, and the text being translated can lose its legal accuracy or can change its meaning substantially. Also, the grammatical structures of languages may differ, which results in ambiguity in translated writings, and they may be subject to various interpretations.⁽²⁾

As an example, the English word “torture” can be understood as the intentional infliction of pain to extract information or punishment, but the Arabic understanding of the term can be limited to the meaning of “a severe beating”, ignoring torture in other forms, like solitary confinement or threats. International reports have highlighted instances of torture in Egyptian and Syrian prisons, which were denied on the grounds of a lack of physical evidence.⁽³⁾

(1) I. J. Bickerton: The Arab-Israeli conflict: A history. Reaktion Books, 2009, P: 108.

(2) L. Solan: Pernicious Ambiguity in Contracts and Statutes, Chi.-Kent L. Rev., 79, 2004, P: 859.

(3) Amnesty International, (2020). Syria 2020 Report, <https://www.amnesty.org/en/location/middle-east-and-north-africa/syria/report-syria/>; Amnesty International, (2021). Egypt 2021 Report,

3. Disputes Arising from Poor Translation of International Texts

Poor translation of legal texts can lead to legal disputes between the parties involved. For example, in the case of international agreements, non-equivalence in translation can result in differing interpretations of the terms of the agreement between countries, leading to disputes that may escalate to international courts.⁽¹⁾ An example of this is the dispute between China and the United Kingdom regarding the Treaty of Tientsin, 1858.⁽²⁾ Similarly, a dispute between South Korea and Japan arose due to poor translation and differences in interpreting the texts, leading to a prolonged legal conflict.⁽³⁾

IV. PRACTICAL IMPLICATIONS

IV.A. Difficulties in Implementing International Agreements Due to Non-Equivalence

Non-equivalence in translation creates practical challenges in implementing international agreements. When translated texts are inaccurate, countries may struggle to correctly implement the provisions of the agreement. For example, if the term “sustainable development” in an environmental agreement is translated inaccurately, it could lead to the incorrect application of environmental policies in some countries. Furthermore, it may require renegotiation of certain provisions to correct translation errors, consuming additional time and resources.⁽⁴⁾

<https://www.amnesty.org/en/location/middle-east-and-north-africa/egypt/report-egypt/>

(1) F. Ramos: Global Law as Translated Text: Mapping Institutional Legal Translation, *Tilburg Law Review*, Vol. 22, 2017, P: 206.

(2) Q. Wensheng: Translations of early Sino British treaties and the masked western legal concepts, *J. Int'l Assoc. Semiot. Stud.*, Vol. 216, 2017, P: 173.

(3) C. Sarah Soh: *The comfort women: Sexual violence and postcolonial memory in Korea and Japan*. Chicago: University of Chicago Press, 2008, P: 131.

(4) M. Baker, *Ibid*, P: 24.

Additionally, the mistranslation of “well below 2 degrees Celsius” in the Paris Climate Agreement led to a debate among nations regarding their commitment to the agreement’s goals.⁽¹⁾ This underscores the importance of accurate translation of scientific and technical terms to ensure a shared understanding of the agreement's objectives.

IV.B. The Impact of Poor Translation on International Relations

Poor translation often has a negative impact on international relations, primarily by undermining trust between nations. When a country discovers that the translated texts of an agreement contain errors, it may begin to question the intentions of the other party or even doubt the credibility of the entire agreement.⁽²⁾ This can lead to political tensions and hinder future cooperation between states.

For instance, in the context of trade agreements, mistranslations can result in economic losses and the deterioration of trade relations between countries.

IV. C. CASE STUDY: ANALYSIS OF TRANSLATIONS OF SELECTED INTERNATIONAL CHARTERS AND AGREEMENTS

1. Analysis of the Second Paragraph of the United Nations Charter Preamble

English Text: “To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and...”

(1) J. Werksman: Remarks on the international legal character of the Paris Agreement. Md. J. Int'l L., 34(1), 2019, P: 345.

(2) D. Cao, Ibid, P: 81.

