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## CORPUS-BASED ANALYSIS OF PARTICIPLE CLAUSES IN ENGLISH AND CROATIAN MARITIME INSTITUTIONAL TEXTS

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This paper analyses participle clauses in one type of specialised discourse - Maritime institutional texts. For research purposes, a bilingual corpus has been selected, consisting of two original texts and their respective translations. First of the two selected texts is the *ILO Maritime Labour Convention* (2006), originally written in English and translated into Croatian. The second text is the *United Nations Convention on the Law of the Sea* (1994), also originally written in English and translated into Croatian. Participle clauses consist of an *-ed* or *-ing* participle followed by a prepositional phrase, an adverb or a direct object. They postmodify nouns and provide text coherence for the reader. They are therefore important parts of sentence structure in legal texts. This paper does not offer a mere contrastive analysis of the bilingual corpora, but provides insights into the mechanisms of translating participle clauses. Furthermore, it shows whether formal

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**correspondence or dynamic equivalence is more adequate for this type of discourse.**

*Keywords: Maritime institutional texts, corpus analysis, participle clauses, formal correspondence, dynamic equivalence*

## **1. INTRODUCTION**

Most studies on legal translation focus on the terminology of legal texts (Šarčević, 2000: 229). Cultural issues are also often addressed in an attempt to define how concepts which exist in the source language (SL), but are not present in the target language (TL), are dealt with. However, not much attention is given to the translation of sentence structure in legal texts. Rather than focusing on single words or terminological incongruities in legal texts, our attempt is to analyse one type of nonfinite clauses, i.e. participle clauses encountered in SL texts (English) and their equivalents in TL texts (Croatian).

Furthermore, our attempt is not to offer a mere contrastive analysis of the bilingual corpora, but to provide insights into the mechanisms of translating participle clauses. Legal translation does not only involve transcoding, i.e. substituting words and phrases of the source legal system by corresponding expressions of the target legal system (Šarčević, 2000: 229), but it also requires translator's perfect command of SL and TL as well as an understanding of legal matters and maritime affairs.

After the introduction, a theoretical framework is presented. Within the theoretical framework, Maritime institutional texts, as one type of legal discourse, and their features are discussed. The important issue in translation theory, i.e. the debate on formal correspondence and dynamic equivalence is presented in chapter 2.2. Furthermore, the second section of this paper (2.3) describes participles and accompanying words which constitute participle clauses which postmodify the noun phrase. The subsequent sections present the hypothesis, research questions as well as the corpus and methodology used, followed by the results obtained from the corpus analysis. Final section of the paper gives concluding remarks and recommendations for future research.



## 2. THEORETICAL FRAMEWORK

### 2.1 Maritime Institutional Texts and their Features

According to Šarčević (2000:11), *legal texts whose function is primarily descriptive include laws and regulations, codes, contracts, treaties and conventions. Such texts are regulatory instruments containing rules of conduct or norms. They prescribe a specific course of action that an individual ought to conform to. So, it could be said that institutionalised texts belong along with treaties, contracts, codes and conventions to legal texts.*

The corpus chosen for research purposes in this paper (the *ILO Maritime Labour Convention* and the *United Nations Convention on the Law of the Sea*) presents a special type of legal discourse, i.e. Maritime institutional texts.

The *ILO Maritime Labour Convention, 2006* provides comprehensive rights and protection at work for more than 1.2 million world's seafarers. The Convention aims to achieve both decent work for seafarers and secure economic interests in fair competition for quality ship owners.

The *United Nations Convention on the Law of the Sea (UNCLOS)*, also called the *Law of the Sea Convention* or the *Law of the Sea treaty*, is the international agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place from 1973 through 1982. The *Law of the Sea Convention* defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

Maritime institutional legal texts used in international law and maritime economy are strict texts with law binding force. Main features of such texts are (Pritchard, 2011:155):

- Complex syntax and specific lexicon, which can be illustrated by means of the following example from the Corpus.

(1) Having met in its Ninety-fourth Session on 7 February 2006 and desiring to create a single coherent instrument embodying as far as possible all up-to-date standards of existing international Maritime Labour Conventions and Recommendations.....

- Informative character, denotative and descriptive function.
- Specific pattern of the introductory part (preamble) and final part.



- Logical relations (cause-effect).
- Strict sentence structure which is often repeated.
- Limited use of verb tenses (present tense, future, present perfect).
- Reduction of sentence negation by means of affixal negation (unnecessary, inefficient...).
- Special use of modal verbs (shall for obligation).
- Inherent negation (fail, failure, shortage, lack, ...), etc.

This paper focuses on complex syntax and strict sentence structure, which is often repeated. Repetition is used as a means of text coherence.

## 2.2. Formal Correspondence vs. Dynamic Equivalence<sup>1</sup>

Leonardi (2000) discusses the issue of equivalence in translation in detail. She commences her debate by stating that: *Equivalence can be said to be the central issue in translation although its definition, relevance, and applicability within the field of translation theory have caused heated controversy, and many different theories of the concept of equivalence have been elaborated within this field in the past fifty years.* She offers a chronological review of the theory of equivalence as interpreted by Vinay and Darbelnet, Jakobson, Nida and Taber, Catford, House, and Baker.

In his chapter entitled *Translation as a Speech Act*, Ivir (1978: 93-94) addresses the issue of formal correspondence and dynamic equivalence in translation. Within the communicative model of translation, formal correspondence is represented by the linguistic component. A translator uses formal correspondents as a starting point for decoding the SL message and encoding the TL message. The translator links formal SL with TL elements and their meanings and uses these to establish translation equivalence. In that way, a natural, communicatively adequate information transfer of SL units into TL units is achieved. Translation should neither be a mere word for word translation nor a free paraphrase of the ST. Ivir (ibid.: 94) further states that dynamic equivalence results in a TL unit which is the closest natural equivalent of the information contained in the SL unit. This equivalence is called dynamic because it is not predetermined, but rather unfolds in the communicative (speech) act.

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<sup>1</sup> Nida's term *dynamic equivalence* is chosen over the term *translation equivalence* to emphasise the fact that translation is a dynamic process of communication between sender and receiver, rather than a static relationship.



Formal correspondence focuses on the message itself, both in form and content. Thus the TL translation represents the closest equivalent of a SL word or phrase. However, there are not always formal equivalents between language pairs, as Nida and Taber (1982) point out. They therefore suggest that these formal equivalents should be used wherever possible if the translation aims at achieving formal rather than dynamic equivalence. The use of formal equivalents might at times have serious implications in the TL since the translation will not be easily understood by the target audience (Fawcett, 2003:59). Nida and Taber themselves assert that *Typically, formal correspondence<sup>2</sup> distorts the grammatical and stylistic patterns of the receptor language, and hence distorts the message, so as to cause the receptor to misunderstand or to labour unduly hard* (Nida and Taber, 1982:201).

