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**Investigating The Impact of Translating UN Legal**

**Documents on the Western Sahara Cause**

**Case Study: UN Security Council Resolution 2548 (2020)**

**Evaluated on June 19<sup>th</sup> 2021 by  
The Jury**

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## **DEDICATION**

This thesis is dedicated to:

The sake of Allah, my Creator and my Master,

My homeland, Western Sahara.

Algeria, the warmest womb.

My great parents, who never stop supplicating for me in countless ways,

My dearest wife, who leads me through the valley of darkness with light of hope and support,

My beloved sons, Anas and Elwali for being negligent to their rights,

Yara family, for warmly hosting me throughout two years in Ouargla,

My colleagues and friends who encourage and support me,

All the people in my life who touch my heart,

I dedicate this research

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I would also like to thank all the teachers without exception who have put us on the right track to pursue a career with a high level of professionalism.

Finally, to the board of examiners who have accepted reading and evaluating.

## **List of Abbreviations**

**UN:** United Nations

**AU:** African Union

**UNSC:** United Nations Security Council

**SADR:** Sahrawi Arab Democratic Republic

**Polisario:** Popular Front for the Liberation of Saguia el-Hamra and Río de Oro

**TT:** Target Text

**ST:** Source Text

**DGACM:** Department for General Assembly and Conference Management

**GA:** General Assembly

**OAU:** Organization of African Unity

**MINURSO:** The United Nations Mission for the Referendum in Western Sahara

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## **Introduction:**

### **Statement of the problem**

In a time of globalization, increasing political conflicts, and the threat of clashes are quite common. International Law comes at the heart of preventing such clashes or putting solid bases for potential solutions in full accordance with the chart of United Nations. Western Sahara Cause is the last African decolonization issue in the list of UN non-self-governing territories. Thus, UN discourse is of a legal nature but political impact. The discourse is originally written in English and then rendered into other five languages including Arabic which is of relevance as that Western Sahara is an Arabic speaking country and so is the parties to the conflict, namely Frente Polisario and the kingdom of Morocco. This issue raises the question to what extent translation of UN legal documents and terms impact the Western Sahara cause.

### **Aim of the study**

This study aims at investigating the impact of translating UN legal documents on the Western Sahara cause, in the context of the relevant international and political frameworks.

### **Significance of the study**

This study investigates the impact of translating a quite common legal document type, namely UN documents. By doing so, this research contributes to the evaluation and investigating efforts carried out by translation practitioners and researchers. On another hand, it sheds a light on the difficulties UN official translators face while dealing with such kind of documents on hot issues such as the Western Sahara Cause. The study could be a motivating point for other researchers in the field of legal translation.



## **Motivations of the study:**

Carrying out research on this topic is basically motivated by:

- Personal interest in legal translation in general and UN translation in particular.
- Personal motivation to contribute to enriching Sahrawi national library.

## **Research Questions**

- To what extent could translating UN legal documents impact the Western Sahara cause?
  - ✓ How does the choice of translation strategies opted for while translating UN documents affect the political discourse about the conflict in Western Sahara?
  - ✓ Are there any deviations in the UN translated documents on the Western Sahara cause?

## **Rationale**

This study is conducted for the following reasons:

- The importance of UN legal document translation.
- The significant strategies that legal document translators use to deliver a certain legal and political discourse.
- The potential danger of deviations in translating legal documents on the processing of the Western Sahara cause by the UN.

## **Hypotheses**

- The research work raises the hypothesis that UN official document translators do not commit any deviations from the source text.
- It is assumed that UN translated legal documents can positively or negatively affect the treatment of international law related causes.
- It is hypothesised that UN document translators tend to use literal translation and supporting strategies such as ‘addition’ and ‘omission’.

## **Limitation of the study**

Constraint of time is the most foreseen limitation of this dissertation. More time would have allowed for considering a comparative study to a non-UN translation for the same resolution to root deepen the analysis. The absence of previous similar studies on the impact of UN legal document translation on other issues gives an importance to this study but also represents a limitation to it at all aspects.

## **Structure of the dissertation:**

This dissertation is headed by an introduction that answers questions related to the study itself including statement of the problem, aim of the study, significance of the study, motivations of the study, research questions, rationale, hypotheses, limitation of the study, structure of the study and literature review.

The main body of the study consists of four logically invited chapters. First chapter introduces legal translation as a concept and categories. The second one, explores how translation is processed within the UN system. Third chapter presents a historical background on the Western Sahara in

light of International Law and conflict resolution procedures. The final chapter experimentally evaluates a sample translation of UNSC resolution on Western Sahara from English into Arabic. After presenting the sample analysis, this fourth chapter tries to list the study findings. Finally, the study ends with a conclusion followed by the sample English and Arabic versions as Appendixes.

### **Literature review:**

Literature on related topics have been examined firsthand. Books, Journal articles as well as website statements are the key types of literature that have influenced and guided this research. The main outcome at the first glance reflects how limited the number of research have been so far done on similar topics. If to consider topic partial elements each in isolation, a considerable number of references was checked.

# **I. Chapter One: Background on Legal Translation**

## **Introduction:**

This chapter will focus on introducing a brief background on legal translation as a concept and practice. It will discuss the two main strategies, omission and addition, widely used by translators when rendering texts and documents of legal and political nature. A brief review of translation theories and approaches to legal translation will be developed at the end of this chapter.

## **I.1 The concept of legal translation:**

Legal translation can be simply defined as the rendering of legal texts such as court documents, statements, contracts, patents, transcripts, official reports, and financial documents. Legal translation professionals continue to play an undeniably significant role in promoting cooperation and business between individuals and institutions globally.

‘In this context, the legal profession provides work through drafting and constant amendment of international treaties such as those that govern the relation between, say, the UN or Security Council and the governments in the Arab world. Various international legal and administrative institutions rely heavily on the work of professional translators, which highlights the importance of legal translation for governmental and private bodies internationally’. (Altarabin, 2021, p. 89)

El-Farahaty (2015) indicates that ‘since legal translation is bound by each language’s culture, it is not merely the transcoding between the SL and the TL or as Cao (2007:10) puts it ‘rendering of legal texts from the SL into the TL’. It is rather ‘a translation from one legal system into another’ from the source legal system into the target legal system’ (Šarčević, 1997:13). It involves all the

legal sub-text types which are used in various legal settings, whether a court, a national or international organization, a law book, a legal report, a birth certificate, a contract, among many others. (p, 6)

## **I.2 Categories of legal translation:**

The functions of legal discourse and the legal discourse subtypes are the parameters upon which Legal translation can be classified. Consequently, the following two categories are considered:

### **I.2.1 Legal translation with respect to functions of legal discourse**

El-Farahaty (2015) claims that ‘Like any other special purpose texts, legal texts serve a certain function. According to Reiss (2000, as cited by ), on text typology, legal texts serve an informative function where plain facts and information are represented (Šarčević, 1997:7). According to Halliday’s functionalism, special purpose texts have a representational function. To Newmark (1982), legal texts have both directive and imperative function and for him (1988), they can have an expressive function. To Sager (1993), legal texts are informative for the general reader and directive for the specific group of people. Cao (2007:10–11) gives the following classification for purposes for legal translation:

1. Legal translation for the normative purpose.
2. Legal translation for the informative purpose.
3. Legal translation for legal or judicial purpose.

The first type includes multilingual legal instruments such as that of the UN and EU documents. They are parallel texts, authentic, legally equivalent and have the same communicative function,

though the languages are different. According to Cao (2007:11) this category includes some other private text types such as contracts and other bilingual authentic documents. For instance, an Arabic birth certificate translated into English is considered to be as legally authentic as an Arabic version. The second type refers to those texts that have descriptive or contrastive functions such as the translation of statutes, court decisions, scholarly works and other types of legal documents intended for giving information to the target readers. The ST will therefore be the only authentic legal source and the others are solely used for reference purposes. In this case, both the ST and the TT will have a different communicative function. The third type of legal translation under Cao's classification is both informative and descriptive. It involves many legal subtypes such as court proceedings, contracts and agreements, business or personal correspondence, records, certificates, witness statements and expert reports.'

As far as this classification concerned, this research in its practical part, will be dealing with the analysis of an English-Arabic parallel UN Security Council resolution on the Western Sahara.

### **I.2.2 Legal translation with respect to categories of legal discourse**

Researchers categorize English legal language in different ways. Again, El-Farahaty (2015) concluded that 'For Trosborg (1995), it is considered one of the fields of specialized language, or language for specific purposes, to be more precise. That is, it is listed among the medical language, scientific language, technical language, etc.

English legal language is also referred to as a sublanguage (Kittredge and Lehrberger 1982), a genre (Bhatia 1993), or a register (Kurzon 1989; Danet 1985). These different labels are given to

legal English with consideration of the specific nature of legal language, be it lexical, syntactic, stylistic, or pragmatic.

Kurzon (1989, as cited in El-Farahaty, 2015,p. 12) distinguishes between ‘language of the law’ and ‘legal language’. For him, the former includes ‘the language or the style used in documents that lay down the law’ whereas the latter refers to ‘the language that is used when people talk about the law, for example judges’ opinions and legal textbooks.’ Kurzon (ibid.) adds that ‘legal language is in fact a metalanguage used to talk about the law in a broad sense and the language of the law is literally just the language in which the law is written’. Consider the following classification’:

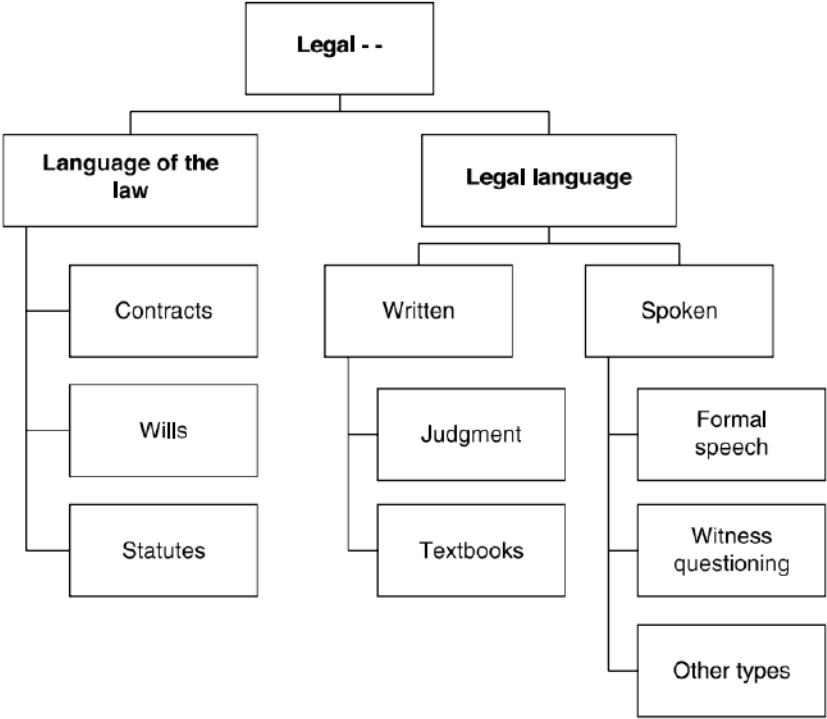


Figure 1 Kurzon’s classification of legal discourse

El-Farahaty (2015), Comparing Trosborg's view to Kurzon's, stated that 'Trosborg (1997) views legal language as 'a superordinate', an umbrella that covers all uses in the legal context. For her, the language of the law is one of five sub-elements of legal language as follows:

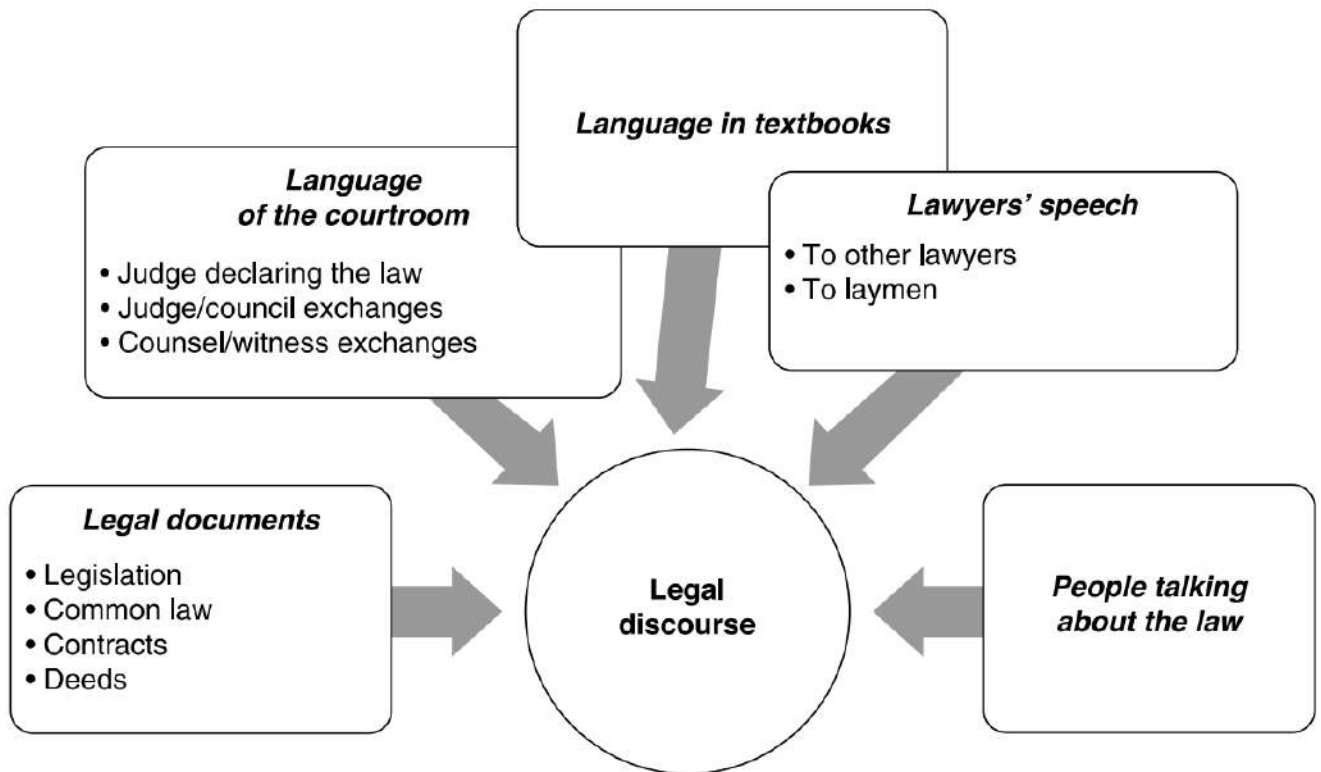


Figure 2 Trosborg's classification of legal discourse



Cao (2007, as cited in El-Farahaty, 2015,ibid.) gives another classification of legal texts as follows:

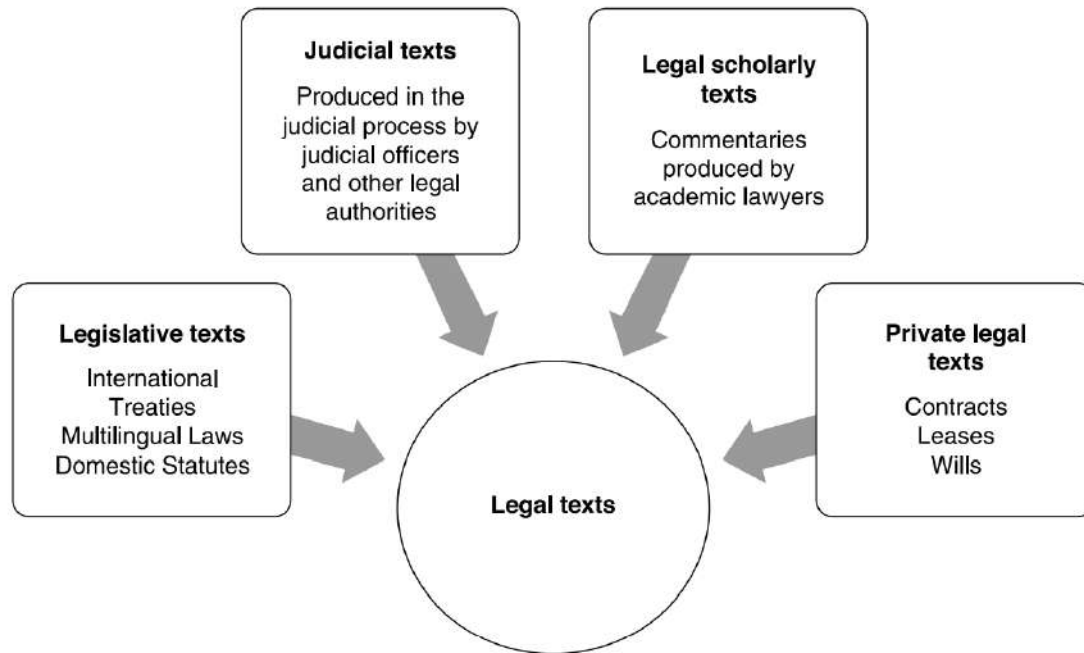


Figure 3 Cao’s classification of legal texts

It is clear from the previous discussion of legal discourse that classification of legal types varies and that none of the scholars has managed to provide a conclusive classification. The discussion also reveals that the boundaries between legal subcategories are ambiguous. For instance, UN documents are classified under diplomatic documents and legislative documents.

Schäffner’s (1997, as cited in El-Farahaty, 2015,ibid.) discussion of the Strategies of Translating Political Texts is a good example of such unclarity of text types. She states that ‘a political text itself, however, is a vague term. It is an umbrella term covering a variety of text types. Political discourse includes both inner state and inter-state discourse and it may take various forms. Examples can be found in the form of bilateral or multilateral treaties, speeches...etc.’.

She later referred to bilateral and multilateral treaties as diplomatic text types: ‘quite a lot of translation is being done in the diplomatic sphere. For example, bilateral and multilateral treaties are instances of legal texts agreed and translated’ (1997, *ibid.*)

El-Farahaty (2015) concluded that:

legal translation types are dependent on legal discourse types. That is, certain generalizations may be made regarding the correlation between the distribution of certain syntactic patterns and a certain text type. To explain this argument, examples from the English legal arena are given. First, all English statutes employ the same performative verb: ‘be it enacted’. Also, in marriage ceremonies, this declarative act is always used: ‘I hereby pronounce you man and wife’. Second, English statutes have one common structure: the title, the date, the preamble, the enacting formula, the main body of parts, articles and sections and finally schedules. Third, statutes employ a declarative mode of address. Fourth, the modal auxiliary ‘shall’ is a very distinctive feature of English legislations as a means of expressing obligation rather than referring to the future. Fifth, the style of address in the court is highly formal so that the judge is addressed as ‘your lordship’ and ‘your honour’.

### **I.3 Strategies used in legal translation:**

Translators, including legal texts translators, tend to adopt various strategies to overcome certain challenges while rendering. The following lines will profoundly tackle two main strategies mostly used by Arabic-English legal texts translators namely Addition and Omission.