Arabic Back Translation:

”أن نبيين الأحوال التي يمكن في ظلها تحقيق العدالة واحترام الالتزامات الناشئة عن المعاهدات وغيرها من مصادر القانون الدولي.“

As shown, the cause of non-equivalence is linguistic and cultural, where the word “establish” should be interpreted as “to create” or “to set up” rather than “to clarify.” The current translation does not accurately reflect the legal and contextual meaning of the term; i.e., the word “establish” in Arabic legal translation stands for "يخلق أو يؤسس"; 'yakhluq or yuasis' and not "يبين" 'yubeiyn' (clarify), meaning to explain, whereas the word “establish” in legal translation means to create, so there is an action to achieve. Although the existing translation is grammatically acceptable, it lacks the precision required to convey the legal nuance and intent of the original text. The researchers propose substituting the phrase “تبيين الأحوال”; 'nubayyinu al-aḥwāl' which means (“to explain the conditions”) with “أن نخلق”; 'an nakhluqa al-zurūf' which stands for “to create the circumstances” to enhance alignment with the intended meaning in English and to offer a more precise expression in Arabic.

2. Analysis of the Third Paragraph of the United Nations Charter Preamble

English Text: “To unite our strength to maintain international peace and security, and...”

Arabic Back Translation:

”أن نضم قوانا كي نحتفظ بالسلم والأمن الدولي.“

As is noticed here, the cause of non-equivalence is linguistics. The verb “maintain” should be translated as “preserve” or “maintain,” not merely “retain.” The existing translation does not accurately convey the intended meaning. Moreover, the adjective “international” qualifies both “peace” and “security,” and therefore the correct

rendering in Arabic should be الأمن والسلم/alsilm wa alamn al-dawleiyn rather than الدولي/aldawli to reflect proper grammatical and conceptual agreement. The researcher would rather substitute the phrase نحتفظ بالسلم والأمن الدولي; 'naḥtafiẓ bi-s-silm wa-l-amn ad-duwalī' with الحفاظ على السلم والأمن الدوليين; 'al-ḥifāẓ 'alā al-silm wa al-amn ad-duwalīyayn' for greater accuracy. Furthermore, employing the dual form "الدوليين"; 'ad-duwalīyayn' guarantees the inclusion of both السلم; 'al-silm' (peace) and الامن; 'al-amn' (security).

3. Analysis of the Fourth Paragraph of the United Nations Charter Preamble

English Text: "To employ international machinery for the promotion of the economic and social advancement of all peoples..."

Arabic Back Translation:

"أن نستخدم الأداة الدولية في ترقية الشؤون الاقتصادية والاجتماعية للشعوب جميعها."

As shown above, the non-equivalence is a difference in legal systems. The phrase "employ international machinery" is more accurately translated as "resort to international institutions" or "make use of international mechanisms" rather than the literal "use the international tool," which misses the institutional and procedural nuance. Whereas the word "machinery" in legal translation stands for المؤسسات/al-muasassat. Moreover, the word "advancement," which conveys progress and development, was omitted in the current translation, leading to a weakening of the intended message and tone. The researcher suggests replacing the word "الأداة"; 'al-adāh' with "المؤسسات"; 'al-muasassat' as it is more accurate and appropriate for translating legal texts.

4. Analysis of the Fifth Paragraph of the United Nations Charter Preamble

English Text: “To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and”

Arabic Back Translation:

”تحقيق التعاون الدولي على حل المسائل الدولية ذات الصبغة الاقتصادية والاجتماعية والثقافية والإنسانية، وعلى تعزيز احترام حقوق الإنسان والحريات الأساسية للناس جميعاً، والتشجيع على ذلك اطلاقاً بلا تمييز بسبب الجنس أو اللغة أو الدين ولا تفريق بين الرجال والنساء.“

As noticed, the omission of the word العرق/al-I’rq (race) is a significant oversight, as it represents a key category of non-discrimination and is central to the human rights message conveyed in the original text. In addition, the phrases اطلاقاً على ذلك/we altashji’ a’la thlik itlaqen and لا تفريق بين الرجال والنساء/we la tafreeq bein al-rejal wa al-nisa do not appear in the original English version and introduce ambiguity. It seems to be an unnecessary filler that detracts from the clarity and precision of the translation. The researchers argue for the omission of the phrase “لا تفريق بين الرجال والنساء”; ‘we la tafreeq bein al-rejal wa al-nisa’, as it is already encompassed by the expression “بلا تمييز بسبب الجنس”; bilā tamyīz bisabab al-jins ‘which stands for “without discrimination based on gender”. The researcher recommends incorporating the term العرق because of its significance, particularly as it is originally present in the English text.

