Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

THE ROLE OF LEGAL TRANSLATION IN THE INTERPRETATION OF THE GENEVA CONVENTION OF 1951 AND ITS 1967 PROTOCOL

ALA'A SAMEER AL-JAMAL
University of Malaga, Spain. Email: aljamal1980@outlook.com

Abstract

This research investigates the key importance of legal translation in the interpretation and the implementation of Geneva Convention of 1951 and its 1967 Protocol relating to the Status of Refugees. Although these instruments are the bedrock of international refugee law, the interpretational issues caused by the multilingual contexts have attracted little scholarly attention. Legal translation becomes a critical instrument in forcing uniformity in understanding and enforcement of these texts in disparate legal texts and languages. Based on the historical and doctrinal background of the Convention and Protocol, the research emphasizes that a challenge to be addressed in maintaining textual fidelity, legal equivalence, and conceptual correctness of translations is especially pressing within the context of the European legal framework. It highlights the necessity of legal translators having not only the linguistic expertise but also legal knowledge, since there is an involved complex terminology that requires a specific jurisdiction. The analysis shows that misinterpretation of legal provisions is one of the reasons behind serious discrepancies in standards of refugee protection, which may in turn undermine the goals of human dignity and legal certainty. In the end, the research advocates for a more emphatic, context-sensitive legal translation paradigm in international law for the protection of rights inherent to global refugee protection instruments.

Keywords: Legal Translation, Refugee Law, Interpretation, Geneva Convention (1951) & Protocol (1967), International Law.

1. INTRODUCTION

What is the significance of legal translation involved in the interpretation of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol? Over the past few decades, the area of understanding and interpreting international legal texts has received growing attention in many different fields. However, the concerns about the implications of language differences on the understanding and implementation of the legal texts of these two most important international refugee protection instruments appear only to have attracted scant interest. The 1951 Convention relating to the Status of Refugees (1951 Convention). And its 1967 Protocol relating to the Status of Refugees (1967 Protocol). are the foundation of modern international refugee law. Since the adoption of the Convention and the Protocol, the international community has attached importance to refugee protection in line with the principles of preserving human dignity (Krause, 2021).

In view of the historical background, purposes and importance of the 1951 Convention and the 1967 Protocol, it seems essential to ask how the international community could ensure the standards and principles of these Conventions equally understood in the diverse legislation systems and languages, especially with the most existing variation in drafting standards and linguistic versions, a look at the historical background of existing legal translation standards and to the right of each party to have the legal texts of the

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

Convention and Protocol in accordance with the authentic text of the United Nations drawn up in the English, French and Spanish languages will be provided, next the practice of legal translation and interpretation in the field of refugee status of the Member States of the European Communities and the Convention and Protocol shall be investigated, those legal and linguistic considerations relevant to the determination and declaration of the CASE DATE and the legal consequences upon other States are studied. Finally, attention is paid to the legal remedy concerning the above.

Through this brief examination, the importance of legal translation is indeed revealed. Furthermore, the legal texts should be conceived and figured out in accordance with their contexts and purposes so as not to misunderstand the meanings and implications which would otherwise be given (GLYNN, 2012). In the refugee context, the mistranslation of certain terms and provisions could result in serious disruption to the harmonious implementation of Convention and Protocol provisions (Gilodi et al., 2024).

1.1. Background of the Geneva Convention of 1951 and Its 1967 Protocol

This Article is a historical and analytical study on current legal texts concerning the protection of refugees, namely the 1951 Convention relating to the Status of Refugees (hereinafter 1951 Refugee Convention). and its 1967 Protocol. It explores the struggles, interests, compromises, and backgrounds for the specific wording of relevant provisions. This study also aims to lay down possible legal and judicial sources for application and interpretation by international and national interpreters and how to find the interaction of these provisions, especially in the view of court adjudication. Both the 1951 Refugee Convention and its 1967 Protocol aim to respond to post-war humanitarian crises and new socio-political realities. They have been the most important document on international protection of refugees, and the Refugee World has been “reduced” to the one in the Convention (Kerber, 1997).

As the Refugee World and legal understanding of the refugee and humanitarian laws slowly evolve, the Convention and its Protocol have gradually been proven to be highly insufficient to address the global issue of refugees in need of protection. The original Geneva Convention of 1951 was limited to Europe and to persons who became refugees before 1951 due to the events occurring before 1951 (GLYNN, 2012). They were seen “primarily” as the results of the Second World War. In contrast, mass movements of refugees and humanitarian crises since the 1950s are “predominantly” attributed to the global changes of Humanity and coincide with the needs that are “non-political” and “non-ideological” at all. To overcome the problem, most importantly, the 1967 Protocol to the 1951 Refugee Convention was adopted, clearing the obstacles of membership in the 1951 Convention or through the geographic limitation of the Convention of 1951 (Bradley et al., 2022).