El-Farahaty (2015) claims that ‘Additions and omissions, ‘over-translating’, ‘under-translating’, or ‘gain’ and ‘loss’ (Dodds) are subject to some linguistic and non-linguistic elements. These are listed by Al-Bainy (2002): ‘culture, context, connotation, presupposition, intertextuality, grammatical structure, style, methods of expression, ambiguity (both lexical and grammatical), clarification, emphasis, kind of readership, linguistic background, expectations, semantic range, depth of intention, allusions, among others.’

‘Additions and omissions can be further divided into ‘justified’ and ‘unjustified’. The latter may be motivated by the translator’s stylistic preferences, adaptation, or paraphrasing. The justified additions and omissions referred to are the changes that occur as a result of different linguistic systems and/or cultural differences as well as legally remote disciplines (for example the case of Shari‘ah Law and Common Law)’ (El-Farahaty, 2015, p. 75).

### **I.3.1 Addition**

Translation by addition is translation in which something is added to the TT which is not present in the ST. Like omission, addition is a common feature of Arabic/English translation and is therefore worth specifically identifying.

For Altarabin (2021) ‘Translation by addition strategy simply refers to adding something, not present in the ST, to the TT (Dickins et al., 2017). This strategy is commonly used when translating from Arabic into English as in adding the word days to the English translation of منذ الهيمنة التركية making it “since the days of the Turkish hegemony” (Dickins et al., 2017, p. 21)’.

He provides another example which is the translation of maternity wear into Arabic as ملابس خاصة in which the word خاصة is added to the Arabic translation. Drinking water is translated into Arabic as مياه صالحة للشرب The word صالحة (safe/ fit) is added to the Arabic translation.

A similar example, which involves the specific context, rather than general usage, is the following from the novel عيسى بشارة by مدينة البغي.

هو كاتم أنفاسه ومغمض عينيه عما يجري

He was holding his breath and had closed his eyes to what was going on around him. The context here is personal; the author is interested in the events immediately surrounding the central character of the novel, صابر. The translator has accordingly chosen to add ‘around him,’ since this is an obvious idiomatic means of expressing the personal nature of what is involved. There is, however, no equivalent of ‘around him’ (e.g., حوله) in the Arabic ST (although it would be perfectly possible to have one); nor is any dictionary likely to list ‘to go on around [one]’ as an equivalent of جرى. Accordingly, it is justifiable to identify this as a case of translation by addition.

### I.3.2 Omission

The most obvious form of translation loss is when something which occurs in the ST is simply omitted from the TT. Such omission occurs frequently in Arabic/English translation given the enormous difference between the two languages.

‘Contrary to translation by addition, translation by omission refers to deleting ST lexical units from the TT. Dickins et al. (2017 , p. 20) explain that “the most obvious form of translation loss is when something that occurs in the ST is simply omitted from the TT.” The Arabic phrase و هذا ,used to introduce information related to a previous textual material, is usually omitted when we translate into English’.(Altarabin, 2021, p. 26)

Another example of translation by omission is rendering air traffic control systems into Arabic as أنظمة المراقبة الجوية where traffic is omitted from the TT. Omission takes place sometimes when the information conveyed is not particularly important and adding it would unnecessarily complicate

the structure of the TT. Consider, for example, the following extract from an Arabic newspaper  
مس [..]. وكان الرئيس الامريكى بيل كلينتون قد أكد مساء أول أمس  
important that this statement was made in the evening, a reasonable translation of this would be  
along the lines ‘Two days ago, the American President, Bill Clinton, confirmed [...]. Unlike  
Arabic, English does not afford a particularly elegant or stylistically normal way in this context of  
expressing the concept ‘two days ago in the evening.’

Cultural difference provides another area in which simple omission may be a reasonable strategy.  
For example, when a Christian-oriented Lebanese newspaper refers to the former Phalangist leader  
as الشيخ بيار جميل, the obvious translation is ‘Pierre Gemayel’. Similarly, in most contexts, the phrase  
بابا الفاتيكان يوحنا بولس الثاني is likely to be most reasonably translated as ‘Pope John-Paul II’ with the  
omission of any English equivalent of the ST الفاتيكان; most Western readers are likely to be unaware  
of any popes (such as the Coptic pope) other than the Catholic one.

#### **I.4 Theories and Approaches to Legal Translation:**

Despite the fact that many approaches to translation in general and legal text translation have been  
developed yet, none of those thoughts could come to be called a comprehensive theory or approach  
to translation.

‘There is no one generally accepted theory of translation in the technical sense of a coherent set of  
general propositions . . . but there are several theories in the broad sense of a set of principles that  
are helpful in understanding the nature of translating or establishing criteria for evaluating a  
particular translated text’. (Nida, 2001, as cited in El-Farahaty, 2015, p.15).

Legal translation can be found somewhere between translation theory and language theory. Researchers in this field often combine language theory and general translation theories in their researches. 'Legal documents were considered as sacred and authoritative as the Bible or the Qur'an' (Tiersma, 1999 as cited in El-Farahaty, 2015, p.15). That is to say, legal texts are magical in the sense that they are to be accepted only on faith and not to be questioned by researchers or translators.

Šarčević (1997, as cited in El-Farahaty, *ibid*) has tried to follow the various developments that legal texts have went through. She found that legal translation since the Roman Empire till recent time have moved from being strictly literal to moderately literal to idiomatic and finally co-drafting. As reported by El-Farahaty (2015) The above-mentioned 'continuum' also represents the stages of development of general translation theory prior to or during the twentieth century. Consequently, Šarčević (*ibid*) concluded that religious texts and legal texts had been sharing the sacred feature and thus the legal discourse was found to fit the approaches used for translating the Bible.

Since both legal and religious are normative, it is not surprising that the early history of legal translation is most closely related to that of Bible translation, i.e., until the Middle Ages when the first moderately literal translations of the Bible were made into vernacular languages . . . because of the authoritative status of legal texts, legal translation remained under the grip of tradition much longer than other areas of translation. Like the word of God in the Scriptures, the letter of law also demanded strict literal translation to protect it from heterodoxy. Thus, it was believed that the 'word power' of such texts could be retained only by word-for-word translation. (Šarčević, 1997, as cited in El-Farahaty, *ibid*).

This reflects that ‘literal translation’ has been followed in legal translation too. To exemplify, Šarčević recalled the translation of the Corpus Juris Civilis literally into Greek ‘to preserve the letter of the law’.

Equivalence, pioneered by the American Bible translator Eugene Nida, has always been the focus of the semantic-based theory. Nida distinguishes between formal and dynamic equivalence. By the former is meant keeping the form and the content of the ST through ‘gloss translation’. Nida (1993, as cited in El-Farahaty, 2015) maintains that ‘it is essential that formal equivalence is stated primarily in terms of a comparison of the way in which the original Arabic–English–Arabic Legal Translation receptors understood and appreciate the text and the way in which receptors of the translated text understand and appreciate the translated text.

El-Farahaty (2015) stated that ‘Weisflog supports Nida’s formal correspondence approach for translating quasi legislation or recommendations, such as the UN, UNCTAD, business contracts, license agreements, general conditions of supply and delivery (conditions of sale), among others. Nida’s Dynamic equivalence, in this context, refers to the ‘principle of equivalent effect’. That is, the TL reader gets the same natural effect that the ST reader gets from reading the ST’.

This recalls Schleiermacher’s (2004) ‘target-oriented’ approach or Venuti’s ‘domestication’ (1995), in which the foreign features of the ST are accommodated in the TT, hence the text appears natural in the target culture. According to El-Farahaty, Munday (2001) maintains that ‘domestication entails translating in a transparent, fluent, invisible style in order to minimize the foreignness of the TT’.

In legal translation, Tomášek (1991 as cited in El-Farahaty, 2015, p.16) supports similar views. He divides the translation process into ‘intrasemiotic’ and ‘intersemiotic’. The former refers to

transferring from the first semantic level (the legal language) to the second semantic level (the legal metalanguage).By the latter is meant transferring from the SL and its culture to the TL and its culture. That is, intrasemiotic translation occurs within the same sign system (within one language), whereas intersemiotic translation happens from one sign system to another (between two different languages).

Newmark (1981) sees equivalence as a process of approximation between the ST and the TT and there is no absolute equivalence between languages due to their inconsistency. He classifies translation into two main types: semantic and communicative.

the former ‘attempts to render as closely as the semantic and syntactic structures of the second language allow the exact contextual meaning in the original, whereas the latter ‘attempts to produce on its readers an effect as close as possible to that obtained by the readers of the original’ (Newmark,1981, as cited in El-Farahaty, 2015).

Newmark’s comments on the translation of authoritative texts, legal texts being one of them: ‘the language of authoritative statements is likely to be literal and denotative, except where it is enforced by emotive appeal’ as in the case of translating the Preamble of the Iraqi Constitution into English. On adaptation in translation, he argues:

I assume that the SL text is efficiently written and is specifically to the SL reader. The translator will not have to adapt the text for the TL readers; the text will more or less remain within the SL culture unless it is an international text relating to an international organization. (Newmark,1982, as cited in El-Farahaty, 2015).

In the Western tradition, Equivalence remains a controversial issue. In Germany, Werner Koller’s ‘Equivalence in Translation Theory’ in Andrew Chesterman (1989) discussed correspondence and



equivalence; the former applies to contrastive linguistics whereas the latter is more useful for translation studies. Koller supports 'foreignization' which stands for keeping the foreign features of the ST in the TT in legal translation by insisting that 'full adaptation is not an accepted method of translation in legal texts as it results in semantic distortion' (quoted in El-Farahaty, 2015, p. 16).

As for legal translation, the problem of equivalence remains so controversial. legal translation practitioners could not identify which type of equivalence to adopt, although there were many types of equivalence, but legal equivalence was not one of them.

El-Farahaty (2015) suggested that 'Equivalence then should not be considered a one-to-one correspondence, rather, it should be looked at from a number of variables, deviating from the rigid constraints of linguistic theories to more sociocultural elements. This is when the advocates of pragmatics (for example House 1997, Halliday 1985, Hatim and Mason 1997) have their say'.

Newer paradigms, however, then emphasized various aspects or problems that the theories of equivalence somehow overlooked: namely, the translation skopos or purpose (challenging the dominant role of the source text), historical and cultural relativism (challenging any absolute equivalence equations), localization (deceptively blurring the divisions between translation and adaptation) and cultural translation (seeing translation in terms of processes rather than an affair of texts). Pym (2010, as cited in El-Farahaty, 2015)

House's model (1997, as cited in El-Farahaty, 2015) derives from Halliday's register analysis. It focuses on comparing the ST and the TT to highlight the mismatches between them. The comparison is based on three main pillars: lexis, syntax and the textual aspect, or to put it in House's words, 'theme dynamics, clausal linkage and iconic linkage'.

Šarčević distinguishes between overt and covert translation: the former is ST-directed, and the latter is TT-directed. Chesterman and Wagner (2002, *ibid.*) argue that ‘overt translation preserves the stylistic indicators of the ST whereas covert translation is too fluent, natural to sound not as translation’.

Legal translation seems to neglect functional theories to translation. Skopos-oriented theory initiated by Vermeer (2000) focuses on the purpose of the text which, in Vermeer’s view, is more important than the semantic or stylistic aspects of the text. It determines the relationship between the ST and the TT and hence what the translation should look like (Chesterman and Wagner, 2002:*ibid.*).

Šarčević (1997: as cited in El-Farahaty, *ibid.*) argues:

Vermeer translation theory departs from tradition by recognizing translations in which the function of the target text differs from that of the source text . . .’ For, functional equivalence is advised in case of the absence of an exact equivalent. Garzone (2000) asked whether they can be applied in legal translation or not: ‘this question is of extreme importance: a positive answer would provide a good starting point for the construction of an all-embracing theoretical model applicable to all text-types and genres in legal translation’.

Skopos theory, however, was criticized by many theorists, such as Chesterman and Wagner (2002, *ibid.*) who argue that this theory is complex and questioned its applicability. Snell-Hornby (1988) criticizes skopos theory on the basis that it only applies to non-literary texts, although Vermeer claims it is applicable to all translations (quoted in Šarčević, 1997:18).

El-Farahaty (2015) conveys that Munday (2001) criticizes it for ignoring the microlinguistic features in the TT and dethroning the ST. Translators of specialized texts are still sceptical about its applicability in the language for specific purposes (LSP) translation. The reason behind this, according to Šarčević (1997, *ibid.*), is that ‘the function of the special purpose translations is usually the same as that of the source text’.

She adds:

‘by suggesting that the translation strategy of a legal translation can be determined solely on the basis of function, Vermeer disregards the fact that legal texts are subject to special rules governing in the mechanism of the law’ (*ibid.*). Even if we agree that functional equivalence is the ‘ideal method of translation’ according to Weston, this is only just a first step in the process of translation. From a text linguistic perspective, non-literary texts, legal texts being one of them, belong to a distinctive text type known as hybrid texts. They ‘allow the introduction into a target culture of hitherto unknown and/or socially unacceptable concepts through a medium which, by its non-conformity to social/stylistic conventions and norms, proclaims the otherness of its origin’ (Schaffner and Adab, 2000, as cited in El-Farahaty, *ibid.*).

El-Farahaty (2015) argues that ‘Translating legal texts from English into Arabic or vice-versa is not a mere process of rendering the terminology and grammar of the ST into equivalents in the TT. A translator of such texts is transferring from one legal system which is embedded in the SL culture into a totally different TL legal system and TL culture. That is, translation of Arabic multi-lateral treaties into English is at best a difficult task because the Arabic texts will include elements that are alien to the English culture. To clarify the above argument there are expressions in the Arabic treaties that are purely cultural such as the Basmala (بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ – In the name of

God), the formal addresses (for example *حضرة صاحب الجلالة* – His Majesty), the concluding religious remarks (for example *الله أكبر و* – God is the greatest) and reference to the Qur'an and Sunnah (the standard practice of Muhammad). Even if these expressions are translated into English, they may be meaningless to the target reader. That is why international treaties and other international documents of the UN are more secular and avoid any of the above expressions.'

From this long discussion about the approaches to and theories of translating legal documents, it is worth to state out that translation approaches may vary according to the legal subtypes and their functions. Since there is no one particular theory of legal translation, a legal translator will use multiple tools that will enable him or her to figure out the type of the legal document, its function, its structure and its pragmatic effect. 'All these aspects along with the special nature of legal discourse, such lexical incongruities, syntactic complexities, textual dissimilarities and system and cultural asymmetries, make the task of the legal translator unusually challenging'. El-Farahaty (2015, p.19)

### **Conclusion:**

This chapter gave a brief overview on legal translation. It tried to present various views on the concept of legal translation, its categories, functions and discourse. Also, it Shed a light on the most common strategies used in the field of legal translation. This chapter concluded with a thorough review of the most popular theories and approaches to translation in general and legal texts translation in particular. Contextualized examples of segments translated from English into Arabic was therefore investigated and its inter-linguistic and intra-linguistic relationships where explained.

## **II. Chapter Two: Translation at the UN**

### **Introduction:**

This chapter profoundly tackles translation at one of the most prestigious linguistic employers nowadays, namely the United Nations. It gives an insight to the history and developments of interpretation and translation services at the famous international inter-governmental organization. Explaining how translation services are processed, structured and delivered will be the core part of this chapter, not forgetting the norms and recruitment requirements for UN interpreters and translators who are the backbone of the six linguistic sections at the UN HQ in New York and regional offices.

### **II.1 Historical Background**

The history of the United Nations as an international organization has its origins in World War II. Since then, its aims and activities have expanded to make it the most prominent international body in the early 21st century. Multilingualism is one of the foundations of the United Nations. Accordingly, translation of documents into its official languages, that is, Arabic, Chinese, English, French, Russian and Spanish, plays an important political and practical role in the functioning of the Organization.

The creation of the conference interpreting service – and the interpreting profession itself – at the United Nations has a direct connection with the evolution of international diplomatic relations, the League of Nations, the Nuremberg trials, the founding of the United Nations, and the birth of multilingualism within the United Nations itself.

According to ("United Nations Interpretation Service," n.d.) most of the early interpreters of the United Nations were natural polyglots who were uprooted by wars and revolutions. For years, the only criterion used to select potential interpreters was the knowledge of two international languages the interpreters had to communicate in. Polyglots were found mainly in privileged social groups, government employees and professionals in colonial empires, in militarily and diplomatically powerful nations, in political or ideological exiles, in those who leave their countries temporarily for academic purposes, and in children of couples who speak different languages.

After the 1960s, there was change in the sociological make-up of UN translators and interpreters. The United Nations began recruiting and training potential interpreters who were monolingual from birth but had learned and specialized in languages. This generation of interpreters did not come from privileged groups or complex migratory backgrounds. In contrast with the early beginnings of the profession, there was also a progressive addition of women in the field of conference interpreting.

At the League of Nations and during the San Francisco Conference (1945) before the formal founding of the United Nations, the interpreters played a vital and visible role in meetings. In consecutive interpretation, conference interpreters spoke from the same dais as the original speakers, and the speaker stops periodically so that the interpreter can interpret what has just been said while the participants in the meeting viewed and listened to the consecutive interpreter. The conference interpreters were often exposed to selected or large audiences and the media.

In the late 1940s and the early 1950s, United Nations officials introduced simultaneous interpretation as a preferred method for many UN meetings because it saved time and improved the quality of the output. Simultaneous interpreting, a mode that confined the interpreters in glass-

encased booths aided with earpieces and microphones, arose in the 1920s and 1930s when American businessman Edward Filene and British engineer A. Gordon-Finlay developed simultaneous interpretation equipment with IBM, and was also used in the post-World War II Nazi war crime trials held in Nuremberg, Germany.

When it was founded in 1945, the UN had 51 member states. Since then, the organization has grown massively. Today, it has 193 member states and is the largest and most powerful intergovernmental organization in the world.