5. Article 51 of the United Nations Charter

English Text: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense...”

Arabic Back Translation:

”ليس في هذا الميثاق ما يضعف أو ينتقص الحق الطبيعي للدول، فرادى أو جماعات، في الدفاع عن أنفسهم.“

As shown above in the Arabic translation, the non-equivalence cause is the difference in the legal system. The Arabic translation uses the term الحق الطبيعي/al-ḥaqq aṭ-ṭabī‘ī (natural right) instead of the more accurate legal equivalent الحق الأصيل/al-ḥaqq al-aseel for the term “inherent right.” The phrase “natural right” can be interpreted as a right derived from natural law or philosophical principles, which may lack legal precision. Conversely, “inherent right” is an unconditional and inalienable right of states. This difference is essential as it may affect the interpretation of the scope of lawful self-defense in terms of international law, especially in ambiguous questions of preemptive strike. The concept of “natural right” is imprecise and philosophical in nature, and “inherent right” is a legal term, which means that the right to self-defense is inherent to state sovereignty and does not have to be sanctioned by the international community. The researchers propose substituting the term ‘at-ṭabī‘ī’ with ‘الأصيل’; ‘al-aṣīl’, as it provides a more robust legal implication and aligns more closely with the intended meaning in the English text. This subtle but significant variation may undermine the legal justification for preemptive self-defense.

6. UN Security Council Resolution No. 242 (1967)

English Text: “Withdrawal of Israeli armed forces from territories occupied in the recent conflict.”

Arabic Back Translation:

”سحب القوات المسلحة من الأراضي التي احتلتها في النزاع.“

As appears above, the cause of non-equivalence is linguistic. One of the most debated translation dilemmas in international diplomacy centers on the first paragraph of UN Security Council

Resolution 242 (1967). At the heart of the issue is the word “territories,” a term rendered in Arabic as الأراضي/al-arādī‘ (the territories), referring to land occupied by Israel during the 1967 war.⁽¹⁾

The crux of the dispute lies in the use, or omission, of the definite article “the.” In the English version, the resolution calls for “withdrawal from territories occupied in the recent conflict,” notably leaving out “the.” This subtle exclusion introduces ambiguity, allowing some to argue that only partial withdrawal was intended. On the other hand, the Arabic version includes the definite article, translating the phrase as انسحاب القوات الإسرائيلية من الأراضي التي احتلتها في النزاع الأخير; ‘Insihāb al-quwwāt al-Isrā’īliyyah min al-arādī allatī ihtallathā fī al-nizā‘ al-akhīr’ which clearly implies a full withdrawal from all occupied territories.

This language barrier has been the source of old diplomatic friction. The Arabic text also guides the Arab world to consider the resolution as an order to withdraw entirely by the Israelis. Contrary to this, Israeli governments rely on the vagueness of the English version to endorse partial withdrawal, referring to the territorial negotiation room. This case is a clear example to demonstrate how such a small word or even the lack of one can have a great legal and political impact. It points to the necessity of professional legal translators who can make sure that the meaning and meaning of international documents are preserved in different languages.

7. Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (1979)

English Text: “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.”

(1) E. Al-Attyah: Public International law, Baghdad, 2019, P: 62.