Dynamic equivalence on the other hand is defined as a translation principle according to which the translator seeks to translate the meaning of the original in such a way that the TL wording will trigger the same impact on the TL audience as the original wording did upon the ST audience (ibid.:200). Nida and Taber argue that: *Frequently, the form of the original text is changed; but as long as the change follows the rules of back transformation in the source language, of contextual consistency in the transfer, and of transformation in the receptor language, the message is preserved and the translation is faithful* (ibid., 1982: 200).

Newmark (1988:48) states that the *overriding purpose of any translation should be to achieve 'equivalent effect', i.e. to produce the same effect (or one as close as possible) on the readership of the translation as was obtained on the readership of the original.*<sup>3</sup> Newmark distinguishes equivalent effect according to text functions. Thus in the communicative translation of vocative texts, equivalent effect is essential. In informative texts equivalent effect is desirable. He further states that: *it (equivalent effect) is the criterion by which the effectiveness, and therefore, the value, of the translation of notices, instructions,...is to be assessed* (ibid.: 48).

Baker (1992:86) argues that during the translation process differences in the grammatical structure of the SL and TL often result in

<sup>2</sup> In the first version of their work published in 1964, the term *formal equivalence* was used instead of *formal correspondence*.

<sup>3</sup> The *equivalent effect* is also termed the *equivalent response principle* for which Nida uses the term *dynamic equivalence*.



a change of information content of the message. For instance, if the TL has a grammatical category that the SL does not have, this change is manifested in adding information to the TT which is not originally contained in the ST. On the other hand, if the TL lacks a grammatical category that a SL has, the change is manifested in omission of the TL information.

Formal correspondence is considered in this paper as a way of transcoding the SL information using the same grammatical categories in the TL, i.e. without omission or addition of information (in Baker's terms).

Vinay and Darbelnet (1995:342) view equivalence-oriented translation as a procedure which 'replicates the same situation as in the original, whilst using completely different wording' (quote from Leonardi, 2000). However, this type of equivalence is suitable for dealing with proverbs, idioms and generally used as a means for maintaining stylistic impact.

It would seem that Nida was in favour of dynamic equivalence which is not surprising given the fact that he worked on the translation of the Bible. Leonardi (2000) shares the same point of view, emphasising the fact that context of translation dictates the type of translation equivalence and impact to be achieved.

The debate on formal correspondence and dynamic equivalence is somewhat different regarding Languages for Specialised Purposes, such as legal or maritime English, which is supported by Didier's statement: *La traduction juridique n'est pas libre, car le droit impose à la langue ses propres contraintes terminologiques et stylistiques* (1990:254).

Šarčević (2000:55) sees legal translation no longer as a process of linguistic transcoding, but as an act of communication in the mechanism of the law. She further states that one must take account of the situational factors constituting the production and reception of the parallel texts of legal instruments.

With regard to translations of national legislation and international treaties, Nida states that *there is little or no room for free translation* and claims *that it is desirable, if not imperative, to have the greatest possible degree of formal correspondence* (Nida, 1964:201), whereby the translator produces grammatical structures which are as close to the source language as possible. Vermeer (*cf.* Šarčević, 2000:19) recognises that all legal



translation need not be literal. However, Šarčević believes that Vermeer did not take into consideration the fact that legal texts are subject to special rules and mechanisms governing their production. We can add here, thus supporting the latter view that translators very often have to follow translation guidelines prescribed by particular institutions.

The following paragraph from the corpus illustrates which translations are considered formal correspondents and which dynamic equivalents. Formal correspondents are printed in **bold** and dynamic equivalents are *italicised*.

(2) Ships and aircraft, while **exercising** the right of transit passage, shall (a) proceed without delay through or over the strait; (b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States *bordering* the Strait, or in any other manner in violation of the principles of international law **embodied** in the Charter of the United Nations; (c) refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless *rendered* unnecessary by force majeure or by distress.....

– **Ostvarujući** pravo tranzitnog prolaska, brodovi i zrakoplovi: (a) plove tjesnacem ili prelijeću tjesnac bez zadržavanja; (b) suzdržavaju se od prijetnje silom ili upotrebe sile protiv suverenosti, teritorijalne cjelovitosti ili političke neovisnosti obalnih država na Ø<sup>4</sup> tjesnacu, ili na bilo koji drugi način protivno načelima međunarodnog prava **sadržanima** u Povelji Ujedinjenih naroda; (c) suzdržavaju se od svih djelatnosti osim onih koje su svojstvene redovitom načinu neprekinutog i brzog tranzita, osim Ø u slučaju više sile ili nevolje...

### 2.3. Participle Clauses and Postmodification

#### 2.3.1. Postmodification by nonfinite clauses

Postmodification of the noun phrase is possible with *-ing* participle, *-ed* participle and infinitive clauses (Quirk, Greenbaum *et al.*,

<sup>4</sup> Omission of the grammatical category contained in the ST.

1997:1263). Participle clauses as postmodifiers of noun phrases are analysed in this paper.

Nonfinite *-ing* participle clauses are equivalent to the explicit versions of relative clauses. This correspondence is limited to those relative clauses in which the relative pronoun is the subject. Compare sentences in (3a) and (3b)<sup>5</sup>:

(3) (a) A tile *falling from a roof* shattered into fragments at his feet.

(b) A tile *which fell from a roof* shattered into fragments at his feet.

It is important to emphasise that *-ing* forms in postmodifying clauses should not be taken as abbreviated progressive forms in relative clauses. Stative verbs (such as *consist of, resemble, recognize, etc.*), which cannot have the progressive in the finite verb phrase, can appear in participial form (*ibid.*: 1263).

The correspondence with relative clauses is the same for *-ed* participle clauses.

(4) (a) A report *written by my colleague* appeared last week .

(b) A report *that was/has been written by my colleague* appeared last week.

Modification can be restrictive or nonrestrictive (*ibid.*:1239). Modification is restrictive when *the reference of the head is a member of a class which can be identified only through the modification that has been supplied*, i.e. when the antecedent head corresponds to the implicit subject of the nonfinite clause. This can be illustrated with the following example.

(5) *The tall girl standing in the corner who became angry because you knocked over her glass after you waved to her when you entered is Marry Smith.*

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<sup>5</sup> Examples in (3), (4), (5), (6) and (7) are taken from Quirk, Greenbaum, et al., 1997.



