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**A Linguistic Approach to Negotiations in the
European Union: A Comparative Study**

or

How to Read an EU Document

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INSTITUTUL EUROPEAN
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INTRODUCTION

Without knowing the force of words, it is impossible to know men.
Confucius

Like any other conceptual system, the European Union² operates with its own linguistic microclimate populated with metaphors, specific understanding drifting from the regular meaning, customary use bearing a different meaning than the standard.

On the occasion of the current thesis our intention is to offer a method for facilitating the approach of internationally negotiated documents which have the reputation of using codified and unpalatable language, but also to signal possible traps in translation.

For example, in the case of Romanian, the latest version of the referral dictionary (DOOM3 2021) does not retain a commonly used Anglicism (*intelligence*), even though this edition explicitly assumes taking up as such into Romanian many words of English origin. The Regulation EUROSUR translates this item into Romanian by the same generic word used to designate *information* (*common pre-frontier intelligence picture* is translated by *tabloul comun al informațiilor privind zona prefrontalieră*). Professionals have a long-lasting need for a disambiguation solution in Romanian in respect to this concept, since a difference is perceived between the generic word *informații* (a. i. including from open sources) and the word *intelligence* designating information obtained via specific methods and sometimes partially or totally analysed and processed by professionals of the intelligence services or similar. In this particular case we might have to wait for DOOM4 edition in order to see it settled.

From a broader perspective, the existing studies are usually addressing the EU negotiations as such and as typical expressions of the diplomatic activity (Meerts. 2015) or take on focus only the translation activity in the EU (Koskinen. 2014), but the added-value of this research is grounded on its interdisciplinary approach, reuniting more than one point of view on the EU negotiations and its output.

The key element of novelty resides in its *vademecum* feature of guiding the reader through a maze of information with various degrees of weight and

² Hereinafter also referred to as “EU”.

relevance, operating in different contexts with changing shades of possible influence. It aims to provide guidance by offering a toolkit for assessing variables so as to get as close as possible to the real meaning behind the words written in an official paper as a result of a negotiation process.

The substance of the present thesis builds on three main chapters:

1. Multilingualism as overarching value of the European Union
2. Language traps in negotiations
3. Guidelines for the appropriate use of the Brussels English.

The first chapter – *Multilingualism as overarching value of the European Union* sets the scene by describing the complexity of the legal and institutional framework for the language regime in a supranational and multilingual environment like the European Union. It tackles the legal basis, the dedicated strategic setting (*the Multilingualism Strategy*), the practical mechanism in place for supporting the objectives enshrined in the strategic documents.

In addition to the general outlook on the available translation tools for official documents, it brings details on the translation work performed by each of the nine main EU institutions and bodies, along with their common resource (e. g. the Translation Centre for the Bodies of the European Union³) and a dedicated outlook for the translation work performed in Romania by the European Institute of Romania⁴.

The second chapter – *Language traps in negotiations* approaches language practicalities encountered in the official documents negotiated at international level and makes a conceptual distinction between the three main layers of language identified by this research as overlapping in a text negotiated at international level: legal, diplomatic, political. It also focuses on linguistic marks indicating the layer of language to which the concept may belong to, in order to support a better estimation of its weight and potential impact.

The analysis carried out by this chapter offers language tools which can support a compromise in a negotiation, and also identifies linguistic marks for indicating various formalities in relation to the birth of a document: applicable procedure for producing a specific document, types of documents, contributing institutions, type of legal competence involved. In this context, our study dwells on aspects such as the political choice of the language and the role of ambiguity as negotiation tools.

The third chapter – *Guidelines for the appropriate use of the Brussels English* focuses on peculiarities of English used in the European Affairs, as

³ Agency of the European Union providing translation and related language services to the other European Union's agencies.

⁴ Romanian public institution assisting the public administration, the business environment and civil society in understanding and assuming the elements that Romania's accession to the European Union involves.

main negotiation language in the European Union. It brings details about the distinction between the Standard English⁵ and the English used “for Brussels purposes”.

Under this chapter the analysis proposes a disambiguation exercise based on common inappropriate use of idioms, accompanied by explanations as per their political and legal implications. It also highlights, by virtue of exemplification and analysis, the semantic shift in relation with the change of the context. With the help of two case studies (BREXIT and Ukraine), the research develops on aspects of creativity of the language and its adaptability resources to new realities which force the reaction of the international environment (which is stable by definition), including by language means.

The conclusions of our thesis offer details about the method we suggest as outcome of the current study in support of decrypting the actual meaning of an internationally negotiated text – including in the terms of meta-language.

The practical utility of our suggested reader assistant could prove a useful tool for the analytical work which takes into consideration such documents, but also a convenient assistant for a large palette of professionals who might be interested by the in depths of the work performed by the international fora.

Our approach reunites and explains inter-operability of applicable principles and constraints in an EU negotiation, be it of legal, diplomatic or political nature and by consequent offering a more accurate identification of the real message meant by the issuer. By distinguishing among the three main layers of language present in a document (legal, diplomatic or political), any impact analysis taking into consideration this type of documents can benefit in precision and soundness.