## **II.2 Structure of Translation Services at the UN**

Within the UN, the Department for General Assembly and Conference Management (<http://www.un.org/Depts/DGACM/>) under the UN Secretariat is the department responsible for matters related to documentation including translation and general language management. It provides meeting support, technical secretariats, interpretation, documents or verbatim and summary records to the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council. The Department is responsible for the issuance of more than 200 documents a day in the six official languages of the UN. (Cao and Zhao, 2008)

The DGACM is headed by the Under-Secretary-General for General Assembly and Conference Management in the United Nations Secretariat, with staff located in UN Headquarters in New York in addition to four sub-duty stations: Division of Conference Management UNOG (Geneva), Conference Management Service UNOV (Vienna), and Division of Conference Services UNON (Nairobi). He is also appointed as Secretariat-wide Coordinator for Multilingualism responsible for coordinating the overall implementation of multilingualism within the Secretariat and also serves as lead for multilingualism-related matters at the United Nations System level. In addition,

he is the Chair of the International Annual Meeting on Language Arrangements, Documentation and Publications (IAMLADP). The following is the most updated DGACM chart as published on UN Official website:

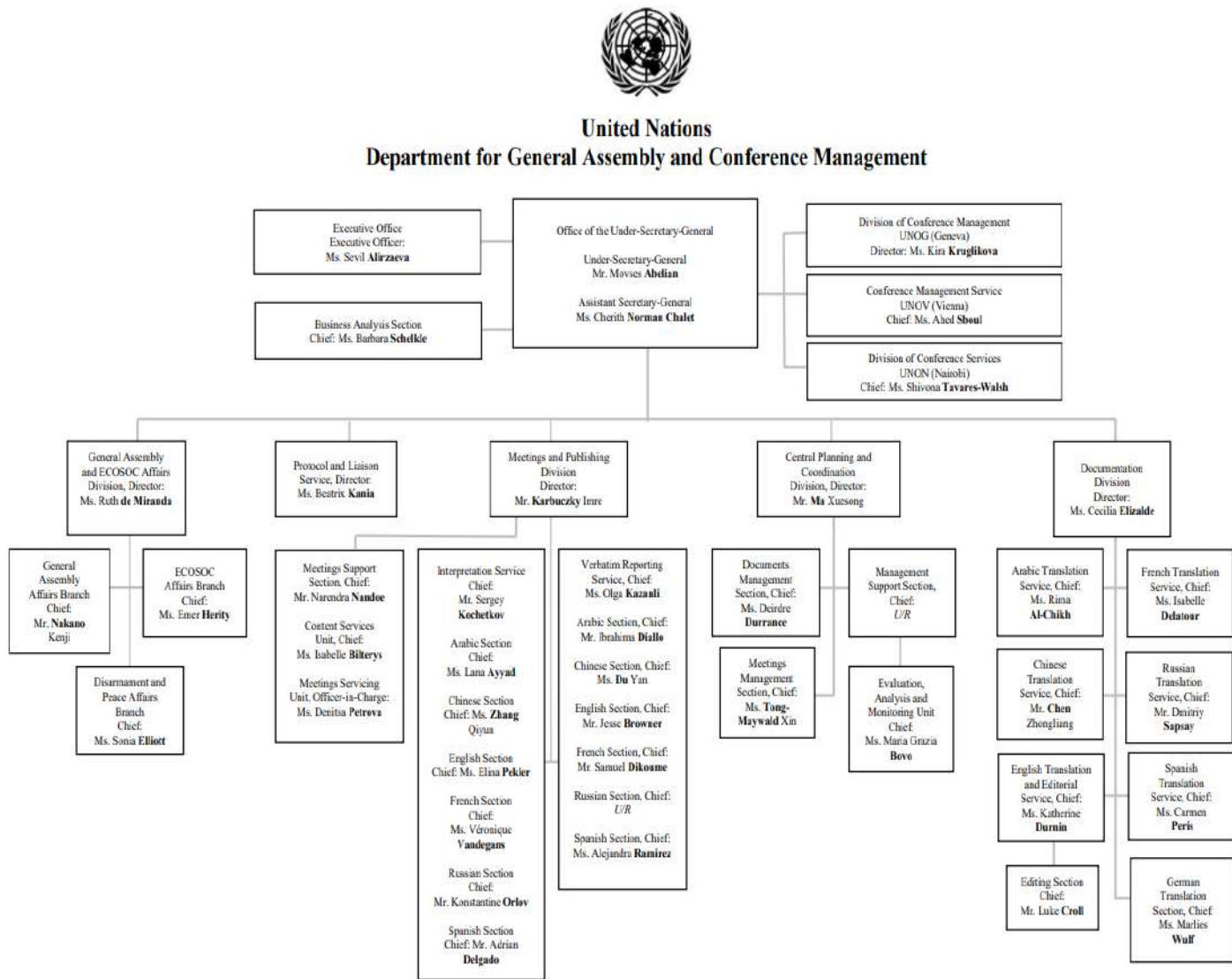


Figure 01: Chart of The Department for General Assembly and Conference Management



The official website of the Department for General Assembly and Conference Management at the UN explains that the six translation services of the DGACM are responsible for producing parliamentary documentation in the six official languages of the United Nations: Arabic, Chinese, English, French, Russian and Spanish, as well as correspondence, publications and other documents to support meetings. There is also a small German Translation Section in New York, funded by the German-speaking Member States. Translation is just one step in the documentation process; the others are editing and editorial and desktop publishing.

Furthermore, The UN Secretariat uses two working languages, English and French. Statements made in an official language at a formal meeting are interpreted simultaneously into the other official languages of the body concerned by UN interpreters. If a delegation wishes to speak in a language that is not an official language, it must supply an interpreter to interpret the statement or translate it into one of the official languages. It is then rendered into the other languages by a relay system. Documents are produced in the six official languages and are issued simultaneously when all the language versions are available.

Tirosh (2018) stated that Several other languages have been considered for official UN language status over the years. These include Bengali, Hindi, Malay, Portuguese, Swahili and Turkish. Parts of the UN already use these languages routinely. UN News (the organization's media branch), for example, translates its updates into Portuguese. However, there remain just six official languages so far.

### **II.3 UN Document Translation:**

As explained on the DGACM official webpage, the Documentation Division is responsible for producing the high-quality, multilingual parliamentary documentation required by the General Assembly, the Security Council, the Economic and Social Council and other entities of the United Nations. In this way it plays a key role in supporting the deliberations of the Member States and the work of the Organization. The Division comprises five translation services (one each for Arabic, Chinese, French, Russian and Spanish), as well as an English Translation and Editorial Service. There is also a small German translation section funded by the German-speaking Member States.

It is fair to say that documentation is the lifeblood of virtually all gatherings at the UN. It sets the agenda and the programme of work for meetings, the questions to be considered and the order and manner of their consideration. In a series of reports prepared before the opening of a meeting (pre-session documentation), it provides the basis for deliberations. In-session documents (draft resolutions and decisions) reflect the results of discussions as delegates reach agreements. Following meetings, a report is prepared that gives a summation of the discussion and of all actions taken, including any recommendations made or resolutions adopted. UN documents may be drafted, edited, translated, printed and distributed in all six official languages, and sometimes processed overnight. Without its documentation, the work of a UN intergovernmental body may grind to a halt. (ibid)

Cao and Zhao, (2008). Translation at the United Nations as Specialized Translation. *The Journal of Specialised Translation*, (9), 39-54.

Translators in the Documentation Division translate the full range of documentation into the six official languages of the United Nations. Some documents are also translated into German. Editors in the Division ensure that the original language versions of United Nations documents conform to official standards and are presented in a consistent style.

UN Editorial Manual defines the term ‘documentation’ as a body or accumulation of written materials issued for or under the authority of an organ of the UN, irrespective of the form in which it is issued or of the process by which it is reproduced. The term ‘document’ is used to designate written materials officially issued under a UN document symbol, regardless of the form of reproduction. Most documents are intended to serve as a basis for discussion at meetings of UN bodies.

Cao and Zhao (2008) stated that the provision of documentation at the UN involves the following processes:

**(1) Documentation programming and monitoring:** This first step in document processing involves reviewing the mandates from intergovernmental bodies for the preparation of reports, allocating the responsibilities for document preparation among author departments, determining admissibility of documents and monitoring submission to ensure timely availability of documents for all meetings.

**(2) Documents control:** This function covers the scheduling and monitoring of the processing of documents in all official languages simultaneously, in accordance with the requirements of the meetings and ensuring full compliance with rules governing control and limitation of documentation.

**(3) Editorial control:** Editors ensure that texts are clear, comprehensible, grammatically and orthographically correct, that all footnotes and other references are correct and that texts conform to UN style.

**(4) Reference and Terminology:** Documents often contain text based on material previously translated or references to resolutions or other published materials. The proper referencing of the texts helps ensure correct translation and speeds up processing. Increasing specialization and in-depth consideration of technical questions means that new vocabulary is constantly being formed, and terminology lists in all languages must be kept up to date.

**(5) Translation:** A document drafted in one of the six official languages of the UN is usually translated into the other five. Some core documents are also translated into German. When a document is required urgently for ongoing deliberations of the General Assembly, the Security Council, the Economic and Social Council, for example, or for one of their subsidiary bodies, a provisional translation is made quickly by translators working in an area in close proximity to the conference room. These translations are subsequently reviewed before they are issued in final form. Due to the nature of the organization, UN translators are often required to work to tight deadlines and at the same time to produce translations of the highest standards of quality and accuracy.

**(6) Text processing and typographic style:** After being edited and translated, documents are sent for text processing. The presentation of documents in all the official languages of the Organization conforms to typographic standards developed to ensure legibility, clear presentation of data and easy document navigation and search. Final formatted versions in

camera-ready and electronic form are sent to the Reproduction Section for printing and to the optical disk system for archiving.

**(7) Official Records:** Editors ensure that all six language versions of resolutions and decisions and other official records comply with UN editorial standards and, operating in multilingual teams, play a crucial role in maximizing consistency across languages. (8)

**Copy preparation and proof-reading:** The Copy Preparation and Proofreading Section desktop-publishes or prepares for external typesetting and proof-reads a variety of materials in the six official languages.

**(9) Publishing:** The Publishing Section produces all parliamentary documentation required for meetings at Headquarters and for entitled recipients of documents. It also distributes documents and other printed materials to all recipients inside and outside the Organization and maintains an electronic document collection.

The official policy on language processing in the UN is that all the official languages have equal status and are processed on the basis of complete parity, which means no document is released until it is available in all six languages.

### **II.3.1 UN Documents and Writing Style**

The work of the UN requires the production and publication of substantial body of documentation. All documents at the UN are produced in accordance with an institutional system of standards and criteria. As we have seen in the foregoing section, documents are produced with the collaboration from many different organizational units and sections and personnel, the sets of procedures and rules need to be followed in documentation production including translation for orderly workflow and effective document management.

Cao and Zhao (2008) emphasize that ‘UN documents must be produced with legislative authorization and mandate which are usually contained in resolutions adopted by UN organs. They must be approved for publication by the administration. Furthermore, UN documents must comply with the UN quality and accuracy standards. They must have clear substantive purposes and public use objectives. UN documentation is formally classified within a series system and there are also specific standards and requirements for the format of several types of documents.’

Over the years, the UN has developed its own style of writing and established the format for each category of documents. What the UN says must be couched in an idiom intelligible to the nationals of 193 different Member States varying in language, tradition, structure and political philosophy (see *ibid*).

Given its history of over 70 years, the style has been generally followed. With the increase in international activities over the years, UN documents have also grown rapidly in both volume and complexity. According to DGACM online published guide, UN produces Every day, numerous reports, studies, working papers, resolutions and other documents and translates them into six languages.

### **II.3.2 Difficulties of UN Document Translation**

With such a firm commitment to multilingualism at its heart, the UN undertakes a vast amount of translation every year. More than 450,000 pages per year are translated by the UN’s Text Processing Units. Many of these are translated into the six official languages, though the originals are not necessarily written in one of those six languages. As such, document translation is not without its difficulties. The Journal of Specialized Translation, which was created as a forum for translators and researchers in specialized translation, observes that one thorny issue is:

“...how the translator distinguishes the deliberate obscurity that is the expression of a political and often hard-won compromise from inadvertent obscurity produced when those drafting the original text use a language that is not their mother tongue.” (as cited by Tirosh, 2018)

Cao and Zhao (2008) stated another relevant factor in UN writing is that many of the documents drafted in English are originally written by writers whose first language is not English. Given the distinct levels of proficiency in English of such writers, some of these English documents sometimes create linguistic problems for both the readers of the documents and the translators who need to translate such texts.

The official website of the DGACM states that:

Translation at the United Nations is particularly challenging for a number of reasons. Translators must achieve the highest quality standards in terms of accuracy, readability and the use of correct terminology, while also meeting workload standards and translation deadlines to ensure timely delivery. The documents translated cover a broad range of technical, political, scientific, social, economic and legal matters, from peace and security to statistics, the law of the sea, economic development and the right to food. They also vary considerably in type, from 60,000-word reports to 1-page diplomatic notes. In addition, given the crucial role that multilingual documentation plays in supporting multilateralism and the deliberations of the Member States, the processing deadlines are invariably tight. The workload can also be highly unpredictable, with new additions to the agenda generating unexpected documentation for processing or international crises generating sudden rushes of urgent jobs. Another challenge is the need for translators to write in a neutral variant of their language: translators in the French Translation Service, for example, aim to draft their translations in a style of French that will be readily understood by all

French-speaking nations. Like all parliamentary documentation, United Nations documents often form part of a series that makes consistent terminology use essential in many cases. United Nations translators are greatly assisted in this regard by the automated reference-checking and term-matching features of the technological tools they use, which include multilingual terminology databases and translation memories.

They exemplified for one of the phenomena ‘Difficulties due to the multi-racial and multilingual characteristics of UN work are regularly encountered by translators. The occasions when one is unable to find equivalents for a word or concept in another language are frequent. For instance, the English words ‘liability’ and ‘responsibility’ have to be translated by the single French word ‘responsabilité.’(ibid)

All in all, the most prominent problems and difficulties translators at the UN encounter might include impossible deadlines, poorly drafted manuscripts, cumbersome institutional vocabulary and jargon.



## II.4 Translating UN Resolutions

According to the UN website, United Nations resolutions are formal expressions of the opinion or will of United Nations organs. They generally, but not invariably, consist of two clearly defined parts: a preamble and an operative part. The preamble generally recites the considerations on the basis of which action is taken, an opinion expressed, or a directive given. The operative part states the opinion of the organ or the action to be taken (see the following example draft document).

The image shows a draft document for a UN Resolution. The document header includes "United Nations", "General Assembly", "Fifty-eighth session", "Agenda item 73", "A/RES/58/42", and "Distr.: General 17 December 2003". The title of the resolution is "58/42. National legislation on transfer of arms, military equipment and dual-use goods and technology". The text of the resolution is in blue, and the instructions in the sidebar are in black. The sidebar contains five numbered instructions for formatting the resolution text.

**Resolution adopted by the General Assembly**  
[on the report of the First Committee (A/58/462)]

**58/42. National legislation on transfer of arms, military equipment and dual-use goods and technology**

*The General Assembly,*  
*Recognizing that disarmament, arms control and non-proliferation are essential for the maintenance of international peace and security,*  
*Recalling that effective national control of the transfer of arms, military equipment and dual-use goods and technology, including those transfers that could contribute to proliferation activities, is an important tool for achieving those objectives,*  
*Recalling also that the States parties to the international disarmament and non-proliferation treaties have undertaken to facilitate the fullest possible exchange of materials, equipment and technological information for peaceful purposes, in accordance with the provisions of those treaties,*  
*Considering that the exchange of national legislation, regulations and procedures on the transfer of arms, military equipment and dual-use goods and technology contributes to mutual understanding and confidence among Member States,*  
*Convinced that such an exchange would be beneficial to Member States that are in the process of developing such legislation,*  
*Reaffirming the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,*

- Invites* Member States that are in a position to do so to enact or improve national legislation, regulations and procedures to exercise effective control over the transfer of arms, military equipment and dual-use goods and technology, while ensuring that such legislation, regulations and procedures are consistent with the obligations of States parties under international treaties;
- Encourages* Member States to provide, on a voluntary basis, information to the Secretary-General on their national legislation, regulations and procedures on the transfer of arms, military equipment and dual-use goods and technology, as well as the changes therein, and requests the Secretary-General to make this information accessible to Member States;
- Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "National legislation on transfer of arms, military equipment and dual-use goods and technology".

*71st plenary meeting  
8 December 2005*

03 45543

**Instructions from the sidebar:**

- 1 Elizabeth.Lara ...  
Begin with the name of the organ, followed by a comma.  
Reply
- 2 Elizabeth.Lara ...  
Begin each paragraph in the preamble with a present participle (*Recognizing...*), past participle (*Convinced...*), perfect participle (*Having been*...), or a gerund (*Recognizing*...), as appropriate.  
Reply
- 3 Elizabeth.Lara ...  
End each preambular paragraph with a comma.  
Reply
- 4 Elizabeth.Lara ...  
Number the paragraphs in the operative part of the resolution; begin each paragraph with a verb in the present indicative tense.  
Reply
- 5 Elizabeth.Lara ...  
Use semicolons at the end of each paragraph in the operative part  
Reply
- 6 Elizabeth.Lara ...  
End the final operative paragraph with a full stop.  
Reply

Figure 2: UN Resolution at the drafting stage

The term “decisions” is used to designate formal decisions, other than resolutions, dealing with non-substantive or routine matters such as elections, appointments, the time and place of meetings and the taking note of reports. They are sometimes used also to record the adoption of a text representing the consensus of the members of a given organ on a question. (ibid)

Resolutions are the primary tools of discussion in the UN. They are submitted in draft form sponsored by individual or groups of nations. They form the basis for UN debates, bringing one or several issues to the floor in a form that representatives can discuss, amend, and reject or ratify as circumstances dictate.

UN resolutions are formal expressions of the opinion or will of the UN organs. They usually state a policy that the UN will undertake, but they also may be in the form of treaties, conventions and declarations. They range from very general to extremely specific in content. Depending on the bodies involved, they may call for or suggest an action, condemn an action, or require an action or impose sanctions on the part of the member states. (UN Editorial Manual, 1983)

In terms of linguistic structure, Cao and Zhao (2008) reported UN Editorial Manual saying that a resolution is one long sentence with commas and semicolons throughout the resolution and with a full stop at the end. In the preamble, there is a comma after the name of the organ and a comma after each paragraph or subparagraph of the preamble. In the operative part, there is a semicolon after each paragraph or subparagraph and a full stop at the end, which is the only full stop in a resolution. The first key word(s) in each clause is (are) usually underlined or italicized. UN resolutions also make extensive use of certain performative verbs or verbal phrases in both the preamble and the operative section. The responsibility for ensuring that the texts of resolutions and

amendments confirm to the style laid down in the UN Editorial Manual rests with the Secretary of the Committee or other body from which the texts emanate.

Here are some of the commonly used preambulatory phrases as predefined by the UN Editorial Manual:

Acknowledging ...Affirming... Alarmed.... Approving.... Aware... Bearing in mind Being convinced.... Believing.... Cognizant... Concerned... Confident... Conscious Considering... Contemplating... Convinced... Declaring... Deeply disturbed... Desiring Determined... Emphasizing... Encouraged... Endorsing... Expressing... Expecting Fulfilling... Fully aware... Guided by... Having...adopted ...approved ...considered ...examined further ...received ...reviewed Keeping in mind.... Mindful Noting ...further ...with approval ...with concern ...with deep concern ...with regret ...with satisfaction Observing... Reaffirming... Recalling... Recognizing... Referring... Regretting Reiterating... Stressing... Welcoming...

Some of the commonly used operative phrases also include:

Accepts Adopts Affirms Appeals Appreciates Decides Declares Deplores Emphasizes Encourages Notes Reaffirms Recognizes... Recommends... Regrets Approves Authorizes Calls upon Concurr Condemns Confirms Congratulates... Considers... Endorses Expresses ...its appreciation... ...its conviction... ...its regret... ...its sympathy... ...its thanks... ...the hope Reiterates Suggests Supports Takes note of Urges Welcomes.

## **II.5 UN Translation: Requirements and Examinations**

As per UN Editorial Manual, United Nations translators are required to have a perfect command of their main language and an excellent knowledge of, in most cases, two other official languages. They must also be able to write in a clear and perfectly grammatical style in their main language. The goal is to produce documents that are readily comprehensible to all into whose hands they fall, bearing in mind that many readers of United Nations documents, in particular the representatives of the Member States, will be working in a language other than their own.