1.2. Importance of Legal Translation in International Law

In the broader context, in modern international law, understanding rights, duties, provisions, or legal configurations in general is highly dependent on proficiency in foreign

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

languages. In international legal relations, it is the text that matters most. This applies especially in the case of legal texts, which often contain highly specialized and sophisticated terminology whose adequate translation poses a significant challenge even to the specialists (Goddard, 2009). The Geneva Convention and its protocol, being a paradigmatic example of a purely legally drafted text in character, requires to be closely observed to understand rights and duties created by its landmark provisions. Lack of linguistic proficiency, even if subtle, tends to obscure the meaning, which finally results in misunderstanding, misinterpretation, or misconception of the substantial legal relations established by a particular norm.

These in turn deprive from rights or impose duties on subjects of law. Such dangers are particularly evident when current world circumstances are considered: the division of the world into multiple language-speaking communities, contrasting not only culturally or traditionally, but also economically and legally. It applies, among many others, to the English and Arabic language-speaking surroundings. Despite numerous successful endeavors that find expression in the conclusion of multiple international treaties and agreements, the problem of understanding and interpreting alien rights, duties, or other legal settings remains a challenge.

As the enforcement of international law provisions is highly dependent on the perception, their violation caused by misunderstanding or misinterpretation, which results from a deficiency in linguistic proficiency, should be obviated. Considering the structure of the international community, dominated by the European System of Human Rights Protection, the demand for professional knowledge from a particular area of law, that have it drafted – translation, is crucial since such knowledge is or should be well-developed in many national legal orders. In this respect, it needs to be emphasized that legal technicalities are widely known and their peculiar interpretation or acts of incorporation in domestic law are common practice, hence, the understanding it is concerned with is of a very precise and sophisticated nature (Zwanenburg, 2021).

2. LEGAL TRANSLATION: CONCEPTS AND CHALLENGES

The field of legal translation is relatively new, having become a specific subject of translation studies in the 1990s. The importance of understanding its issues has grown with the global proliferation of international agreements and their interpretation in various language environments. The adequate translation of legal texts is crucial for the correct interpretation of the law set out in such texts. This issue is vital in international jurisprudence, where it can impact the requirement of equal treatment of individuals before the law, both nationals and foreigners. The subject matter of this text is the analysis of the role played by legal translation in the interpretation of legal provisions in treaties, in the light of various perspectives, and illustrated by the discussion of the provisions of the Geneva Convention and its Protocol. Common understandings of States parties to the Convention are also discussed, based on the interpretation of translations of the text into the official languages of these States (Faradiba and Aini, 2024).

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

The complexity of the matter at stake requires an understanding of both legal and linguistic perspectives. The latter concerns grammar, punctuation, spelling, and vocabulary, understood as an open, dynamic category that also includes legal terms. Legal issues to attend to, to correctly analyze a law provision, would be the normalization of the legal system, precedents, legislative history, legal doctrine, and awareness of the legal culture of the country. Still, a simple translation is not sufficient to make a text fully understandable.

Therefore, some difficulties linked to the translation of legal texts occur in addition to basic ones: legal translation can only be performed by linguists with legal knowledge, statutory regulations differ or what is prohibited in one country, is allowed in another, and statutory regulations are very specific, so closely settled in the legal system they are part of that entry into force of them would compel judges to resolve a dispute in a way they would not otherwise wish to. To treat this complex subject matter, there are various methodologies or theories of legal translation, such as the instrumental, documentative, formal, or comparative method, concerned with distinct, though sometimes connected, aspects of the translation of legal texts into another language. Each is apt to disclose different aspects of the examined issue, which does not imply the incompatibility of these methods. Awareness of these multiple aspects is, however, not common among translators of legal texts, even those acknowledged as specialists in this field, so that not all challenges can be addressed in a translation (Scott & O'Shea, 2023).

2.1. Definition and Scope of Legal Translation

Legal translation, without any doubt, is the grease that oils the wheels of most international legal proceedings. When the time came to draft international treaties or conventions, legislators carefully selected words and terms for specific and deliberate reasons, articulating their intentions precisely and explicitly in a particular language. A notion that is clear in any country's legal system could easily become nonsense if translated into a foreign language, or it could be interpreted in a completely different way than originally intended. The implications of translation in the interpretation of international treaties, such as the Geneva Convention of 1951, the 1967 Protocol, and its 1961, 1963, and 1967 Adoptions, have not been thoroughly analyzed. This paper concentrates on the role of legal translation in the interpretation of these instruments and discusses how they can be considered collectively as the constitutive framework of "one integrated instrument" within the meaning of Article 61 (5) of the Vienna Convention on the Law of Treaties (Byrne, 2022).

Legal translation is a field of translation that involves texts of legal relevance, typically created by legal systems. As a result, such articles may involve difficult or complex considerations and decisions, such as cultural and legal equivalences, differences or similarities between legal systems (particularly between common law and civil law systems)., and specialized language, grammar, and style considerations. Even though law has a language of its own, legal systems across the world are both similar and different as far as the way concepts are transposed and transcribed, and the wording of

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

legal texts is concerned. To date, translation has been wrongfully neglected in the understanding of international law, in particular of international conventions. Due to cultural, historical, and legal differences between nations, language, as a vector and representation of the above, tends to be an obstacle to communication. Translation helps to solve this difficulty, at the same time that it raises new challenges. Translated legal texts significantly shape their communities and are the expression of specific cultural conceptions of law. A tradition of legal translation engenders a “comparative law” tradition, as translated texts expose different normative structures and principles (Vanina Narcisa, 2016). A good example of this is the array of comparative studies of Ephebic Oaths that were published after the translation by Belgiorno. On the other hand, translated legal texts are tools for legal imperialism, as in the case of some legal systems’ efforts to export their normative “model” through the translation of their laws (Akande et al., 2022).