Albeit insisting on pragmatic, semantic and discourse analysis with focus on the EU-related documents, procedural and institutional architecture peculiarities, the suggested method, as reader-assistant, goes beyond the EU specificities and can prove its utility in decoding documents negotiated in other international formats if adapted to their particular statutory profile (e.g. United Nations/UN and subordinated institutions and bodies, Council of Europe/CoE, Organisation for Economic Co-operation and Development/OECD, African Union/AU, North Atlantic Treaty Organisation/NATO).

The outcome also suggests support for disambiguation in case of dilemma resulted from the relation between globalisation and localisation. The

⁵ According to the Merriam-Webster Dictionary, the *Standard English* is the “English that with respect to spelling, grammar, pronunciation, and vocabulary is substantially uniform though not devoid of regional differences, that is well established by usage in the formal and informal speech and writing of the educated, and that is widely recognized as acceptable wherever English is spoken and understood.”

EU-related language is treated in more detail by support explanations in respect to the procedurally and institutionally-specific features throughout the whole lifespan of a document, including the final stage of implementation and interpretation by the European Court of Justice.

One of the important assets of the present research derives from the successful passing of the reality test as it is based on documents in force, many of which having been negotiated with the participation of the author. In comparison with other researches, the current one brings explanations for the reasons having grounded the decision to choose specific concepts for featuring the EU legislation in force, thus offering a significant historical insight on their actual meaning.

*Chapter 1***MULTILINGUALISM IN THE EUROPEAN UNION**

The aim of this chapter is offering an aggregated outlook on the institutional capacity of the EU institutions and bodies in respect of applying the multilingualism principle. It mainly focuses on three strands:

1. How each of these institutions manages the translation of its own work
2. How does it manage the multilinguistic communication
3. Where applicable, how the multilingualism principle is reflected in the daily life of the EU citizens, as a result of decisions taken at the EU level.

The intention is to demonstrate the important variable geometry in applying the principle of multilingualism of the very same political principle by the EU institutions and bodies. Such a conclusion is of importance when relating to objectives of my further research work pertaining to the consistency of the EU language and its legal consequences. This concept is critical both inside and outside the EU, in legal and in political terms:

- Inside EU: the legal consequences are dealt with by the European Court of Justice, whereas the political consequences are the daily work of the EU and national politicians;
- Outside EU: the legal consequences may be treated either by the European Court of Justice or by another designated Court, while the political impact must be judged by the referral of the EU's ambition to *speak with one voice*.

In such a patchwork environment (in terms of strategic approach, various personnel policies for translations, largest institutional translators body in the world, etc.) language consistency turns into a critical factor for getting to the true meaning of the message.

As a next step of the current research, the issue of the relevance of the context, of the issuing body and specific policy of the subject matter are treated thoroughly in order to analyse aspects of meaning in a document produced by the European Union.

Overall, the multilingualism still strives to find its way between an absolute symbol of democracy in the EU political meaning and other constraints, such as those of budgetary nature. This political approach needs to

strike the right balance with legal expectations of the same word meaning the same throughout all documents with legal force.

1.1. Multilingualism as overarching value of the European Union

“In an area ‘where there are 23 officially recognised languages¹² and more than 60 indigenous regional and minority languages, and many non-indigenous languages spoken by migrant communities’¹³, and where historical ties and wounds are cross-cutting the political construction, the European Union makes it a point of honour in promoting multilingualism as a matter of identity mark. The only European Commissioner for Multilingualism called the multilingualism in the European Union as the *cost of democracy*¹⁴. Indeed, speakers of various native languages, originating from various cultural environments, opt, at present, for English as secondary language (House 1999: 72-79; Seidlhofer 2011: 133-158)”.

In reality, language in the European Union is somewhere half-way between *language policy* and *language politics*, embedding sociological, political science, linguistic and economic aspects.

‘Like other facets of culture, language can be used as a resource in defining who you are personally and collectively. Obviously, such processes are not necessarily connected with one and only one language. Quite on the contrary, many people’s linguistic profile includes several languages, which allows them to draw on a plurality of resources not only for communication, but also for identity building and for the development of representations of the individual and collective self.’ (Grin et al. 2014: 9)” (Stănescu 2020: 141)

From a policy point stand, Art. 3.3 of the Treaty on the European Union reserves for the Union the obligation of “[...] *respect[ing] its rich cultural and linguistic diversity, and [of] ensur[ing] that Europe’s cultural heritage is safeguarded and enhanced*”. The linguistic and cultural diversity are assumed features of the European identity. One of the main differences between the European Union and the United States of America resides in the fact that, issues of the minority languages aside, the citizens of the EU Member States continue to speak their native language, while the citizens of all the USA states speak only one language.

¹² [at the date of the survey, 2012, the following EU official languages were taken into account:] Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish

¹³ EUROBAROMETER 386, page. 1

¹⁴ <https://www.euractiv.com/section/languagesculture/interview/orban-multilingualism-cost-of-democracy-in-eu/>.