Translators need to be adept at carrying out research, using both United Nations and outside sources, and must remain abreast of developments in the subjects dealt with by the United Nations. Translators are expected to acquire substantive knowledge in the many fields of United Nations activity, in particular peace and security, development, human rights, budgeting, international law and climate change. Intellectual curiosity and a willingness to master new subjects, in addition to superior linguistic skills, are therefore a must. Though demanding, the work also affords United Nations translators a unique opportunity to gain insight into world affairs and international diplomacy, to work on varied and high-profile texts and to become experts in specific subject areas. (UN Editorial Manual, 2021)

The DGACM webpage clearly explains that to meet the quality standards expected of United Nations documents, translators must:

- Thoroughly understand the subject and nature of the document they are translating and be aware of any political nuances
- Ensure the accuracy and completeness of their translations in conveying both the meaning and tone of the original

- Ensure consistency within series of documents by checking official terminology, specialized terms or phrasing, and references
- Adhere to the style and usage rules of their translation service

UN Language staff are recruited mainly through competitive examinations for language positions, which are held on average once every two or three years in each language and occupational group (specialist field). The examination announcements are posted on the United Nations Careers portal a few months prior to the date of the examination, together with information on eligibility requirements and how to apply.

The purpose of the examinations is to establish a roster of successful candidates from which to fill present and future vacancies for language positions at United Nations Headquarters in New York, its offices in Geneva, Nairobi and Vienna, and the regional commissions in Addis Ababa, Bangkok, Beirut and Santiago.

All UN translators, including both permanent and freelance, must have a university degree or a translation diploma from a recognized translation school. Applicants for permanent posts must be capable of working into one of the official languages (their mother tongue or their principal language of education) from two or more of the others. The only exceptions to this rule are Arabic and Chinese translators, who sometimes work both ways between Arabic or Chinese and English, and people with specialized knowledge of use to the Organization, such as holders of degrees in international law, who are sometimes recruited to work from one language only. Applicants for freelance positions should preferably also have two passive languages. Since most UN documents nowadays are written in English, knowledge of that language is a prime requirement for translators into any of the other languages. (Cao and Zhao, 2008)

## **Conclusion**

The United Nations has been one of the major employers of professional translators and interpreters. Through the means of first and second-hand references, this chapter aimed at drawing a comprehensive picture on how translation functions at the UN HQ in New York and subdivisions. In addition to the literature on historical background of UN translation and how its structured currently, more importantly, element II.3 UN Document Translation tried to give a thorough focus onto the UN document translation related subjects. As that this research is intending to investigate a UN Security Resolution on Western Sahara as a corpus, a more detailed description was devoted to UN resolutions in addition to the requirements of translation and translator's recruitment within the UN.

## IV. Chapter Three: International Law and the Question of Western Sahara

### Introduction:

To complete the logical structure of the theoretical part of this research, and as the research smooth design requires, this third chapter gives a brief overview to the question of Western Sahara. Furthermore, the chapter will present the legal aspect of the Western Sahara cause and try to explain how it is clearly attached to the international law. Concepts of decolonization and the right to self-determination in addition to the advisory opinion of Internal Court of Justice on the issue in hand are key elements developed under this same chapter. This chapter also shall refer to the main historical milestones throughout the evolution of the conflict over Western Sahara.

### III.1 The History of Western Sahara:



Figure1: Map of Western Sahara (official UN map)

Western Sahara is of approximately 266,000 square kilo meters, consisting mainly of rocky desert flatlands, with few natural harbors, hazardous coastal waters, and with its major river, the Saguia el-Hamra(الساقية الحمراء), flowing seasonally to the Atlantic across the northern part of the territory. The geographical limits of Western Sahara extend 1110 km along the Atlantic, with borders of 444 km with Morocco to the north, 40 km with Algeria in the northeast, and 1570 km with Mauritania to the east and south. Western Sahara's natural resources consist mainly of phosphate deposits, coastal fisheries, and more recently recognized, potential off-shore oil and gas reserves.

Tony Hodges stated in his book —Western Sahara: The Roots of a Desert War (1983, as cited by NEW YORK CITY BAR ASSOCIATION) that the indigenous inhabitants of Western Sahara are people of mixed Arab-Berber heritage called Sahrawis, who trace their lineage to semi-nomadic tribes which settled in the region centuries before there were modern day states in North Africa and migrated within loosely defined and often overlapping territories throughout the region. The eighth and ninth centuries witnesses the conversion of most of the inhabitants of the region.

The limited and dispersed pastures required migrations in much smaller groups, so tribes were usually spread over huge distances in a large number of scattered encampments ... Outside times of war, political and judicial decisions were likely to be made at the level of the fraction or subfraction, rather than the tribe. Under such conditions of dispersal, in an exceptionally arid and hostile environment, no single group drew on sufficient power or resources to establish even a semblance of supratribal government . . . Even . . . limited forms of supratribal organization were unknown in the ultra-arid and thinly populated swath of desert between the Adrar and the Draa River. This was the domain of totally



independent Sahrawi tribes who never submitted to the weak Mauritanian emirs, or . . . to the state to the north of the desert, the sultanate of Morocco. (ibid)

According to various scholars, by the arrival of the first Spanish and Portuguese explorers and traders on the African coast in the fifteenth century, the Sahrawi tribes had adopted their own language, Hassaniya, a dialect of Arabic, and the Europeans found these tribes living their nomadic existence in much the same way as they had for centuries. Camel, goat and sheep herding was the main economic activity conducted by the Sahrawi population at the time.

A report published on 2012 under the title ‘The Legal Issues Involved In The Western Sahara Dispute’ by NEW YORK CITY BAR ASSOCIATION conveyed that In 1476, a small Spanish fort was established at Santa Cruz de Mar Pequeña opposite the Canaries, but it was sacked in 1524, and the Spanish were not to establish another settlement until 1884.

In 1884 Emil Bonelli, under the auspices of the Spanish Sociadad de Africanistas y Colonistas (Society of Africanists and Colonialists) signed a treaty with certain nomadic tribes, giving over to the Spanish the territory called Madibu or Cape Blanc on the coast, so that this territory finds itself under the protection and government of His Majesty the King of Spain, Don Alfonso XII.

In 1885, Spain placed the entire coast between Cape Blanc and Bojador under the administrative responsibility of its overseas ministry, thus complying with Article 35 of the General Act of the Congress of Berlin (February 2, 1885) requiring colonial powers to establish an effective administration of their colonies.

According to Hodges ‘The Spanish, who remained closeted in their tiny coastal settlements, did nothing to stop those ghazzian [Sahrawi resistance] and made no attempt to occupy the interior of their colony until after the French had broken the back of the Sahrawi resistance in 1934’(ibid)

The Spanish colonization waned with the general political developments and decolonization during the second half of the twentieth century. In the 1950s and 60s the colonies of North Africa began one by one to assert their independence. Morocco gained its independence from France in 1956, followed by Mauritania in 1960 and, after a long and bloody war, Algeria in 1962.

To avoid a similar movement in Spanish Sahara, in 1958 Spain, under the leadership of General Franco, promoted Spanish Sahara to be a Spanish province. Then the combined armies of France and Spain put down uprisings of the population, and except for isolated incidents, guerrilla attacks ceased and were not to occur again until the early 1970s.

However, The ploy of designating the territory a Spanish province did little to discourage the calls within the international community for self-determination for the people of Western Sahara. (ibid)

### **III.2 Sahrawi People's Right to Self-determination:**

The principle of self-determination is prominently embodied in Article I of the Charter of the United Nations. Earlier it was embraced by US President Woodrow Wilson, by Lenin and others, and became the guiding principle for the reconstruction of Europe following World War I. Its inclusion in the UN Charter marks the universal recognition of the principle as fundamental to the maintenance of friendly relations and peace among states. It is recognized as a right of all peoples in the first article common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Paragraph 1 of this Article provides:

‘All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development’.

In 1963 Western Sahara was placed on the UN list of Non-Self-Governing Territories. By 1966, Western Sahara remained the only Non-Self-Governing Territory left in the region, and both the United Nations and the Organization of African Unity (now the African Union) began to exert considerable pressure on Spain to withdraw from the territory and permit the native inhabitants to determine their political future through a referendum.

Spain faced increased resistance during this period from the Sahrawi population. A group of young freedom fighters on May 10, 1973, formed the Frente Popular para la Liberacion de Saguia el Hamra y Rio de Oro, or Polisario, and immediately launched a guerrilla war against the Spanish. Polisario succeeded in the sabotage of the Fosbucraa conveyor belt, which temporarily halted all phosphate deliveries to the coast, in 1974.

NEW YORK CITY BAR ASSOCIATION (2012) highlighted that The aims of the Polisario reflected the social and political revolutions that had characterized the 1960s in other parts of the world. They declared a rejection of the old tribal allegiances and the aim of establishing a modern-day state for all the Sahrawi population consortium.

Under the pressure of Polisario and the international Community, Spain finally started the first census of the inhabitants of the territory in 1974. In fulfilment to the UN charter principle of self-determination, eight years after first being urged to do so by the UN General Assembly, the Spanish government announced that it would hold a referendum under UN auspices during the first six months of 1975.

However, in an attempt to circumvent the principle of the right to self-determination, Morocco and Mauritania which had asserted claims to the territory based upon alleged ties between the inhabitants of the region and their countries prior to the Spanish colonization requested that

the international community postpone the referendum while they had their claims adjudicated by the International Court of Justice:

Morocco's claims to the territory dated as far back as the mid-1950s, when the Istiqlal party of Morocco advanced the theory of—Greater Morocco, that the borders of Morocco should rightfully include all the lands that were under the dominion of the Sultans of Morocco prior to the Western colonization of the region. The supporters of this theory claimed that these lands encompassed, besides Spanish Sahara, all of Mauritania and a large slice of Algeria. The Kings of Morocco—first Mohammed V and then his son Hassan II—embraced this theory, laying claim to the territory of Spanish Sahara in speeches dating back to the late 1950s. Although they backed a number of United Nations Resolutions calling for the self-determination of the people of the region during the 1960s and 1970s, they never renounced this claim. They also laid claim to what is present day Mauritania, and Morocco tried, unsuccessfully, for a year after its independence from France in 1960 to block its admittance to the U.N. as an independent state. In addition, Morocco inaugurated in the late 1960s an unsuccessful bid to occupy part of Algeria by force, leading to friction between the two states that has persisted to this day. (NEW YORK CITY BAR ASSOCIATION, 2012, p. 8)

### **III.3 The Advisory Opinion of Internal Court of Justice on Western Sahara:**

Spain's decision to withdraw from Western Sahara and allow a referendum to determine the future of the territory stimulated King Hassan II to convince the Mauritanian government, which had claimed part of the territory, to join Morocco in pursuing their claims before the International Court of Justice.

Consequently, On December 13, 1974, the General Assembly issued a Resolution postponing the referendum. Furthermore, in addition to asking the International Court of Justice to issue an advisory opinion on the claims of Morocco and Mauritania, the General Assembly dispatched a UN visiting mission to the Western Sahara to collect ‘first-hand information on the situation . . . including . . . the wishes and aspirations of the people.’ (Report of the United Nations Visiting Mission to Spanish Sahara,1975, as cited by NEW YORK CITY BAR ASSOCIATION).

The report of this mission was released on October 15, 1975. The mission concluded that the indigenous peoples of the territory wished to be independent not only of Spain, but also of Morocco and Mauritania. To the letter, the mission reported:

Owing to the large measure of co-operation which it received from the Spanish authorities, the Mission was able . . . to visit virtually all the Main population centres and to ascertain the views of the overwhelming majority of their inhabitants . . . From all of these, it became evident to the Mission that there was an overwhelming consensus among Saharans within the Territory in favour of independence and opposing integration with any neighbouring country.(ibid)

The Mission also reported that the Polisario, which had organized mass demonstrations of support wherever the mission visited, enjoyed considerable support among the Sahrawis. It concluded with the recommendation that ‘the General Assembly should take steps to enable those population groups to decide their own future in complete freedom and in an atmosphere of peace and security’.(ibid)

As mentioned by MINURSO website, On 16 October 1975, one day after the publication of the Mission’s report quoted many times above, the International Court of Justice rendered its opinion. ICJ was asked to investigate The following three main questions in relation to Moroccan

and Mauritanian claims over the Western Sahara territory: (1) to determine whether the territory, prior to the Spanish colonization, was *res nullius*, or without legal tie to a sovereign, or (2) whether such ties existed, and if they existed, (3) whether such titles vested in either Morocco or Mauritania, or both.

After an examination of evidence of political, military, religious, and economic ties between the claimants and the inhabitants of the territory before Spain's arrival, the judges found that 'the information before the Court does not support Morocco's claim to have exercised territorial sovereignty over Western Sahara'. The Court explained that while the evidence showed that the Sultan exercised 'some authority' over 'some, but only some' of the nomadic tribes of the region, it 'does not establish any tie of territorial sovereignty between Western Sahara and that State. It does not show that Morocco displayed effective and exclusive State activity in the Western Sahara'. The Court's outcome to Mauritania's claim was basically the same. (ibid, p. 11)

Two weeks later, precisely 31 October 1975, around 350,000 military and civilian Moroccans invaded the Western Sahara in what Morocco calls 'The Green March' and Sahrawis find 'Red Destructive March' leading to a mass displacement of the landowners to what is nowadays Sahrawi refugee camps in Tindouf, southwest Algeria.

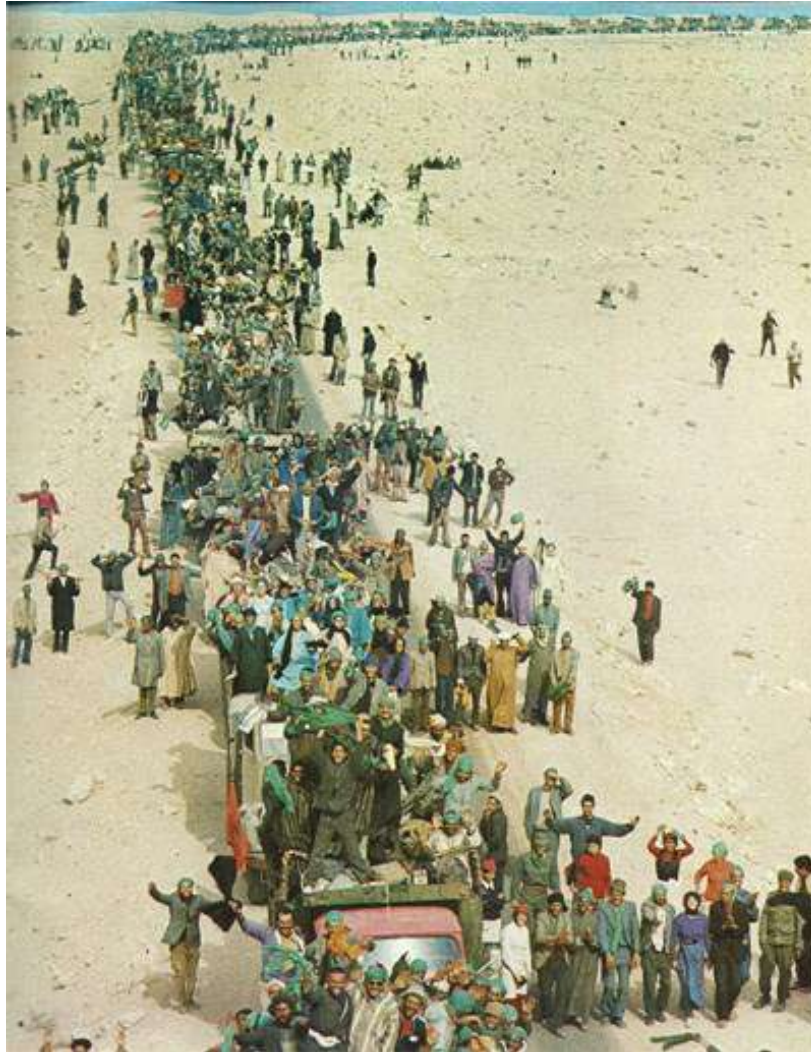


Figure2: Moroccans participating in ‘The Green March’ into Western Sahara (Photo credit: essouira.nu)

On November 14<sup>th</sup> 1975 Morocco, Mauritania and Spain issued a joint communique, notifying of certain agreements to be later called the ‘Madrid Accords’. The latter secret agreement basically consisted in a temporary joint administration of the territory with Morocco and Mauritania, in consultation with the djemma, the Spanish-appointed council of Sahrawi tribal elders. Spain would withdraw completely by the end of February 1976. Following the issuance of the Madrid Accords, the infiltration into the territory of Moroccan and Mauritanian troops intensified and within weeks the major towns of the territory were encircled. (ibid)

The war between the Polisario on one side and, Morocco and Mauritania on the other side went on for several years. Finally, in 1979, Mauritania agreed to withdraw from the territory and renounce its claims and recognized the Sahrawi Arab Democratic Republic (SADR) proclaimed by Polisario on February 27<sup>th</sup>, 1976.

The Polisario, which by that time controlled more than one-third of the territory, was able to direct its full force against Moroccan troops both within Western Sahara and in Morocco itself. Morocco, aided by the United States and France, stemmed the Polisario's advances somewhat but was not able to win a decisive battle against them. (NEW YORK CITY BAR ASSOCIATION, 2012, p. 15)

As a result of Morocco's disrespect to the International Law, Western Sahara entered a new colonization era, but this time by a neighbour with whom Sahrawis share religion and language. Since then, the Sahrawi people have been chasing behind their unalienable right to self-determination.

#### **III.4 Western Sahara and Decolonization:**

Decolonization is frequently employed in U.N. practice to connote the process whereby territories evolve from colonial status to full sovereign statehood. Thus, the landmark Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly Res. 1514 (XV) of 14 December 1960 ) is often referred to as the Declaration on Decolonization, and The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Encyclopaedic Dictionary of International Law (2009)



The concept of decolonization generally means the ending of colonialism and the liberation of the colonized by dismantling the entire colonial government and its social system which exercise social control and exploitation of the indigenous communities. Non-Self-Governing Territories people's right to self-determination is widely accepted today as customary international law. This right has been recognized and affirmed by the United Nations and other international bodies, including the International Court of Justice, as the key principle of decolonization.

As explained in the previous two elements of this chapter, such customary rules are reflected in The UN General Assembly Resolutions, International Court of Justice advisory opinions, and state practice during the decolonization period.

As published on the website of UN Decolonization committee, The Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence of Colonial Countries and Peoples is also known as the Special Committee on Decolonization, or C-24. The C-24 was established in 1961 by the General Assembly (GA), as its subsidiary organ devoted to the issue of decolonization, pursuant to GA resolution 1654 (XVI) of 27 November 1961.

The C-24 which commenced its work in 1962 is mandate to (i) examine the application of the Declaration on the Granting of Independence to Colonial Countries and Peoples (GA resolution 1514 (XV) of 14 December 1960, and (ii) to make suggestions and recommendations on the progress and extent of the implementation of the Declaration.