2.2. Challenges in Legal Translation

Legal translation is a branch of specialized translation involving the translation of documents from one legal system into another. This branch of the translation is characterized by significant terminological precision, and its terms, especially from legal Latin, can find their equivalent only after careful examination. Legal language has always presented an exception from the ordinary, everyday language with its own specific vocabulary and syntax characteristics, and legal terminology can cause significant terminological problems in comparison with the general and even the professional vocabulary of other fields. In comparison with the general terms and notions in a language, a legal language uses different terms for the law-making branches, the law itself, and the procedure as such. In other languages, however, this differentiation is not made; at the same time, the interpretation of the law-making process is formulated entirely differently from one another. There is an expressed need for a compilation of efforts aimed at establishing a more or less predominant and harmonized terminological approach to the legal functions and the system of the different parliaments. Common linguistic problems of legal translation are often increased by the fact that concepts can only be understood in their context. Some terms have no equivalent in another language, and idiomatic legal expressions can be even harder to translate. Converting the legal documents from one language to another is not merely replacing the words in the source language text by those in another language, but also transferring the meaning in a way the speakers of the target language can understand, and at the same time maintaining the legal terminology as used by the lawmakers of their law application should be conducted with special care (Vieira et al., 2021).

3. INTERPRETATION OF INTERNATIONAL TREATIES

International treaties continue to increase in both numbers and scope of application. The dense and technical language used in such documents, often drafted in several languages, calls for professional translation to facilitate effective communication and realization of the treaties’ object and purpose. Translation not only precedes but is

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

paralleled by the interpretation of the treaties, which has become a widely shared manual among parties to ensure uniform understanding and compliance. Nonetheless, divergent exegesis often emerges despite the codified instructions. Just like the much-quoted section of the Bible in debates, the same treaty texts are put to different uses in litigation or negotiation across jurisdictions. In jurisprudence, courts of different legal traditions offer different readings of the same treaty from the same documents (Johnstone, 1990). As thus, the understanding of the treaty-making process and intentional meaning is shaped through the qualification of the interpreter. The sharp line between interpretation and analysis cannot be maintained, as the explanation of what the text means is also the justification of why it means that way. There are many methods and principles in the area of interpreting and implementing such international legal texts. Language being just one element involved in the complex notion of any text, including context, consistency, logic, knowledge of relevancy and proportion, knowledge of biography and psychology of the author, the subject matter, the addressee, etc., in providing interpretation (Chatinakrob, 2018). Nonetheless, language is fundamental in accomplishing any interpretation and consecrating implementation. All nations and jurisdictions concerned with any legal text in different languages are required to “translate” / “interpret” it into one common (“neutral”). language. This “translation” is actually a professional interpretation. Importantly, such interpretation not only should be conducted accurately, it should be precise, to avoid any divergence, thus the parenthetical refusal of any translation as non-binding on his/her understanding (Motta, 2024).

3.1. Principles of Treaty Interpretation

When entering into such autonomous, regional, or by-and-large binding treaties, states intend to produce legally binding agreements. Hence, the interpretation of a multilateral treaty is governed by the 1969 Vienna Convention on the Law of Treaties (Johnstone, 1990). Nevertheless, the VCLT may not seem directly applicable to the interpretation of sovereignty-eroding constraints, such as those included in the Convention and its Protocol, which pertain to the execution of domestic asylum systems. The interpretation of treaties is almost entirely a creation of international law and cannot be approached in the same manner as one might interpret a municipal law. The authoritative sources for the interpretation of a treaty are Articles 31 and 32 VCLT. According to the rules enshrined in VCLT bodily text, one should interpret a treaty in 'good faith' in an ordinary meaning, taking into account its context, its object and purpose, and any relevant rules of international law, it is recognized, however, that the textual approach should be the primary way in interpreting a treaty. In interpreting de jure the priority of the text, however, this leaves room for ambiguity in language. A single word employed in a legal notion, for example, might have different meanings, descending from the different legal traditions of two distinct automorphic languages. In this case, it isn’t the same concept which has been connoted by divergent synonym vocabularies. Furthermore, words such as 'time' or 'danger' are, elsewhere, notoriously ambiguous terms. Finally, if the wording of the text is ambiguous, the interpretation should look forward to the supplementary means of interpretation provided for in Article 32 (Klabbers, 2023), (Carty, 2024).

