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## **Lost in Translation**

Bosnia's EU Apathy

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## **Introduction: EU integration meets Bosnian apathy**

By signing the Stabilisation and Association Agreement (SAA<sup>1</sup>) with the European Union (EU) in 2008 Bosnia and Herzegovina (BiH) has begun the process of EU accession. On the day of the ceremony, which had been delayed for two months due to problems in translating the bulky document into the official languages of the 27 EU member states and of Bosnia, the international High Representative and EU Special Representative in BiH at the time, Miroslav Lajcak, concluded that, "The European Union has just offered Bosnia its European perspective ... but it's up to Bosnia-Herzegovina how long the process will take and when it will be rewarded with membership of the EU."<sup>2</sup>

Fulfilling the requirements of the SAA is a daunting task. It requires BiH to harmonise its legislation with that of the EU by 2014<sup>3</sup>; the first step along this road – and the precondition of further progress – is the translation of EU legislation, the *acquis communautaire*<sup>4</sup> (hereafter: ‘the acquis’), into the official languages of the country.<sup>5</sup>

EU accession is probably one of the few issues that representatives of all three constituent people in the country seem to agree upon and which they jointly support. However, in spite of this unanimous support for EU integration, so far the country has not began serious work on fulfilling the requirements set forth in the SAA. Moreover, by mid-2009, Bosnia has not yet started systematically translating EU legislation, the *acquis*, into the official languages of the country. Nothing illustrates Bosnian apathy better than the country’s failure to tackle the first obstacle on its way into the EU: how to translate the *acquis communautaire*.

## **The linguistic equivalent of climbing Mount Everest**

Translating the *acquis* is a huge task for any country. Translators jokingly describe it as “the linguistic equivalent of climbing Mount Everest.”<sup>6</sup> In the case of Bosnia this task is made even

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<sup>1</sup> Stabilisation and Association Agreements are part of the EU Stabilisation and Association Process (SAP) that all Western Balkan countries except Kosovo are participating in. SAAs are contracts between the Balkan country and the EU focusing on the core elements of the EU single market and the gradual introduction of EU standards in the Balkan country.

<sup>2</sup> Bosnia takes first step to EU membership, Mon Jun 16, 2008, available at: <http://uk.reuters.com/article/idUKL1627635420080616>

<sup>3</sup> Stabilisation and Association Agreement, Articles 8. and 70.

<sup>4</sup> The components of the EU legislation – the *acquis communautaire* - are: primary legislation (the Treaties), secondary legislation derived from the Treaties, and the case law of the Court of Justice

<sup>5</sup> The availability of EU legislation in the official languages of BiH is a precondition for the harmonisation of BiH national legislation with EU legislation. (EU Integration Strategy of Bosnia and Herzegovina , Directorate for European Integration , 2006)

<sup>6</sup> The Translation Centre of the Ministry of Justice of the Republic of Armenia

more arduous as the country has three official languages (Bosnian<sup>7</sup>, Croatian, and Serbian<sup>8</sup>), which it has to consider when translating the acquis. The costs and enormous effort to translate the acquis into the three languages of the country is obvious. Thus already in 2004 a study examining the options for creating a “terminology data base”<sup>9</sup> for translating the acquis proposed to use a “target language” for translation, noting that a “political agreement” on that matter must be reached. The term “target language” basically suggests choosing one of the three constituent languages of BiH for translating the acquis as the three languages are mutually intelligible.<sup>10</sup>

Subsequently, the notion of translating the acquis into one target language became accepted wisdom for translating the acquis.<sup>11</sup> However, in spite of adopting the target language approach as the definitive way forward, up to now *no* decision has been made on which target language to choose. In fact, there is no debate on the issue, let alone negotiations on a political agreement. For all those familiar with BiH’s politics, this is probably not surprising.

On the face of it, the idea of a target language has many benefits. Indeed, citizens of BiH have no problem communicating and understanding each other regardless of what they call their mother tongue. Translating the acquis into just one target language would save significant costs and effort to Bosnia. So far the theory...

However, the newly formed language identities have become crucial for expressing ethnic/national affiliation, which in contemporary Bosnia is extremely important. The existence of three separate languages can be seen as an act representing multiculturalism and tolerance in the country. In such circumstances, the decision to select just one target language, even for practical reasons, is unlikely to be accepted.