The C-24 annually reviews the list of Non-Self-Governing Territories to which the Declaration is applicable. It also hears statements from representatives of the Non-Self-Governing Territories at its annual sessions, dispatches visiting missions to Non-Self-Governing Territories

and annually organizes regional seminars. Currently, the C-24 consists of 29 members. The officers of the C-24 are called the bureau which consists of the Chair, Vice-Chairs and Rapporteur.(ibid)

Western Sahara has been on the United Nations list of Non-Self-Governing Territories since 1963 following the transmission of information on Spanish Sahara by Spain under Article 73 e of the Charter of the United Nations. In 1966, the General Assembly called for Spain to organize a referendum under the auspices of the United Nations, under which the Sahrawis would be able to vote on the territory's political future. (Resolution 2229 (XXI))

After reaffirming the 'inalienable right' of the peoples of the territory to self-determination, the General Assembly invited Spain to 'At the earliest possible date, determine the procedures for the referendum under the following conditions:

- (a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting, inter alia, the return of exiles to the Territory.
- (b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum.
- (c) To refrain from any action likely to delay the process of the decolonization of Spanish Sahara.
- (d) To provide all the necessary facilities to a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum. (NEW YORK CITY BAR ASSOCIATION, ibid)

Today, 17 Non-Self-Governing Territories including as listed below, remain on the agenda of the C-24. As is clear, Western Sahara is the last colony in Africa. Member States which have or assume responsibilities for the administration of such Territories are called administering Powers.



Figure2: Map of Non-Self-governing Territories

Despite the ICJ's ruling, Spain backed away from the referendum, bending to pressure from Morocco at the time of Madrid's difficult transition to democracy following General Franco's fatal illness.

Although International law does not recognize secret agreements, Spain secretly signed the Madrid Accords later that year, a tripartite agreement that granted Morocco administration of the northern two-thirds of the colony and Mauritania the remaining third. Therefore, Spain to this day has legal control over Western Sahara. The signing of the Madrid Accords stifled all hope that it could exercise its right to independence without recourse to violence.

In an article published on 2003 in *Ufahamu: A Journal of African Studies* under the title *The Western Sahara Conflict: A Case Study of U.N. Peacekeeping in the Post-Cold War World*, Labella Jennifer stated that After meeting delegates from the two sides in New York on August

11, 1988, Perez de Cuellar, UN Secretary-General, declared a joint UN-OAU plan to resolve the conflict.

The plan called for a cessation of hostilities between Morocco and the Polisario, troop withdrawals, the setting up of a UN force-the United Nations' Mission for the Referendum in Western Sahara (MINURSO), the establishment of an Identification Commission to assemble and publish a list of eligible Sahrawi voters, and a referendum to be held about six months after the beginning of the process. The choice for the Sahrawi people was to be between integration with Morocco and independence. (ibid)

Perez de Cuellar's proposal remained the basis of all subsequent UN mediation efforts in Western Sahara. As for voting eligibility, the reference point was to be the 1974 Spanish census. In April 1991, the Security Council approved the formation of MINURSO and set the approximately 36-week referendum process. According to this UN schedule, the fate of Western Sahara would be decided by January 1992.

However, Morocco tried to alter the voter pool by moving thousands of Moroccans into Western Sahara and asking that their voting applications be evaluated by the Identification Commission. Consequently, The promised referendum never took place until the writing of these lines. John Bolton explained: "as the fall of 1991 went on, it became increasingly clear that the UN logistically, and we [MINURSO], in budget terms, simply could not handle the processing of 170,000 new names submitted by Morocco" (Bolton, 1998, as cited by Labella).

In the following years, the UN argued for negotiations between Morocco and the Polisario Front to resolve the deadlock. As of 1997 The UN has sent more than 6 Envoys for Western Sahara, and the mandate for MINURSO has been extended 47 times, and it maintains its presence in the country, but has yet to fulfil its mission by organizing a referendum.

The UN has acknowledged facing challenges to appoint a new envoy for Western Sahara after Horst Kohler's resignation in May 2019. During a press briefing on March 4 2021, the spokesperson for the UN Secretary-General, Stephane Dujarric, when asked whether the UN still has no appropriate candidates to fill the two-year vacancy as Western Sahara envoy, Dujarric said finding a good candidate to replace Kohler is not the "easiest job on the UN roster."

In step back to the first square, the 29-year-long ceasefire came to an end on 13 November 2020, following Moroccan troops launching an attack into a demilitarized buffer zone to disburse Sahrawi civil demonstrators who were protesting an illegal road Moroccan forces had been constructing near Guerguerat, in the far south-west Western Sahara borders with Mauritania.

## **Conclusion**

Decolonization and people's right to self-determination are not just two key elements for the understanding of the Western Sahara cause, but they are also key legal terms that was examined under this third chapter. The overall aim this chapter, just like the previous two theoretical chapters did, endeavored to reach is creating a historical and legal basis that would help the readers of this paper and researchers contextualize and evaluate the results to be reached upon finishing the practical fourth chapter to be developed. It is impossible to deeply understand the discourse upon any studies topic without any insight to its setting as just this chapter tried to fulfil.

## **VI. Chapter Four: Analysis of UN Security Council Resolution (2548) on Western Sahara**

### **Introduction:**

This concluding chapter shall investigate the impact of translating UN official document on the Western Sahara Cause. Making use of the theoretical information developed in the previous chapters, this chapter will identify the strategies used by English into Arabic translators and the impact translation and translators might have on the UN discourse. In other words, it attempts to apply the relevant theoretical knowledge developed precedingly on the rendering of UN document using Political Discourse Analysis and International Law as that this paper studies the effect of translation on a political issue coming under the umbrella of International Law.

### **IV.1 Description of the Sample (UN Security Council Resolution)**

The samples to be analyzed are paragraphs taken from UN Security council resolution number 2548 issued on (30-10-2020) on the question of Western Sahara. The resolution in hand, like all Security Council resolutions, is of a high importance in terms of UN political discourse as well as international Law as the legal framework. How the two political parties to the Western Sahara Cause, namely Frente Polisario and the Kingdom of Morocco, receive and read between the lines of the SC resolutions is of paramount importance considering that both parties are Arabic speakers while the resolution is primarily edited in English and then translated into the other five UN official languages including Arabic. This fact could be problematic to UN translators but more importantly the Arabic section translators. The analysis will be based on the authentic and official UN translation of the mentioned resolution as that we are not studying any other third-party translation which could be a subject of another study in the context of the manipulation theory in translation.

The focus will be on the use of addition and omission strategies, studying the potential reasons behind that usage and what impact that choice might generate in the overall legal and political discussions around the question of Western Sahara.

## IV.2 Methodology

This chapter shall use a combination of descriptive and analytical approach to examine and analyze the use of "addition" and omission" strategies by UN translators in translating official documents thorough the analysis of the sample UNSC resolution in hand. To illustrate the impact of the adopted strategies and the frequency of their use, quantitative and qualitative tables containing all paragraphs of the sample resolution will be developed and then examined. The potential reasons behind the translators' choice of strategies shall be also looked at with a critical eye to reach the ultimate conclusions of the final product effect on the legal and political discourse which underlines the Western Sahara cause.

Table 1: Addition and omission strategies in the rendition of the sample resolution

No	English translation unit	Rendition into Arabic	Strategy used
1	<b>The Security Council, Recalling and reaffirming</b> all its previous resolutions on Western Sahara,	<b>إن مجلس الأمن،</b> إذ يشير إلى جميع قراراته السابقة بشأن الصحراء الغربية ويعيد تأكيدها،	Addition
2	<b>Reaffirming</b> its strong support for the efforts of the Secretary-General and his incoming Personal Envoy to implement resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009), 1920 (2010), 1979	<b>وإذ يعيد تأكيد دعمه القوي</b> لجهود الأمين العام ومبعوثه الشخصي الجديد الرامية إلى تنفيذ القرارات 1754 (2007) و 1783 (2007) و 1813 (2008) و 1871 (2009) و 1920 (2010) و 1979 (2011) و 2044 (2012) و	Addition

	(2011), 2044 (2012), 2099 (2013), 2152 (2014), 2218 (2015), 2285 (2016), 2351 (2017), 2414 (2018), 2440 (2018), 2468 (2019), and 2494 (2019),	2099 (2013) و 2152 (2014) و 2218 (2015) و 2285 (2016) و 2351 (2017) و 2414 (2018) و 2440 (2018) و 2468 (2019) و 2494 (2019)،	
3	<b>Paying tribute to</b> Horst Köhler, former Personal Envoy of the Secretary-General for Western Sahara, and commending his efforts in holding the round-table process, which created new momentum in the political process,	<b>وإذ يعرب</b> عن تقديره لهورست كوهلر، المبعوث الشخصي السابق للأمم العام للصحراء الغربية، وإذ يشيد بالجهود التي بذلها من أجل النهوض بعملية اجتماعات المائدة المستديرة التي ولدت زخما جديدا في العملية السياسية،	Addition
4	<b>Looking forward to</b> the appointment of a new Personal Envoy of the Secretary General for Western Sahara at the earliest opportunity,	<b>وإذ يتطلع</b> إلى تعيين مبعوث شخصي جديد للأمم العام للصحراء الغربية في أقرب فرصة،	Addition
5	<b>Welcoming</b> the new momentum created by the first roundtable meeting on 5–6 December 2018 and the second roundtable meeting on 21–22 March 2019, and commitment by Morocco, the Frente Polisario, Algeria, and Mauritania to engage in the UN political process on Western Sahara in a serious and respectful manner in order to identify elements of convergence,	<b>و إذ يرحب</b> بالزخم الجديد الذي ولده اجتماع المائدة المستديرة الاول المعقود يومي 5 و 6 كانون الاول/ديسمبر 2018 و اجتماع المائدة المستديرة الثاني المعقود يومي 21 و 22 آذار/مارس 2019، وبالتزام المغرب وجبهة البوليساريو والجزائر وموريتانيا بالمشاركة في العملية السياسية للأمم المتحدة بشأن الصحراء الغربية على نحو يتسم بالجدية والاحترام بهدف تحديد عناصر التقارب،	Addition



6	<p><b>Encouraging</b> the resumption of consultations between the incoming Personal Envoy and Morocco, the Frente Polisario, Algeria and Mauritania in this regard to build on the progress achieved,</p>	<p><b>وإذ يشجع</b> استئناف المشاورات بين المبعوث الشخصي <b>الجديد</b> والمغرب وجبهة البوليساريو والجزائر وموريتانيا في هذا الصدد من أجل البناء على ما أحرز من تقدم،</p>	Addition
7	<p><b>Reaffirming</b> its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, based on compromise, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, <b>and noting</b> the role and responsibilities of the parties in this respect,</p>	<p><b>وإذ يؤكد من جديد</b> التزامه بمساعدة <b>الطرفين</b> على التوصل إلى حل سياسي عادل ودائم ومقبول للطرفين، على أساس من التوافق، يكفل لشعب الصحراء الغربية تقرير مصيره في سياق ترتيبات تتماشى مع مبادئ ميثاق الأمم المتحدة ومقاصده، <b>وإذ يشير إلى دور الطرفين</b> ومسؤولياتهما في هذا الصدد،</p>	Addition
8	<p><b>Reiterating</b> its call upon Morocco, the Frente Polisario, Algeria and Mauritania to cooperate more fully with each other, including through building additional trust, and with the United Nations, as well as to strengthen their involvement in the political process and to achieve progress towards a political solution,</p>	<p><b>وإذ يكرر تأكيد</b> دعوته المغرب وجهة البوليساريو والجزائر وموريتانيا إلى التعاون بشكل اكمل مع بعضها بعضاً، <b>بوسائل</b> منها بناء مزيد من الثقة، ومع الأمم المتحدة، وكذلك تعزيز مشاركتها في العملية السياسية وإحراز تقدم نحو إيجاد حل سياسي،</p>	Addition

9	<p><b>Recognizing</b> that achieving a political solution to this long-standing dispute and enhanced cooperation between the Member States of the Maghreb Arab Union would contribute to stability and security, in turn leading to <b>jobs</b>, <b>growth</b> and <b>opportunities</b> for all the peoples in the Sahel region,</p>	<p><b>وإذ يعترف</b> بأن التوصل إلى حل سياسي لهذا النزاع الذي طال امده وتعزيز التعاون بين الدول الاعضاء في اتحاد المغرب العربي من شأنهما ان يسهما في <b>تحقيق</b> الاستقرار والأمن، وهو ما يؤدي بدوره إلى <b>إيجاد فرص العمل</b>، و<b>تحقيق</b> <b>النمو</b>، و<b>إتاحة الفرص</b> لجميع الشعوب في منطقة الساحل،</p>	Addition
10	<p><b>Welcoming</b> the efforts of the Secretary-General to keep all peacekeeping operations, including the United Nations Mission for the Referendum in Western Sahara (MINURSO), under close review and reiterating the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments, and effective management of resources,</p>	<p><b>وإذ يرحب</b> بالجهود التي يبذلها الأمين العام لإبقاء جميع عمليات حفظ السلام قيد الاســــتعراض الدقيق، بما فيها بعثة الأمم المتحدة للاستفتاء في الصحراء الغربية (البعثة)، وإذ يكرر التأكيد على ضرورة ان يتبع المجلس نهجا استراتيجيا صارماً ازاء نشر <b>عمليات</b> حفظ السلام و ادارة الموارد <b>إدارة</b> فعالة،</p>	Addition
11	<p><b>Recalling</b> resolution 2378 (2017) and its request of the Secretary-General to ensure that data related to the effectiveness of peacekeeping operations, including peacekeeping performance data, is used to improve analytics and the evaluation of mission operations, based on clear and well</p>	<p><b>وإذ يشير</b> إلى القرار 2378 (2017) و الطلب الذي وجه فيه الى الأمين العام بأن يضمن استخدام البيانات المتعلقة بفعالية عمليات حفظ السلام، بما في ذلك البيانات المتعلقة بأداء <b>عمليات</b> حفظ السلام، من اجل تحسين التحليل <b>القياسي</b> وتقييم عمليات البعثات، استنادا إلى معايير واضحة ومحددة</p>	Addition

	identified benchmarks, and further recalling resolution 2436 (2018) and its request of the Secretary-General to ensure that decisions to recognize and incentivize outstanding performance and decisions regarding deployment, remediation, training, withholding of <b>financial</b> reimbursement, and repatriation of uniformed or dismissal of civilian personnel, are predicated on objective performance data,	جيدا، وإذ يشير كذلك إلى القرار 2436 (2018) و الطلب الذي وجه فيه الى الامين العام بأن يضمن الاستناد الى بيانات أداء موضوعية في اتخاذ القرارات المتعلقة بالاعتراف بالأداء المتميز وتحفيزه والقرارات المتعلقة بالتدريب، وتدابير التصحيح، والتدريب، وحجب السداد، وإعادة الافراد النظاميين إلى الوطن او فصل الموظفين المدنيين ،	Omission
12	<b>Recalling</b> resolution 2242 (2015) and 2538 (2020) and its aspiration to increase the number of women in military and police contingents of United Nations peacekeeping operations,	وإذ يشير إلى القرارين 2242 (2015) و 2538 (2020) وتطلعه إلى زيادة عدد النساء في الوحدات العسكرية ووحدات الشرطة في عمليات الأمم المتحدة لحفظ السلام،	none
13	<b>Recognizing</b> the important role played by MINURSO on <b>the ground</b> and the need for it to fully implement its mandate, including its role in supporting the incoming Personal Envoy to achieve a mutually acceptable political solution,	وإذ يعترف بالدور الهام الذي تؤديه البعثة على ارض الميدان وبضرورة قيامها بتنفيذ ولايتها كاملة، بما في ذلك دورها في دعم المبعوث الشخصي الجديد بهدف التوصل إلى حل سياسي يقبله الطرفان،	Addition
14	<b>Expressing concern</b> about the violations of existing agreements, <b>reiterating</b> the	وإذ يعرب عن القلق إزاء انتهاكات الاتفاقات القائمة، وإذ يكرر تأكيد أهمية التقيد التام	Addition

	<p>importance of full adherence to these commitments in order to sustain momentum in the Western Sahara political process, and <b>taking note</b> of the commitments provided by the Frente Polisario to the former Personal Envoy, and in this regard <b>welcoming</b> the Secretary-General's assessment on 23 September 2020 that the situation in Western Sahara has remained relatively calm with the ceasefire continuing to hold and respect by the parties for MINURSO's mandate,</p>	<p>بهذه الالتزامات بهدف الحفاظ على الزخم في العملية السياسية المتعلقة بالصحراء الغربية، وإذ يحيط علما بالالتزامات التي قدمتها جبهة البوليساريو إلى المبعوث الشخصي السابق، وإذ يرحب في هذا الصدد بتقييم الأمين العام في 23 أيلول/سبتمبر 2020 بأن الحالة في الصحراء الغربية ما زالت هادئة نسبيا في ظل استمرار وقف إطلاق النار واحترام الطرفين لولاية البعثة،</p>	
15	<p>Taking note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcoming serious and credible Moroccan efforts to move the process forward towards resolution; also <b>taking note</b> of the Polisario Front proposal presented 10 April 2007 to the Secretary-General,</p>	<p>وإذ يحيط علما بالمقترح المغربي الذي قدم إلى الأمين العام في 11 نيسان/أبريل 2007، وإذ يرحب بالجهود المغربية المتسمة بالجدية والمصادقية والرامية إلى المضي قدما بالعملية صوب التسوية؛ وإذ يحيط علما أيضا بمقترح جبهة البوليساريو المقدم إلى الأمين العام في 10 نيسان/أبريل 2007،</p>	Addition
16	<p><b>Encouraging</b> in this context, the parties to demonstrate further political will towards a solution including by expanding upon their</p>	<p>وإذ يشجع الطرفين في هذا السياق على إظهار المزيد من الإرادة السياسية للمضي قدما صوب التوصل إلى حل، وذلك بطرق منها توسيع</p>	Addition

	discussion of each other's proposals and recommitting to UN efforts in a spirit of realism and compromise, and <b>further encouraging</b> the neighbouring countries to make contributions to the political process,	نطاق نقاشهما حول ما يطرحه <b>كلاهما</b> من مقترحات وتجديد الالتزام بالجهود <b>التي تبذلها</b> الامم المتحدة بروح من الواقعية والتوافق، وإذ <b>يشجع كذلك</b> البلدين المجاورين على القيام بإسهامات في العملية السياسية،	
17	<b>Encouraging</b> the parties to cooperate further with the United Nations Office of the High Commissioner for Refugees in identifying and implementing confidence - building measures that can serve to foster the trust necessary for a successful political process,	<b>وإذ يشجع</b> الطرفين على مواصلة التعاون مع مفوضية الامم المتحدة لشؤون اللاجئين في تحديد وتنفيذ تدابير بناء الثقة التي يمكن ان تسهم في تعزيز الثقة الضرورية لنجاح العملية السياسية،	Addition
18	<b>Stressing</b> the importance of improving the human rights situation in Western Sahara and the Tindouf camps, and encouraging the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law,	<b>وإذ يؤكد</b> أهمية تحسين حالة حقوق الانسان في الصحراء الغربية ومخيمات تندوف، وإذ <b>يشجع</b> الطرفين على العمل مع المجتمع الدولي على وضع وتنفيذ تدابير <b>تتسم</b> بالاستقلالية والمصداقية لكفالة الاحترام التام لحقوق الانسان، مع مراعاة كل منهما لما عليه من التزامات بموجب القانون الدولي،	Addition
19	Encouraging the parties to sustain in their respective efforts to enhance the promotion	<b>وإذ يشجع</b> الطرفين على مواصلة جهود كل منهما من اجل تعزيز حقوق الانسان وحمايتها في	Addition