Arabic Back Translation:

”تتخذ الدول الأطراف جميع التدابير المناسبة للقضاء على التمييز ضد المرأة في جميع الأمور المتعلقة بالزواج والعلاقات الأسرية.“

Above the cultural aspect that was demonstrated to be the cause of the non-equivalence. The phrase “family relations” in English is inclusive, encompassing all forms of family structures, even those not recognized in traditional legal systems. The Arabic term العلاقات الأسرية /‘alāqāt al-usariyyah may be perceived as more limited, potentially excluding non-traditional or non-marital relationships. This restricts the interpretive breadth of the provision and may reduce its impact in certain legal contexts. According to the Unified Dictionary of Legal Terms (1999), the term “family relations” refers to all types of familial connections, including those formed through kinship, partnership, or caregiving. In contrast, the definition of “العلاقات الأسرية”; ‘alāqāt al-usariyyah’ in certain Arabic dictionaries is restricted to relationships that are based on kinship or marriage. Therefore, the researchers suggest substituting the phrase “الأسرية”; ‘al-usariyyah’ with “العائلية”; al-‘ā’iliyyah’ to enhance inclusivity and provide a more accurate English equivalent, as well as to ensure contextual appropriateness within Arab culture.

8. Article 3 of the Convention on the Rights of the Child (1989)

English Text: “In all actions concerning children, the best interests of the child shall be a primary consideration.”

Arabic Back Translation:

”في جميع الإجراءات التي تتعلق بالأطفال، يُعتبر مصلحة الطفل الفضلى الاعتبار الأول.“

There are cultural as well as linguistic causes of non-equivalence that are illustrated above. The phrase “a primary consideration” in English signifies that the child's best interests must always be one of the most important factors in decision-making. The Arabic translation

“al-i‘tibār al-awwal suggests a singular and absolute priority, which, although well-meaning, may misrepresent the flexible and multi-faceted approach implied in the original legal text. The researcher proposes substituting the phrase “مصلحة” الطفل الفضلى الاعتبار “maṣlaḥat al-ṭifl al-fuḍlā al-i‘tibār al-awwal’ with “اعتبار مصلحة” “I‘tibār maṣlaḥat al-ṭifl fī al-maqām al-awwal’ , as this alternative is more precise in Arabic, effectively capturing the intended meaning of the original English text.

9. Article 6 of the Universal Declaration of Human Rights (1948)

English Text: “Everyone has the right to recognition everywhere as a person before the law.”

Arabic Back Translation:

“لكلّ إنسان، في كلّ مكان، الحقّ بأن يُعترف له بالشخصية القانونية.”

The non-equivalence clause in the above is the difference between the legal systems. The English version speaks of “recognition as a person before the law,” emphasizing the individual's inherent legal status. In contrast, the Arabic version uses the term “الشخصية القانونية”; ‘al-shakhṣiyyah al-qānūniyyah’ (legal personality), a technical legal phrase that may carry a narrower meaning in some legal systems. As it is clear, certain legal systems distinguish between a natural person and a legal (juridical) person, which could lead to the exclusion of some groups, such as stateless individuals or unregistered refugees, from full legal recognition. This subtle difference in terminology may, in practice, be used to justify the denial of fundamental rights to individuals on the grounds that their “legal personality” is incomplete or unrecognized. The researcher posits that the phrase “يعترف له” “yu‘taraf lahu bi-l-shakhṣiyyah al-qānūniyyah” ‘misleads its meaning, as the intended legal expression is “أن يُعترف به” “An yu‘taraf bihi ka-shakhṣ amām al-qānūn. Consequently, the researcher proposes substituting the original phrase

with this alternative, as it more precisely conveys the intended legal meaning and corresponds with the English text.

10. Article 38, para. 1(d) of the Statute of the International Court of Justice

English Text: “Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.”

Arabic Back Translation:

”مع مراعاة أحكام المادة ٥٩ والقرارات القضائية وتعاليم أمهر الدعاة من الدول المختلفة كوسائل فرعية لتقرير أحكام القانون.“

The cause of non-equivalence is shown above as a difference in the legal systems. The term “publicists” was translated as ”الدعاة”; ‘al-du‘āt’ which is an inaccurate rendering, as the intended meaning refers to “legal scholars” or “legal experts.” The legal implication of this is that it could lead to a misunderstanding that the reference is to religious or political دعاة; ‘du‘āt’ rather than specialists in international law. Accordingly, the researchers suggest substituting the phrase ”الدعاة”; ‘al-du‘āt’ with al-fuqahā’ al-qānūniyyīn; ”الفقهاء القانونيين” to enhance its appropriateness and accuracy in the Arabic language.