### **The Price of Bosnia’s Diversity**

The prophecy of Reuters journalist Daria Sito Sucic, made shortly after the 1995 Dayton Peace Agreement (DPA), that “language planners eventually will teach new generations how *not* to

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<sup>7</sup> Even though the name “Bosnian” suggests a territorial attribution - that it is the name of the language spoken in the whole of Bosnia - the Bosnian language has become the language of just one ethnic group, the Bosniaks. This has been used by the two other ethnic groups (Serbs and Croats) as an argument that the appropriate name would be Bosniak language, and not Bosnian language. However, the official name remains Bosnian language.

<sup>8</sup> It should be noted that there is an idiomatic difference between Serbian language in use in Serbia and Serbian language used in Bosnia. Serbian in BiH is ijekavian (*ijekavica*) and Serbian in Serbia is ekavian (*ekavica*).

<sup>9</sup> Twinning Light Project for the interpretation unit of the Directorate for European Integration (DEI) (250,000 EURO, CARDS 2004)

<sup>10</sup> In linguistics, mutual intelligibility is recognized as a relationship between languages in which speakers of different but related languages can readily understand each other without extraordinary effort. It is sometimes used as one criterion for distinguishing languages from dialects, though sociolinguistic factors are also important.

<sup>11</sup> EU Integration Strategy of Bosnia and Herzegovina, Directorate for European Integration, 2006

understand each other” in BiH<sup>12</sup> has fortunately not come true yet. Young generations of Bosniaks, Croats and Serbs raised in BiH, though often not going to the same schools, have no problems whatsoever to understand each other. Even today, Mostar Croats and Mostar Bosniaks, who live separated by the Neretva river, are recognized primarily as citizens of Mostar by their local accent, and not as Croats or Bosniaks.

Bosnia has always been a multi-ethnic society, but today’s Bosnia is also a multi-lingual country. During the communist Yugoslav period, Bosnia-Herzegovina used a common language called Serbo-Croatian or Croato-Serbian, and the Latin as well as the Cyrillic scripts both were in use.<sup>13</sup> The violent outburst of nationalism in the early 1990s, accompanied by the creation of new language boundaries running alongside the Bosnian frontlines, changed these dynamics – and these linguistic boundaries have continued to persist after the war. The newly defined languages have become an integral part of the respective national/ethnic identities in post-war Bosnia, and are now a question of patriotism and national belonging. Even the current education system in BiH is based on the recognition of the right to education in one’s mother tongue.

The existence of three languages in BiH is not just a question of national identity, but is also grounded in law. Already in 1993, the wartime Republic of BiH (RBiH) introduced three official languages: Bosnian, Serbian and Croatian.<sup>14</sup> Present practice in BiH also requires official documents to be translated into the three constitutive languages: the BiH Official Gazette has been obliged to publish all documents into all three languages since 1997;<sup>15</sup> the same rule applies to all international agreements Bosnia signs; the BiH parliament has a translation department that translates<sup>16</sup> all documents discussed at its sessions into the three languages, and at the beginning of the mandates the delegates have to declare of which language they wish to receive them.<sup>17</sup> Even international organisations present in BiH stick to BiH’s three-language policy. For example, the Office of the High Representative (OHR), the ultimate supervisor and interpreter of the 1995 Dayton Peace Agreement in Bosnia, while using English as its official language, “out of courtesy” translates most its documents into Bosnian, Serbian and Croatian.

All of this, no doubt, is very costly and time consuming, but it can be viewed as the price of Bosnia’s diversity. Ultimately, however, it is simply Bosnian reality; the way things are.

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<sup>12</sup> The Fragmentation Of Serbo-Croatian Into Three New Languages, Daria Sito Sucic, Volume 2, Number 24, 29 November 1996, Institute for Journalism in Transition.

<sup>13</sup> Ustav SR BiH (1963), čl. 216. (Sl. list SR BiH, 14/63), Ustav SR BiH (1974), čl. 4. (Sl. list SR BiH, 4/74)

<sup>14</sup> *Vecernje novine*, 2 November 1994; also: „The responds about the Bosniak’s language name“, Radoslav Dodig, STATUS Magazine for political culture and society issues, issue: 04 / 2004

<sup>15</sup> Zakon o službenom glasilu Bosne i Hercegovine, Službeni Glasnik BIH 01/97

<sup>16</sup> Because of the similarities of the languages, the translation is done by language editors, not translators

<sup>17</sup> Populari interview with Aleksandra Agincic, Serbian language editor at the Translation Department of the BiH Parliament, conducted on 10, July 2009.