	and protection of human rights in Western Sahara and the Tindouf refugee camps, including the freedoms of expression and association,	الصحراء الغربية ومخيمات تندوف للاجئين، بما في ذلك حرية التعبير وحرية تكوين الجمعيات،	
20	<b>Welcoming</b> in this regard, steps and initiatives taken by Morocco, and the role played by the National Council on Human Rights Commissions operating in Dakhla and Laayoune, and Morocco's interaction with Special Procedures of the United Nations Human Rights Council,	وإذ يرحب، في هذا الصدد، بالخطوات و المبادرات التي اتخذها المغرب والدور الذي تؤديه لجنتنا المجلس الوطني لحقوق الانسان اللتان تعملان في الداخلة والعيون، وبتفاعل المغرب مع الاجراءات الخاصة لمجلس حقوق الانسان التابع للامم المتحدة،	Addition
21	<b>Strongly encouraging</b> enhancing cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through facilitating visits to the region,	وإذ يشجع بقوة تعزيز التعاون مع مفوضية الامم المتحدة لحقوق الانسان، بما في ذلك من خلال تيسير الزيارات إلى المنطقة،	Addition
22	<b>Noting with deep concern</b> the continued hardships faced by Sahrawi refugees and their dependency on external humanitarian assistance, and further noting with deep concern insufficient funding for those living in Tindouf refugee camps and the risks	وإذ يلاحظ بقلق بالغ استمرار الصعوبات التي يواجهها اللاجئون الصحراويون واعتمادهم على المساعدة الانسانية الخارجية، وإذ يلاحظ بقلق بالغ كذلك نقص التمويل بالنسبة لأولئك الذين يعيشون في مخيمات تندوف للاجئين والمخاطر المرتبطة بخفض المساعدة الغذائية،	Addition

	associated with the reduction of food assistance,		
23	<b>Reiterating</b> its request for consideration of a refugee registration in the Tindouf refugee camps and emphasizing efforts be made in this regard,	<b>وإذ يكرر</b> طلبه الداعي إلى النظر في تسجيل اللاجئين في مخيمات تندوف للاجئين، وإذ يشدد على بذل الجهود في هذا الصدد،	Addition
24	<b>Recalling</b> United Nations Security Council resolutions 1325 and 2250 and related resolutions; <b>stressing</b> the importance of a commitment by the parties to continue the process of negotiations through the United Nations-sponsored talks and <b>encouraging</b> the full, effective and meaningful participation of women and active and meaningful participation of youth in these talks,	<b>وإذ يشير</b> إلى قراري مجلس الامن التابع للامم المتحدة 1325 و 2250 والقرارات ذات الصلة; <b>وإذ يشدد</b> على اهمية التزام الطرفين بمواصلة عملية المفاوضات عن طريق المحادثات التي ترعاها الامم المتحدة، <b>وإذ يشجع</b> على ان تشارك المرأة مشاركة كاملة وفعالة وهادفة وان يشارك الشباب مشاركة نشطة و بناءة في هذه المحادثات،	Addition
25	<b>Recognizing</b> that the status quo is not acceptable, and <b>noting</b> further that progress in negotiations is essential in order to improve the quality of life of the people of Western Sahara in all its aspects,	<b>وإذ يسلم</b> بأن الوضع القائم ليس مقبولاً، <b>وإذ يلاحظ</b> كذلك ان إحراز تقدم في المفاوضات <b>امر</b> اساسي لتحسين نوعية حياة شعب الصحراء الغربية من جميع جوانبها،	Addition

26	<b>Affirming</b> its full support for Special Representative of the Secretary-General for Western Sahara and Head of MINURSO Colin Stewart,	<b>وإذ يؤكد</b> دعمه التام للممثل الخاص للأمين العام للصحراء الغربية ورئيس البعثة، كولن ستewart،	Addition
27	<b>Having considered</b> the report of the Secretary-General of 23 September 2020 (S/2020/938),	<b>وقد نظر</b> في تقرير الأمين العام المؤرخ 23 أيلول /سبتمبر 2020 (S/2020/938) ،	none
28	1. <b>Decides</b> to extend the mandate of MINURSO until 31 October 2021;	1 - <b>يقدر</b> تمديد ولاية بعثة الأمم المتحدة للاستفتاء في الصحراء الغربية حتى 31 تشرين الأول /أكتوبر 2021	none
29	2. <b>Emphasizes</b> the need to achieve a realistic, practicable and enduring political solution to the question of Western Sahara based on compromise and the importance of aligning the strategic focus of MINURSO and orienting resources of the United Nations to this end;	2 - <b>يشدد</b> على ضرورة التوصل إلى حل سياسي واقعي وعملي ودائم لمسألة الصحراء الغربية على أساس من التوافق، وعلى أهمية المواءمة بين التركيز الاستراتيجي للبعثة وتوجيه موارد الأمم المتحدة تحقيقاً لهذه الغاية؛	none
30	3. <b>Expresses</b> its full support for the ongoing efforts of the Secretary-General and his incoming Personal Envoy to sustain the renewed negotiations process in order to achieve a solution to the Western Sahara question, notes the intention of the former	3 - <b>يعرب</b> عن دعمه الكامل للجهود المستمرة التي يبذلها الأمين العام ومبعوثه الشخصي الجديد للحفاظ على عملية المفاوضات الجديدة بغية التوصل إلى حل لمسألة الصحراء الغربية، ويلاحظ اعتزام المبعوث الشخصي السابق دعوة المغرب وجبهة	none



	<p>Personal Envoy to invite Morocco, the Frente Polisario, Algeria, and Mauritania to meet again in the same format, and <b>welcomes</b> the commitment of Morocco, the Frente Polisario, Algeria, and Mauritania to remain engaged throughout the duration of this process, in a spirit of realism and compromise, to ensure a successful outcome;</p>	<p>البوليساريو والجزائر وموريتانيا إلى الاجتماع مرة أخرى باتباع نفس الشكل ، <b>ويرحب</b> بالتزام المغرب وجبهة البوليساريو والجزائر وموريتانيا بمواصلة المشاركة طيلة هذه العملية بروح من الواقعية والتوافق، لضمان تحقيق النجاح؛</p>	
31	<p>4. <b>Calls upon</b> the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect;</p>	<p>4 - <b>يُهيِّب</b> بالطرفين إلى استئناف المفاوضات برعاية الأمين العام دون شروط مسبقة وبحسن نية، مع اخذ الجهود المبذولة منذ عام 2006 والتطورات اللاحقة لها في الحسبان، وذلك بهدف التوصل إلى حل سياسي عادل ودائم ومقبول للطرفين، يكفل لشعب الصحراء الغربية تقرير مصيره في سياق ترتيبات تتماشى مع مبادئ ميثاق الأمم المتحدة ومقاصده، ويشير إلى ما للطرفين من دور ومسؤوليات في هذا الصدد؛</p>	none

32	5. <b>Invites</b> Member States to lend appropriate assistance to these talks;	5 - يدعو الدول الاعضاء إلى تقديم المساعدة الملائمة لهذه المحادثات	none
33	6. <b>Reaffirms</b> the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire and calls on the parties to adhere fully to those agreements, implement their commitments to the former Personal Envoy, and refrain from any actions that could undermine UN-facilitated negotiations or further destabilize the situation in the Western Sahara;	6 - يؤكد من جديد ضرورة الاحترام التام للاتفاقات العسكرية التي جرى التوصل إليها مع البعثة بشأن وقف اطلاق النار، ويدعو الطرفين إلى التقيد التام بتلك الاتفاقات، و تنفيذ ما قدماه من التزامات إلى المبعوث الشخصي السابق، والامتناع عن اي اعمال من شأنها ان تقوض المفاوضات التي تيسرها الامم المتحدة او ان تؤدي إلى زيادة زعزعة استقرار الحالة في الصحراء الغربية؛	none
34	7. <b>Reiterates its call upon</b> all parties to cooperate fully with MINURSO, including its free interaction with all interlocutors, and to take the necessary steps to ensure the security of as well as unhindered movement and immediate access for the United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements;	7 - يكرر تأكيد دعوته جميع الاطراف إلى ابداء التعاون التام مع البعثة، بما في ذلك تفاعلها الحر مع كافة المحاورين، وإلى اتخاذ الخطوات اللازمة لضمان امن موظفي الامم المتحدة والافراد المرتبطين بها و كفالة تنقلهم بدون عوائق ووصولهم إلى مقاصدهم فوراً في سياق تنفيذ ولايتهم، وفقاً للاتفاقات القائمة؛	Addition
35	8. <b>Emphasizes</b> the importance of a renewed commitment by the parties to advancing the political process in preparation for further	8 - يشدد على اهمية تجديد الطرفين للالتزامهما بدفع العملية السياسية قدماً، تمهيدا لمفاوضات أخرى، ويشير إلى تأييده للتوصية	Addition

	negotiations, <b>recalls</b> its endorsement of the recommendation in the report of 14 April 2008 (S/2008/251) that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations, and encourages the neighbouring countries to make important, active contributions to this process;	التي وردت في التقرير المؤرخ 14 نيسان/أبريل 2008 (S/2008/251) والتي جاء فيها ان تحلي الطرفين بالواقعية والرغبة في التسوية امر ضروري لاحراز تقدم في المفاوضات، ويشجع البلدين المجاورين على تقديم إسهامات هامة وفعالة في هذه العملية؛	
36	9. <b>Calls upon</b> the parties to demonstrate political will and work in an atmosphere propitious for dialogue in order to advance negotiations, thus ensuring implementation of resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009), 1920 (2010), 1979 (2011), 2044 (2012), 2099 (2013), 2152 (2014), 2218 (2015), 2285 (2016), 2351 (2017), 2414 (2018), 2440 (2018), 2468 (2019), and 2494 (2019) and the success of negotiations;	9 - يهيب بالطرفين إلى البرهنة على الإرادة السياسية والعمل في بيئة مواتية للحوار من أجل المضي <b>قدما</b> في المفاوضات، بما يكفل تنفيذ القرارات 1754 (2007) و 1783 (2007) و 1813 (2008) و 1871 (2009) و 1920 (2010) و 1979 (2011) و 2044 (2012) و 2099 (2013) و 2152 (2014) و 2218 (2015) و 2285 (2016) و 2351 (2017) و 2414 (2018) و 2440 (2018) و 2468 (2019) و 2494 ونجاح المفاوضات؛	Addition
37	10. <b>Requests</b> the Secretary-General to brief the Security Council on a regular basis and at any time he deems appropriate during the mandate period, to include within six	10 - <b>يطلب</b> إلى الأمين العام ان <b>يقدم</b> إحاطة إلى مجلس الأمن على فترات منتظمة، وكذلك في أي وقت يراه مناسبا في اثناء فترة الولاية، بما في ذلك في غضون ستة اشهر من تاريخ تجديد هذه	Addition

	<p>months of this mandate's renewal and again prior to its expiration, on the status and progress of these negotiations under his auspices, on the implementation of this resolution, challenges to MINURSO's operations and steps taken to address them, <b>expresses its intention</b> to meet to receive and discuss his briefings and in this regard, <b>further requests</b> the Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period;</p>	<p>الولاية ومرة اخرى قبل انتهائها، عن حالة هذه المفاوضات التي تجري تحت رعايته والتقدم المحرز فيها، وعن تنفيذ هذا القرار، وعن التحديات التي تواجهها عمليات البعثة، و الخطوات المتخذة للتصدي لها، ويعرب عن عزمه عقد اجتماعات للاستماع لاحاطاته ومناقشتها، ويطلب كذلك في هذا الصدد إلى الامين العام ان يقدم تقريراً عن الحالة في الصحراء الغربية قبل نهاية فترة الولاية بوقت كاف؛</p>	
38	<p>11. <b>Welcomes</b> the initiatives undertaken by the Secretary-General to standardize a culture of performance in UN peacekeeping, and reaffirms its support for the development of a comprehensive and integrated performance policy framework that identifies clear standards of performance for evaluating all United Nations civilian and uniformed personnel working in and supporting peacekeeping operations that facilitates effective and full</p>	<p>11 - يرحب بالمبادرات التي اتخذها الامين العام لجعل ثقافة الاداء <b>قاعدة متبعة</b> في عمليات الامم المتحدة لحفظ السلام، ويؤكد من جديد دعمه لسن إطار سياساتي شامل ومتكامل للاداء يضع معايير واضحة في مجال الاداء لتقييم جميع افراد الامم المتحدة المدنيين والنظاميين الذين يعملون في عمليات حفظ السلام ويقدمون لها الدعم، ويبسر التنفيذ الفعال و الكامل للولايات، ويحتوي على منهجيات شاملة وموضوعية تستند إلى معايير واضحة ومحددة جيداً لكفالة المساءلة عن التقصير في الاداء</p>	Addition

	<p>implementation of mandates, and includes comprehensive and objective methodologies based on clear and well-defined benchmarks to ensure accountability for underperformance and incentives and recognition for outstanding performance, and calls on him to apply this framework to MINURSO as described in resolution 2436 (2018), requests the Secretary-General to seek to increase the number of women in MINURSO, as well as to ensure the full, effective, and meaningful participation of women in all aspects of operations;</p>	<p>وإتاحة حوافز للاداء المتفوق والاعتراف به، ويدعوه إلى تطبيق هذا الاطار على البعثة، حسب الوارد وصفه في القرار 2436 (2018)، ويطلب إلى الامين العام ان يسعى إلى زيادة عدد النساء في البعثة، و كذلك كفالة مشاركة النساء مشاركة تامة وفعالة وهادفة في جميع جوانب العمليات؛</p>	
39	<p>12. <b>Urges</b> the parties and neighbouring states to engage productively with MINURSO as it further considers how new technologies can be used to reduce risk, improve force protection, and better implement its mandate;</p>	<p>12 - <b>يحث</b> الطرفين والدولتين المجاورتين على الانخراط بشكل مثمر مع البعثة في بحثها المتواصل لتحديد الكيفية التي يمكن بها استخدام التكنولوجيات الجديدة للحد من المخاطر، وتحسين حماية القوة، والنهوض بتنفيذ الولاية المنوطة بها على نحو أفضل؛</p>	none
40	<p>13. <b>Encourages</b> the parties to cooperate with the Office of the United Nations High Commissioner for Refugees to identify and</p>	<p>3 - <b>يشجع</b> الطرفين على التعاون مع مفوضية الامم المتحدة لشؤون اللاجئين من اجل تحديد و تنفيذ تدابير لبناء الثقة، من بينها إشراك النساء</p>	none

	implement confidence-building measures, including to engage women and youth, and encourages neighbouring states to support these efforts;	والشباب، ويشجع الدولتين المجاورتين على دعم هذه الجهود؛	
41	14. Urges Member States to provide new and additional voluntary contributions to fund food programmes to ensure that the humanitarian needs of refugees are adequately addressed and avoid reductions in food rations;	4 - يحث الدول الاعضاء على تقديم تبرعات جديدة وإضافية لتمويل البرامج الغذائية بما يكفل تلبية الاحتياجات الانسانية للاجئين على نحو واف و تجنب تخفيض الحصص الغذائية؛	none
42	15. Requests the Secretary-General to continue to take necessary measures to ensure full compliance of all personnel in MINURSO with the United Nations zero - tolerance policy on sexual exploitation and abuse and to keep the Council fully informed through his reports to the Council about the Mission's progress in this regard, and urges troop-contributing and police-contributing countries to continue taking appropriate preventative action including vetting of all personnel, predeployment and in-mission awareness training, and to ensure	5 - يطلب إلى الامين العام ان يواصل اتخاذ التدابير اللازمة لكفالة الامتثال التام من جانب جميع افراد البعثة لسياسة عدم التسامح اطلاقا ازاء الاستغلال و الانتهاك الجنسيين التي تتبعها الامم المتحدة، و ان يبقى المجلس على علم كامل بما تحزره البعثة من تقدم في هذا الصدد من خلال تقاريره المقدمة الى المجلس، و يحث البلدان المساهمة بقوات و بافراد شرطة على مواصلة اتخاذ الاجراءات الوقائية الملزمة، بما في ذلك فحص سجلات جميع الافراد و التدريب بغرض التوعية في مرحلة ما قبل النشر و في الميدان، و كفالة تحقق المساءلة التامة في الحالات التي يتورط الافراد التابعون لها في ممارسة مثل هذا	none

	full accountability in cases of such conduct involving their personnel through timely investigation of allegations by troop-contributing and police-contributing countries and MINURSO, as appropriate;	السلوك من خلال التحقيق في الادعاءات في الوقت المناسب من جانب البلدان المساهمة بقوات و بأفراد شرطة و البعثة، حسب الاقتضاء؛	
43	16. <b>Decides</b> to remain seized of the matter.	6 - يقرر ان يبقي المسألة قيد نظره.	none

Table 2: Frequency of strategy use in the sample

Strategy	Addition	Omission	Addition & Omission	None	Total
<b>Frequency</b>	30	0	1	12	43
<b>Percentage</b>	70%	0%	2%	28%	100%

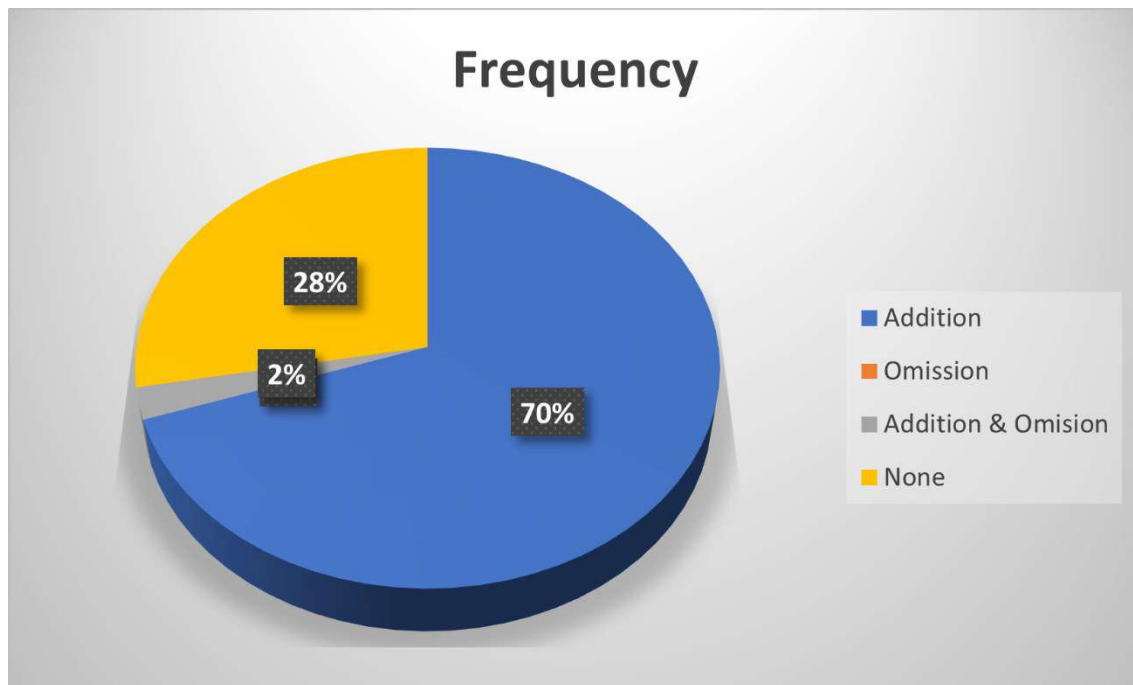


Figure 01: The frequency of translation strategies use in the sample

Table 3: Strategy used versus number of English and Arabic units

Translation Unit	Strategy used	English unit words	Arabic unit words
1	Addition	13	14
2	Addition	51	62
3	Addition	31	32
4	Addition	21	14
5	Addition	57	55
6	Addition	27	24
7	Addition	62	45
8	Addition	47	37
9	Addition	44	48
10	Addition	47	47
11	Addition	90	95
	Omission		
12	None	26	28
13	Addition	36	31
14	Addition	80	69
15	Addition	43	43
16	Addition	49	52
17	Addition	38	29
18	Addition	50	43
19	Addition	33	28
20	Addition	40	36
21	Addition	24	20
22	Addition	43	35
23	Addition	22	21
24	Addition	52	51
25	Addition	35	26
26	Addition	19	14
27	None	12	12



28	None	12	17
29	None	42	32
30	None	91	64
31	None	86	61
32	None	11	10
33	None	57	60
34	Addition	55	48
35	Addition	65	54
36	Addition	65	71
37	Addition	103	97
38	Addition	132	120
39	None	33	37
40	None	37	31
41	None	32	26
42	None	101	121
43	None	8	7
<b>Total</b>		<b>1532</b>	<b>1394</b>

### IV.3 Data Analysis:

Considering that all UN resolutions are developed in parallel in the six official languages, and are all of the same authenticity level yet, English is the UN working language in addition to French, and for the purpose of this study, the Arabic version is considered a rendition from English.