Alternatively, the referent of a noun phrase may be viewed *as unique or as a member of a class that has been independently identified. Any modification given to such a head is additional information which is not essential for identification* (ibid.: 1239). Such modification is nonrestrictive, as in (6).

(6) Marry Smith, *who is in the corner*, wants to meet you.

Postmodifying *-ing* and *-ed* clauses are usually restrictive. However (ibid.:1270) nonrestrictive postmodification can also be achieved with nonfinite clauses, as in (7).

(7)(a) The substance *discovered almost by accident*, revolutionized medicine.

(b) The substance *which was discovered almost by accident* revolutionized medicine.

Participle clauses consist of an *-ed* or *-ing* participle and accompanying modifiers, objects or complements. An example from the Corpus is given below:

(8) At the end of the period **referred** to in paragraph 3 of this Article, the proposal, **accompanied** by a summary of any observations or suggestions **made** under that paragraph, shall be transmitted to the Committee for consideration at a meeting.

In example (8) the noun *period* is postmodified by the participle clause *referred to in paragraph 3 of this Article*, the noun *proposal* is postmodified by the clause *accompanied by a summary of any observations or suggestions* and the participle clause *made under that paragraph* postmodifies the nouns *observations* and *suggestions*.

All examples in (8) are participles accompanied by a prepositional phrase.

Thus, accompanying words of a participle can be:

- a) **prepositional phrase(s)**
- b) **adverb(s)**

**c) direct object(s).**

Example (9) shows adverbs as accompanying words.

(9) The Code may be amended either by the procedure set out in Article XIV or unless expressly **provided otherwise**, in accordance with the procedures set out in the present Article...

Example (10) shows a direct object as an accompanying word of participles.

(10) Competent authority means the minister, government department or other authority *having power* to issue and enforce regulations, order and other instructions *having the force of law*....

**2.3.2. Participles in Croatian**

The syntactic function of participles in Croatian has changed over the decades (on the change in syntactic and morphological structure of participles see Gabrić-Bagarić, 1995). Gabrić-Bagarić (1995:52) points out that the change in syntactic function of participles has led to their *adverbialisation*. This means that the participle in its adverbial function no longer modifies the noun phrase, but the verb or an activity expressed in the sentence.

Štrkalj Despot (2007:426) states that the *adverbialisation* of participles which took place in the Croatian language of the 15<sup>th</sup> century has resulted in more frequent use of relative and completive clauses. This explains why some SL participles cannot be translated as such into the TL but need to be paraphrased and why the term participle is no longer present in scientific literature regarding Croatian language. Instead, in contemporary grammars (Težak-Babić, 1994 and Silić and Pranjković, 2007), the terms *glagolski prilog sadašnji* and *glagolski prilog prošli* as well as *glagolski pridjev radni* and *glagolski pridjev trpni* are used. The present and past participles have *evolved* into verbal adverbs and verbal adjectives. There are two verbal adverbs (present and past) which are termed *glagolski prilog sadašnji* and *glagolski prilog prošli*. The former corresponds to the English *-ing* participle and the latter to the English *-ed* participle.



Verbal adjectives are called *glagolski pridjev radni* (corresponding to the English *-ed* participle - active voice) and *glagolski pridjev trpni* (corresponding to the English *-ed* participle - passive voice). In this paper, verbal adverbs and adjectives are considered formal equivalents of English participles.

On the other hand, when participle clauses are translated into the TL as relative clauses or omitted, we talk about dynamic equivalence in translation.

### 3. HYPOTHESIS, CORPUS AND METHODOLOGY

This paper is a result of the project "*Prijevodna studija engleskih i hrvatskih institucionalnih tekstova u pomorstvu*" (A Translation Study of English and Croatian Maritime Institutional Texts), funded by the Ministry of Science, Education and Sports. The work on the project includes a corpus analysis at various linguistic levels. This paper focuses on the syntactic structure of Maritime institutional texts.

The main research question this paper focuses on is how English participle clauses found in institutional texts are translated into Croatian, and whether in certain cases formal correspondence or dynamic equivalence is achieved.

As already mentioned, the corpus used for research purposes of this paper is bilingual and consists of two texts which were originally written in English and translated into Croatian. One of the texts, the *ILO Maritime Labour Convention* (2006) consists of 104,559 words whereas its Croatian translation contains 148,785 words. The other text, i.e. the *United Nations Convention on the Law of the Sea* (1994) has 70,599 words and its translation 75,192 words. It is very interesting to note here that the Croatian translation of the former has approximately 44,500 (29.7% ) words more than the original, and the translation of the latter has 4,500 (6.1%) words more. This is definitely a matter worth looking into. Back transformation on at least a part of the corpus should be carried out to find the underlying cause. However, since this is not of primary concern in this paper, we will leave that discussion for some other time.

Prior to analysing the bilingual corpus, corpus alignment and manual "editing" of texts or finding mismatches in the ST and TT had to be carried out. The corpus was aligned in paragraphs rather than sentences, since legal texts abound in long sentences which are difficult to



separate. However, we had to avoid paragraphs which are too long since this would make our parallel analysis rather difficult. A lot of work had to be done manually which proved to be very time-consuming. The tools used for language processing were ParaConc and Word Smith tools 4.0.

The following figures show stages which were undertaken prior to the analysis of participle clauses. Figure 1 shows the original section from the non-aligned *ILO Maritime Labour Convention text*.