## Right on Target

Regarding the coordination of the EU accession process, including the implementation of the SAA, the main responsible body in BiH is the Directorate for European Integration (DEI).<sup>18</sup> Within DEI, a Translation Unit has been established that is responsible for translating the acquis into Bosnia's languages. In 2006, the DEI produced a document defining priorities for BiH on its way towards EU integration.<sup>19</sup> In this three-hundred page document, only three pages were devoted to the matter of translating the acquis – even though already at that time it must have been clear that the issue of translation would not be an easy one for BiH solve.

The acquis consists of over 120,000 pages of legal documents, annually growing by approximately 5,000 pages. Accordingly, the process of translating it is complex, costly, and time-consuming. EU experts estimate that accessions countries typically have to pay some 10 million Euros<sup>20</sup> and on average need seven years in order to fully translate the acquis. The huge quantity of text that needs to be translated is, however, not the main challenge of the translation process; rather it is the complexity of the process itself consisting of several phases: preparing the translation, defining the terminology, carrying out the actual translation, editing by linguists and experts, and final editing.<sup>21</sup> To illustrate the challenge: out of the ten new member states that joined the EU in 2004, five admitted less than two months before accession that they had failed to fully translate the acquis because of the volume and complexity of the material.<sup>22</sup> It has to be emphasised that most of these countries had started translating the acquis already in 1996. And these countries only needed to translate the acquis in one language and not in three as is the case in Bosnia.

Needless to say, a country needs a sophisticated strategy to successfully tackle the task. Unfortunately, progress in BiH stalled already when a translation strategy had to be formulated. As DEI told Populari, “The translating strategy cannot be discussed nor adopted unless a solution for one of the key issues in the translation process has been found: the target language.”<sup>23</sup>

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<sup>18</sup> The Directorate for EU Integration has been established based on the BiH Law on the Council of Ministers, Službeni glasnik BiH: 38/2002., 18, December 2002.

<sup>19</sup> *ibid*

<sup>20</sup> A road map for the Spring Clean - European Pulse, electronic monthly magazine for European integration - No. 31, April 2008

<sup>21</sup> EU Integration Strategy of Bosnia and Herzegovina, Directorate for European Integration, 2006

<sup>22</sup> Good practices in Slovene public administration 2007, Second enlarged edition, 12th November 2007

<sup>23</sup> Populari correspondence with DEI, July 2009

## **Finding a target language**

Since finding a solution for the target language is key to further progress in drafting and adopting a translation strategy – and eventually beginning with the translation of the *acquis* – this begs the question: what has BiH undertaken to agree upon a target language?

The answer is disappointing: not much. Up to now, the only half-hearted measure Bosnia has undertaken to solve the language issue dates back to December 2008, when the Council of Ministers (CoM) tasked the DEI to establish an intersectoral group responsible for carrying out a series of public debates on the issue of target language/languages for the translation of the *acquis*.<sup>24</sup> This group, however, was never established, the reason being that the CoM considered the ethnic composition of the proposed group to be inadequate.<sup>25</sup> As a result, the series of debates that were planned have not taken place either. In fact, more than one year after signing the SAA, with only four-and-a-half years left until 2014, by when Bosnia should have harmonised its legislation with that of the EU according to the SAA, Bosnia's progress became blocked as the very first obstacle at the very first stage of SAA implementation was encountered: by the need to agree a translation strategy.

To make things worse, another problem is threatening to delay the process even further. DEI has had no chairperson since January 2009, when the then director of DEI, Osman Topcagic, was appointed the new BiH Ambassador to the EU in Brussels. Since then the members of the commission within the CoM that is in charge of appointing a new DEI chairperson have not been able to agree on the next Chairperson. A number of candidates were in the run, one competition had to be annulled because political parties disagreed with the scores of their respective favourites and politicised the process to such an extent that it could not be continued, but nobody has been yet appointed. Moreover, some of the Commission members resigned and had to be replaced with new ones.<sup>26</sup>

## **EU integration - a low priority?**

There is also no outside help or guidance in sight on how to overcome the current lack of progress with regard to identifying the target language(s), adopting a translation strategy and beginning with the translation of the *acquis*. No direct assistance can be expected from the EU, since from its perspective language policy remains the responsibility of each member state or

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<sup>24</sup> 58. sjednica Vijeća ministara Bosne i Hercegovine, 26.8.2008

<sup>25</sup> 7. tematska sjednica Vijeća ministara Bosne i Hercegovine, 22.1.2009

<sup>26</sup> Glas Srpske , 14. maj 2009

accession country, thus it does not offer any blueprint for BiH regarding what target language(s) to use. Countries must solve this themselves.