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

3.2. Relevance of Language and Translation

So, what role exactly does language and, by extension, translation play in the interpretation of an international treaty? The matter is considerably more complex in the case of multilingual treaties. International treaties are formulated in several different languages. As a result, they are open to interpretation in many different languages. Interpretation of the treaty, including in cases decided by a court, is then normally carried out by legal professionals who work in their native language. It follows that competent translation of contentious parts of the treaty is necessary. But translation is no straightforward affair in the legal domain. Generally verbose and utilizing stereotyped phraseology, legal texts are replete with such peculiar language that is incomprehensible to the uninitiated. Adding to the difficulties is the circumstance that languages hardly agree on concepts identical, demanding rather that legal institutions be systematically rendered in conformity with the patterns unique to them. All those factors lead to the structural incompatibility of legal systems. What one legal system expands upon, spelling out in minute detail, another system barely hints at, leaving the vast field open and merely acknowledging the very existence of the institution. In such circumstances, any translation necessarily distorts the meaning to some extent. Greater disparity between the legal cultures of the languages translated to and translated from results in proportionally larger discrepancies. Not infrequently, the difference in legal culture, not adequately mirrored by terminological discrepancies, can even lead to contradictory provisions being instigated, preceded by the translation of the same source text meaning differently (Aliero et al., 2023).

Translating a language of the system into another requires a complete understanding of the source legal system. Sentence structure and term selection in the target language are shaped by the legal tradition; it is equally essential for a legal text to not merely be correctly translated word-for-word, but be transposed into a textual fabric tailored after the system in place in the receiving legal culture. Legal concepts often tied to a given nation’s history might have no equivalent in another culture, demanding that they be transplanted or that adaptations be accepted on the part of the legislature. And so, not uncommonly, terminology not reflected faithfully by the linguistic equivalent is nonetheless accurately conveyed in the translation. It follows that faithful rendering of a legal text is not restricted to a transliteration of separate words, but entails expression of the notion in an acceptable form adapted to the legal culture of the receiving language (Goddard, 2009).

4. THE GENEVA CONVENTION OF 1951 AND ITS 1967 PROTOCOL

The Geneva Convention of 1951 and its Protocol of 1967 have notably defined who may be considered a refugee, provided for the protection of refugees, and granted several rights to refugees. These two international treaties have become the foundation of a comprehensive international regime for the protection of persons needing asylum or who fled from events occurring in the territory of countries or territories party to those treaties,

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

the Geneva Convention of 1951 and its Protocol of 1967 are at the origin of the establishment in several countries of a system offering protection or benefits to refugees. The definition of the term refugee used in those treaties is a substantive clause, and has the effect of organizing the international protection of the status of refugees in States parties in a way that is exclusive from their national asylum legislations. With the expansion of the international refugees' regime since the 1950s and the conclusion of other international treaties dealing with various aspects of refugees' protection or rights, the objective limitation of the scope of the 1951 Convention and its Protocol might be less justified since the existing gaps and limitations have gradually been filled in the light of the interpretation of courts, tribunals, and diplomacy (GLYNN, 2012). For those many States that are not parties to the Geneva Convention of 1951 and to its 1967 Protocol, the refugee definition embodied in these as well as the rights and obligations they provide have been taken into consideration in the establishment of the protection or status of the person who for that State constitutes a category of refugee within the meaning of those treaties, partly because of the pressure of international institutions and organizations, public opinion or political factors, and partly because of the influence of the provision embodying the interpretation of other international treaties, laws or decisions inspired by the terms of such provision in the Convention of 1951 (Vorvornator, 2024), (Karaçay, 2023).

4.1. Overview of the Conventions

The 1951 Geneva Convention of the Status of Refugees and its 1967 Protocol (hereinafter, the Conventions). were born in the context of a world exhausted by the massive displacement of people during and in the wake of the end of World War II and the Cold War. The success of these Conventions derives not only from their unique nature but also from the way they have been implemented over the years. The Conventions are the only "international Conventions that exclusively deal with refugees, it's legal autonomy, and it's adoption in the context of the first session of the World Refugee Year, in 1967." They still represent one of the backbones of international protection despite increasing criticism of its underlying definition of refugee. Even the ones that criticize the definition are aware of the fact that the Conventions have been and still are a milestone in fostering the international protection of displaced individuals, thus showing their durability (Vorvornator, 2024).

The Conventions pursue three main objectives: to shelter individuals seeking asylum (in countries duly examined under the principle of non-refoulement).; to safeguard at least a minimum of rights and benefits to grant them acceptable life chances; utilizing common basic standards, to facilitate their life and access to some forms of protection of traditional rights, which shall apply as a right within the territory of the Contracting States; to shed light over their consequences on public law, namely concerning some matters provided within the Portuguese legal system, their relationship to human rights standards, and their relevance for the interpretation of some of the provisions within the ECHR (GLYNN, 2012). Thus, the analysis will frequently resort to field comparison with this convention.

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

The 1951 Convention and the 1967 Protocol have a specific regime and jurisprudence that considerably differ in scope from those of other international human rights instruments. Yet, despite this legal separation, the human rights standards it conveys have found their way into the interpretation of local jurisprudence and law, following a global upward trend of international norms creating inroads into national systems to ensure effectiveness (Vorvornator2024), (McAdam & Gilbert, 2021).

On its turn, the ECHR stands as an increasingly important international instrument in controlling the legislative, administrative, and judicial acts of States-parties, as well as having a mushrooming influence on the domestic reception of international and community treaties. Only through the understanding of how these instruments work is it possible to reflect on the outcomes of their recent enforcement (Kerber, 1997).