	Ako ispravi o ratifikaciji nije pukožena takva izjava ili kada je ratifikacija registrirana na dan ili nakon dana narednog u to Konvencija će stupiti na snagu za tu članicu 12 mjeseci od dana registracije ratifikacije, a nakon njenog stupanja na snagu skladu s točkom 7. ovog članka, izmjena će obvezivati tu članicu osim ako izmjena ne predviđa drukčije.
adoption of corrective measures under its laws which are adequate to discourage such violations	Izmjena Kodeksa
7. Each Member shall implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it.	1. Kodeks se može izmjeniti bilo postupkom navedenim u članku XIV ili, ako nije izričito predviđeno drukčije, u skladu sa postupkom navedenim u ovom članku. 2. Izmjenu Kodeksa može predložiti Glavnom direktoru Međunarodnog ureda rada vlada svake članice Organizacije ili skup predstavnika brodovlasnika ili skupina predstavnika pomoraca koji su imenovani u Odbor naveden u članku XIII. Izmjenu koju je predložila vlada mora predložiti ili podržati najmanje pet vlada članica i koje su ratificirale Konvenciju ili skup predstavnika brodovlasnika ili pomoraca navedenih u toj točki. 3. Provjerivši da prijedlog za izmjenju udovoljava zahtjevima točke 2. ovog članka Glavni direktor će bez odlaganja prijedlog popraćen primjedbama ili savjetima koje smatra prikladnima prositi članicama Organizacije s pozivom da svoja zapazanja ili savjete o prijedlogu dostave u roku od 6 mjeseci ili nekom drugo koji ne smije biti kraći od 3 mjeseca niti duži od devet mjeseci koji je propisao Upravno vijeće.
REGULATIONS AND PARTS A AND B OF THE CODE	4. Po isteku roka navedenog u točki 3. ovog članka, prijedlog popraćen kraćim pregledom svih zapazanja ili savjeta prema ovoj točki, mora se dostaviti Odboru i razmatranje na sjednici. Smatrat će se da je Odbor usvojio izmjenju ako: a) je najmanje polovina vlada članica koje su ratificirale Konvenciju prisutna na sjednici koja je razmatrala prijedlog, i b) većina od najmanje dvije trećine članova Odbora glasa za izmjenju; i c) ova većina u korist prijedloga uključuje glasove najmanje polovinu vladinih glasova, polovinu glasova brodovlasnika i polovinu glasova pomoraca članova Odbora utvrdjenih na sjednici kada je prijedlog stavljen na glasanje.
Article VI	5. Izmjene usvojene u skladu s točkom 4. ovog članka morat će podnijeti sjedećoj sjednici Konferencije na odobrenje. Za takvo odobrenje zahtjeva se većina od dvije trećine glasova prisutnih delegata. Ako ta većina nije postignuta predložena izmjena mora se vratiti Odboru na ponovno razmatranje, ako tako odluči Odbor.
1. The Regulations and the provisions of Part A of the Code are mandatory.	6. Izmjene koje je odobrila Konferencija Glavni direktor mora priopćiti svakoj od članica čije su ratifikacije ove Konvencije bile registrirane prije dana odobrenja Konferencije. Dve članice se u nastavku nazivaju "ratificirajuće članice". Priopćenje mora sadržavati pozivanje na ovaj članak i propisan rok za priopćenje protivrženja. Taj rok mora biti dvije godine od dana priopćenja osim, ako u vrijeme odobrenja, Konferencija nije odredila drugi rok, koj on iznosi najmanje jednu godinu. Preostala obavijest mora se dostaviti drugim članicama Organizacije radi njihove informacije.
The provisions of Part B of the Code are not mandatory.	7. Izmjena koju je odobrila Konferencija smatrat će se prihvaćenom osim ako dio je propisanog razdoblja Glavni direktor r pismo formalnu izjavu o protivrženju više od 40% članica koje su ratificirale Konvenciju i koje predstavljaju najmanje 40% b tonaže brodova članica koje su ratificirale Konvenciju.
2. Each Member undertakes to respect the rights and principles set out in the Regulations and to implement each Regulation in the manner set out in the corresponding provisions of Part A of the Code. In addition, the Member shall give due consideration to implementing its responsibilities in the manner provided for in Part B of the Code.	8. Izmjena koja se smatra prihvaćenom stupit će na snagu šest mjeseci od isteka propisanog razdoblja za sve ratificirajuće članice osim za one koje su formalno izrazile svoje protivrženje u skladu s točkom 7. ovog članka i takvo protivrženje nisu opozvale u skladu sa točkom 11. Međutim: a) prije isteka propisanog razdoblja svaka ratificirajuća članica može obavijestiti Glavnog direktora da će ona biti obvezna izmjenom samo nakon naredne izričite obavijesti o njenom prihvatu; i b) prije dana stupanja na snagu izmjene svaka ratificirajuća članica može obavijestiti Glavnog direktora da ona neće biti izmjenom određeno vrijeme.
3. A Member which is not in a position to implement the rights and principles in the manner set out in Part A of the Code may, unless expressly provided otherwise in this Convention, implement Part A through provisions in its laws and regulations or other measures which are substantially equivalent to the provisions of Part A	9. Izmjena koja je predmet obavijesti navedene u točki 8 a) ovog članka stupit će na snagu za članicu koja je uputila takvu obavijest šest mjeseci nakon što je članica obavijestila Glavnog direktora o njenom prihvatu izmjene ili na dan na koji će i prvi put stupiti na snagu, već prema tome što je kasnije. 10. Razdoblje navedeno u točki 8 b) ovog članka ne smije biti duže od jedne godine od dana stupanja na snagu izmjene ili d nekog dužeg razdoblja koji je odredila Konferencija u vrijeme odobrenja izmjene. 11. Članica koja je formalno izrazila svoje protivrženje nekog izmjeni može svoje protivrženje opozvati u svako doba. Ako je Glavni direktor pismo obavijest o opozivu nakon što je izmjena stupila na snagu za članicu, izmjena će stupiti na tu članicu šest mjeseci od dana registracije obavijesti. 12. Nakon stupanja na snagu neke izmjene, Konvencija može biti ratificirana samo u njenom izmijenjenom obliku. 13. U opsegu u kojem se svjedočba o radu pomoraca odnosi na materiju na koju se primjenjuje izmjena Konvencije koja je s ne snagu. 14. Članica koja je prihvatila neku izmjenju ne dužna proširiti normodnosti Konvencije u svjedočbu normodnosti rada koje s

Figure 1: *ILO Maritime Labour Convention* – non-aligned text

Figure 2 represents the same section from the *ILO Maritime Labour Convention* after alignment and manual editing have been carried out.



Where an instrument of ratification is not accompanied by such a declaration, or where the ratification is registered on or after the date referred to in paragraph 4, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered and, upon its entry into force in accordance with paragraph 7 of this Article, the amendment shall be binding on the Member concerned unless the amendment provides otherwise.	Ako ispravi o ratifikaciji nije priložena takva izjava ili kada je ratifikacija registrirana na dan ili nakon dana navedenog u točki 4, Konvencija će stupiti na snagu za tu članicu 12 mjeseci od dana registracije ratifikacije, a nakon njenog stupanja na snagu u skladu s točkom 7. ovog članka, izmjena će obvezivati tu članicu osim ako izmjena ne predviđa drukčije.
AMENDMENTS TO THE CODE	Izmjena Kodeksa
Article XV	Članak XV
1. The Code may be amended either by the procedure set out in Article XIV or, unless expressly provided otherwise, in accordance with the procedure set out in the present Article.	1. Kodeks se može izmijeniti bilo postupkom navedenim u članku XIV ili, ako nije izričito predviđeno drukčije, u skladu sa postupkom navedenim u ovom članku.
2. An amendment to the Code may be proposed to the Director-General of the International Labour Office by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII.	2. Izmjenu Kodeksa može predložiti Glavnom direktoru Međunarodnog ureda rada vlada svake članice Organizacije ili skupina predstavnika brodovlasnika ili skupina predstavnika pomoraca koji su imenovani u Odbor naveden u članku XIII.
An amendment proposed by a government must have been proposed by, or be supported by, at least five governments of Members that have ratified the Convention or by the group of Shipowner or Seafarer representatives referred to in this paragraph.	Izmjenu koju je predložila vlada mora predložiti ili podržati najmanje pet vlada članica koje su ratificirale Konvenciju ili skupina predstavnika brodovlasnika ili pomoraca navedenih u toj točki.
3. Having verified that the proposal for amendment meets the requirements of paragraph 2 of this Article, the Director-General shall promptly communicate the proposal	3. Proverivši da prijedlog za izmjenju udovoljava zahtjevima točke 2. ovog članka Glavni direktor će bez odlaganja prijedlog povratiti primjedbama ili savjetima