There is no support for Bosnia forthcoming from regional cooperation either, even though the Serbian Deputy Prime Minister, Bozidar Đelic and Montenegrin Minister for the EU integrations, Gordana Djurovic, voiced their wish that Serbia, Bosnia and Herzegovina, Croatia, and Montenegro cooperate on this extremely demanding “translation project”.<sup>27</sup> Unfortunately, Bosnia has not even sent an official request to Croatia or Serbia regarding assistance in translating the acquis.<sup>28</sup>

Summing up BiH’s efforts so far to overcome the first hurdle of EU integration, the translation of the acquis, we see a singular lack of interest in the issue on the side of the country’s politicians: more than one year after signing the SAA, there is no decision on the language issue; this in turn prevents the adoption of a translation strategy, without which the translation of the acquis cannot begin. Based on the lack of effort BiH has so far shown in tackling the translation of the acquis, one cannot help but to conclude that EU integration is no matter of urgency for BiH – it appears to be a project of lesser importance that is pursued at a leisurely speed.

### **The way ahead: climbing Mount Everest**

In order to overcome the current impasse and accelerate Bosnia’s EU integration we suggest the following:

First and foremost, we urge BiH Council of Ministers **to treat the country’s EU accession with the urgency and importance the country’s voters would like the process to be treated with.**

To show commitment to the European project, **a new Director of DEI should be appointed with no further delay.** The future chairperson should be able to make decisions and present concrete plans regarding the process of translation.

With regard to the concrete issue of translating the acquis, we urge that **the idea of a target language should be abandoned immediately.** Having in mind Bosnia’s recent past, it is not realistic to expect any kind of agreement upon this matter.

In the current settings of contemporary Bosnia, where language has become a highly emotional issue and has a great deal of importance for its ethnic communities, any attempts to favour one of the languages used in the country, even for practical reasons, is unlikely to be accepted. Although the selection of a single target language for the translation of the acquis would, indeed, make the process easier, such a selection would in effect imply that one of the three languages has greater

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<sup>27</sup> Javno.com, Sharing only experience: Croatia Will Not Give Serbia Translations, Lajla Mlinaric Blake, 08.06. 2009

<sup>28</sup> Populari correspondence with DEI, July 2009

importance in BiH than the other two. This interpretation could only increase divisions in a country which is seeking to become part of a more unified Europe. The most obvious solution is to start translating the *acquis* immediately into all three languages. Those who fear this means undertaking more work than is required should accept the reality of present-day Bosnia. Deciding to translate the EU legislation into all three languages would mean that the standstill due to the language issue would be overcome and that the actual task of translating the *acquis* could finally begin. Bosnia cannot afford to waste more time!

Furthermore, the **BiH Council of Ministers should urgently appoint a working group to suggest a strategy that Bosnia shall apply for the translation of the *acquis***, considering the specific socio-linguistic circumstances of BiH. With such a strategy and defined guidelines, the DEI could finally approach the translation of the *acquis* in a systematic way – in three languages.

Lastly, **BiH should undertake energetic efforts to achieve regional cooperation with regard to the translation of the *acquis***. It is hard to believe that urgent requests by Bosnian Serbs to Serbia and Bosnian Croats to Croatia for support in translating the *acquis* would go unheeded. In the same way, it would make sense that all the countries that use mutually intelligible languages (Croatia, Bosnia, Montenegro and Serbia) cooperate in the translation effort, as the Montenegrin and Serbian high officials suggested.

Implementing the above outlined steps would ensure that the process of translating the *acquis communautaire* does not further delay BiH's EU accession process, and it would prevent the country from falling even further behind its neighbours.

Although just a first step, an immediate start of the translation of the *acquis* would prove Bosnia's commitment to European integration. Returning to Miroslav Lajcak's statement at the signing of the SAA, it is now in the hands of Bosnia's politicians to decide how long the country's EU accession process will take, and when the country will be rewarded with EU membership.