4.2. Key Provisions and Articles

The protection of refugees and their rights was a concern to the international community, leading to the drafting of legal materials. Central to understanding the rights of refugees are the Geneva Convention relating to the Status of Refugees and its Protocol of Non-Refoulement. In the process of admitting foreign refugees, officials will be expected to observe not only those key articles of the Convention as elaborated in the form but also such Convention in toto. However, the translation and interpretation presented in the exercise book of Refugee Protection and Asylum Application will relate exclusively to the six key articles and them only in the form in which they appear. It must be borne in mind that those articles are simply summary presentations. The broader purposes and effects of the obligations they define can be understood only by an examination of the Convention itself (Mpabansi, 2023).

The translation will begin with each of the articles in the original English text of the Convention and, immediately thereafter, will present that article as it should be understood by diplomats and government officials dealing with questions relating to the admission of refugees to a country at any period beginning on 1 April 1951. Each of those articles will be translated into spoken Vietnamese, but to keep the exercise within manageable limits some slight abbreviations will be made in the translation (refugees will be denoted only as “those Mentioned in Article 1A of the Convention,” entry will refer to the entry into, and removal to the removal from, a country, and so on). Finally, it should be noted that a country may wish to become a party to the Convention in respect to only part of its territories, in which case a declaration to that effect must be made (Plender, 1977).

5. LEGAL TRANSLATION IN PRACTICE

5.1 Theoretical Background

All states are parties to the 1951 Geneva Convention Relating to the Status of Refugees and the 1967 Protocol to the Convention. Understanding the obligations of the states and the entitlements of refugees under these two key international instruments through proper

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

legal translation is vital and the first step in fighting for refugee rights. This will explore the issue from a language perspective, focusing on the role of legal translation in the interpretation of the 1951 Convention and 1967 Protocol, as well as New Zealand's participation (Van Dijk, 2022).

5.2 Legal Translation Methodology

There are three main schools of thought in the academic field regarding legal translation: literary, pragmatic, and functional. The literary approach emphasizes the accurate representation of the target text and retains its structure, while the pragmatic approach is more focused on readers and involves transforming the legal text significantly (Li et al., 2022).

The functional approach is more general and flexible. The common understanding of legal translation within the three schools is that it concerns a special type of translation in the language pair in which the source text is a legal text or a legal term that must be translated. An important perspective that has been missing in the academic field is the role of translators or interpreters, who often play significant roles in the legal systems of countries with different legal frameworks and linguistic backgrounds. To better understand the impact of legal translation on legal texts, including international treaties, this study uses a case-study approach to examine how some countries prepare their federal laws to fulfil their international obligations (Goddard, 2009).

5.1. Methods and Approaches in Legal Translation

Legal translation encompasses a variety of methods, approaches, and techniques designed to ensure that the legal interpretation of a text in one language is accurately conveyed in another language. Often, the foreign source text and the local legal system have to be understood, and the outcome of the translation may be subject to further scrutiny. Translation with a view to legal interpretation involves terminological and textual mediation between different legal systems and cultures.

This is the business not only of the vast army of legal rules and regulations with an official capacity but also a host of other types of legal instruments, such as judgments, contracts, statutes, papers, wills, permits, treaties, and specifications. In an increasingly multilingual Europe, legal translation is playing an essential part in ensuring access to justice (Engberg, 2017).

There is a direct translation of the legal text. There can also be comparative legal, text linguistic, and functional approaches. In practice, the demarcation lines between these may be blurred. In choosing among these methodological options, the translative situation of the text will be assessed in the light of existing legal circumstances, which include the legal system of the source text, its explicit functions, and its material and temporal scope. By and large, each legal system has its norms, legal institutions, and culture, and accordingly, a particular term, phrase, or concept in one legal language might not seem to have an exact equivalent of the same kind in another (Fauzia et al., 2021).

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

5.2. Case Studies and Examples

The existing theories and methodologies of legal translation have been explained in the previous sections, but they will be applied to the translation practices. In translation practice, legal translation of Parts I, II, III, and IV of the Geneva Convention and its 1967 Protocol was conducted, and verbo-legal analysis was made. To put the theories and methodologies of legal translation into practice, legal translation of the Geneva Convention on the Status of Refugees (1951), Parts I, II, III, and IV of the Protocol 1886 of the 1967 Geneva Convention, and the Convention Relating to the Status of Refugees (1967). was carried out. This subsection aims to present case studies of an analysis and translation process in terms of verbo-legal correspondence of the five document texts (Zwanenburg, 2021; Tsybulenko & Kajander, 2022).

Examples illustrating the challenges and successes encountered in the verbo-legal translation process will be provided. Previous studies in terms of legal translation mainly focused on the methodologies of legislative translation, the role of a culture broker, and translating a contract. For the analysis in the context of specific text, four different ways of translating the term ‘two years’ into Korean will be analyzed in the context of the Geneva Convention of 1951 and the Protocol of 1967. Then, it affected Korean courts, and the in-depth analysis will provide a new perspective on the impact of the international treaty on the national legal system (Kiaer et al., 2024).