Trying to analyze the use of addition and omission strategies in the above-mentioned resolution, the following key facts can be highlighted:

- ✓ Literal translation is prominently dominating the whole sample (All **43** translation units).
- ✓ As for the strategies used, both addition and omission have been used in the sample resolution though with considerably different frequency.
- ✓ Addition have been used in **30** out of **43** translation units rendered into Arabic, which is equivalent to **70%** of the translation units.
- ✓ Omission has been detected once in translation unit number 11 where it was used along with addition in the rendition of the same translation unit. This 11 unit is the only unit where the two strategies could be found.
- ✓ No addition nor omission were used in **12** units out of the **43** translation units, what represents **28%** of the number of rendered units in the sample.
- ✓ Addition and/or omission were used in every and each paragraph of the preamble of the sample UNSC resolution except one single paragraph (translation unit number **12**) what represents more than **96%** of the preamble units.
- ✓ Omission is not used in the operative part of the sample resolution while addition was used in only **5** paragraphs of **17** paragraphs composing the operative part of the resolution. In other words, **70%** of the operative part witnessed no used of addition or omission.

- ✓ All translation units, found to contain either the use of addition or omission or both of them, have contained one addition or omission at least. (Additions and/or omissions are highlighted in yellow in table 01 above).

Coming back to the conclusion that literal translation is the dominating strategy for this sample resolution, and as an indicator, the number of words of the English version and its rendition into Arabic is nearly the same. As highlighted in yellow in table 03 above, **24** out of **43** translation units of the sample resolution have between **0** to **5** words difference between the English and Arabic versions. In percentage, this would be **56%** of the translation units and consequently of the whole sample.

#### **IV.4 Discussion of the Results:**

The outcome of the previously mentioned analysis denotes that the literality of the sample UN Security Council resolution is very obvious. Thus, the use of ‘addition’ and ‘omission’ strategies by UN document translators do go in hand with the politically cautious and neutral approach UN organs supposed to embrace. Subsequent findings are discussed below:

- The high frequent use of addition in the sample resolution was lonely for linguistic and stylistic purposes. The use of the word *على نحو يتسم بالجدية والاحترام بهدف تحديد....* in *يتسم* (Translation unit 05) is very stylish and does not affect the overall meaning of the translated phrase.
- The fact that most use of addition was in the preamble of the resolution unlike its operative part can be rooted back to the obligatory nature of the embedded decisions and the need that they are jotted down in a clear and concise manner.

- The analysis proved the validity of the fact that translation of legal and diplomatic documents does not usually leave any choice for the translator outside literal translation. To exemplify, the respect of ideas sequence, word for word leading to nearly the same number of words in the TT despite the enormous difference between the Arabic and English linguistic systems.
- The translator or translators of this resolution has/have succeeded in translating legal terms with some political doses such as the word parties which is definitely plural in English but translated carefully to mutuality الطرفين (dual pronouns) on many occasions within the sample resolution. Morocco as one of the two parties to the conflict beside Frente Polisario, has always been trying to show that Algeria, which supports the Sahrawi peoples' right to self-determination, is a direct party to the conflict. It is believed that what explains this success is overcoming such problematic issues is UN Translators political and diplomatic awareness.
- Despite the fact that some observes characterize the translation process in the UN of being complicated and bureaucratic, the procedures and regulations in place ensured the high quality of thousands of translation products by the UN. The tough requirements and translators recruitment procedures, professional training and monitoring at the DGACM could be a good reasoning in this context.

Consequently, and after a thorough examination and taking into consideration the underlying legal, structural and political aspects of the Western Sahara Cause, this investigating study concluded that no translation deviations have been detected in the rendition of UN Security council resolution number 2548 (2020). Hence, I argue that UN document translation is not just professionally adequate, but further represents a reference for researchers in the field, politicians and journalists.

## **Conclusion**

This concluding chapter has investigated firsthand United Nations main organ, Security Council, translated document on the Western Sahara Cause. The sample document, UN Security Council resolution 2548 (2020), the most recent UNSC resolution on Western Sahara, was deeply analyzed with focus on the use of addition and omission as translation strategies and studying the impact of that choice on the political discourse around Western Sahara. The sample United Nations Security Council resolution was divided to 43 segments for data analysis purposes. Other supporting data indicators were also considered such as the number of letters composing the different English and Arabic segments.

## Conclusion

Despite the long history of legal translation research, a thorough research on the UN Document translation still needs extra effort to emphasize its development and how it is affecting the contemporary international issues of legal background.

Western Sahara cause is one of the long-standing causes at the hands of the UN. Tons of Political and media discourse analysis have been conducted on subjects related to the more than five decades conflict in Western Sahara. However, the tendency was always focusing on non-linguistic topics. Translation in general and legal diplomatic translation was always at the heart of this international cause. Yet, few if not zero translation related investigation has been assumed. This dissertation comes in the context of responding to the above-mentioned need.

The study finds that UN document translation is basically adopting literal translation as an approach that guarantee the exact discourse delivered by the different UN organs. Addition as a translation strategy is widely used by UN document translators. To the contrary, this study finds that Omission is scarcely used considering the danger it might carry on the partial or overall discourse.

The study also concluded the efficiency of the approaches and measures put in place by DGACM. UN translator's proficiency and professionalism is concretely reflected in the UN produced documents despite the tight deadlines and the high workload. As a result, the UN has established a translation system that is far away from producing biased or deviating translation products.

Finally, this study does not claim conclusive findings on the subject of UN document translation versus political discourse given the absence of literature on the subject. However, this dissertation can hopefully be considered a contribution for wider research.

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## APPENDIX A

English Version of UN Security Council Resolution 2548 (2020) on Western Sahara

United Nations

S/RES/2548 (2020)



**Security Council**

Distr.: General  
30 October 2020

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### **Resolution 2548 (2020)**

#### **Adopted by the Security Council on 30 October 2020**

*The Security Council,*

*Recalling and reaffirming* all its previous resolutions on Western Sahara,

*Reaffirming* its strong support for the efforts of the Secretary-General and his incoming Personal Envoy to implement resolutions [1754 \(2007\)](#), [1783 \(2007\)](#), [1813 \(2008\)](#), [1871 \(2009\)](#), [1920 \(2010\)](#), [1979 \(2011\)](#), [2044 \(2012\)](#), [2099 \(2013\)](#), [2152 \(2014\)](#), [2218 \(2015\)](#), [2285 \(2016\)](#), [2351 \(2017\)](#), [2414 \(2018\)](#), [2440 \(2018\)](#), [2468 \(2019\)](#), and [2494 \(2019\)](#),

*Paying* tribute to Horst Köhler, former Personal Envoy of the Secretary-General for Western Sahara, and commending his efforts in holding the round-table process, which created new momentum in the political process,

*Looking forward to* the appointment of a new Personal Envoy of the Secretary General for Western Sahara at the earliest opportunity,

*Welcoming* the new momentum created by the first roundtable meeting on 5–6 December 2018 and the second round-table meeting on 21–22 March 2019, and commitment by Morocco, the Frente Polisario, Algeria, and Mauritania to engage in the UN political process on Western Sahara in a serious and respectful manner in order to identify elements of convergence,

*Encouraging* the resumption of consultations between the incoming Personal Envoy and Morocco, the Frente Polisario, Algeria and Mauritania in this regard to build on the progress achieved,

*Reaffirming* its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, based on compromise, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and *noting* the role and responsibilities of the parties in this respect,

*Reiterating* its call upon Morocco, the Frente Polisario, Algeria and Mauritania to cooperate more fully with each other, including through building additional trust, and with the United Nations, as well as to strengthen their involvement in the political process and to achieve progress towards a political solution,

*Recognizing* that achieving a political solution to this long-standing dispute and enhanced cooperation between the Member States of the Maghreb Arab Union would

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**\*2014409\***

Please recycle



**S/RES/2548 (2020)**

contribute to stability and security, in turn leading to jobs, growth and opportunities for all the peoples in the Sahel region,

*Welcoming* the efforts of the Secretary-General to keep all peacekeeping operations, including the United Nations Mission for the Referendum in Western Sahara (MINURSO), under close review and reiterating the need for the Council to pursue a rigorous, strategic

approach to peacekeeping deployments, and effective management of resources,

*Recalling* resolution [2378 \(2017\)](#) and its request of the Secretary-General to ensure that data related to the effectiveness of peacekeeping operations, including peacekeeping performance data, is used to improve analytics and the evaluation of mission operations, based on clear and well identified benchmarks, and further *recalling* resolution [2436 \(2018\)](#) and its request of the Secretary-General to ensure that decisions to recognize and incentivize outstanding performance and decisions regarding deployment, remediation, training, withholding of financial reimbursement, and repatriation of uniformed or dismissal of civilian personnel, are predicated on objective performance data,

*Recalling* resolution [2242 \(2015\)](#) and [2538 \(2020\)](#) and its aspiration to increase the number of women in military and police contingents of United Nations peacekeeping operations,

*Recognizing* the important role played by MINURSO on the ground and the need for it to fully implement its mandate, including its role in supporting the incoming Personal Envoy to achieve a mutually acceptable political solution,

*Expressing concern* about the violations of existing agreements, *reiterating* the importance of full adherence to these commitments in order to sustain momentum in the Western Sahara political process, and *taking note* of the commitments provided by the Frente Polisario to the former Personal Envoy, and in this regard *welcoming* the Secretary-General's assessment on 23 September 2020 that the situation in Western Sahara has remained relatively calm with the ceasefire continuing to hold and respect by the parties for MINURSO's mandate,

*Taking note* of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and *welcoming* serious and credible Moroccan efforts to move the process forward towards resolution; also *taking note* of the Polisario Front proposal presented 10 April 2007 to the Secretary-General,

*Encouraging* in this context, the parties to demonstrate further political will towards a solution including by expanding upon their discussion of each other's proposals and recommitting to UN efforts in a spirit of realism and compromise, and *further encouraging* the neighbouring countries to make contributions to the political process,

*Encouraging* the parties to cooperate further with the United Nations Office of the High Commissioner for Refugees in identifying and implementing confidence-building measures that can serve to foster the trust necessary for a successful political process,

*Stressing* the importance of improving the human rights situation in Western Sahara and the Tindouf camps, and *encouraging* the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law,

*Encouraging* the parties to sustain in their respective efforts to enhance the promotion and protection of human rights in Western Sahara and the Tindouf refugee camps, including the freedoms of expression and association,

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**S/RES/2548 (2020)**

*Welcoming* in this regard, steps and initiatives taken by Morocco, and the role played by the National Council on Human Rights Commissions operating in Dakhla and Laayoune, and Morocco's interaction with Special Procedures of the United Nations Human Rights Council,

*Strongly encouraging* enhancing cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through facilitating visits to the region,

*Noting with deep concern* the continued hardships faced by Sahrawi refugees and their dependency on external humanitarian assistance, and *further noting with deep concern* insufficient funding for those living in Tindouf refugee camps and the risks associated with the reduction of food assistance,

*Reiterating its request* for consideration of a refugee registration in the Tindouf refugee camps and *emphasizing* efforts be made in this regard,

*Recalling* United Nations Security Council resolutions 1325 and 2250 and related resolutions; *stressing* the importance of a commitment by the parties to continue the process of negotiations through the United Nations-sponsored talks and *encouraging* the full, effective and

meaningful participation of women and active and meaningful participation of youth in these talks,

*Recognizing* that the status quo is not acceptable, and *noting further* that progress in negotiations is essential in order to improve the quality of life of the people of Western Sahara in all its aspects,

*Affirming* its full support for Special Representative of the Secretary-General for Western Sahara and Head of MINURSO Colin Stewart,

*Having considered* the report of the Secretary-General of 23 September 2020 (S/2020/938),

1. *Decides* to extend the mandate of MINURSO until 31 October 2021;
2. *Emphasizes* the need to achieve a realistic, practicable and enduring political solution to the question of Western Sahara based on compromise and the importance of aligning the strategic focus of MINURSO and orienting resources of the United Nations to this end;
3. *Expresses* its full support for the ongoing efforts of the Secretary-General and his incoming Personal Envoy to sustain the renewed negotiations process in order to achieve a solution to the Western Sahara question, *notes* the intention of the former Personal Envoy to invite Morocco, the Frente Polisario, Algeria, and Mauritania to meet again in the same format, and *welcomes* the commitment of Morocco, the Frente Polisario, Algeria, and Mauritania to remain engaged throughout the duration of this process, in a spirit of realism and compromise, to ensure a successful outcome;
4. *Calls upon* the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect;
5. *Invites* Member States to lend appropriate assistance to these talks;

6. *Reaffirms* the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire and *calls on* the parties to adhere fully to those agreements, implement their commitments to the former Personal Envoy, and

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**S/RES/2548 (2020)**

refrain from any actions that could undermine UN-facilitated negotiations or further destabilize the situation in the Western Sahara;

7. *Reiterates* its call upon all parties to cooperate fully with MINURSO, including its free interaction with all interlocutors, and to take the necessary steps to ensure the security of as well as unhindered movement and immediate access for the United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements;
8. *Emphasizes* the importance of a renewed commitment by the parties to advancing the political process in preparation for further negotiations, *recalls* its endorsement of the recommendation in the report of 14 April 2008 (S/2008/251) that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations, and *encourages* the neighbouring countries to make important, active contributions to this process;
9. *Calls upon* the parties to demonstrate political will and work in an atmosphere propitious for dialogue in order to advance negotiations, thus ensuring implementation of resolutions [1754 \(2007\)](#), [1783 \(2007\)](#), [1813 \(2008\)](#), [1871 \(2009\)](#), [1920 \(2010\)](#), [1979 \(2011\)](#), [2044 \(2012\)](#), [2099 \(2013\)](#), [2152 \(2014\)](#), [2218 \(2015\)](#), [2285 \(2016\)](#), [2351 \(2017\)](#), [2414 \(2018\)](#), [2440 \(2018\)](#), [2468 \(2019\)](#), and [2494 \(2019\)](#) and the success of negotiations;
10. *Requests* the Secretary-General to brief the Security Council on a regular basis, and at any time he deems appropriate during the mandate period, to include within six months of this mandate's renewal and again prior to its expiration, on the status and progress of these negotiations under his auspices, on the implementation of this resolution, challenges to MINURSO's operations and steps taken to address them, *expresses its intention* to meet to receive and discuss his briefings and in this regard, *further requests* the

Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period;

11. *Welcomes* the initiatives undertaken by the Secretary-General to standardize a culture of performance in UN peacekeeping, and *reaffirms* its support for the development of a comprehensive and integrated performance policy framework that identifies clear standards of performance for evaluating all United Nations civilian and uniformed personnel working in and supporting peacekeeping operations that facilitates effective and full implementation of mandates, and includes comprehensive and objective methodologies based on clear and well-defined benchmarks to ensure accountability for underperformance and incentives and recognition for outstanding performance, and calls on him to apply this framework to MINURSO as described in resolution [2436 \(2018\)](#), *requests* the Secretary-General to seek to increase the number of women in MINURSO, as well as to ensure the full, effective, and meaningful participation of women in all aspects of operations;
12. *Urges* the parties and neighbouring states to engage productively with MINURSO as it further considers how new technologies can be used to reduce risk, improve force protection, and better implement its mandate;
13. *Encourages* the parties to cooperate with the Office of the United Nations High Commissioner for Refugees to identify and implement confidence-building measures, including to engage women and youth, and *encourages* neighbouring states to support these efforts;
14. *Urges* Member States to provide new and additional voluntary contributions to fund food programmes to ensure that the humanitarian needs of refugees are adequately addressed and avoid reductions in food rations;

15. *Requests* the Secretary-General to continue to take necessary measures to ensure full compliance of all personnel in MINURSO



with the United Nations zero tolerance policy on sexual exploitation and abuse and to keep the Council fully informed through his reports to the Council about the Mission's progress in this regard, and urges troop-contributing and police-contributing countries to continue taking appropriate preventative action including vetting of all personnel, predeployment and in-mission awareness training, and to ensure full accountability in cases of such conduct involving their personnel through timely investigation of allegations by troop-contributing and police-contributing countries and MINURSO, as appropriate;

16. *Decides* to remain seized of the matter.
-

## APPENDIX B

Arabic Version of UN Security Council Resolution 2548 (2020) on Western Sahara

الامم المتحدة

**S/RES/2548 (2020)**

مجلس الامن

**30 October 2020**

**القرار 2548 (2020)**

الذي اتخذته مجلس الامن في 30 تشرين الاول/أكتوبر 2020

إن مجلس الأمن،

إذ يشير إلى جميع قراراته السابقة بشأن الصحراء الغربية ويعيد تأكيدها،

وإذ يعيد تأكيد دعمه القوي لجهود الأمين العام ومبعوثه الشخصي الجديد الرامية إلى تنفيذ القرارات 1754 (2007) و 1783 (2007) و 1813 (2008) و 1871 (2009) و 1920 (2010) و 1979 (2011) و 2044 (2012) و 2099 (2013) و 2152 (2014) و 2218 (2015) و 2285 (2016) و 2351 (2017) و 2414 (2018) و 2440 (2018) و 2468 (2018) و 2494 (2019)،

وإذ يعرب عن تقديره لهورست كوهلر، المبعوث الشخصي السابق للأمين العام للصحراء الغربية، وإذ يشيد بالجهود التي بذلها من أجل النهوض بعملية اجتماعات المائدة المستديرة التي ولدت زخما جديدا في العملية السياسية،