At present, according to the multilingualism principle enshrined in the EU's Charter of Fundamental Rights, the European Union recognises 24 official languages which are treated on an equal footing from a legal point of view. Such an approach is promoted as a fundamental connection between the EU citizens and the EU governing bodies as institutions offer an intrinsically democratic expression of the democracy whereby the participation to the *life of the city* is facilitated by availability of the EU legislation and political decisions in all the national languages recognised on the territories of the EU Member States.

The EU citizens themselves lend support to the principle of equal treatment of all EU languages, as shown by EUROBAROMETER 386 of 2012, whereby "eight in ten Europeans (81%) agree that all languages spoken within the EU should be treated equally, with nearly half (46%) saying that they 'totally agree' that this should be the case". The results suggest that support for the view that all languages within the EU should be treated equally may have strengthened since 2005, when around seven in ten respondents (72%) held this view¹⁵.

The multicultural environment offered by the European Union is treated like a genuine asset for the potential development of the states forming the Union, following the general philosophy linking language competencies and economic growth (for a detailed approach of the language-prosperity relation see Negrea 2021).

¹⁵ The 2012 findings are not directly comparable with those from 2005 because of the move from a two-point to a four-point answer scale.

Language	Autoglottonym	Country
Bulgarian	български	Bulgaria
Czech	čeština	Czech Republic
Croatian	hrvatski	Croatia
Danish	dansk	Denmark
Dutch	Deutsch	The Netherlands, Belgium
English	English	United Kingdom, Ireland, Malta
Estonian	eesti	Estonia
Finnish	suomi	Finland
French	français	France, Belgium, Luxembourg
German	Deutsch	Germany, Austria, Belgium, Luxembourg, Italy
Greek	ελληνικά	Greece, Cyprus
Hungarian	magyar	Hungary
Irish	Gaeilge	Ireland
Italian	italiano	Italy
Latvian	latviešu	Latvia
Lithuanian	lietuvių	Lithuania
Maltese	Malti	Malta
Polish	polski	Poland
Portuguese	português	Portugal
Romanian	română	Romania
Slovak	slovenčina	Slovakia
Slovenian	slovenščina	Slovenia
Spanish	español	Spain
Swedish	svenska	Sweden, Finland

Figure 1 – *The Official Languages of the European Union*
(as visually represented by Finaru. 2015: 344-345)

In political terms, what we call *the Barcelona objective* stands, in fact, for the ambition of enabling the EU citizens to communicate in two more languages than their mother tongue so as to access more opportunities in cultural, educational and scientific terms, as well as facilitating their access to the digital single market. This is not as easy as it may appear, since theoreticians confirm the risk of being confronted with “power issues associated with language [...] when the languages in contact do not enjoy the same *strength* (but we might even, at a stretch, use the term *power*) – a term used here as shorthand to refer to the number of speakers, the respective presence of the languages concerned in various

contexts or domains, prestige, and legitimacy. This applies, in particular, to regional or minority languages, whose presence in a given jurisdiction is considered *a priori* legitimate; but this also applies, albeit against a different legal and political backdrop, in the case of *immigrant* or *heritage* languages.” (Grin et al. 2014: 13)

According to its 2018 *Report on language equality in the digital age*¹⁶, the European Parliament sees it like the EU’s and its institutions’ duty to “enhance, promote and uphold linguistic diversity in Europe” in the context of “more than 20 European languages being in danger of digital language extinction”. Moreover, the report notes the risk of “deepening digital divide between widely used and lesser-used languages, and the increasing digitalisation of European society, which is leading to disparities in access to information”¹⁷.

Ever since 2001, the European Union has recognized in the White Paper on the European Governance¹⁸ the need for the EU institutions to “connect Europe with its citizens” via relationships and procedures, as a way to fight mistrust towards EU institutions and policies. Mention should be made that this estimation occurred even before the 2005 failed referenda in France and in the Netherlands on the European constitutional reform.

Bits and pieces of the current coverage of the multilingualism concept were mentioned in strategic documents in early 2000, such as the Lisbon Agenda 2010-2020 and the Europe 2020 Agenda. The initial approach was much related to the economic impact of multilingualism of the EU citizens.

In time, the concept was broadened and put in relation with the labour market, the mobility of the labour force, socio-economic integration, immigration policy, competitiveness of the enterprises and economic growth in general. This is how multilingualism became visible as such in EU strategic documents and, moreover, turned into a political asset.

The two Communications of the European Commission: *A New Framework Strategy for Multilingualism* (2005), followed by *Multilingualism: An Asset for Europe and a Shared Commitment* (2008) represent the peak of visibility in strategic documents of this principle by its own.

However, an important administrative step in trying to give substance to the declared equal treatment of all the EU official languages was when all EU legislation went online since June 2004.

¹⁶ Report of 27.6.2018 on language equality in the digital age (2018/2028(INI)) Committee on Culture and Education, rapporteur: Jill Evans, rapporteur for the opinion: Marisa Matias, Committee on Industry, Research and Energy, p. 7.

¹⁷ *Ibidem*.

¹⁸ https://ec.europa.eu/europeaid/sites/devco/files/communication-white-paper-governance-com2001428-20010725_en.pdf