Figure 2: ILO Maritime Labour Convention – aligned text

Figure 3 shows –ing participles extracted from the corpus.

Line 113, N/A:

8. ... International Labour Organization, [[Having]] been convened at Geneva by the Governin ...

Line 113, N/A:

9. ... Having been convened at Geneva by the [[Governing]] Body of the International Labour Offi ...

Line 114, N/A:

10. ... the International Labour Office, and [[having]] met in its Ninety-fourth Session on 7 F ...

Line 117, N/A:

11. ... h Session on 7 February 2006, and [[Desiring]] to create a single, coherent instrument ...

Line 117, N/A:

12. ... to create a single, coherent instrument [[embodying]] as far as possible all up-to-date sta ...

Line 144, N/A:

15. ... te decent conditions of work, and [[Recalling]] the ILO Declaration on Fundamental Prin ...

Line 151, N/A:

16. ... doms applicable to all persons, and [[Considering]] that, given the global nature of the sh ...

Line 164, N/A:

22. ... Maritime Labour Convention, 2006 [[Recalling]] that the United Nations Convention on t ...

Line 170, N/A:

23. ... tegrity needs to be maintained, and [[Recalling]] that Article 94 of the United Nations C ...

Line 175, N/A:

25. ... s on ships that fly its flag, and [[Recalling]] paragraph 8 of article 19 of the Consti ...

Figure 3: –ing participles



Only after these stages have been completed, could we begin our search for equivalents in the TT. The following section of the paper presents the most frequent and notable examples chosen from a sample of five hundred participle clauses extracted from the corpus.

#### 4. THE ANALYSIS

In this part of the paper, we present the results obtained from the corpus analysis. The participle clause *referred to...* consisting of an *-ed* participle followed by a prepositional phrase has the greatest number of matches in the corpus, with 128 tokens in *UNCLOS* and 67 tokens in the *ILO Maritime Labour Convention*.

The function of participle clauses such as *referred to*, *mentioned in*, *set out in*, *set forth in*, *provided for in*, *embodied in*, *stipulated by*, *listed in*, etc. is intertextuality, i.e. they serve to provide text coherence for the reader, signalling that the text must be interpreted in the context of something expressed elsewhere (Bahtia 1998). Concordances of *referred to + prepositional phrase* are shown in Figure 4.

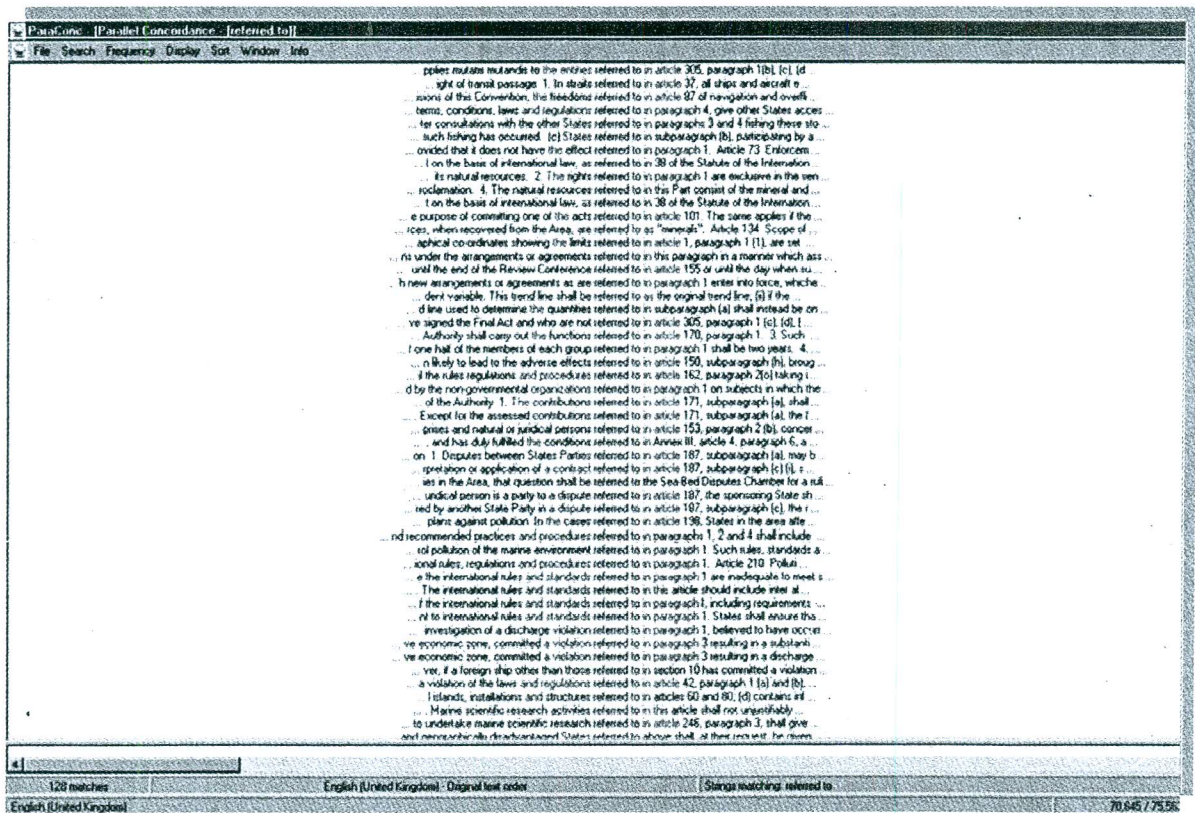


Figure 4: Concordances of *referred to + prepositional phrase* (from *UNCLOS*).