In this regard, when ‘two years’ is read as the Refoulement Clause in the Geneva Convention and the Protocol, and when ‘two years’ is read as the Requirement of Naturalization should be transposed in the context of Korean law. In comparison, each of the four different translations will be reconsidered carefully, and the outcome of judgments made as a result will also be discussed with references to the second-source materials (Alla, 2015).

6. IMPACT OF LEGAL TRANSLATION ON INTERPRETATION

It is argued that legal translation is indeed interpretation, and that it significantly influences the interpretation of legal texts. The specificity of legal translation is exemplified concerning the Geneva Convention of 1951 and its Optional Protocol of 1967. The case of linguistic discrepancies between the authentic versions of the international instruments and their impact on judicial interpretation is examined.

The discussion focuses on the quality of translation and how a small difference in wording might result in a different legal outcome. It also highlighted the importance of the quality of translations for judicial interpretation of the provisions of international law. Legal translators are interpreters, interpreters of the meaning. In their work, linguistically and culturally distant areas are bridged, i.e., translated, and otherwise, the gap that might lead to a misunderstanding of the provision of law (Marconi, 2024).

The impact of minor linguistic differences between the authentic versions on judicial interpretation is emphasized. Differences in the translation of the same legal term –

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

whether it results from the inadequate choice of words, the wrong structure of the sentence, or the erroneously proposed punctuation mark – may significantly influence the legal meaning of the translated text, and subsequently of the legal provision itself (Goddard, 2009).

Cases in which the ambiguities of translation result in a different interpretation by the judiciary in different states are referred to. Some possible precautions to be taken to diminish the role of translation discrepancies between the authentic versions, and thus the possibility of a “misunderstanding” of the international legal norm, are proposed. As it is concluded that, due to the potential impact of the quality of translation upon the judicial interpretation of the provisions of international law, additional orders and inquiries are needed in the existing legal translation and interpretation practice. Measures to establish equivalent translation from the linguistic point of view and how it is expressed into multiple translations of one legal term are communicated (Vigier-Moreno and Pérez-Macías, 2022).

The safety of the standard translation model “1 legal term 1 target legal term” and the compliance with “faithfulness 2 the source text within the context of the legal translation” are encouraged. The need for further training in the subject matter of both legal translators as well as substantive lawyers on linguistic issues is also highlighted. This sense of view is illustrated through surveying the impact of translation on interpretation at the Vienna Convention, and probing translators’ obligations to accuracy of translations to clarity in law (Vieira et al., 2021).

6.1. Case Law and Precedents

In the context of international law, case law and legal precedents are the interpretation of the applicable law as it emerges from the entire body of judicial decisions. At the core of any legal system and its interpretation, a corpus of principles of justice and law can be found. However, the interpretation of these principles into specific situations is usually not a straightforward process, and the interconnection of a variety of issues leads to the intricate character of case law interpreters. It is conceivable, for instance, that an analysis of the same issue may lead various judiciaries to different conclusions, a fact that demonstrates the essential role and the relevance of the wider social, political, and cultural setting. Then, in its interpretation, a crucial, binding role is played by the translation thereof, a fact that makes translation directly related to questions of law, authority, and power (Mohamed et al., 2024).

Because of different linguistic traditions, conventions, and cultures, there are often no simple equivalents for legal terms across languages, let alone idioms and phraseology, and the various sets of conventions regulating legal language. Such differences may include simple, factual numbers, but they may run deeper, ranging from considerations of style, thorough questions of cultural signification to tough, and sometimes peculiar, notions of legal semantics. Even slight differences in language, sometimes, could have an impact on the judicial development of the law. Techniques of legal drafting in various

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

legal systems may result in very different texts, and while one legal tradition may opt for a narrow connotation of a term, a distinct, altogether broader understanding may be found in contrast, and a different slew of consequences may follow. Thus, a draft prepared according to French drafting techniques may result in a text substantially narrower as opposed to typical British drafting and style techniques (Goddard, 2009).

Yet, in case both texts are accepted and enter into force, they are to achieve identical aims. Given such circumstances, it presents a variety of challenges in legal translation, particularly complex and thorny. Moreover, bearing in mind the diversity of the legal landscape, it is actually both very difficult and convoluted to establish legal orientation in a new legal system in recognition of legal or extrinsic research. However, there is a high expectation, though, that the text is to be carefully scrutinized in each situation to avoid any ambiguities and losses. It is virtually certain that poor legal translation or the absence thereof may result in unfavorable consequences, and the wider legal principles on which the law is said to be based may be lost in translation. At times, even the strongest incentive to reach a certain outcome and the most obvious solution may not suffice to achieve identical developments based on divergent versions. Subsequently, it appears essential that once the law is settled in one language, it is communicated accurately to the other language as if it remained within the one language in which the interpretation has been given. This ought to be the task of a legal translator. Yet it is less clear that such an ambition can be achieved in light of divergences both in legal interpretation and legal practices concerning the binding nature and the application of case law across justice systems (Bardosh et al., 2022).

6.2. Discrepancies and Challenges

Legal translation plays a pivotal role in the interpretation of legal texts. Despite the significance of accuracy and precision in legal translation, legal equivalence failures have often been documented as a commonplace in legal translation. Such discrepancies in translation may fail to transmit the intended legal meaning and could, therefore, be misunderstood by legal professionals and laypersons. The defects in translation identified in case law are explored to find out their potential for disputes to be passed unnoticed and challenge the imagined neutrality of legal translation; this focus on translation is supplemented by self-reflection on legal pluralism and the effect of dominant legal traditions on legal translation (Alla, 2015).