وإذ يتطلع إلى تعيين مبعوث شخصي جديد للأمين العام للصحراء الغربية في أقرب فرصة،

و إذ يرحب بالزخم الجديد الذي ولده اجتماع المائدة المستديرة الاول المعقود يومي 5 و 6 كانون الاول/ديسمبر 2018 و اجتماع المائدة المستديرة الثاني المعقود يومي 21 و 22 آذار/مارس 2019، وبالتزام المغرب وجبهة البوليساريو

والجزائر وموريتانيا بالمشاركة في العملية السياسية للأمم المتحدة بشأن الصحراء الغربية على نحو يتسم بالجدية والاحترام بهدف تحديد عناصر التقارب،

وإذ يشجع استئناف المشاورات بين المبعوث الشخصي الجديد والمغرب وجبهة البوليساريو والجزائر وموريتانيا في هذا الصدد من أجل البناء على ما أحرز من تقدم،

وإذ يؤكد من جديد التزامه بمساعدة الطرفين على التوصل إلى حل سياسي عادل ودائم ومقبول للطرفين، على أساس من التوافق، يكفل لشعب الصحراء الغربية تقرير مصيره في سياق ترتيبات تتماشى مع مبادئ ميثاق الأمم المتحدة ومقاصده، وإذ يشير إلى دور الطرفين ومسؤولياتهما في هذا الصدد،

وإذ يكرر تأكيد دعوته المغرب وجهة البوليساريو والجزائر وموريتانيا إلى التعاون بشـكل اكمل مع بعضها بعضا، بوسائل منها بناء مزيد من الثقة، ومع الأمم المتحدة، وكذلك تعزيز مشاركتها في العملية السياسية وإحراز تقدم نحو إيجاد حل سياسي،

وإذ يعترف بأن التوصل إلى حل سياسي لهذا النزاع الذي طال أمده وتعزيز التعاون بين الدول الاعضاء في اتحاد المغرب العربي من شأنهما ان يسهما في تحقيق الاستقرار والأمن، وهو ما يؤدي بدوره إلى إيجاد فرص العمل ، وتحقيق النمو، وإتاحة الفرص لجميع الشعوب في منطقة الساحل ،

وإذ يرحب بالجهود التي يبذلها الامين العام لإبقاء جميع عمليات حفظ السلام قيد الاسـتخدام الدقيق، بما فيها بعثة الأمم المتحدة للاستفتاء في الصحراء الغربية (البعثة)، وإذ يكرر التأكيد على ضرورة ان يتبع المجلس نهجا استراتيجيا صارماً ازاء نشر عمليات حفظ السلام و ادارة الموارد إدارة فعالة،

وإذ يشير إلى القرار 2378 (2017) و الطلب الذي وجه فيه الى الامين العام بأن يضمن استخدام البيانات المتعلقة بفعالية عمليات حفظ السلام، بما في ذلك البيانات المتعلقة بأداء عمليات حفظ السلام ، من اجل تحسين التحليل القياسي وتقييم عمليات البعثات، استنادا إلى معايير واضحة ومحددة جيدا، وإذ يشير كذلك إلى القرار 2436 (2018) و الطلب الذي وجه فيه الى الامين العام بأن يضمن الاستناد الى بيانات أداء موضوعية في اتخاذ القرارات المتعلقة بالاعتراف بالأداء المتميز وتحفيزه والقرارات المتعلقة بالنشـر، وتدابير التصحيح، والتدريب، وحجب السداد، وإعادة الافراد النظاميين إلى الوطن او فصل الموظفين المدنيين ،

وإذ يشير إلى القرارين 2242 (2015) و 2538 (2020) وتطلعه إلى زيادة عدد النسباء في الوحدات العسكرية ووحدات الشرطة في عمليات الأمم المتحدة لحفظ السلام،

وإذ يعترف بالدور الهام الذي تؤديه البعثة على أرض الميدان وبضرورة قيامها بتنفيذ ولايتها كاملة، بما في ذلك دورها في دعم المبعوث الشخصي الجديد بهدف التوصل إلى حل سياسي يقبله الطرفان،

وإذ يعرب عن القلق إزاء انتهاكات الاتفاقات القائمة، وإذ يكرر تأكيد أهمية التقيد التام بهذه الالتزامات بهدف الحفاظ على الزخم في العملية السياسية المتعلقة بالصحراء الغربية، وإذ يحيط علما بالالتزامات التي قدمتها جبهة البوليساريو إلى المبعوث الشخصي السابق، وإذ يرحب في هذا الصدد بتقييم الأمين العام في 23 أيلول/سبتمبر 2020 بأن الحالة في الصحراء الغربية ما زالت هادئة نسبيا في ظل استمرار وقف إطلاق النار واحترام الطرفين لولاية البعثة، وإذ يحيط علما بالمقترح المغربي الذي قدم إلى الأمين العام في 11 نيسان/أبريل 2007، وإذ يرحب بالجهود المغربية المتسمة بالجدية والمصادقية والرامية إلى المضي قدما بالعملية صوب التسوية؛ وإذ يحيط علما أيضا بمقترح جبهة البوليساريو المقدم إلى الأمين العام في 10 نيسان/أبريل 2007،

وإذ يشجع الطرفين في هذا السياق على إظهار المزيد من الإرادة السياسية للمضي قدما صوب التوصل إلى حل، وذلك بطرق منها توسيع نطاق نقاشهما حول ما يطرحه كلاهما من مقترحات وتجديد الالتزام بالجهود التي تبذلها الأمم المتحدة بروح من الواقعية والتوافق، وإذ يشجع كذلك البلدين المجاورين على القيام بإسهامات في العملية السياسية،

وإذ يشجع الطرفين على مواصلة التعاون مع مفوضية الأمم المتحدة لشؤون اللاجئين في تحديد وتنفيذ تدابير بناء الثقة التي يمكن أن تسهم في تعزيز الثقة الضرورية لنجاح العملية السياسية،

وإذ يؤكد أهمية تحسين حالة حقوق الإنسان في الصحراء الغربية ومخيمات تندوف، وإذ يشجع الطرفين على العمل مع المجتمع الدولي على وضع وتنفيذ تدابير تتسم بالاستقلالية والمصداقية لكفالة الاحترام التام لحقوق الإنسان، مع مراعاة كل منهما لما عليه من التزامات بموجب القانون الدولي،

وإذ يشجع الطرفين على مواصلة جهود كل منهما من أجل تعزيز حقوق الإنسان وحمايتها في الصحراء الغربية ومخيمات تندوف للاجئين، بما في ذلك حرية التعبير وحرية تكوين الجمعيات،

وإذ يرحب ، في هذا الصدد، بالخطوات و المبادرات التي اتخذها المغرب والدور الذي تؤديه لجننتا المجلس الوطني لحقوق الانسان اللتان تعملان في الداخلة والعيون، وبتفاعل المغرب مع الاجراءات الخاصة لمجلس حقوق الانسان التابع للأمم المتحدة،

وإذ يشجع بقوة تعزيز التعاون مع مفوضية الامم المتحدة لحقوق الانسان، بما في ذلك من خلال تيسير الزيارات إلى المنطقة،  
وإذ يلاحظ بقلق بالغ استمرار الصعوبات التي يواجهها اللاجئون الصحراويون واعتمادهم على المساعدة الانسانية الخارجية، وإذ يلاحظ بقلق بالغ كذلك نقص التمويل بالنسبة لأولئك الذين يعيشون في مخيمات تندوف للاجئين والمخاطر المرتبطة بخفض المساعدة الغذائية،

وإذ يكرر طلبه الداعي إلى النظر في تسجيل اللاجئين في مخيمات تندوف للاجئين، وإذ يشدد على بذل الجهود في هذا الصدد،

وإذ يشير إلى قراري مجلس الامن التابع للأمم المتحدة 1325 و 2250 والقرارات ذات الصلة؛ وإذ يشدد على اهمية التزام الطرفين بمواصلة عملية المفاوضات عن طريق المحادثات التي ترعاها الامم المتحدة، وإذ يشجع على ان تشارك المرأة مشاركة كاملة وفعالة وهادفة وان يشارك الشباب مشاركة نشطة و بناءة في هذه المحادثات،

وإذ يسلم بأن الوضع القائم ليس مقبولاً، وإذ يلاحظ كذلك ان إحراز تقدم في المفاوضات امر اساسي لتحسين نوعية حياة شعب الصحراء الغربية من جميع جوانبها،

وإذ يؤكد دعمه التام للممثل الخاص للامين العام للصحراء الغربية ورئيس البعثة، كولن ستوارت،

وقد نظر في تقرير الامين العام المؤرخ 23 أيلول /سبتمبر 2020 (S/2020/938) ،

- 1- يقرر تمديد ولاية بعثة الامم المتحدة لالاسـتفتاء في الصحراء الغربية حتى 31 تشرين الاول /اكتوبر 2021
- 2- يشدد على ضرورة التوصل إلى حل سياسي واقعي وعملي ودائم لمسألة الصحراء الغربية على اساس من التوافق، وعلى اهمية الموازنة بين التركيز الاستراتيجي للبعثة وتوجيه موارد الامم المتحدة تحقيقاً لهذه الغاية؛
- 3- يعرب عن دعمه الكامل للجهود المستمرة التي يبذلها الامين العام ومبعوثه الشخصي الجديد للحفاظ على عملية المفاوضات الجديدة بغية التوصل إلى حل لمسألة الصحراء الغربية، ويلاحظ اعتزام المبعوث الشخصي

السابق دعوة المغرب وجبهة البوليساريو والجزائر وموريتانيا إلى الاجتماع مرة أخرى باتباع نفس الشكل ، ويرحب بالتزام المغرب وجبهة البوليساريو والجزائر وموريتانيا بمواصلة المشاركة طيلة هذه العملية بروح من الواقعية والتوافق، لضمان تحقيق النجاح؛

4- يهيب بالطرفين إلى استئناف المفاوضات برعاية الامين العام دون شروط مسبقة وبحسن نية، مع اخذ الجهود المبذولة منذ عام 2006 والتطورات اللاحقة لها في الحسبان، وذلك بهدف التوصل إلى حل سياسي عادل ودائم ومقبول للطرفين، يكفل لشعب الصحراء الغربية تقرير مصيره في سياق ترتيبات تتماشى مع مبادئ ميثاق الامم المتحدة ومقاصده، ويشير إلى ما للطرفين من دور ومسؤوليات في هذا الصدد؛

5- يدعو الدول الاعضاء إلى تقديم المساعدة الملائمة لهذه المحادثات

6- يؤكد من جديد ضرورة الاحترام التام للاتفاقات العسكرية التي جرى التوصل إليها مع البعثة بشأن وقف اطلاق النار، ويدعو الطرفين إلى التقيد التام بتلك الاتفاقات، و تنفيذ ما قدماه من التزامات إلى المبعوث الشخصي السابق، والامتناع عن اي اعمال من شأنها ان تقوض المفاوضات التي تيسرها الامم المتحدة او ان تؤدي إلى زيادة زعزعة استقرار الحالة في الصحراء الغربية؛

7- يكرر تأكيد دعوته جميع الاطراف إلى إبداء التعاون التام مع البعثة، بما في ذلك تفاعلها الحر مع كافة المحاورين، وإلى اتخاذ الخطوات اللازمة لضمان امن موظفي الامم المتحدة والافراد المرتبطين بها و كفالة تنقلهم بدون عوائق ووصولهم إلى مقاصدهم فوراً في سياق تنفيذ ولايتهم، وفقاً للاتفاقات القائمة؛

8- يشدد على اهمية تجديد الطرفين لالتزامهما بدفع العملية السياسية قدماً، تمهيدا لمفاوضات أخرى، ويشير إلى تأييده للتوصية التي وردت في التقرير المؤرخ 14 نيسان/اياريل 2008 (S/2008/251) والتي جاء فيها ان تحلي الطرفين بالواقعية والرغبة في التسوية امر ضروري لاحراز تقدم في المفاوضات، ويشجع البلدين المجاورين على تقديم إسهامات هامة وفعالة في هذه العملية؛

9- يهيب بالطرفين إلى البرهنة على الارادة السياسية والعمل في بيئة مواتية للحوار من اجل المضي قدماً في المفاوضات، بما يكفل تنفيذ القرارات 1754 (2007) و 1783 (2007) و 1813 (2008) و 1871 (2009) و 1920 (2010) و 1979

(2011) و (2012) 2044 و (2013) 2099 و (2014) 2152 و (2015) 2218 و (2016) 2285 و (2017) 2351 و (2018) 2414 و (2018) 2440 و (2019) 2468 و 2494 ونجاح المفاوضات;

10 - يطلب إلى الأمين العام ان يقدم إحاطة إلى مجلس الأمن على فترات منتظمة، وكذلك في اي وقت يراه مناسباً في اثناء فترة الولاية، بما في ذلك في غضون ستة اشهر من تاريخ تجديد هذه الولاية ومرة اخرى قبل انتهائها، عن حالة هذه المفاوضات التي تجري تحت رعايته والتقدم المحرز فيها، وعن تنفيذ هذا القرار، وعن التحديات التي تواجهها عمليات البعثة، و الخطوات المتخذة للتصدي لها، ويعرب عن عزمه عقد اجتماعات للاستماع لاحاطاته ومناقشتها، ويطلب كذلك في هذا الصدد إلى الأمين العام ان يقدم تقريراً عن الحالة في الصحراء الغربية قبل نهاية فترة الولاية بوقت كاف؛

11 - يرحب بالمبادرات التي اتخذها الأمين العام لجعل ثقافة الاداء قاعدة متبعة في عمليات الامم المتحدة لحفظ السلام، ويؤكد من جديد دعمه لسن إطار سياساتي شامل ومتكامل للاداء يضع معايير واضحة في مجال الاداء لتقييم جميع افراد الامم المتحدة المدنيين والنظاميين الذين يعملون في عمليات حفظ السلام ويقدمون لها الدعم، ويبسر التنفيذ الفعال و الكامل للولايات، ويحتوي على منهجيات شاملة وموضوعية تستند إلى معايير واضحة ومحددة جيداً لكفالة المساءلة عن التقصير في الاداء وإتاحة حوافز للاداء المتفوق والاعتراف به، ويدعو إلى تطبيق هذا الاطار على البعثة، حسب الوارد وصفه في القرار 2436 (2018)، ويطلب إلى الأمين العام ان يسعى إلى زيادة عدد النساء في البعثة، و كذلك كفالة مشاركة النساء مشاركة تامة وفعالة وهادفة في جميع جوانب العمليات؛

12 - يحث الطرفين والدولتين المجاورتين على الانخراط بشكل مثمر مع البعثة في بحثها المتواصل لتحديد الكيفية التي يمكن بها استخدام التكنولوجيات الجديدة للحد من المخاطر، وتحسين حماية القوة، والنهوض بتنفيذ الولاية المنوطة بها على نحو أفضل؛

13- يشجع الطرفين على التعاون مع مفوضية الامم المتحدة لشؤون اللاجئين من اجل تحديد و تنفيذ تدابير لبناء الثقة، من بينها إشراك النساء والشباب، ويشجع الدولتين المجاورتين على دعم هذه الجهود؛

14- يحث الدول الاعضاء على تقديم تبرعات جديدة وإضافية لتمويل البرامج الغذائية بما يكفل تلبية الاحتياجات الانسانية للاجئين على نحو واف و تجنب تخفيض الحصص الغذائية؛

15- يطلب إلى الامين العام ان يواصل اتخاذ التدابير اللازمة لكفالة الامتثال التام من جانب جميع افراد البعثة لسياسة عدم التسامح اطلاقا ازاء الاستغلال و الانتهاك الجنسيين التي تتبعها الامم المتحدة، و ان يبقى المجلس على علم كامل بما تحرزه البعثة من تقدم في هذا الصدد من خلال تقاريره المقدمة الى المجلس، و يحث البلدان المساهمة بقوات و بافراد شرطة على مواصلة اتخاذ الاجراءات الوقائية الملائمة، بما في ذلك فحص سجلات جميع الافراد و التدريب بغرض التوعية في مرحلة ما قبل النشر و في الميدان، و كفالة تحقق المساءلة التامة في الحالات التي يتورط الافراد التابعون لها في ممارسة مثل هذا السلوك من خلال التحقيق في الادعاءات في الوقت المناسب من جانب البلدان المساهمة بقوات و بأفراد شرطة و البعثة، حسب الاقتضاء؛

16- يقرر ان يبقي المسألة قيد نظره.

## Abstract

Legal translation in general and UN document translation in particular are of paramount importance in contexts of international conflicts. Being Faithful and professional while translating UN referential documents such as UN Security Council resolution may positively contribute to finding peaceful solutions in compliance with international law. This research tried to investigate the impact of translating UN legal documents on the Western Sahara cause. A rendition of a UNSC resolution into Arabic was assessed as a sample. Literal translation was prominent in the whole sample with a very wide use of addition as a strategy. As was hypothesised, This thesis found that UN translators were quite far from committing any deviations, rather they produced a concise, faithful and stylish TT.

**Keywords:** Legal Translation, Western Sahara, UN, Addition, Omission,



## الملخص

تعتبر الترجمة القانونية بشكل عام وترجمة وثائق الأمم المتحدة بشكل خاص ذات أهمية قصوى في سياقات النزاعات الدولية. أن يكون المترجم وفي للنص الاصلي ومهنيًا أثناء ترجمة وثائق مرجعية للأمم المتحدة على غرار قرارات مجلس الأمن التابع للأمم المتحدة، قد يساهم هذا بشكل إيجابي في إيجاد حلول سلمية تتماشى مع القانون الدولي، لقد حاول هذا البحث التحقيق في تأثير ترجمة الوثائق القانونية للأمم المتحدة على قضية الصحراء الغربية، و تم تقييم ترجمة أحد قرارات مجلس الأمن الدولي إلى اللغة العربية كعينة، حيث كانت الترجمة الحرفية بارزة في العينة بأكملها مع استخدام واسع جدًا للإضافة كإستراتيجية. كما تم الافتراض مسبقًا، وجدت هذه الأطروحة أن مترجمي الأمم المتحدة كانوا بعيدين تمامًا عن ارتكاب أي انزياحات ، بل انتجوا نص هدف محبوبك ومطابق وأنيق.

**الكلمات المفتاحية:** ترجمة قانونية ، الصحراء الغربية ، الأمم المتحدة ، إستراتيجية الإضافة ، إستراتيجية حذف.

## Résumer

La traduction juridique en général et la traduction de documents de l'ONU en particulier sont d'une importance primordiale dans les contextes de conflits internationaux. Être fidèle et professionnel lors de la traduction de documents de référence de l'ONU tels que la résolution du Conseil de sécurité de l'ONU peut contribuer positivement à trouver des solutions pacifiques dans le respect du droit international. Cette recherche a tenté d'étudier l'impact de la traduction de documents juridiques de l'ONU sur la cause du Sahara occidental. Une traduction d'une résolution du CSNU en arabe a été évaluée en tant qu'échantillon. La traduction littérale était prédominante dans l'ensemble de l'échantillon avec une très large utilisation de l'addition comme stratégie. Comme on l'avait supposé, cette thèse a révélé que les traducteurs de l'ONU étaient assez loin de commettre des écarts, ils ont plutôt produit un texte cible concis, fidèle et élégant.

**Mots-clés :** Traduction juridique, Sahara occidental, ONU, stratégie d'addition, stratégie d'addition