*Referred to* is translated into Croatian as *naveden*:

(11) Rules *referred to* in paragraph 1... – Pravila *navedena u* točki 1...

In example (11), the same grammatical category (*-ed* participle - passive voice) was used without adding or omitting information given in the ST. This is hence an example of formal correspondence. Such translations are possible in the TL only in cases when postmodification of the noun is allowed in the TL. If this is not the case, then the participle is omitted:

a)  $\emptyset$  – omission of participle

(12) ...in straits *referred to* in Article 37... – u tjesnacima  $\emptyset$  iz članka 37...

The translator's choice in (12) is that of dynamic equivalence since information provided in the ST is omitted. The communicative effect is still adequate and *natural*. The same effect is achieved in the TL and the translation is less explicit than the alternative translation (...u tjesnacima *navedenim u* članku 37...).

The participle clause *including + direct object* was the second most frequently encountered clause. This participle has 98 tokens in *UNCLOS*, and 68 tokens in the *ILO Maritime Labour Convention*, as shown in figure 5.

This is almost always translated as *uključujući* (*-ing* participle). The participle *including* was only once translated as *uključivši* (*-ed* participle), which we believe to be a slip on the translator's part and do not assign any relevance to.

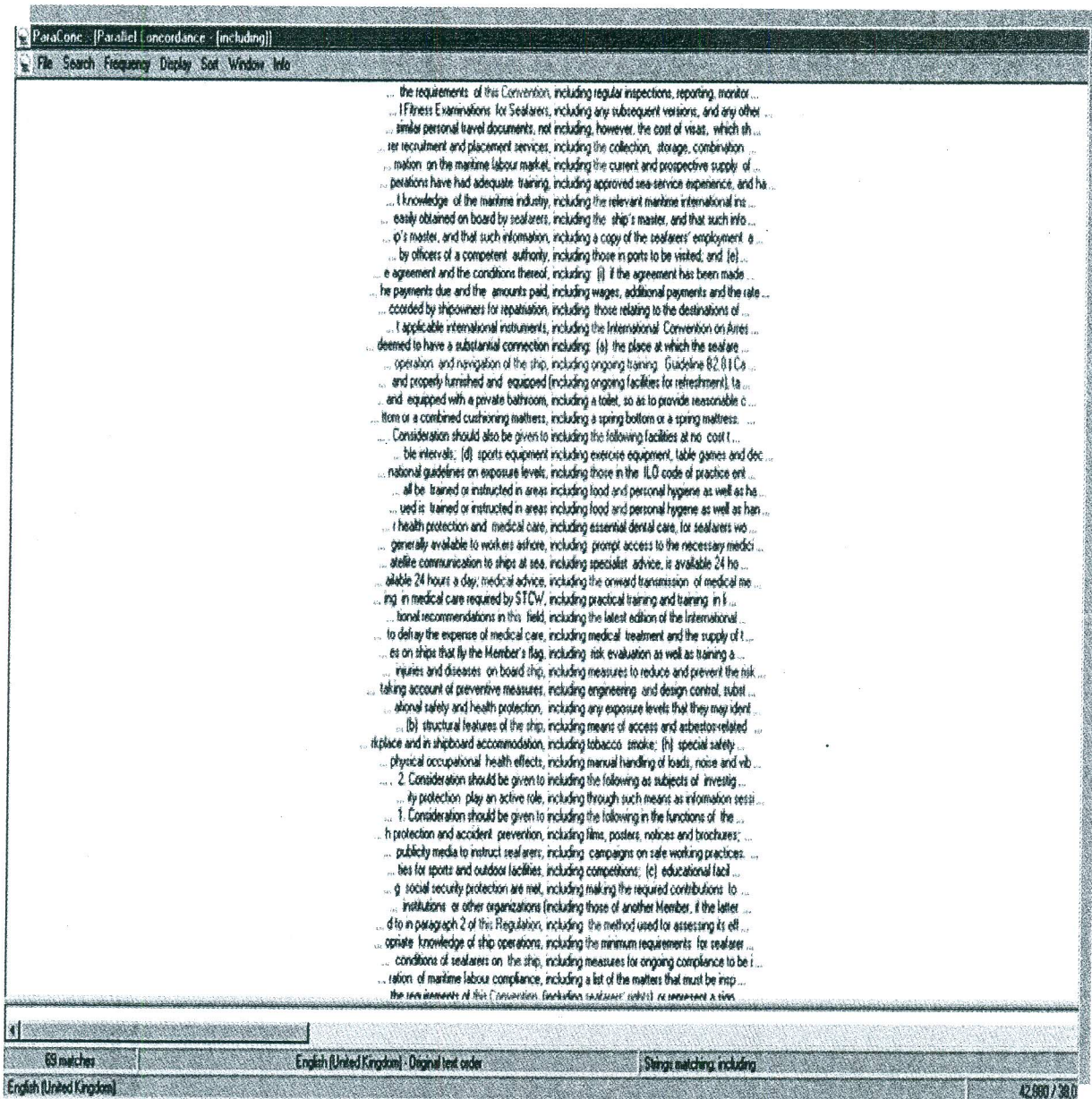


Figure 5: Concordances of *including* + direct object (from *the ILO Maritime Labour Convention*).

The following examples present the most notable participle clauses extracted from the corpus. They are categorised according to words accompanying participles and grouped into two categories: formal correspondents and dynamic equivalents.

#### 4.1. Participles Accompanied by a Prepositional Phrase

Most of the participles found in the corpus are followed by a preposition and translated into Croatian either using the same



grammatical category (participles), paraphrased by means of relative clauses or even omitted.

#### **4.1.1 Participles Accompanied by a Prepositional Phrase - Translated as Participles (Formal Correspondents)**

-*Ed* participles accompanied by a prepositional phrase can be rendered into Croatian as -*ed* participles - passive voice.

(13)...rights and principles *set out in* the regulations... – ...prava i načela *navedena u* pravilima...

(14)...regulations *contained in* annex... – ...pravila *sadržana u* prilogu...

(15)...employment and social rights *set out in* the preceding paragraph... – ...zaposlenje pomoraca i socijalna prava *navedena u*...

(16)...amendment *adopted in*... – ...izmjena *usvojena na*...

The same grammatical category contained in the SL is used in the TL. Thus, sentences (13-16) are instances of formal correspondence.

#### **4.1.2. Participles Accompanied by a Prepositional Phrase - Translated as Relative Clauses (Dynamic Equivalents)**

Since *-ing* and *-ed* participle clauses are often considered reductions of the relative clause, they can be rendered into Croatian as relative clauses. This means that the translator uses another grammatical category to transcode the message. Thus, sentences (17-26) are instances of dynamic equivalence.