V. FINDINGS

The job of the translator is to find equivalents not just to the legal terms, but more importantly, to the English and the Arabic legal systems. Moreover, the translator should take into account that legal terminology is dynamic in nature.⁽¹⁾ The reasons for non-equivalence

(1) E. Nida: Toward a science of translating: With special reference to principles and procedures involved in bible translating, Leiden: E. J. Brill. 1964, P: 42. J. Munday: Introducing translation studies: Theories and applications. London and New York: Routledge, 2001, P: 23.

were various, including linguistic, cultural, and legal concerns. The absence of equivalents in phrases like "الدعاة"; 'al-du'āt', "الأداة"; 'al-adāh' and "الحق الطبيعي"; 'al-ḥaqq aṭ-ṭabī'ī' was attributed to legal considerations, as indicated in pertinent legal sources. Conversely, phrases such as "نبيين الأحوال"; nubayyinu al-aḥwāl', "الاحتفاظ بالسلم والأمن", 'al-ḥifāz 'alā al-silm wa al-amn ad-duwalīyayn' and "الدوليين"; 'al-arādī' demonstrated non-equivalence mostly owing to linguistic discrepancies.

Culturally, phrases such as "الاعتبار الأول"; 'al-i'tibār al-awwal', "لا تفريق بين الرجال والنساء"; 'alāqāt al-usariyyah', and "العلاقات الأسرية"; 'la tafreeq bein al-rejal wa al-nisa' indicate a deficiency in equivalency arising from cultural non-equivalence. The inclusion of the phrase "لا تفريق بين الرجال والنساء" was deemed superfluous, as its meaning was already encapsulated by the term الجنس, leading to repetition. The exclusion of the term "العرق"; 'al-I'rqa' in one of the Arabic translations weakened the potency and importance of the intended message in the English text.

While the translator is permitted to add, omit, or substitute components in the text, as stated by Alwazna, such modifications must not alter the original meaning or induce superfluous repetition.⁽¹⁾

CONCLUSION

The law is an inseparable part of the life of every society. It addresses several topics and issues that require various legal measures, e.g., drafting contractor agreements or passing statutes. It is a particular language that is used among lawyers and law experts and is very different from our normal language. In addition, legal translation involves transferring texts between languages and legal systems.

(1) For more see: R. Alwazna: Testing the Precision of Legal Translation: The Case of Translating Islamic Legal Terms into English. *Int. J. Semiot. Law*, 26(4), 2013, P: 897–907.

This study underscores the pivotal role of accurate legal translation in the realm of international law, particularly between English and Arabic. It emphasizes the problems of non-equivalence by stating that it raises concerns regarding the threats of misinterpretation and legal ambiguity, which can degrade the success of international treaties. The results confirm that linguistic accuracy and cultural sensitivity are the key to maintaining the integrity of international agreements and providing their proper enforcement. Finally, the paper promotes institutional changes that emphasize the quality of translation, such as training of legal translators on a professional level, standardization of legal terms, and a system of expert control measures that are crucial in enhancing clarity and trust as well as collaboration in international legal communication.

Recommendations

- i. Invest in Legal Translator Training: State and global organizations should invest in the preparation of specialist programs under which translators gain legal knowledge and linguistic skills, especially English-Arabic translation. To translate English documents into the Arabic language, these programs ought to be utilized.
- ii. Standardize Legal Terminology: Establish and distribute bilingual legal glossaries to reduce uncertainty and ensure consistency in international treaty translations.
- iii. Create Multidisciplinary Evaluating Committees: Legal experts and linguists should evaluate international treaties and legal instruments for correctness, clarity, and context.
- iv. Increase Institutional Awareness of Translation Risks: Inform governments and treaty drafters of legal and diplomatic ramifications of insufficient or inconsistent translation, especially with non-equivalence.

- v. To prevent linguistic discrepancies and conflicting interpretations, parties should agree on key legal terminology and their intended meanings before finalizing treaties.
- vi. Implement Dual-Text Verification Processes: Ensure legal and semantic compatibility by cross-checking treaties drafted in several official languages.
- vii. Promote Cooperation of Legal and Linguistic Establishments: Legal professionals, translators and international organizations need to cooperate in order to facilitate the process of translation and address the challenges of treaty language.

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