In light of these reflections, the necessity of establishing translation standards and guidelines is considered, as well as the strategies that could help a translator of a legal text to engage with the text to share a common understanding of it, and open opportunities for improved accuracy. One of such strategies is meaningful collaboration with legal experts, which would satisfy recipients' needs by ensuring that the consulted translation is accurate and would benefit an aspiring translator by improving the quality of the produced translation; other opportunities for improvement might derive from the introduction of AI and innovative practices serving to enhance terminological accuracy and the readability of the translation.

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

Legal translation is an integral part of the multilingual environment of the international arena. This means that the same document needs to be put into a number of different languages. This, in turn, involves legal translation, one of the most challenging fields of translation, and a field where errors can be most costly. One key concern is misconceptions and non-implementation of international agreements resulting from translation mistakes. An agreement does not take legal force until it has been translated by the relevant country's translation service.

This process can sometimes take years, during which time confusion can result in disputes that could have been avoided. As English is one of the three working languages of the International Maritime Organization (IMO)., English translations of adoption documents are processed very quickly, often outstripping their French and Spanish equivalents by months. This can mean that discrepancies in interpretation can be ensconced in the English text while the UN official language versions have yet to take legal force (Squires et al, .2021).

6.3. Discussions and Conclusions

Legal translation is the difficult process of translating legal materials from one language into another. It is significantly more sophisticated than a simple literal translation, hence it calls for a thorough knowledge of legal systems, the source and destination languages, and the nuances of legal terminology. Imagine a world free of legal translation; treaties would be impossible to establish, global cooperation would fall apart, and countries would struggle to grasp one another's legal systems. Among many legal systems, legal translation serves as a link providing comprehension and clarity across national boundaries.

Leading company in the legal translation field, Atlas Language Services emphasizes the crucial role of a legal interpreter. Professional interpreters might help with the legal translation of international law, including many documents like contracts, patents, court records, and legislation. Every document has different challenges and calls for a different set of skills, accurate legal translation was needed for the Kyoto Protocol, an international treaty written in numerous languages, to guarantee that each of the members understood its requirements consistently, legal translation is essential for the management of justice in international courts and tribunals regardless of the languages of the involved parties, the International Criminal Court (ICC) best illustrates this as it handles cases involving people from several linguistic backgrounds, hence legal translation is very essential to provide fair trials for all those engaged.

Diplomatic ties among governments depend much on legal translation. In both treaty negotiations and conflict settlement, an exact and clear legal interpretation is very necessary, language is not always clear-cut, hence legal translation may suffer, translating numerous languages might be difficult because of their different structures, idioms, dialects, and cultural references, every country also has distinct legal system and values. Legal translation requires great accuracy, which calls for linguistic knowledge and

Xi'an Shiyou Daxue Xuebao (Ziran Kexue Ban)/
Journal of Xi'an Shiyou University, Natural Sciences Edition
ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

a thorough awareness of the relevant legal systems, as globalization increases, the need for legal translation in international law is likely to grow as one error might alter the meaning of a law or treaty, therefore causing disputes and misunderstandings, modern technologies like artificial intelligence (AI) and machine learning now help to supplement translating duties. Still, the human factor is significant as, given its complexity and relevance, legal translation is indispensable in international law; it assures neutrality in international tribunals, helps to understand international treaties and agreements, and advances communication among several legal systems.

Legal translation is the conversion of legal documents from one language into another. Essential knowledge is of legal terminology, source and destination languages, and legal frameworks. In international law, legal translation is essential as it helps to transmit knowledge across many legal systems. Apart from maintaining objectivity in international courts, it is crucial for the draught and interpretation of international agreements and treaties, legal translation includes problems including linguistic complexity, differences in legal systems and ideas, and the need for total accuracy, legal translation in international law has bright prospects as demand is predicted to grow as world globalization advances. Although the human element is still rather important, technological developments could improve the procedure; could robots entirely replace human translators for legal translation? In legal translation, robots cannot completely replace human translators, even if they may help with translation chores. This result comes from the complexity of the task, which calls for a thorough knowledge of legal systems combined with linguistic ability.

References

1) Akande, D., Coco, A., & de Souza Dias, T. (2022). Drawing the cyber baseline: the applicability of existing international law to the governance of information and communication technologies.

2) Aliero, A. A., Bashir, S. A., Aliyu, H. O., Tafida, A. G., Bashar, U. K., & Nasiru, M. D. (2023). Systematic review on text normalization techniques and its approach to non-standard words.

3) Alla, A. (2015). Legal language: Stylistic analysis of “Convention on Cluster Munitions”.

4) Bardosh, K., De Figueiredo, A., Gur-Arie, R., Jamrozik, E., Doidge, J., Lemmens, T., ... & Baral, S. (2022). The unintended consequences of COVID-19 vaccine policy: why mandates, passports and restrictions may cause more harm than good.