(17) ...the General Conference of the International Labour Organisation, *having been convened at* Geneva by the Governing... - ...Međunarodne organizacije rada, *koju je u* Ženevi *sazvalo*....

Croatian translations are more explicit than the SL versions of the text, as in:

- (18) ...ships *engaged in fishing*... - ...brodovi *koji se bave ribolovom*...
- (19) ...persons *concerned with medical fitness examinations*... -  
...osobe *koje se bave zdravstvenim pregledom*...
- (20)...complaints *relating to any matter contained in the guideline*...  
- ...prigovora *koji se odnosi na bilo koje pitanje sadržano u ovoj smjernici*...
- (21) ...injuries *arising from*... -...ozljede *koje potječu od*...
- (22)...national or local authorities *dealing with questions of food and health*... - ...nacionalnim ili lokalnim vlastima *koje se bave ishranom i zdravljem*...

The translator translated sentences (18-22) using relative clauses in Croatian. Apart from greater explicitness in Croatian, another explanation is the fact that some of the translations using participles would sound awkward in Croatian, or even be ambiguous. For instance, structures such as *\*vlastima baveći se ishranom i zdravljem*... (22) would not only produce awkward or grammatically incorrect structures in the TL, but also impede the understanding of the message. It would not be clear whether the participle *baveći se* refers to the noun *vlasti* or whether it is a means of introducing a new sentence. According to the handbook of Croatian language usage (*Hrvatski jezični savjetnik*), postmodification is not desirable in cases when the noun is already premodified. To refer to our discussion in 2.3.2., postmodification in (22) by means of participles is not possible, because *\*baveći se* does not modify the noun phrase, but the whole sentence or the verb. The handbook suggests omission of participle clause or replacement of postmodification, i.e. participle clause with a relative clause.

-*Ed* participles, when followed by the preposition *by* in ST participle clauses, usually indicate a passive activity, as in:

- (23)...two representatives *nominated by the government*... - ...dva predstavnika *koje imenuje vlada*...



(24)...must include a completion of a training course *approved or recognised by the competent authority*... – ...moraju uključivati završetak programa uvježbavanja *kojeg je odobrila ili priznala nadležna vlast*.....

(25)...hours of work *expected by the seafarer*... – ...broj sati rada *koji se očekuje od pomorca*...

(26) agreements *governed by its national law*... – ...ugovor *na koji se primjenjuje nacionalni zakon*...

ST sentences in (23-26) could have been rendered as participles - passive voice into Croatian, (e.g....*dva predstavnika imenovana od strane vlade*...). However, passive structures are generally avoided in Croatian and are either paraphrased as active sentences, as in (23) and (24) or paraphrased by means of the structure *...se...*, as in (25) and (26).

Example (24) shows a grammatically incorrect translation, since the Croatian relative pronoun *kojeg/a* is used for animate objects only.

#### 4.1.3. *Participles Accompanied by a Prepositional Phrase - Omitted in TT (Dynamic Equivalents)*

If paraphrase by means of a relative clause is not possible in the TL, the participle is omitted, as in (27) and (28) or the noun becomes premodified as in (29), whereby the entire sentence structure is changed.

(27)...any determinations *made by*... – ...svaka odluka  $\emptyset$  članice...

(28)...votes *cast by the delegates present*... – ...glasovi  $\emptyset$  prisutnih delegata...

(29)...committee *established by*... – ...izabrani odbor...

#### 4.2. *Participles Accompanied by an Adverb*

Not many participles accompanied by an adverb have been found in the corpus. Nevertheless, we included them to show that in most cases they are translated into Croatian as relative clauses (dynamic equivalence).

(30) ...manner *deemed most* appropriate by the competent authority... – ...način koji *nadležna vlast smatra* najpogodnijim...

(31)...seafarers *working or living* onboard... – ...pomorci koji *rade i žive na brodu*...

#### ***4.3. Participles Followed by a Direct Object***

Participles followed by a direct object are translated as participles, relative clauses or omitted in the TT.

##### ***4.3.1. Participles Followed by a Direct Object - Translated as Participles (Formal Correspondents)***

Examples (32) and (33) show instances of ST participles being translated using the same grammatical category in the TL.

(32)...*recalling* the ILO Declaration... – ...*podsjećajući se* na deklaraciju

(33)...members *ratifying* the Convention... – ...*ratificirajućih* članica Konvencije...

Had the translator chosen dynamic equivalence over formal correspondence (e.g. relative clause instead of participle) in (33), a more communicatively adequate TL sentence would have been obtained: ...*članica koje su ratificirale Konvenciju*. The participle *ratifying* followed by the direct object *the Convention* modifies the noun *member*, and not the object *Convention*, as can be understood from the translation in (33).

Nida (1964) states that there is no room for free translation in legal texts. Yet, this example proves otherwise. In an attempt to achieve formal correspondence, the message was distorted which is particularly “dangerous” when it comes to institutional texts.

##### ***4.3.2. Participles Followed by a Direct Object - Translated as Relative Clauses***



Participles followed by a direct object are very often translated as relative clauses:

(34)...provisions *covering* the subject matter... – ...odredbe *koje se odnose* na taj predmet...

(35)...instructions *having the force* of law... – ...upute *koje imaju* snagu zakona...

(36)...ships *flying* the flag of the member... - ...brodovi *koji plove* pod zastavom članice...

(37) ...certificate *concerning* eyesight... – ...svjedodžba *koja se odnosi* na..

(38)...seafarers *performing* the duties... – ...pomorci *koji obavljaju* dužnosti...

Most examples from the corpus show postmodifications and are translated as such. However, there are some exceptions:

(39)...and any amounts *paid*... – ...*plaćenih* iznosa...

(40)...includes separate compensation for overtime *worked*... – ...uključuje posebnu naknadu za *odrađeni* prekovremeni rad...

In (39) and (40) ST postmodifiers are rendered as premodifiers in the TT.

#### ***4.3.3. Participles Followed by a Direct Object - Omitted in the TT (Dynamic Equivalents)***

Some participles are omitted in the TT, whereby a preposition as a complement is introduced.

(41)...standards *concerning* minimum wage fixing... – standardima Ø *o utrdivanju* minimalne naknade...

(42)...a washbasin *having* hot and cold running fresh water –  
...umivaonik Ø s tekućom toplom i hladnom slatkom vodom...

(43)...diseases *covering other categories*... – ...bolestima Ø drugih  
kategorija...

## 5. CONCLUSION

The paper has tried to show the complexity of participle clauses encountered in Maritime institutional texts and difficulties translators are facing when rendering them into Croatian. The term participle is not present in Croatian grammars. Its equivalents (considered formal correspondents in this paper) are *glagolski prilog sadašnji* (-ing participle) and *glagolski prilog prošli* (-ed participle) as well as *glagolski pridjev radni* (-ed participle-active voice) and *glagolski pridjev trpni* (-ed participle-passive voice).

Most of the examples have shown that English participle clauses are translated as relative clauses or that the participle is omitted completely (dynamic equivalents). In the latter case, adaptations to the sentence structure are necessary either by changing the structure or by introducing a preposition as a complement.

Participle clauses are used in legal discourse as text cohering elements, signalling the relation between text parts but also modifying and connecting sentence elements. Participle clauses found in the ST postmodify nouns, whereas their equivalents in the TT can be used as premodifiers as well.

As already stated, Nida (1964) and many other prominent scientists in the field of translation studies believe that legal texts should have the greatest possible degree of formal correspondence. Examples from the corpus show a preference for relative clauses as postmodifiers in Croatian because relative clauses are more explicit, which is a matter of great importance in legal texts.

The analysis has also shown that formal correspondence does not achieve the best effect in the TL or even produces awkward or ambiguous sentences.



Any translation is an act of communication between sender and receiver and it is particularly important for legal texts to convey the original message as authentically as possible. Any deviation on the translator's part would allow for various interpretations of the TT and thus have negative consequences. We therefore believe that the translator should seek to achieve dynamic equivalence whenever possible, and the examples provided in the analysis support this view.

This paper presents only a glimpse into the complexity of sentence structure. Back transformation of the TT and a comparison with the ST structure might shed more light on the subject.

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#### REFERENCES

- Baker, Mona (1992): *In Other Words: a Coursebook on Translation*. London, Routledge.
- Didier, E. (1990): *Langues et langages du droit*. Montral, Wilson & Lafleur.
- Fawcett, P. (2003): *Translation and Language: Linguistic Theories Explained*. Manchester, St Jerome Publishing.
- Gabrić-Bagarić, D. (1995): O problemima razvoja glagolskoga priloga sadašnjega i prošloga, *Rasprave ZHJ*, vol. 21, p. 51-65.
- Ivir, V. (1978): *Teorija i tehnika prevođenja: Udžbenik za I. i II. god. pozivnouslymerenog obrazovanja i vaspitanja srednjeg stupnja prevodilačke struke*. Sremski Karlovci, Centar "Karlovačka gimnazija".
- Leonardi, V. (2000): *Equivalence in Translation: Between Myth and Reality*, *Translation Journal*, vol.4. No. 4 (<http://www.bokorlang.com/journal/14equiv.htm> - November 2012).
- Newmark, P. (1988): *A Textbook of Translation*. Hemel Hempstead, Prentice-Hall International.
- Nida, E. A. (1964): *Toward a Science of Translating*. Leiden, E. J. Brill.
- Nida, E. A.; Taber, C.R. (1982): *The Theory and Practice of Translation*. Leiden, E. J. Brill.
- Pritchard, B. (2011): *Pomorski institucionalni vokabular: neka terminološka pitanja, Hrvatski jezik u EU*. Zagreb, Biblioteka znanstveni zbornici, Hrvatska sveučilišna naklada.

- Quirk, R., Greenbaum S. et. al. (1997): *A Comprehensive Grammar of the English Language*. Essex, Longman.
- Silić, J., Pranjković, I. (2007.): *Gramatika hrvatskoga jezika za gimnazije i visoka učilišta*. Zagreb, Školska knjiga.
- Šarčević, S. (2000): *New Approach to Legal Translation*. The Hague, Wolters Kluwer Law & Business.
- Štrkalj Despot, K. (2007): *Sintaktička funkcija participa u hrvatskom jeziku 15. i 16. stoljeća*. Zagreb, Institut za hrvatski jezik i jezikoslovlje.
- Težak-Babić (1994): *Gramatika hrvatskoga jezika*. Zagreb, Školska knjiga.
- Vinay, J.P. and J. Darbelnet (1995) *Comparative Stylistics of French and English: a Methodology for Translation*, translated by J. C. Sager and M. J. Hamel, Amsterdam / Philadelphia: John Benjamins.

#### WEB SOURCES:

- <http://www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm>  
(October 2011)
- [http://en.wikipedia.org/wiki/United\\_Nations\\_Convention\\_on\\_the\\_Law\\_of\\_the\\_Sea](http://en.wikipedia.org/wiki/United_Nations_Convention_on_the_Law_of_the_Sea)  
(October 2011)
- [http://jalt-publications.org/old\\_tlt/files/98/nov/bhatia.html](http://jalt-publications.org/old_tlt/files/98/nov/bhatia.html) (September 2011)

#### ABBREVIATIONS:

- ILO – International Labour Organization  
UNCLOS – United Nations Convention on the Law of the Sea  
SL – source language  
TL – target language  
ST – source text  
TT – target text

### **KORPUSNA ANALIZA ENGLSKIH PARTICIPNIH KLAUZA I NJIHOVIH PRIJEVODA NA HRVATSKI JEZIK U POMORSKIM INSTITUCIONALNIM TEKSTOVIMA**

**Rad analizira participne klauze u izvornim engleskim tekstovima i njihovim hrvatskim prijevodima unutar jedne vrste diskursa – pomorskih institucionalnih tekstova. Za potrebe istraživanja odabran je dvojezični korpus koji se sastoji od dva izvorna teksta (*ILO Maritime Labour Convention, 2006* i *United Nations Convention on the Law of the Sea, 1994*) na engleskom i njihovih prijevoda na hrvatski**



jezik. Engleski participi uz koje se u rečenici vežu prijedložni izraz, prilog ili objekt tvore nefinitne participne klauze, te imaju ulogu postmodifikatora. Njihova druga funkcija je da osiguraju koherentnost teksta. Stoga su participi važne strukture pravnog jezika. Rad prikazuje rezultate dobivene analizom korpusa s namjerom da pruži uvid u kompleksne mehanizme prevođenja istih. Naglasak rada nije na kontrastivnoj analizi dvojezičnog korpusa, već na nastojanju da se razumiju složenost participa kao sintaktičke pojave i poteškoće koje proizlaze iz prevođenja istih. Nadalje, u radu se raspravlja o tome je li formalna korespondencija ili dinamička ekvivalencija primjerenija ovoj vrsti diskursa.

*Ključne riječi: pomorski institucionalni tekstovi, participi, analiza korpusa, formalna korespondencija, dinamička ekvivalencija*