5) Bradley, M., Madokoro, L., Erdilmen, M., & Chanco, C. (2022). Whither the Refugees? International Organizations and “Solutions” to Displacement, 1921–1960.

6) Byrne, D. (2022). A worked example of Braun and Clarke's approach to reflexive thematic analysis.

7) Carty, A. (2024). The Decay of International Law: a reappraisal of the limits of legal imagination in international affairs.

8) Chatinakrob, T. (2018). The Significance of Subsequent Agreements and Practice of the 1969 Vienna Convention on the Law of Treaties in the Development of International Law: The Analysis of the Notable Navigational and Related Rights and Whaling Decisions.

ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

9) Engberg, J. (2017). Developing an Integrative Approach for Accessing Comparative Legal Knowledge for Translation.

10) Faradiba, C. F., & Aini, N. (2024, March). The Use of Machine Translation for Legal Documents of University Students in English Department Class. In Proceeding International Conference on Religion, Science and Education (Vol. 3, pp. 301-307).

11) Fauzia, A., Hamdani, F., & Octavia, D. (2021). The revitalization of the Indonesian legal system in the order of realizing the ideal state law.

12) Gilodi, A., Albert, I., & Nienaber, B. (2024). Vulnerability in the context of migration: A critical overview and a new conceptual model.

13) GLYNN, I. (2012). The Genesis and development of Article 1 of the 1951 Refugee Convention.

14) Goddard, C. (2009). Starcie kultur prawnych: Przekład na język angielski jako język komunikacji interkulturowej.

15) Johnstone, I. (1990). Treaty Interpretation: The Authority of Interpretive Communities.

16) Karaçay, A. B. (2023). Who is a refugee?: A critical assessment of the 1951 Geneva Convention. Yüzüncü Yıl Üniversitesi Sosyal Bilimler Enstitüsü Dergisi, (62), 172-183.

17) Kerber, K. (1997). International Humanitarian Law as a Source of Protection for Refugees from Areas of Armed Conflict.

18) Kiaer, J., Driggs, D., Brown, L., & Choi, N. (2024). Ideologies in second language learning: The case of Korean address terms.

19) Klabbers, J. (2023). The concept of treaty in international law.

20) Krause, U. (2021). Colonial roots of the 1951 Refugee Convention and its effects on the global refugee regime.

21) Li, Q. J., Ng, Y., & Wu, R. R. (2022). Strategies and problems in geotourism interpretation: A comprehensive literature review of an interdisciplinary Chinese to English translation.

22) Marconi, R. (2024). Female Morality to Human Dignity: An Evolutive Interpretation Of 'Honour' under Article 27 (2) of the Fourth Geneva Convention.

23) McAdam, J. & Gilbert, G. (2021). Special Issues to Commemorate the 70th Anniversary of the 1951 Convention relating to the Status of Refugees.

24) Mohamed, Y. A., Khanan, A., Bashir, M., Mohamed, A. H. H., Adiel, M. A., & Elsadig, M. A. (2024). The impact of artificial intelligence on language translation: a review.

25) Motta de Lamare França, V. (2024). Found and Lost in Translation: Centering Protection Through Interpretations, Positionalities, and Tactics. In The UN Community Liaison Assistants and the Politics of Translation: Mediating Protection (pp. 71-111).

26) Mpabansi, P. (2023). … Extent to Which the 1969 Organization of African Unity Convention Is Used Concerning the 1951 Geneva Convention in Determining the Status of Refugees in Applied Mathematical Sciences.

27) Plender, R. (1977). Admission of Refugees: Draft Convention on Territorial Asylum.

28) Scott, J. & O'Shea, J. (2023). Legal systems exposed: translation and vulnerabilities.

29) Squires, J. E., Hutchinson, A. M., Coughlin, M., Bashir, K., Curran, J., Grimshaw, J. M., ... & Graham, I. D. (2021). Stakeholder perspectives of attributes and features of context relevant to knowledge translation in health settings: a multi-country analysis.

ISSN: 1673-064X
E-Publication: Online Open Access
Vol: 68 Issue 05 | 2025
DOI: 10.5281/zenodo.15373347

30) Tsybulenko, E. & Kajander, A. (2022). Customary International Humanitarian Law and Article 36 of Additional Protocol I to the Geneva Conventions: A Stopgap Regulator of Autonomous Weapons.

31) Van Dijk, B. (2022). Preparing for War: The Making of the 1949 Geneva Conventions.

32) Vanina Narcisa, B. (2016). Perspectives on Legal Translation.

33) Vieira, L. N., O'Hagan, M., & O'Sullivan, C. (2021). Understanding the societal impacts of machine translation: a critical review of the literature on medical and legal use cases.

34) Vigier-Moreno, F. J., & Pérez-Macías, L. (2022). Assessing Neural Machine Translation of Court Documents: A Case Study on the Translation of A Spanish Remand Order Into English.

35) Vorvornator, L. K. (2024). Are refugees more special than migrants? Exploring the 1951 Geneva Convention and the 1967 Protocol in Modern Migration Trends.

36) Zwanenburg, M. (2021). The "External Element" of the obligation to ensure respect for the Geneva Conventions: A Matter of Treaty Interpretation.